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In the Matter Of:
CENTRAL PINE BARRENS
JOINT PLANNING & POLICY COMMISSION

TOWN OF RIVERHEAD PUBLIC HEARING
January 15, 2020

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CARRIE MEEK GALLAGHER, Chairwoman
DANIEL P. MCCORMICK, Member
EDWARD P. ROMAINÉ, Member
JAY H. SCHNEIDERMAN, Member
DORIAN DALE, Member
ANDREW P. FRELENG, Member
JOHN W. PAVACIC, Member
DORIAN DALIA, Member
JUDY JAKOBSEN, Member
JOHN MILAZZO, ESQ., Legal Counsel

RECEIVED

JAN 30 2020

Central Pine Barrens
Joint Planning & Policy Commission

ALSO PRESENT:

JULIE HARGRAVE, Principal Environmental
Planner
CHARLES VOORHIS, ESQ., Nelson, Pope and
Voorhis

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CENTRAL PINE BARRENS
PLANNING & POLICY
COMMISSION
RIVERHEAD TOWN HALL
200 HOWELL AVENUE
RIVERHEAD, NEW YORK 11901

January 15, 2020
3:00 p.m.

APPEARANCES:

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(Whereupon, this portion of the
proceedings began at 3:00 p.m., after
which the following transpired.)

CHAIRWOMAN GALLAGHER: Notice of
public hearing, pursuant to New York
State Environmental Conservation Law
Article 57 and the Central Pine
Barrens Comprehensive Land Use Plan.
Notice is hereby given that the
Central Pine Barrens Joint Planning
and Policy Commission will hold a
public hearing on Wednesday, January
15th, 2020, on the matter of a Core
Preservation Area Extraordinary
Hardship Waiver.

The name of the project is
7-Eleven Core Preservation Area
Hardship Waiver Application.

The Applicant is the Colgate
Design Corp. and Franklin Johnson,
Inc.

Chick Voorhis is here as the
applicant's agent.

The project site location is

<p>5</p> <p>1</p> <p>2 1670 Middle Country Road, Ridge, Town</p> <p>3 of Brookhaven.</p> <p>4 The proposal consists of</p> <p>5 clearing and development for the</p> <p>6 expansion of a parking lot into the</p> <p>7 Core Preservation Area for an existing</p> <p>8 retail business on 1.25 acres. The</p> <p>9 proposal is an Unlisted Action</p> <p>10 pursuant to the State Environmental</p> <p>11 Quality Review Act. A coordinated</p> <p>12 review was performed.</p> <p>13 Everyone should have a copy of</p> <p>14 the Draft Report in front of them.</p> <p>15 MS. HARGRAVE: Good afternoon.</p> <p>16 MR. MILAZZO: Carrie, do you</p> <p>17 want to put on the record of who is</p> <p>18 here?</p> <p>19 CHAIRWOMAN GALLAGHER: Okay.</p> <p>20 Yes. Does she have a list of names,</p> <p>21 or no?</p> <p>22 (Court reporter clarification.)</p> <p>23 MR. MILAZZO: You have it?</p> <p>24 Okay. We are good.</p> <p>25 And did you receive the document</p>	<p>7</p> <p>1</p> <p>2 Core Preservation Area Hardship</p> <p>3 Application for the 7-Eleven in Ridge.</p> <p>4 This is on Route 25, in -- at the</p> <p>5 south east corner of Red Maple Avenue</p> <p>6 and west of William Floyd Parkway,</p> <p>7 west of Medford Road.</p> <p>8 This is an application to</p> <p>9 develop a parking lot on the</p> <p>10 undeveloped wooden parcel on the Core</p> <p>11 Preservation Area to add parking and</p> <p>12 to develop second access, mainly for</p> <p>13 trucks and various traffic circulation</p> <p>14 on the site.</p> <p>15 There's an existing 7-Eleven on</p> <p>16 the Compatible Growth Area parcel that</p> <p>17 is part of this project site, and</p> <p>18 that's existed since 1974, according</p> <p>19 to the application.</p> <p>20 The two parcels are in separate</p> <p>21 ownership, Lot 20, which is the CGA</p> <p>22 Parcel. The smaller of the two</p> <p>23 parcels is owned by a corporation</p> <p>24 called Franklin Johnson, in that since</p> <p>25 1998 according to our records.</p>
<p>6</p> <p>1</p> <p>2 entitled:</p> <p>3 Central Pine Barrens Commission</p> <p>4 Public Hearing For The Commission</p> <p>5 Meeting of January 15, 2020, 7-Eleven</p> <p>6 Ridge Core Preservation Area Hardship</p> <p>7 Waiver Applicant?</p> <p>8 (Court reporter clarification.)</p> <p>9 MR. MILAZZO: We are going to</p> <p>10 mark that as our report and those</p> <p>11 exhibits associated therewith, A</p> <p>12 through J.</p> <p>13 We won't read the name of each</p> <p>14 of them in, that will be enough. If</p> <p>15 you can attach that to the record.</p> <p>16 (Court reporter clarification.)</p> <p>17 MR. MILAZZO: Thank you very</p> <p>18 much. If you can attach that to the</p> <p>19 record, I will appreciate it.</p> <p>20 (Court reporter clarification.)</p> <p>21 MS. HARGRAVE: Thank you.</p> <p>22 So we are going to go through</p> <p>23 the staff report briefly and the</p> <p>24 exhibits that have been handed out.</p> <p>25 This is, again, the</p>	<p>8</p> <p>1</p> <p>2 And Lot 6.1 is the Core Parcel,</p> <p>3 that's slightly larger -- 35,000</p> <p>4 square feet, that's owned by Colgate</p> <p>5 Design and that's been owned by them</p> <p>6 pay since 1973.</p> <p>7 We will have some questions</p> <p>8 about the ownership and leasing of the</p> <p>9 properties at the end of this report.</p> <p>10 So the parcels are in the</p> <p>11 J2 Zoning District, and the total site</p> <p>12 area is approximately 54,500 square</p> <p>13 feet. The Core Parcel is natural and</p> <p>14 undeveloped, it's on the corner. And,</p> <p>15 again, the CGA Parcel is developed</p> <p>16 with the commercial retail business</p> <p>17 7-Eleven.</p> <p>18 And there was -- there were some</p> <p>19 discrepancies with the parcel data and</p> <p>20 the amount cleared and the amount --</p> <p>21 saying the clearing calculations when</p> <p>22 the application was submitted, but the</p> <p>23 applicant submitted on Friday some</p> <p>24 revised data, so we will be reviewing</p> <p>25 that.</p>

<p>9</p> <p>1</p> <p>2 But essentially the amount of</p> <p>3 clearing on the Core Parcel appears to</p> <p>4 be the same. It's about 7600 square</p> <p>5 feet. And, again, that's to build</p> <p>6 some additional parking and create a</p> <p>7 second access driveway for the site.</p> <p>8 And, again, this is an unlisted action</p> <p>9 and there was a coordinated review</p> <p>10 with the State Department of</p> <p>11 Transportation and the State Historic</p> <p>12 Preservation Office, and DEC; and the</p> <p>13 DEC and the DOT is the preferred lead</p> <p>14 agency, of course.</p> <p>15 Again, this is mostly a wooded</p> <p>16 parcel -- the Core part -- and the CGA</p> <p>17 part appears to be for the most part</p> <p>18 clear, there may be some vegetation in</p> <p>19 the rear of the property, some trees,</p> <p>20 but I say that because there was an</p> <p>21 application on this for a very similar</p> <p>22 project. Essentially, the same type</p> <p>23 of project to have a parking lot on a</p> <p>24 Core piece for the use of the</p> <p>25 7-Eleven. This was back in 2011, and</p>	<p>11</p> <p>1</p> <p>2 MR. MILAZZO: 2020.</p> <p>3 (WHEREUPON, the above-referred</p> <p>4 to document, Aerial Map, was marked as</p> <p>5 Exhibit M for identification, as of</p> <p>6 today's date.)</p> <p>7 MS. HARGRAVE: Thank you.</p> <p>8 So again, this is on the</p> <p>9 commercial corridor. The Core Parcel</p> <p>10 was placed in the Core when the Act</p> <p>11 was passed because it was not</p> <p>12 developed at that time. The boundary</p> <p>13 line wrapped around the existing</p> <p>14 7-Eleven and included that in the CGA</p> <p>15 because it was developed at that time.</p> <p>16 And so there's a little bit of a</p> <p>17 jagged boundary in this area to wrap</p> <p>18 around parcels that were not developed</p> <p>19 at the time of the Act.</p> <p>20 MR. MILAZZO: (Interjecting) So</p> <p>21 with that -- Julie described it</p> <p>22 perfectly -- the way the Core boundary</p> <p>23 reads in the vicinity of the property</p> <p>24 runs along the south side of Route 25A</p> <p>25 including in the Core, any property</p>
<p>10</p> <p>1</p> <p>2 that application was denied, and</p> <p>3 that's one of the exhibits.</p> <p>4 So there is a little bit</p> <p>5 different data for the this</p> <p>6 application than that one, but we will</p> <p>7 clear up those discrepancies.</p> <p>8 And just to go through some of</p> <p>9 the land views, if you look at the map</p> <p>10 that we provided and --</p> <p>11 MR. MILAZZO: (Interjecting)</p> <p>12 I'm sorry, Julie, just to interrupt</p> <p>13 you for just a second.</p> <p>14 The map Julie is referring to is</p> <p>15 the map that's entitled 7-eleven Ridge</p> <p>16 Core Area Hardship Application Public</p> <p>17 Hearing, January 15, 2000[sic]. It</p> <p>18 shows one map, aerial in purple with a</p> <p>19 circle indicating a one mile radius</p> <p>20 study area.</p> <p>21 I'm just going to have this</p> <p>22 marked as Exhibit M.</p> <p>23 MR. MCCORMICK: (Interjecting)</p> <p>24 I'm sorry, just for clarification. I</p> <p>25 believe you said 2000.</p>	<p>12</p> <p>1</p> <p>2 not developed as of 1993. So that's</p> <p>3 why this property was undeveloped in</p> <p>4 '93 is in the Core, the adjacent piece</p> <p>5 to the east which had the 7-Eleven at</p> <p>6 the time is in the CGA. So that's the</p> <p>7 way the law was written, it</p> <p>8 encompassed all the undeveloped</p> <p>9 property along 25 as of 1993.</p> <p>10 MS. HARGRAVE: Thank you.</p> <p>11 Okay. So you can see the</p> <p>12 commercial corridor and if you start</p> <p>13 in the -- to the east, there's a</p> <p>14 state -- large area -- a state public</p> <p>15 land on the north side of 25 and the</p> <p>16 Core sort of wraps around that piece</p> <p>17 as well, and then eastward is the</p> <p>18 Compatible Growth Area.</p> <p>19 Into the south side of 25, is a</p> <p>20 residential area that is in the Core.</p> <p>21 A lot of those parcels -- some of</p> <p>22 those parcels are protected, some are</p> <p>23 developed, some are protected with</p> <p>24 conservation easements through the</p> <p>25 credit program. And then the line</p>

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1
2 splits again, and to the west is
3 Compatible Growth Area that's largely
4 developed with single family
5 residential uses and that's again, on
6 the south side of 25.

7 And then north of 25 to the west
8 is also Compatible Growth Area and
9 it's a residentially developed area,
10 and there is -- and this is all north
11 of 25 -- there is a town public land
12 that surrounds this condominium
13 development in the Compatible Growth
14 Area.

15 So just to go through the -- so
16 a few of the questions again, we will
17 ask the applicant if they can just
18 explain, again, the ownership of the
19 parcels and any lease agreements that
20 exist, and we will have to review the
21 recently revised data for the CGA
22 Parcel and the Core Parcel and how
23 much clearing is occurring on both of
24 them and how much is going to remain
25 natural, and then we will receive all

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1
2 the responses from involved and
3 interested agencies. And I think the
4 deadline for this application is next
5 month.

6 So -- I'm sorry, it's in March.
7 The March clearing date is the 15th.
8 Oh, then we have until March. We will
9 receive this stenographic transcript
10 after this meeting, and there will be
11 time for you if you discuss this at
12 the next meeting.

13 So just going through the
14 exhibits, Exhibit A contains the 1992
15 tax map and the 2018 tax map which
16 shows the same configuration of the
17 parcels that has existed since the
18 time of the Act. And again, this Core
19 Parcel wraps around the CGA, the
20 smaller CGA Parcel.

21 Exhibit B is an aerial
22 photograph of the site, highlighting
23 the two parcels as well. And that
24 also contains a larger wider view to
25 show how close it's relation is to

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1
2 William Floyd Parkway and other uses
3 in the area.

4 And C is a copy of the survey
5 that we received from the 2011
6 application showing the site and it's
7 condition with the existing building
8 and parking lot; and this is where
9 there is also a minor discrepancy in
10 the area of the building. This said
11 it was 2,625 square feet. I believe
12 the application says the building
13 is 2800 square feet, so that can be
14 cleared up.

15 So Exhibit D is the -- are
16 pictures of the existing site and
17 undeveloped Core area -- Core Parcel.

18 And E is a copy of the
19 applicant's data on the amount of
20 paved area and building and wooded
21 area on the Core CGA Parcels.

22 And F is the site plan --
23 proposed site plan, the parking lot,
24 again, and the driveway onto the
25 adjoining Red Maple Road.

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2 And G is a copy of the
3 applicant's map that shows the Core
4 site conditions, and the natural area
5 that exists in the proposed clearing
6 on the Core Parcel.

7 H is the Compatible Growth Area
8 site conditions.

9 I is the restoration plan. The
10 applicant proposes to do some
11 restoration in the rear of the
12 existing building, and then also, on
13 the Core Parcel there are native
14 non-native plants on that parcel and
15 they are proposing to do some
16 restoration on that piece and there's
17 more details on the restoration plan.

18 And J is the 2011 disapproval of
19 the former application, which was also
20 to build additional parking. There
21 was a little more clearing -- a few
22 thousand square feet more clearing
23 because there was a truck loading dock
24 proposed at that time, that's not
25 proposed now. You can see that in the

<p>17</p> <p>1</p> <p>2 site plan on the last page of that</p> <p>3 Exhibit.</p> <p>4 Then K is a response from the</p> <p>5 New York State DOT and with some</p> <p>6 comments.</p> <p>7 And L is the applicant's</p> <p>8 petition addressing hardship criteria.</p> <p>9 MR. MILAZZO: And as you</p> <p>10 mentioned, M is the study area map.</p> <p>11 So one of the things the staff</p> <p>12 has been working on is making sure we</p> <p>13 are consistent in each of our</p> <p>14 applications, we -- they are</p> <p>15 consistent with their applications.</p> <p>16 So the last couple of years</p> <p>17 you've seen study area maps and</p> <p>18 descriptions of the property within</p> <p>19 the vicinity. So that's just what</p> <p>20 Exhibit A is -- excuse me, Exhibit M,</p> <p>21 and that's supplemented by Julie's</p> <p>22 description of the area in the</p> <p>23 vicinity of the property, so that's</p> <p>24 common practice.</p> <p>25 I just want to clarify -- Chick,</p>	<p>19</p> <p>1</p> <p>2 There are a number of things</p> <p>3 that we are planning to go through. I</p> <p>4 did things -- some old fashioned</p> <p>5 boards, but they should be visible,</p> <p>6 and certainly the overhead that was up</p> <p>7 before would be helpful.</p> <p>8 For the record, my name is</p> <p>9 Charles Voorhis, known as Chick, at</p> <p>10 Nelson, Pope and Voorhis. We are an</p> <p>11 environmental and planning consulting</p> <p>12 firm in Melville.</p> <p>13 And just for the record, I have</p> <p>14 40 years of experience as an</p> <p>15 environmental planner on Long Island</p> <p>16 with certifications as a planner and</p> <p>17 an environment professional.</p> <p>18 Obviously, I'm here on behalf of</p> <p>19 the applicant, which I will describe.</p> <p>20 I am very familiar with the site and</p> <p>21 the area, having been involved with a</p> <p>22 number of things in the Town Of</p> <p>23 Brookhaven going back to the 1980s.</p> <p>24 I've also reviewed the prior</p> <p>25 record that Julie mentioned -- I'll</p>
<p>18</p> <p>1</p> <p>2 maybe you can help me or someone can</p> <p>3 help me -- the date of the next</p> <p>4 meeting is March 18th.</p> <p>5 MS. HARGRAVE: Oh, then -- that</p> <p>6 is why I was thinking it was before.</p> <p>7 MR. MILAZZO: So -- yeah, so the</p> <p>8 deadline is before then, so maybe,</p> <p>9 Chick, on behalf of your client, if</p> <p>10 you can give us an extension or -- so</p> <p>11 we can make a decision at the next</p> <p>12 meeting, when -- just so we don't have</p> <p>13 any confusion on that.</p> <p>14 MS. HARGRAVE: Thank you.</p> <p>15 MR. MILAZZO: Can we just swear</p> <p>16 him in?</p> <p>17 C H A R L E S V O O R H I S,</p> <p>18 on behalf of the Applicant herein,</p> <p>19 having first been duly sworn by the</p> <p>20 Notary Public, testified as follows:</p> <p>21 MR. VOORHIS: Good afternoon.</p> <p>22 BOARD: Good afternoon.</p> <p>23 MR. VOORHIS: And thank you,</p> <p>24 Julie, for a great introduction of the</p> <p>25 application.</p>	<p>20</p> <p>1</p> <p>2 have a couple remarks on that -- and I</p> <p>3 was directed to prepare this</p> <p>4 application to come before you today</p> <p>5 for the Core Hardship.</p> <p>6 So our application was submitted</p> <p>7 in November, and it was updated in</p> <p>8 January, as Julie said it was last</p> <p>9 Friday.</p> <p>10 What happened was -- if you go</p> <p>11 to the Suffolk County GIS viewer --</p> <p>12 you'll note that the Core Preservation</p> <p>13 Area boundary in the this area and</p> <p>14 perhaps on other areas is offset. And</p> <p>15 staff who was not quite as versed in</p> <p>16 some of these boundaries -- and I</p> <p>17 didn't pick it up, I'm sorry to say --</p> <p>18 didn't notice that. And it does show</p> <p>19 that this parcel was split, and part</p> <p>20 of it was in the Core and part of it</p> <p>21 was not, so Julie brought that to my</p> <p>22 attention. We had a conversation last</p> <p>23 week and we were very quickly able to</p> <p>24 revise the application and that is</p> <p>25 what was referenced as the January</p>

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2 submission, so that's been clarified.

3 So this is a Hardship exemption

4 for the Core Preservation Area. I

5 will say that those are quite unusual,

6 I've done one other successfully, and

7 I think I have some compelling

8 information for you today that was

9 omitted from the original case.

10 The application provides all of

11 the required documentation -- that is

12 in a book, which Julie has parts of

13 it -- but, essentially, this document

14 has the full application that we

15 submitted in November and updated in

16 January.

17 We come before you with no other

18 applications pending before other

19 agencies at this time. We know that

20 this is the primary constraint of the

21 property. If we're not successful in

22 this Hardship, there's no reason to

23 submit site plans to the

24 Town of Brookhaven or other

25 applications. So this is really the

22

1

2 key body to be in front of in order

3 for this to move forward.

4 And the project involves what

5 I'll term -- and I'll explain it in

6 detail -- but a limited expansion in

7 improvement of an existing parking

8 area -- adjacent to an existing

9 parking area for the 7-Eleven

10 convenient store that has leased a

11 part of the site and operated at this

12 location since 1974, 46 years.

13 Julie gave the square footage,

14 the size of the site is 1.25 acres and

15 the square footage that Julie

16 mentioned. It is at the southeast

17 corner of Red Maple Road and south of

18 New York State 25, in Ridge.

19 I don't have to go through

20 details of what Julie presented in

21 terms of the tax parcels, but one is

22 occupied by the 7-Eleven that's in the

23 Compatible Growth Area; the other is

24 vacant and that's in the Core

25 Preservation Area.

23

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2 So Tax Lot 6.1 is owned by

3 Colgate Design Corporation, and

4 Tax Lot 20 is owned by

5 Franklin Johnson, Inc., and this goes

6 to one of the comments in the staff

7 report.

8 Tax Lot 20, as I said, is the

9 7-Eleven, and that is leased by

10 Franklin Johnson, Inc. to 7-Eleven and

11 has been before -- well before the

12 Pine Barrens Act. And the other is

13 vacant and it's not leased to my

14 knowledge. I will check if there are

15 any items that need a follow-up.

16 I believe that the parcel is

17 extremely unique -- and we know that

18 is a very important aspect to this --

19 and I wouldn't be before you if I

20 didn't feel that we had a good solid

21 record to build for you.

22 As Julie said, the site is zoned

23 J2 Business and has been since early

24 master plans of the Town Of

25 Brookhaven. East of the site --

24

1

2 MR. MILAZZO: (Interjecting) Can

3 I interrupt for just one second,

4 Chick?

5 MR. VOORHIS: Sure.

6 MR. MILAZZO: So one is owned by

7 Franklin Johnson, and the other -- so

8 Franklin Johnson owns the 7-Eleven

9 lot.

10 6.1 is not owned by them, it's

11 not owned by the 7-Eleven owner. Do

12 we have owners consent for 6.1?

13 MR. VOORHIS: I believe we do.

14 What I'll tell you is that --

15 MR. MILAZZO: (Interjecting) Do

16 we have that, Julie?

17 MS. HARGRAVE: Do you mean the

18 consent from the applicant --

19 MR. MILAZZO: From the owner

20 from 6.1.

21 MR. MCCORMICK: Is that Colgate

22 Design Corp?

23 MR. VOORHIS: That is Colgate

24 Design Corp., and if you notice on the

25 cover of my application, the contact

25

1

2 for Colgate Design Corporation is

3 John M. Amato, he's the treasurer of

4 that corporation, he is also the

5 contact and Treasurer for

6 Franklin Johnson, Inc., so he

7 essentially controls both parcels.

8 MR. MILAZZO: Okay.

9 MR. VOORHIS: They are in

10 different corporations, but commonly

11 owned. And if we need to get any

12 other consent, as I said, it is the

13 same party.

14 MR. MILAZZO: And that's been

15 that way for a long time?

16 MR. VOORHIS: It has.

17 MR. MILAZZO: For more than 20

18 years?

19 MR. VOORHIS: These gentlemen

20 are quite elderly, I can tell you

21 that, 46 years.

22 MR. MILAZZO: 46 years, okay.

23 MR. VOORHIS: So the parcel is

24 here. When Brookhaven has been

25 looking at zoning, they've been

26

1

2 looking to create downtown areas and

3 enhance revitalization along

4 corridors, and the parcel to the east

5 of this was rezoned to J6, which is

6 this downtown district that seeks

7 revitalization; potentially allows

8 residential above stores, sets the

9 building towards the street, and there

10 are a number of parcels in the area

11 that have been rezoned to that.

12 This parcel remained J2, the one

13 where the 7-Eleven is, as well as the

14 vacant portion through all of town

15 master plans, and that's really just

16 for background purposes.

17 This is an exhibit that I can

18 describe, it's a 2016 aerial

19 photograph and also a 1984 aerial

20 photograph. It is not currently in

21 your file -- I can certainly leave it

22 with you today -- but this is

23 essentially what was provided in the

24 file. It's just a little more of an

25 expanded view.

27

1

2 The Core Preservation Parcel is

3 outlined in red, it shows it being

4 vacant. What I think is -- what's

5 really important is that it has two

6 frontages, the north side of this

7 parcel is on New York State Route 25

8 and the west side is Red Maple Road.

9 And therefore, it experiences all of

10 the impacts that are associated with

11 those roadways; the State Highway,

12 noise, lights, activity, dust and so

13 forth. And so that's the north and

14 the west sides of the property.

15 East of the property is the

16 existing 7-Eleven. Similarly there's

17 a parking area that goes right to the

18 property line. It's an active

19 building, it's a busy 7-Eleven and

20 that dominates the east side of the

21 site. And as I indicated, east of

22 that is a store in the J6 zone.

23 South of the site is an existing

24 residence -- and it's actually several

25 residences down Red Maple Road -- and

28

1

2 interestingly those have all existed

3 since 1984 and, therefore, at the time

4 of the Pine Barrens Act. And this J6

5 parcel touches the east side of the

6 Core Parcel as having extensive

7 clearing and is disturbed.

8 So, basically, what you have is

9 a parcel that is an island, it has the

10 road and its impacts on the west and

11 north side, it has the 7-Eleven and

12 its impacts on the east side, it has

13 the residences to the south and

14 impacts associated with domestic pets

15 and just general activity of the

16 residential land. And it's an island,

17 it's not in any way connected to other

18 vegetated properties. So while I

19 understand it when the boundaries were

20 being created because this venue was

21 included. If you look at all the

22 maps, it's just a physical fact that

23 it is not actually connected to any

24 other native Pine Barrens parcels in

25 the area.

29

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2 In addition to that, this parcel

3 -- and I know staff went out and saw

4 the photographs -- but we are all

5 sensitive to invasive vegetation.

6 What's happening on this parcel is

7 you've got a limited amount of native

8 vegetation, you have an extensive

9 amount of vines and invasive shrubs,

10 as well as trees that are impacting

11 the native character of the site. You

12 have Wisteria and Bittersweet --

13 Asiatic Bittersweet, which we all know

14 are the primary culprits in destroying

15 forests.

16 And we do have photography --

17 this is just a key map of the

18 photographs, and this is all in the

19 file -- but you have Black Locusts,

20 you have Bittersweet, you have vines

21 creeping up trees, you have ground

22 cover, you have braided vines that are

23 impacting trees, and it's my

24 expectation -- and really any

25 ecologist would confirm that over time

30

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2 this property will become all

3 invasive, trees will be destroyed.

4 There is Red Maple on the property,

5 which is an Allelopathic Species,

6 which means it changes the soil

7 character around it; and if something

8 isn't done, essentially, not only this

9 is an island, but it will become a

10 wasteland and we've all seen it when

11 you have disturbed pieces of property

12 invaded with vines, they get

13 destroyed.

14 So based on all of this, the

15 parcel has none of the qualities that

16 are typically used when considering

17 full preservation of land. It's not

18 compatible growth, we're not looking

19 to change the boundary, but if it were

20 compatible growth, you can clear

21 65 percent of the property.

22 This is a little bit bigger

23 version of the Core Preservation Area

24 and the Compatible Growth Area that

25 now is consistently mapped with your

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2 correct files and boundaries; and,

3 again, it just shows that you got two

4 roads adjacent development, it's an

5 island because these residences -- and

6 those residences are actually in the

7 Core preservation area.

8 So we feel that we can make this

9 a better situation, we feel a Hardship

10 is warranted on site due to the unique

11 history and surrounding development

12 and the existing site conditions and

13 we've included the basis for

14 conformance with Article 57, and the

15 land view plan in support of what I

16 hope will be a favorable decision.

17 Just in terms of the project

18 itself, you can refer to the overhead,

19 a limited area of Tax Lot 6.1 is

20 proposed to be used within the

21 Core Preservation Area. The minor

22 changes within Tax Lot 20, the

23 existing 7-Eleven, do not involve any

24 relief for clearing of natural

25 vegetation in the CGA and would not

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2 require any hardship approval. As a

3 result, the application is strictly

4 for the use of that shaded area within

5 this particular property.

6 As referenced before, on

7 September 20th, 2010, an application

8 was submitted for a CPA Hardship

9 Waiver and also a CGA Hardship Waiver

10 at that time, which as Julie said we

11 removed one of the loading areas that

12 would have required relief in the CGA,

13 so that's a very substantial change.

14 In the results for proposal to

15 clear 35 percent of Tax Lot Number 1;

16 add 14 parking spaces, a new driveway,

17 clear 977 square feet on Tax Parcel

18 20 -- which is the 7-Eleven -- modify

19 access and add the truck loading zone.

20 This was a different

21 application, it was much more

22 aggressive. I did review the file and

23 I spoke to the attorney that presented

24 that case, and I felt that an adequate

25 case was not made and the decision was

<p>33</p> <p>1</p> <p>2 proper based on the record that was</p> <p>3 submitted at that time. So that was</p> <p>4 denied on January -- in January 2011,</p> <p>5 and we're here with a smaller project,</p> <p>6 with additional supporting information</p> <p>7 and are obviously seeking a different</p> <p>8 outcome.</p> <p>9 There are minor changes on the</p> <p>10 7-Eleven site. We are using some</p> <p>11 areas immediately around the building,</p> <p>12 we're also creating some restoration</p> <p>13 on that particular piece of property,</p> <p>14 but all the improvements are within</p> <p>15 existing disturbed areas.</p> <p>16 Also the changes on the CPA</p> <p>17 parcel are there, the detail in terms</p> <p>18 of square footage. I believe that</p> <p>19 we've addressed one of the staff</p> <p>20 comments in the resubmission. I don't</p> <p>21 know if this was able to be updated</p> <p>22 when that submission was made Friday</p> <p>23 for the reasons that I've indicated</p> <p>24 before with the mapping discrepancy.</p> <p>25 In addition to improving store</p>	<p>35</p> <p>1</p> <p>2 plan, which we have proposed, would be</p> <p>3 needed to maintain and to restore that</p> <p>4 area.</p> <p>5 Plantings will replace the</p> <p>6 invasive understory with native</p> <p>7 shrubs, perennials and ferns, a</p> <p>8 15 foot vegetation setback is provided</p> <p>9 along the existing structure, the</p> <p>10 remaining area between the setback and</p> <p>11 the restoration area is the subject to</p> <p>12 soil modification to a depth of 24</p> <p>13 inches to reduce the compacted soils</p> <p>14 and manage invasives. The edges of</p> <p>15 the parking area will be created, low</p> <p>16 mow non-fertilizer dependent ground</p> <p>17 cover vegetation is proposed and that</p> <p>18 can be mowed just periodically. We</p> <p>19 are also flexible to other screening</p> <p>20 methods and other vegetation based on</p> <p>21 staff input.</p> <p>22 The plan as we proposed would</p> <p>23 facilitate the operation of the</p> <p>24 existing uses, will provide additional</p> <p>25 access point -- which is very</p>
<p>34</p> <p>1</p> <p>2 operations, this parking and access in</p> <p>3 deliveries at this busy 7-Eleven</p> <p>4 store -- that's operated on the site</p> <p>5 for 46 years -- will be improved, and</p> <p>6 we also included the Native</p> <p>7 Restoration Plan.</p> <p>8 So I indicated that the property</p> <p>9 is dominated by invasives and will</p> <p>10 change in terms of character if</p> <p>11 uncontrolled. Our proposal before you</p> <p>12 has a detailed inventory of existing</p> <p>13 species on the property and a proposal</p> <p>14 to ecologically restore the property</p> <p>15 so that forest does not come down over</p> <p>16 time as it would if nothing occurred.</p> <p>17 The project requests the</p> <p>18 Hardship to clear 26.5 percent of the</p> <p>19 property or 7602 square feet for that</p> <p>20 new parking area, which is limited to</p> <p>21 nine stalls and allows access out of</p> <p>22 the existing side street.</p> <p>23 Invasives are often difficult to</p> <p>24 eradicate, and based on the species</p> <p>25 that we've indicated an aggressive</p>	<p>36</p> <p>1</p> <p>2 important to this use -- will allow</p> <p>3 for deliveries that does not impact</p> <p>4 Route 25. There are safety aspects to</p> <p>5 this -- again, 1974 when this was</p> <p>6 built it was a different environment</p> <p>7 -- and obviously 7-Elevens have become</p> <p>8 very popular -- on deliveries are a</p> <p>9 logistical challenge, and this would</p> <p>10 help alleviate that.</p> <p>11 We feel the design limits the</p> <p>12 use of the CPA property to the maximum</p> <p>13 extent while allowing for these</p> <p>14 limited improvements. I've done a lot</p> <p>15 of Compatible Growth Hardships, and as</p> <p>16 I said some in terms of</p> <p>17 Core Preservation Area Hardships, the</p> <p>18 requirements are very different. And</p> <p>19 under ECL, Article 57-0121(10) (a), it</p> <p>20 spells out the criteria that are used</p> <p>21 for this type of determination. The</p> <p>22 first one has to do with the subject</p> <p>23 property does not have any beneficial</p> <p>24 use, if used for its present use or</p> <p>25 developed is authorized by the</p>

<p style="text-align: right;">37</p> <p>1</p> <p>2 provisions of this Article.</p> <p>3 I think you get the sense that</p> <p>4 it's zoned J2, has been since before</p> <p>5 the Act, has been vacant, but it's an</p> <p>6 island and is heavily impacted. And</p> <p>7 that -- because it's zoned J2, it</p> <p>8 can't be used for anything else in the</p> <p>9 Town of Brookhaven other than general</p> <p>10 business.</p> <p>11 And certainly, you know, there</p> <p>12 is a credit program for this type of</p> <p>13 thing, but as I've indicated at least</p> <p>14 based on characteristics of</p> <p>15 proprieties that I've analyzed over</p> <p>16 many decades, it doesn't really</p> <p>17 possess the characteristics that we</p> <p>18 would look for total preservation, and</p> <p>19 it would yield about .8 credits, which</p> <p>20 is a very limited value to the owners</p> <p>21 of this property, who are seeking the</p> <p>22 limited use of the property and the</p> <p>23 restoration of the vegetation.</p> <p>24 And there is additional</p> <p>25 information on page 2-1 --</p>	<p style="text-align: right;">39</p> <p>1</p> <p>2 the immediate vicinity. I think</p> <p>3 throughout our application materials,</p> <p>4 the information that Julie put</p> <p>5 together in Exhibit's B, I think it</p> <p>6 was, and C in the staff report, it</p> <p>7 really shows the character of this</p> <p>8 area in addition to the testimony that</p> <p>9 I provided today, and that is that the</p> <p>10 property is unique. It's four sides,</p> <p>11 developed not contiguous to any</p> <p>12 natural vegetation -- I don't want to</p> <p>13 repeat too much -- but dominated by</p> <p>14 invasives along roads and domestic</p> <p>15 impacts from residential. It is truly</p> <p>16 unique in that respect. That it does</p> <p>17 not relate to or arise out of the</p> <p>18 characteristics of the subject</p> <p>19 property rather than the personal</p> <p>20 situation of the applicant.</p> <p>21 These gentleman have owned this</p> <p>22 since 20 years prior to the Act.</p> <p>23 Nothing has changed for them except</p> <p>24 the Act came to be, and they have a</p> <p>25 7-Eleven that had become somewhat</p>
<p style="text-align: right;">38</p> <p>1</p> <p>2 MR. MILAZZO: (Interjecting) I'm</p> <p>3 going to -- for the record.</p> <p>4 That parcel would likely get one</p> <p>5 full credit because it benefits from</p> <p>6 road frontage, it's greater than 4,000</p> <p>7 square feet -- I'm sorry, that's for</p> <p>8 residential property. You can do an</p> <p>9 appeal. Right now it would get .8</p> <p>10 credits based on the zoning and</p> <p>11 acreage, but it could come in for an</p> <p>12 appeal.</p> <p>13 MR. VOORHIS: Yes --</p> <p>14 MR. MILAZZO: There is</p> <p>15 residential allegation minimum of one</p> <p>16 credit for existing room for</p> <p>17 improvement.</p> <p>18 MR. VOORHIS: I don't think the</p> <p>19 additional .15 credit is going to</p> <p>20 really make it that much easier for my</p> <p>21 client to bear that.</p> <p>22 You go down through, and there</p> <p>23 are a couple of sub-criteria, one does</p> <p>24 not apply -- this petition does not</p> <p>25 apply to or affect other property in</p>	<p style="text-align: right;">40</p> <p>1</p> <p>2 antiquated. It does not have the</p> <p>3 required parking under Town Code that,</p> <p>4 and this would allow it to meet the</p> <p>5 current parking requirements of Town</p> <p>6 Code, which is actually a very</p> <p>7 important point.</p> <p>8 So in my opinion, we certainly</p> <p>9 meet that criteria; and there is,</p> <p>10 again, text and verbiage in the</p> <p>11 documentation. And that this is not</p> <p>12 the result any action or inaction by</p> <p>13 the applicant owner or predecessors</p> <p>14 entitling and including any transfer</p> <p>15 of contiguous lands which would come</p> <p>16 in ownership after June 1st, 1993. I</p> <p>17 can get the full record of ownership,</p> <p>18 but, again, he's an elderly gentleman,</p> <p>19 had owned this for many years and</p> <p>20 really that's covered under the</p> <p>21 previous one.</p> <p>22 There are other similar</p> <p>23 provisions that must be met under</p> <p>24 Article 57-0121(10)(c), we go through</p> <p>25 that, I think it would be a little bit</p>

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2 redundant to go through it because

3 many of the things are consistent with

4 what I've indicated already, but we do

5 have extensive backup for each of

6 those items.

7 So we believe that we've

8 demonstrated an extraordinary

9 Hardship. I certainly appreciate the

10 staff documentation today and the

11 discretion items were that the 2010/11

12 application for a similar proposal

13 stated that the Core Parcel was

14 recently leased by the applicant.

15 To my knowledge, it is owned by

16 the groups that I've indicated before.

17 I will certainly look to verify that

18 and get any further information that

19 you or the staff may feel that is

20 needed, clarify the project data and

21 resubmit with correct data. I believe

22 that was done on Friday, based on the

23 mapping discrepancies that I

24 indicated, received responses involved

25 by interested agencies.

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2 As I said, no applications are

3 pending, and consider extension of the

4 deadline, which we can certainly talk

5 about. And I expect that I will be

6 able to provide that consent.

7 We want to get it right. I hope

8 that the information that I provided

9 is useful. If I can answer any

10 questions, I will be happy to. And I

11 would certainly refer you to our full

12 application package which contains

13 even more information that I can

14 present in a 15 minute or so

15 presentation today.

16 So that concludes my remarks.

17 I'm happy to answer any questions.

18 CHAIRWOMAN GALLAGHER: Does

19 anyone have any questions at this

20 time?

21 MR. MCCORMICK: Chick, Happy New

22 Year, first off.

23 MR. VOORHIS: Thank you, Dan,

24 you too.

25 MR. MCCORMICK: In reference and

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2 out of respect for the application, at

3 the hearing in November 2010, do you

4 know if there was any reference to the

5 invasive species?

6 MR. VOORHIS: I know that there

7 was not. I spoke to the attorney -- I

8 have not checked the entire

9 transcript -- but I asked the attorney

10 and she said that was not considered

11 at the time.

12 MR. MCCORMICK: Okay. And is

13 that basically the substance of your

14 argument today in this new application

15 concerning extraordinary hardship?

16 MR. VOORHIS: I'd say it's a

17 piece of our argument and in my

18 testimony. I think I've gone into a

19 great detail in terms of the

20 surrounding area and the lack of

21 character for full preservation of

22 this property. I didn't see that in

23 any great detail in the original

24 record, and we've scaled this back

25 dramatically to the absolute minimum

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2 that we can do to improve the safety

3 and operation of the existing

4 7-Eleven, which isn't going anywhere.

5 And we've removed the Compatible

6 Growth Area Hardship aspect of it.

7 So everything is reduced

8 substantially, and I feel and hope

9 that it's better supported.

10 MR. MCCORMICK: Okay. And

11 you're saying that Lot 6.1 is owned by

12 at least one of these corporations

13 prior to the enactment of the Act?

14 MR. VOORHIS: That's my

15 representation. I will look for

16 further documentation so that your

17 attorney can review that and verify.

18 MR. MCCORMICK: Thank you.

19 CHAIRWOMAN GALLAGHER: Any other

20 questions.

21 MR. FRELENG: I have one for the

22 staff.

23 I want to reference to

24 Exhibit E -- I'm sorry, Exhibit B,

25 that's the area.

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2 Julie, can you -- we don't have

3 it -- west of the wooded subject lot,

4 we have Red Maple, and we have a

5 developed site that does not appear to

6 be in the Core, and then we have a

7 site to the west of that that does

8 appear to be in the Core, I think

9 that's a preschool, maybe?

10 MS. HARGRAVE: Yes.

11 MR. FRELENG: Can you explain to

12 me why that developed site isn't in

13 the Core?

14 MS. HARGRAVE: Yes, just so --

15 the one on the west side, that's a

16 post office and I think that must have

17 been developed before the Act, but I

18 can check that, but yes.

19 MR. FRELENG: The preschool?

20 MS. HARGRAVE: No, adjacent to

21 that to the west, the preschool was

22 developed, it was a decision called

23 MTK -- and I have copy of that

24 decision and it -- and from my

25 understanding it was a bit of a

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2 mistake. It got further long in the

3 process of review. It is in the Core,

4 but there was some issue along the way

5 and it was -- it became a Hardship and

6 it was granted.

7 MR. ROMAINE: By the commission?

8 MS. HARGRAVE: The Hardship was

9 granted by the commission.

10 MR. ROMAINE: Do you know

11 approximately when?

12 MS. HARGRAVE: Yes, I have a

13 copy of that. I believe it was in

14 '98, and the applicant for the

15 application before this -- the

16 application in 2011 -- they used that

17 decision as part of their case for

18 trying to get approval for this

19 project.

20 MR. ROMAINE: But it was denied.

21 CHAIRWOMAN GALLAGHER: MTK

22 wasn't denied, but the 7-Eleven was

23 denied.

24 MS. HARGRAVE: I'm sorry. It

25 was in April 2005 -- '03 -- but I

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2 think it's '05.

3 So that was for a 7200 square

4 foot building for use of a daycare on

5 64,000 square feet parcel in the Core

6 and it applied to the Town of

7 Brookhaven for permission to construct

8 a daycare, and received approval from

9 the Zoning Board of Appeals. And

10 after they received approval from the

11 ZBA, the applicant applied to

12 Brookhaven and the staff coordinated

13 the review of the commission. And

14 when the commission received it, they

15 informed the Town that the parcel was

16 in the Core. Then the Town replied

17 back and applied to the commission --

18 MR. ROMAINE: (Interjecting) and

19 the commission was granted the --

20 MS. HARGRAVE: Yeah.

21 MR. FRELENG: Thank you.

22 CHAIRWOMAN GALLAGHER: Anything

23 else at this time.

24 MR. FRELENG: Have you done with

25 that -- I have a question.

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2 If the applicant can explain, I

3 think in the petition it indicates

4 that the business has changed. The

5 delivery and the customer business has

6 changed over the years. Can you

7 elaborate on that, on how the business

8 has changed over the years, why there

9 might be an additional need for

10 parking?

11 MR. VOORHIS: As I have

12 indicated, 7-Elevens have become

13 extremely popular, and there's more

14 activity, there's more cars on the

15 road, there's more sales through these

16 stores. The site itself, as I said

17 before, when it was constructed in the

18 early '70s, did not conform to the

19 Town required parking, and the parking

20 is for this type of use, one space per

21 100 square feet and the minimum spaces

22 required would be 27 spaces. At

23 present, there are 18 spaces on the

24 site. And the site in its current

25 condition, requires nine spaces to

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2 conform to current Town zoning parking

3 requirements.

4 So the proposed number of spaces

5 would satisfy the code, so I think

6 that speaks to the intensity of use of

7 the site, the fact that we know this

8 is overcrowded. If you look at the

9 way it operates, there isn't even a

10 place to backout when you're leaving

11 those parking stalls on the west side

12 as the new site plan would have

13 designed as part of it. And so we are

14 looking to alleviate this situation.

15 Deliveries are difficult, they

16 often will spill out on to 25 with no

17 other alternative, parking is very

18 active and access at the driveway is

19 very active and it doesn't conform to

20 code.

21 So I think the original design

22 may have been adequate in the early

23 '70s, but over time the amount of

24 activity and use, the change in the

25 business model of the 7-Elevens and

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2 the types of deliveries, on just the

3 general increase in activity have

4 really caused this site to be

5 functionally challenging and somewhat

6 unsafe.

7 MR. FRELENG: It's my opinion

8 that the applicant might be missing a

9 lost opportunity for revenue because

10 of the congestion on site, people

11 avoiding the site, passing by it

12 rather than going in -- pulling in.

13 I also wanted to just confirm

14 with you that the Core Middle Island

15 Ridge Plan, most recent plan done by

16 the Town and the Town's 2030 plan also

17 identify this area as a Hamlet. A

18 commercial Hamlet, so this property is

19 targeted for Hamlet, it's not likely

20 to change the zoning to residential in

21 the future. I just wanted to point

22 that out.

23 MR. VOORHIS: If I can just add

24 to that, I've indicated the J6 zoning

25 map and the Town's initiatives and

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2 that's the parcel across the street

3 and immediately to the east and that

4 would be very consistent with what you

5 just indicated.

6 MR. FRELENG: In the staff -- in

7 the original denial it was resolved

8 that it referred to Town Law

9 Section 267B2, I believe that's the

10 use area variance criteria. Did you

11 review those, and can you comment on

12 anymore on those particular reasonable

13 return --

14 MR. MILAZZO: (Interjecting) Can

15 I interject for a second?

16 So the CGA standard, there's a

17 267 questions. The prior application

18 had a CGA component and a Core

19 component, so they had to go through

20 that demonstration of the CGA

21 reasonable use. They fashioned it so

22 it's only Core, so they have to show

23 there's no beneficial use under the

24 law, they don't concern themselves

25 with the 267.

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2 MR. FRELENG: And that is not

3 applicable with this application.

4 I have no further questions.

5 Thank you.

6 MR. MILAZZO: I have to

7 demonstrate that there's no reasonable

8 use for the property -- or no

9 beneficial use.

10 MR. VOORHIS: I'll just add that

11 this property as it stands on its own,

12 if it could be used under zoning, it

13 would be a separate store of some

14 sort. I don't think it's the right

15 thing for the property.

16 So by allowing just limited

17 parking, additional access to the side

18 street, on a very busy side, precludes

19 any use of this property. I believe

20 it is precluded as a function of the

21 Core.

22 If you think about it, as its

23 own parcel, Zoned J2, it is owned by a

24 separate corporation and absent the

25 Core, could be developed for its own

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2 use. We are not looking to do that.

3 If you do move forward favorably,

4 we'll be happy to condition any

5 conservation easement on the rear

6 portion of the property, we would be

7 happy to refine or improve the

8 landscape restoration plan, native

9 landscape restoration plan and would

10 be pleased to work with staff to do

11 that.

12 CHAIRWOMAN GALLAGHER: Anyone

13 else have questions, comments or

14 thoughts?

15 MR. SCHNEIDERMAN: Looking at

16 the earlier denial, there was a

17 resolve clause that found that the

18 applicant hadn't submitted any --

19 didn't demonstrate that they had

20 explored other sites or relocating to

21 another site, is that something that

22 has been explored?

23 MR. VOORHIS: We did. We've

24 included that between pages 3-1 to

25 3-3, and it's really pretty simple.

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2 These guys owned this site as we've

3 said, I'll provide the backup for over

4 46 years, and they are not out looking

5 to purchase another site. The

6 7-Eleven exists, there is a revenue

7 stream there and they're happy.

8 I think Andy's point is well

9 taken that there is a loss of revenue

10 as the result of the activity that

11 occurs on this site, but they've been

12 able to get by for this period of

13 time, and they're not looking for

14 other sites. 7-Eleven is not looking

15 to relocate, it's been there since 20

16 years before the Act, and again, we

17 have addition verbiage to that effect.

18 That summarizes how we approach that

19 particular criteria.

20 MR. SCHNEIDERMAN: Thank you.

21 MR. MILAZZO: Did they explore

22 using cross access easement to the

23 east -- of the parcel to the east?

24 MR. VOORHIS: They did not, but

25 we can look at that now, and this is a

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2 larger image, this is a building

3 that's to the east, and this is in the

4 J6 zone. The edge of the parking ends

5 here, and there's really no

6 opportunity for a cross access

7 agreement -- or easement to the

8 property to the east. It's cut off.

9 CHAIRWOMAN GALLAGHER: We're

10 good?

11 MR. MCCORMICK: Good.

12 MR. MILAZZO: I recommend

13 closing the public hearing. I don't

14 even think we need to keep it open.

15 Chick, do you have any

16 supplemental materials you want to

17 submit?

18 Or any comments --

19 MR. VOORHIS: I was going to

20 say -- to hear from the public.

21 I would like the opportunity to

22 make sure that staff is comfortable

23 with all the calculations, and that

24 you have information on the chain of

25 history of ownership of the property.

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2 As I said before, we want to get

3 this right, and these gentleman have

4 been very patient over time, both with

5 the previous application and us

6 preparing what we hope is a solid case

7 today. So if we need to extend, we

8 can do that. And I'd like to submit

9 that additional information and of

10 course hear from the public.

11 CHAIRWOMAN GALLAGHER: Okay. So

12 close the hearing and keep the record

13 open for additional --

14 MR. MILAZZO: (Interjecting) Is

15 there any public comment today?

16 (Whereupon, there was no

17 response from the public.)

18 MR. ROMAINE: Make a motion to

19 close the public hearing keep the

20 record open for the next ten days --

21 CHAIRWOMAN GALLAGHER:

22 (Interjecting) Fifteen days, 30 days.

23 MR. MILAZZO: We might as well

24 keep it open until the next meeting.

25 MR. ROMAINE: Thirty days then.

<p>57</p> <p>1</p> <p>2 CHAIRWOMAN GALLAGHER: Okay.</p> <p>3 MR. MILAZZO: Chick, you'll have</p> <p>4 to get us an extension.</p> <p>5 MR. VOORHIS: I'll get you a</p> <p>6 letter. I'll get you a letter.</p> <p>7 I really appreciate your</p> <p>8 attention, thank you.</p> <p>9 CHAIRWOMAN GALLAGHER: So</p> <p>10 there's a motion.</p> <p>11 Is there a second?</p> <p>12 (Whereupon, there was no</p> <p>13 response given by the Board.)</p> <p>14 CHAIRWOMAN GALLAGHER: All in</p> <p>15 favor?</p> <p>16 (Whereupon, there was no</p> <p>17 response given by the Board.)</p> <p>18 CHAIRWOMAN GALLAGHER: Opposed?</p> <p>19 (Whereupon, there was no</p> <p>20 response given by the Board.)</p> <p>21 CHAIRWOMAN GALLAGHER: Any</p> <p>22 extensions?</p> <p>23 (Whereupon, there was no</p> <p>24 response given by the Board.)</p> <p>25 CHAIRWOMAN GALLAGHER: Thank</p>	<p>59</p> <p>1</p> <p>2 you.</p> <p>3 (Whereupon, this hearing was</p> <p>4 concluded at 3:54 p.m.)</p> <p>5 * * * *</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>																																
<p>58</p> <p>1</p> <p>2 you.</p> <p>3 Has anything come up? Does</p> <p>4 anyone else have comments of any kind</p> <p>5 to make at this time?</p> <p>6 (Whereupon, there was no</p> <p>7 response given by the Board.)</p> <p>8 CHAIRWOMAN GALLAGHER: There is</p> <p>9 none.</p> <p>10 Is there a motion to adjourn?</p> <p>11 (Whereupon, there was a</p> <p>12 unanimous, affirmative vote of the</p> <p>13 Board.)</p> <p>14 CHAIRWOMAN GALLAGHER: All in</p> <p>15 favor?</p> <p>16 (Whereupon, there was no</p> <p>17 response given by the Board.)</p> <p>18 CHAIRWOMAN GALLAGHER: Opposed?</p> <p>19 (Whereupon, there was no</p> <p>20 response given by the Board.)</p> <p>21 CHAIRWOMAN GALLAGHER: Any</p> <p>22 extensions?</p> <p>23 (Whereupon, there was no</p> <p>24 response given by the Board.)</p> <p>25 CHAIRWOMAN GALLAGHER: Thank</p>	<p>60</p> <p>1</p> <p>2 E X H I B I T S:</p> <p>3</p> <table border="1"> <thead> <tr> <th data-bbox="878 1182 948 1199">EXHIBIT</th><th data-bbox="1068 1182 1175 1199">DESCRIPTION</th></tr> </thead> <tbody> <tr> <td data-bbox="906 1215 920 1232">A</td><td data-bbox="1068 1215 1260 1232">Tax maps 1992 - 2019</td></tr> <tr> <td data-bbox="906 1249 920 1266">B</td><td data-bbox="1068 1249 1183 1266">2016 Aerials</td></tr> <tr> <td data-bbox="906 1283 920 1299">C</td><td data-bbox="1068 1283 1240 1299">Survey of Property</td></tr> <tr> <td data-bbox="906 1316 920 1333">D</td><td data-bbox="1068 1316 1252 1333">Photographs of site</td></tr> <tr> <td data-bbox="906 1350 920 1367">E</td><td data-bbox="1068 1350 1187 1367">Project data</td></tr> <tr> <td data-bbox="906 1383 920 1400">F</td><td data-bbox="1068 1383 1159 1400">Site Plan</td></tr> <tr> <td data-bbox="906 1417 920 1434">G</td><td data-bbox="1068 1417 1252 1434">CPA Conditions Plan</td></tr> <tr> <td data-bbox="906 1451 920 1467">H</td><td data-bbox="1068 1451 1252 1467">CGA Conditions Plan</td></tr> <tr> <td data-bbox="906 1484 920 1501">I</td><td data-bbox="1068 1484 1235 1501">Restoration plans</td></tr> <tr> <td data-bbox="906 1518 920 1535">J</td><td data-bbox="1068 1518 1214 1535">Hardship Waiver</td></tr> <tr> <td data-bbox="906 1551 920 1568">K</td><td data-bbox="1068 1551 1243 1568">NYSOT Preliminary</td></tr> <tr> <td data-bbox="906 1585 920 1602"></td><td data-bbox="1068 1585 1149 1602">response</td></tr> <tr> <td data-bbox="906 1619 920 1635">L</td><td data-bbox="1068 1619 1263 1635">Applicant's Hardship</td></tr> <tr> <td data-bbox="906 1652 920 1669"></td><td data-bbox="1068 1652 1149 1669">petition</td></tr> <tr> <td data-bbox="906 1686 920 1703">M</td><td data-bbox="1068 1686 1170 1703">Aerial Map</td></tr> </tbody> </table> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	EXHIBIT	DESCRIPTION	A	Tax maps 1992 - 2019	B	2016 Aerials	C	Survey of Property	D	Photographs of site	E	Project data	F	Site Plan	G	CPA Conditions Plan	H	CGA Conditions Plan	I	Restoration plans	J	Hardship Waiver	K	NYSOT Preliminary		response	L	Applicant's Hardship		petition	M	Aerial Map
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C E R T I F I C A T I O N
STATE OF NEW YORK
Ss:
COUNTY OF SUFFOLK

I, DOMENICA RAYNOR, Court
Reporter and Notary Public of the State of
New York, do hereby certify:

That the within transcript
was prepared by me and is a true and
accurate record of this hearing to the
best of my ability.

I further certify that I am
not related to any of the parties to this
matter by blood or by marriage and that I
am in no way interested in the outcome of
any of these matters.

IN WITNESS WHEREOF, I have
hereunto set my hand this 15th day of
January, 2020.

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