



**Commission Meeting of September 18, 2013
Brookhaven Town Hall**

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

**Adopted Amendment to Island Water Park
Compatible Growth Area Hardship Waiver
Hamlet of Calverton, Town of Riverhead, SCTM #: 600-135-1-7.34**

Whereas, by resolution dated December 21, 2011, the Central Pine Barrens Commission approved a Compatible Growth Area Hardship Waiver for the project known as Island Water Park; and

Whereas, the 41.9-acre Island Water Park project site is located in the Compatible Growth Area of the Central Pine Barrens, on the west side of Enterprise Park at Calverton, south of NYS Route 25 and north of Grumman Boulevard, Suffolk County Tax Map #: 600-135-1-7.34; and

Whereas, this resolution incorporates by reference all of the findings in the December 21, 2011 approval; and

Whereas, on May 13, 2013, Island Water Park (the applicant) by its representatives, Cramer Consulting Group, requested an amendment to the CGA Hardship Waiver and submitted amended site plans including the Site Data Sheet (Sheet SP-0) prepared by Cramer Consulting Group dated September 26, 2012; the Grading Plan (Sheet SP-2) prepared by Cramer Consulting Group dated September 27, 2012, and the Layout Plan (SP-1), Planting and Lighting Plan (SP-3), Site Details (SP-4), Drainage Plan (SP-7), and Drainage Calculations (SP-8) prepared by Cramer Consulting Group and dated August 15, 2012; and

Whereas, on August 22, 2013, the applicant submitted additional information clarifying the proposed amendment; and

Whereas, on September 6, 2013, the applicant submitted a copy of the Town of Riverhead resolution approval to approve the Site Plan of Island Water Park dated March 5, 2013; and

Whereas, the applicant represents that the Site Plan for Island Water Park was amended as a result of the Town's approval, including an increase in parking, a modification to the amount of revegetation, and other site plan elements; and

Whereas, the amended Site Plan reduce the amount of revegetation on the project site from 19.74 acres to 18.82 (difference of 0.92 acres); and

Whereas, the amended Site Plan include retaining the existing 5.1 acres of natural area in addition to the 18.82 acres of revegetation, for a total of 23.92 acres of natural area once revegetation is complete; and

Whereas, the New York State Department of Environmental Conservation (NYSDEC), the Lead Agency pursuant to the State Environmental Quality Review Act (SEQRA), performed a coordinated review and adopted, on November 10, 2011, a Negative Declaration stating that the Project would not have a significant adverse impact on the environment; and no further environmental review is required by the Commission for the current amendment; and

Whereas, all other elements of the amended Site Plan are consistent with the December 21, 2011 approval; now therefore be it

Resolved, the Commission approves the amended Site Plan and the amendment to the Island Water Park CGA Hardship Waiver in accordance with the Site Data Sheet (Sheet SP-0) prepared by Cramer Consulting Group dated September 26, 2012 and received by the Commission on May 13, 2013; the Grading Plan (Sheet SP-2) prepared by Cramer Consulting Group dated September 27, 2012, and the Layout Plan (SP-1), Planting and Lighting Plan (SP-3), Site Details (SP-4), Drainage Plan (SP-7), and Drainage Calculations (SP-8) prepared by Cramer Consulting Group and dated August 15, 2012, received by the Commission on May 13, 2013, subject to the following specific conditions:

1. Submit a copy of the As-Built Site Plan and Revegetation Plan to the Commission which references the December 21, 2011 Hardship Waiver and this amendment dated September 18, 2013.
2. Retain the 5.1 acres of existing natural vegetation in its natural state, and protect it through the filing of a Declaration of Covenants and Restrictions in the Office of the Suffolk County Clerk.
3. Revegetation:
 - a. Revegetate 18.82 acres of the project site with natural pine barrens vegetation, as per the Planting and Lighting Plan Sheet SP-3 prepared by Cramer Consulting Group dated August 15, 2012. Protect the 18.82 acres of revegetated area through the filing of Covenants and Restrictions.
 - b. The owner shall notify the Commission in writing a minimum of 48 hours prior to the commencement of revegetation activity and no more than 48 hours after revegetation is completed.
 - c. The 18.82 acre area of revegetation shall be subject to an inspection by the Commission to ensure that it complies with the approved Revegetation Plan.
- d. Maintenance and Monitoring:
 - i. The owner of the Project Site is responsible for maintaining and monitoring the success of revegetation. In the case of a change in ownership, the successor shall be the responsible party.
 - ii. Ensure that, at a minimum, 85 percent of the plants installed in the 18.82 acre revegetated area survive for a minimum of three (3) years from the date of completion of revegetation work.
 - iii. Irrigate as necessary and in accordance with planting specifications.

- iv. Replace dead or diseased plantings in the revegetated areas in kind during the three-year period.
- v. Once vegetation in the revegetated areas has been constituted after three years, the 18.82 acre revegetated area will be considered a pre-existing, established natural and thereafter shall be subject to the provisions of Chapter 5 of the Comprehensive Land Use Plan (CLUP) Standards and Guidelines for Land Use in regard to any future activities on the Project site.
- vi. No herbicides may be used on the project site in the revegetation area for any activity, including the control of invasive species.
- vii. Where mulch material is needed, use Native Mulch Materials including native leaf litter, pine needles or finely shredded wood. This will keep area moist and reduce occurrence of weeds.
- viii. Plantings may be irrigated temporarily, as needed, until they become established. Thereafter, any temporary irrigation systems should be removed.

- e. Reporting:
 - i. Report to the Commission on at least a biannual basis for three (3) years, on the status and success of the 18.82 acre revegetation area.
 - ii. Plantings may be irrigated temporarily, as needed, until they become established. Thereafter, any temporary irrigation systems should be removed.
 - iii. The report must include, but not be limited to:
 - the date and time of inspection
 - name and qualifications of person conducting inspection
 - color digital photographs of the revegetated area taken at the time of each inspection
 - relative health of revegetated area, including whether or not an 85 percent survival rate of native species is being attained, and, if not, corrective methods to be employed
 - whether or not invasive species are present and, if so, name of invasive species and corrective methods to be employed.
 - iv. Commission Staff shall be permitted site access to perform inspections during the minimum three (3) year maintenance period.

4. Prior to the commencement of activities on the Project Site, Island Water Park shall:
 - a. Stake limits of clearing around all areas referenced to “remain” natural, as shown on the Site Area Plan, for inspection by Commission Staff prior to commencement of construction activity.
 - b. Notify the Commission’s Compliance and Enforcement Coordinator a minimum of 48 hours in advance of initial site disturbance to allow for Commission inspection of site disturbance limits.
 - c. Install temporary snow fencing around the existing 5.1 acre area that will remain natural. This area shall be set aside in its current natural state to undergo natural ecological processes. No clearing of the understory, application of herbicides, or other physical activity is permitted in this area. The temporary snow fencing shall be removed after all on-site physical development activities have been completed.

5. Covenants and Restrictions.

- a. Prior to the commencement of activities on the Project Site, Island Water Park shall prepare Covenants and Restrictions (the “Covenants”) for the Project Site granted to the Commission stating that there shall be no disturbance of the areas designated on the Site Plan to remain natural and revegetation areas. Island Water Park shall prepare the Covenants and submit the same to the Commission for its approval. If approved by the Commission, the owner shall promptly file the Covenants with the Suffolk County Clerk. If rejected by the Commission, Island Water Park shall revise the Covenants as per the Commission’s comments and re-submit the same for its approval. This cycle shall continue until the Commission approves the Covenants. Until the Covenants are approved and recorded, no physical activity may occur on the Project Site.
- b. The Covenants must state:
 - i. No clearing of vegetation shall occur in the existing 5.1 acre natural area of the site.
 - ii. A minimum of 35 percent of the project site, which is 14.67 acres of the 41.9 acre project site, shall be set aside and preserved as natural area following completion of the site plan and shall be comprised of the existing 5.1 acre natural area and 9.57 acres of revegetated area.
 - iii. After completion of the site plan, no clearing shall occur in the future in the 35 percent area of the project site (14.67 acres) which comprises the protected existing natural and revegetated area. After it has become established, the revegetated area will be considered to constitute naturally-vegetated area and thereafter shall be subject to the CLUP.
 - iv. Fertilizer may only be applied to no more than 4% of the Project Site.
 - v. Biofiltration Areas or Rain Gardens shall be protected.
6. Within 60 days of the date of this approval, the applicant shall submit a revised Site Plan that illustrates that a minimum of 35 percent of the site will remain natural after construction, which depicts the specific areas which comprise the 35 percent area of the site to be protected following project completion and which demonstrates that the existing 5.1 acre natural area is included in the 35 percent portion of the site to be protected.
7. The proposed “Biofiltration Areas” or “Rain Gardens” shall be constructed in existing cleared areas and not made part of any area to remain natural or revegetated area that will be protected through the filing of a Declaration of Covenants and Restrictions.
8. No expansion beyond the NYSDEC Life of Mine permitted boundaries.
9. This resolution must be attached to any title or deed transfer when the site changes ownership to ensure the transfer of responsibilities to new owner(s) and notification requirements continue in accordance with this approval. The current owners, successors or assigns shall be responsible for compliance with this approval including completion of revegetation activity and protection thereof.
10. The owner shall obtain additional permits and approvals, as required by law, prior to commencement of the Project. Island Water Park must forward copies of such approvals

11. The findings in the December 21, 2011 CGA Hardship Waiver remain in effect.

12. This approval shall expire three (3) years from the date of this amendment.

Resolved, prior to any disturbance of the project site to implement the project, the applicant shall record in the Office of the Suffolk County Clerk and index against the property the following documents: the Declaration of Covenants and Restrictions, a copy of this amendment dated September 18, 2013, and a copy of the CGA Hardship Waiver resolution December 21, 2011, and submit proof of same by copy to the Commission.

Record of Motion:

Motion by: Mr. Walter

Seconded by: Ms. Throne-Holst

In Favor: 5

Opposed: 0

Abstention: 0