

ORIGINAL

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In The Matter Of:

Central Pine Barrens Commission Public Hearing

January 19, 2022

3:00 p.m.

Being held via Zoom Videoconferencing

RD Industrial Compatible Growth Area
Development of Regional Significance Application

RECEIVED

FEB 10 2022

**Central Pine Barrens Joint
Planning & Policy Commission**

ALL STAR REPORTERS

4 A P P E A R A N C E S:

5 Judy Jakobsen, Executive Director

6 Angela Brown-Walton, Administrative Assistant

7 Julie Hargrave, Policy and Planning Manager

8 Supervisor Edward P. Romaine

9 Supervisor Yvette Aguiar

10 Supervisor Jay H. Schneiderman

11 John Milazzo, Special Counsel

12 Dorian Dale, representing County Executive

13 Andrew P. Freleng, Chief Planner

14 Sarah Lansdale, Director of Planning

15 Daniel P. McCormick, Deputy Town Attorney

16 Emily Pines, Special Counsel for Town of Brookhaven

17 Janice Scherer, Land Planning and Development

18 Administrator

19 Martin Shea, Senior Environmental Analyst

20 APPLICANT REPRESENTATIVE:

21 Timothy Shea, Certilman Balin

22 Chick Voorhis, Nelson Pope Voorhis

23 Brian Ferruggiari,

24

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PUBLIC SPEAKER:

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Dick Amper, Executive Director of the Pine Barrens Society

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2 MS. JAKOBSEN: On the next public
3 hearing. Sorry. I have to switch papers
4 here.

5 Okay. So this is the second public
6 hearing. I will read the notice: The
7 notice of public hearing pursuant to New
8 York State Environmental Conservation Law
9 Article 57-0123(2). Notice is hereby
10 given that the Central Pine Barrens
11 Planning and Policy Commission will hold a
12 public hearing on January 19th, 2022, on
13 the matter of an application for a
14 Development of Regional Significance.

15 The name of the project is: RD
16 Industrial Compatible Growth Area Hardship
17 Waiver of Regional Significance
18 Application.

19 The applicant/owner is: AVR-SP
20 Brookhaven JV, LLC.

21 Applicant's Representatives are
22 Timothy Shea, Jr., Certilman Balin and
23 Charles J. Voorhis, Nelson Pope and
24 Voorhis.

25 The project site is: Suffolk

1
2 County Tax Lot numbers 200-554-3-4.41,
3 4.45 and 4.46.

4 The location is: Ramsay Road and
5 Precision Drive in Yaphank in the Town of
6 Brookhaven Suffolk County.

7 The project description: The
8 Applicant proposes development of a
9 three-lot commercial industrial
10 subdivision and a site plan to construct
11 505,300 square feet of industrial
12 buildings and associated infrastructure on
13 a 47.26 acre project site. On December 6,
14 2021, the Brookhaven Town Planning Board
15 issued a Negative Declaration for this
16 Type 1 Action pursuant to the regulations
17 of the State Environmental Quality Review
18 Act.

19 If the Commission Members could
20 please identify themselves for the record,
21 starting with the Town of Brookhaven.

22 SUPERVISOR ROMAIN: Town of
23 Brookhaven, Ed Romaine, joined by Special
24 Counsel Emily Pines.

25 MS. JAKOBSEN: Town of Riverhead?

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2 SUPERVISOR AGUIAR: Yvette Aguiar,
3 Supervisor and Deputy Town Attorney
4 McCormick.

5 MS. JAKOBSEN: Town of Southampton?

6 SUPERVISOR SCHNEIDERMAN: Town of
7 Southampton Supervisor Jay Schneiderman,
8 joined by Janet Scherer, Land and Planning
9 Development Administrator and our
10 Environmental Analyst Marty Shea.

11 MS. JAKOBSEN: Suffolk County?

12 MR. FRELENG: I don't know if that
13 leaves me. Andy Freleng, Chief Planner,
14 Suffolk County Department Economic
15 Department and Planning.

16 MR. DALE: I was on mute.

17 Dorian Dale Director of Planning,
18 Suffolk County representing the County
19 Executive, along with my colleague Andy
20 Freleng, who has already announced
21 himself, and Sarah Lansdale who is the
22 Director of Planning.

23 MS. JAKOBSEN: Thank you. I'd like
24 to start off with having Commission staff
25 provide an overview of the project, that

1
2 would be Julie Hargrave, our Policy and
3 Planning Manager.

4 Julie?

5 MS. HARGRAVE: Thank you. Good
6 afternoon again.

7 So to give an idea of the project,
8 I'll just go through some of the
9 specifics. This is, again, is in the
10 Compatible Growth Area, it's a development
11 of regional significance. It's a 47.26
12 acre site. It's mostly wooded, except for
13 about 3.3 acres where there is a developed
14 road and some prior disturbance. The
15 proposal is to reconfigure three lots, so
16 it would be resubdivision and build a site
17 plan of commercial industrial development,
18 505,300 square feet about 11 acres of
19 buildings and about 20 acres will be
20 cleared for other uses, including parking
21 lots, roads, driveways. The site is in an
22 industrial subdivision that was planned in
23 the 1980s. There was a Generic
24 Environmental Impact Statement done at
25 that time. Each site subsequently has to

1
2 undergo its own SEQRA review and go
3 through the SEQRA process. Also, lots in
4 the subdivision have been further
5 subdivided since the project was
6 originally planned. And again, the Town
7 adopted a Negative Declaration for the
8 SEQRA determination on December 6th.

9 The uses, just to go back, the uses
10 in the industrial park include commercial
11 offices, manufacturing warehouses, hotel.
12 There was a hotel zone change at one time
13 that didn't go through. The projects
14 underway is a park and other developments.
15 Not every property in this subdivision,
16 industrial subdivision, has been developed
17 yet, but they are moving along. And,
18 again, this is for two warehouse and one
19 mini-storage. The mini-storage would be
20 three stories. I can show you a picture
21 of the site. Let me just share my screen.
22 I apologize. I'll do that in a minute.

23 So you have the staff report and it
24 explains the background proposed site
25 plan. And again, this is a development of

1
2 regional significance and it has to
3 conform to the standards and guidelines of
4 the Land Plan that's outlined in Chapter 5
5 of the Pine Barrens Land Use Plan.
6 There's a specific application the
7 Applicant has to make for development of
8 regional significance. The Commission
9 hasn't had that many of these. There's
10 been several in the record. Those are
11 explained in the staff report and also
12 described in the staff report. The
13 area -- let's just -- again, let's get the
14 map up, so everybody can see where this
15 is.

16 (A document was shared on the
17 screen.)

18 MS. HARGRAVE: This is at the
19 eastern end of the Brookhaven R&D Plaza,
20 south of the LIE, west of North Street,
21 north of the railroad tracks. And again,
22 it's about three lots that have been
23 assembled 47 acres. To the south, there's
24 residential; north of the highway is BNL;
25 northwest of the site, is the Meadows at

1
2 Yaphank, the 320 acre, also a development
3 of regional significance. And again, this
4 area is zoned industrial, zoned for
5 industrial development and the staff
6 report goes through all of the standards
7 and guidelines. We'll go through all of
8 them, unless you have specific questions.

9 There are some questions on items
10 that we need more information, including
11 the clearing. One or two confirm that the
12 cleared area of the road and the other
13 prior disturbance has been included in the
14 clearing limit. That's a standard
15 calculation that we always confirm to
16 ensure that the clearing limit is being
17 met.

18 And unfragmented open space, the
19 site is -- this is generally the site
20 plan. I want to say that the Applicant
21 did submit an amended site plan, it's very
22 similar to this site plan that was in the
23 package, that was in the application
24 submitted in November, but additional
25 information was submitted on January 14th,

1
2 last Friday, to tighten up some of this.

3 But, generally, as you can see,
4 this site plan fragments open space,
5 there's patches of open space all around.
6 There's one acre, five acres, nine acres,
7 it's -- it's very patchy. The open space
8 will be 16, about 16 acres to come out of
9 this. And if that was in a block that was
10 more unfragmented, it could be at the
11 eastern end of this site, it could be the
12 western end, maybe that would be less
13 sufficient, but if this could be more
14 clustered to the west side of this site,
15 maybe the largest building on the eastside
16 could be flipped to 90 degrees to cluster
17 this more toward the road, not have as
18 many buffers that really don't constitute
19 quality open space and are less
20 meaningful. They will be degraded over
21 time, they don't provide a significant
22 habitat value. There's many factors of
23 why unfragmented open space is important
24 and why this needs to be clustered more.
25 And this is just not meeting intent of

1
2 this standard right now, but -- and it's
3 really for the Commission to discuss and,
4 you know, maybe the Applicant can explain
5 some of the constraints or the purpose of
6 why it was laid out this way and if they
7 could look at an alternative that is more
8 conforming to the standard. There's no
9 cultural resources impact, the
10 preservation office said there was no
11 resources identified there.

12 And so we have some questions at
13 the end of the staff report, again, just
14 to confirm the clearing limits and to make
15 sure that the conformance is demonstrated
16 there. And, again, if it's found to be
17 that it doesn't conform, then the Hardship
18 Waiver may be necessary. The plan will
19 need to be, you know, show all the
20 clearing limits. We're looking for a more
21 clustered plan to reduce the fragmented
22 open space and also show if there are any
23 impacts to steep slopes. I think it was
24 about one -- less than two acres of steep
25 slopes shown and we want to make sure that

1
2 those are protected in conformance with
3 the standards and guidelines that relate
4 to steep slopes.

5 Landscaping plan eventually will
6 need to be reviewed, at least by the Town,
7 for conformance to have native plantings.
8 And any plans for signage that could be
9 visible from the LIE, this is a scenic
10 corridor in this area and the proposed
11 road goes right up against the buffer to
12 the LIE or right up against the
13 right-of-way, so it doesn't look like
14 there's much of a buffer left and I'm not
15 sure what will be visible and what won't.
16 We don't have a visual simulation of what
17 this will look from the highway. And
18 definitely signage, if there's going to be
19 any signage sticking out above the
20 treeline where that's visible for this
21 site from the highway. The three storage,
22 mini-storage, may be visible. I'm not
23 sure if that information, I don't think,
24 was provided.

25 We wanted to ask if there was going

1
2 be a new curb cut or a service road on the
3 LIE for access to this site. We
4 understand there's been discussions about
5 this proposed road through the site being
6 used as a public road really for people to
7 eventually travel to the east for a new
8 Yaphank Railroad Station. So, you know,
9 we want to make sure that it's clear on
10 how this road will be accessed and
11 visible, again, from the highway.

12 And there is concern about the
13 northern long-eared bat. From our
14 understanding this is important and
15 significant, that habitat. And that is a
16 threatened species and endangered,
17 Federally and State wide. So we wanted to
18 understand how this is going to move
19 forward or if a Take Permit was going to
20 be requested.

21 There was discussion in the
22 application about the build-out capacity
23 being about three more acres and if that
24 is going up or out, if that is eventually
25 planned, either a second-story somewhere

1
2 or an expansion. Obviously, an horizontal
3 expansion could impact the clearing
4 limits, so maybe not horizontally, but if
5 there's a future build-out that may be
6 proposed, we want to be clear on that now.

7 And there's only one road out of
8 this site, of this whole industrial park.
9 One lane, actually, for 238 acres of
10 development. And if this is going to
11 create -- generate a lot of traffic, which
12 the Environmental Assessment Form did
13 explain that it would be a significant --
14 that significant traffic trips would
15 occur. If there has been a traffic study
16 done, obviously, the Commission will need
17 to review that. And if not, how does this
18 application plan to handle the significant
19 traffic associated with this project?

20 And I think that's all I have.

21 MS. JAKOBSEN: Thank you.

22 Does any of the Commission Members
23 or Reps have questions for Julie?

24 SUPERVISOR ROMAINE: I do.

25 There's only one road that if I'm

1

2 at this location, I can leave and get
3 back, is that northern William Floyd
4 Parkway? There's no other road leading to
5 any other, where you access this
6 industrial park; is that correct?

7 MS. HARGRAVE: Correct. There's an
8 entrance --

9 SUPERVISOR ROMAIN: That is not
10 correct? There's a road that leads to the
11 service road of the Long Island Expressway
12 that I can leave this development and go
13 that way?

14 MS. HARGRAVE: You can't leave,
15 you're correct. It is coming into the
16 site, but that's not an exit. You're not
17 allowed to go out that exit. It's an
18 entrance, I'm pretty certain, if someone
19 can -- maybe the -- you're a Supervisor,
20 so I -- I don't want to misspeak, but I
21 believe I checked that and it's an exit
22 from the north, it's an exit from the
23 service road, but you cannot leave this
24 development and exit onto that service
25 road to get on the LIE or to get on

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2

William Floyd Parkway. There's one exit

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onto William Floyd Parkway, from my

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understanding, from this development.

5

Is there anyone that can confirm

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that?

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MR. MILAZZO: That can be something

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that the Applicant can address.

9

MS. JAKOBSEN: Let's finish up with

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if anybody has any further questions and

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then we'll get clarifications from the

12

Applicant.

13

Does anyone else have any other

14

questions for Julie at this point?

15

(Whereupon, there was no response

16

amongst the Board members.)

17

MS. JAKOBSEN: Okay. So we will

18

now turn to the Applicant's

19

representatives. I see Mr. Shea and

20

Mr. Voorhis are present.

21

Can we please unmute, I guess, who

22

wants to go first? Chick, do you want to

23

go first or Mr. Shea?

24

MR. SHEA: I will go first, if you

25

don't mind and then I'll hand the baton

1

2 off to Mr. Voorhis.

3

4 MR. VOORHIS: Also, Julie, if
5 possible, I would like to share a screen
6 when I speak and if that could be enabled.

7

8 MS. JAKOBSEN: Okay.
9 Angie, can you do that for me? I
10 can't access that.

11

12 MS. BROWN-WALTON: Got it.

13

14 MS. JAKOBSEN: Okay. Thank you.

15

16 MR. SHEA: Okay. If I may, I'll

17

18 start.
19 Timothy J. Shea, Jr., Certilman
20 Balin. 100 Motor Parkway, Hauppauge, New
21 York, for the Applicant. I am joined on
22 this Zoom presentation by Chick Voorhis of
23 Nelson Pope Voorhis, Brian Ferruggiari of
24 AVR-SP JV, the Applicant and Jeff Vollmuth
25 of Vollmuth and Brush. It is planned that
Mr. Voorhis and I will do the
presentation.

26

27 The project before the Pine Barrens
28 Commission has been determined to be a
29 development of regional significance, thus
30 requiring a hearing and Commission

1
2 approval. Although Mr. Voorhis will be
3 doing the bulk of the presentation of our
4 application to the Commission, I wanted to
5 provide some background with regard to how
6 it is we arrived at the site design and
7 our request for Commission approval.

8 The site in question is located on
9 the southwest corner of Ramsay Road and
10 Precision Drive, what was previously known
11 as the map of Brookhaven R&D Plaza,
12 Section 2. The site in question is 47.26
13 acres in size and was the subject of a
14 filed map known as the R&D Plaza in the
15 1980s, which included a public road,
16 ending in a cul-de-sac in the middle of
17 the site, together with the proposed
18 recharge basin going north and south. The
19 map created two separate lots; one in the
20 northwest corner of the site and the
21 second lot encompassing the southern
22 eastern parts of the overall site. The
23 lots were separated by the road and the
24 recharge basin, thus creating those two
25 separate lots.

1
2 Based upon our investigation, in
3 the 1980s, construction of the road and
4 recharge basin was commenced, but never
5 completed. AVR and its joint venture
6 partners submitted a site plan application
7 to the Town of Brookhaven in order to
8 develop the property, as indicated in the
9 site plan, which was initially filed with
10 the Pine Barrens Commission on or about
11 November 4, 2021.

12 Subsequent to that filing, the Town
13 of Brookhaven Planning Board approved the
14 initial application as designed in the
15 interim. The Applicant had occasion to
16 speak with Pine Barrens staff, where staff
17 raised concerns about designs in the
18 project. In response to some of those
19 concerns, the Applicant modified the site
20 plan, increasing the size of the largest
21 lots of open space to be retained on site.
22 In part, dealing with the fragmentation
23 argument that was previously discussed.
24 These modifications were discussed with
25 staff and detailed in our letter dated

1
2 January 14, 2022.

3 The modified plan was approved by
4 the Town of Brookhaven Planning Board on
5 January 8, 2022, and is the application in
6 front of the Commission that we seek to
7 gain approval of.

8 As indicated with our supplemental
9 application documents and revisions to our
10 application, the changes to the plan do
11 not result in changes to the location of
12 the buildings and are limited to adding a
13 truck turning lane, to exit Building A, in
14 order to avoid a potential traffic
15 conflict with people entering the site, as
16 employees, which is located closest to
17 Ramsay Road.

18 Omission of a sewer line through
19 the area in front of Building A, which is
20 the building adjacent to Ramsay Road and
21 reduction of truck driving aisles behind
22 Buildings A and C. A and C are the two
23 buildings to the south, the one building
24 that is going north and south along Ramsay
25 Road and the other being the 250,000

1
2 square foot building going east and west
3 along the southern part of the proposed
4 private driveway -- private road. We've
5 reduced those two drive aisles from 75
6 feet in the rear to 60 feet in order to
7 provide additional open space and result
8 in any fragmentation -- relieve any
9 fragmentation.

10 As the Commission is well aware,
11 the site plan do not create an evac route
12 and are subject to review by the Town of
13 Brookhaven Planning Department, the
14 various agencies under the Town's
15 umbrella, and in this case, the Suffolk
16 County Planning Commission, Suffolk County
17 Department of Health Services.

18 In arriving in an acceptable site
19 plan, the Applicant must, to the extent
20 applicable, live within the constraints to
21 the Town code. Additionally, the
22 Applicant must meet with staff to
23 determine preferred design parameters on
24 its site. In this case, two code
25 provisions and conversations with Planning

1
2 staff were major driving forces in
3 arriving at the site plan designed for
4 this site.

5 First, the Town code has a land
6 development standard, including one
7 standard for parcels over five acres in
8 size, that a setback requirement is there
9 for improvements -- that bars improvements
10 within 100 feet of the street frontage.
11 This had to do with the street frontage
12 along Ramsay Road, which is the building
13 in the -- going north and south, right
14 along Ramsay Road. The Town has, in
15 certain cases, been willing to relax such
16 a requirement on smaller lots, but
17 regularly requires the 100 foot yard
18 buffer and setback for larger parcels of
19 property. In this case, the 47.26 acre
20 parcel, with significant street frontage
21 on Ramsay, resulted in the Town requiring
22 us to adhere to the 100 foot setback for
23 parking facilities and other improvements
24 and creation of the 100 foot vegetated
25 buffer along Ramsay Road, pursuant to

1
2 85-855 of the Town code.

3 The second major concern the Town
4 raised was the proximity in the project
5 and the development areas that are
6 residentially zoned to the south of the
7 subject parcel. Just south of the Long
8 Island Rail Road tracks, which abut our
9 property and which are also zoned
10 Residential. All Long Island Rail Road
11 tracks, that I'm aware of, in Suffolk
12 County are zoned residential.

13 Pursuant to our discussions with
14 Planning staff and in compliance with the
15 Town Land Development Standards, the
16 Planning Department required us to adhere
17 to a 75 foot buffer to any residential use
18 or zone from any commercial industrially
19 use occupying greater than five acres.
20 This is pursuant to 85-843B2C of the Town
21 code. In fact, our initial design had the
22 private road accessing the site along the
23 southerly boundary of the property and it
24 was somehow rejected by the Town Planning
25 staff as not providing the required buffer

1
2 to residentially zoned property to the
3 south. Thus, in order to adhere to the
4 wishes of the Town, we were required to
5 provide both the 100 foot buffer along the
6 frontage of Ramsay Road, as well as the 75
7 foot buffer along the southerly boundary
8 line leading us to utilize the majority of
9 the whole previous map and somewhat clear
10 the right-of-way with the cul-de-sac down
11 the middle of the property for the
12 development. If you can take a look at B
13 --

14 Chick, since you have control, can
15 you show the plan very briefly?

16 (A document was shared on the
17 screen.)

18 MR. SHEA: Okay. So right there on
19 the site plan, you can see along the
20 middle of the property and you can see it
21 coming to a head in the cul-de-sac within
22 the proposed largest building, and that's
23 what we are utilizing for the clearing and
24 going for access getting into the site.

25 The other driving factor in the

1
2 site design is the fact that the Long
3 Island Rail Road and MTA have discussed
4 relocating the Yaphank Railroad Station.
5 And one other site is under consideration
6 is located to the east of the subject
7 site. That lot is essentially landlocked
8 by virtue of the fact that it is
9 triangular in shape, with the LIE abutting
10 it to the north and the railroad tracks
11 abutting it to the south and the subject
12 property abutting it the west. As such,
13 we were requested to accommodate the
14 possibility of the adjacent site being
15 chosen for the railroad station by
16 providing cross access between the subject
17 parcel and the adjacent parcel.

18 The only way to accomplish this was
19 to provide a private road from the west
20 property line through to the east property
21 line. And the best alternative, given the
22 Town's direction with regard to buffering
23 the southern part of the site, was to
24 utilize the part of the previously mapped
25 and partially constructed roadway and to

1
2 extend the same to the easterly property
3 line. Given the adjacent site has not
4 been selected, the Applicant had to create
5 a cul-de-sac at the end of the road to
6 provide for a turnaround, which is part of
7 the plan. Thus the design provided
8 herein, in our opinion, is the best design
9 to preserve open space in large blocks and
10 given the totality of the facts, we
11 believe that this application should be
12 granted. And these blocks of open space,
13 will be preserved via conservation
14 easement.

15 We do have one major issue which we
16 would like to discuss with the Commission
17 and have it considered: The site,
18 although not home to the long-eared bat,
19 is a possible breeding ground of the same
20 and as such is regulated by the New York
21 State DEC. The DEC has enacted
22 regulations which reduce the previous
23 window for clearing in such locations from
24 December through May 1st, to now being
25 December through February 28th.

1
2 As Mr. Voorhis will describe in
3 better detail, this leaves the Applicant
4 with an extremely short window to
5 effectuate clearing the property parcel
6 for construction to occur. If clearing is
7 not complete by the end of February, no
8 clearing will be able to take place until
9 next Winter, thus delaying construction of
10 the site by a minimum of nine months and
11 up to a year when considering start up
12 times.

13 I will now hand the presentation
14 off to Mr. Voorhis and then do a very
15 brief conclusion after he is done.

16 Thank you very much.

17 MR. VOORHIS: Thank you, Tim.

18 Good afternoon, everyone. Most of
19 you know me. I'll just make a brief
20 introduction for the record.

21 My name is Chick Voorhis of Nelson
22 Pope Voorhis. Our offices are in
23 Melville. I'm a certified planner and a
24 certified environmental professional and
25 have 44 years of environmental planning

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experience on Long Island.

MR. MILAZZO: Can we swear him in?

**CHICK VOORHIS, the Applicant herein, having
first been duly sworn by the Notary Public, was
examined and testified as follows:**

MR. VOORHIS: The Applicant, as you
know, is AVR-SP Brookhaven JV LLC and
Brian Ferruggiari of that organization is
with us today, Tim made the introduction.
And also Jeff Vollmuth from Vollmuth and
Brush is the site engineer. All of these
parties are available if there are
questions. I will cover the application
in great detail, so hopefully that will
help the understanding.

As was indicated by a number of
people, the site is in the Compatible
Growth Area, it does include the buildings
identified here. I do want to point out
that the 100,000 square foot sub storage
is a low intensity use, it has low
traffic, wastewater, water generation and
use. This is the DRS by virtue of the
fact that it's over 300,000 square feet,

1
2 but it is unique, because this is part of
3 the Brookhaven R&D Plaza subdivision and
4 we are reaching the 300,000 square feet by
5 the fact that we've combined the three of
6 the lots from the original subdivision, so
7 that subdivision was approved in 1982.

8 It's just semi-interesting, but
9 Supervisor Romaine and I go back a long
10 time in Brookhaven. This is the first
11 project that I worked on in the Town and I
12 actually assisted with finalizing the
13 review of this subdivision at that time,
14 it was a long time ago. Our application
15 before the Commission was submitted on
16 November 3rd of 2021.

17 Both Tim and Julie identified the
18 site location. I think we are all
19 familiar with that. This shows it in an
20 aerial photograph of 47.26 acres, Zoned
21 L-1 Industrial. This is the context, this
22 is the entire Brookhaven R&D, now known as
23 Brookhaven Technology Center, this is the
24 eastern terminus of it and all of these
25 are individual lots. If you look at a Tax

1
2 Map, all of these would be expected to be
3 built over time, but, as you can see, it's
4 been 40 years in the making for a number
5 of these lots.

6 Just in terms of the current review
7 status, it was mentioned that the Town
8 Planning Board has issued a Negative
9 Declaration. They've also conditioned
10 site plan approval and they've issued that
11 conditional approval, that was just in
12 December. And a revised approval, as
13 we'll describe a little more and Tim has
14 touched on it, was issued last Monday. We
15 do know that there was a violation that's
16 been resolved as of January 6th. Julie
17 mentioned -- made mentioned that we
18 amended and provided the newest Town
19 approved site plans last Friday. And we
20 did have the opportunity to meet with
21 staff and explain the project and those
22 changes last Thursday, so I thought that
23 was helpful. And that brings us up to the
24 hearing today.

25 As I said, the Brookhaven R&D was

1
2 approved in '82, full EIS also in 1982,
3 it's been under development since about
4 1984.

5 This is also quite interesting,
6 when this went for final approval, the
7 Pine Barrens Commission had not been set
8 up yet, but the Pine Barrens Act, Article
9 57, had been adopted. So this subdivision
10 was actually reviewed by what was known as
11 the Suffolk County Pine Barrens Review
12 Commission, which was an interim
13 Commission. I had processed a few
14 applications in front of that body and I
15 can tell that you we contacted the
16 Planning Department, Sarah Lansdale is on,
17 as is Andy Freleng. And I think all will
18 indicate that no decision has been found,
19 supposedly it was in the records at CPQ,
20 but Andy has not been successful in
21 finding that. And we also FOILED it at
22 the Commission office just in case those
23 original records from '93 to '95 were
24 handed off to the Commission and that has
25 not found any records. So I wish we had

1
2 it, there's no moratorium that was
3 approved by the Town that makes reference
4 to it, but it does not appear to exist.

5 As I said, the lots are being
6 developed continuously as we go from now
7 forward, based on market demand. And
8 because it's in the Compatible Growth
9 Area, various applications, if needed,
10 will either go to the Town for conformance
11 with the Town's Central Pine Barrens
12 District under Chapter 85 or, if needed,
13 go to the Commission.

14 This is our application and all of
15 the required elements and the various
16 attachments that I will refer to that were
17 included with our application. We've met
18 with staff, as I said, last Thursday, the
19 13th, to discuss the changes. This plan
20 is the most recent plan, it is the one
21 that was approved by the Planning Board.
22 It did improve, not to a major extent, but
23 it did improve open space by tightening up
24 these drive aisles and expanding this area
25 of contiguous open space by about 15 feet.

1
2 This is the back of Building C, as well as
3 the eastside of Building B. So those plan
4 changes were favorable and in response to
5 the Town's request.

6 We believe that this site plan does
7 clarify the limits of clearing, and I'll
8 go into that in more detail when I touch
9 on the standards and guidelines. I can
10 tell you that the existing cleared areas
11 that Julie referred to as the 3.08 acres
12 are the road right-of-way and an excavated
13 recharge area. They are included in the
14 existing cleared areas. And we did
15 include a submission of site erosion
16 control and landscape plans. This is a
17 little larger rendition of the plan
18 showing Buildings A, B and C. We are
19 connecting to the Brookhaven Sewer
20 District, as Tim indicated, we are
21 reorienting the road and removing this,
22 which basically bifurcated the site and
23 split the site. We do have public water,
24 we will be providing subsurface drainage,
25 we will have coveted buffers for all of

1
2 the easement areas, and this right-of-way
3 will be abandoned.

4 I'll cover the standards and
5 guidelines. There are a number that, in
6 their staff report, that was issued and
7 available yesterday, indicated we conform
8 with. I will just indicate that this
9 analysis is based on our most up-to-date
10 plans, which were submitted last Friday.

11 A small "c" indicates that the
12 standard or guideline conditionally
13 conforms per the staff memo. A large "C"
14 indicates that it does conform or has been
15 found to conform. "I" indicates this is
16 an example, additional information was
17 requested. We hope to address all
18 requests for additional information today.
19 And "N/A" is nonapplicable.

20 So we can go fairly quickly through
21 this page. We are connecting to an STP
22 and, therefore, we are conformed to
23 Article 6 of the Suffolk County Sanitary
24 Code. We are pursuing all approvals. Now
25 that the Town has issued the Neg Dec and

1
2 the site plan is approved by the Town
3 Planning Board, we will be continuing and
4 obtaining all Health Department approvals.

5 The STP discharge was found to
6 conform, that's a large "C".
7 Nitrate/nitrogen, we performed the same
8 analysis based on the Sonar model we used
9 for other DRS applications. And we are
10 substantially less than the standard,
11 which we believe does not apply because
12 there are no ponds and that's how the
13 guideline reads.

14 Articles 7 and 12, are required to
15 be complied with and that is conditional
16 upon the County's approval. We expect
17 that that will be no issue whatsoever as
18 we move forward through the final stages
19 of that review. They are not impacting
20 public wells or private wells and both of
21 those have been found to conform in the
22 staff report. And non disturbance
23 buffers, this pertains to wetlands, and
24 there's one question in the staff report,
25 so additional information was requested.

1
2 That additional information had to do with
3 the request to discuss the existing
4 recharge basin that was excavated many
5 years ago for that road, which was never
6 completed.

7 That recharge area was checked for
8 wetlands, there are no wetlands, it is not
9 a vernal pool or pond. The area is mostly
10 dry, as you can see in this photograph,
11 looking north on the west side of that
12 recharge area. There is one small, and I
13 do mean small, wet area. It does not
14 exhibit wetland indicator species and this
15 was based by a visit by ecologists on my
16 staff that occurred in November. This
17 provides a little more context on that
18 particular area.

19 This is a 2001 aerial photograph.
20 It's really -- the photograph that best
21 shows this after it was cleared, after the
22 subdivision was approved. It does receive
23 water because that was the whole purpose
24 of creating it. You can see what, to me,
25 looks like standing water in this area,

1
2 but most of it has been dry and the road
3 was never finished. And that small wet
4 area, we did a GPS screen shot, is roughly
5 in this location. So we have found that
6 it was designed for recharge, it's not
7 completed, it does receive stormwater,
8 there are no wet lands or vernal pool.
9 And based on this additional information,
10 which I will certainly submit for the
11 record, we believe and I believe staff
12 will find that we conform with this
13 standard.

14 Moving as quickly as I can through
15 the rest, pertaining to buffers and CNRs,
16 this again was semi-redundant just in
17 asking if that particular feature, the
18 former recharge area, is a wetland. It's
19 not, as I've explained. And of course, in
20 terms of buffers, very similar and really
21 much to the credit of AVR on the meadows,
22 we're very familiar as a team with
23 conservation easements, recording CNRs,
24 checking them, snow fencing them,
25 surveying them and ensuring that they will

1
2 be respected, so what you see is what you
3 get on the plan. So we believe that based
4 on this additional information, we are
5 completely consistent with Standard 4.2,
6 pertaining to buffers and CNRs.

7 The site is not within a wild
8 scenic recreational river corridor.
9 Again, somewhat redundant, but the next
10 several guidelines and standard pertain to
11 that wetlands question under 4.4,
12 additional information was requested, we
13 believe we provided that in testimony
14 today and that we conform.

15 Stormwater recharge, as I've
16 indicated, subsurface drainage will be
17 provided and the staff report indicates
18 conditioned approval of this particular
19 standard. We have Town site plan approval
20 and that includes the grading and drainage
21 plans, so they've been reviewed by Town
22 engineering and found to be suitable and
23 acceptable and so we believe that we have
24 conformed with that condition.

25 Natural recharge was also

1
2 conditioned and conforming, provided we
3 meet the condition, and again, we have
4 approved Town plans.

5 Next has to do with ponds. Staff
6 report found that to be not applicable.
7 In terms of natural topography and
8 recharge, there are no natural recharge
9 areas available, the staff report found
10 that to be consistent. And as I said, the
11 Town approved plans ensured that that
12 condition is complied with.

13 Erosion control, under Guideline
14 5.5, there was a full set of erosion
15 control plans that are part of the site
16 plan Planning Board approved package.
17 That was also found to be conditioned --
18 to be consistent and so we do meet that.
19 And as I said, we'll stake and fence all
20 areas and ensure that the easement areas
21 are respected.

22 The next one is vegetation
23 clearance limits. The staff report seemed
24 to have expressed some confusion over the
25 calculations and, you know, has indicated

1
2 that this is always requested.

3 What I have shown on the right side
4 of the screen is directly off the site
5 plan that has been provided to staff.
6 It's the updated plan that was submitted
7 last Friday. And it shows the three
8 easement areas, those were noted, as Julie
9 said in her intro, Area A is 9.74, Area B,
10 which is that one to the north that we'll
11 talk about that more, is 5.69 and Area C
12 is 1.24. And the sum of those areas is
13 16.67, which is 35.27 percent of the site
14 and that is completely consistent with the
15 required natural area.

16 The way the vegetation clearance
17 standard is written, it talks about
18 clearing that's permitted, so 65 percent
19 of the site is 30.72 acres, 35 is 16.54
20 acres. Our natural area equals 35.6
21 percent and therefore is consistent in
22 compliance because the clearing is less
23 than 65 percent and the natural area is
24 greater than 35 percent, so we conform.
25 The 3.08 acres that staff has mentioned

1
2 has been addressed, it's within areas that
3 are already proposed to be cleared. This
4 is just an additional graphic to
5 demonstrate that.

6 You can see there is a kind of a
7 fuchsia, purplish line, this is the limit
8 of clearing. This is the clearing area
9 for Building A, for Building B and for
10 Building C. And the areas that are
11 indicated as natural, are those easement
12 areas that would be preserved in total.
13 So you can see that the road where it had
14 been cleared, much had been revegetated or
15 maybe showing up as canopy on the aerial
16 photograph, is within the clearing area
17 for Building C.

18 The recharge area or that former
19 excavation area is within the clearing
20 area, which ends here and north of this
21 line, the limited clearing, it has
22 naturalized. And in fact, other parts
23 have naturalized as well. So this, again,
24 clearly shows that we've accounted for all
25 of those areas. The natural areas do not

1
2 include prior cleared areas. The natural
3 areas do not include the islands that have
4 been referred to or smaller areas.

5 And importantly, based on a
6 discussion at an earlier meeting agenda
7 item, the Brookhaven National Laboratory
8 area, which is really for this part of the
9 site, on the southern part of the site,
10 you'll see it better at the end of the
11 presentation, is actually subtracted and
12 is not part of our natural area. So the
13 fact that that has been determined as of
14 today, I believe, or will be determined,
15 to not count against clearing. That means
16 that we have an additional .36 acres that
17 would be considered natural. And that
18 just really serves to increase the natural
19 area and further demonstrate our
20 compliance with Vegetation Clearance
21 Standard 6.1.

22 I do want to clarify, this has come
23 up a few times, there's no additional
24 development proposed for this property.
25 This is it. These three sites, these

1
2 three buildings, constitute the full
3 extent of development, so that question
4 can be really satisfactorily addressed.

5 So we believe that we are
6 completely consistent with the vegetation
7 clearance and I believe staff will find
8 that to be the case upon a detailed review
9 of the submission.

10 There was some talk already about
11 unfragmented open space, I just want to
12 say that this became a DRS when these
13 three lots were combined. The individual
14 lots, had they been developed with this
15 road bisecting the site, with this
16 recharge area and use of what would have
17 been the configuration of lots, would have
18 fragmented the open space even more. And
19 I will say, that it would be very
20 consistent with the other lots within the
21 subdivision.

22 The original road divided the
23 property. Moving the road to the north
24 allows us to provide greater contiguous
25 open space. And, again, there's really no

1
2 coordinated open space. This site is
3 within the subdivision. This site is
4 within the subdivision, each of these
5 individual sites will be developed, this
6 is a recharge basin. It would have to
7 have the same level of coordinated open
8 space that our plans provide. And we are
9 also removing recharge and using
10 subsurface recharge and that allows us to,
11 again, to provide greater open space and
12 better contiguous open space.

13 One of the questions had to do with
14 looking at turning the building to -- in
15 an attempt to somehow provide additional
16 open space to the east. I can tell you
17 that we looked at that, this is a very
18 quick graphic to show that and you can see
19 a couple of things here. Number one, we
20 would not be able to provide the roadway
21 to access the site to the east, which Tim
22 described in detail as a landlocked site.
23 I can say that we can't really change the
24 configuration of this building because of
25 its use. The length and width of this

1
2 building is critical to the function of
3 this type of use, which is consistent with
4 zoning, so it doesn't fit. We did look at
5 it, we looked at a number of things that
6 just do not improve the open space. And
7 our engineer can indicate and Tim has
8 indicated that this project provides the
9 best contiguous open space configuration
10 possible for the combination of this 47.26
11 acres, which is now combined, and lets us
12 have these larger contiguous open space
13 areas.

14 I believe that you'll find that we
15 are consistent with the intent and because
16 of the constraints associated with the
17 subdivision, we are improving open space,
18 not further fragmenting it.

19 A couple of final points on that,
20 to the north is the LIE, there is a
21 right-of-way, it's about 125 feet of
22 naturally vegetated area. I will get into
23 that more into the roadside design aspects
24 of the standards and guidelines. To the
25 south is the Long Island Rail Road, to the

1
2 east is the landlocked site and certainly
3 open space will be required on that site
4 and it will align with this site. And
5 therefore, based on all of these factors,
6 as well as the November 3rd submission,
7 which goes into this in detail, we believe
8 that we are consistent with the
9 unfragmented open space requirement under
10 Standard 6.2.

11 As we move forward, the fertilizer
12 dependent vegetation has a large "C" that
13 indicates the staff found it to conform.
14 And in fact, we can fertilize, and I'm
15 certainly not advocating this, but up to
16 7.09 acres. We are proposing 1.34 acres
17 of fertilized vegetation, which is .84
18 percent, substantially less than 15
19 percent. And I just want to point that
20 out as a benefit to this type of project.

21 Native plantings is a requirement.
22 We did submit a three sheet landscape
23 plan. Staff, in their intro, indicated
24 that the Town would review these plans for
25 conformance and the Town has approved the

1
2 landscape plan as of last Monday, the
3 final conditional approval. So that's
4 been submitted, it includes all of the
5 species that are identified. Staff
6 requested additional information, but I'm
7 not sure if they looked at the landscape
8 plans. And in fact, the Town has reviewed
9 them, so that's a very important
10 clarification. We believe we are
11 consistent with 6.4.

12 In terms of ecological species, in
13 the staff report, on Page 1, and then
14 there was some attention to the northern
15 long-eared bat. So I do just want to say
16 for the record that the -- there is a
17 tiger salamander breeding pond in the
18 area, but it is north of the expressway.
19 I apologize for this graphic, but it comes
20 from the DEC Environmental Resource
21 Mapper. This is that breeding pond to the
22 north of the expressway, it's 1300 feet
23 from the site. The DEC typically looks
24 within 1,000 feet for open space to meet
25 the upland lifecycle requirements for the

1
2 tiger salamander, so this has no bearing
3 on the project whatsoever, I just want to
4 make sure that's understood.

5 And with respect to the northern
6 long-eared bat, we would be required to
7 observe the December 1st through February
8 28th clearing window, unless some other
9 DEC authorization is provided for under
10 Article 11. And based on our assessment
11 of habitats on the site, we do not believe
12 that would be forthcoming. There are no
13 other listed species with a suitable
14 habitat on this site and so I believe that
15 we are completely consistent and have
16 provided the additional information that's
17 requested in the staff report to
18 demonstrate conformance with Standard 7.1,
19 Ecological Species.

20 Just a few more, thank goodness,
21 but we do want to be thorough and have you
22 understand the full submission.

23 Clearing envelopes is Guideline
24 8.1. There has been reference to 1.85
25 acres with slopes in excess of 15 percent.

1
2 I'm going to go into this in more detail
3 because staff requested more information.
4 But I'll say as an overview, that the
5 majority of those areas are manmade and
6 I'll be able to demonstrate that to you.

7 Additional information was
8 requested with regard to stabilization of
9 the site and erosion control, which is
10 Guideline 8.2. I do want to point out
11 that this guideline does allow development
12 on slopes greater than ten percent if it
13 is mitigated. And it even talks about
14 proper engineering design. And I'll just
15 point out that the Planning Board has
16 approved this, including grading and
17 drainage plans and reviewed by the Town
18 engineer. And then slope analysis, these
19 three are all related, so we did submit a
20 slope analysis with the application. I'll
21 be providing some further information on
22 all three of these guidelines.

23 Of the slope analysis that's shown
24 here, the site is relatively flat, 93
25 percent is zero to ten percent slopes,

1
2 about 2.9 percent of the site are ten to
3 15 percent slopes. Those are these
4 lighter gray areas that you can see really
5 scattered about this site. The areas that
6 are 15 percent and greater are the darker
7 areas and those are really showing up in
8 this area.

9 So let's just understand, this road
10 was cleared and this recharge area was
11 created. These are mounds, these areas
12 are 15 percent greater slopes and some
13 greater than ten percent are basically
14 mounds that were left to remain when this
15 road was created. This recharge area was
16 excavated, it's manmade. The aerial
17 photograph of it from before 2001, those
18 are areas of slopes 15 percent or greater.
19 And they are more intermittent, but some
20 slopes along the Long Island Rail Road
21 that were created -- the embankment was
22 made for the LIRR, so we shouldn't get too
23 excited about the 1.85 acres because the
24 majority of it, if not all of it, is
25 within areas that are manmade. And the

1
2 rest are really, you can see the light
3 green, it's zero to ten percent, the
4 majority of the site is zero to ten
5 percent, the table of all of those sloped
6 areas is in the lower right of this image.
7 And there are just scattered areas greater
8 than ten percent, most of which are
9 manmade.

10 So staff did request an overlay, I
11 think this is helpful for all three of
12 these Guidelines, 8.1, 2 and 3. And this
13 shows that same line, it was a fuchsia
14 line before, which is an overlay on the
15 slope map, so basically, this is the area
16 for clearing for Building A and Building
17 C. The excavated area is manmade and it's
18 within the existing proposed clearing
19 areas.

20 The Long Island Rail Road
21 embankment is mostly in preserved areas.
22 These mounds, that are not natural, they
23 are manmade from when the road was
24 created, are within areas that are going
25 to be disturbed for Building C, but

1
2 they're not manmade slopes. And when you
3 look at it, they're really only a few
4 scattered areas outside of the three areas
5 for building development, where there is
6 some minor disturbance and scattered
7 natural slopes greater than ten percent.
8 It would be impossible to avoid those
9 areas and still provide the contiguous
10 open space. So there's a little bit of an
11 inherent conflict between those standards
12 and guidelines, but we believe that this
13 is the most efficient design and
14 development for the site, it avoids the
15 natural steep slope areas to the maximum
16 extent.

17 And I do want to point out, we do
18 have one retaining wall that I'll go into
19 because there's this guideline that deals
20 with that, it's at the south part of the
21 Building A area. The guidelines don't
22 prohibit retaining walls, but there is a
23 staff comment that does talk about
24 something to that effect, nor do the
25 guidelines prohibit disturbance in steep

1
2 slope areas. And they specifically
3 provide language under Guideline 8.2 that
4 slopes greater than ten percent and
5 disturbance therein, may be approved and
6 it's subject to technical review, design
7 and mitigation. And so the fact that the
8 Town of Brookhaven has already reviewed
9 the design, the grading and drainage, the
10 retaining wall, the landscape plan and
11 issued their approval, as well as the
12 erosion control plans, would indicate that
13 we meet Guidelines 8.1, 2 and 3 with
14 respect to slopes and each of the factors
15 under those particular guidelines. So
16 this is the additional information that's
17 been requested by staff. I believe it
18 clearly demonstrates that we are in
19 conformance with those guidelines.

20 Getting very close again, as I
21 said, 8.4, it's a little bit redundant,
22 additional information was requested, but
23 we have provided the erosion control plan
24 approved by the Town of Brookhaven. Roads
25 have been placed to ensure proper design

1
2 and access, additional information was
3 requested and it's, again, related to
4 Guidelines 8.1, 2 and 3.

5 Here's the one about retaining
6 walls. This is interesting because the
7 staff report does pick up on a retaining
8 wall, it says that some cut of material is
9 needed. That retaining wall is right here
10 and there's one other on Building C. And
11 it basically facilitates ramp access to
12 the building, but it's all within existing
13 disturbed areas that are part of our
14 allowable clearing. The only other
15 retaining wall, other than these retaining
16 walls for the ramps, is a retaining wall
17 right here at the southeast side, as I
18 said before, that provides for a grade
19 transition that allows us to preserve
20 contiguous open space to the south of that
21 area. So, again, the walls are not
22 prohibited, they're part of the
23 mitigation, they have been approved by the
24 Town of Brookhaven. Additional
25 information was requested on this these

1
2 three items. I believe we have provided
3 that and I believe you'll find that we are
4 completely consistent.

5 These will go relatively quickly.
6 In terms of open space dedication and
7 there will be easements to the Commission.
8 We've identified those easement areas, the
9 total of those three, A, B and C easement
10 areas is 16.67, which is greater than the
11 35 five percent. The same as what's been
12 done for The Meadows with AVR. You know
13 the group and you will be dealing with
14 them after approval as this goes forward.
15 Additional information was requested and
16 we have provided that.

17 Clustering, really is somewhat
18 redundant about unfragmented open space.
19 As I've demonstrated by combining the
20 lots, we provide improved clustering as
21 compared to the individual fragmented
22 development of the three individual lots.
23 Protection of that dedicated open space,
24 same thing, those areas will be staked and
25 fenced and we will absolutely be in

1
2 complete conformity. This is not an
3 agricultural or horticultural use. The
4 staff report indicated not applicable.

5 Cultural resources, I'm going to go
6 into each of these in a little bit more
7 detail because they're really summed up in
8 11.4, road side design and there's already
9 been quite a bit of discussion. But
10 additional information was requested with
11 respect to setbacks, the railroad, LIE,
12 the south service road. And Tim went into
13 pretty good detail about how the Town
14 looks at this under Chapter 85 with
15 respect to the railroad. The roadside
16 buffers, are all arterial buffer
17 requirements of Town code, and the Town
18 has approved this. So we'll be protecting
19 buffered open space from the Long Island
20 Expressway and the service road, we will
21 have large open space conservation
22 easements. In particular, that's Easement
23 B, which is 5.7 acres.

24 The industrial site views will be
25 protected and the character will be the

1
2 same as other developments within this
3 subdivision that was approved in the '80s.

4 And the final standard just has to
5 do with warehouse and storage uses and
6 compliance with articles of the Suffolk
7 County Sanitary Code and that had a large
8 "C", so staff reported indicated that we
9 are consistent.

10 So just the final few slides have
11 to do with roadside design. This gives
12 you a little bit more information to give
13 you a comfort level that we are completely
14 consistent here.

15 First of all, the setback from the
16 LIE of natural vegetation is about 48
17 feet. The building itself, the yellow, is
18 on 111.4 feet from the property line. The
19 marking is 66.8 feet from the property
20 line. And this large conservation
21 easement will be preserved in total, it's
22 about 800 feet long.

23 What I want to say is, and you see
24 the image at the top, provides the entire
25 stretch of buildings and lots along the

1
2 expressway, this will be the largest
3 natural undisturbed open space segment of
4 this subdivision along the LIE and the
5 south service road. And I think that's a
6 really important factor that indicates
7 that in terms of roadside design and
8 contiguous open space, we've addressed
9 that completely within the proposed design
10 of this site.

11 The building character is similar,
12 this is one of the smaller buildings and
13 it is nearest to the expressway and the
14 service road. However, again, this is a
15 very limited part and it's no different
16 than this road, which will become
17 buildings. There's two already
18 constructed here, one constructed here,
19 and you can see the nature of these
20 individual lots as part of the approved
21 subdivision. This is why combining those
22 lots allows us to create greater
23 unfragmented open space.

24 I do want to point out, I did a
25 blow up, which shows -- this is just the

1
2 LIE right-of-way and when you measure
3 this, it's 125 feet of natural vegetation
4 between the travel lane pavement of the
5 south service road or the expressway
6 mainline and the subject site, so this
7 will all remain as natural vegetation,
8 plus close to 50 feet within the property,
9 plus 800 feet of natural open space all
10 along the expressway. So, again, we have
11 approved the open space through design by
12 combining the lot -- the lots.

13 There were questions about signage,
14 the Town includes that in their site plan
15 review, there are signage details. Those
16 have been approved by the Town of
17 Brookhaven. Visibility will be limited.
18 There is really no need for signage to be
19 visible from the expressway. And there
20 was a comment about providing trails,
21 nothing of that type has been required on
22 this site or any of the other sites.

23 I've traveled the roads, you can
24 walk through that area. And, again,
25 there's no need to really get into that,

1
2 the Town has approved the site plans. So
3 this roadside design image indicates that
4 we are completely consistent with these
5 particular Guidelines, 10.1 -- I'm sorry,
6 11.1 through 4 that cover cultural
7 resources, scenic and recreational and
8 roadside design. Additional information
9 was requested by staff, we've provided
10 that information and I believe that you
11 will find that we are completely
12 consistent.

13 I just want to say for the record,
14 that this is the Town approved site plan.
15 It's the overall site layout plan from the
16 Vollmuth and Brush site plan package that
17 was approved by the Town and we proposed
18 this plan for your action.

19 Just in closing, we've demonstrated
20 complete conformance with all of the
21 standards and guidelines. And you've
22 heard many times this center is a
23 continuing industrial development site, it
24 conforms to the L-1 zoning of the Town.
25 The project provides improved open space

1
2 compared to the individual site plans. Of
3 course, the project will provide jobs and
4 it meets the need for the zone use, that's
5 not one of your criteria, but it is
6 certainly important to the municipality.
7 I want to say for the record, that I will
8 submit this PowerPoint presentation as a
9 PDF right after this meeting and we will
10 provide a link to copies of all of the
11 Town approved site plans.

12 And we know that the intent of the
13 Comprehensive Land Use Plan is to protect
14 the Pine Barrens, we were all parties that
15 were involved in that. And I've
16 experienced that at the time of creation
17 of the Land Use Plan, as well as Article
18 57. Conformance equals protection of the
19 Pine Barrens, we all signed onto that. So
20 we do conform and approval of this plan is
21 requested based on the testimony by Tim
22 and myself today and the team is here to
23 answer any questions if you have any.

24 Thank you very much.

25 MS. JAKOBSEN: Thank you Chick.

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Tim, you said you had some
concluding remarks?

MR. SHEA: It's more of a request
than anything else.

As Chick has testified and was
brought up by me and my presentation, the
one overriding issue that we have here is
the clearing window for -- to meet the DEC
regulations with regard to the long-eared
bat, which expires on February 28th and it
leaves us a very small window in which to
do any tree clearing on the site.

Based on those regulations, we are
asking that the Commission, after
providing the written comment period, we
ask that the written comment period mirror
that of the prior application and it
expire on January 28th at noon.

And then we would ask that the
Commission consider holding a special
meeting the following week to consider
this application, so that we may, if the
Commission was so inclined to grant the
application, be able to effectuate our

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2 clearing this year, rather than face a
3 nine month to a 12 month delay in doing
4 any construction activity on the site.

5 And we appreciate the Board's
6 consideration and we appreciate the fact
7 that the staff was very good in meeting
8 with us and discussing these matters and
9 they were very assessable to us.

10 And that's really the end of our
11 presentation. We are here to answer any
12 questions that may arise.

13 Thank you very much.

14 MS. JAKOBSEN: Does anyone from the
15 Commission have any questions for the
16 Applicants?

17 MR. DALE: I would just like to
18 make a comment that we also in an
19 unrelated project having to do with
20 breaking ground down for the USTP, for the
21 Mastic sewer treatment plant. I have to
22 get in before the long-eared bat concludes
23 that and we have just been thrown another
24 wrench into the process by the -- provide
25 those by coming out of HUD, so we are

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certainly empathetic of that particular consideration.

MS. JAKOBSEN: Does anyone else from the Commission have any questions for the Applicants?

SUPERVISOR ROMAIN: I'll just make a quick comment.

I agree with Dorian. Obviously, this is a major project, a major economic boost for the area in terms of creating jobs.

Could I ask Tim, how many jobs do you expect to be created out of this project?

MR. SHEA: Well, there'll be hundreds of construction jobs created in order to construct this site and we would anticipate well over a hundred jobs to be created on the site, for permanent jobs.

SUPERVISOR ROMAIN: Permanent jobs.

MS. JAKOBSEN: If there's no one else from the Commission, we open to -- if anyone from the public that would wish to

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comment.

Angie, could you please unmute Dick
Amper.

MS. BROWN-WALTON: He's unmuted.

MS. JAKOBSEN: Go ahead, Dick.

MR. AMPER: I am very uncomfortable
about this. There seems to be a lot of
back talk. That's fine, that's good.

The Pine Barrens Society has had a
great relationship with EVR Realty for
almost 40 years. This seems way, way over
anything that we have been asked to
accept, especially under the
circumstances. We need to talk to them
and to those who are involved with this
project, including this unbelievably long
exposé. This is clearly a challenge.

Commissioner -- Supervisor Ed
Romaine, could you just do us a favor of
looking at some of the things that may not
have emerged or may not have been clear to
you? We are not trying to hurt the
economy of Brookhaven or anything, but
there are problems that they have not

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2 really covered at this point and we want
3 to get it right.

4 I want to say that the Pine Barrens
5 Commission needs to take this and take it
6 seriously. There are a lot of
7 difficulties, a lot of problems that have
8 emerged that we have not seen successful
9 results to. They are clearly trying to do
10 what's right and cover all of the things
11 that a complicated project are going to
12 produce.

13 But this is a big one, this is one
14 that they've gone back to time and time
15 again. They haven't resolved the matter,
16 they have not satisfied, I don't think,
17 permanently the Town of Brookhaven. I
18 think the Commission is showing an
19 astuteness in terms of looking at all of
20 that needs to be looked at, that's what
21 the Commission should be doing. That's
22 not the role of some access group that's
23 trying to change things without regard to
24 the importance of this. This is a big
25 project. It is having an impact on

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2 Brookhaven and on Long Island. And we'll
3 take the time, we'll do it immediately.
4 We won't delay because the interaction
5 with AVR was something that sort of threw
6 us a curve.

7 And then when I look at what the
8 Commission was doing and -- and, Ed
9 Romaine, I've never seen you not look
10 fairly and squarely at what's good for the
11 Town of Brookhaven. But this is a big
12 one. They're having a problem with -- the
13 problem that they are having is they are
14 telling you the truth in most cases and
15 about what's the problem here, but they're
16 not coming forward with a solution. And
17 it's a big problem and a bad contribution
18 to history if we don't get it right.

19 We will stay up at night, we'll do
20 whatever we need to do. We would like to
21 meet with you, Supervisor Romaine, we
22 would like to talk with somebody at the
23 Commission to say, let's be sure we've got
24 this right because the evidence up to this
25 point is, we sure as hell haven't.

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SUPERVISOR ROMAINE: Can I make a suggestion? Number one, you are always welcome to meet with me, as you know. I'll make a second suggestion that I'm going to ask Emily Pines, who is very fair and I think you know Emily and is my representative.

And, Emily, I'd love to burden you with this --

MR. AMPER: You're both very fair.

SUPERVISOR ROMAINE: Emily will give you -- contact you with the number where you can speak with her. And the other person I'm going to ask to take a look at this, is not our new Planning Commissioner, but our former Planning Commissioner, Beth Reilly, who I think you also know, who is a very competent and capable person. And since she dealt with most of this before she returned to the Town Attorney Office, I'm going to ask her to reach out to you as well. And then if you would like to meet with me, I certainly will have our Planning staff

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available and I'm happy to set up a

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meeting with you. You know my telephone

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number, you know I'm available.

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But, Emily?

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MS. PINES: Yes.

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SUPERVISOR ROMAINE: If you can

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just contact Dick with some contact

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information, either by e-mail or by phone,

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so he can express some of the concerns he

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has that he'd like to see checked out and

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I will ask Beth to do the same and Annette

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Eaderesto as well. I think you know all

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of these young ladies, if you don't mind

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me calling you young, but if you can check

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with them and then if you want to meet,

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I'm happy to meet anytime.

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MR. AMPER: I appreciate it.

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I also would like the opportunity

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to make sure that what we are concerned

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about, in fact, mirrors the concerns that

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the members of this Commission -- members

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of this Commission are doing a first rate

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job. And in this particular case, they're

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raising questions that need to be asked.

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2 We want the answers to the questions. If
3 everything gets resolved, that's fine, but
4 it's looking like something that's been
5 there for a long time, that has not been
6 entirely visible where the information
7 being supplied is not consistent with what
8 would be needed, so let's not rush to
9 judgment. We still have a chance to get
10 it right and that will involve the
11 Commission, it will involve the Towns, it
12 will involve the people who are applying
13 for this project. But you listened to a
14 very, very long explanation as to what
15 should happen someplace and it's not
16 entirely clear to us that that has been
17 justified in any way, shape or form.
18 Let's look at it, if we are missing
19 something, you will straighten this out,
20 you've done it before. But I'm telling
21 you that I've listened to the
22 presentations, I've read the articles that
23 appeared in the paper or elsewhere and I
24 just want to get this right. This is very
25 big and potentially problematic, it's been

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2 years in the making and if we are going to
3 get it out, if we are going to make a
4 decision, then let's get it right. That's
5 all we are asking.

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SUPERVISOR ROMAIN: Dick, can I
7 make one other suggestion to you?

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MR. AMPER: Yes, sir.

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SUPERVISOR ROMAIN: You know Brian
10 Ferruggiari?

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MR. AMPER: I do. And I was
12 disappointed that we had to reach out to
13 him with a special initiative because it
14 wasn't being clearly represented and we
15 think that's part of how this problem
16 started, but the solution to that would be
17 to fix it. Let's find out, can this be
18 fixed? If so, how so, because I don't
19 think that you are in any way, shape or
20 form are getting up in the morning to see
21 if you can do something that isn't good
22 for the environment. That's not who you
23 are.

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But the staff at the Commission --
25 I think the staff at the Town, needs to

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take a new look, a hard look, and say, do

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we have this right? How many times has

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the Applicant come back and said, okay,

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then we'll change this because the staff

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required it. Let's get this right.

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That's all we are asking.

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SUPERVISOR ROMAINE: I'm going to

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make two suggestions to you. One is to

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contact the Town personnel and myself.

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And the people that I've asked, Emily and

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Beth, will reach out to you, and Annette.

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The second thing is you have Tim

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Shea and Chick Voorhis, I would suggest

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that you reach out to them and Brian

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Ferruggiari possibly by a Zoom meeting or

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telephone.

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MR. AMPER: I wish we had that

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earlier.

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SUPERVISOR ROMAINE: And --

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MR. AMPER: It's never too late to

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get in and look at it again.

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SUPERVISOR ROMAINE: -- and any

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outstanding questions you have, you raise

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with them. And the only thing that's

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2 happening today is this meeting is going
3 to be closed and be left open until the
4 28th of January and we'll go from there if
5 anything else is going to happen based on
6 your meetings; is that fair?

7 MR. AMPER: Absolutely. And I
8 think that's what you're going to get. I
9 think that the Commission will analyze
10 this in a fair and objective way. I think
11 the Town of Brookhaven will say, yeah, I
12 think Mr. Romaine's agenda was a good one,
13 but maybe he did not see this this way
14 because he's always been open-minded. And
15 all we are trying to do is get it right
16 and the length of the read, does not
17 define the rightness of the conclusion.

18 SUPERVISOR ROMAIN: I would echo
19 your comments about AVR and the positive
20 relationship with the developer and he's
21 always been fair and open with us.

22 MR. AMPER: We'll get over it.

23 SUPERVISOR ROMAIN: Right.

24 So with that, I'm going to make a
25 motion, unless there's other public

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2 speakers, I'll make a motion to close this
3 public hearing and leave it open for
4 public comment until January 28th, at
5 noon.

6 MS. LANSDALE: The County seconds
7 that motion.

8 MS. JAKOBSEN: All in favor?

9 SUPERVISOR SCHNEIDERMAN: Aye.

10 MS. JAKOBSEN: Any opposed?

11 (Whereupon, there was no response
12 amongst the Board.)

13 MR. AMPER: Thank you very much.

14 MS. JAKOBSEN: The motion --

15 SUPERVISOR ROMAINE: Emily will
16 contact you.

17 MR. MILAZZO: We are now closed,
18 right? Town of Riverhead was just late on
19 the hand, right?

20 UNKNOWN SPEAKER: John, Riverhead
21 is supporting closing the hearing.

22 MS. JAKOBSEN: It was a little
23 late.

24 MR. AMPER: Thank you everybody. I
25 appreciate it.

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MR. MILAZZO: That concludes the
hearing.

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(Whereupon, this portion of the
hearing was concluded at 3:39 p.m.)

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2 CERTIFICATION

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4 I, Domenica Raynor, a Notary Public for
5 and within the State of New York, do hereby
6 certify:

7 That the witness whose testimony as
8 herein set forth, was duly sworn by me; and
9 that the within transcript is a true record of
10 the testimony given by said witness.

11 I further certify that I am not related
12 to any of the parties to this action by blood
13 or marriage, and that I am in no way interested
14 in the outcome of this matter.

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand this 19th day of January, 2022.

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18 *Domenica Raynor*
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