



Central Pine Barrens Commission Meeting Agenda
Wednesday, March 20, 2024 at 2:00 pm
Brookhaven Town Hall
One Independence Hill
Farmingville, NY

1. **Administrative and Public Comment**
 - a. Public Comment
 - b. Minutes for 2/21/24 review (*approve*)
2. **Education and Science and Stewardship**
 - a. Education and Outreach Division: update (*Mr. Motz*)
 - b. Science and Stewardship Division: update (*Ms. Weigand*)
 - c. Draft resolution to authorize USGS-Commission two-year water resources monitoring contract (*Ms. Jakobsen*)

Robert T. Calarco
Chairman

Timothy C. Hubbard
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

3. **Planning, Land Use and the Pine Barrens Credit Program**
 - a. Compliance and Enforcement Division: update (*Mr. Carbone*)
 - b. Land Use Division: update (*Ms. Hargrave*)
 - i. Comprehensive Land Use Plan Amendments update
 - c. Credit Program: update (*Mr. Tverdy*)

Core Preservation Area

- d. CVE North America Inc. at Westhampton Property Associates Core Preservation Area Hardship Waiver Application / east of Speonk-Riverhead Road, south of Sunrise Highway, Westhampton / 900-276-3-1 and 2 / development of a 25 acre solar facility on a 91 acre sand mine in the Country Residence 200 zoning district and amendment of a conservation easement / *decision deadline 6/26/24 / SEQRA Coordination and schedule public hearing (Ms. Hargrave)*
- e. Clancy Street Food Corp. / CR 111, Manorville / 200-462-2-5.1 / development of a 3,293 square foot (sf) restaurant on 1.17 acres in the J Business 2 zoning district on a site with a core hardship from 1995 for a 5,915 sf restaurant / *decision deadline 6/11/24 / schedule public hearing (Ms. Hargrave)*

Compatible Growth Area

- f. Riverside STP Compatible Growth Area Hardship Waiver Application / Riverside / 900-141-1-9.14, 9.17, 9.25, 9.29, 9.30, 9.31, 9.32 / two-phased development of a sewage treatment plant with 800,000 gallon per day capacity on 11.45 acres in the LI 40 zoning district in the Southampton Enterprise Zone Subdivision to serve the hamlet of Riverside existing and future development / *decision deadline 5/2/24 / status (Ms. Hargrave)*
- g. Quogue Village Planning Board referrals:
 - i. 8 Midhampton Avenue / 902-2-1-7.1 / development of three buildings totaling 239,000 square feet for industrial/warehouse use and storage on 19.22 acres in the Light Industrial 2 (LI-2) zoning district / *draft response (Ms. Hargrave)*
 - ii. 8 Industrial Drive / 902-1-1-21.7 / development of a 18,060 sf building for an indoor sports facility on 1.58 acres in the LI-2 zoning district / *draft response (Ms. Hargrave)*

4. **Public Comment**
5. **Closed Advisory Session** (if necessary)

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Next Commission Meeting, Wednesday, April 17, 2024 at 2:00 pm at Southampton Town Hall
For meeting information visit <https://pb.state.ny.us/>



**Central Pine Barrens Commission Meeting Agenda
Wednesday, February 21, 2024 (Draft)
Riverhead Town Hall
4 West Second Street
Riverhead, NY 11901
2:00 pm**

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

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

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

Robert T. Calarco
Chair

Timothy C. Hubbard
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

1. Administrative and Public Comment

a. *Public Comment*

Summary: No public comments were received

b. *Minutes for 01/17/24 review*

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Hubbard to adopt the January 17, 2024 meeting minutes. The motion was approved by 5:0 vote.**

c. *Draft resolution for the Commission to authorize the insurance renewal for the Commission's fire truck.*

Summary: **The motion was made by Mr. Romaine and seconded by Ms. Moore to approve the draft resolution to authorize the insurance renewal for the Commission's fire truck. The motion was approved by 5:0 vote.**

d. *Draft resolution to renew subscription for Nearmap Vertical aerial imagery.*

Summary: **The motion was made by Mr. Romaine and seconded by Ms. DiBrita to approve the draft resolution to renew the Nearmap subscription. The motion was approved by 5:0 vote.**

2. Presentation on the Comprehensive Land Use Plan Amendments

Summary: Ms. Jakobsen presented to the Commission Members and Designated Representatives the Central Pine Barrens Comprehensive Land Use Plan Amendments. The Goals and Objectives are as follows ECL Article 57 expresses that the land use plan for the Central Pine Barrens area shall be designed to protect, preserve and enhance the functional integrity of the Pine Barrens ecosystem and the significant natural resources, including plant and animal populations and communities, thereof, protect the quality of the surface water and ground water, discourage piecemeal and scattered development; promote active and passive recreational and environmental education uses that are consistent with the land use plan, and accommodate development, in a matter consistent with the long-term integrity of the Pine Barrens ecosystem and to ensure the pattern of development is compact, efficient and orderly. After extensive review of the Plan, numerous technical work sessions, and review by the Advisory Committee, a consensus was reached by Commission members on a set of amendments that will strengthen the Plan and reflect policy and practice. In 2022, the SEQRA process commenced, a supplemental draft GEIS was prepared and deemed complete on March 16, 2022; a public hearing held on April 20, 2022; supplemental Final GEIS prepared March 15, 2023; findings and plan amendments adopted by the commission on April 19, 2023; plan amendments become effective April 19, 2024 and must be incorporated into the Town Zoning Code.

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

Core Preservation Area

- a. *CVE North America Inc. at Westhampton Property Associates Core Preservation Area Hardship Waiver Application / east of Speonk-Riverhead Road, south of Sunrise Highway, Westhampton / 900-276-3-1 and 2 / development of a 25 acre solar facility on a 91 acre sand mine and amendment of a conservation easement / decision deadline 2/21/24*

Summary: Ms. Hargrave discussed the project proposal is to develop a solar electric facility on the property that is currently and was historically a sand mine. The applicant will lease property to install a solar facility on 25 acres on a property that has exhausted its permitted mining authorization. This is the second request for a core hardship waiver on this site. A modification to a conservation easement granted to the Commission to protect the resources of the property is also being requested.

After further discussion it was agreed that this item would be discussed in closed session to receive privileged information from Commission counsel. After returning to public session, the applicant and Commission agreed that the applicant would submit additional information before the March meeting, the item would be on the March agenda to schedule a public hearing that would occur at the April meeting. A decision may occur at the May or June Commission meeting, and the decision deadline would be extended to June 26, 2024.

The motion was made by Ms. Moore and seconded by Mr. Romaine to approve a deadline decision extension to June 26, 2024. The motion was approved by 5:0 vote.

Compatible Growth Area

- b. *Venezia Square at Wading River CGA Development of Regional Significance / NYS Route 25A, Wading River / 600-73-1-1.4 and 1.16, 1.17, 1.18 and 1.19 / development of 37,000 square feet of commercial uses on a 6.3 acre project site in the Business CR zoning district / decision deadline 2/21/24 / request for extension of the decision deadline to 5/15/24*

Summary: The motion was made by Mr. Romaine and seconded by Mr. Hubbard to approve the deadline decision extension to May 15, 2024. The motion was approved by 5:0 vote

- c. *Brookhaven Referral: Pine Hills Golf Course tree removal application / west of Wading River Road, Manorville / 200-559-1-4.5*

Summary: The motion was made by Ms. DiBrita and seconded by Mr. Romaine to send the response draft letter regarding Pine Hills tree removal. The motion was approved by 5:0 vote

4. Public Hearing at 3:00 pm

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

Summary: A stenographic transcript was prepared for the hearing.

5. **Public Comment**

Summary: Nina Leonhardt, Ridge resident, agrees with the response Staff has prepared and outlined concerning the CVE Project. She stated the question is not if solar is good or bad, but what the prior decisions were agreed upon and does the applicant meet the hardship requirements.

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

The motion was made by Mr. Romaine and seconded by Ms. DiBrita 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 return to public session. The motion was approved by a 5:0 vote.

The motion was made by Mr. Romaine and seconded by Ms. DiBrita to authorize the Executive Director to enter a settlement on behalf of the Commission regarding the Affatato case. The motion was approved by 5:0 vote.

The motion was made by Mr. Romaine and seconded by Ms. DiBrita to authorize the Executive Director to issue a RFP for outside counsel on the DeLea case and interview and hire outside counsel. The motion was approved by 5:0 vote.

The motion was made by Mr. Romaine and seconded by Ms. Moore to adjourn the Meeting at approximately 4:00 pm

Attachments (in order of discussion)

1. Draft Commission meeting summary for January 17, 2024
2. Final Commission meeting summary for January 17, 2024
3. Draft resolution to authorize the insurance renewal for the Commission's fire truck dated February 21, 2024
4. Final resolution to authorize the insurance renewal for the Commission's fire truck dated February 21, 2024
5. Draft resolution to authorize the renewal of NearMap subscription software dated February 21, 2024
6. Final resolution to authorize the renewal of NearMap subscription software dated February 21, 2024
7. Central Pine Barrens Comprehensive Land Use Plan Amendments PowerPoint presentation dated February 21, 2024
8. Draft resolution regarding CVE North America Solar at Westhampton Property Associates dated February 21, 2024
10. Letter from Nelson Pope Voorhis regarding Venezia Square DRS Decision extension dated January 31, 2024
11. Draft referral letter regarding Pine Hills tree removal proposal dated February 21, 2024; Tree Evaluation Report from Frank Saladino dated December 21, 2023
12. Final referral letter regarding Pine Hills tree removal proposal dated February 21, 2024
13. Draft Staff Report on Riverside Sewage Treatment Plant dated February 21, 2024; Letter from the Town of Southampton dated February 21, 2024

Educational Outreach and Communications Division Update

March 2024

Submitted by Tim Motz, Educational Outreach and Communications Division

Communications

- **The commission's 2023 Annual Report has been completed and is in the process of being circulated to elected officials and other interested parties. As with our redesign overhaul last year, this year's report highlights all major commission accomplishments of the year in a visually striking way. The report includes reports on the major accomplishments of every division as well as general commission highlights and important information about the Central Pine Barrens and the Long Island Pine Barrens Protection Act.**
- **Preliminary work is underway on this year's video for the commission's annual Cooperators Meeting. As with last year, when we focused on the 30th anniversary of the Pine Barrens Protection Act, this year's video will focus on the 30th anniversary of the Law Enforcement Council, and the challenges of protecting the region against polluters, rampaging ATVs and clearing in general. Filming on the video will begin next month, with the assistance of a communications intern we are in the process of hiring to assist in filming and editing the video. The video will cover various aspects of the LEC's history and interviews with some of the individuals who have been essential to the council's work.**

Barrens to Bay Summer Camp

- **Three major aspects of preparing for the 2024 Barrens to Bay Summer Camp are underway:**
 1. **I am in the process of interviewing and bringing on board both paid and volunteer counselors to assist in the management of the camp.**
 2. **Registration for camp is underway, and, to date, we're already completely booked for four of the six sessions, and slots in the remaining two sessions are going quickly.**
 3. **I am working on various programmatic enhancements to make an already great camp even better. Many of the enhancements will involving engaging and educational ways to teach campers about some of the more fascinating species in the Central Pine Barrens.**

“A Day in the Life” Program

- **We have begun preparations for the 2024 “A Day in the Life” of a local waterway season, which occurs over eight consecutive Fridays in the fall at locations all over Long Island. One major focus of our work this year will be to seek out additional schools to conduct student science at an expanded number of locations within the Central Pine Barrens. We also seeking to develop and implement an enhanced data collection system.**



Science and Stewardship Division Update March 20, 2023

Administration

- **Staffing:** The seasonal prescribed fire crew all have onboarded and have been focused on training, team development, equipment outfitting and logistical pre-fire planning to prepared for prescribed fire operations. All crew members join the Commission with experience conducting wildland fire operations. The crew is led by Brian Bagozzi, Engine/Single Resource Boss who returns for his second season with the Commission, has extensive experience working for federal agencies on wildland and prescribed fire operations across the country. Ron Bagan, a retired paramedic from Nassau County Polic, returns for this third season and 13th year helping to conduct prescribed fire operations in the Central Pine Barrens as Squad Boss Trainee providing direct leadership to the crew. Nathan LeClair, Squad Boss Trainee is a certified arborist who has worked on western wildfires and serves as a member of the Connecticut Interstate Fire Crew; Rob Kovacs, Squad Boss Trainee with extensive experience in wildland fire operations serving on Helitak missions, advancing structural firefighting and heavy rescue as a firefighter and paramedic. Justin Mangibin, a Long Island Native, serves as prescribed firefighter, having recently obtained his qualifications for wildland fire and serving as a NYSDEC volunteer on pile burning operations.
- **Planning:** Developing short and long-term strategic work plans remains a primary focus of Division leadership, with a strategy for improved structure and development of staff work plans, to strengthen focus, efficiency and impact related to the mission of CPBC. A staff training plan for the year as well as performance reviews and budget planning continue to be developed and refined in concert with the larger planning initiative. Once planning focus is in place, the development of formal long-term plan will commence.

Prescribed Fire Program:

- *Administration:*
 - The hiring and onboarding process has been the primary focus of administration for this reporting cycle including updating and advancing orientation, setting up office space, identifying priorities and ensuring training schedule for prescribed fire crew as well as Commission staff to ensure safety with the onset of the field season.
 - Uploading of the prescribed fire program contracts and submission of quarterly reports and vouchers is delayed by the transfer from grants gateway to the States Financial System platform. As soon as this commences, contract will be uploaded and executed and vouchers from 2023-24 will be submitted for reimbursement.
 - Use of Spinney Road Well Field Building for storage of prescribed fire equipment especially when operations occur on the eastern side of the Central Pine Barrens continues to commence with SCWA as well as securing electric access to plug in the shoreline charger for the Type 6 Fire Engine.
 - Trainings for beginning season have been coordinated with local and in house professionals for such trainings as first aid, CPR/AED, Stop the Bleed, Blood Borne pathogens, Wildland Fire Refresher, Engine, Chain Saw Refresher, Trailing and Winch operation.
- *Equipment:*
 - The Type 6 Fire Engine has been fully put into in serve and provided operational support for pile burning operations lead by NYSDEC. Finer outfitting continues as final accessories and equipment is procured as well as through direct operational use. Standard operating procedures continue to be refined for driving, trailing, maintenance and winterization being developed that will be added to the Prescribed Fire operational guidebook for reference and training. The final major up-fit of installing the radio system will commence once the radio is received and programmed by the outfitter. All first aid equipment has been inspected and installed on the engine.
- *Prescribed Burn Plan Development:*

- USFWS review and approvals of prescribed burn plans have been conducted allowing for operations to commence reflective of documented prescribed fire mitigations implemented to protect the endangered Northern Long-eared Bat, during such management. Updates reflecting USWS approvals are being appended to each burn plan and NYSDEC Region 1 review and approvals for pending burn plans will now once again commence allowing for review of new and approval and implementation of previously approved burn plans.
- The Dwarf Pine Barrens Prescribed Fire Enhancement Zone (633 acres w/11 burn units) has been finalized by the Commission and is being sent to NYSDEC Region 1 to start the final review and approval process. .
- The Otis Pike/Upton Reserve Burn Unit (4252 acres across 23 burn blocks) in Otis Pike Pine Barrens State Forest (NYSDEC) and Upton Reserve (BNL) is in final internal review and will also advance to NYSDEC for final review shortly.
- SEQRA review will be advancing for Dwarf Pine Barrens, Otis Pike and Rocky Point Pine Barrens State Forest.
- *Education and Outreach:*
 - Ms. Weigand continues to serve as a steering committee member in helping coordinate the Northeast Midwest Prescribed Fire Science and Management Conference steering committee that is being held in Albany – August 2024. This is a unique opportunity to showcase the work related to prescribed fire that has been advancing in the region as well as provide critical training to staff. Proposed sessions include Indigenous Fire Stewardship and Fire History; Why do we burn NOW? Contemporary Burning – Fire Ecology, Fire Effects and Where and When; Capacity, Collaboration and Communications, Evaluation of Training needs for Prescribed Fire and Effects, Informing Policy Developments, as well as a half day field trip to the Albany Pine Bush. The workshop is being developed in a storybook framework, with each session intentionally scheduled and delivered to allow for attendees to actively identify and utilize tools and resources to help advance, encourage and support of prescribed fire within their organization/agencies.
 - Ms. Weigand also represented the Commission and Division in participating in and conducting a number of trainings, conferences and meetings to help facilitate appropriate response to Southern Pine Beetle and to help support prescribed fire at the Northeast Forest Fire Compact Annual Meeting, the LI Horticulture Conference, Connecticut Tree Protection Association.
- *Prescribed Fire Preparation and Implementation:*
 - Pile burning has been the focus of prescribed fire operations at the David A. Sarnoff Preserve and Rocky Point Pine Barrens State Forest. Approximately 300 piles were burned by February 19th because of 9 pile burning operations over the winter. These piles created by the 2023 Commission Prescribed Fire Crew were all treated with the support of the Commission, Brookhaven National Lab and NYSDEC staff and volunteers and under the leadership of Ranger Gallagher, who coordinated and burn bossed these operations. This support and leadership ensured the treatment of majority of the piles and the online inventory that was created and populated documented the number of piles created and treated to help reduce the heavy fuels and organic matter from the forest floor which in turn helps reduce smoke exposure and mop up during broadcast burn activities

Ecological Research Initiatives:

- Mr. Whittemore has added in new species lists from midwestern grasslands for comparative purposes to help exemplify the unique compositions, level of rarity and conservation value of regional sandplain grasslands under the scientific paper he is drafting titled “Flora and Distribution of Northern Coastal Atlantic Plain Heathland and Grassland.” Mr. Whittemore is first author and Ms. Weigand is second author in collaboration with leading botanists, researchers and land managers in the region. Mr. Whittemore is preparing the paper to be submitted to a scientific journal. This research will go a long way to describe species composition and regionally range of this globally imperiled system.

- The Division is participating in the Long Island Mammal Survey to provide up to date occurrence of mammal species in the region. Currently, six game cameras have been set up in Sears Bellows, Hubbard and Birch Creek County Parks; Rocky Point Pine Barrens State Forest and Red Creek Park (TNC). These cameras have been strategically placed to detect occurrences of less common species. Cameras are maintained and data is reviewed and reported monthly. In the last six weeks there has been a diversity of common mammals including deer, possums, fox and raccoons as well other wildlife including a diversity of bird species. On December 26th, a set of three river otters were spotted in Hubbard County Park. River otters are one of the targeted species for the mammal study and the cameras will continue to monitor this area to see if the otters routinely use this site as a latrine.
- Vegetation monitoring has wrapped up for the season after approximately 200 acres were thinned in the David A. Sarnoff Preserve. As planned, the Commission completed twelve vegetation transects throughout the thinning units. Once thinning has been completed, the Commission will revisit the transects and record the changes due to the forest thinning early 2024.



Southern Pine Beetle

- Statewide SPB Incident Command System staff, coordinated by NYSDEC's Forest Health Unit in support by the Division remain active in monitoring SPB outbreaks and dispersion. Surveying is advanced in core and compatible growth areas of the Central Pine Barrens with the help of DEC Forest Health staff. The use of Near map satellite imagery and known locations of infestations from 2022 have focused efforts on marking and recording the expansion of SPB infestations throughout the summer due to no suppression management from the uplisting of the northern long eared bat.
- Surveying for SPB has paused for the season due to winter dormancy and will commence once again in the spring.



**Commission Meeting of March 20, 2024
Brookhaven Town Hall
One Independence Hill
Farmingville, New York**

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

Present:

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

Robert T. Calarco
Chairman

Timothy C. Hubbard
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

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

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

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

Whereas, in 2023, USGS completed a five year contract with the Commission for a water resources study from 2017 to 2023, with a final report expected from USGS in 2025, and

Whereas, at the request of Commission staff, the USGS has prepared a proposal, that was received by the Commission on March 8, 2024, to continue water resources monitoring on the Carmans and Peconic Rivers for two years, commencing in October 2024 until the end of September 2026, that was provided to the Commission for their review and consideration, and

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Whereas, the Commission finds that the Proposal will provide invaluable water resource data which will greatly benefit the Central Pine Barrens region and will aid in managing, protecting and preserving the groundwater, surface water and ecological resources of the Central Pine Barrens, and

Whereas, ECL Article 57 authorizes the Commission to contract for professional and technical assistance and advice,

Now therefore be it

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

Motion by:

Second by:

Ayes:

Nays:

Abstentions:



Surface water-quality and groundwater level monitoring in the Central Pine Barrens Region, Suffolk County, New York

Objective:

Continued stream water-quality and groundwater levels monitoring provides an understanding of current-day water-resource conditions in the Central Pine Barrens (CPB) region and contributes information used for managing and preserving some of Long Island's remaining natural and undeveloped areas. Groundwater level monitoring will be maintained and expanded, and water-quality samples will be collected bi-annually at multiple locations in the Peconic and Carmans Rivers. These data will provide a spatial and temporal dataset which water-resource managers can use to understand current conditions of the water-resources.

Benefits:

The Carmans and Peconic Rivers are located within the CPB and the two streams and bays the streams discharge into are frequently used for recreation, fishing, and shellfishing. The CPB overlays Long Island's sole-source drinking-water aquifer, and the streams are predominantly fed by shallow, relatively young groundwater. In 2013, the Town of Brookhaven (TOB), in partnership and with the support of the CPB Commission, prepared and adopted the "Carmans River Conservation and Management Plan," which describes the degradation of water quality and aquatic habitats within the stream during the last few decades, and provides recommendations to protect and preserve the Carmans River as well as suggestions for monitoring locations. Continued monitoring in the two largest streams in the CPB is important to understand changing water-quality conditions as development continues, or preservation efforts are undertaken. There are other monitoring efforts in the CPB by other organizations (fish surveys, invasive species, etc.), and continued water-quality monitoring and groundwater level monitoring by the USGS contributes to the understanding of current day environmental conditions.

Background / Problem:

Land development accelerated during the 1970's and 1980's in this region, and there has been continued development within and surrounding the CPB, increasing the drinking water-supply demand. Anthropogenic activities in the region have affected water quantity and quality. These streams are part of New York States Wild, Scenic and Recreational Rivers program, which impacts the management and protection of the surrounding areas. Furthermore, the Long Island Pine Barrens Protection Act of 1993 by the New York State Legislature established two zones within the CPB; a Core Preservation Area, where limited new development is permitted, and a Compatible Growth Area, where development is only permitted if it is environmentally compatible. Land preservation and environmentally compatible development aims to preserve the CPB ecological and hydrological resources. Proper management and protection of these natural resources require a comprehensive understanding of the region's hydrologic conditions.

Approach:

Since the CPB overlays Long Island's sole-source drinking-water aquifer, groundwater level and more specifically, high-frequency measurements provide valuable data during times of drought and high-demand of the water. The CPB Commission funded groundwater level data collection from 2017-2022 for one high-frequency recorder site (USGS station name S 6413. 2) and five monthly measurement sites (S 9129. 1, S 46546. 1, S 6441. 2, S 46542. 1, S 40853. 2). During 2024-2026, groundwater-level measurements at two of these six wells will provide high-frequency, real-time cellular telemetry, and well selection will be based on cellular signal strength. The other four wells will be measured on an annual basis and included in the larger USGS groundwater levels network for Long Island.

Water-quality conditions were monitored in the Carmans (USGS station number 01305000) and Peconic (01304500) Rivers by the USGS from 1971 to 1997, and discharge data is available on both streams from 1942 to the present. The USGS, in cooperation with the CPBC and the TOB, re-established water-quality monitoring in the Peconic and Carmans Rivers during 2017-2022. Results of monitoring during this 5-year period established current baseline water-resource conditions.

For 2 additional years, discrete water-quality monitoring will occur in the Carmans and Peconic Rivers (figure 1). During October 2024 through September 2025 (federal fiscal year 2025), the CPB Commission will fund bi-annual (spring and fall) monitoring at one location in the Carmans River (01304995 [Upper Lake]) and two locations in the Peconic River (01304440 [Connecticut Ave] and 01304500 [Peconic Gage]). The Town of Brookhaven is funding water-quality sampling at three locations in the Carmans River through September 2025 at: 01304990 (Bartlett Road), 01305000 (Carmans Gage), and 01305040 (Sunrise Highway). Therefore, during October 2025 through September 2026 (federal fiscal year 2026), the CPB Commission will also fund the bi-annual monitoring at these three sites in the Carmans River.

Stream water-quality sampling will include analysis of general chemistry (pH, dissolved oxygen, temperature, specific conductance, and turbidity), nutrients, major ions, and trace elements in spring and fall samples. Analysis of organic contaminants (pesticides and pharmaceuticals) will be measured in Spring 2025 and Fall 2025 at one location in the Carmans River (Carmans Gage), and the two locations in the Peconic River (Connecticut Ave and Peconic Gage). The water-quality and groundwater level data will be made publicly available through the USGS [National Water Information System](#).

Budget/Timeline/Deliverables:

This proposal includes funding for: 1) part of federal fiscal year 2024 (June through September 2024) for reconnaissance, one internal meeting, and purchasing of supplies and equipment and 2) 2 years of data collection during October 2024 through September 2026 (federal fiscal years 2025 & 2026). Table 1 summarizes the budget and outlines tasks that will be funded by the CPB Commission.

Table 1: Budget for stream water-quality and groundwater level monitoring in the CPB.

	FY2024 June 1, 2023 – Sept. 30, 2024		FY2025 Oct 1, 2024 – Sept. 30, 2025		FY2026 Oct 1, 2025 – Sept. 30, 2026		
	Labor / O&M	Analytics & equipment	Labor / O&M	Analytics & equipment	Labor / O&M	Analytics & equipment	Total per task
WATER QUALITY (WQ) SAMPLES – Pine Barrens Streams (Spring / Fall)							
WQ at Carmans River: Bartlett, Carmans Gage, Sunrise Highway	<i>Town of Brookhaven funding</i>		<i>Town of Brookhaven funding</i>		\$17,000	\$14,000	\$31,000
WQ at Carmans River: Upper Lake	\$4,500	\$6,000	\$9,500	\$9,500	\$8,500	\$7,000	\$45,000
WQ at Peconic River: Connecticut Ave and Peconic Gage	\$4,500	\$6,000	\$20,500	\$16,500	\$21,000	\$10,500	\$79,000
GROUNDWATER (GW) LEVELS							
GW levels: 2 telemetered wells		\$13,000	\$13,300		\$13,700		\$40,000
GW levels: 4 annual wells			\$1,400		\$1,500		\$2,900
MEETINGS – one formal internal meeting, one public presentation							
	\$3,000		\$6,500		\$6,500		\$16,000
CPBC contribution per FY	\$37,000		\$77,200		\$99,700		Total = \$213,900

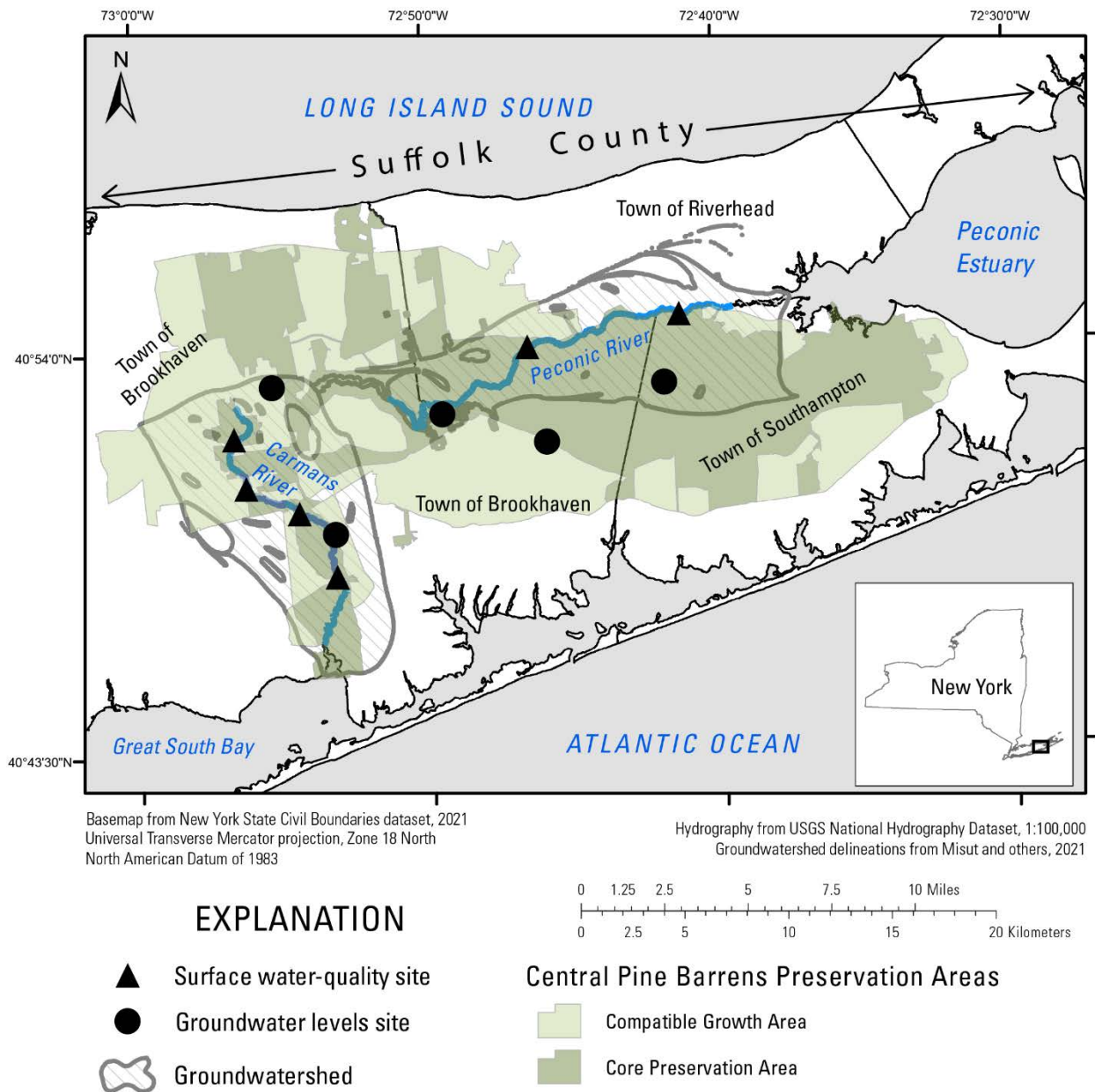


Figure 1: Water-quality sampling locations in the CPB in the Carmans and Peconic Rivers, and groundwater level monitoring sites. The CPB Commission will fund the monitoring at one site in the Carmans River during October 2024 through September 2025, and all four locations during October 2025 through September 2026 (table 1).



Compliance and Enforcement Division Report January - February 2024 Prepared by CAED Chief Enforcement Officer Frank Carbone

- We received thirty-two complaints this period for dumping, including the boat dumping case which was televised by three news channels. The dumping consisted primarily of furniture, household trash and landscaping debris.
- Seven of these incidents were captured on surveillance cameras. One case was resolved with a total of \$4,400.00 paid in fines in Southampton Town Court.
- We are awaiting the final setup of our Flock surveillance camera and look forward to utilizing it to catch additional violators throughout the Pine Barrens.
- UAS (Unmanned Aircraft Systems) training has continued with most of our pilots passing the obstacle course and we will be completing the practical flight training shortly.

Robert T. Calarco
Chairman

Timothy C. Hubbard
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

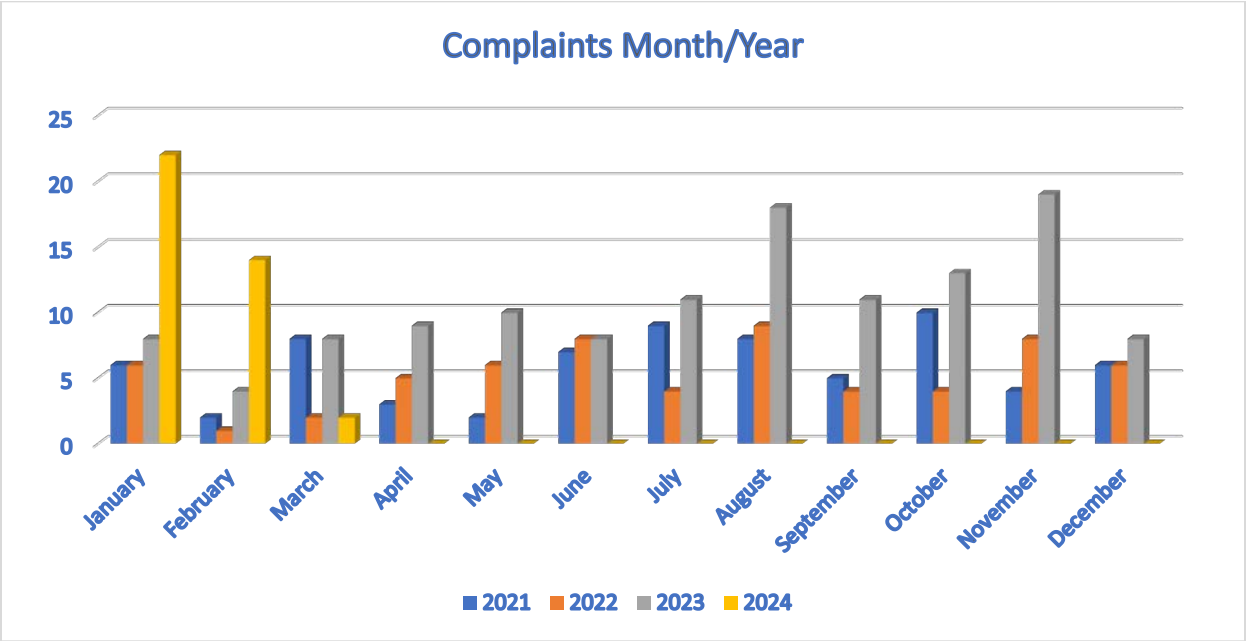
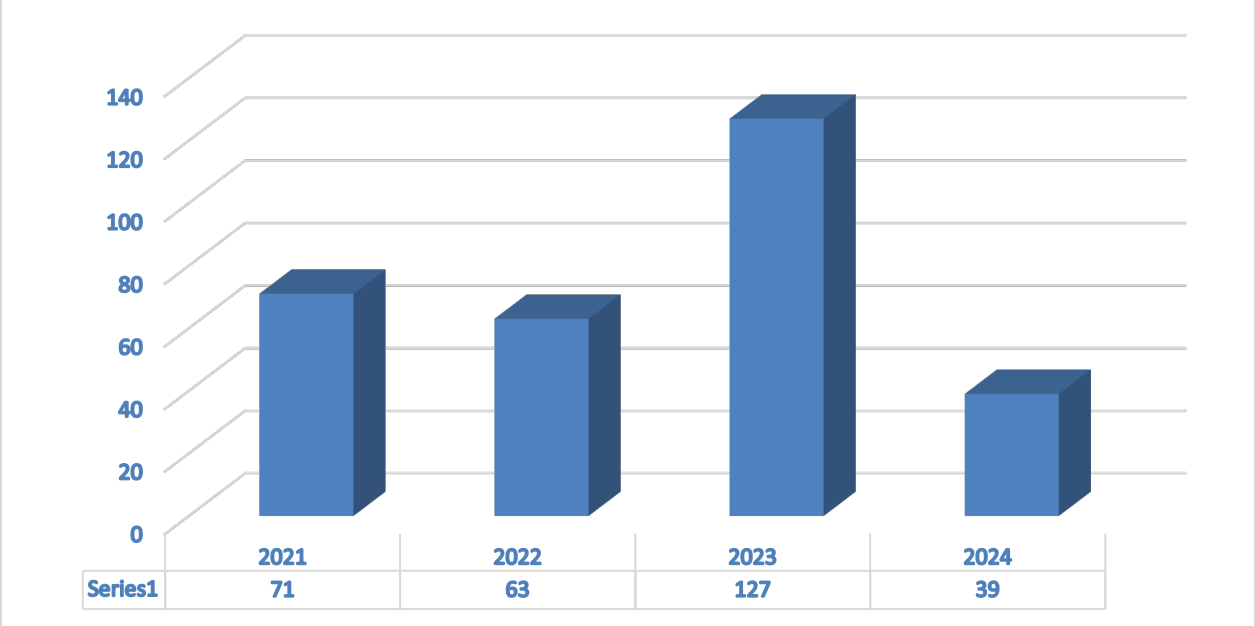
Edward P. Romaine
Member



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Incident Statistics - Reporting Period 2021 - 2024				
Year	2021	2022	2023	2024
Intake				
Sent by Agency to Commission	11	14	17	0
Discovered by Commission Staff	48	41	104	38
Called in by Individual to Commission	12	8	6	0
Total Incidents Reported	71	63	127	38
Location of Incident				
Brookhaven	54	46	69	22
Southampton	10	17	50	13
Riverhead	6	0	8	3
Occurring on Public Land	26	21	79	34
Occurring on Private Land	35	22	23	4
Occurring on Public & Private Land	10	20	25	0
Core	35	38	78	31
Compatible Growth Area (CGA)	18	13	39	5
Core & CGA	0	1	1	0
Outside CPBA	18	12	9	2
Nature of Incident*				
Clearing/Encroachment	24	24	20	6
Structures	0	1	2	0
Dumping	35	35	103	32
Mining	1	0	0	0
Hunting	1	0	1	0
ATV	2	1	0	0
Other	8	4	1	0
<i>*Note-some incidents involve more than one land use issue</i>				
Referrals*				
Sent to Town	17	20	6	2
Sent to County	17	12	36	5
Sent to State	16	22	33	1
Commission	21	15	8	1
Sent to AG	0	1	0	0
Other	0	5	37	10
<i>*Note-some incidents are sent to multiple agencies</i>				
Status				
Founded	60	50	125	37
Unfounded	11	13	2	0
Open	39	18	52	12
Closed	32	45	75	26
Inspections				
Conservation Easement Inspections		1	0	3
Development project inspections		2	0	0



Central Pine Barrens Joint Planning and Policy Commission

Land Use Division Bi-Monthly Update for the Meeting of Wednesday, March 20, 2024

Action Municipality	Central Pine Barrens Location		
	Brookhaven Town	Riverhead Town	Southampton Town and Quogue Village
Pending Applications, Requests for Determination of Jurisdiction, SEQRA Coordination and other inquiries and activities	<ul style="list-style-type: none"> Referral: Ross Electric rezoning and development of warehouse facility on 1.16 acres, Middle Island (CGA) Inquiry: 318 Middle Island Yaphank Road, 200-529-1-28.4, sending request for determination for proposed structure (Core) 	<ul style="list-style-type: none"> Venezia Square CGA Development of Regional Significance, Wading River. Development of 37,000 square feet of commercial uses on 6.34 acres. Decision deadline 5/15/24 (CGA) Inquiry: Old River Road, Calverton, 600-146-2-8.2, request for determination to come for residence (Core). 	<ul style="list-style-type: none"> CVE Solar Core Hardship Waiver at Westhampton Property Associates. 50 acre solar facility on 91 acre sand mine and request to modify a conservation easement. Decision deadline 6/26/24 Ralph Schenk Core Hardship Application, CR 31, Westhampton. Development of 4,200 square foot warehouse on 1.3 acres. Suspended review due to enforcement incident. Riverside Sewage Treatment Plant CGA Hardship Waiver. Decision deadline 5/2/24. Quogue Village Referrals (CGA): <ul style="list-style-type: none"> -8 Midhampton Ave. 239,000 square feet, 3 buildings, industrial/commercial use on 19 acres -8 Industrial Drive. 18,060 square feet indoor sports facility on 1.6 acres
Monitoring revegetation and other conditions of decisions	<ul style="list-style-type: none"> 7 Eleven Middle Island (CGA) 4 Old Country Road (Core) 	None	<ul style="list-style-type: none"> Lewis Road Planned Residential Development, East Quogue (CGA, Core) Invasive Species Management Plan in conservation easements.
Division Activity, Regional Projects and Participation	<ul style="list-style-type: none"> Policy and Planning Manager, staff management, budget, voucher and related responsibilities. Review of land use development projects including Core and CGA Hardship waivers, SEQRA Coordination, interagency referrals, information requests, inquiries, requests for determination of jurisdiction and research. Applications include land use development involving commercial and industrial uses, mixed uses and other site plans, residential and non-residential subdivisions, applications for Developments of Regional Significance, Assertions of Jurisdiction, zone changes and other development activities. Monitoring prior hardships and other applications for compliance with conditions Development project land use surveys, inspections, monitoring sites with conditional decisions. Technical support on FOIL requests, compliance and enforcement violations and consent orders on development projects, Credit Program items, communications on land use matters, unauthorized development, clearing, encroachments in protected areas and regulated habitats. Collaborate and coordinate with other Commission divisions. Annual report contributions and participation in planning the annual cooperators meeting. Pine Barrens Interpretive Center research, feasibility study and business plan. Interviews for an environmental planner. 		





Commission Meeting of March 20, 2024
 Draft Resolution
 Comprehensive Land Use Plan Amendments
 Conformance with the Comprehensive Land Use Plan Amendments

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

Whereas, on April 19, 2023, the Central Pine Barrens Joint Planning and Policy Commission adopted amendments to the Central Pine Barrens Comprehensive Land Use Plan (Plan) in Chapters 4, 5 and 6 (the Plan Amendments), with the effective date of April 19, 2024, and

Robert T. Calarco
Chairperson

Whereas, Section 57-0123.3(a) of New York State Environmental Conservation Law provides that:

Timothy C. Hubbard
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

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, and

Whereas, the Towns of Brookhaven, Southampton and Riverhead have requested additional time to modify their codes to comply with the Plan Amendments, and

Whereas, the Commission, seeks to establish which Comprehensive Land Use Plan prevails in reviewing an application.

Now therefore be it

Resolved, that the effective date of the Plan amendments is changed to July 19, 2024 and be it further

Resolved, that an application shall be reviewed against the Plan provisions in effect on the date of the application's submission to the Commission, the State, the County, the Towns of Brookhaven, Southampton, or Riverhead, or the Villages of Quogue or Westhampton Beach. In the event of different submission dates, the first submission date prevails.

624 Old Riverhead Road
 Westhampton Beach, NY
 11978

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 Fax (631) 288-1367
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Record of Motion
 Motion by:
 Seconded by:
 Yea Votes:
 Nay Votes:

Item 3.c. Pine Barrens Credit Program Report for March 20, 2024:

Activities in the Credit Program for 2024 included review of applications for Letters of Interpretation, Conservation Easements, Credit Program and FOIL requests management. Some specific work items include:

- Letters of Interpretation: Seven LOIs were issued and three parcels were inspected. Staff is following up on past LOIs for interest in the Program.
- Conservation Easements: Review and Monitoring
 - One easement was recorded, which generated 0.58 credits.
 - Seven easements are currently in progress.
 - 21 easement properties with road access were inspected.



- Pine Barrens Credits
 - Conveyed: 2 Credits have been sold in the Town of Southampton.
 - The average price is \$102,500 per credit.
- Credit Clearinghouse Program Fund Account balance: \$3,403,789.

Pine Barrens Credit Program Statistics Table: represents figures for the total and annual summary of 2024.

Easement Protected Lands and Pine Barrens Credits As of March 11, 2024								
	Brookhaven	2024	Riverhead	2024	Southampton	2024	Total	2024
Parcels	527	-	37	-	471	1	1035	1
Acreage	831.69	-	516.78	-	889.51	3.59	2237.98	3.59
Average parcel size	1.58	-	13.97	-	1.89	3.59	2.16	3.59
Credits generated	550.26	-	173.39	-	340.26	0.58	1063.91	0.58
Credits redeemed	423.67	-	145.13	-	189.76	0	758.56	0
Credits not redeemed	126.59	-	28.26	-	150.5	0.58	305.35	0.58
Credits sold		-		-		2		2
Total value of PBC transactions through this date		-		-		\$205,000		\$205,000
Average Credits value		-		-		\$102,500		\$102,500
Credits owned by the Clearinghouse	1.19		-		-		1.19	
# of Inspected CE Parcels	-	-	-	-	-	21	-	21
# of Installed CE Signs	134	-	18	-	92	-	244	0

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

**Supplemental Hardship Justification and
Environmental and Public Benefit Program Summary**

**CVE US NY Westhampton 243 LLC
(Solar Repurposing of Westhampton Mine)**

Suffolk County Tax Map Numbers: 0900-276-03-1 and 2
Hamlet of Westhampton, Town of Southampton, Suffolk County, New York

Applicant: CVE US NY Westhampton 243 LLC
109 West 27th St, 8th Floor
New York, NY 10001
(631) 445-4145

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

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

NP&V #11010

March 7, 2024

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**Supplemental Hardship Justification and
Environmental & Public Benefit Program Summary**

**CVE US NY Westhampton 243 LLC
(Solar Repurposing of Westhampton Mine)**

**Central Pine Barrens Joint Planning & Policy Commission
Core Preservation Area (CPA)/Compatible Growth Area (CGA) Hardship**

NPV No. 11010

Prepared for: Central Pine Barrens Commission (CPBC)
624 Old Riverhead Road
Westhampton Beach, NY 11978

CVE US NY Westhampton 243 LLC

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

Date: March 7, 2024

1.0 INTRODUCTION

CVE US NY Westhampton 243 LLC has a pending application with the Central Pine Barrens Commission (“Commission” or “CPBC”) for a CPA/CGA hardship. The Applicant submitted full application materials for a complete application and presented the case to the CPBC on September 20, 2023. Supporting materials have been submitted to the Commission during the application and hearing/post-hearing periods.

This submission specifically outlines the hardship justification, consistency with State and Town climate initiatives, and the substantial environmental and community benefits of the pending application in order to provide further support for the proposed action. This submission also includes hardship benefits directly from the landowner in order to further support the hardship.

This document includes a summary of the original hardship justification, since a number of new members are now on the Commission (**Section 2.0**). **Section 3.0** includes new supplemental information about the community energy savings and environmental benefits of the project and conformance with host Town,

regional and State climate/energy initiatives. **Section 4.0** includes additional hardship support from the landowner.

2.0 ORIGINAL APPLICATION HARDSHIP JUSTIFICATION

The initial application presented to the CPBC on September 20, 2023, outlined the key hardship justifications, summarized herein and reiterated in the bulleted list below. The subject property has been utilized as a permitted sand mine since 1981 and consists of disturbed/mined land and no natural vegetation. Mining operations on the subject property are permitted through 2044 and the permitting agency (New York State Department of Environmental Conservation/NYSDEC) allows extensions. Operations on the subject property are not visible from nearby roads or residential areas.

The proposed project consists of a community solar project, and includes 11,154 ground-mounted solar modules, situated on 25± acres of the 91±-acre mine site (part of an overall 115±-acre parcel) as part of Phase I, all of which has been previously disturbed and does not contain natural vegetation. The proposed project involves a temporary use of a previously disturbed site as the solar installation has a limited functional lifespan as will be described further herein. The solar panels will extend a maximum of 10 feet high above the ground and will not be visible from off-site due to the sunken, flat bottom valley design of the mine. Side slopes of the mine site will not be impacted by the proposed project. A proposed second phase of the project (“Phase II”) would involve a duplicate of the Phase I project located on the northern section of the 91±-acre property and would be constructed based on available capacity of the infrastructure. Phase II would occupy a similar 25±-acre portion of the 91±-acre property.

Land beneath solar panels would be restored with a native restoration plan. The revegetation plan would expand upon successful restoration to date with supplemental vegetation. The proposed project is consistent with the basic purpose of the 2014 Conservation Easement and achieves the natural restoration goals of the prior approved plan. Supporting findings are outlined below:

- **The site is unique**
 - The subject property includes disturbed/mined land with no natural vegetation.
 - Mining is permitted through 2044 and was permitted by NYSDEC prior to enactment of the Pine Barrens Protection Act. Placement of the mine site into the CPA/CGA created a hardship. NYSDEC allows extension of mining permits where appropriate.
 - The location of the proposed site is in a sand pit, which is not visible and will have no aesthetic or ecological impact.
 - The proximity to utility grid infrastructure with capacity to supply renewable energy to local energy demand is extremely unique and critical to PSEG approval.

Based on these factors, the property is uniquely ideal for solar array. There are no better alternatives for the proposed project, based on the uniqueness of this property.

- **Proposed use of the site is unique.**
 - Provides a beneficial and temporary adaptive reuse of a disturbed site. At the end of the projects’ life, solar panels/equipment will be removed.

- The current community solar energy savings solution did not exist at the time of the Conservation Easement.
- No differing experience for other properties in area from current use due to the solar use and the property topography.
- The use is a passive use. There is no wastewater or water use, no population, no density impacts, no public service needs.
- There are only positive environmental impacts given the passive use and the revegetation of the site. The addition of the solar array will not detract from the open space nature of the site. Animal and plant life will have full ability to access the entire site.
- Does not apply to or affect other property in the immediate vicinity, and arises out of the unique characteristics of the subject property rather than the personal situation of the Applicant.

The proposed use is unique with no density impacts and passive use for clean energy generation.

- **Consistency with the Conservation Easement.**

- The Conservation Easement requires passive use of the site for open space, recognizing that the site is an active mine and that mining and revegetation will occur over time, after which the site will become open space.
- The revegetation of the site will continue. The revegetation plan is supplemented to ensure success with the solar installation.
- The solar array has a limited functional lifespan and will be removed after it's useful life, thereby leaving the site in a passive use, with full natural vegetative restoration.
- The Revegetation Plan will create a more compatible environment for vegetative growth given the shading offered by the panels.
- The Revegetation Plan increases the diversity of plantings beneath the panels. All species are native and will be more shade tolerant and will have a competitive edge given the shading provided by the panels. During the site visit, the shade requiring species of blueberry, huckleberry, and others have limited abundance due to the lack of shade on the property currently, which are the keystone understory plants within a Pine Barrens Community.
- This will allow the Revegetation Plan to become established more quickly within the challenging soil and full sun environment.
- After cessation of solar use and removal of the arrays, vegetation will have become established and since the plant species are Pine Barrens-compatible, will continue to flourish.

The proposed project provides all of the benefits that are outlined, and provides consistency with the Conservation Easement.

- The proposed project will provide direct energy cost relief to area residents, and will address **local renewable energy goals** (see subsequent sections including consistency analysis and public need). The public need for the proposed project is heavily substantiated by the New York and Southampton climate goals, as outlined in subsequent sections. This project will help the area communities to address the high cost of living through utility bill relief.

In summary, the proposed project represents a retained ecological benefit through the life of the beneficial solar use and beyond. Specifically, no impact to the Pine Barrens will occur, as activity would be limited to prior impact areas. The land beneath panels will be restored with a native restoration plan. After a maximum 35-year lifespan, solar panels will be removed and the site will be restored to a natural state. The proposed project achieves the natural restoration goals of the prior approved plan, and is consistent with the basic purpose of the Conservation Easement. In addition, the proposed project will deliver clean energy, and has the added benefit of energy cost relief for area residents as well as conformance with NY State and Southampton Town renewable energy goals.

3.0 SUPPLEMENTAL HARDSHIP JUSTIFICATION

The following sections offer supplemental justification for the hardship relief, based on consistency with policies and initiatives of local jurisdictions, and a summary of an environmental/public benefit program offered by the project.

3.1 Central Pine Barrens Commission

Environmental and public benefits as well as stewardship are important factors for consideration by the Commission based on the CPBC mission statement, as well as based on past precedent in arriving at favorable decisions on prior applications that involve such benefits.

Mission Statement and Work of the Commission

The CPBC mission statement identifies stewardship initiatives as a major role in the Commission's work, through cooperative partnerships. The Commission's mission statement states the following:

To manage land use within the Central Pine Barrens to protect its vital groundwater and surface water and the region's vast and significant natural, agricultural, historical, cultural and recreational resources for current and future Long Island residents.¹

Since the Commission doesn't own land, this cooperative partnership is an opportunity to ensure the Commission is able to accomplish its stewardship mission by supporting a renewable energy project directly benefiting residents. Specifically, the work of the Commission involves the following:

Preserving these natural resource services is accomplished through the Commission mission to protect, restore and enhance natural, historic, cultural, water, and scenic resources within the Pine Barrens region, while improving public access and promoting scientific research. Stewardship initiatives play a major role in the Commission's work, which is accomplished through cooperative partnerships with public landowners within the multi-jurisdictional Central Pine Barrens area. The Commission itself does not own land, and therefore these cooperative partnerships with public landowners are important to ensure the Commission is able to accomplish its stewardship mission.²

¹ <https://pb.state.ny.us/about-us/mission/>

² <https://pb.state.ny.us/our-work/land-management/stewardship/>

Contributing to energy savings is consistent with the Commission’s mission statement and goals.

Precedent

There is precedent for the Commission’s consideration of renewable energy projects within CPA. The 63 Sunrise Wind Approval which was approved on April 20, 2022, specifically identifies a number of important environmental and public factors that supported the approval of the Sunrise wind project. These factors include meeting the following needs:

- Public benefits
- Health need for the community
- New York State’s renewable energy targets
- Project Site serves more than one municipality

Please refer to **Attachment A** which provides the full decision and information used to support the Commission approval of the Sunrise Wind project. The decision notes that the “public benefits of the proposed project are of a character that will override the importance” of the interim site disturbance. This supports the proposed Conservation Easement amendment, especially since the project still meets the goals of the original Conservation Easement and there will be no impact to Pine Barrens. In the precedent example attached, the public benefit was determined to outweigh the temporary clearing of 0.2 acres of natural vegetation, and the permanent clearing of 0.37 acres in the Core.

When comparing this precedential case with the proposed project, it is noteworthy that there is zero (0) proposed disturbance of natural vegetation associated with the proposed project and extensive restoration of environmental conditions will occur. Similar to the 63 Sunrise Wind example, the proposed project will serve local resident energy, health and safety, and environmental needs and no better feasible alternatives exist to meet the established public need.

The CVE solar project at the Westhampton Mine serves more than one municipality, including both Southampton Town and Suffolk County as well as New York State clean energy goals. The site is uniquely situated in proximity to the necessary energy grid, and the subject site is a former mine site which does not contain natural vegetation other than restored vegetation which will be enhanced as a result of the project.

This decision further supports the finding that environmental and public benefits are appropriate to weigh as part of a decision and are consistent factors to consider based on the mission statement and work of the Commission.

The precedential impact and amendment of the conservation impact is addressed in a letter prepared by Greenberg Traurig, LLP in **Attachment B**.

3.2 Town of Southampton

The Town of Southampton developed a Climate Action Plan (CAP), dated December 2023, to supplement the 2013 Southampton 400+ Sustainability Element and provide roadmap to achieve the Town’s targeted carbon emissions reductions by focusing specifically on strategies to reduce greenhouse gas emissions (GHG) within the Town’s borders. Town committed to meet 100 percent of the community’s electricity consumption through renewable energy and achieve carbon neutrality by 2040. The CAP focuses on seven interrelated climate priorities including Buildings, Clean Energy, Low-Carbon Transportation, Sustainable Design and Land Use Planning, Materials and Waste, Carbon Sequestration and Removal, and Capacity Building. The recommendations in the CAP are expected to reduce carbon emissions in Southampton by 47 percent by 2040, in addition to the 34 percent reduction that is expected to occur from state and federal policies, such as the greening of the New York State electric grid. The additional 19 percent of emissions will need to be met through sequestration, carbon offsets, and/or emerging technologies.

Under the CAP’s Clean Energy Goal, the plan identifies a key strategy of assessing public-private-partnerships to develop large-scale solar arrays that offset costs/provide community distributed energy opportunities. The CAP recommends evaluating degraded/underutilized sites for repurposing for low carbon energy protection. The proposed project would directly assist the Town in achieving the Clean Energy Goal via these two strategies. The below table provides a summary of key consistencies between the Town of Southampton CAP and the proposed project.

Table 1
Consistency Analysis with Town of Southampton CAP

Sustainability Goal Topic	Sustainability Goal	Proposed Project Benefit/Consistency
Education	Use fact-based education as a tool to advance awareness, generate civic engagement and support meaningful change; Conduct education activities that will fuel government action, and promote sustainable lifestyles on the part of residents and visitors	See “CVE Green Initiative.” CVE supports local environmental issues and 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, and education in sustainability and clean energy.
Water	Restore and protect the Town’s ground and surface waters to ensure their ability to support public health and the maritime, recreational and resort activities that underpin Southampton’s way of life and economy	The proposed project will not use any water or generate any sewage. There will be a negligible addition to impervious surfaces, no increase in intensity of use, and no change in water recharge.
Economics	Achieve a resilient and diversified local economy where economic benefits are shared across the community; Recognizing that the economy and environment are inextricably linked, pursue economic health through	<ul style="list-style-type: none"> Community solar subscribers can expect to save 5-10% on monthly PSEG utility bills Saves significant energy costs for area residents and small businesses over its lifespan

	sustainable practices for existing economic sectors, continued development of green businesses, and increased reliance on locally produced goods and services	<ul style="list-style-type: none"> • Prioritizes low-to-moderate income households in subscription efforts • Contributes substantial PILOT revenue to the Town and Suffolk County
Waste	Achieve net zero waste production by minimizing waste production and treating waste as a resource rather than a byproduct	<ul style="list-style-type: none"> • The proposed project involves a passive energy solution that does not involve the use, storage, or generation of wastes including hazardous substances or petroleum products.
Land Use	Achieve land development and redevelopment that preserves Southampton’s rural and maritime heritage, and reinforces the interdependence of traditional development patterns characterized by the interdependence of compact and walkable village and hamlet centers with surrounding open space and managed landscapes, agricultural uses, and accessible coastal areas	<ul style="list-style-type: none"> • Prioritize placement of large-scale solar to promote residential and commercial energy production • Positive repurposing of a mining site to benefit community and ecosystem • Project is sited on an existing, environmentally distressed mining site
Energy/Carbon	<ul style="list-style-type: none"> • Become carbon neutral through a combination of conservation, efficiency, and alternative energy sources. • Target generating at least 5 MW of solar power annually by 2040 • Target having at least 5,000 homes with solar photovoltaic systems, generating 70 MW of solar power annually by 2040 	<ul style="list-style-type: none"> • Residential energy consumption is responsible for the largest amount of emissions at 48% of overall CO₂ emissions for the Town of Southampton. The proposed project generates enough clean energy to power over 1,100 homes in the community. • As noted in the CAP, the most impactful climate priorities are reducing building energy and clean energy. • The solar project will provide 8,500,000kWh of clean energy per year • Preserve acreage for conservation: The project aims to slightly amend the current Conservation Easement to allow the existing and robust vegetative plan to coexist with the solar project

3.3 New York

The New York State Climate Leadership and Community Protection Act (Climate Act) was signed into law in 2019. Per the Scoping Plan developed under the direction of a 22-member Climate Action Council, dated December 2022, the goals of the Climate Act involve:

- 70% renewable energy by 2030
- 100% zero-emission electricity by 2040
- 40% reduction in statewide GHG emissions from 1990 levels by 2030
- 85% reduction in statewide GHG emissions from 1990 levels by 2050

- Net zero emissions statewide by 2050

As of December 2023, more than two gigawatts (GW) of community solar have been installed in New York – enough to power nearly 400,000 homes³. This marks progress towards achieving New York’s goal to install six GW of distributed solar by 2025.

The proposed project will directly assist in achieving the New York Climate Act goals, as it is projected to provide 8,500,000kWh of clean energy per year, which is enough clean renewable energy to sustainably power 1,100 Long Island homes and avoid 6,640 tons of carbon dioxide emissions⁴.

3.4 Long Island Solar Roadmap

The Long Island Solar Roadmap (Roadmap) was prepared in response to the New York State Climate Act of 2019 by The Nature Conservancy and Defenders of Wildlife and supported by a diverse group of Long Island stakeholders. The Roadmap identified low-impact sites for commercial and utility-scale solar arrays and shows their energy generation potential. Results of the analysis indicate that Long Island has enough low-impact sites – large rooftops, parking lots, and previously disturbed lands – for locating nearly 19,500 megawatts of solar without impacting forests, wetlands, and other ecologically important areas. That’s enough solar energy capacity to power 4.8 million New York homes per year⁵. Although not directly identified by the Roadmap plan, the subject property meets the criteria as a low-impact site, and directly achieves the vision of the Roadmap:

- Strategy 2: local governments, LIPA, and PSEG Long Island should create and implement mechanisms to support low-impact siting.
- Strategy 6: solar should be encouraged on commercial and industrial properties.
- Strategy 7: LIPA, PSEG Long Island, the business sector, and community organizations should coordinate to advance community solar, with a focus on working more closely with communities of color and low- and moderate-income communities.

Additionally, public opinion research conducted as part of the Roadmap indicated that the vast majority (92%) of Long Islanders surveyed, support mid- to large-scale energy development in their communities.

3.5 Environmental and Public Benefit Program

The proposed project results in substantial environmental and public/social benefits that will accrue substantial benefits to benefit Pine Barrens ecology, energy efficiency, NYS energy plan conformity, carbon footprint reduction, financial relief to area residents, and donations to green initiatives, all

³ <https://www.nyserda.ny.gov/Featured-Stories/New-York-Leads-on-Community-Solar>

⁴ USEPA Greenhouse Gas Equivalencies Calculator

⁵ https://f9sdb1.p3cdn1.secureserver.net/wp-content/uploads/2021/05/LongIslandSolarRoadmapReport_2020_LowRes.pdf

without having an impact on any natural vegetation due to the use of a former mine site for the solar installation. The following key environmental and public benefits are offered by the Applicant and additional details concerning a number of these program elements are included in **Attachment C**:

1. Environmental

- a. The proposed project will be strategically situated on this unique site in a manner that will not impact any natural vegetation. The entirety of the proposed project area has been disturbed.
- b. Reduction of carbon footprint in accordance with the Commission's stewardship goals. The proposed project provides *both* the benefit of carbon avoidance by generating electricity from a fossil-free source as well as carbon sequestration from native plants and vegetation. The proposed project will provide the following projected emission avoidance over the 35-year project:
 - i. 189,601 metric tons of CO₂ – otherwise released through the burning of fossil fuels to generate this electricity.
 - ii. The equivalent of 6,490 acres of additional U.S. forests would be needed to offset these CO₂ emissions.
- c. Annually, as per calculations by the EPA Greenhouse Gas Equivalencies Calculator, this project is anticipated to:
 - i. Power 1,100 homes
 - ii. Avoid 6,640 tons of carbon dioxide emissions
 - iii. Offset the emissions of 1,340 gasoline-powered passenger vehicles
- d. Management of invasive species: pockets of invasives were observed on-site that could be managed of mugwort and phragmites to improve the natural habitat on the subject property, beyond the current restoration efforts.
- e. Diversity of plant communities: By providing instant shade, better shade habitat can be provided in both wet and dry zones.

2. Public/social benefits of the project include:

- a. Addresses State/government energy goals
 - i. NYS-mandated clean energy goals under the *Climate Leadership and Community Protection Law (CLCP)*
 - ii. Zero emission electricity sector by 2040
 - iii. 70% renewable energy generation by 2030
 - iv. 6 MWs of solar energy in NYS by 2025
- b. Provides direct energy cost relief to area residents through PSEG billing program within multiple towns (Southampton, Riverhead and Brookhaven)
- c. Democratizes the beneficiaries of clean energy development in a fair and equitable manner. CVE will prioritize low to moderate income households and local small businesses for bill crediting subscription. Project could provide energy credit to over 5,000 area residents. On average, customers can expect to save 5-10% on their monthly utility bills.
- d. 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, and education in sustainability and clean energy. Of note, this project proposes the installation of 11,154 solar modules.

3.6 Compelling Public Need

The proposed project represents a compelling public need. The public need for the proposed project is heavily substantiated by the New York and Town of Southampton climate goals. Per the Town of Southampton CAP:

- Early action is critical to avoid significant cost and social and environmental burdens to the community, in addition to longer-term planning for larger scale initiatives.
- According to the 2022 Special Report by the Intergovernmental Panel on Climate Change (IPCC), the world is set to reach the 1.5°C level within the next two decades, reporting that only the most drastic cuts in carbon emissions will help prevent an environmental disaster (IPCC, 2022).
- Southampton, therefore, recognizes the need to act and embrace this opportunity to take bold steps to address climate change at the local level.

The uniqueness of the property supports the fact that there are no better alternatives in the Town or County for this opportunity.

The cost of living on Long Island is a considerable public hardship, and Long Island Power Authority (LIPA) recently announced an 11% rate increase in energy costs⁶, which would directly impact Long Island Residents. As outlined above in Section 3.5., the proposed project would provide direct cost relief to area residents and would lessen the burden of rate increases.

The proposed project constitutes an adaptive reuse of a disturbed and mined site and is consistent with the basic purpose of the current Conservation Easement. The Applicant feels that the proposed project meets the minimum requirements for hardship criteria and that the environmental benefit, which is in direct accordance with the mission statement of CPBC and goals of local jurisdictions, in addition to public benefit, make the project unique.

4.0 ADDITIONAL HARDSHIP JUSTIFICATION FROM LANDOWNER

As outlined above, the proposed project satisfies the hardship criteria, directly aides local jurisdictions in achieving goals pertaining to clean energy and climate change, and provides various environmental and public benefits.

In further support of the proposed project, the landowner offers the following:

⁶ <https://www.newsday.com/long-island/lipa-board-of-trustees-2024-budget-sts730je>

- The establishment of a Conservation Easement on the undeveloped and wooded south portion of the subject property near Old Country Road to further assist the CPBC in conservation efforts. As set forth in the current Conservation Easement, this area proposed for conservation includes the remaining 24± acres of the 115±-acre property, of which 91± acres encompasses the current mine site.
- Reducing the active soil removal activities associated with the operation of the existing permitted sand mine from 2044 to 2039 (less 5 years). Revegetation following the active soil removal activities would occur in accordance with the approved plan.

The Conservation Easement on the undeveloped and wooded part of the site to the south would provide permanent open space protection of this land and also aligns with other protected land in the area, offering contiguous preserved land. The reduction of the life of the mine will more quickly transition the disturbed site to the proposed beneficial use and associated restoration.

5.0 CONCLUSION

The CVE solar installation at Westhampton Mine is consistent with the mission statement and stewardship goals of the Commission, as well as climate initiatives in the Town of Southampton and New York State. The proposed project will not impact natural vegetation and will result in enhanced environmental conditions on the site of a former mine, thereby providing consistency with the existing Conservation Easement.

The proposed project is consistent with precedent set by the Commission in approving a wind energy project based on consideration of public benefit. The proposed project provides benefit to the Town of Southampton and Suffolk County, two governmental jurisdictions, as well as providing conformity with the New York State energy program and energy dependence goals (specifically the *Climate Leadership and Community Protection Law*.) The subject site is uniquely suited for the proposed project based on its proximity to the necessary energy grid and the fact that it is a former mine site.

Substantial environmental and public benefits resulting from the project include:

- Pine Barrens ecology
- Energy efficiency & energy plan conformity
- Carbon footprint reduction
- Financial relief to area residents,
- Benefit to Town, County State government
- Promotion of green initiatives

The Applicant respectfully requests that the initial hardship justification be fully considered, in combination with the environmental and public benefit program presented herein, as well as the additional hardship justification provided by the landowner. Substantial project-created benefits will accrue as a result of this project, and it is respectfully requested that the Commission give full consideration to the proposed project as outlined herein as part of the pending CPA/CGA hardship application on behalf of CVE US NY Westhampton 243 LLC.

ATTACHMENTS

ATTACHMENT A

63 SUNRISE WIND DOCUMENTS



Central Pine Barrens Joint Planning and Policy Commission

Meeting of April 20, 2022

Adopted Decision

Sunrise Wind LLC Core Preservation Area Compelling Public Need Hardship

Present:

Mr. Freleng, for the Suffolk County Executive

Mr. Romaine, Brookhaven Town Supervisor

Ms. Aguiar, Riverhead Town Supervisor

Mr. Shea, for the Southampton Town Supervisor

I. The Project, Project Site, and Application

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Sunrise Wind LLC (the Applicant) by their representatives Derrik Berg, Eversource, and attorney John Anzalone, Harris Beach, PLLC, propose development in the Core Preservation Area to construct 0.6 mile of an underground electric onshore transmission cable (OTC) (the Project). The OTC is part of a 924 megawatt offshore wind energy installation by the Applicant.

The Project will cause 0.2 acres of temporary clearing of natural vegetation and 0.37 acres of permanent clearing in the Core. Areas where temporary clearing occurs will be replanted with native trees and other vegetation and areas of permanent clearing will not be replanted with trees and instead replanted with other native vegetation. The permanently cleared area will require access for regular maintenance.

The OTC project site is in the vicinity of Victory Avenue and Southaven County Park on the north side of Sunrise Highway, west of William Floyd Parkway in the hamlet of Yaphank in the Town of Brookhaven (the Project Site).

On January 26, 2022, the Applicant submitted a request to the Central Pine Barrens Joint Planning and Policy Commission (the Commission) for a Core Preservation Area Compelling Public Need Hardship. Prior submissions were made on June 1 and November 3, 2021. Extensions were requested by the Applicant and granted by the Commission due to the Applicant's continued coordination with and seeking authorization from Suffolk County to install infrastructure within the boundaries of Southaven County Park.

The offshore wind facility requires installation of a 17.5 mile OTC that extends from the coastline at Smith Point (outside of the Central Pine Barrens), travels under the Great South Bay via horizontal directional drill to William Floyd Parkway northward and northwestward to a connection at the LIPA Holbrook substation. Alternative routes were explored by the

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<https://pb.state.ny.us/>

Applicant, but the Project was selected as the preferred route to minimize significant adverse environmental impacts on subjects including wetland habitats, cultural resources, residential neighborhoods, businesses and traffic.

The March 27, 2020 correspondence received from the New York Natural Heritage Program (NHP) reported a number of rare animals, plants and natural communities on the Project Site including the Federal and New York State-listed Threatened Northern Long-eared Bat. The project must adhere to clearing windows prescribed by the New York State Department of Environmental Conservation.

The September 1, 2020 correspondence from the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) is inconclusive. The project will adhere to the requirements of OPRHP to protect archaeological, historic and cultural resources.

II. The Long Island Pine Barrens Protection Act of 1993, the Commission, Development and the Central Pine Barrens Comprehensive Land Use Plan

The Commission was created by the Long Island Pine Barrens Protection Act (the “Act”) adopted in 1993 and codified in Article 57 of the Environmental Conservation Law (ECL). The Act empowered the Commission to, among other things, oversee land use activities within the specially designated Central Pine Barrens Area. Section §57-0107(13) of the ECL defines development to be the “performance of any building activity, . . . , the making of any material change in the use or intensity of use of any . . . land and the creation . . . of rights of access.”

ECL Section §57-0123(3)(a) provides that, “[s]ubsequent to the adoption of the land use plan, the provisions of any other law, ordinance, rule or regulation to the contrary notwithstanding, no application for development within the Central Pine Barrens area shall be approved by . . . the [C]ommission . . . unless such approval or grant conforms to the provisions of such land use plan; provided, however, that the [C]ommission by majority vote is hereby authorized to waive strict compliance with such plan or with any element or standard contained therein, for an application for development of any person, upon finding that such waiver is necessary to alleviate hardship for proposed development in the core preservation area according to the conditions and finding of extraordinary hardship . . . pursuant to subdivision ten of section 57-0121 of this title, and every application is consistent with the purposes and provisions of this article and would not result in substantial impairment of the resources of the Central Pine Barrens.”

III. The Application, Staff Report, Public Process, Testimony and Supplemental Materials

The Application included a letter and review of the compelling public need hardship criteria, maps of the Project and an Appendix titled “Revised Exhibit 4 Environmental Impact.”

On January 19, 2022, the Commission scheduled a public hearing on the Application that was held on February 16. At the hearing, a Commission Staff Report with Exhibits was introduced into the record. The Applicant, under sworn testimony, addressed concerns and comments from the Commission and in the Staff Report.

Prior to the hearing, one member of the public submitted a written letter of support. Two members of the public provided comments at the hearing. The written comment period was held open until 12 pm on March 11. No written comments were received. The hearing record was left open until the March 16 meeting when the Commission would determine 1) to close the hearing or 2) the need to continue the hearing on April 20. A stenographic transcript was made of the hearing.

On March 3, the Applicant submitted a written response to the Staff Report focusing on the review of alternative routes considered for the OTC. The Applicant explained the reasons alternative routes were rejected including the desire to minimize traffic impacts and road closures on busy transportation thoroughfares and to avoid densely developed residential neighborhoods and natural resources including wetland habitats and areas of cultural resource sensitivity. On March 16, the Commission closed the hearing.

VI. The Project Site and the Study Area

The Staff Report described the Project Site and defined a Study Area that extends half mile from the project site in all directions. The Study Area describes the land use pattern in the vicinity of the Project Site.

The Carmans River bisects the Study Area. Land uses in the Study area comprise suburban residential development and natural public open space. Starting in the southeast quadrant of the Study Area, the unincorporated hamlet of Shirley is developed with suburban residential uses. Commercial development is present in the transportation corridors of William Floyd Parkway and Montauk Highway.

Residential development occurs in the northeast quadrant, west of William Floyd Parkway and east of Carmans River. The northwest and southwest quadrants in the Study Area are largely comprised of public open space including Southaven County Park and Wertheim National Wildlife Refuge. The western portion of the Study Area contains residentially developed land uses.

The OTC will enter the Core on Victory Avenue for approximately 0.6 mile and cross the Carmans River via trenchless methods. Construction laydown areas will be used on Victory Avenue. The route travels west on Victory Avenue to a work area on the west side of the Carmans River in Southaven County Park.

Passive and active recreational use opportunities are available in Southaven County Park including hiking trails, kayaking and camping.

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

The Public Service Commission (PSC) is presently reviewing an Article VII application for “The Certification Review Process For Major Electric and Fuel Gas Transmission Facilities.” The State Environmental Quality Review Act (SEQRA) regulations defines a project of this type as a Type II Action as per Part 617.5(44).

Approximately 2.4 miles of the OTC is in the Compatible Growth Area (CGA). The PSC will review the CGA segment for conformance with the Central Pine Barrens Comprehensive Land Use Plan, as per Section 57-0123(3)(a) of the Environmental Conservation Law.

The Project requires permits and/or approvals from other agencies including the Town of Brookhaven, Suffolk County and New York State Department of Environmental Conservation (NYSDEC).

V. Commission Review of the Compelling Public Need Hardship Request

In accordance with ECL Article 57 Section 57-0121(10), the Applicant explained their request in reference to the criteria outlined in the Act.

In accordance with Section 57-0121(10)(a)(i), the Project does not apply to or affect other property in the Study Area. The project is unique because it is one segment in a larger project that was planned with specific starting and ending locations. Alternative routes were considered but the Applicant rejected them due to their potential to cause adverse environmental impacts on residential neighborhoods, road closures and traffic and natural and cultural resources. The alternative routes required the OTC to cross the Carmans River, via horizontal directional drill, and the Core Preservation Area at some point in the route but the preferred route causes the least amount of adverse environmental impacts to the Core. No other area exists for the Project in the Study Area. The Project is unique as distinguished from other projects.

In accordance with Section 57-021(10)(b)(i), the Project Site must occur in the proposed location in the Core and cannot be moved elsewhere in Suffolk County or out of the Core due to a variety of constraints that include the fact that the Holbrook substation is the terminating location. A new converter station will be constructed roughly one mile from the Holbrook Substation to convert direct current (DC) electricity to alternating current (AC) electricity.

The applicant’s alternatives analysis compared OTC routes. The alternative routes also intersect the Core. With fixed points beginning at landfall at Smith Point and the connection at Holbrook Substation, the preferred route is the shortest distance and causes the least impact on the resources of the Core including limited clearing requirements and

constructability constraints. Therefore, the Project cannot be accommodated elsewhere but the Project Site. No feasible alternatives are available for the Project.

The Project Site serves more than one municipality including the Town of Brookhaven and Suffolk County. The public benefits of the project are of a character that override the importance of the protection of the minimal amount of natural vegetation that will be removed for the Project. The Project achieves New York State's Climate Leadership Community Protection Act renewable energy goals. The goals include 100% zero-carbon electricity by 2040, 70 percent electricity from renewable sources by 2030 and target of 9,000 megawatts of offshore wind by 2035.

In accordance with ECL Article 57 Section 57-021(10)(b)(i), the application explained that the Project will serve an essential health need for the community. The Project moves toward New York State's renewable energy targets.

The Project is designed to minimize adverse environmental impacts. This is demonstrated by the minimal disturbance to natural vegetation, use of directional drilling and previously disturbed roadside areas to the greatest extent practicable. The Project achieves the minimum relief necessary to ensure the integrity and continued protection of the Project Site and the Core Preservation Area.

VI. Conclusion

The Project entitled Sunrise Wind Core Preservation Area Compelling Public Need Hardship application is entitled to a hardship exemption for the foregoing reasons and therefore is approved, subject to the following conditions.

1. Fencing
 - a. Install snow fencing prior to and during construction.
 - b. Maintain fencing during construction and remove as soon as work is complete.
 - c. Notify the Commission office when work is complete.
2. Revegetation within one year of completion of work in the disturbance area:
 - a. Revegetate the 0.2 acre area of temporary disturbance due to construction with a mix of native tree and shrub species.
 - b. Revegetate the 0.37 acre area of permanent disturbance with native grasses at a minimum.
3. Employ an on site environmental monitor to ensure environmental protection during construction.
4. Fulfill the requirements of the NY State Historic Preservation Office to protect archaeological, historic and cultural resources that may be present in the project site.
5. Adhere to NYSDEC tree clearing restrictions in the project site area to protect the Federal and State-listed Northern Long-eared Bat and its habitat.
6. Conform with all other local, County and State regulatory permit requirements and obtain all other permits as required.
7. This approval is valid for five (5) years from the date of this Resolution. The applicant must commence construction in that timeframe.

8. Any changes of the Project, as approved, must be reviewed and approved by the Commission.

Motion to Approve

Sunrise Wind Core Preservation Area Compelling Public Need Hardship

Date: April 20, 2022

Motion By: Mr. Shea

Seconded: Mr. Romaine

Vote:

Yes: 4 (Mr. Freleng, Mr. Romaine, Ms. Aguiar, Mr. Shea)

No: None

Abstain: None

Absent: None

Copies of This Decision Will be Sent To:

New York State Public Service Commission

New York State Department of Environmental Conservation, Division of Environmental Permits, Region 1

New York State Department of State

New York State Department of Transportation

Suffolk County Parks

Suffolk County Department of Public Works

Town of Brookhaven Supervisor

Town of Brookhaven Town Clerk

Town of Brookhaven Department of

Town of Brookhaven Building Department

Applicant

ATTACHMENT B
GREENBERG TRAURIG, LLP LETTER REGARDING
PRECEDENTIAL IMPACT AND CONSERVATION
EASEMENT AMENDMENT

David Gilmartin
Shareholder

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March 7, 2024

Via Electronic Delivery

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

Re: Application of CVE North America to Repurpose Property of Westhampton Property Associates, Inc. to a Community Solar Benefit Site (“CVE”)
SCTM#: 900-276-3-1 and 2

Dear Honorable Members of the Commission:

We represent CVE North America in connection with the above application. We submit this letter to address two issues with the application. First, this letter discusses the possible precedential effect of the applications approval. Next, the letter addresses the question of whether the Conservation Easement can be legally amended.

I. PRECEDENTIAL EFFECT

During the public hearing process it was suggested that an approval would result in a dangerous precedent that would allow grantors in other Conservation Easements to amend those easements.

To the extent the Commission is concerned about the precedential impact of a positive decision to the CVE application we submit that the Subject Property and the Project are unique and incapable of setting precedent for future applications. The general concern from a Commission standpoint is that “a decision of an administrative agency which neither adheres to its own prior precedent nor indicates its reason for reaching a different result on essentially the

same facts is arbitrary and capricious.” *Matter of Charles A. Field Delivery Serv., Inc.*, 66 N.Y.2d 516, 516–17 (1985); see also *London Leasing Ltd. P'ship v. Div. of Hous. & Cmty. Renewal*, 153 A.D.3d 709, 711 (2d Dep’t 2017). That concern must be tempered after consideration of a couple of significant factors. First, the legal instrument under consideration in this case is a conservation easement that was given to the Commission based upon an approval by the Commission. The easement boiler plate language states in Miscellaneous Section #5 “that the Conservation Easement may be modified only upon written consent of the parties”. The power to the Commission is absolute and it has full discretion to deny any application to amend a Covenant.

If an applicant can overcome the Conservation Easement language itself, the Commission only has to provide: “*a rational explanation for reaching a different result on similar facts, the determination will not be viewed as either arbitrary or capricious.*” *Cnty. of Nassau v. Nassau Cnty. Interim Fin. Auth.*, 33 Misc. 3d 227, 254 (Nassau Cty. Sup. Ct. 2011) citing *In re Waidler*, 63 A.D.3d 953, 954 (2d Dep’t 2009). Thus, because the circumstances presented here are unique – the repurposing of a barren mining site into a community benefit solar project in furtherance of the *Climate Leadership and Community Protection Law* (the “CLCP”)– it is unlikely that the Commission will be faced with a similar factual situation and the Commission will easily be able to distinguish this application from others presented in the future. It should be noted, however, that there is no requirement that it “*unequivocally distinguish every previous decision presenting debatably similar factual circumstances.*” *Isaacs v. Fleet Fin. Servs.*, 8 A.D.3d 879, 880, 780 N.Y.S.2d 186, 188 (2004).

The Project will positively repurpose an environmentally distressed mining site while at the same time providing a much needed – and state mandated renewable energy benefit to the community. The project will further the New York State mandated clean energy goals provided

under the CLCP as it is projected to generate enough clean renewable energy to sustainably power over 800 Long Island homes. To that end, the Project plays a crucial role in the broader energy transition needed to safeguard the Pine Barrens from the numerous challenges posed by climate change. These facts alone will distinguish the Project from other potential requests in the future to modify conservation easements.

Further distinguishing the Project, the subject property currently has no natural vegetation and the applicant has submitted a Solar Array Revegetation Plan (the “Plan”) that incorporates the vegetation management plan previously approved for this site achieving the same natural restoration goals. The Plan will utilize native restoration methods consistent with Commission guidelines; will provide a habitat for pollinators, herptiles, birds and other mammals; and will establish a permanent habitat that will continue after solar decommissioning. In addition, it must be emphasized that no natural areas of the site will be disturbed by the Project. These facts, which are incredibly unique and specific to the Subject Property, can be relied upon by the Commission in the future should a similar request arise.

Last, as will be discussed further below, the within request to modify the Conservation Easement is not a matter of first impression of the Commission.

II. AMENDMENT OF THE CONSERVATION EASEMENT

In a October 18, 2023 Staff Report, the Staff recognized 2 prior instances where the Commission has modified an existing Conservation Easement. Both instances occurred on a parcel owned by the Nassau County Council Boy Scouts of America Incorporated (“Boy Scouts”) which is located on the southerly side of Port Jefferson/Riverhead Road.

The first instance involved a reconstruction of a fire damaged structure on the property and the second instance involved a modification of an existing cabin plan. Both instances included a written acknowledged modification of an existing Conservation Easement.

Although the two prior situations – like the present situation - can be distinguished on a substantive basis, it is clear that the Boy Scouts decisions provided a procedural basis on which the Commission could rely to amend the Westhampton Property Conservation Easement.

A closer review of the easements indicate that they are strikingly similar with respect to the operative paragraphs. The operative paragraphs include paragraphs 5 and 9 of both easements in the section entitled “Miscellaneous”.

A. Nassau County Council Boy Scouts of America Easement

First, in a Document dated December 18, 2008, the Boy Scouts gave a Conservation Easement to the Pine Barrens Commission in exchange for Pine Barrens Credits.

That Conservation Easement in paragraphs 5 and 9 of the Miscellaneous Section specifically provides:

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 Granter and Grantee, or their successors, heirs, representatives or assigns. Grantor and Grantee recognize that circumstances could arise which would justify the modification of certain of the restrictions contained herein. To this end, Grantee and Grantor 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 Grantee 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.” (See Conservation Easement Pg. 6, Section #5)*

9. *“The Grantor and Grantor'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 "Schedule A" premises.” (See Conservation Easement, pg. 7, Section #9)*

Subsequent to the execution of the Conservation Easement, the Boy Scouts applied for and were granted approval to build a new dining hall which had been destroyed by a fire.

Notably, the application “proposes to amend the Conservation Easement”. (Emphasis added)
(See adopted Resolution Core Preservation Area Schiff Scout Reservation (Camp Wanupex),
Wading River, Town of Riverhead, SCTM# 600-75-3-10.3 (Pg. #2)(March 20, 2013 Adopted
Resolution)

Later in that same Resolution, the Commission required that “within 60 days of the
completion of the Project the Applicant shall submit to the Commission an amendment to the
Conservation Easement for the Commission’s review and approval that incorporates by reference
the new As Built Survey and explains the reason for the amendment.” (See March 20, 2023
Adopted Resolution pgs. 2 & 3) Clearly an amendment to the Conservation Easement was
applied for and granted by the Commission.

Some seven years later in September of 2020, the Boy Scouts again sought permission to
amend the easement. This amendment involved construction of a 1,000 square foot addition to an
existing cottage. That request was granted by the Pine Barrens Commission with the condition
that the Nassau County Boy Scouts “File the amended Conservation Easement with the Suffolk
County Clerk after the Commission first reviewed the amended Conservation Easement and
issued a written approval to the applicant which determines that the Conservation Easement is in
acceptable form.” (See adopted Resolution Core Preservation Area Schiff Scout Reservation
(Camp Wanupex), Wading River, Town of Riverhead, SCTM# 600-75-3-10.3) (September 16,
2020)

In both instances the Boy Scouts requested a change to the Conservation Easement where
the Miscellaneous Section 9 seemingly prohibited such any application for an “other permit”. In
both instances the Pine Barrens Commission ignored Section 9 and granted approval.

B. Westhampton Property Associates Easement

So it is with the Westhampton Property Associates Easement which provides as follows in Miscellaneous Section 5:

“This Conservation Easement can be terminated only in accordance with the laws 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 successor 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.” (See Conservation Easement Pg. 5, Section #5)

Additionally, Miscellaneous Section 9 provides:

“Westhampton Property and Westhampton Property’s lessees, representatives, successors, heirs and assigns, shall not apply to the Commission or the Pine Barrens Credit Clearinghouse for a hardship, other permit or Pine Barrens Credits under the Plan or under ECL Article 57 pertaining to the Property. Westhampton Property understands and intends to sever the right to develop the Property from the Property.” (See Conservation Easement Pg. 6, Section #9)

A side-by-side comparison readily shows that the language of paragraph 5 in the Miscellaneous Section of the Boy Scouts and Westhampton Property Associates Easements are exactly the same and provides an avenue to amend the easement. Paragraph 9 in the Miscellaneous Section of both documents is essentially the same. This paragraph purports to limit the ability of the grantor to make any sort of application to the Commission concerning the property. The paragraph 9 limitation is not qualified in either document.

Ultimately in the Boy Scout circumstance, the Commission had to necessarily determine that Miscellaneous Section 5 had to prevail over Miscellaneous Section 9 for the Commission to

approve the Boy Scout request. Indeed, as noted above the operative language of Paragraph 5 specifically states:

“This Conservation Easement may be modified only upon written consent of both Westhampton Property and the Commission or their heirs, successors and assigns. Westhampton Property and the Commission recognize that circumstances could arise which would justify the modification of certain restrictions contained herein.” (See Conservation Easement Pg. 5, Section #5)(Emphasis Added)

Therefore, based upon the clear language of the covenant and prior precedent it is clear that the Commission may amend the covenant procedurally and any determination to the contrary is undermined by the Nassau County Boy Scouts determinations.

Conclusion

Based on the foregoing, CVE requests that the Commission grant its approval.

Sincerely,

/s/ David J. Gilmartin

David J. Gilmartin, Jr.

Cc: John Milazzo, Esq.
Steven Engelman

ATTACHMENT C

KEY ENVIRONMENTAL AND PUBLIC BENEFITS

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

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

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

1. DEC – Inquired about use of the solar project past the 35-year timeline.
 - ✓ CVE has no plans nor intent to extend the 35-year leased timeframe
 - ✓ CVE agrees that no extension of time will be requested

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

Environmental Benefits Summary

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

Solar Power & Forests: Working Together to Reduce Carbon

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

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

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

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

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

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

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

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

Benefits of the Revegetation Plan: Low-impact Solar

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

Highlights of this plan:

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

Community Equity and Affordability Benefits

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

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

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



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

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

Clancy Street Food Court

**Southeast Corner of Long Island Expressway South Service Road and Eastport
Manor Road (CR 111)**

Suffolk County Tax Map Number: 0200-462-02-5.1
Hamlet of Manorville, Town of Brookhaven, Suffolk County, New York

Applicant: Clancy Street Corp.
P.O. Box 5048
Quogue, New York 11959
Contact: David J. Kepner, President
(631) 786-2942

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

Prepared by: Nelson, Pope & Voorhis, LLC
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NP&V #97201

February 9, 2024

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

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

CLANCY STREET FOOD COURT

**Southeast Corner of Long Island Expressway South Service Road and Eastport
Manor Road (CR 111)**

Suffolk County Tax Map Number: 0200-462-02-5.1
Hamlet of Manorville, Town of Brookhaven, Suffolk County, New York

Applicants:

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February 9, 2024

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1.0 DESCRIPTION OF THE PROPOSED PROJECT

1.1 Introduction

This document has been prepared by Nelson, Pope & Voorhis, LLC (NPV) in support of an application before the Central Pine Barrens Joint Planning and Policy Commission (CPBC or Commission) for a Hardship Exemption for a development within the Core Preservation Area (CPA) of the Central Pine Barrens. This document is intended to provide the required information documenting how the proposed exemption satisfies requirements for approval of the application, pursuant to New York State Environmental Conservation Law (NYSECL) Article 57-0121(10). This document provides a description of the features of the proposal that justify the requested exemption, based upon the characteristics of the site, evaluation of the proposed project and the applicable Article 57 standards, and the mitigation measures that will be employed. It is important to note that an earlier, but very similar version of the proposed project received a CPA Hardship Exemption, thus establishing significant precedent that the subject site, as well as the proposed project, meet the applicable burden of proof to justify a new CPA Hardship Exemption. The proposed project will be compared to the prior approved project in further support of this hardship.

The project involves the proposed construction of a one-story, 3,293-square-foot restaurant, including 54 indoor seats and 32 outdoor seats, situated on a paver patio. Additionally, the proposed development includes 30 parking spaces (including two ADA stalls and one loading stall) situated on the east side of the subject building, and landscaping around the immediate vicinity of the building, driveways, and parking area. The site will be accessed via a two-way driveway in the northernmost portion of the site accessing the Long Island Expressway (LIE) South Service Road (SSR), and a two-way driveway in the southeast corner of the site accessing Eastport Manor Road (CR 111). Additionally, a driveway is proposed connecting the property to the east via a cross-access agreement. The site plan for the proposed project is provided as **Attachment 1**.

The subject property was historically occupied by one single-family residence, which has since been removed. The history, use, ownership and lease details for the subject property are explained further herein.

The subject site is situated on the tax lot designated District 0200, Section 462, Block 2, Lot 5.1. The parcel is 1.17± acres in size and is owned by Clancy Street Corp. (see **Figure 1**). The entirety of the subject property is situated within the CPA of the Central Pine Barrens, wherein development is strictly limited and discouraged, by the Central Pine Barrens Comprehensive Land Use Plan (CLUP). As a result, the proposed project requires an exemption from these limitations, to be reviewed and decided upon by the CPBC, which has jurisdiction over this request under NYS ECL Article 57 and the CLUP. There are unique circumstances associated with this lot that warrant the requested exemption.

The 1.17±-acre subject site is located in the Town of Brookhaven J-Business-2 zoning district which allows general business including a restaurant through Special Permit review. The subject site is at the apex of two (2) major highways, with the Long Island Expressway (LIE) South Service Road (SSR) located to the north, and Suffolk County Route 111 (CR 111) to the west. The site is bordered by a commercial use (Starbucks) to the southeast and open land to the east. Because of the prior residential use of the site, the central/interior of the site has been cleared, and thus, the site contains limited natural vegetation on its perimeter. The proposed project will situate development within cleared areas and will retain the natural vegetation on the site. These conditions of past use and surrounding use, coupled with the business zoning of the site, supported the prior CPA Hardship, and are offered as supporting justification for the current, similar hardship as will be explained further herein. **Appendix A** contains an affidavit prepared by the property owner authorizing Charles J. Voorhis, CEP, AICP (NPV Principal) to make this Hardship application on their behalf. A Part 1 Environmental Assessment Form (EAF) has been prepared for the proposed project, and is presented in **Appendix B**.

1.2 Site History and Prior Hardship Applications

The subject property was historically developed with a single-family residence from at least 1961 through 1994, per a review of historical aerial photographs (see **Appendix C**). The residence has since been removed. Due to past domestic use, the subject property has been altered. Approximately 20 percent of the site was occupied by the single-family residence and associated landscaped vegetation and is presently a successional, impacted area. The subject property has been continuously owned by Clancy Street Corp. since 1984.

The proposed Clancy Street Food Court was the subject of a Special Exception application to the Brookhaven Town Board, which issued its approval for fast-food use on the subject property on February 15, 1994 (amended on May 3, 1994, see **Appendix D-1**). The approval included the following conditions:

- a. An interior connector driveway should be proposed, at the time of site plan review, to the parcel to the east, subject to Planning Board review and determination; and
- b. The building architecture of the fast-food restaurant is recommended to have a rustic appearance, as to be determined by the Planning Board.

A CPA boundary change request was submitted to CPBJPPC on May 25, 1995. Subsequently, after consultation with the Commission, the applicant submitted a Hardship Exemption application for the project on October 13, 1995, and withdrew the prior boundary change request. This boundary change would have sought to have the subject site placed in the Compatible Growth Area (CGA) due to its juxtaposition between two (2) major highways, the commercial use to the southeast (then Grace's Hotdogs) and the prior use and clearing of the site. The CPA Hardship application was then submitted, the Commission held a hearing on the application on October 25, 1994, and subsequently issued approval on November 8, 1995, determining the following:

1. that the proposed project merited a determination of non-significance pursuant to the NYS Environmental Conservation Law (ECL), Article 8, indicating that no significant adverse impacts would be expected, and that preparation of an Environmental Impact Statement would not be necessary; and
2. that the application met all of the requirements for extraordinary hardship pursuant to ECL Article 57-0121(10)(a).

A copy of the Commission's approval, dated November 8, 1995, is provided in **Appendix D-2**. The hardship exemption was granted subject to the following conditions:

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

An additional Hardship Exemption application (see **Appendix D-3**) was submitted by Amerada Hess Corporation on September 14, 2001 for the development of a convenience store and gasoline dispensing operation including a canopy over pump dispensing islands. According to the application, the owner had been unable to lease or sell the property for a food court as restricted by the November 8, 1995 resolution. There is no record that this application was approved.

An application was submitted demonstrating conformance to Hardship Exemption Criteria, dated May 26, 2011, for the construction of a 5,915-square-foot building for a fast-food restaurant use on the subject property (see **Appendix D-4**). The formerly proposed project would result in the clearing of no more than 65 percent of the existing vegetation. Likewise, there is no record of a final decision on this application.

It is noted that the 1995 Hardship Exemption granted by the CPBC recognized and acknowledged that the application for the development of a food service facility on the subject property met all of the requirements for extraordinary hardship. Comparison of the prior approved plan with the current application plan finds the following:

- The juxtaposition of the subject site between two (2) major highways is the same.
- The interior of the subject site remains disturbed and subject to prior clearing.
- The zoning remains J-Business-2 and a food/restaurant use is permissible through a Special Permit similar to the prior approved application.
- The use to the southeast remains commercial and is now a Starbucks with an extensive parking area extending eastward within the property.

- The proposed use is for a restaurant, similar to the previously proposed food court.
- The basic site plan remains the same with the use positioned within the interior of the property, in previously cleared areas, with access using cleared driveway areas.
- The currently proposed project does not clear more than 65 percent of the existing vegetation.
- The configuration of the proposed project is consistent with the previously approved project from 1995, with parking situated on the east side of the subject building, access points to LIE SSR and CR 111 in the same location as currently proposed, and the cross-access driveway to the eastern property in the same location as currently proposed.
- The proposed project involves construction of a 3,293-square-foot restaurant, which represents an approximately 44% decrease in square footage from the previously approved 5,915-square-foot¹ restaurant from the 1995 application.
- The proposed project includes 30 parking stalls, whereas the previously approved application included 26 parking spaces and 7 drive-thru stacking spaces.
- As an additional feature, the currently proposed project does not propose any fertilized vegetation or irrigation of areas surrounding the building or disturbed as part of the development.
- The prior approved project utilized a conventional sanitary system. As an added feature, the proposed project will utilize an Innovative/Alternative Onsite Wastewater Treatment System (I/A OWTS) for reduced nitrogen in sanitary effluent.

The proposed project has been subject to only minor changes since the 1995 Hardship waiver was granted and several beneficial improvements to the proposed project design. The proposed use and basic site conditions are unchanged, with the added benefit that no fertilizer-dependent vegetation will be established and no irrigation is required, as well as the use of an I/A OWTS installation. A new CPA Hardship Exemption application is submitted herein to ensure that the project approval reflects the proposed site conditions; however, the precedent regarding the site conditions and proposed use remains the same as the prior CPBC 1995 approved project, and both support the currently proposed project.

1.3 Description of the Proposed Project

The overall site is a 1.17±-acre property at the southeast corner of the LIE SSR and CR 111, in the Hamlet of Manorville, Town of Brookhaven, Suffolk County, New York. The subject site is situated on the tax lot designated District 0200, Section 462, Block 2, Lot 5.1. The subject property is presently undeveloped and is owned by Clancy Street Corp.

Due to past domestic use, the subject property has been altered. The area of the property adjacent to CR 111 (approximately 35 percent of the site) is occupied by grasses. Approximately 20 percent of the site was occupied by the single-family residence and

¹ The previously proposed building associated with the 1995 Application was reduced to 5,831 square feet following granting of the exemption.

associated landscaped vegetation, and is presently a successional, impacted area. The remainder of the property is primarily covered with pitch pine and oak trees.

The proposed project involves the development of a one-story 3,293-square-foot restaurant with 54 indoor seats and 32 seasonal outdoor seats on a paver patio on the south side of the proposed restaurant. Other proposed associated development includes 30 parking spaces, including one loading stall and two ADA stalls. The area immediately surrounding the building and paved parking and driveway areas would be landscaped with native, non-fertilized and non-irrigated vegetation (approximately 15 percent of the site). Approximately 37 percent of the site would remain undisturbed natural pitch pine and oak trees with existing understory vegetation, which would be retained on the perimeter and the southwest side of the subject property along CR 111.

As noted previously, access to the proposed development will be via a two-way driveway in the northernmost portion of the site accessing the LIE SSR, and a two-way driveway in the southeast corner of the site accessing CR 111. Additionally, a driveway is proposed connecting the property to the east via a cross-access agreement. A 5'-wide concrete walk would be provided along the southern boundary of the subject property fronting CR 111, which would connect to the sidewalk associated with the property to the east.

An on-site sanitary system is proposed on-site to accommodate the sanitary and kitchen wastewater loads, and would comprise of a 750-gallon-per-day (GPD) capacity I/A OWTS for treatment of sanitary waste, a 3,000-gallon capacity septic tank for treatment of kitchen/gray load, a 2,500-gallon grease trap, and four 12-foot-depth leaching pools. The site is situated in Groundwater Management Zone III, whereby 300 GPD per acre is allowable. As the proposed development requires a total sanitary flow (excluding kitchen/gray load) of 700 gallons per day², 1.2 Pine Barrens Credits will be allocated to the project. Stormwater drainage improvements including 11 drywells and two ponding storage areas will be provided to accommodate a 5" rainfall event.

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

² Suffolk County Department of Health Services Wastewater Flow Multipliers (2009) for 54 restaurant seats and 32 outdoor patio/seasonal seats.

Table 1
SITE COVERAGES
Existing Conditions & Proposed Project

Coverage Type	Existing Conditions (Acres)	Proposed Project (Acres)	1995 Project (Acres)
Impervious (roads, buildings, and other paved surfaces)	0.01	0.57	0.72
Landscaped	0.25	0.17	0.04
Successional/previously disturbed	0.19	0.00	0.00
Wooded/Natural	0.72	0.43	0.41
Total	1.17	1.17	1.17

At the present time, the property is undeveloped and contains no impervious surfaces with the exception of the remains of an asphalt/gravel driveway on the south side of the subject property. The area fronting CR 111 consists of landscaped grass that is littered with trash and debris. A significant portion of the central-eastern subject property has been historically disturbed from the previous residential development and is currently grass/successional land. The proposed project would maintain the remaining pine-oak vegetation along the LIE SSR and CR 111.

Development in the CPA is generally prohibited, while commercial zone development in the CGA is allowed subject to a maximum clearing (of natural vegetation) of 65% by the CLUP and other Standards established in the CLUP. It is important to note that if the property were located in the CGA rather than the CPA, 0.74 acres of developed surfaces of the proposed project would conform to the CLUP standards regarding clearing in the CGA (the site would be 63.1% cleared/developed where up to 65% could be cleared/developed), and no Hardship Exemption would be necessary.

The proposed development has been configured to primarily occupy the portion of the subject property that has been historically disturbed from previous development and clearing. Aerial photographs depicting historical development in this area are included in **Appendix C**. Vegetation consisting of primarily native pine-oak trees will remain undisturbed along the perimeter and western portion of the subject property, and would be restored along the southwestern portion of the site.

No wetlands or surface waters are located on or adjacent to the subject site, and the subject property does not contain slopes over 10 percent.

1.4 Summary/Findings

The proposed project site was previously developed with a single-family home from approximately 1961-1994. The Pine Barrens Act (Article 57) was adopted in 1993 and the CLUP was completed in 1995. The subject site was placed in the CPA, which discourages development. The proposed project received a prior hardship for a food court/restaurant use in 1995. The prior approval was based on the unique conditions of the site adjoining two (2) major highways (LIE SSR and CR 111) and commercial development to the southeast, coupled with J-Business-2 site zoning, and the prior use of the site for a single family development which involved clearing and disturbance of the interior of the site.

The current proposed project is very similar to the prior approved project. Site conditions remain essentially the same and the proposed use is for a restaurant on the interior of the site. The precedent of the prior approval remains valid. There is added benefit that no fertilizer-dependent vegetation or irrigation is proposed. Further, an I/A OWTS installation is proposed for sanitary waste treatment. This application is submitted in support of the proposed project.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 4.0

DETERMINATION OF SIGNIFICANCE AND DESIGNATION OF LEAD AGENCY

4.0 DETERMINATION OF SIGNIFICANCE AND DESIGNATION OF LEAD AGENCY

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

SECTION 5.0 APPROVALS GRANTED

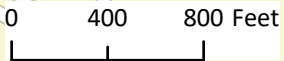
5.0 APPROVALS GRANTED

Other applications for the proposed project are currently pending; however, to date, no other approvals for this specific site plan have been granted. As noted in prior sections, a similar project received a CPA Hardship Exemption from the Commission on November 8, 1995.

FIGURES



Date Created: 1/9/2024



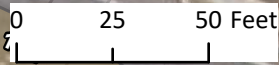
	<p>FIGURE 1 LOCATION MAP</p>	<p>Clancy Street Food Court</p>
<p>Sources: ESRI Streets Layer, 2017; Suffolk County GIS, 2022</p>		<p>Manorville, NY</p>
<p>Scale: 1 inch equals 800 feet</p>		





Legend

Project Site

Date Created: 1/9/2024



	<p align="center">FIGURE 1 AERIAL MAP</p> <p><small>Sources: NYS Orthoimagery, 2023; ESRI Hybrid Reference Layer, 2017; Suffolk County GIS, 2022 Scale: 1 inch equals 50 feet</small></p> 	<p align="center">Clancy Street Food Court</p> <p align="center">Manorville, NY</p>
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SITE PLAN

SYMBOL KEY

N.T.S.

	CATCH BASIN		OVERHEAD WIRES
	GAS VALVE		TELEPHONE LINE
	WATER VALVE		WATER MAIN
	MANHOLE COVER		UNDER GROUND ELECTRIC
	DRAINAGE MANHOLE COVER		GALVNE
	LIGHT POST		FENCE
	MONUMENT		STONE WALL
	STAKE		C&T FENCE
	PIPE		EXISTING CONCRETE
	DRILL HOLE		PROPOSED CONCRETE
	HYDRANT		
	WATER METER		
	ROLLER		
	PROP. PAVEMENT ELEV.		
	EXISTING ELEVATION		
	EXISTING TREE TO BE REMOVED		

	OVERHEAD WIRES
	TELEPHONE LINE
	WATER MAIN
	UNDER GROUND ELECTRIC
	GALVNE
	FENCE
	STONE WALL
	C&T FENCE
	EXISTING CONCRETE
	PROPOSED CONCRETE

SPECIAL LINES

N.T.S.

	UTILITY POLE WITH LIGHT
	UTILITY POLE
	CITY WIRE
	WELL
	RICHT DROP INLET
	DRAIN INLET
	ELECTRIC BOX
	CABLE BOX
	TELEPHONE BOX
	TRAFFIC SIGNAL BOX
	FLAG POLE
	WETLANDS FLAG
	HANDICAPPED PARKING
	CORNER LOCATION
	TOP OF CHUB
	BOTTOM OF CHUB

KEY MAP

SCALE: 1" = 400'

SITE CRITERIA

SCALE: 1" = 400'

SITE DATA:	
SITE AREA	1.167 ACRES
PROPOSED BUILDING AREA	50,848.9 SQ.FT.
PROP. P.A.R.	3.283 SQ.FT.
	6.5 %
PARKING REQUIRED	29 STALLS
PARKING PROVIDED W/LOADING	30 STALLS
DATUM	MVD 1988
ZONING	J BUSINESS 2
USE	RESTAURANT W/OUTDOOR SEATING

TEST BORING

TEST HOLE DATA BY: MDD/MLP
DATE: 8/20/22

DEPTH	DESCRIPTION
EL. 51.7	BROWN SANDY LOAM (0.1')
EL. 50.7	PALE BROWN SILT CLAY (1.0')
EL. 45.7	PALE BROWN FINE SAND (6.0')
EL. 32.7	WATER TABLE (13.0')
EL. 28.7	PALE BROWN FINE SAND (4.0')
EL. 23.0	PALE BROWN FINE SAND (5.7')

HIGHEST EXPECTED GROUND WATER 16" AS PER USDC 02PH TO WATER MODULUS 0.0022

J BUSINESS 2 ZONING REQUIREMENTS:

WHEREAS, ON MAY 26, 1986, DAVID KERNER, THROUGH HIS ATTORNEY, PHILIP SANDERMAN, SUBMITTED A CORE BOUNDARY CHANGE REQUEST TO CONSTRUCT 14,515 SQUARE FOOT FAST FOOD OR OTHER RESTAURANT ON A 1.167 ACRE PARCEL IN MANORVILLE, AND WHEREAS, ON AUGUST 17, 1986, PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) PART 617.6, THE COMMISSION GRANTED THE REQUEST FOR A CORE BOUNDARY CHANGE REQUEST AND ACCEPTED AN EXTENSION FROM THE APPLICANT ON THE TIME AND DATE OF THE HEARING AND WHEREAS, THE COMMISSION HAS REVIEWED THE REQUEST AND THE TRANSCRIPT WAS THEREAFTER MADE AVAILABLE TO THE COMMISSION, AND WHEREAS, ON SEPTEMBER 20, 1986, PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) PART 617.6, THE COMMISSION RESCINDED THE J BUSINESS 2 ZONING MAP AND ACCEPTED AN EXTENSION FROM THE APPLICANT ON THE TIME AND DATE OF THE HEARING AND WHEREAS, THE COMMISSION HAS REVIEWED THE REQUEST AND THE TRANSCRIPT WAS THEREAFTER MADE AVAILABLE TO THE COMMISSION, AND WHEREAS, ON OCTOBER 23, 1986, A PUBLIC HEARING ON THE CORE PRESERVATION AREA HANDSHIP EXEMPTION WAS HELD BY THE COMMISSION AND A TRANSCRIPT WAS THEREAFTER MADE AVAILABLE TO THE COMMISSION, AND WHEREAS, THE COMMISSION HAS CONSIDERED ALL MATERIALS SUBMITTED IN CONNECTION WITH THE CORE BOUNDARY CHANGE REQUEST AND THE CORE PRESERVATION AREA HANDSHIP EXEMPTION, NOW, THEREFORE, BE IT RESOLVED, THAT THE APPLICATION FOR A CORE PRESERVATION AREA HANDSHIP EXEMPTION IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- THE USE OF THE PREMISES IS LIMITED TO THE RETAIL SALE OF FOOD AND FOOD SERVICE AND/OR THE SALE AT RETAIL OF DRY GOODS.
- THE PHYSICAL DEVELOPMENT OF THE SITE SHALL BE IN ACCORDANCE WITH THE COMMISSION'S STANDARDS FOR LAND USE AS SET FORTH IN THE ZONING MAP.
- THE HEIGHT OF ANY DETACHED BUILDING SHALL NOT EXCEED THE HEIGHT OF THE DETACHED GROUND SIGN FOUND AT THE NEAREST CORNER OF THE INTERSECTION OF COUNTY ROAD 111 AND THE LONG ISLAND EXPRESSWAY.

TABLE OF CONTENTS:

SHEET #	SHEET TITLE
1	ALIGNMENT PLAN
2	SANITARY & DRAINAGE PLAN
3	LANDSCAPE PLAN
4	LIGHTING PLAN
5	MATERIALS REMOVAL PLAN
6	EROSION CONTROL PLAN
7	SITE DETAILS
8	DOT-1 NYSDOT PLAN
9	DOT-2 NYSDOT PLAN 2

TOWN OF BROOKHAVEN VARIANCES/SPECIAL PERMIT:

THE FOLLOWING VARIANCES/SPECIAL PERMITS ARE REQUESTED FROM THE TOWN OF BROOKHAVEN TOWN BOARD, PLANNING BOARD AND ZONING BOARD:

- 85-427 (M) MAJOR RESTAURANT
- 85-430 (F) OUTDOOR SEATING AS AN ACCESSORY USE
- 87-41.2 ZONING
- Z2 REQUIRED - 12' PROVIDED - 45X RELAXATION

GENERAL SITE NOTES:

- ALL CONCRETE CURBING, SIDEWALK AND DRAINAGE STRUCTURE SHALL CONFORM TO PLANNING BOARD STANDARD DETAIL AND SPECIFICATIONS.
- TOWN OF BROOKHAVEN ENGINEERING INSPECTOR IN THE DEPARTMENT OF PLANNING AND ZONING SHALL BE PRESENT AT ALL CONSTRUCTION AT 6:30 AM ON MONDAY, AUGUST 22, 2022, AT THE START OF CONSTRUCTION AND AT 12:00 PM ON MONDAY, AUGUST 22, 2022, AT THE END OF CONSTRUCTION. THE HOURS OF ALL CONSTRUCTION SHALL BE 8:00 AM TO 4:00 PM, MONDAY THROUGH FRIDAY.
- PLEASE CONTACT THE TOWN OF BROOKHAVEN ENGINEERING DEPARTMENT AT 518-444-7000 FOR MORE INFORMATION ON THE CONSTRUCTION ACTIVITIES.
- COMMENCEMENT OF ANY AND ALL CONSTRUCTION ACTIVITIES SHALL BE VERIFIED WITH THE LOCATION AND GRADES FOR CURBS AND WALKS TO BE VERIFIED WITH THE TOWN OF BROOKHAVEN ENGINEERING DEPARTMENT, 500 WYOMING STREET, BROOKHAVEN, NY 11793.
- ALL TRAFFIC CONTROL DEVICES, I.e. SIGNALS, SIGNS AND PAVEMENT MARKINGS SHALL BE INSTALLED IN CONFORMANCE WITH THE GUIDELINES OF THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND AS DIRECTED BY THE TOWN OF BROOKHAVEN, DIVISION OF TRAFFIC SAFETY.
- BEFORE ANY AND ALL TRAFFIC CONTROL DEVICES ARE INSTALLED, THE TOWN OF BROOKHAVEN, DIVISION OF TRAFFIC SAFETY, ENGINEERING DEPARTMENT SHALL NOTIFY THE TOWN OF BROOKHAVEN DIVISION OF TRAFFIC SAFETY, 48 HOURS IN ADVANCE OF BEGINNING SUCH WORK ALONG A TOWN ROAD.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE BROOKHAVEN COUNTY SPECIFICATIONS UNLESS OTHERWISE NOTE ON PLAN.
- STOP LINE SIGHT DISTANCE SHALL BE MAINTAINED AT ALL INTERSECTIONS IN ACCORDANCE WITH ASHTO REQUIREMENTS.

LANDSCAPE REQUIREMENTS:

REQ.	PROP.
MIN. NATURAL TREE AREA	18,706.4 SQ.FT.
LANDSCAPE (50% OF TOTAL SITE)	17,797.1 SQ.FT.
LANDSCAPE (10% OF TOTAL)	5,084.9 SQ.FT.
AREA (LANDSCAPE) (10% OF TOTAL)	5,084.9 SQ.FT.
NATIVE GRASS AREA	7,472.0 14.7 %
NATURAL TREE AREA AND NATIVE GRASS AREA	18,772.0 36.9 %
	26,254.0 51.6 %

ON SITE QUANTITIES:

EXIST.	PROP.
CONCRETE CURB	N/A
CONCRETE SIDEWALK	N/A
CATCH BASINS	N/A
DRAINAGE POOLS	N/A
FENCE	N/A
15" CONNECTOR PIPES	N/A
6" CONNECTOR PIPES	N/A
PAVER PATIO	N/A
PAVED AREA	N/A
	15,762.3 SQ.FT.

PARKING CALCULATIONS:

RESTAURANT: 86 SEATS / 3 SEATS/STALL	STALLS
TOTAL REQUIRED	29
LOADING STALLS	1
TOTAL PROVIDED W/LOADING STALL	30
ADA STALLS	2

ALIGNMENT PLAN

EASTPORT MANOR RD (C.R. 111)
MANORVILLE, NY 11949

PROJECT TITLE
CLANCY STREET FOOD COURT

SCOT#M: 0200 - 462 00 - 02 00 - 005.001

LABCREW ENGINEERING, P.C.

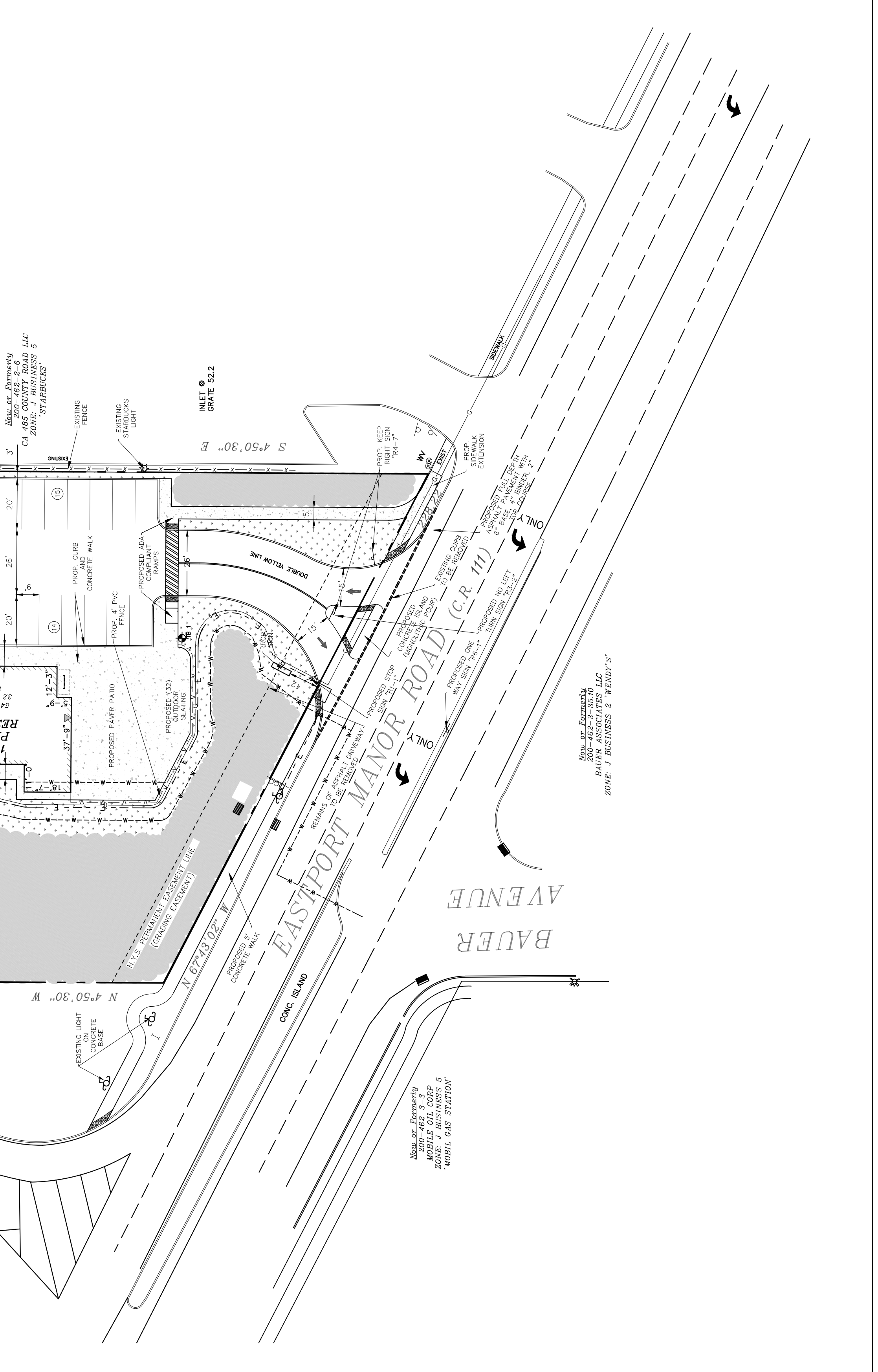
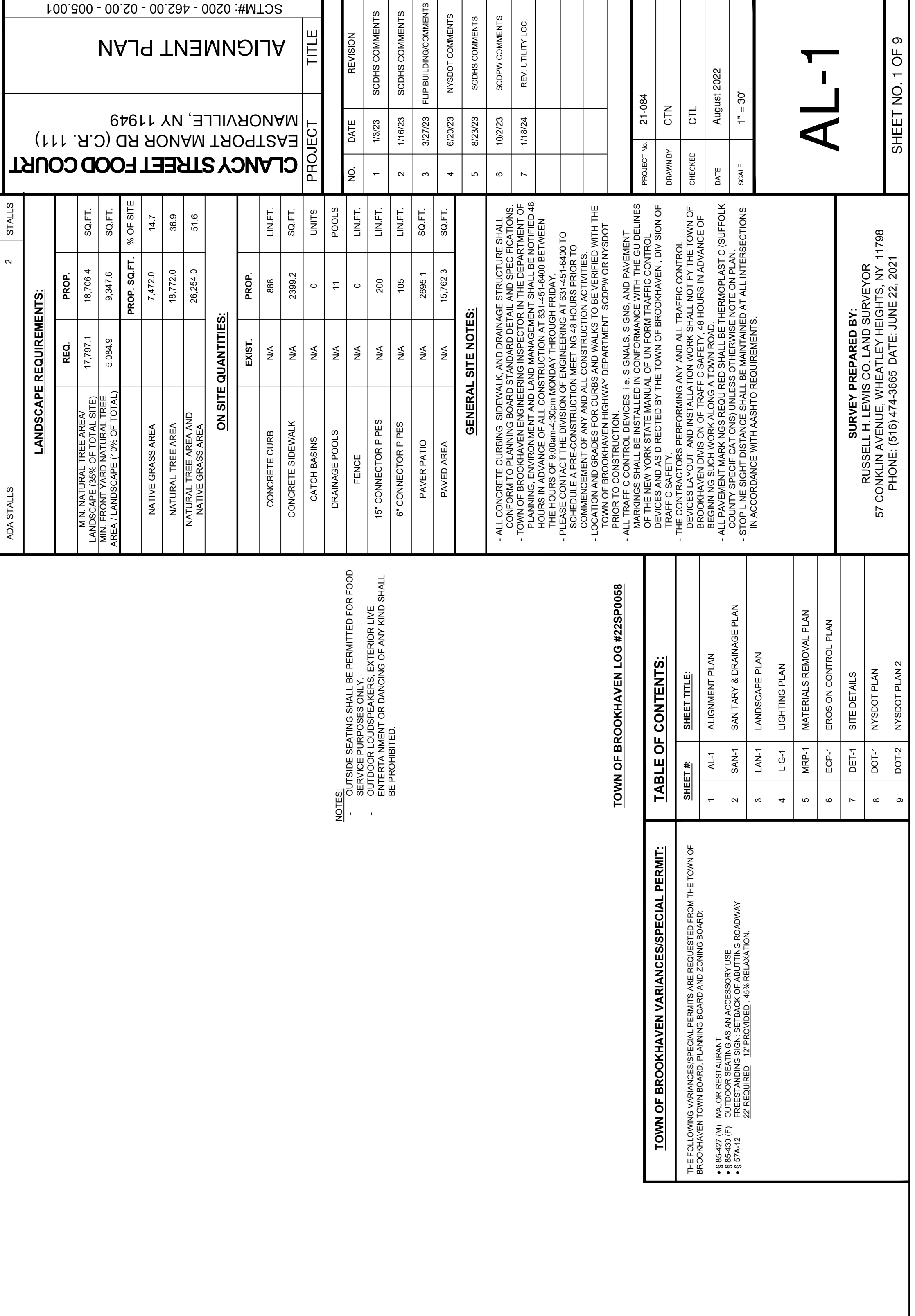
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SITE DESIGN/PLANNING/CIVIL ENGINEERING

APPENDICES

APPENDIX A

OWNERS AFFIDAVITS

OWNER'S AFFIDAVIT

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

STATE OF New York)

)ss:

COUNTY OF Suffolk)

I, DAVID J. KEPNER, being duly sworn, deposes and says that I am the
(Authorized Officer's Name)
President of the CLANCY ST corporation
(Official Title) (Landowner's Name)

located at PO BOX 5048 QUOGUE, NY 11959,
(Landowner's Address)

in the County of SUFFOLK, State of NY, and that

this corporation is the owner in fee of the property located at 56 CR SOUTH Service Rd.
(Property Address)
1/2 CR 111, MANDORVILLE which is also designated as Suffolk County Tax

Map Number(s) 0200-462.00-02.00-005.001, and that

this corporation has been the owner of this property continuously since 1984,
(Date)

and that I have authorized Nelson, Pope & Voorhis LLC
(Applicant's Name)

to make a permit application to the 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.

David J. Kepner
(Authorized Officer's Signature)

DAVID J. KEPNER
(Officer's Name - Please Print)

JAN 15, 2024
(Date)

Sworn to before me this
15th day of January 2024

Cynthia M. Wilcox
(Notary Public)

CYNTHIA M. WILCOX
Notary Public, State of New York
No. 01WI4793125
Qualified in Suffolk County
Commission Expires September 30, 2025

APPENDIX B
ENVIRONMENTAL ASSESSMENT FORM (EAF)
PART 1

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

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

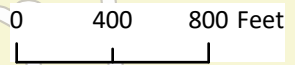
Name of Action or Project: Clancy Street Food Court		
Project Location (describe, and attach a general location map): Eastport Manor Rd, Manorville NY 11949. Corner on the eastbound L.I.E South Service Road at Exit 70 and County Route 111		
Brief Description of Proposed Action (include purpose or need): The proposed action is the development of a 5,915± SF restaurant on a 1.167± acre undeveloped project site in the J-2 Business Zoning District. The proposed building area is a 3,293± SF restaurant with a total of 86 seats (54 indoor, 32 outdoor/seasonal) and the construction of 29 concrete parking stalls and 1 loading stall to accommodate (30 total). The previously undisturbed parcel will be paved with concrete curbs and walks and will include a buffer that replicates the existing landscape (18,221± SF to remain natural).		
Name of Applicant/Sponsor: David Kepner	Telephone: (631)786-2942	E-Mail: davidkepner@optonline.net
Address: P.O. Box 5048		
City/PO: Quogue	State: NY	Zip Code: 11959
Project Contact (if not same as sponsor; give name and title/role): Same as above	Telephone:	E-Mail:
Address: Same as above		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Same as above	Telephone:	E-Mail:
Address: Same as above		
City/PO:	State:	Zip Code:





Legend

Project Site

Date Created: 1/9/2024



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

B. Government Approvals

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

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town of Brookhaven - Building Permit	TBD
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Brookhaven Planning Board - Special Permit, Site Plan Approval	TBD
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	SCDHS - Water Supply and Sanitary System	TBD
f. Regional agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Central Pine Barrens Joint Planning and Policy Commission - CPA Hardship Exemption	February 2024
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. <ul style="list-style-type: none"> i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 		

C. Planning and Zoning

C.1. Planning and zoning actions.

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

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

C.2. Adopted land use plans.

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

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

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

If Yes, identify the plan(s):

Central Pine Barrens Joint Planning and Policy Commission _____

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

If Yes, identify the plan(s):

C.3. Zoning

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

J2 Business District

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

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

If Yes,

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

C.4. Existing community services.

a. In what school district is the project site located? Eastport-South Manor Central School District

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

Suffolk County Police Department, Sector 709, 7th Precinct

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

Manorville Fire Department, Manorville Ambulance

d. What parks serve the project site?

Manorville Hills County Park, Robert Cushman Murphy County Park

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)? Commercial

b. a. Total acreage of the site of the proposed action? _____ 1.167± acres

b. Total acreage to be physically disturbed? _____ 0.74 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 1.167 acres

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

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

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

If Yes,

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

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

iii. Number of lots proposed? _____

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

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

i. If No, anticipated period of construction: _____ 12-18 months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year

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

f. Does the project include new residential uses? Yes No

If Yes, show numbers of units proposed.

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

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

If Yes,

i. Total number of structures 1

ii. Dimensions (in feet) of largest proposed structure: 32' height; 59' width; and 100' length

iii. Approximate extent of building space to be heated or cooled: 3,293 square feet

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

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

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

If Yes:

i. What is the purpose of the excavation or dredging? Grading, building slab/footings, utilities/drainage

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): 867.3 CY
- Over what duration of time? ~6 months

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.
Excavated soil will be reused on-site where possible, and remainder (estimated 867.3 including material generated from grading and excavating of building footings/foundation and drainage/utilities) will be exported for off-site disposal at an approved facility.

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ 0.2 acres

vi. What is the maximum area to be worked at any one time? _____ 0.2 acres

vii. What would be the maximum depth of excavation or dredging? _____ 8 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? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ 2,100 gallons/day

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

If Yes:

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

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

If Yes:

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

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

If Yes:

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

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

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

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

If Yes:

i. Total anticipated liquid waste generation per day: _____ 2100 gallons/day

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

Sanitary, kitchen/gray load

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

• Do existing sewer lines serve the project site? Yes No
 • Will a line extension within an existing district be necessary to serve the project? 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):
 On-site sanitary system proposed consisting of a 750 GPD I/A OWTS for treatment of sanitary load, a 3,000 GPD septic tank for treatment of kitchen/gray load, a 2,500-gallon grease trap, and four 12-foot-depth leaching pools

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____
 Kitchen grease will be captured in an on-site grease trap and routinely pumped out/disposed of off-site by a contractor

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
 ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

 • If to surface waters, identify receiving water bodies or wetlands: _____

• Will stormwater runoff flow to adjacent properties? Yes No

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

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No
 If Yes:
 i. Estimate methane generation in tons/year (metric): _____
 ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No
 If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No
 If Yes:
 i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.
 ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____
 iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____
 iv. Does the proposed action include any shared use parking? Yes No
 v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____
 vi. Are public/private transportation service(s) or facilities available within 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? Sidewalk connection provided along south side of property connecting property to the east along C.R. 111 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: _____
 216.3 MBtu/sq ft. (2021 CEQR Technical Manual)
 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
 PSEG Long Island
 iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.
 i. During Construction:
 • Monday - Friday: _____ 7am-7pm _____
 • Saturday: _____ 8am-5pm _____
 • Sunday: _____ None _____
 • Holidays: _____ None _____
 ii. During Operations:
 • Monday - Friday: _____ TBD _____
 • Saturday: _____ TBD _____
 • Sunday: _____ TBD _____
 • Holidays: _____ TBD _____

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:
 Equipment/machinery typical of clearing/grading/paving projects. Will occur in a limited area of the property during typical business hours during period of construction, in accordance with the Town of Brookhaven Town Code related to Noise Control (Chapter 50, Section 50-6B(7)).

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:
 Typical parking lot lighting in accordance with Town Code. No nearby sensitive receptors would be affected by the lighting. 11 fixtures mounted at 7' with one structure mounted at 18'.

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

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____
 Odor emissions associated with mobile equipment typical of clearing/grading/asphalt paving work. Odors may occur during construction period. There are no nearby sensitive receptors that would be impacted by odors.

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No
 If Yes:
 i. Product(s) to be stored _____
 ii. Volume(s) _____ per unit time _____ (e.g., month, year)
 iii. Generally, describe the proposed storage facilities: _____

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

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: _____ 613.5 tons per _____ 6 months (unit of time)
 • Operation : _____ .258 tons per _____ day (unit of time)
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
 • Construction: Excavated material will be reused on-site where possible

 • Operation: Waste materials to be recycled where possible

iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction: Excavated material to be transported off-site by contractor to licensed disposal facility

 • Operation: Off-site contractor to pick up/dispose of trash and recycling at licensed off-site disposal facilities. 2500 gallon grease trap installation to capture kitchen load to be routinely pumped out by contractor.

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

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

Forest Agriculture Aquatic Other (specify): L.I.E to the northwest of the site

ii. If mix of uses, generally describe:

Forested area of site within Central Pine Barrens; Starbucks borders the eastern perimeter of the site; Commercial businesses and residential housing are on the south side of Eastport Manor Rd.

b. Land uses and covertsypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.01	0.57	+0.56
• Forested	0.72	0.43	-0.29
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.25	0.17	-0.08
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: <u>Successional/previously disturbed</u>	0.19	0.00	-0.19

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

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities:
Peconic Bay Medical Center Immediate Care within ±720 feet to the south of Eastport Manor Rd.

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

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

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

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

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

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): V00672
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
Site is located Southeast of subject property across County Road 111, remediation has been completed in 2007 and groundwater use restriction in place.

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

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

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ >6 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:

Carver and Plymouth soils	_____	57 %
Riverhead sandy loam	_____	42 %
_____	_____	_____ %

d. What is the average depth to the water table on the project site? Average: _____ 20 feet

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

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 90 % of site
 10-15%: _____ 10 % of site
 15% or greater: _____ % of site

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

h. Surface water features.

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

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

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

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

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name Freshwater Pond (off-site 1,200 ft south) Classification PUBH
- Wetlands: Name Freshwater Forested/Shrub Wetland Approximate Size 5.42 acres
- Wetland No. (if regulated by DEC) _____

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

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

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

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

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

m. Identify the predominant wildlife species that occupy or use the project site: _____
 song birds _____
 small mammals (squirrels) _____

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): Pitch Pine-Oak Forest
 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Currently: 7018.09 acres
 • Following completion of project as proposed: 7017.8 acres
 • Gain or loss (indicate + or -): -0.29 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): Northern Long-eared Bat, Toothcup, Tiger Salamander

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: Coastal Barrens Buckmoth

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: SGPA, Central Suffolk Pine Barrens
 ii. Basis for designation: Protect groundwater, Benefit to human health & protect drinking water
 iii. Designating agency and date: Agency:Long Island Regional Planning, Agency:Suffolk County, Date:3-19-93, Date:2-10-88

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

F. Additional Information

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

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

G. Verification

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

Applicant/Sponsor Name Brianna Sadoski, As Agent Date 1/29/2024

Signature  Title Project Manager/Senior Environmental Planner



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	V00672
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Sole Source Aquifer Names:Nassau-Suffolk SSA
E.2.n. [Natural Communities]	Yes

E.2.n.i [Natural Communities - Name]	Pitch Pine-Oak Forest
E.2.n.i [Natural Communities - Acres]	7018.09
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Northern Long-eared Bat, Toothcup, Tiger Salamander
E.2.p. [Rare Plants or Animals]	Yes
E.2.p. [Rare Plants or Animals - Name]	Coastal Barrens Buckmoth
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	Yes
E.3.d [Critical Environmental Area - Name]	SGPA, Central Suffolk Pine Barrens
E.3.d.ii [Critical Environmental Area - Reason]	Protect groundwater, Benefit to human health & protect drinking water
E.3.d.iii [Critical Environmental Area – Date and Agency]	Agency:Long Island Regional Planning, Agency:Suffolk County, Date:3-19-93, Date:2-10-88
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Clancy Street Food Court, Manorville
Historical Aerial Photograph Appendix



Aerial Photograph Year: 1947



Aerial Photograph Year: 1962

Clancy Street Food Court, Manorville
Historical Aerial Photograph Appendix



Aerial Photograph Year: 1978



Aerial Photograph Year: 1984

Clancy Street Food Court, Manorville
Historical Aerial Photograph Appendix



Aerial Photograph Year: 2001



Aerial Photograph Year: 2004

Clancy Street Food Court, Manorville
Historical Aerial Photograph Appendix

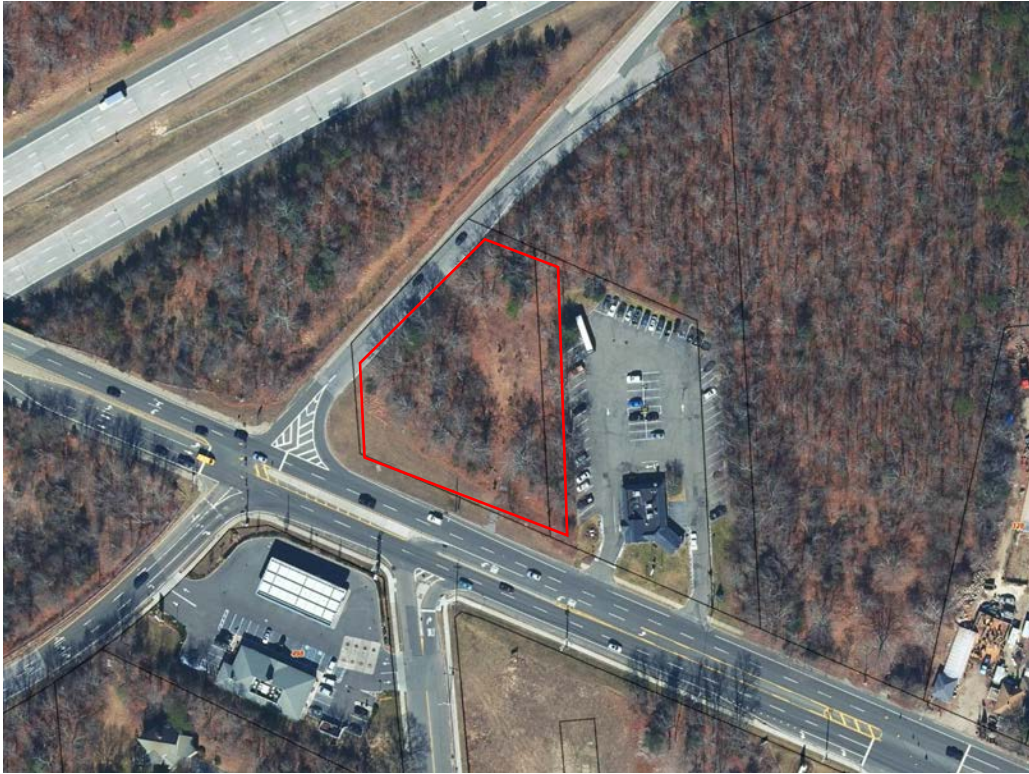


Aerial Photograph Year: 2007



Aerial Photograph Year: 2010

Clancy Street Food Court, Manorville
Historical Aerial Photograph Appendix



Aerial Photograph Year: 2016



Aerial Photograph Year: 2023

RESOLUTION NO. 10A
MEETING OF: MAY 3, 1994

AMENDMENT TO RESOLUTION ADOPTED
FEB. 15, 1994 - APPROVING THE
SPECIAL EXCEPTION APPLICATION OF
DAVID KEPNER & THE CLANCY STREET
CORP. FOR A FAST FOOD RESTAURANT IN
A J-2 BUSINESS DISTRICT (#93-001SE)

BE IT RESOLVED that the resolution adopted by the Town Board on February 15, 1994 approving the above-captioned special exception application is hereby amended to read, in full, as follows:

BE IT RESOLVED that the above-captioned application of David Kepner and the Clancy Street Corp. for a special exception for construction of a fast food restaurant in a "J-2" Business District for the site located at Manorville is hereby approved subject to the following conditions, as conditions only:

- A. An interior connector driveway should be proposed, at the time of site plan review, to the parcel to the east, subject to Planning Board review and determination; and
- B. The building architecture of the fast food restaurant is recommended to have a rustic appearance, as to be determined by the Planning Board.

and be it further

RESOLVED that prior to commencing construction, the applicant shall obtain all necessary governmental permits.

SA:la

enc.

CC: Law

Planning Board

J. Girandola, Planning Div

J. Sanzano, Planning Div

Town Council

Commissioner Swick

Environmental Protection

Suffolk County Planning Commission

A.

Central Pine Barrens Joint Planning and Policy Commission

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

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

Session of November 8, 1995
Brookhaven Town Offices

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

Resolution on Clancy Street Food Court Core Preservation Area Hardship

Property located southeast corner of the Long Island Expressway Service Road and County Road 111,
Manorville, Town of Brookhaven
SCTM # 200-462-2-5

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

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

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

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

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

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

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

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

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

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

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

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

Record of Motion:

Motion by Mr. Cowen

Seconded by Mr. Duffy

Yea Votes:

Unanimous

CENTRAL PINE BARRENS COMMISSION
COUNTY OF SUFFOLK : STATE OF NEW YORK

-----x
In the Matter of the Application of

PETITION

AMERADA HESS CORPORATION,

**For a Hardship Exemption, Pursuant to
Environmental Conservation Law Article 57-0121(10)**
-----x

TO: CENTRAL PINE BARRENS COMMISSION

The Petitioner respectfully states:

1. The Petitioner, **AMERADA HESS CORPORATION**, whose address is One Hess Plaza, Woodbridge, New Jersey 07095, is the contract vendee of the parcel of land hereinafter described.

2. **CLANCY STREET CORP.**, whose address is 400 Old Montauk Highway, Eastport, New York, 11941, is the fee title owner of the parcel of land hereinafter described, annexed as **Schedule "A"**.

3. The Petitioner, with the consent of the property owner, is requesting a Hardship Exemption, pursuant to Environmental Conservation Law Article 57-0121(10)

4. The said premises are located at the southeast corner of C.R. 111 Port Jefferson-West Hampton Road (Eastport Manor Road) and S.R. 495 Long Island Expressway South Service Road, Manorville, Town of Brookhaven, County of Suffolk and State of New York.

5. The premises are set forth on the Suffolk County Tax Map as District 0200 Section 462.00 Block 02.00 Lot 005.001. The premises contain within its bounds 50,849+- square feet or 1.167 acres, more or less.

6. The subject premises are located in the South Manor UF School District # 21, and the Manorville Fire District.

7. The subject premises are not located within 500 feet of the boundary line of any incorporated village, other township, state park or state parkway. The subject premises are, however, within 500 feet of a New York State Highway, to wit; New York State Route 495, upon which it fronts at the south service road.

8. The subject premises are not within 500 feet of a Place of Public Assembly.

9. The subject premises are not located within a Historic District or a Historic Transition Zone.

10. The subject premises are within 2,000 feet of another Gasoline Filling Station, to wit: a Mobil gasoline service station, which is south and west of the subject premises and set forth on the Suffolk County Tax Map as District 0500 Section 462 Block 3 Lot 3. (across Eastport Manor Road)

11. Upon information and belief, the subject premises are subject to the "Central Barrens Land Use Act". The subject premises are located within the boundaries of the Core Preservation Area.

12. The Petitioner proposes to erect a convenience store and a gasoline dispensing operation only with a canopy over pump dispensing islands on the premises.

13. The reasons for the hardship request are as follows:

(A) (1) The subject parcel is located at the intersection of Eastport Manor Road and the South Service Road of the Long Island Expressway; both roadways carry thousands of cars per day.

(2) The subject parcel is zoned J-2 Business pursuant to the zoning ordinance of the Town of Brookhaven.

- (3) The subject parcel is surrounded by J-2 Business zoning.
 - (4) To the east is an operating restaurant with a large on-site blacktop paved parking field.
 - (5) Although in the Core Preservation Area, the subject site is at the very edge thereof at a triangle abutting two heavily traveled roadways.
 - (6) The site presently is covered with a gravel surface which is not conducive to Pine Barrens Core Preservation intent.
 - (7) A prior Core Preservation Area Hardship Resolution was granted at the session of November 8, 1995 to Clancy Street Food Court.
 - (8) Upon information and belief, the current owner has been unable to lease or sell the property for a food court as restricted by the above-mentioned resolution. The property owner now has the opportunity to lease or sell the property, which will operate in conjunction with a retail filling station by a major oil company.
 - (9) The subject parcel is unique due to its location at the intersection of the two aforementioned heavily traveled roads at the very edge of the Core Preservation Area. Thus, its location is not common to other properties in the area.
- (B)
- (1) The proposal will serve the convenience of the traveling public by having gasoline available for motor vehicles as well as food. The operation will be conducted seven days per week, 24 hours per day.
 - (2) The proposed operation will provide an essential service an otherwise rural area.
 - (3) The public benefit will outweigh the protection of the Core Preservation Area as it is business zoned, surrounded by business zone and other commercial operations at a periphery location in the Core Area across across the road from the compatible growth area.
 - (4) The Core Preservation Area will not be affected in any way by the proposed operation. All safety systems will be in place to avoid any adverse affect to the Core Preservation Area.
- (C)
- (1) The current restrictions for the underground storage of gasoline with the state of the art detection systems in place, will not create a detrimental or injurious affect to the Core Preservation Area.

- (2) The granting of the applicant's proposed use will not cause any substantial impairment to the resources of the Core Preservation Area due to all safety devices in place.
- (3) The water flows underground are to the south and not to the east, therefore no underground water resources will be affected by the proposed use.
- (4) Due to its unique location at the very edge of the Core Preservation Area, any waiver to be granted as requested herein will not be inconsistent with the purposes, objects or the general spirit and intent of the Pine Barrens Act. Prior commercial development of the site has been approved.
- (5) The extraordinary hardship being placed upon the property owner may be removed by granting the relief requested herein, maintaining all safeguards for a safe use of the property without any adverse affect to the purpose of the Pine Barrens Legislation in a location that would be for the public good.

14. A copy of a prior Hardship Resolution approved at the Session of November 8, 1995 is annexed hereto as **Exhibit "B"**.

15. The Petitioner respectfully requests that the Central Pine Barrens Commission grant the request for a hardship exemption as set forth herein.

AMERADA HESS CORPORATION

By: _____

William V. Wolfrom
Northern Permit Manager

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

William V. Wolfrom, being duly sworn, does depose and say: That I am the Northern Permit Manager for the Applicant, **Amerada Hess Corporation**, the Petitioner herein. That I have read the foregoing Petition and that the statements contained therein are true except as to such statements which are based on information and belief, which statements I believe to be true.

WILLIAM V. WOLFROM

Sworn to before me this
14th day of September, 2001

BORIS ANNE ORSKI

Notary Public, Suffolk County, New York

My Commission Expires April 30, 2003

**NARRATIVE OF PRIOR TOWN BOARD & CENTRAL PINE BARRENS JOINT
PLANNING & POLICY COMMISSION APPROVALS
Central Pine Barrens Comprehensive Land Use Plan
May 26, 2011**

History of Application

The proposed Clancy Street Food Court was the subject of a Special Exception application to the Brookhaven Town Board, which issued its approval on February 15, 1994 (amended on May 3, 1994, see *Attachment A*).

The applicant submitted a Core Preservation Area boundary change request to the Central Pine Barrens Joint Planning & Policy Commission (hereafter, "the Commission") on May 25, 1995. At this time, the Commission assumed lead agency status under the New York State Environmental Quality Review Act (SEQRA). Subsequently, after consultation with the Commission, the applicant submitted a Hardship Exemption application on the project, on October 13, 1995, and withdrew the prior boundary change request. The Commission held a hearing on the Hardship Exemption application on October 25, 1995 and, after review of all materials submitted by the applicant and the Commission staff in relation to the application, determined:

- 1) that the proposed project merited a determination of non-significance pursuant to the NYS Environmental Conservation Law (ECL), Article 8, indicating that no significant adverse impacts would be expected, and that preparation of an Environmental Impact Statement would not be necessary; and
- 2) that the application met all of the requirements for extraordinary hardship pursuant to ECL Article 57-0121(10)(a).

A copy of the Commission's approval (dated November 8, 1995) is contained herein as *Attachment B*; the approval contains three (3) conditions, which are satisfactory to the applicant.

Conformance to Hardship Exemption Criteria

The following description and discussion of the project's conformance to the criteria to establish hardship is taken from the materials submitted to the Commission as part of the October 13, 1995 application, and provides useful background information about the project.

The subject property is identified as SCTM number 0200-462-02-005.1 and is located in the Central Pine Barrens Core Preservation Area as established pursuant to the Long Island Pine Barrens Protection Act of 1993. In the past, the subject site was occupied by one single-family residence, which has since been removed. Due to the past domestic use, the subject property has been altered. The area of the property adjacent to CR 111 (approximately 35 percent of the site) is occupied by non-fertilized grasses. Approximately 20 percent of the site was occupied by the single-family residence and landscaped vegetation, and is presently a vacant and impacted area. The remainder of the property is primarily covered with pine and oak trees. The applicant proposes to construct a 5,915 SF [since reduced to 5,831 SF] building for a fast food restaurant use on the property. The proposed project will result in the clearing of no more than 65 percent of the existing vegetation to facilitate the proposed

building, parking area and access points. Portions of the site not included in the proposed clearing will be supplemented with indigenous vegetation where necessary. The site plan for the proposed project has been attached for your review. No wetlands or surface waters are located on or adjacent to the subject site, and the site does not contain slopes over 10 percent. The subject site and the parcel located at the southwest corner of the intersection of the LIE and CR 111 are both zoned for commercial uses, J-Business-2 and J-Business-3, respectively. A Special Exception for fast food on the subject site was granted by the Town Board of the Town of Brookhaven on May 11, 1994. The proposed use and layout of the proposed project will substantially conform to the dimensional regulations for J-Business-2 zoning and even the more stringent regulations for J-Business-3 zoning. The proposed project is also consistent with allowable sanitary flow permitted on the 1.17-acre site under Article 6 of the Suffolk County Sanitary Code. The concentration of nitrogen in recharge will be less than 6 mg/l standard based on Article 6, the 208 Study and the Suffolk County Comprehensive Water Resources Management Plan.

Demonstration of Hardship

It is submitted that the applicant will experience an extraordinary hardship if the proposed use of the property is not permitted as per the ZBA approval. The preclusion of beneficial use of the property stems from the provisions of Article 57 for lands in the Core Preservation Area. This inability to have a beneficial use results from unique circumstances particular to the subject property. Consistent with Section 57-0121(10) of the NYS ECL, the following discussion outlines the necessary conditions to demonstrate the existence of a hardship.

(a)(i)

The situation and history of the subject property is unique and does not apply or affect other properties in the vicinity of the site. The Core Preservation Area (Core) boundary runs in a southeast direction along the northeast side of CR 111. Although the residential and commercial uses on the parcels to the southeast of the subject property are also located within the Core, these uses are permitted to remain under Article 57. However, as the subject site was not in active use for more than one year, the proposed project would be considered as "development" under §57-107, and thus is prohibited in the Core. The subject property is the only J-Business-2 zoned parcel in this vicinity of the Core and has been granted a Special Exception for fast food use by the Town Board of the Town of Brookhaven. The conditions of the Special Exception will be adopted on the subject property. A copy of the Special Exception for the project are attached for review [**Attachment A**]. The issuance of this approval is unique to the subject property and does not apply to or affect other properties in the area.

(a)(ii)

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

would effectively deny the owner of use and value in connection with this parcel, particularly in view of the fact that it is zoned for business use.

(a)(iii)

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

(b)

The hardship experienced by the owner of the subject site does not involve public need in respect to the essential health and safety of the municipality or the adaptive reuse of an historic resource.

(c)(i)

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

(c)(ii)

The proposed project has been reviewed according to the Joint Planning and Policy Commission's Interim Goals and Standards for Development. This review was conducted to assess potential impacts and to provide a basis for determination of the proposed project's consistency with the purposes, objectives and general spirit of Article 57, should a waiver be granted. Based on this review, it is submitted that the proposed project is consistent with the Interim Goals and Standards. A copy of the review is included as an attachment [**Attachment B**].

(c)(iii)

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

The above discussion provides the application for hardship exemption in the Core Preservation Area. The existence of a hardship has been demonstrated by the applicant, consistent with the requirements promulgated under Section 57-0121(10) of the NYS ECL. As such, relief from the provisions of subdivision eight of this section should be granted.

It should be noted that the Commission granted approval of the Hardship Exemption application on November 8, 1995.

APPENDIX E

SITE PHOTOGRAPHS



Photo 1: Looking west at Eastport Manor Road.



Photo 2: Looking slightly northwest at site parcel from Eastport Manor Rd.

Clancy St. Food Court
Southeast Corner of LIE SSR and C.R. 111, Manorville
Site Photographs taken 01/31/2024



Photo 3: Looking east from Eastport Manor Rd. at impervious pavement on subject property.



Photo 4: Looking north north-east at vegetation along perimeter of subject property bordering Eastport Manor Road.



Photo 5: Looking north into subject property into mixed Pitch Pine Oak forest.



Photo 6: Looking northeast at subject property where the previous impervious surface ends.



Photo 7: Looking north-northwest at undisclosed, small structure on subject property.



Photo 8: Looking northwest at subject property from the corner of Eastport Manor Rd.



Photo 9: Looking Northeast from adjacent property opposite of the western perimeter of subject property at exit ramp to the L.I.E



Photo 10: Looking south at the western perimeter of subject property that borders entrance ramp to L.I.E from adjacent property.



Photo 11: Looking East at subject property edge from entrance ramp to L.I.E



Photo 12: Looking Southwest at the corner of subject property and Eastport Manor Road from opposite side of the entrance ramp to L.I.E.



Photo 13: Looking East at corner of subject property from opposite side of the road.



Photo 14: Southwest at Eastport Manor Road. From property adjacent to subject property.

Clancy St. Food Court
Southeast Corner of LIE SSR and C.R. 111, Manorville
Site Photographs taken 01/31/2024



Photo 15: Looking east at the corner of subject property from adjacent property across the street.



Photo 16: Looking North at corner of subject property to L.I.E entrance ramp.



Photo 17: Looking Northeast at the corner of subject property from Eastport Manor Road.



Photo 18: Looking North at the corner of subject property from Eastport Manor Road.



Photo 19: Looking South in subject parcel in the successional shrubland area.



Photo 20: Looking North in subject parcel in the successional shrubland area.



**Commission Meeting of March 20, 2024
 Brookhaven Town Hall, Farmingville
 Draft Sense Resolution for the
 Riverside Sewage Treatment Plant
 Compatible Growth Area of the Central Pine Barrens**

Present:
 for New York State,
 Suffolk County Executive,
 Brookhaven Supervisor,
 Riverhead Supervisor,
 Southampton Supervisor

Whereas, the Town of Southampton, in 2015, adopted the Riverside Revitalization Action Plan, which proposed a private-public partnership to redevelop the Hamlet of Riverside, and

Robert T. Calarco
Chairman

Whereas, the Town analyzed the generic impacts of the RRAP under the State Environmental Quality Review Act (SEQRA) while deferring environmental review of specific projects until such projects were proposed, and

Timothy C. Hubbard
Member

Whereas, the Town proposes to develop a 800,000 gallon per day tertiary sewage treatment plant (STP) identified in the RRAP as public infrastructure that is foundational to full implementation of the RRAP, (the Project) and

Maria Z. Moore
Member

Daniel J. Panico
Member

Whereas, the Town anticipates providing connections to the STP to the existing premises in the Riverside Hamlet in order to reduce the amount of sanitary waste being treated in conventional sewage treatment systems, and

Edward P. Romaine
Member

Whereas, the Town, as Lead Agency, is conducting a SEQRA review of the Project, and anticipates completion of the review by the middle of April 2024, and

Whereas, the Commission is an involved agency under the SEQRA review, and

Whereas, the Town plans on seeking Environmental Facilities Corporation grants to help finance the construction of the STP, and

Whereas, the Project requires clearing as defined in the Comprehensive Land Use Plan (the Plan) in excess permitted without a hardship waiver issued under Environmental Conservation Law Section 57-0123, and

624 Old Riverhead Road
 Westhampton Beach, NY
 11978

Whereas, on January 3, 2024, the Town applied to the Commission for a hardship exemption to clear in excess of the standard, and the Commission held a public hearing on the application on February 21, 2024, and

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

Whereas, on February 23, 2024, the Applicant submitted information in response to the comments in the Staff Report to provide clarity on the Project, and

Whereas, the Town proposes to clear 100% of the vegetation on the 11.11 acre project site, which exceeds the 57% clearing authorized by the Plan without a hardship waiver, and

DRAFT

Whereas, the Project is in otherwise full conformance with the other standards in the Plan, and

Whereas, the Commission may not issue a hardship waiver unless the Project's SEQRA review is complete, and

Whereas, the Town requested the Commission issue a Sense Resolution to indicate whether the Commission will issue a hardship waiver based on the Town's presentation and the criteria set forth in Article 57 of the Environmental Conservation Law, and will provide additional information upon completion of its review, and

Whereas, to determine whether to issue this Sense Resolution, the Commission reviewed criteria for a hardship waiver in Article 57 and criteria in SEQRA's implementing regulations, the Town's February 21 presentation materials, and the Town's SEQRA record.

Now therefore be it

Resolved, that it is the Sense of the Commission that the Town's February 21 presentation and supplemental material demonstrated the need for a hardship waiver under the criteria outlined in Article 57, and be it further

Resolved, the Commission has reviewed the determination of significance criteria outlined in the SEQRA regulations and identified no significant adverse environmental impacts on the Plan, and be it further

Resolved, that it is the Sense of the Commission that the Project conforms with the Land Use Standards outlined in Chapter 5 of the Plan, except for the clearing waiver request, and be it further

Resolved, the Commission provides this Sense Resolution to indicate that it anticipates that the completion of the Project's review by the Town will not reveal any factor that causes the Commission's understanding of the need for the Project, the rationale for a hardship exemption, or its environmental impacts to materially change, and be further

Resolved, the Commission will not issue a final determination on the Town's hardship waiver request until it receives the final SEQRA record from the Town, and be it further

Resolved, this Sense Resolution does not constitute the Commission's formal determination that the Project merits a hardship exemption and the Town is required to submit the complete SEQRA record so that the Commission make such a determination, and absent such submission within one year of the date of this Sense Resolution, this Sense Resolution will cease and self-expire and be of no further force and effect all without need of any further Commission action.

Record of Motion

Motion by:

Seconded by:

Yea Votes:

Nay Votes:

TOWN OF SOUTHAMPTON

Department of Land Management
116 HAMPTON ROAD
SOUTHAMPTON, NY 11968



JANICE SCHERER
TOWN PLANNING AND
DEVELOPMENT ADMINISTRATOR

MARIA Z. MOORE
TOWN SUPERVISOR

February 23, 2024

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

Re: **Conformance to Hardship Waiver Criterial of ECL 57-0123(3)(b)**
Riverside Sewage Treatment Plant
6, 8, 9, 10, 11, and 12 Enterprise Zone, Riverside
SCTM Nos.: 900-141-1-9.14, 9.25, 9.29, 9.30, 9.31, and 9.32

Dear Commissioners:

As requested in the draft Staff Report, as well as the February 21, 2024 public hearing, the Town offers the following additional information:

1. Clearing:
 - a. The proposed STP site is composed of 7 parcels which will have a total lot area of 10.94 acres, after re-alignment of Enterprise Zone Drive. It should be noted that upon re-alignment of the existing road way, portions of the lots known as 900-141-1-9.29 and 9.30 will be located east of the re-aligned road and not connected to the project site.
 - b. Total clearing for the proposed project, inclusive of any additional clearing associated with the construction of pump house and installation of force mains is not anticipated to exceed 11.11 acres
 - c. Clearing for Phase I, inclusive of the treatment facility, Phase I leaching fields, road re-alignment, pump houses and force mains equals approximately 8.73 acres.
 - d. Clearing for Phase II will require approximately 2.38 acres of additional clearing, for the leaching pools.
 - e. The Town will seek to minimize clearing to the maximum extent practicable, in order to reduce the need for landscaping, as well as to protect habitat and provide screening.
 - f. Where practicable, the Town will retain existing large trees.
 - g. Final design specifications for the force main on the adjacent parcel, known as SCTM No. 900-139-3-10.2, have yet to be completed. As such, the dimensions of disturbance and construction have yet to be finalized. The Town may consider the use of directional drilling, if appropriate, in order to minimize disturbance to the existing vegetation. In the event that clearing is required, the final design specifications will provide for native restoration of any disturbed areas.

- h. The Town agrees to submit the final design specifications to the Commission prior to commencement of disturbance activities.
 - i. As discussed at the public hearing, the Town initially purchased more than 55 acres of properties on the north side of Route 24 (Flanders Road) for the purpose of creating a constructed wetland. However, as the area is located within a flood plain, and constructed wetlands are less efficient at treating effluent during the winter when plants are dormant, the recently acquired property will remain as open space, with allowance for future restoration activities.
2. Enterprise Zone Map
- a. Upon title transfer of the Five Towns College parcel, known as SCTM No. 900-141-1-9.17, the Town will submit an application to amend the subdivision to allow for the merge of the existing lots, as well as re-alignment of Enterprise Zone Drive.
 - b. While the clearing on the proposed STP site will exceed the maximum allowed by the subdivision, the clearing on the remaining lots will conform to the requirements out the subdivision.
 - c. Pursuant to GIS analysis of Sending to Receiving areas in the Town's portion of the Riverhead school district, the Town has 73.99 potential sending credits remaining with a potential of 177.2 credit receiving areas. As such, the Town conforms to the required 2:1 ratio.
3. Please see revised Hardship criteria chart.
4. The Town agrees to obtain all necessary approvals prior to commencement of site disturbance activities.
5. Approval of the Town's Phase IA Archeological Report is pending with NYS OPRHP.

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

Sincerely,

Janice Scherer,
Town Planning
and Development Administrator

**Central Pine Barrens Comprehensive Land Use Plan
Compatible Growth Area
Riverside Sewage Treatment Plant (STP)**

Standard (S)/Guideline (G)		Explanation and Document Page References	
S 5.3.3.1.1	Suffolk County Sanitary Code Article 6 Compliance	<p>All development proposals subject to Article 6 of the Suffolk County Sanitary Code shall meet all applicable requirements of the Suffolk County Department of Health Services. Projects which require variances from Article 6 shall meet all requirements of the Suffolk County Department of Health Services's Board of Review in order to be deemed to have met the requirements for this standard.</p>	<p>The projected volume of wastewater generated under the ROD triggered the need for most, if not all, future uses and redevelopments to connect to the STP. The proposed STP will be a state-of-the-art membrane bio-reactor (MBR) or sequence batch reactor (SBR) in accordance with the final Technical Design report, with the treatment capacity to provide tertiary level treatment for 400,000 gallons per day (Phase I) and up to 800,000 gallons per day (Phase II) if full buildout were to be achieved, including advanced nitrogen removal to minimize nitrogen related impacts on groundwater, wetlands and surface waters. Upon full build out, the Town estimates that 4.55 mg/l of Nitrogen will be discharged upon treatment. This represents a 10% reduction over existing conditions. The project also provides opportunities for numerous lots with substandard on-site sanitary systems to connect to the system for tertiary level treatment. Consequently, this standard will be complied with. If future projects in the Sewer District under the Theoretical Development Scenario require variances from Article 6, they must meet the requirements of the SCDHS's Board of Review in order to get the necessary approvals (i.e., connection to the STP or other advanced treatment facility).</p>
S 5.3.3.1.2	Sewage Treatment Plant Discharge	<p>Where deemed practicable by the County or State, sewage treatment plant discharges shall be located outside and downgradient of the Central Pine Barrens. Denitification systems that are approved by the New York State Department of Environmental Conservation or Suffolk County Department of Health Services may be used in lieu of a sewage treatment plant.</p>	<p>Suffolk County had prepared a study of potential wastewater treatment options for Riverside, and Section 14.3 of the prior DCEIS examined potential wastewater treatment facility locations within the Study Area/Sewer District. Additional engineering, planning and environmental analyses have since been conducted and the Town has identified what it believes is the best and most environmentally sound location for a new advanced STP for the Riverside community. The proposed location, design, layout, treatment capacity, and effluent discharge standards must comply with and be approved by one or more of the following agencies: SCDHS, SCDPW, NYSDEC, CPB/JPC and/or other applicable agencies once the environmental review has concluded and a preferred course of action that improves, avoids, or suitably mitigates impacts is identified. A major focus of this environmental review is on the reduction of nitrogen loading in the area in order to protect groundwater, surface waters, and wetlands and address CLUP and Peconic Estuary Program Total Maximum Daily Load (TMDL) standards. The proposed STP is located within the Compatible Growth Area (CGA) of the Central Pine Barrens. The treatment and effluent discharge facility, for the proposed STP, will be located on the Town owned properties known as 6.8, 9, 10, 11, and 12 Enterprise Zone Drive, in the hamlet of Riverside (SCTM Nos. 900-141-1-9, 14, 9, 25, 9, 29, 9, 30, 9, 31, and 9, 32). This project site is located within a TDR receiving area and at the down-gradient edge of the CGA (approximately 1,400 feet linear feet from the Central Pine Barrens boundary). While the proposed action discharges effluent within the compatible growth area, the STP will eliminate outdated cesspools or conventional systems, which provide no treatment, that currently discharge within the Central Pine Barrens and within close proximity to sensitive ecosystems, which as the David Sarnoff Preserve, Little Peconic River and Cranberry Bog.</p>
G 5.3.3.1.3	Nitrogen-Nitrogen Goal	<p>A more protective goal of two and one half (2.5) ppm may be achieved for new projects through an average residential density of one (1) unit per two (2) acres (or its commercial or industrial equivalent), through clustering, or through other mechanisms to protect surface water quality for projects in the vicinity of ponds and wetlands.</p>	<p>Presently, 684 households are discharging approximately 40-60 mg/l of nitrogen into the aquifer and Peconic River. The proposed STP is expected to reduce existing and future effluent concentrations to approximately 4.5 mg/l. As the project is not classified as a Development of Regional Significance, the project does not need to conform to this guideline. However, treated sanitary waste from the larger sewer district and proposed STP will have a Total Nitrogen concentration that is less than 10 mg/L before it is discharged into the ground. Once in the ground, treated effluent will slowly percolate through the soil, and once it reaches groundwater will flow in a northerly direction toward the Peconic River greater than 1,250 feet north of the leaching area in the direction of groundwater flow over many months, toward intervening freshwater wetlands located 450+ feet away. The time it takes for groundwater to flow from the proposed leaching area to the Peconic River is estimated to be approximately 1.5-2.5+ years depending on exact location within the leaching area and additional reduction in nitrogen concentrations is expected.</p>
S 5.3.3.2.1	Suffolk County Code Articles 7 & 12 Compliance	<p>All development must comply with the provisions of Articles 7 and 12 of the Suffolk County Sanitary Code, including any provisions for variances or waivers, if needed, and all applicable state laws and regulations in order to ensure that all necessary water resources and wastewater management infrastructure shall be in place prior to, or as a part of, the commencement of construction.</p>	<p>5.3.3.2 Other Chemical Contaminants of Concern</p> <p>Although overall development density and flow will increase, the proposed STP will provide superior treatment thereby improving overall effluent quality in accordance with a SPDES Discharge permit. Discharges will be periodically monitored, and the facility maintained to ensure continued quality and compliance with applicable requirements. As far as chemical use at the STP facility, Caustic soda (Sodium Hydroxide) which is used if needed in the treatment process may be stored onsite. The caustic soda feed pump and storage tank are contingency items and will be installed if the treatment plant effluent quality is degraded and reaches a maximum permissible nitrate concentration. SCDHS approval for construction of storage tanks must be obtained prior to installation of the system. Chlorine will not be used in the treatment process. Backup generators will be installed at each pump station and inside the STP building to keep the treatment processes fully functional during power outages. In the event that routine monitoring detects the presence of PFAS, PFOS, PCPs and pharmaceuticals, the proposed STP can be retrofitted with carbon or membrane filters, which will reduce/eliminate the contaminants of concern.</p>
S 5.3.3.3.1	Significant discharges and public supply well locations	<p>The location of nearby public supply wells shall be considered in all applications involving significant discharges to groundwater, as required under New York State Environmental Conservation Law Article 17.</p>	<p>5.3.3.3 Wellhead Protection</p> <p>SCWA does not own or operate any wellfields within a 1,500-foot radius of the ROD and proposed Sewer District. SCWA's Oak Avenue wellfield, which is its closest wellfield to the District, contains one active well, and this well is located roughly 1.6 miles (or about 8,500 feet) southeast. Groundwater flow beneath the proposed sewer district flows in a generally northerly direction which is in the opposite direction/away from the Oak Avenue wellfield. As such, there is no potential groundwater contributions to this well from the Riverside Sewer District as groundwater in Riverside flows away from the well toward the sewer district. Moreover, the proposed Sewer District is not within any of SCWA's public water supply wellfield capture zones. Furthermore, the closest Riverhead Municipal Water District wellfield is at the southwest corner of the intersection of Pulaski Road and Raynor Avenue, which is approximately 4,300 feet (0.81+ miles) from the ROD and proposed Sewer District on the opposite (north) side of the Peconic River and 1.3+ miles from the proposed STP site. The proposed Sewer District and proposed sewer facilities are in a location that is heavily regulated by several agencies and numerous environmental regulations. Connection of future development to an STP and compliance with the numerous regulations in place, except where variances or waivers are determined to be acceptable due to specific conditions and circumstances and adherence to the prior and supplemental Findings Statement mitigations that suitably safeguard public health and essential resources, will help to protect groundwater resources and public water supplies.</p>
G 5.3.3.1.3	Private well protection	<p>The Suffolk County Department of Health Services' guidelines for wells should be used for wellhead protection.</p>	<p>The Town has confirmed that there are no private wells adjacent to the proposed STP. Public water is available throughout the proposed sewer district. In the event that there are existing private wells located in close proximity to the proposed action, the Town will seek to connect the property owner to public water.</p>
S 5.3.3.4.1	Non-disturbance Buffers	<p>Development proposals for sites or containing freshwater or tidal wetlands or surface waters must be separated by a non-disturbance buffer area which shall be no less than that required by the New York State Tidal Wetlands, Freshwater Wetlands, or Wild, Scenic, Recreational Rivers Act or local ordinance. Distances shall be measured horizontally from the wetland edge as mapped by the New York State Department of Environmental Conservation, field delineation or local ordinance. Projects which require variances or exceptions from these state laws, local ordinances and associated regulations, shall meet all requirements imposed in a permit by the New York State Department of Environmental Conservation or a municipality in order to be deemed to have met the requirements of this standard.</p>	<p>5.3.3.4 Wetlands and Surface Waters</p> <p>The proposed STP is located outside of jurisdiction of any State regulated freshwater or tidal wetlands. A Town wetlands permit is being sought, in order to install sewer mains within the State Route 24 road right-of-way, as well as Pump House 2, which is located greater than 25 feet from wetland vegetation contained within a man-made recharge basin, pursuant to Section 325-9 (Standards for Issuing a Permit) of the Town Code.</p>

Standard (S)/Guideline (G)		Explanation and Document Page References	
S 5.3.3.4.2	Buffer Delineations, Covenants and Conservation Easements	Buffer areas shall be delineated on the site plan, and covenants and/or conservation easements, pursuant to the New York State Environmental Conservation Law and local ordinances, shall be imposed to protect these areas as deemed necessary.	Not applicable. As stated above, the proposed STP is located outside of NYSDEC permitting jurisdiction. While, construction of the STP treatment plant and the Phase I leaching field are located outside of the Town's wetland permitting jurisdiction, pursuant to the attached Letter of Non-Jurisdiction, dated January 2, 2024; a Town's Wetlands Permit shall be obtained for the installation of sewer mains, Pump House 2 and Phase II leaching pools.
S 5.3.3.4.3	Wild, Scenic, Recreational Rivers Act Compliance	Development shall conform to the provisions of the New York State Wild, Scenic, and Recreational Rivers Act, where applicable. Projects which require variances or exceptions under the New York State Wild, Scenic, Recreational Rivers (WSRR) Act shall meet all requirements imposed by the New York State of Environmental Conservation in order to be deemed to have met the requirements of this standard.	The proposed action will collect, convey and treat wastewater, from within the WSRR corridor, prior to discharging the treated effluent outside of the corridor. However, the project shall be designed to comply with the WSRR requirements.
G 5.3.3.4.4	Additional Nondisturbance Buffers	Stricter nondisturbance buffer areas may be established for a wetland as appropriate.	Not applicable. As stated above, the proposed STP is located outside of NYSDEC permitting jurisdiction. While, construction of the STP treatment plant and the Phase I leaching field are located outside of the Town's wetland permitting jurisdiction, pursuant to the attached Letter of Non-Jurisdiction, dated January 2, 2024; a Town's Wetlands Permit shall be obtained for the installation of sewer mains, Pump House 2 and Phase II leaching pools.
5.3.3.5 Stormwater Runoff			
S 5.3.3.5.1	Stormwater Recharge	Development projects must provide that all stormwater runoff originating from development on the property is recharged on-site unless surplus capacity exists in an off-site drainage system.	A Stormwater Pollution Prevention Plan (SWPPP) will be prepared, in accordance with MS4 requirements, to capture and recharge all stormwater on-site. Moreover, the Town also proposes to install new drainage structures in the re-aligned Enterprise Zone Drive road right-of-way, to ensure that there is sufficient road drainage.
S 5.3.3.5.2	Natural Recharge and Drainage	Natural recharge areas and/or drainage system designs that cause minimal disturbance of native vegetation should be employed, where practicable, in lieu of recharge basins or ponds that would require removal of significant areas of native vegetation.	The proposed action minimizes clearing the maximum extent practicable. The proposed 8.89 acres of clearing includes sufficient area to install on-site subsurface drainage structures, thus eliminating the need for the creation of recharge basins and/or drainage ponds. Upon completion of the project, the area atop the proposed leaching field will be re-vegetated with native grasses, such as Pennsylvania sedge, to improve soil stability, slow sheet runoff and uptake pollutant laden stormwater runoff. The restored area will also serve as habitat for wildlife. In addition to restoring re-vegetating the proposed leaching field with native grasses, the Town has preserved approximately 63 acres of land within the sewer district, immediately adjacent to the Peconic River.
G 5.3.3.5.3	Ponds	Ponds should only be created if they are to accommodate stormwater runoff, not solely for aesthetic purposes.	N/A. The proposed action will not include the construction of a pond. All stormwater runoff will be captured on-site through the use of on-site subsurface drainage structures.
G 5.3.3.5.4	Natural topography in lieu of recharge basins	The use of natural swales and depressions should be permitted and encouraged instead of excavated recharge basins, whenever feasible.	The proposed action does not include the excavation of recharge basins. The natural topography of the site is relatively flat
G 5.3.3.5.5	Soil Erosion and Stormwater Runoff During Construction	During construction, the standards and guidelines promulgated by the New York State Department of Environmental Conservation pursuant to state law, which are designed to prevent soil erosion and control stormwater runoff, should be adhered to.	A Stormwater Pollution Prevention Plan (SWPPP) will be prepared, in accordance with MS4 requirements, to prevent soil erosion and to capture and recharge all stormwater on-site.
5.3.3.6 Natural Vegetation and Plant Habitat			
S 5.3.3.6.1	Vegetation Clearance Standards	The clearance of natural vegetation shall be strictly limited. Site plans, surveys, and subdivision maps shall delineate the existing naturally vegetated areas and calculate the portions of the site that area already cleared due to previous activities. Areas of the site proposed to be cleared combined with previously cleared areas shall not exceed the percentages in Figure 5-1 (of the Plan). These percentages shall be taken over the total site and shall include, but not be limited to, roads, buildings sites and drainage structures. The clearance standard that would be applied to a project site if developed under the existing residential zoning category may be applied if the proposal involved multi-family units, attached housing, clustering, or modified lot designs. Site plans, surveys, and subdivision maps shall be delineated with a clearing limit line and calculations for clearing to demonstrate compliance with this standards. To the extent that a portion of the site includes Core property, & for the purpose of calculating the clearance limits, the site shall be construed to be the combined Core & CGA portions. However, the Core portion may not be cleared except in accordance with Section 5.2 of the Plan.	The proposed sewer district is encompasses areas both north and south of SR 24 (Flanders Road). Those portions of the Sewer District south of SR 24 are located in in the CPB CGA. No portions of the district are located in the CPB CPA. Much of the ROD and proposed Sewer District have been cleared and native vegetation patterns are highly fragmented. However, the six contiguous town lots and the soon to be acquired "Five-Towns Lot", where the STP and leaching areas are proposed, and a large privately owned lot to the west (known as SCTM#: 900-139-3-10.2), where a force main will be installed, are mostly in a naturally vegetated state consisting of pine barrens and some successional growth. Although clearing will be necessary to construct the STP facility and leaching area, some natural landscaping and restoration is possible using native pine barrens vegetation, including part of the abandoned section of Enterprise Zone Drive, as well as planting of native ground covers in areas on and around the leaching area. This privately owned lot (Lot 10.2) is a long and narrow 12.5-acre parcel that is located near the center of the ROD and proposed Sewer District on the west side of the proposed STP site and extends from SR 24 to Old Quogue Road. However, only part of this site would be cleared and physically developed, due to APOD and CPB clearing restrictions. Appendix J contains an analysis of the Sewer District from the previous GEIS addressing the Vegetation Clearance Limitation standard (S-5.3.3.6.1). This analysis identifies clearing limits for the overall Sewer District, and the amount of vegetation that may be cleared and still conform to clearing limits. Should clearing limits be exceeded, several options are provided to ensure compliance with the spirit and intent of the CLUP.

Standard (S)/Guideline (G)		Explanation and Document Page References	
S 5.3.3.6.2	Unfragmented Open Space	<p>Subdivision and site design shall support preservation of natural vegetation in large unbroken blocks that allow contiguous open spaces to be established when adjacent parcels are developed. Subdivision and site designs should also be configured in such a way so as to prioritize the preservation of existing pine barrens vegetation to the maximum extent practicable. For the purpose of this paragraph, native pine barren vegetation shall include pitch pines, and various species of oak trees, understory and ground cover plants such as blueberry, wintergreen, bearberry and bracken fern, grasses and sedges such as little bluestem, Pennsylvania sedge and Indian grass, as well as those ecological communities listed in Section 5.6 and 5.7 in Chapter 5, Volume 2 of the Plan. It is recognized that the preservation of non-native, but ecologically important habitats may be consistent with the intent and goal of the plan when such action results in the creation of large contiguous natural open space areas and or the protection of rare, threatened, or endangered species and their habitat.</p>	<p>The proposed Sewer District is mostly developed and most natural areas, that have not been preserved, are highly disturbed and fragmented, with the exception of one long narrow 12.5-acre wooded lot near the center of the Sewer District, located south of SR 24 and west of the proposed STP site. Only one of the four proposed pump stations (Pump Station 3) will require clearing and that will be minimal clearing. The proposed STP and leaching sites will require the clearing of a maximum 8.89 ± acres of vegetation, therefore exceeding the 50% maximum allowed by the subdivision, Central Pine Barrens CGA clearing restrictions, and Town Aquifer Protection Overlay District requirements. An additional 2.16 ± acres of successional shrublands and 0.06± acres of successional hardwood forest will also need to be cleared, for a total estimated clearing of 11.11± acres. It should be noted that thousands of acres of woodlands, ponds, streams, creeks and wetlands in the area have already been acquired by the Town, County, State and private land preservation groups and has been dedicated for open space preservation and protection of natural resources. The preservation of large, primarily contiguous tracts of open space has resulted in clustering or concentration of development and has left proportionally little land for supporting economic growth other than what is within the boundaries of the developed portion of the hamlet. The Enterprise Zone subdivision, where the STP and leaching field are proposed, will be for infrastructure only. Five large tracts of land within the proposed Sewer District have also been preserved and these areas are zoned RPL (Recreation and Parklands/RO-7) under the ROD. In order to memorialize the non-development status of these sites to sustain their status as protected lands. Two additional contiguous lots totaling 40.3 acres on the north side of Flanders Road and outside, but adjacent to, the northeast corner of the proposed Sewer District have also been acquired. This property is preferred site for the alternative Constructed Wetland. The Riverside Revitalization Sewage Treatment Plant and Collection System Value Engineering Report (see link below) discusses several alternatives to the proposed leaching field, inclusive of injection wells and constructed wetlands. See: https://www.southamptontownny.gov/DocumentCenter/View/25771/EFC-Value-Planning-Report-for-Riverside-STP?bidId=</p>
S 5.3.3.6.3	Fertilizer Dependent Vegetation Limit	<p>No more than 15% of an entire development project site shall be established in fertilizer-dependent vegetation including formalized turf areas. Generally, non-native species require fertilization; therefore, plantings of non-native species shall be limited to the maximum extent practicable. The use of non-native plants in Figure 5-2 (of the Plan) is specifically not recommended.</p>	<p>Clearing the proposed STP site, leaching area, pump station locations and areas where mains will be installed will be the minimum land area needed for these essential facilities to be constructed, installed, accessed, inspected and maintained. Future development will comply with this 15 percent fertilizer dependent vegetation restriction. Landscaping or site restoration can consist largely of, if not entirely of, native or well adapted non-invasive species that require very little if any fertilizer, pesticides, or irrigation. Some initial fertilization and irrigation may be necessary on 15 percent or less of sites to establish landscaping or restore areas to natural conditions, but once landscaping is established or native vegetation is reestablished, it is not expected that such plantings would require significant demand for these inputs. Best Management Practices (BMPs) should be instituted by the Town and other future landowners in the Sewer District in these instances to limit potential nitrogen loading. Use of slow-release fertilizers if they are necessary at all, use of the minimum amount needed and avoiding fertilizer applications before precipitation events is recommended. Planting of drought tolerant pine barrens species and/or use of mulch and/or loamy topsoil to supplement landscaped areas can help to improve soil water holding capacity, if necessary.</p>
S 5.3.3.6.4	Native Plantings	<p>Development designs shall consider the native planting suggestions contained in Figure 5-2 (of the Plan).</p>	<p>Landscaping or site restoration can consist largely of, if not entirely of, native or well adapted non-invasive species that require very little if any fertilizer, pesticides, or irrigation. Some initial fertilization and irrigation may be necessary on 15 percent or less of sites to establish landscaping or restore areas to natural conditions, but once landscaping is established or native vegetation is reestablished, it is not expected that such plantings would require significant demand for these inputs.</p>
S 5.3.3.7.1	Special Species and Ecological Communities	<p>Where a significant negative impact upon habitat essential to those species identified on the New York State maintained lists as rare, threatened, endangered or of special concern, or upon natural communities classified by the New York Natural Heritage Program as G1, G2, G3, or S1, S2 or S3, or any federally listed endangered or threatened species is proposed, appropriate mitigation measures as determined by the appropriate state, county or local government agency shall be taken to protect these species.</p>	<p>There is the potential for rare, threatened and endangered species to utilize existing natural areas within and surrounding the proposed Sewer District or at proposed infrastructure sites. However, none of the plant and animal species have been identified on the STP site but there is a potential for NLEBs at the proposed STP and leaching facility due to suitable NLEB foraging habitat, but no roosting opportunities exist here as the site was previously cleared. Therefore, clearing will be restricted at the STP/leaching facility between December 1 through February 28 when NLEBs are not expected to be present. The Town will also coordinate with NYSDEC prior to clearing.</p>
G 5.3.3.8.1	Clearing Envelopes	<p>Clearing envelopes should be placed upon lots within subdivisions so to maximize the placement of those envelopes on slopes less than ten percent (10%).</p>	<p>The land within the proposed Sewer District where sewer improvements are proposed is flat to gently sloping (<10% gradients) with the exception of a very small area at the southeast end of the Riverwoods/MacLeod Community which contains some moderately steep slopes. The STP site, leaching area, force main footprints, essential sewers, and pump station locations are all flat or gently sloping and do not pose any significant slope related issues or constraints and require little if any grading. Sewage collection system/ gravity mains will be installed primarily along public rights-of-way and adjacent areas that have been disturbed by past road and shoulder construction, water, gas and electric utility installations, and ROW maintenance. Minimal grading is expected. Land will be developed consistent with approved stormwater, erosion and sedimentation plans and soils will be stabilized during construction and installation of sewer infrastructure (e.g., silt fencing, seeding, dust control, etc., as applicable). If wetlands permits are required for future development under the TDS or for sewer infrastructure (e.g., installing a main within the adjacent area of a freshwater wetland), they will be secured from the applicable agency(ies) and all activities will comply with any and all conditions of those permits. Clearing, grading, and erosion and sedimentation control plans will be prepared by professional engineers as necessary and will be consistent with Town and State requirements, including the standards and specifications of any and all approved SPDES permits, SWPPPs, and erosion and sedimentation plans. All such plans will meet the satisfaction of the Town Engineer.</p>
G 5.3.3.8.2	Stabilization and Erosion Control	<p>Construction of homes, roadways and private driveways on slopes greater than ten percent (10%) may be approved if technical review shows that sufficient care has been taken in the design of stabilization measures, erosion control practices and structures so as to mitigate negative environmental impacts.</p>	<p>The land within the proposed Sewer District where sewer improvements are proposed is flat to gently sloping (<10% gradients) with the exception of a very small area at the southeast end of the Riverwoods/MacLeod Community which contains some moderately steep slopes. The STP site, leaching area, force main footprints, essential sewers, and pump station locations are all flat or gently sloping and do not pose any significant slope related issues or constraints and require little if any grading. Sewage collection system/ gravity mains will be installed primarily along public rights-of-way and adjacent areas that have been disturbed by past road and shoulder construction, water, gas and electric utility installations, and ROW maintenance. Minimal grading is expected. Land will be developed consistent with approved stormwater, erosion and sedimentation plans and soils will be stabilized during construction and installation of sewer infrastructure (e.g., silt fencing, seeding, dust control, etc., as applicable). If wetlands permits are required for future development under the TDS or for sewer infrastructure (e.g., installing a main within the adjacent area of a freshwater wetland), they will be secured from the applicable agency(ies) and all activities will comply with any and all conditions of those permits. Clearing, grading, and erosion and sedimentation control plans will be prepared by professional engineers as necessary and will be consistent with Town and State requirements, including the standards and specifications of any and all approved SPDES permits, SWPPPs, and erosion and sedimentation plans. All such plans will meet the satisfaction of the Town Engineer.</p>

Standard (S)/Guideline (G)		Explanation and Document Page References
G 5.3.3.8.3	Slope Analysis	The land within the proposed Sewer District where sewer improvements are proposed is flat to gently sloping (<10% gradients) with the exception of a very small area at the southeast end of the Riverwoods/Macleod Community which contains some moderately steep slopes. The STP site, leaching area, force main footprints, essential sewers, and pump station locations are all flat or gently sloping and do not pose any significant slope related issues or constraints and require little if any grading. Sewage collection system/ gravity mains will be installed primarily along public rights-of-way and adjacent areas that have been disturbed by past road and shoulder construction, water, gas and electric utility installations, and ROW maintenance. Minimal grading is expected. Land will be developed consistent with approved stormwater, erosion and sedimentation plans and soils will be stabilized during construction and installation of sewer infrastructure (e.g., silt fencing, seeding, dust control, etc., as applicable). If wetlands permits are required for future development under the TDS or for sewer infrastructure (e.g., installing a main within the adjacent area of a freshwater wetland), they will be secured from the applicable agency(ies) and all activities will comply with any and all conditions of those permits. Clearing, grading, and erosion and sedimentation control plans will be prepared by professional engineers as necessary and will be consistent with Town and State requirements, including the standards and specifications of any and all approved SPDES permits, SWPPPs, and erosion and sedimentation plans. All such plans will meet the satisfaction of the Town Engineer.
G 5.3.3.8.4	Erosion and Sediment Control Plans	N/A, the proposed project site does not contain slopes in excess of 15%. However, the Town will prepare and obtain approval of a Stormwater Pollution Prevention Plan (SWPPP), which will provide all needed erosion and sediment control mitigation.
G 5.3.3.8.5	Placement of roadways	N/A. The proposed action does not call for the creation of road ways or driveways that traverse slopes in excess of 10%.
G 5.3.3.8.6	Retaining Walls and Control Structures	N/A. The proposed action does not call for the creation of road ways or driveways that traverse slopes in excess of 10%.
5.3.3.9 Coordinated Design for Open Space Management		
S 5.3.3.9.1	Receiving entity for open space dedications	N/A. The proposed action does not call for the creation of dedicated open space. However, thousands of acres of woodlands, ponds, streams, creeks, and wetlands in the area have already been acquired by the Town, County, State, and private land preservation groups and been dedicated for open space preservation and protection of natural resources. Two additional contiguous lots totaling 40.3 acres on the north side of Flanders Road which is outside, but adjacent to, the northeast corner of the proposed Sewer District have also been acquired by the Town.
G 5.3.3.9.2	Clustering	The proposed STP and leaching areas will be clustered together, however, pump stations, force mains and gravity lines must be located in places where they are needed, and mains will be distributed throughout the areas to be sewered. Nevertheless, these facilities e.g., pump stations which have a small footprint will have very little clearing, and since pump station 3 is the only one that requires clearing (2,069± SF), it will have negligible impact. In addition, as previously indicated, one pump station (Pump Station 2) is proposed north of SR 24 (outside the Central Pine Barrens CGA) and requires no additional clearing. As previously noted, several large tracts within the ROD and Sewer District, totaling 57,614.5 acres have already been preserved and the prior zoning of these parcels to RO-7 Recreation and Parklands will essentially immortalize their protection. The David A. Sarnoff preserve which is adjacent and generally to the south of the proposed Sewer District, by itself, contains more N/A. The proposed action does not call for the creation of dedicated open space. However, thousands of acres of woodlands, ponds, streams, creeks, and wetlands in the area have already been acquired by the Town, County, State, and private land preservation groups and been dedicated for open space preservation and protection of natural resources. Two additional contiguous lots totaling 40.3 acres on the north side of Flanders Road and outside but adjacent to the northeast corner of the proposed Sewer District have also been acquired by the Town.
G 5.3.3.9.3	Protection of Dedicated Open Space	
5.3.3.10 Agriculture and Horticulture		
G 5.3.3.10.1	Best Management Practices	N/A. The proposed action calls for the creation of a municipal sewer district and construction of a municipal sewage treatment plant. The proposed sewer district does not contain any agriculturally or horticulturally developed properties.
5.3.3.11 Scenic, Historic and Cultural Resources		
G 5.3.3.11.1	Cultural Resource Consideration	There are thousands of acres of preserved passive parklands in the Riverside/ Flanders/ Northampton area where development is not permitted. These parklands contain many miles of trails. Much of the land along the River is also publicly owned open space and has the potential to provide additional trail and recreational opportunities. There are no designated scenic resources in the area, although the Peconic River is clearly an important visual and natural resource. Compact well-designed and visually appealing redevelopment incentivized by flexible zoning and sewerage will help eliminate blight and enhance aesthetic qualities. The proposed STP and leaching areas will be contained within the Enterprise Zone industrial subdivision and off of any major streets or vantage points, include a 25-foot-deep wooded buffer around the property's perimeter, and will be vegetated mostly with grass or other natural groundcover. Enhanced evergreen screening can also be provided in certain areas as needed to screen less attractive elements of the facility. Pumphouses are of limited scale and will be located along roadways away from key visual resources. Based on the available information, there are no State or National Register Listed landmarks or historic districts within the proposed Sewer District. Despite the absence of National- and State-Listed historic resources, there are four clustered buildings that are currently identified as "Eligible" for listing within the proposed Sewer District, and together, comprise what is referred to as a small "Eligible Building District." The structures are identified as 104, 106, 110 and 125 Flanders Road (SR 24) (three buildings on the north side of SR 24) described as the Goodwill AME Zion Church (1872-73) and two adjacent church related residences (ca. 1920), and Fellowship Hall (ca. 1890) which is located diagonally across the street from the church on the south side of SR 24 at 125 Flanders Road (Figure 7-1). The structures are described by OPRHP as "associated with events that have made a significant contribution to the broad patterns in our history." The closest proposed above ground sewer facility or structure will be Pump Station No. 2 which will be 915± east of the closest Eligible structure (Fellowship Hall) and have no direct impact on this or other Eligible structures in the Eligible Fellowship Hall/ Goodwill AME Zion Church Historic District. Sewer mains will be installed underground within all street rights-of-way within the proposed Sewer District including along the frontage of the Eligible buildings and district but will not significantly impact these resources. Finally, it is noted that numerous State and Federally designated historic landmarks, buildings and a historic district exist on the north side of the Peconic River in Downtown Riverhead. However, the preferred sewer plan does not propose any new sewer infrastructure that will be near or clearly visible from the Riverhead Historic District or that would detract from its historic character.

Standard (S)/Guideline (G)		Explanation and Document Page References	
G 5.3.3.11.2	Inclusion of Cultural Resources in Application	<p>Development proposals should note established recreation and educational trails and trail corridors; active recreation sites; scenic corridors, roads, vistas, and viewpoints located in Critical Resource Areas and undisturbed portions of the roadsides of the Long Island Expressway, Sunrise Highway, County Road 111, and William Floyd Parkway; sites on the State or Nation Register of Historic Places; and historic structures and landmarks recognized by municipal law or statute, or listed on the State or National Register of Historic Places, and sensitive archaeological areas identified by the New York State Historic Preservation Office of New York State Museum within a five hundred (500) foot radius of the outside perimeter of the project site, including any project parcels which area physically separate from the bulk of the project development area. A development proposal may be disapproved or altered if the local municipality determines that the development proposal, in its current form, may have significant negative impact on any of the above resources.</p>	<p>There are thousands of acres of preserved passive parklands in the Riverside/ Flanders/ Northampton area where development is not permitted. These parklands contain many miles of trails. Much of the land along the River is also publicly owned open space and has the potential to provide additional trail and recreational opportunities. There are no designated scenic resources in the area, although the Peconic River is clearly an important visual and natural resource. Compact well-designed and visually appealing redevelopment incentivized by flexible zoning and sewerage will help eliminate blight and enhance aesthetic qualities. The proposed STP and leaching areas will be contained within the Enterprise Zone industrial subdivision and off of any major streets or vantage points, include a 25-foot-deep wooded buffer around the property's perimeter, and will be vegetated mostly with grass or other natural groundcover. Enhanced evergreen screening can also be provided in certain areas as needed to screen less attractive elements of the facility. Pumphouses are of limited scale and will be located along roadways away from key visual resources. Based on the available information, there are no State or National Register Listed landmarks or historic districts within the proposed Sewer District. Despite the absence of National- and State-Listed historic resources, there are four clustered buildings that are currently identified as "Eligible" for listing within the proposed Sewer District, and together, comprise what is referred to as a small "Eligible Building District." The structures are identified as 104, 106, 110 and 125 Flanders Road (SR 24) (three buildings on the north side of SR 24) described as the Goodwill AME Zion Church (1872-73) and two adjacent church related residences (ca. 1920), and Fellowship Hall (ca. 1890) which is located diagonally across the street from the church on the south side of SR 24 at 125 Flanders Road (Figure 7-1). The structures are closest Eligible structure (Fellowship Hall) and have no direct impact on this or other Eligible structures in the Eligible Building District. Sewer mains will be installed underground within all street rights-of-way within the proposed Sewer District including along the frontage of the Eligible buildings and district but will not significantly impact these resources. Finally, it is noted that numerous State and Federally designated historic landmarks, buildings and a historic district exist on the north side of the Peconic River in Downtown Riverhead. However, the preferred sewer plan does not propose any new sewer infrastructure that will be near or clearly visible from the Riverhead Historic District or that would detract from its historic character.</p>
G 5.3.3.11.3	Protection of Scenic and Recreational Resources	<p>Protection measures for scenic and recreational resources should include, but not be limited to, retention of visually shielding natural buffers, reinstallation of degraded or removed natural visual buffers using native species, use of signs which are in keeping in both style and scale with community character, and similar measures.</p>	<p>The proposed STP and leaching areas will be contained within the Enterprise Zone industrial subdivision and off of any major streets or vantage points, include a 25-foot-deep wooded buffer around the property's perimeter, and will be vegetated mostly with grass or other natural groundcover. Enhanced evergreen screening can also be provided in certain areas as needed to screen less attractive elements of the facility. Pumphouses are of limited scale and will be located along roadways away from key visual resources. No signage is proposed. See link: https://www.southamptontownny.gov/DocumentCenter/View/30218/2023_11_7-STP-Plans-and-AIIs</p>
G 5.3.3.11.4	Roadside Design and Management	<p>Undisturbed portions of the roadside should be maintained in a manner that protects the scenic features of these areas. Clearing (including for aisles, driveways, access, and parking) is not precluded within these roadside areas, provided that appropriate buffers are maintained, and the manmade structures meet standards consistent with the character of the area.</p>	<p>The proposed STP and leaching areas will be contained within the Enterprise Zone industrial subdivision and off of any major streets or vantage points, include a 25-foot-deep wooded buffer around the property's perimeter, and will be vegetated mostly with grass or other natural groundcover. Enhanced evergreen screening can also be provided in certain areas as needed to screen less attractive elements of the facility. Pumphouses are of limited scale and will be located along roadways away from key visual resources. No signage is proposed.</p>
5.3.3.12 Commercial and industrial development			
S 5.3.3.12.1	Commercial and Industrial Compliance with Suffolk County Sanitary Code.	<p>All commercial and industrial development applications shall comply with the provisions of the Suffolk County Sanitary Code, as applied by the Suffolk County Department of Health Services, and all other applicable federal, state, or local laws. Projects which require variances from the provisions of Suffolk County Sanitary Code shall meet all requirements of the Department of Health Services Board of Review, in order to be deemed to have met the requirements of this standard.</p>	<p>The proposed action will comply with applicable requirements Suffolk County Sanitary Code Articles 6, 7 and 12.</p>



March 20, 2024

Denise Michalowski
Deputy Village Clerk
Village of Quogue
P.O. Box 926
Quogue, NY 11959-0926

**RE: Village Planning Board Referral: 8 Midhampton Avenue, Quogue
SCTM # 902-2-1-7.001
Central Pine Barrens Compatible Growth Area**

Dear Ms. Michalowski:

On February 21, 2024, the Central Pine Barrens Commission office received the subject referral. The project site is in the Central Pine Barrens Compatible Growth Area.

Existing Conditions and Project Description

The project site is located on the south side of Old Country Road, east of CR 104 on the east side of Midhampton Avenue, north of the LIRR train tracks, in the Village of Quogue, in the Central Pine Barrens Compatible Growth Area.

The site is 19.22 acres and is located in the L Industrial 2 Zoning District. Presently the site is used for manufacturing and processing according to the Southampton Town GIS database.

The Site Plan prepared by R&M Engineering dated September 25, 2023 illustrates the development layout. The proposal is the development of three buildings totaling 239,000 square feet (sf) for industrial and commercial use.

- Building A: Proposed Multi-Tenant Building: 524’x125’ or 65,500 sf
- Building B: Proposed Multi-Tenant Building: 480’x125’ or 60,000 sf
- Two-story self storage: 82,000 sf floor area with 31,300 sf basement, total 113,500 sf

Central Pine Barrens Status

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

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

...“no application for development within the Central Pine Barrens area shall be approved by any municipality or county or agency thereof or the commission, and no state approval, certificate, license, consent, permit, or financial assistance for the

Robert T. Calarco
Chairman

Timothy C. Hubbard
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

624 Old Riverhead Road
Westhampton Beach, NY
11978

Phone (631) 288-1079
Fax (631) 288-1367
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construction of any structure or the disturbance of any land within such area shall be granted, unless such approval or grant conforms to the provisions of such land use plan;” ...

Comments

Preliminary comments are made on the information referred to this office.

- Please have the applicant submit to the Village a demonstration that the project conforms with the standards outlined in Chapter 5 of the Plan and implemented in the Zoning Code.
- The application indicates no wetlands are present and no species of special concern are expected to be present or adversely impacted by the project. (Standards 5.3.3.4 and 5.3.3.7)
- Vegetation Clearance Limit Standard 5.3.3.6.1
 - At the Old Country Road site entrance there are several large pitch pine trees. Other trees including oaks appear in the rear of the office on Midhampton Avenue. Natural vegetation is also present on the corner of Midhampton Avenue and Old Country Road. The interior area of the project site is significantly cleared. The perimeter contains natural vegetation. Identify in the site plan existing trees and areas to remain natural. See trees in photographs taken February 26, 2024. Existing natural vegetation must remain in place. If tree cutting and clearing of natural vegetation is proposed, a hardship waiver may be required unless the project is revised to conform.
 - Protect existing trees and natural vegetation during and after construction to avoid a hardship waiver. The site plan indicates areas labeled “Limit of Natural Vegetation to be Restored.” Supplementing vegetation on the perimeter may occur but no cutting of existing trees or clearing of natural vegetation may occur without a hardship from the Commission.
 - Natural restoration area covers approximately 7.6 acres including the front yard setback and the east side of the site and a limited 22 foot wide buffer on Midhampton Avenue.
 - Protect trees and other existing natural areas prior to development.
 - Install a split rail fence on the inner and outer limits of natural areas. Protect the natural areas through the recording of covenants and restrictions or a conservation easement in the Village and the office of the county clerk.
- The project must conform with the maximum 15% fertilizer dependent vegetation limit.
- Native Plantings Standard 5.3.3.6.4
 - Install native plants in the restoration plan.
 - Submit a landscape plan to the village for review of conformance with this standard.
- Prior to development, the project must obtain other permits and approvals including a Stormwater Pollution Prevention Plan (SWPPP) and Suffolk County Department of Health Services.

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.

DRAFT

Sincerely,

Julie Hargrave
Policy and Planning Manager

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







Village of Quogue, N.Y.

P.O. Box 926
Quogue, New York 11959-0926

(631) 653-4498 Fax (631) 653-4776

ROBERT TREUHOLD
Mayor

AIMEE BUHL
Village Clerk

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

Ref: 8 Midhampton Avenue, Quogue NY 11959
SCTM# 0902-002-01.00-007.01

February 20, 2024

The Quogue Village Planning Board has received the attached Application for Site Plan Review from 8 Midhampton Owners, LLC regarding 8 Midhampton Avenue. The next Planning Board meeting is March 15, 2024. The Board would appreciate if your agency could provide any input or comments before that time.

Very truly yours,

Denise Michalowski
Deputy Village Clerk

SITE DATA

LOT AREA:	837,083.93 SF (19.22 AC)
SCTM:	DIST. 0902 SEC. 02 BLK. 01 LOT 007.1
EXISTING ZONE:	L2 (LIGHT INDUSTRIAL 2)
PROPOSED USE:	INDUSTRIAL
EXISTING BLDG. SF:	WAREHOUSE/MINI STORAGE FACILITY
PROPOSED BLDG. SF:	166,600.00 SF
SCHOOL DISTRICT:	GOOGLE SCHOOL DISTRICT
FIRE DISTRICT:	GOOGLE VILLAGE FIRE DEPARTMENT
WATER DISTRICT:	SUFFOLK COUNTY WATER AUTHORITY
DATUM:	NAVD83
SITE ADDRESS:	8 MIDHAMPTON AVENUE, GOOGLE, NY 11959

LOT COVERAGE

EXISTING	0.00 %
NATURAL VEGETATION AREA	30,050.14 SF = 3.9 %
BUILDING AREA	765,203.67 SF = 91.4 %
LANDSCAPED AREA	837,083.93 SF = 100.00 %
PROPOSED	
NATURAL VEGETATION AREA	334,498.04 SF = 39.9 %
BUILDING AREA	166,600.00 SF = 19.9 %
LANDSCAPED AREA	48,448.86 SF = 5.8 %
TOTAL	837,083.93 SF = 100.00 %

ZONING COMPLIANCE TABLE:

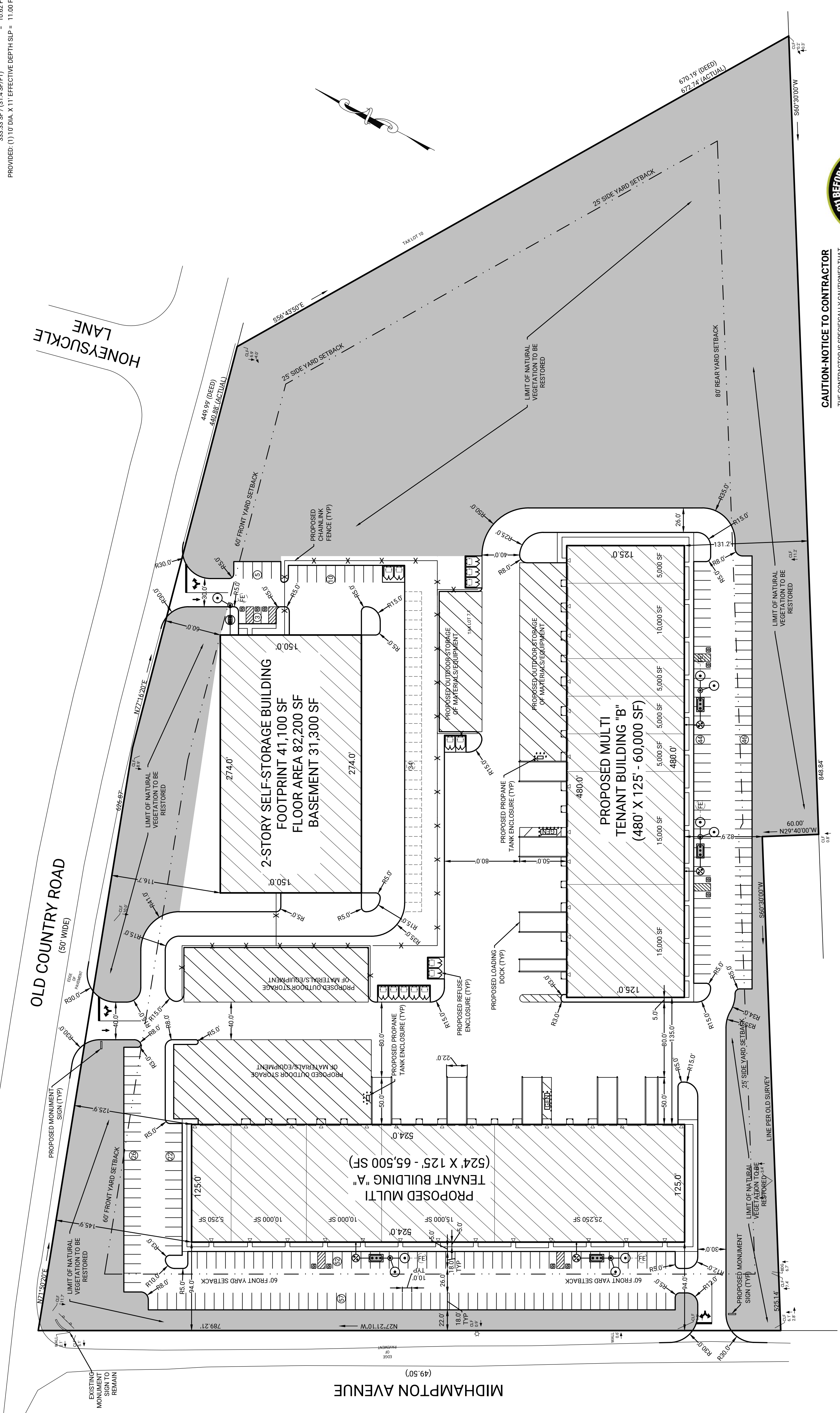
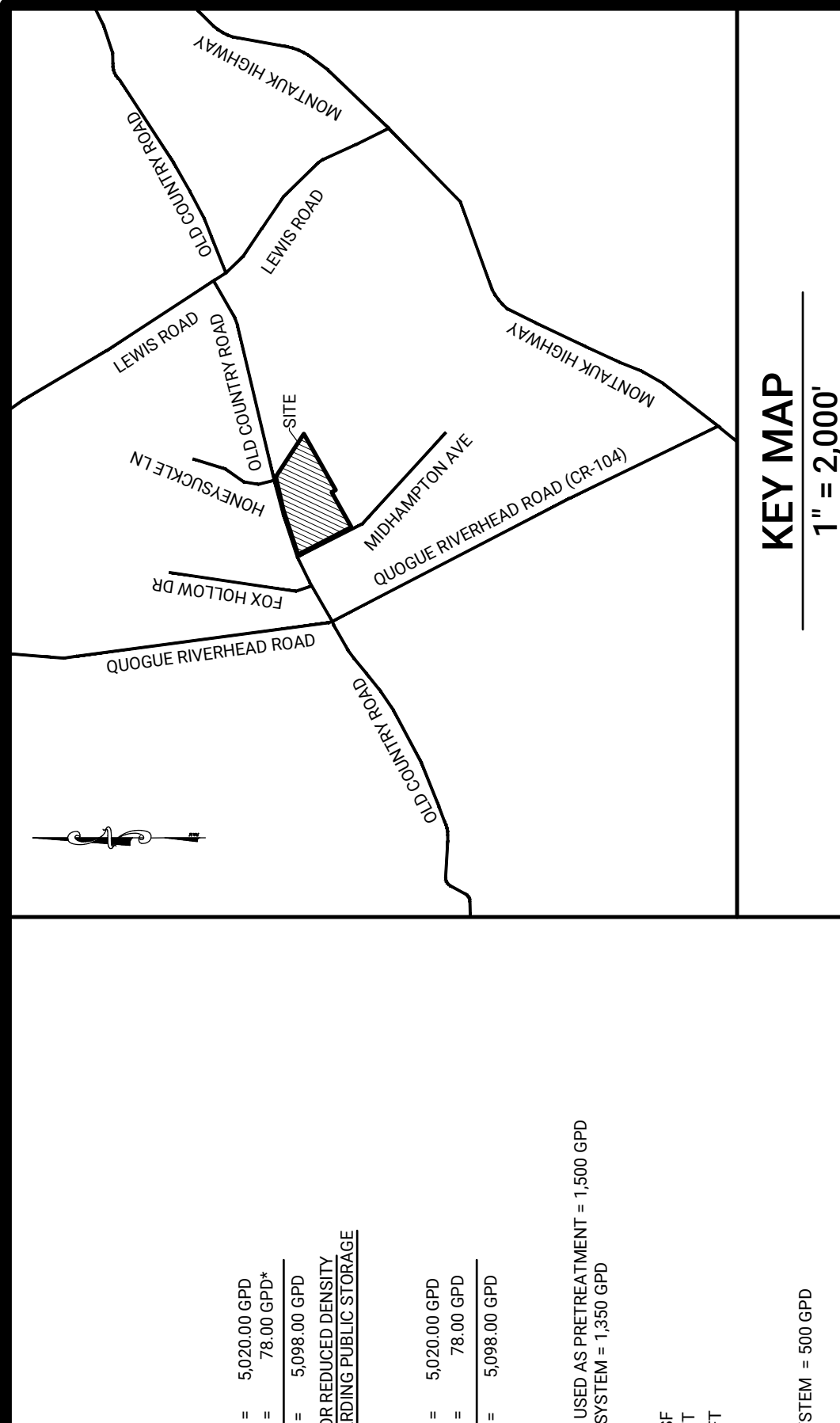
SECTION	USE	MINIMUM VEGETATIVE CLEARANCE	MINIMUM LOT AREA	MINIMUM LOT COVERAGE	MINIMUM LOT WIDTH	MINIMUM STREET FRONTAGE	WATER FRONTAGE	MAXIMUM HEIGHT	MINIMUM FRONT YARD SETBACK	MINIMUM SIDE YARD SETBACK	MINIMUM REAR YARD SETBACK (CORNER)	MINIMUM REAR YARD SETBACK
\$196-15(A)	WAREHOUSE	65%	40,000 SF (0.91 ACRES)	20%	150 FEET	789.21 FEET	N/A	32 FEET	60 FEET	89.2 FEET	60 FEET	82.9 FEET
\$196-15(B)	WAREHOUSE	60.52%	837,083.93 (19.22 ACRES)	19.90%	789.21 FEET	789.21 FEET	N/A	32 FEET	60 FEET	89.2 FEET	60 FEET	82.9 FEET
\$196-15 (I)	WAREHOUSE	60.52%	837,083.93 (19.22 ACRES)	19.90%	789.21 FEET	789.21 FEET	N/A	32 FEET	60 FEET	89.2 FEET	60 FEET	82.9 FEET
\$196-15 (I)	WAREHOUSE	60.52%	837,083.93 (19.22 ACRES)	19.90%	789.21 FEET	789.21 FEET	N/A	32 FEET	60 FEET	89.2 FEET	60 FEET	82.9 FEET
\$196-15 (I)	WAREHOUSE	60.52%	837,083.93 (19.22 ACRES)	19.90%	789.21 FEET	789.21 FEET	N/A	32 FEET	60 FEET	89.2 FEET	60 FEET	82.9 FEET
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PARKING CALCULATIONS

REQUIRED:	PAVED PARKING AREA EQUAL TO TOTAL GROUND COVERAGE OF USE (MIN 2 SPACES PER 3 EMPLOYEES)
PROVIDED:	166,600.00 SF (BUILDING) 47,298.55 SF (OUTDOOR STORAGE) 213,898.55 SF (TOTAL)
TOTAL GROUND COVERAGE OF USE:	243,805.64 SF (255 STALLS INCLUDING 11 ACCESSIBLE) 6,125.88 SF (84 LANDBANKED STALLS)
PAVED PARKING AREA:	213,898.55 SF
LANDBANKED PARKING AREA:	6,125.88 SF

SANITARY FLOW RATE CALCULATIONS

ALLOWABLE SANITARY FLOW:	GROUNDWATER MANAGEMENT ZONE III = 300 GPD/AC
TOTAL LOT AREA:	837,083.93 SF (19.22 ACRES)
300 GPD/AC x 19.22 AC:	= 5,766.00 GPD MAX
DENSITY FLOW:	125,500.00 SF x 0.04 GPD/SF = 5,020.00 GPD
WAREHOUSE:	1,300.00 SF x 0.06 GPD/SF = 78.00 GPD
MINI STORAGE FACILITY:	1,300.00 SF x 0.06 GPD/SF = 78.00 GPD
TOTAL:	5,098.00 GPD
RESTRICTIVE COVENANTS TO BE RECORDED ON PARCEL FOR REDUCED DENSITY AND DESIGN FLOW FORBID TO EXCEED STANDARDS REGARDING PUBLIC STORAGE:	
DESIGN FLOW:	125,500.00 SF x 0.04 GPD/SF = 5,020.00 GPD
WAREHOUSE:	1,300.00 SF x 0.06 GPD/SF = 78.00 GPD
MINI STORAGE FACILITY:	1,300.00 SF x 0.06 GPD/SF = 78.00 GPD
TOTAL:	5,098.00 GPD
OUTFALL SANITARY (AOWTS) DESIGN FLOW (TYP. OF A):	REQUIRED: 1,255.00 GPD (1.5 GPD/SF/DAY) = 886.67 SF
PROVIDED: 1,255.00 GPD (1.5 GPD/SF/DAY) = 886.67 SF	
OUTFALL SANITARY (AOWTS) DESIGN FLOW (TYP. OF B):	REQUIRED: 810.00 GPD (1.0 GPD/SF/DAY) = 533.33 SF (83.4 SF/FT)
PROVIDED: 810.00 GPD (1.0 GPD/SF/DAY) = 533.33 SF (83.4 SF/FT)	
OUTFALL SANITARY (AOWTS) DESIGN FLOW (TYP. OF C):	REQUIRED: 1,000.00 GPD (1.0 GPD/SF/DAY) = 666.67 SF
PROVIDED: 1,000.00 GPD (1.0 GPD/SF/DAY) = 666.67 SF	
OUTFALL SANITARY (AOWTS) DESIGN FLOW (TYP. OF D):	REQUIRED: 1,255.00 GPD (1.5 GPD/SF/DAY) = 886.67 SF
PROVIDED: 1,255.00 GPD (1.5 GPD/SF/DAY) = 886.67 SF	
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CAUTION-NOTICE TO CONTRACTOR
 THE CONTRACTOR IS SPECIFICALLY ADVISED THAT THE LOCATION AND DEPTHS OF ALL UTILITIES SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND FIELD SURVEY. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANIES AT LEAST 48 HOURS BEFORE COMMENCING ANY WORK. THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS IS SHOWN ON THE PLANS.

APPROVAL STAMP

No.	REVISION DESCRIPTION	DATE	BY

CONCEPTUAL PLAN
8 MIDHAMPTON AVENUE
 SITUATED IN THE
VILLAGE OF QUOGUE
 TOWN OF SOUTHAMPTON, SUFFOLK COUNTY, NEW YORK
 SCTM: DISTRICT 0902, SECTION 02, BLOCK 01, LOT 7.1

R&M ENGINEERING
 Robinson & Muller Engineers, P.C.
 Huntington, NY 11743
 Office: (631) 271-6576
 Fax: (631) 271-6592
 www.rmandm.com

Christopher W. Robinson, P.E.
 NY State License No. 067219

DWN. BY: SB
 DATE: 09-25-2023

SCALE: SD
 JOB No.: 2023-128
 SHEET: **CP-1**

Name: STEPHEN MINTI JR Title: PRINCIPAL

Address: 1688 IRVING AVE PORT CHESTER NY 10573
Street City State Zip Code

Signature: [Signature] Date: 10.3.23

INSTRUCTIONS: (All Site Reviews require the following)

- a. One (1) survey to scale identifying setbacks, location of septic system, parking, entrance, percentage of lot coverage (should not exceed 17.5%).
- b. If applicable, a copy of covenants or deed restrictions intended to cover all or part of the tract.
- c. A letter directed to the Planning Board from the Suffolk County Department of Health Services relative to the septic system meeting all appropriate standards (not necessary for change of tenant).
- d. Owner or authorized representative must attend the Planning Board meeting or meetings at time of review.

(Do Not Write Below This Line)

Date Filed: _____
(Accepted By)

Remarks: _____

Date of Public Hearing: _____

Decision: _____
(Granted/Denied) (Date)

Signature: _____
CHAIRMAN OF THE PLANNING BOARD
OF THE VILLAGE OF QUOGUE, NEW YORK

Site Plan Application Addendum - 8 Midhampton Owner LLC

The subject property is located at 8 Midhampton Avenue and identified on the Suffolk County Tax Map as 902-2-1-7.1. This application seeks to revitalize the 19.08-acre parcel by removing the existing, dilapidated structures and outdoor storage spread throughout the site and construct three modern buildings. Two multi-tenant industrial buildings ranging 60,000 – 65,000 square feet each will be located along the western and southern portions of the parcel. Tenants for these buildings have not been identified but are expected to be local businesses in need of modern shallow bay warehouse and outdoor storage. A two-story self-storage facility is proposed along the northern portion of the parcel.

A major focus of this redevelopment will be the revegetation of the previously cleared portions of the site. Currently, the entire site has been cleared of any natural vegetation. The proposed plan seeks to remedy this. Over 35% of the entire site will be landscaped and planted with native species to comply with all applicable Village and Pine Barrens Commission standards. The proposed site plan will comply with all zoning regulation and dramatically improve the appearance of this blighted site.



Christopher W. Robinson, PE President
Wayne A. Muller, PE Vice President

Matthew P. Scheiner, PE Partner
Matthew K. Aylward, PE Partner
Gino Tedesco, Associate

December 27, 2023

Village of Quogue
Department of Building and Code Enforcement
121 Jessup Avenue
Quogue, NY 11959

RE: 8 Midhampton Avenue
SCTM: 0902-00200-0100-007014
R&M No. 2023-128

To Whom it May Concern:

R&M Engineering is writing this letter representing the owner, 8 Midhampton Owner, LLC, in submitting a Site Plan application package to the Village of Quogue. The application known as 8 Midhampton Avenue lies within the Compatible Growth Area which falls under the requirements of Chapter 5, Section 5.3 of the Central Pine Barrens Joint Planning & Policy Commission (CPBJPPC) standards. The following outlines the project's compliance with the specific sections as outlined in Section 5.3:

Section 5.3.1 Applicability

The standards of the CPBJPPC have been incorporated into the proposed design including the maintenance of large undisturbed sections of natural areas by focusing the development away from the existing natural area, preserving & expanding the existing natural vegetation, and providing native plantings across the site. In addition, all wastewater from the development will be treated by Suffolk County Department of Health Services (SCDHS) approved Innovative and Alternative On-Site Wastewater Treatment Systems (I/A OWTS) located adjacent to each structure. The use of an I/A OWTS ensures that all wastewater generated by the development will be treated on-site, reducing the nitrogen discharge to under 19 ppm.

Section 5.3.2 State Quality Review Act (SEQRA)

A Long Environmental Assessment Form (LEAF) has been prepared and submitted to the Village of Quogue as part of the initial site plan application and will be subject to SEQRA review as part of the Village Board Approval.

Section 5.3.3 Intent and Compatible Growth Area Standards

It is believed the development meets the intent and compatible Growth Area Standards.

Section 5.3.3.1 Nitrate-nitrogen (Article 6)

The development meets the Standards and guidelines under The Nitrate-Nitrogen Section. As noted above, all wastewater from the development will be treated by a SCDHS approved I/A OWTS, the use of which ensures that all wastewater generated by the development will be treated on-site, reducing the nitrogen discharge to under 19 ppm.

Section 5.3.3.2 Other Chemical contaminants of concern

In accordance with Article 7, all wastewater from the development will be treated by a SCDHS approved I/A OWTS, the use of which ensures that all wastewater generated by the development will be treated on-site, reducing the nitrogen discharge to under 19 ppm. The development does not involve any storage or use of chemicals or hazardous materials at this time; therefore Article 12 does not apply.

Section 5.3.3.3 Wellhead Protection

There are no known wellheads on the property or within 200 feet of the site.

Section 5.3.3.4 Wetlands and surface Waters

There are no wetlands on the subject or adjacent properties. The nearest wetlands are Phillips Creek located approximately 2,012' southeast of the subject property.

The preliminary Grading & Drainage plans were developed incorporating the guidelines under Section 5.3.3.5. and the Village of Quogue standards. All runoff from roofs, impervious areas, landscape areas, natural & re-vegetated areas is captured and transferred into subsurface drywells. These drywells overflow to landscaped rain gardens provided in the natural areas of the property.

Section 5.3.3.6 Natural Vegetation and Plant habitat

The site had previously been cleared entirely. As part of this development any existing remaining natural vegetation habitat will be retained and bolstered with native planting as outlined in Section 5.3.3.6.4.

Section 5.3.3.6.1 - Vegetation Clearance limits

The site had previously been entirely cleared. As part of this development the natural vegetative clearing area will be reestablished, limiting the amount of site that is developed with buildings, impervious area, and fertilizer dependent vegetation to 60.24% of the parcel, whereas this section permits a maximum clearing of up to 65% of the parcel.

Section 5.3.3.6.2 - Unfragmented Open Space

The East side of the site will be preserved and bolstered with additional native planting as outlined in Section 5.3.3.6.4.

Section 5.3.3.6.3 - Fertilizer dependent vegetation.

Fertilizer dependent vegetation is limited to 15% of the site area. The Site Plan limits the fertilizer dependent areas to 5.63%, in compliance with the standards.

Section 5.3.3.6.4 - Native Plantings

During the site plan application phase, a detailed landscape plan will be submitted which will include native plants in accordance with Figure 5-2: Planting recommendations.

Section 5.3.3.7 Species and Communities of Special Concern

According to the New York State Environmental Resource Mapper the site is not within an area identified with animals or plants listed as endangered, threatened, or rare.

As noted above, the design of the proposed development preserves a large area of natural previously cleared open space and is being developed entirely within existing cleared areas thereby reducing any potential impact to the existing habitat that could support special species or ecological communities and bolstering it by revegetating the area utilizing native planting as outlined in Section 5.3.3.6.4.

Section 5.3.3.8 Soils

There are no steep slopes on the subject site. The majority of the site consists of 0-3% slopes, and identified as developed urban land. The remainder of the site contain 5-15% slopes located entirely within the natural revegetation area and consists of Carver and Plymouth soils. Proposed development areas do not contain slopes that exceed 10%.

Section 5.3.3.9 Coordinated Design for Open Space Management

In accordance with Section 5.3.3.9.2 open space has been considered in the design by providing large contiguous open natural areas bolstered with proposed native vegetation.

Should you need any further clarification please feel free to contact our office.

Sincerely,
R&M Engineering



Christopher W. Robinson, PE
President

CWR/SD



March 20, 2024

Denise Michalowski
Deputy Village Clerk
Village of Quogue
P.O. Box 926
Quogue, NY 11959-0926

**RE: Village Planning Board Referral: 8 Industrial Drive
SCTM # 902-1-1-21.007
Central Pine Barrens Compatible Growth Area**

Dear Ms. Michalowski:

On February 21, 2024, the Central Pine Barrens Commission office received the subject referral. The project site is in the Central Pine Barrens Compatible Growth Area.

Existing Conditions and Project Description

The project site is located at the sound end of Industrial Drive, north of the LIRR train tracks and south of Old Country Road, in the Village of Quogue, in the Central Pine Barrens Compatible Growth Area.

The site is 1.58 acres and located at 8 Industrial Drive in the L Industrial 2 Zoning District. It is presently a large open lot enclosed with a chain link fence.

The Site Plan is prepared by DiLandro Andrews Engineering dated September 21, 2023. The proposal is the development of a two-story indoor sports facility with parking for 48 vehicles, an innovative alternative on site wastewater treatment system and stormwater drainage. The facility will contain 15,000 square feet of indoor turf field, two bathrooms, a meeting room, office and closet. An area of 27,872.51 sf or 0.64 acre on the south side will be revegetated. A 50 foot wide scenic easement buffer is provided on County Road 104 (Quogue Riverhead Road).

Applications will be made to the Village Zoning Board of Appeals and Building Department.

Central Pine Barrens Status

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

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

...“no application for development within the Central Pine Barrens area shall be approved by any municipality or county or agency thereof or the commission, and no state approval, certificate, license, consent, permit, or financial assistance for the construction of any structure or the disturbance of any land within such area shall be

Robert T. Calarco
Chairman

Timothy C. Hubbard
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

624 Old Riverhead Road
Westhampton Beach, NY
11978

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

granted, unless such approval or grant conforms to the provisions of such land use plan;”...

Comments

Preliminary comments are made on the information referred to this office.

- Prior to approval and site disturbance, please confirm the applicant has demonstrated that the project conforms with the standards outlined in Chapter 5 of the Plan and implemented in the Zoning Code.
- Vegetation Clearance Limit Standard 5.3.3.6.1. The project site is entirely cleared except for the natural buffer area on the roadside of CR 104. The natural buffer will remain in its present condition in the project.
- Scenic easement buffer
 - The natural scenic buffer appears to encompass an area approximately 35 feet by 193 feet or 6,700 square feet. It should be staked to remain natural during and after construction.
 - A split rail fence or other marker should be installed to avoid encroachments.
 - Protect the natural buffer area and area to be revegetated in a Declaration of Covenants and Restrictions or a conservation easement that is recorded prior to development.
- The project must conform with the maximum 15% fertilizer dependent vegetation limit.
- The Site Plan illustrates requirements to prepare and obtain approval of a Stormwater Pollution Prevention Plan (SWPPP).

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

Sincerely,

Julie Hargrave
Policy and Planning Manager

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



Village of Quogue, N.Y.

P.O. Box 926
Quogue, New York 11959-0926

(631) 653-4498 Fax (631) 653-4776

ROBERT TREUHOLD
Mayor

AIMEE BUHL
Village Clerk

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

Ref: Celi – Indoor Sports Court Plan Project
8 Industrial Drive, Quogue NY 11959
SCTM# 0902-001-01.00-021.007

February 21, 2024

The Quogue Village Planning Board has received the attached Application for Site Plan Review from David A. Celi – Indoor Sports Court at 8 Industrial Drive, Quogue NY 11959. I have also attached the Site Plan and the Short Environmental Assessment Form. The next Village Planning Board meeting is March 15, 2024. The Planning Board would appreciate if your agency could provide any input or comments regarding this property before that time.

Thank You,

Denise Michalowski
Deputy Village Clerk

8. The Undersigned Hereby Requests Approval by the Planning Board of the Above Identified Action as Described. (Note: If applicant is other than owner, state relationship)

Name: DAVID CELI Title: REPRESENTATIVE

Address: 255 RIVHERHEAD RD, WESTHAMPTON BEACH, NY 11978
Street City State Zip Code

Signature:  Date: 10/7/23

INSTRUCTIONS: (All Site Reviews require the following)

- a. One (1) survey to scale identifying setbacks, location of septic system, parking, entrance, percentage of lot coverage (should not exceed 17.5%).
- b. If applicable, a copy of covenants or deed restrictions intended to cover all or part of the tract.
- c. A letter directed to the Planning Board from the Suffolk County Department of Health Services relative to the septic system meeting all appropriate standards (not necessary for change of tenant).
- d. Owner or authorized representative must attend the Planning Board meeting or meetings at time of review.

(Do Not Write Below This Line)

Date Filed: _____
(Accepted By)

Remarks: _____

Date of Public Hearing: _____

Decision: _____
(Granted/Denied) (Date)

Signature: _____
CHAIRMAN OF THE PLANNING BOARD
OF THE VILLAGE OF QUOGUE, NEW YORK



September 21, 2023
158 County Rd 39 Suite 10
Southampton NY, 11968
(631) 259-3959
info@dilandroandrews.com

Inc. Village of Quogue
Planning Board
121 Jessup Ave
Quogue, New York 11959

RE: Parking Review
8 Industrial Drive
Inc. Village of Quogue, 11959
Suffolk County, New York
Tax Map No.: 902-1-1-21.7

To The Incorporated Village of Quogue Planning Board,

Dilandro Andrews Engineering (DAE) has developed the site plan for the proposed work at 8 Industrial Drive in Quogue, S.C.T.M #902-1-1-21.7. The proposed development includes the construction of a two-story indoor sports facility, accompanying parking lot, I/A OWTS sanitary system, and stormwater drainage system. The facility will contain one 15,000ft² indoor turf field, two bathrooms, one meeting room, one office, and a closet. This letter has been written in reference to the off-street parking requirements for the Inc. Village of Quogue in the Light Industry-2 district.

The industrial parking classification, based on the Village of Quogue off-street parking requirements (§196-30), best fits the anticipated number of patrons and employees utilizing the building. Data has been analyzed from the Institute of Transportation Engineering Parking Generation Manual 5th Edition to support our claim. Anecdotal evidence from the property developer, experienced with indoor sports facilities, has also been provided. As drawn in the site plan by DAE, the proposed lot will have 20,717.52ft² of proposed parking area (48 proposed spaces). The industrial parking code is satisfied as the parking area exceeds the total ground coverage of the proposed building (18,060ft²). The proposed project is in an industrial park, with predominantly trade business such as HVAC, carpentry, storage, etc. A future change of use of this space will satisfy the industrial use parking regulations.

The Institute of Transportation Engineering (ITE) provides a Parking Generation Manual including a complete set of searchable files including land use descriptions and data plots for all available combinations of land uses, time periods, independent variables, and settings. The information is based on parking generation studies submitted voluntarily to ITE by public agencies, developers, consulting firms, and associations. Land Use 495, Recreational Community Center, has been used as a comparison use case. As defined in the Parking Manual, "a recreational community center is a stand-alone public facility similar to and including YMCAs. These facilities often include classes and clubs for adults and children; a day care or nursery school; meeting rooms and other social facilities, sauna, tennis, racquetball, handball, basketball, and volleyball courts; outdoor athletic fields/courts; exercise classes; weightlifting and gymnastics equipment; locker rooms; and a restaurant or snack bar." It is to be noted the proposed building will host significantly less events and offer less services as described above. The proposed building will see less traffic demand than the example studies.

Seven (7) study sites were used to determine the average parking supply in a general urban/suburban setting during peak parking demand. The study yielded an average of 2.7 parking spaces per 1,000ft² gross floor area. The average parking spaces required per 1,000ft² GFA of the proposed building

RECEIVED

OCT 10 2023



September 21, 2023
 158 County Rd 39 Suite 10
 Southampton NY, 11968
 (631) 259-3959
 info@dilandroandrews.com

following the industrial parking requirements is 2.65. Results from this study have been included in the appendix section of this letter.

The property owner and developer, David Celi, has experience working with other indoor sports court facilities and has done independent research into the parking spaces provided at other locations within Suffolk County. Four (4) examples have been provided in the table below. Additional information and photos are included in the appendix section of this letter.

Indoor Sports Facility	Location	Gross Floor Area (GFA)	Parking Spaces	Parking Spaces per 1000ft ² GFA
Progame Athletics	Bay Shore, NY	±15,388ft ²	51*	3.31
Sports Arena	St. James, NY	±50,552ft ²	156	3.08
Sports 360	Copiague, NY	±17,608ft ²	34	1.93
KK Athletics	Brentwood, NY	±33,377ft ²	62	1.85
<i>Average</i>				<i>2.54</i>
Proposed Building	Quogue, NY	±18,060ft²	48	2.65

*Indicates a shared parking lot

The above table demonstrates the industrial use parking code yields results more consistent to what has been observed in practice.

David Celi has also created a written agreement with Arenz Heating and Air Conditioning, located at the site just North of the subject property (S.C.T.M. #902-1-1-21.6), allowing for potential overflow parking from the indoor sports facility into the underutilized parking lot. Peak hours for the Recreational Community Center are outside of business hours for the HVAC business. The signed agreement has been included in the appendix portion of this letter.

DAE has analyzed multiple sources of information to analyze the demand that the parking lot will see. Institutional research, local evidence, and contractual agreements between lot owners shall justify the proposed 48 parking spaces to serve the indoor sports facility.

Please contact DiLandro Andrews Engineering if additional information is needed or you have any questions.

Very truly yours,

Paul DiLandro, P.E.
 Dilandro Andrews Engineering, PL

Appendix

Institute of Transportation Engineering : Parking Generation Data

Land Use: 495 Recreational Community Center

Description

A recreational community center is a stand-alone public facility similar to and including YMCAs. These facilities often include classes and clubs for adults and children; a day care or nursery school; meeting rooms and other social facilities; swimming pools and whirlpools; saunas; tennis, racquetball, handball, basketball and volleyball courts; outdoor athletic fields/courts; exercise classes; weightlifting and gymnastics equipment; locker rooms; and a restaurant or snack bar. Public access is typically allowed and a membership fee may be charged. Racquet/tennis club (Land Use 491), health/fitness club (Land Use 492), and athletic club (Land Use 493) are related land uses.

Time of Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a weekday (three study sites), a Saturday (one study site), and a Sunday (one study site) in a general urban/suburban setting.

Hour Beginning	Percent of Peak Parking Demand		
	Weekday	Saturday	Sunday
12:00–4:00 a.m.	–	–	–
5:00 a.m.	–	–	–
6:00 a.m.	–	–	–
7:00 a.m.	58	50	–
8:00 a.m.	72	75	–
9:00 a.m.	95	100	–
10:00 a.m.	94	89	–
11:00 a.m.	95	80	11
12:00 p.m.	83	68	43
1:00 p.m.	65	60	69
2:00 p.m.	56	60	84
3:00 p.m.	64	53	100
4:00 p.m.	75	52	75
5:00 p.m.	84	49	–
6:00 p.m.	100	50	–
7:00 p.m.	99	50	–
8:00 p.m.	–	–	–
9:00 p.m.	–	–	–
10:00 p.m.	–	–	–
11:00 p.m.	–	–	–



September 21, 2023
158 County Rd 39 Suite 10
Southampton NY, 11968
(631) 259-3959
info@dilandroandrews.com

Additional Data

The average parking supply ratio for seven study sites in a general urban/suburban setting is 2.7 spaces per 1,000 square feet GFA. For one site in a dense multi-use urban setting, the parking supply ratio is 1.2 spaces per 1,000 square feet GFA.

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Colorado, Minnesota, New Jersey, New York, Oregon, Pennsylvania, and Utah.

Source Numbers

138, 276, 431, 514, 516, 530, 555

Recreational Community Center (495)

(Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Weekday (Monday - Friday)

Setting/Location: General Urban/Suburban

Peak Period of Parking Demand: 9:00 a.m. - 12:00 p.m.; 5:00 - 8:00 p.m.

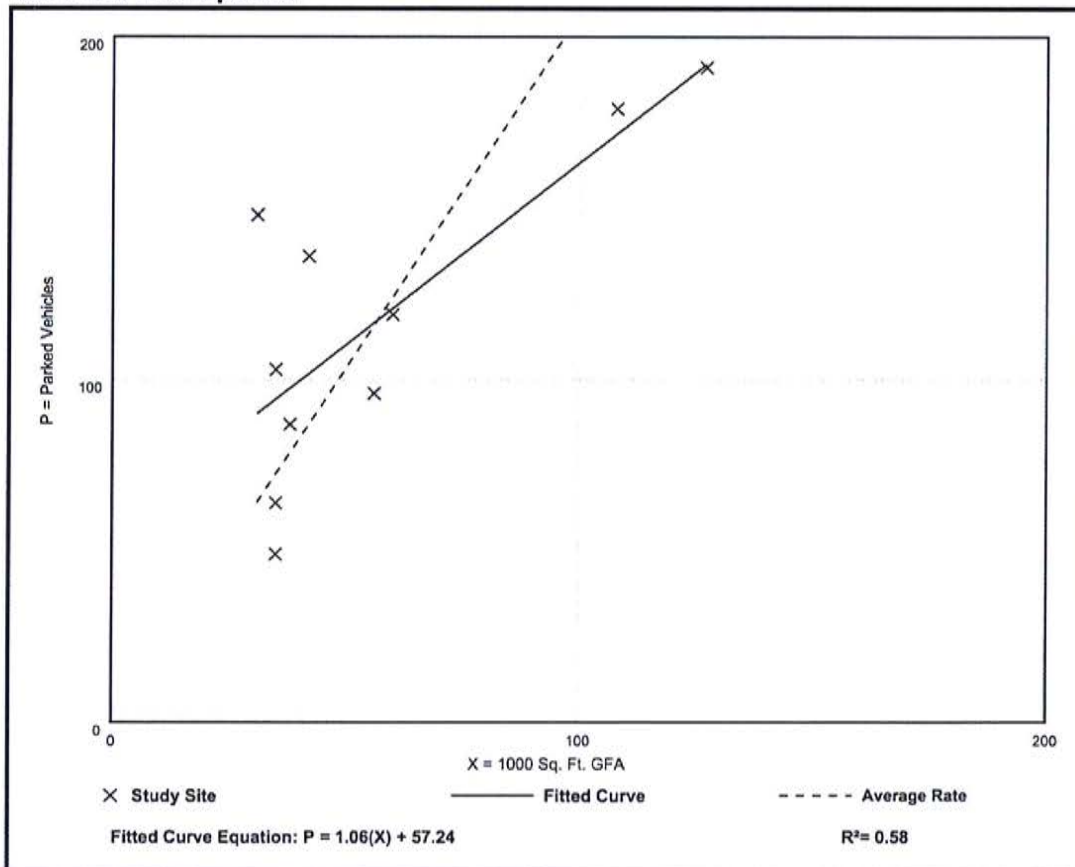
Number of Studies: 10

Avg. 1000 Sq. Ft. GFA: 57

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
2.07	1.40 - 4.77	1.69 / 3.78	***	0.88 (43%)

Data Plot and Equation



Recreational Community Center (495)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Saturday

Setting/Location: General Urban/Suburban

Peak Period of Parking Demand: 9:00 a.m. - 2:00 p.m.

Number of Studies: 2

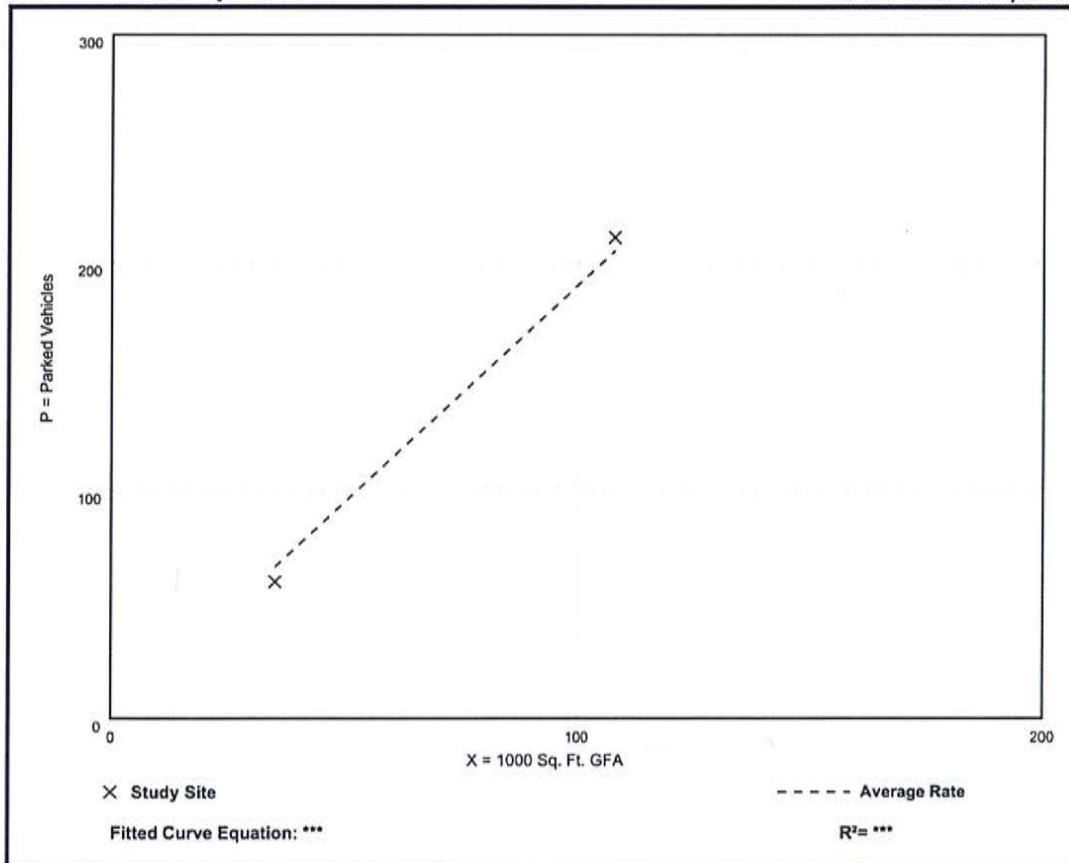
Avg. 1000 Sq. Ft. GFA: 72

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
1.90	1.71 - 1.95	*** / ***	***	*** (***)

Data Plot and Equation

Caution – Small Sample Size



Recreational Community Center (495)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Sunday

Setting/Location: General Urban/Suburban

Peak Period of Parking Demand: 2:00 - 4:00 p.m.

Number of Studies: 1

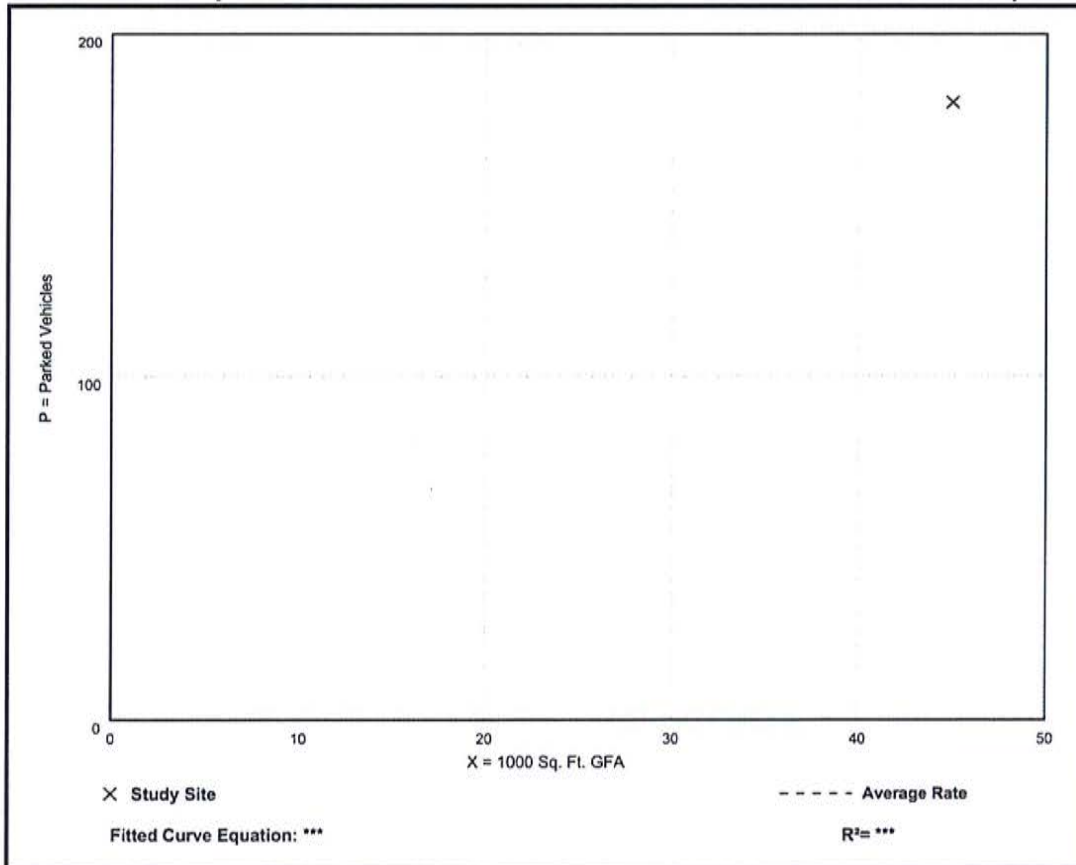
Avg. 1000 Sq. Ft. GFA: 45

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
4.00	4.00 - 4.00	*** / ***	***	*** (***)

Data Plot and Equation

Caution – Small Sample Size



Recreational Community Center (495)

Peak Period Parking Demand vs: Members (100)

On a: Weekday (Monday - Friday)

Setting/Location: General Urban/Suburban

Peak Period of Parking Demand: 9:00 a.m. - 12:00 p.m.; 5:00 - 8:00 p.m.

Number of Studies: 2

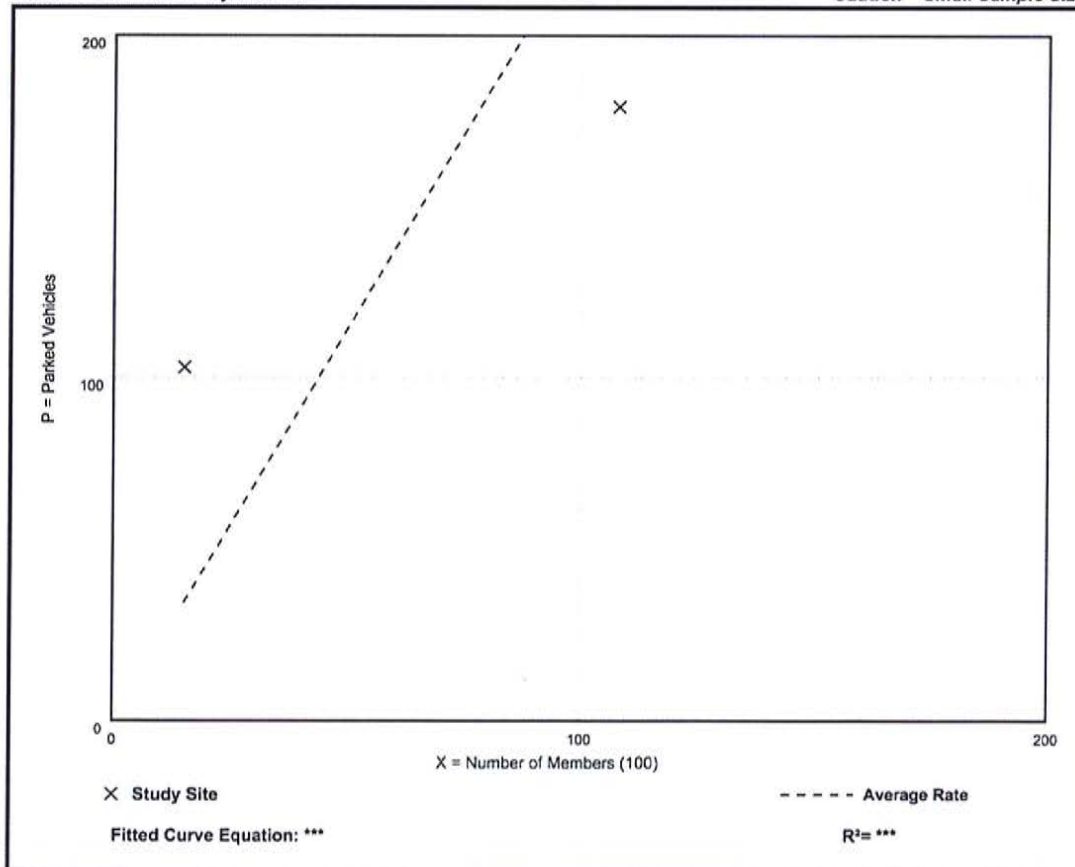
Avg. Num. of Members (100): 62

Peak Period Parking Demand per Member (100)

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
2.29	1.66 - 6.87	*** / ***	***	*** (***)

Data Plot and Equation

Caution – Small Sample Size



Recreational Community Center (495)

Peak Period Parking Demand vs: Members (100)

On a: Saturday

Setting/Location: General Urban/Suburban

Peak Period of Parking Demand: 9:00 a.m. - 2:00 p.m.

Number of Studies: 2

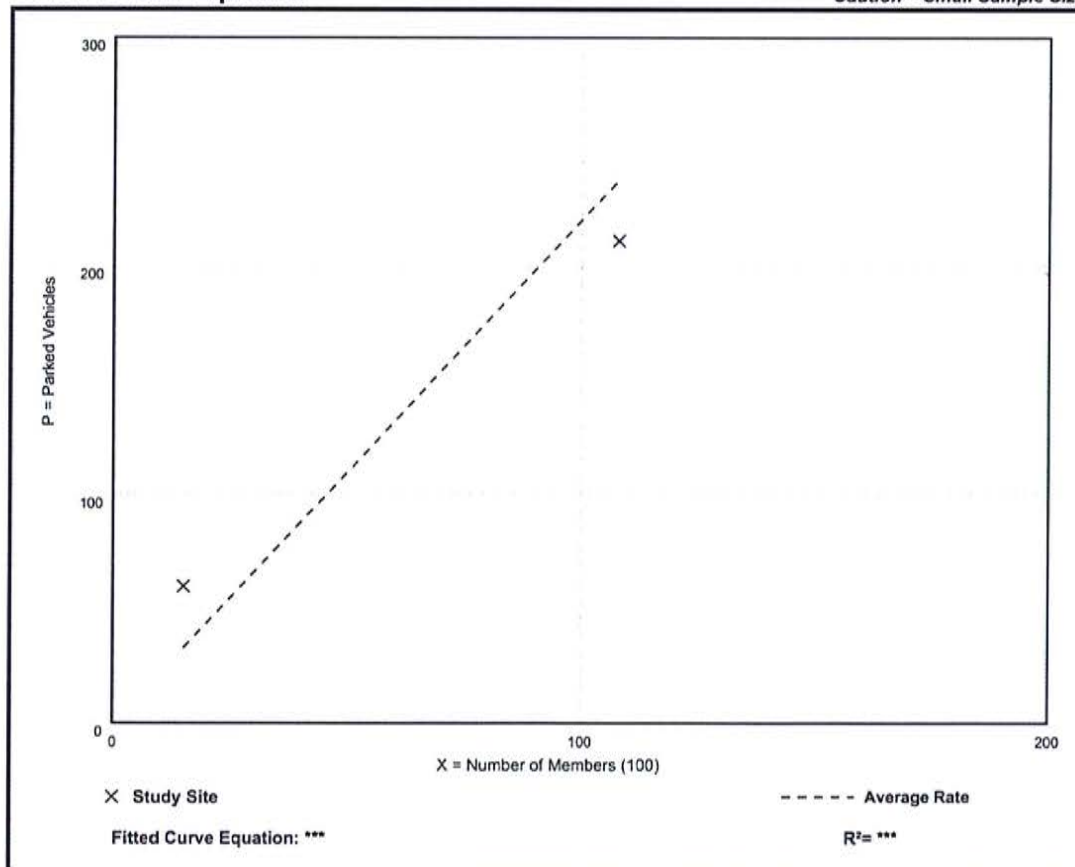
Avg. Num. of Members (100): 62

Peak Period Parking Demand per Member (100)

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
2.20	1.95 - 4.00	*** / ***	***	*** (***)

Data Plot and Equation

Caution – Small Sample Size





September 21, 2023
158 County Rd 39 Suite 10
Southampton NY, 11968
(631) 259-3959
info@dilandroandrews.com

Overflow Parking Agreement

Letter of Agreement

Gregory and Sandra Celi Irrevocable Trust
C/O David A. Celi
8 Industrial Dr.
Quogue, NY 11959

Arenz Heating and Air Conditioning
C/O Jay Barnes
6 Industrial Dr.
Quogue, NY 11959

Dear Jay Barnes,

This letter serves as a formal agreement between Gregory and Sandra Celi Irrevocable Trust and Arenz Heating and Air Conditioning whereby both parties to the agreement will allow use of their respective parking areas for over-flow of vehicles.


Sandra and Gregory Celi Irrevocable trust will grant permission to Arenze Heating and Air Conditioning use of its parking lot during daytime business hours for the purpose of overflow vehicles.

Arenz Heating and Air Conditioning will grant permission to Sandra and Gregory Celi Irrevocable trust permission to use their parking lot during evening business hours for the purpose of overflow vehicles.

Neither party will leave overflow vehicles on either property for more than 12 hours each day.

David A. Celi Digitally signed by David A. Celi
DN: C=US, E=david@dilandroandrews.com, O=SAI
Electro Lighting Inc., DN+David A. Celi
Date: 2023.08.15 07:49:14 -0400

David A. Celi
Sandra and Gregory Celi Irrevocable Trust


Jay Barnes
Arenz Heating and Air Conditioning

Example Indoor Spots Facility Parking Plans

SPORTS ARENA
 620 MIDDLE COUNTRY RD
 ST. JAMES, NY 11780

50,522 SQUARE FOOT BUILDING HAS MULTIPLE
 SPORT COURTS WITH 156 PARKING SPOTS

8 INDUSTRIAL WOULD BE 36% THE SIZE OF THIS
 BUILDING. CALCULATING 36% OF PARKING
 WOULD EQUAL 56 SPACES.

THE PORTION HIGHLIGHTED IN YELLOW IS THE
 TURF FIELD



PROGAME ALTHETICS
 41 SAXON AVE
 BAYSHORE, NY 11706

BUILDING IN USE IS 15,388 SQUARE FEET.

51 PARKING SPOTS SHARED WITH A
 CHURCH



SPORTS 360
800 CHETTIC AVE.
COPIAGUE, NY 11726

17,608 SQUARE FEET WITH 34 PARKING SPACES
THIS BUILDING IS THE CLOSEST COMPARISON
YELLOW HIGHLIGHTED AREA IS THE TURF FIELD



KK ATHLETICS
181 SECOND AVE
BRENTWOOD, NY 11717

33,377 SQUARE FEET WITH 62 PARKING SPOTS
8 INDUSTRIAL WOULD BE 54% THE SIZE OF THIS BUILDING.
CALCULATING 54% OF THE PARKING EQUALS 33 PARKING SPOTS.
THERE ARE TWO TURF FIELDS IN THIS BUILDING.



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.

Part 1 – Project and Sponsor Information			
Name of Action or Project: 8 Industrial Dr.			
Project Location (describe, and attach a location map): 8 Industrial Dr. Quogue NY 11959			
Brief Description of Proposed Action: Construction of a steel warehouse type building housing an indoor turf playing field, office and bathrooms.			
Name of Applicant or Sponsor: David A. Celi		Telephone: 631-466-6760	
		E-Mail: david@celielectric.com	
Address: 7 Foxboro Rd.			
City/PO: Hampton Bays		State: NY	Zip Code: 11946
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 checked="" 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: Suffolk County Health Dept			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		<u>1.58</u> acres	
b. Total acreage to be physically disturbed?		<u>.96</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>1.58</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 checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action,			
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 type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<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: <u>The building will meet energy codes established for commercial buildings. We plan to implement Future Geo Thermal and Solar</u>	<input type="checkbox"/>	<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: <u>Public Water Main</u>	<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: <u>Hydro Action Sanitary System - AN800</u>	<input checked="" type="checkbox"/>	<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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	<input checked="" 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

PARCEL INFORMATION:
 GREGORY CELI R. FAMILY IRREVOCABLE TRUST &
 SANDRA CELI FAMILY IRREVOCABLE TRUST
 SITUATE IN QUOGUE
 TOWN OF SOUTHAMPTON, SUFFOLK COUNTY
 LOT AREA: 68,834 FT² OR 1.58 ACRES
 S.C.T.M. #902-1-1-21.7

SITE PLAN BASED ON SURVEY PREPARED BY:

RAYNOR, MARCKS

& CARRINGTON

SURVEYING

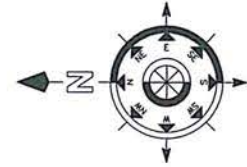
P.O. BOX 5027

QUOGUE, N.Y.

631-853-4066

SURVEYED: SEPT 20, 2007

UPDATED: NOV 23, 2022



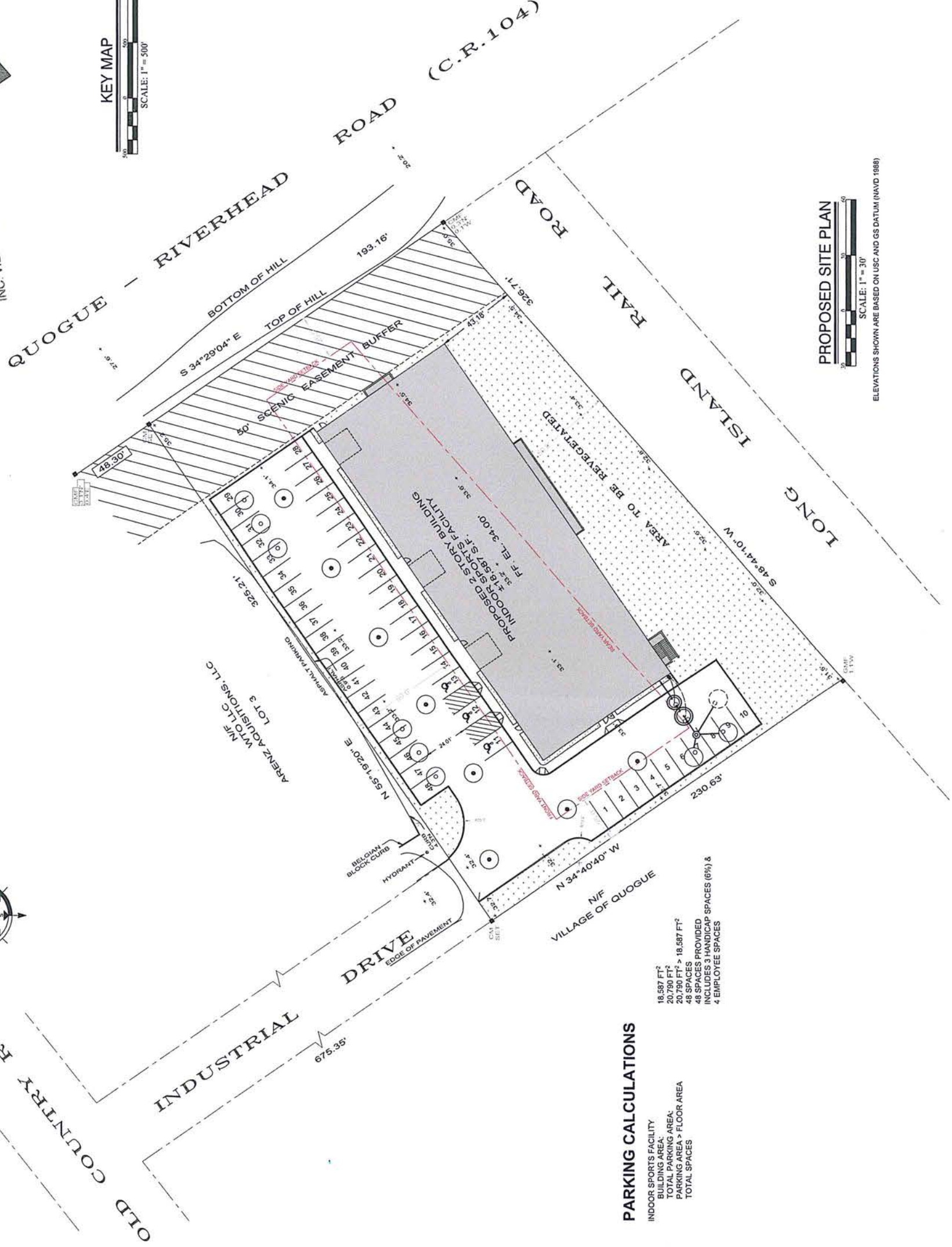
RECEIVED

OCT 10 2023

INC. VILLAGE OF QUOGUE, NY
 SUBJECT PROPERTY



KEY MAP
 SCALE: 1" = 500'



PARKING CALCULATIONS

INDOOR SPORTS FACILITY
 BUILDING AREA: 18,587 FT²
 TOTAL PARKING AREA: 20,790 FT² = 18,587 FT²
 PARKING AREA = FLOOR AREA
 TOTAL SPACES
 48 SPACES PROVIDED
 INCLUDES 3 HANDICAP SPACES (6%) &
 4 EMPLOYEE SPACES

SITE DATA

GREGORY CELI R. FAMILY IRREVOCABLE TRUST & SANDRA CELI FAMILY IRREVOCABLE TRUST
 SITUATE IN QUOGUE
 TOWN OF SOUTHAMPTON, SUFFOLK COUNTY
 LOT AREA: 68,834 FT² OR 1.58 ACRES
 S.C.T.M. #902-1-1-21.7

PROPERTY OWNER: CELI FAMILY TRUST
 255 OLD RIVERHEAD ROAD
 WESTHAMPTON BEACH, NY 11978

PROJECT DESCRIPTION:

STEEL FRAME BUILDING ON SLAB
 DIMENSIONS: 215' x 84'

ZONING CLASSIFICATION:

LI-2

PROPOSED USE:

INDOOR SPORTS FACILITY

TOTAL SITE AREA:

68,834 FT² OR 1.580 ACRES

ALLOWABLE COVERAGE:

44,742.10 FT² (65.0% OF TOTAL LOT)
 13,766.80 FT² (20.0% OF TOTAL LOT)

PROPOSED BUILDING:

18,587.00 FT² (27.0% OF TOTAL LOT)
 20,190.52 FT² (29.3% OF TOTAL LOT)
 1,559.21 FT² (2.26% OF TOTAL LOT)
 456.63 FT² (0.66% OF TOTAL LOT)

TOTAL PROJECT:

40,793.36 FT² (59.4% OF TOTAL LOT)

VEGETATED AREA:

9,602.40 FT² (14.3% OF TOTAL LOT)
 561.44 FT² (0.81% OF TOTAL LOT)
 17,509.11 FT² (25.4% OF TOTAL LOT)
 27,872.51 FT² (40.6% OF TOTAL LOT)

INDOOR SPORTS FACILITY
 BUILDING AREA: 18,587 FT²
 TOTAL PARKING AREA: 20,790 FT² OR 1.580 ACRES
 PARKING AREA = FLOOR AREA
 TOTAL SPACES

STEEL FRAME BUILDING ON SLAB
 DIMENSIONS: 215' x 84'

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PROJECT : PROPOSED SITE PLAN

No.	Date	Description
1		
2		
3		
4		
5		

Designed By: JPD
 Drawn By: JTS
 Checked By: JL

Date: 9/21/2023
 Scale: NOTED

C-1

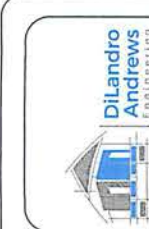
Sheet #

TITLE :
 8 INDUSTRIAL DRIVE
 QUOGUE, NY 11959
 S.C.T.M. #902-1-1-21.7

158 County Rd. 39
 Suite 10
 Southampton, N.Y. 11968
 Office/Fax (631) 259-3959
 Certificate No.: 0019523

Professional Seal

DRAWING IS INTENDED TO BE 34"x22" TO SCALE



158 County Rd. 39
Suite 10
Southampton, N.Y. 11968
Office/Fax (631) 259-3959
Certificate No.: 0019523

Professional Seal

HORIZONTAL DISTANCE FROM:	SEPTIC TANK:	LEACHING STRUCTURE:	WASTE LINE FORCE MAIN:
SEPTIC TANK	5 FT.	5 FT.	5 FT.
LEACHING STRUCTURE	8 FT.	8 FT.	5 FT.
PROPERTY LINE	5 FT.	5 FT.	5 FT.
CRAWLSPACE/WINDOW	10 FT.	10 FT.	5 FT.
WELL	5 FT.	5 FT.	5 FT.
BUILDING SUB	5 FT.	5 FT.	5 FT.
FOUNDATION	10 FT.	10 FT.	10 FT.
WATER LINE	5 FT.	5 FT.	5 FT.
OTHER UNDERGROUND	5 FT.	5 FT.	5 FT.
CONCRETE DRIVEWAY	10 FT.	10 FT.	10 FT.
UNDERGROUND FUEL TANK	10 FT.	10 FT.	10 FT.
PRIVATE WATER WELL	75 FT.	100 FT.	50 FT.
PUBLIC WATER MAIN	20 FT.	20 FT.	5 FT.
WATERPROOFED CAST	10 FT.	10 FT.	5 FT.
CONCRETE RETAINING	10 FT.	10 FT.	5 FT.
ANY NON WATERPROOF	20 FT.	20 FT.	5 FT.
RETAINING WALL	5 FT.	5 FT.	5 FT.
LANDSCAPE WALL	5 FT.	5 FT.	5 FT.

TITLE: PROJECT:

8 INDUSTRIAL DRIVE
QUOGUE, NY 11959
S.C.T.M. #902-1-21.7

PROPOSED SANITARY SYSTEM
HYDRO ACTION AN-800
IN HS-20 VAULT W/ (2) 10'0" X 8'
DEEP LEACHING POOLS

No. Date Description

1		
2		
3		
4		
5		

Designed By: PD
Drawn By: JTS
Checked By: JL

Date: 9/21/2023
Scale: NOTED

C-4

Sheet #

FOR SCDHS USE ONLY

ELBOWS/BENDS IN SEPTIC LINE BEFORE SEPTIC SYSTEM ARE NOT PERMITTED FOR NEW CONSTRUCTION. ONLY BENDS/ELBOWS SHOW ON PERMITS ARE ALLOWED.

DRAWING IS INTENDED TO BE 34"x22" TO SCALE

GENERAL NOTES:

- THE DESIGN ENGINEER SHALL OBSERVE THE I/A OWT'S PRIOR TO BACKFILL AND DURING SYSTEM STARTUP.
- THE I/A OWT'S INSTALLER SHALL HOLD APPROPRIATE ENDORSEMENTS FROM SUFFOLK COUNTY DEPARTMENT OF HEALTH AND SHALL BE AN AUTHORIZED INSTALLER AND IS RESPONSIBLE FOR COMPLETING ALL ON-SITE INSPECTIONS NOTED IN THE PERMIT CONDITIONS.
- THE I/A OWT'S INSTALLER SHALL REGISTER THE ON-SITE TREATMENT SYSTEM WITH SUFFOLK COUNTY DEPARTMENT OF HEALTH. THE ENGINEER OF RECORD SHALL PROVIDE RECORD DOCUMENTS AS REQUIRED BY SCDHS.
- AN EXECUTED OPERATION AND MAINTENANCE CONTRACT BETWEEN THE MAINTENANCE PROVIDER AND THE PROPERTY OWNER SHALL BE PROVIDED TO THE SCDHS.
- GARBAGE GRINDERS ARE NOT PERMITTED UPSTREAM OF THE I/A OWT'S.
- I/A OWT'S SHALL BE TESTED FOR WATER TIGHTNESS PRIOR TO ARRIVAL TO THE SITE USING A METHOD APPROVED BY THE MANUFACTURER.
- ALL ELECTRICAL LINES FROM THE DWELLING TO THE CONTROL PANEL AND FROM THE CONTROL PANEL TO THE JUNCTION BOX SHALL BE SEALED AND WATER TIGHT.
- CONTROL PANEL TO BE SET ON A PRECAST CONCRETE PEDESTAL AND SET 2 INCHES ABOVE GRADE TO PREVENT WATER INTRUSION.
- I/A OWT'S SHALL BE LOCATED MINIMUM 3'-0" FROM THE DRIVEWAY, A 6 INCH HIGH PRECAST CURB SHALL BE INSTALLED BETWEEN THE DRIVEWAY AND THE I/A OWT'S IF A 3 FEET SEPARATION CANNOT BE MAINTAINED.
- NEW I/A OWT SYSTEM TO BE VENTED THROUGH PLUMBING, NO HOUSE TRAP TO BE INSTALLED.
- ANY DESIGN CHANGES TO SCDHS APPROVED PLANS MUST BE REVIEWED BY DESIGN PROFESSIONAL AND RE-PERMITTED THROUGH SCDHS PRIOR TO CONSTRUCTION.
- POOR DRAINING SOILS IN THE LOCATION OF THE LEACHING FIELD MUST BE EXCAVATED TO A 6 FT STRATA OF VIRGIN WELL DRAINING SOILS (SP/SW) AND REPLACED WITH ASTM C-33 CLEAN FILL.

PARCEL INFORMATION:

GREGORY CELI R. FAMILY IRREVOCABLE TRUST &
SANDRA CELI FAMILY IRREVOCABLE TRUST
SITUATE IN QUOGUE
TOWN OF SOUTHAMPTON, SUFFOLK COUNTY
LOT AREA: 68,834 FT² OR 1.58 ACRES
S.C.T.M. #902-1-21.7

SITE PLAN BASED ON SURVEY PREPARED BY:

RAYNOR, MARCKS &
CARRINGTON
SURVEYING
P.O. BOX 5027
QUOGUE, N.Y.
631-653-4066
SURVEYED: SEPT 20, 2007
UPDATED: NOV 23, 2022

SEPTIC SYSTEM DESIGN

HYDRO-ACTION AN-800
I/A SIZE > DESIGN FLOW
800 GPD > 720 GPD
UTILIZE (1) HYDRO-ACTION AN-800

LEACHING POOL SIZING:

DESIGN FLOW / 1.5 GPD/FT²
720 GPD / 1.5 GPD/FT²
480 FT²
UTILIZE (2) 10'-0" X 8'-0" DEEP LEACHING POOLS
502.4 FT² PROPOSED > 480 FT²

SEPTIC SYSTEM COMPONENTS

- HYDRO-ACTION 800 IN HS-20 VAULT
- 10'-0" X 8'-0" DEEP LEACHING POOLS
- 48" DISTRIBUTION MANHOLE

COMMENTS: NO GROUND WATER ENCOUNTERED

TEST HOLE BY: McDONALD GEOSERVICES



KEY MAP
SCALE: 1" = 500'



PROPOSED SEPTIC PLAN
SCALE: 1" = 30'
ELEVATIONS SHOWN ARE BASED ON USC AND GS DATUM (NAVD 1988)

68,834 FT² OR 1.580 ACRES
RECREATION
300 GPD/ACRE
474 GPD

15 GPD / PARKING SPACE
15 GPD X 48 SPOTS
0 GPD
720 GPD
474 GPD > 720 GPD (X)

68,834 FT²
III
720 GPD
474 GPD
720 GPD

HYDRO-ACTION AN-800
I/A SIZE > DESIGN FLOW
800 GPD > 720 GPD
UTILIZE (1) HYDRO-ACTION AN-800

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502.4 FT² PROPOSED > 480 FT²

SEPTIC SYSTEM COMPONENTS
(1) HYDRO-ACTION 800 IN HS-20 VAULT
(2) 10'-0" X 8'-0" DEEP LEACHING POOLS
(1) 48" DISTRIBUTION MANHOLE

COMMENTS: NO GROUND WATER ENCOUNTERED
TEST HOLE BY: McDONALD GEOSERVICES

TEST HOLE DATA
DATE: APRIL 12, 2023
EL: 33.2'
0.0' - DARK BROWN LOAM (OL)
1.0' - BROWN SILTY SAND (SM)
3.0' - PALE BROWN FINE SAND (SP)

- NOTES:**
- STORAGE VOLUMES CALCULATED BASED ON TOWN OF SOUTHAMPTON §330-183-4E STORMWATER COLLECTION SYSTEMS SPECIFICATIONS
 - MINIMUM DRYWELL SIZES AND CAPACITIES ARE SHOWN IN STORMWATER STORAGE SCHEDULE.
 - DRYWELLS SHALL BE PROVIDED FOR ALL ROOF RUNOFF AND PROPOSED IMPERVIOUS SURFACES THE STRUCTURE SHALL BE INSTALLED ON UNDISTURBED GROUND.
 - DRAINAGE STRUCTURES TO BE WRAPPED WITH FILTER FABRIC.
 - ALL CONCRETE FOR DRAINAGE STRUCTURES TO BE MINIMUM 4,000 PSI AT 28 DAYS

- PIPE SPECIFICATION NOTES:**
- ROOF LEADERS TO DRYWELL CONNECTION TO BE 4"Ø (MIN.) OR 6"Ø SMOOTH INTERIOR HDPE PIPE.
 - CATCH BASINS TO DRYWELL CONNECTION TO BE 8"Ø SMOOTH INTERIOR HDPE PIPE.
 - DRYWELL TO DRYWELL CONNECTION TO BE 15"Ø SMOOTH INTERIOR HDPE PIPE

PARCEL INFORMATION:
 GREGORY CELI R. FAMILY IRREVOCABLE TRUST & SANDRA CELI FAMILY IRREVOCABLE TRUST
 SITUATE IN QUOGUE
 TOWN OF SOUTHAMPTON, SUFFOLK COUNTY
 LOT AREA: 68,834 FT² OR 1.58 ACRES
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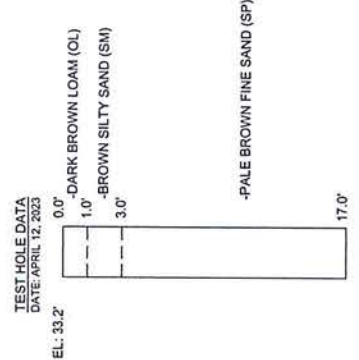
- ALL STORMWATER STORAGE STRUCTURES SHALL BE OFFSET AS FOLLOWS:**
- | FROM | MIN. DISTANCE |
|-----------------------|---------------|
| MAIN HOUSE AND GARAGE | 10' |
| PORCHES AND OVERHANGS | 5' |
| WATER SERVICE LINE | 10' |
| UNDERGROUND UTILITIES | 5' |
| UNDERGROUND GAS TANK | 20' |
| SEPTIC TANK | 10' |
| SEPTIC LEACHING POOLS | 10' |
| PROPERTY LINES | 5' |
| SWIMMING POOL | 10' |

STORMWATER STORAGE CALCULATIONS

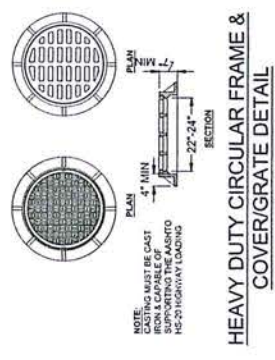
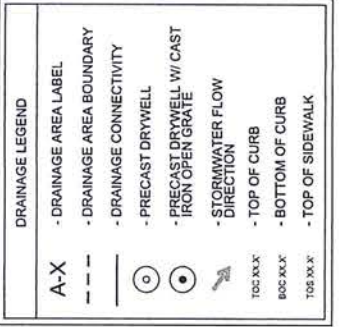
DRYWELL AREA	DRAINAGE AREA (SQ FT)	COEFFICIENT	RUNOFF FOR 3" RAINFALL EVENT (CFT)	QUANTITY	RECOMMENDED DRYWELL SIZE	STORAGE PROVIDED (CFT)
DW-1	14450	1.00	3613	5	10'-0"Ø x 12'-0"	4105
DW-2	8350	1.00	2088	3	10'-0"Ø x 12'-0"	2463
DW-3	18050	1.00	4515	6	10'-0"Ø x 12'-0"	4926
TOTAL STORAGE PROVIDED			10215	14	TOTAL STORAGE PROVIDED	11494

DRAINAGE STRUCTURE TABLE

DRYWELL ID	GRATE	TOP	BOTTOM	INVERT	DRYWELL SIZE	COVER
DW-1A	33.00	31.50	19.50	-	10'-0"Ø x 12'-0"	OPEN GRATE
DW-1B	33.05	31.55	19.55	-	10'-0"Ø x 12'-0"	OPEN GRATE
DW-1C	33.10	31.60	19.60	-	10'-0"Ø x 12'-0"	OPEN GRATE
DW-1D	33.15	31.65	19.65	-	10'-0"Ø x 12'-0"	OPEN GRATE
DW-1E	33.20	31.70	19.70	-	10'-0"Ø x 12'-0"	OPEN GRATE
DRAINAGE AREA 2						
DW-2A	32.95	31.45	19.45	INV. SE = 31.12	10'-0"Ø x 12'-0"	OPEN GRATE
DW-2B	33.00	31.45	19.45	INV. NW = 31.12	10'-0"Ø x 12'-0"	OPEN GRATE
DW-2C	33.10	31.60	19.45	INV. SE = 30.78	10'-0"Ø x 12'-0"	OPEN GRATE
DRAINAGE 3.4						
DW-3A	33.40	31.90	19.40	INV. SE = 31.40	10'-0"Ø x 12'-0"	SOLID COVER
DW-3B	33.40	31.90	19.40	INV. NE = 30.15	10'-0"Ø x 12'-0"	SOLID COVER
DW-3C	33.40	31.90	19.40	INV. NE = 28.83	10'-0"Ø x 12'-0"	SOLID COVER
DW-3D	33.20	31.70	19.40	INV. SE = 31.20	10'-0"Ø x 12'-0"	SOLID COVER
DW-3E	33.20	31.70	19.40	INV. NE = 28.95	10'-0"Ø x 12'-0"	SOLID COVER
DW-3F	33.20	31.70	19.40	INV. SW = 28.02	10'-0"Ø x 12'-0"	SOLID COVER

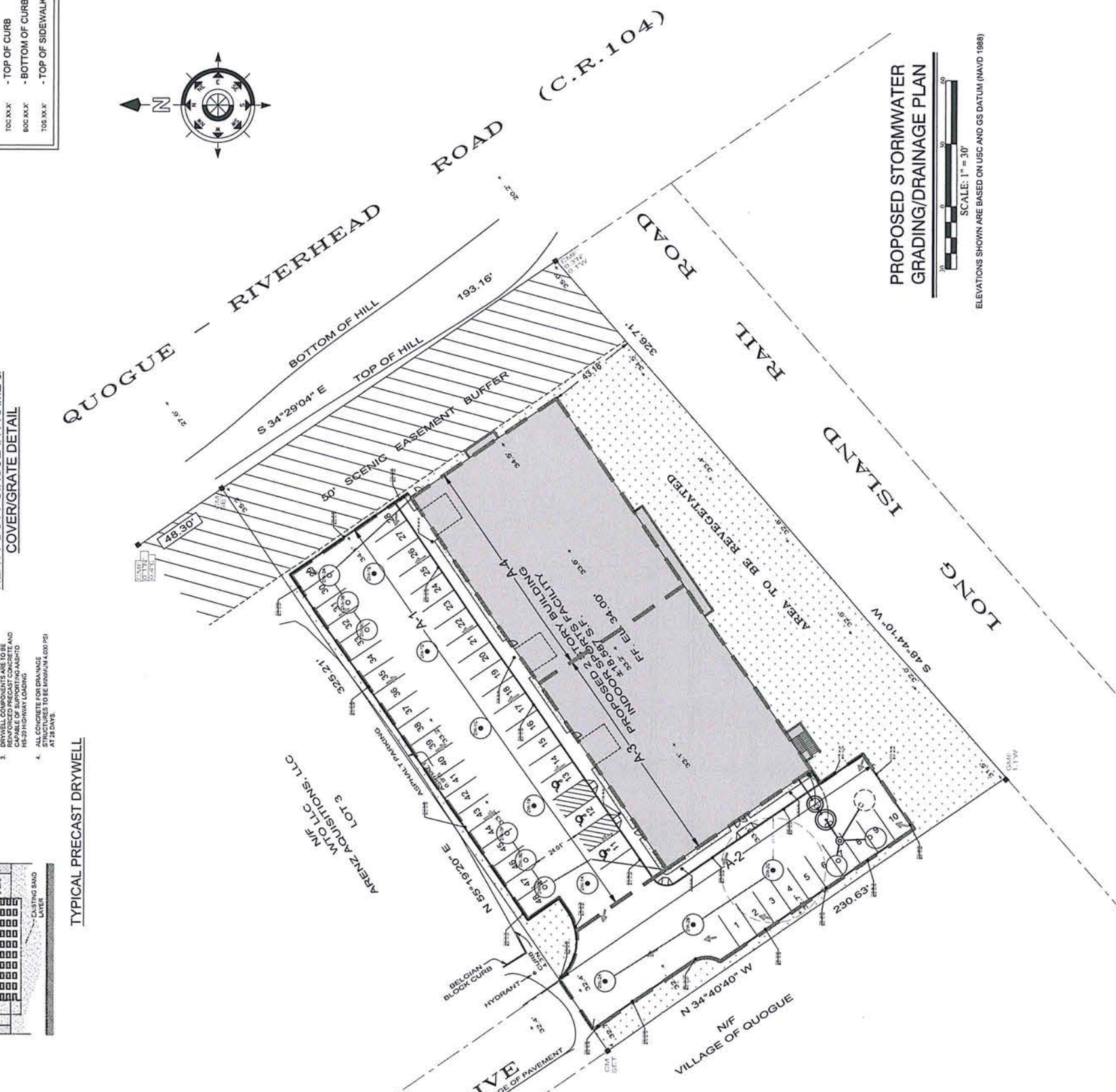
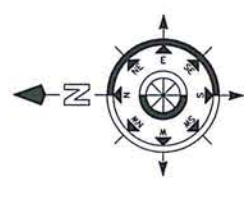


COMMENTS: NO GROUND WATER ENCOUNTERED
 TEST HOLE BY:
 McDONALD GEOSERVICES



- NOTES:**
- ALL DRAINAGE STRUCTURES SHALL BE PLACED IN ACCEPTABLE LEACHING ENGINEER IN THE EVENT FLOOR LEACHING MATERIAL IS ENCOUNTERED. SUITABLE MATERIALS & BACKFILL AS DETAILED.
 - 3" MIN COLLAR AROUND LEACHING STRUCTURE. COLLAR SHALL BE CLEAN SAND AND GRAVEL, CONSISTING OF LESS THAN 15% FINE SAND, S&T AND CAT.
 - DRYWELL COMPONENTS ARE TO BE CAPABLE OF SUPPORTING ASHTO HS-20 HIGHWAY LOADING.
 - ALL CONCRETE FOR DRAINAGE STRUCTURES TO BE MINIMUM 4,000 PSI AT 28 DAYS.

TYPICAL PRECAST DRYWELL



PROPOSED STORMWATER GRADING/DRAINAGE PLAN



158 County Rd. 39
 Suite 10
 Southampton, N.Y. 11968
 Office/Fax (631) 259-3959
 Certificate No.: 0019523

Professional Seal

PROJECT: PROPOSED STORMWATER GRADING/DRAINAGE PLAN
 TITLE: 8 INDUSTRIAL DRIVE QUOGUE, NY 11959 S.C.T.M. #902-1-1-21.7

Revisions

No.	Date	Description
1	11/23/22	ISSUED FOR PERMITS
2	11/23/22	ISSUED FOR PERMITS
3	11/23/22	ISSUED FOR PERMITS
4	11/23/22	ISSUED FOR PERMITS
5	11/23/22	ISSUED FOR PERMITS

Designed By: JPD
 Drawn By: JLS
 Checked By: JLS
 Date: 9/21/2023
 Scale: NOTED

C-7

Sheet #