

Hargrave, Julie

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Sent: Tuesday, December 15, 2020 3:21 PM
To: PB Pavacic, John; PB Hargrave, Julie
Cc: Hargrave, Julie; jmilazzo@pb.state.ny.us
Subject: Lewis Road PRD - Response to Pine Barrens Society Comments
Attachments: 2020-12-15_NPV Response to Pine Barrens Society Comments.pdf

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John/Julie – please find attached letter.
Please distribute this to the Commissioners.
Thanks, Chic

OUR LONG ISLAND OFFICE HAS MOVED! Please note our new address and kindly update your records.

Charles J. Voorhis, CEP, AICP
Partner

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environmental • land use • planning

December 15, 2020

Commission Members and John Pavacic, Executive Director
Central Pine Barrens Joint Planning & Policy Commission
624 Old Riverhead Road
Westhampton Beach, NY 11978

Re: Lewis Road PRD; Response to Long Island Pine Barrens Society
Submission of December 14, 2020
NPV No. 05105

Dear Commissioners and Mr. Pavacic:

I am in receipt of the submission of the Long Island Pine Barrens Society ("PBS") dated December 14, 2020 and have reviewed the cover letter and materials therein. I find this submission to be insulting to the institution represented by Article 57 of the New York State Environmental Conservation Law ("NYSECL"), the Central Pine Barrens Comprehensive Land Use Plan ("CLUP"), the Central Pine Barrens Joint Policy and Planning Commission (the "Commission"), and the intelligence of the Commission staff and Commission members. The submission materials are replete with inaccuracies, threats and unsupported or outdated information. The submission is not based on science, the CLUP or logic, and is purposefully misleading.

This letter provides a brief response as the record of information submitted by the Applicant is complete and provides sufficient information to reach an informed-decision. Based on the Applicant's record of submissions, the only decision that is supported by science and facts is to find that the Lewis Road PRD is fully consistent with the Standards and Guidelines ("S&Gs") of the CLUP.

The PBS comments fall into several categories which will be addressed herein. Overall, the PBS submission relies heavily on the Commission staff report for the November 18, 2020 meeting. The NPV response letter dated December 2, 2020 responds to the Commission staff report and each and every S&G and indicates the basis for compliance. The PBS comments rely on outdated information and do not consider the complete record of information available to the Commissioners for decision-making. The Commissioners should specifically review the table at the end of the NPV December 2 letter, which provides updated and complete information. As a result, all PBS comments should be summarily dismissed and not considered.

There are a number of PBS comments on S&Gs that refer to the requirement for approval of another agency. It is important to understand that the language of each S&G has no language that requires the approval of another agency; they simply require compliance with other agency approvals. The applicant must comply with other agency approvals, and the status of approvals and basis for compliance is stated in the NPV response of November 18, 2020. This PBS comments should be summarily dismissed and not considered. These include the following:

- Standard 5.3.3.1.1 Suffolk County Sanitary Code Article 6 compliance
- Standard 5.3.3.1.2 Sewage treatment plant discharge
- Guideline 5.3.3.3.2 Private well protection
- Guideline 5.3.3.5.4 Natural topography in lieu of recharge basins
- Guideline 5.3.3.5.5 Soil erosion and stormwater runoff
- Guideline 5.3.3.8.4 Erosion and sediment control plans
- Guideline 5.3.3.8.5 Placement of roadways
- Guideline 5.3.3.8.6 Retaining walls and control structures

Some PBS comments provide distorted and/or accurate information, not based in science and not supported by the record. These are addressed herein:

- Guideline 5.3.3.1.3 Nitrate-nitrogen goal – comments from Dr. Gobler are not directed at the actual Guideline. Dr. Gobler’s input for years has been geared toward how much “benefit” the project provides with respect to groundwater outflow to Shinnecock Bay. All verified documentation has indicated that the concentration of nitrogen in recharge at the property lines will be substantially less than 1 mg/l (most recently modeled at 0.24 mg/l), where the guideline is 2.5 mg/l. In addition, the net nitrogen load is negative in consideration of the use of planned irrigation-fertigation. Finally, this guideline only applies if a project is proximate to surface water or wetlands. The project is not proximate to such features, therefore the guideline does not apply.
- Guideline 5.3.3.5.2 Natural recharge and drainage – this comment is out-of-date as this information has been provided. Please see NPV letter of December 2, 2020.
- Guideline 5.3.3.5.3 Ponds - this comment is out-of-date as this information has been provided. Please see NPV letter of December 2, 2020.
- Standard 5.3.3.6.2 Unfragmented open space - this comment is out-of-date as this information has been provided. Specifically, each form of open space has been identified. Areas of open space are distinguished on the Master Plan. Open space is not fragmented as a result of the extensive clustering and dedication parcels as shown on the Master Plan. Finally, the S. Englebright comments were general and not relevant to the specific application. The Commissioner’s should refer to the NPV submission of December 2, 2020 and the full record for the project.
- Standard 5.3.3.7.1 Special species and ecological communities – this comment is outright inaccurate and misleading. The host plant for the Coastal Buckmoth is Scrub Oak. Based on extensive site inventory, Scrub Oak is only present in the higher elevation areas of the property, and even then, in only several occurrences. No change to the landscape changes this fact. Changes in the project plan to reduce/eliminate disturbance of steep slope areas further ensures no impact to the host plant or buckmoth. No development is proposed within areas of the host plant for the Coastal Buckmoth. The land to be dedicated to the Suffolk County Water Authority is on the south part of Parlato property in a formerly farmed area, and does not provide the host plant for Coastal Buckmoth. No

updated studies are warranted. This comment should be ignored. Please see NPV letter of December 2, 2020.

- Guideline 5.3.3.8.1 Clearing envelopes - this comment is out-of-date as this information has been provided. Please see NPV letter of December 2, 2020.
- Guideline 5.3.3.8.2 Stabilization and erosion control - this comment is out-of-date as this information has been provided. Please see NPV letter of December 2, 2020.
- Guideline 5.3.3.9.2 Clustering - this comment is out-of-date as this information has been provided. The PBS exhibits contain information dating back to the Hills PDD EIS process and should be disregarded. Please see NPV letter of December 2, 2020.
- Guideline 5.3.3.11.1 Cultural resource consideration and Guideline 5.3.3.11.3 Protection of scenic and recreational resources - this comment is out-of-date as this information has been provided. Commission staff comments have been addressed, and strict review of the language of the guidelines is necessary. The guidelines do not specify “minimum buffers” and only apply to established trails. The project design provides adequate buffers and the former Town dump site to the east is not an established trail. Please see NPV letter of December 2, 2020.
- Guideline 5.3.3.11.4 Roadside design and management - this comment is out-of-date as this information has been provided. Commission staff comments have been addressed, and strict review of the language of the guidelines is necessary. The guidelines refer to Sunrise Highway and specific parameters regarding roadside design and management with which the project complies. Please see NPV letter of December 2, 2020.

Thank you for the opportunity to provide you with this information to assist your review of the pending Lewis Road PRD before the Commission.

Very truly yours,

NELSON, POPE & VOORHIS, LLC



Charles J. Voorhis, CEP, AICP
Partner

cc: John Milazzo, Esq., CPBC counsel
Julie Hargrave, CPBC
Mark Hissey, DLC
Wayne Bruyn, Esq., DLC counsel