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C E N T R A L P I N E B A R R E N S

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C O M M I S S I O N M E E T I N G

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CORE PRESERVATION AREA HARDSHIP WAIVER

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February 15, 2023  
3:00 p.m.

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200 Howell Avenue  
Riverhead, New York

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TRANSCRIPT OF PROCEEDINGS

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2     A P P E A R A N C E S:

3     Janice Scherer, Southampton Designated Representative

4     Martin Shea, Southampton Designated Representative

5     Richard Stafford, Riverhead Designated Representative

6     Robert T. Calarco, Governor's Representative

7     Edward P. Romaine, Brookhaven Member

8     Dorian Dale, Suffolk County Designated Representative

9     Judy Jakobsen, Executive Director

10    Julie Hargrave, Joint Planning and Policy Manager

11

12    A L S O     P R E S E N T:

13    Chick Voorhis, Nelson Pope &amp; Voorhis

14    Jay Timothy Shea, Certilman Balin Adler &amp; Hyman, LLP

15

16    P U B L I C     S P E A K E R S:

17    Richard Amper, Long Island Pine Barrens Society

18    Nina Leonhardt, Long Island Pine Barrens Society

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(The proceeding began at 3:00 p.m.)

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MR. CALARCO: New York Cancer and  
Blood Specialists Core Preservation Area  
Hardship Waiver Application.

6

7

At this time, I think we can go to  
Ms. Hargrave.

8

MS. HARGRAVE: Good afternoon.

9

10

11

12

So we have the New York Cancer  
Blood Specialist Core Hardship Waiver.  
This is a site in Ridge in the Town of  
Brookhaven.

13

14

I will take that. Thank you,  
Angie.

15

Thank you for your patience.

16

17

18

19

20

So just to go to the Staff Report,  
it's been distributed to the Commission  
and there are a number of exhibits and we  
have another exhibit to add, if you can  
agree.

21

22

23

24

25

So again, this is in the Town of  
Brookhaven, in the Core Preservation Area,  
on the west side of William Floyd Parkway,  
north of the Long Island Expressway. It's  
an isolated site, five acres on the west

1  
2 side of the road and -- can you go to the  
3 aerial that shows -- that's great.

4 And this is an industrially zoned  
5 site. It's developed with a  
6 nonresidential use, a commercial use  
7 medical facility. The current owner  
8 acquired the property last year in 2022.  
9 The building is approximately -- the  
10 existing building is 45,000 square foot,  
11 with a 31,000 square foot footprint.  
12 This -- and there are 165 parking spaces  
13 presently. Part of the area is naturally  
14 wooded, mainly along the roadside, and  
15 then an area of trees with mowed grass  
16 underneath and landscaped islands exist in  
17 the -- in the site. There are 12 or so  
18 manmade parking spaces that have already  
19 been developed with a gravel surface that  
20 are going to be finalized in this project.

21 So the proposal is to remove  
22 approximately a quarter acre of natural  
23 vegetation and landscaped area to build  
24 additional parking for 34 parking spaces.  
25 So this would require clearing, cutting

1  
2 trees, existing trees. Again, the  
3 understory of this area where the trees  
4 exist is mowed, mowed grass, and part of  
5 that area was previously restored under a  
6 prior hardship.

7 This project site has been the  
8 subject of two prior hardships in the  
9 past: One in 1994 to expand the building;  
10 and one in 2010 to expand the building and  
11 expand the parking available on the site.

12 This building was -- the building  
13 was about 12,000 square feet when it was  
14 originally built in the late '70s, but  
15 again, it's been expanded several -- a  
16 couple of times since then, up to 45,000  
17 square feet now.

18 In the 2010 Hardship, the  
19 Commission required covenants to preserve  
20 and restore some of the areas as natural  
21 vegetation and again restore some of the  
22 area that is proposed to be developed at  
23 this time.

24 If you can scroll down to the other  
25 wider image that shows the study area.

1  
2           This, again, the study area  
3 shows -- so an exhibit -- let me go to  
4 that, Exhibit E, it's an aerial of the  
5 site with a study area radius showing  
6 the -- where the Brookhaven National Lab  
7 is east of the site, the east side of  
8 William Floyd Parkway. To the north is a  
9 residential development in the Core  
10 Preservation Area and the site is  
11 surrounded by public land owned by New  
12 York State and Suffolk County.

13           So I'll just go to the end of the  
14 staff report, we have a number of items  
15 for your consideration, discussion.  
16 Again, the parking lot -- the parking that  
17 is proposed now will -- to satisfy this  
18 present use of the property will -- the  
19 parking situation will continue to be  
20 deficient by over a 100 spaces. This  
21 building is of a large size and the use  
22 that is occurring there, the parking  
23 demand is greater than the supply, so they  
24 need --

25           SUPERVISOR ROMAINE: They treat

1

2 patients with cancer?

3

4 MR. MILAZZO: That's better

5

directed to the applicant. We don't

6

7 know --

8

9 MS. HARGRAVE: Yeah. Just to get

10

some clarification of what's occurring in

11

this building, if this is a patient

12

facility or if it's some kind of -- just

13

offices or if it's a combination of both.

14

So again, this is -- this use is

15

demanding more parking. And even with

16

this expansion of a parking lot on the

17

property, it will be over 100 spaces

18

lacking what is really needed for a

19

building of this size in accordance to the

20

Town code. Town code requires one space

21

per 150 square feet and the building is,

22

again, 45,000 square feet. So that is

23

something to consider if this will be

24

enough for this use or if there will be

25

additional issues in the future for

parking.

Again, the owner purchased the site

last year and we have a discussion item

1  
2       for you to consider that if this is  
3       self-created, knowing this was in the  
4       Core, knowing the site has been subject to  
5       two hardships all ready in the past and is  
6       limited in terms of the amount of  
7       additional parking that can even be  
8       developed on this site due to the size of  
9       the site.

10               The site has been the official use  
11       of the office that's occurring there now  
12       and this would be an increase in intensity  
13       of use on the site in the Core. And  
14       again, the development in the Core is  
15       prohibited without a hardship, this is why  
16       this is in front of you today.

17               And the site has been the subject  
18       of two prior hardships, there was a  
19       covenant to protect part of the site to  
20       remain natural, that would have to be  
21       potentially amended, or that would be  
22       undone, in part, by this project. And we  
23       have a question of whether the use is in  
24       conformance with Article 6, if there is  
25       such a demand on this property, whatever

1  
2 is occurring in the building, if that is  
3 increasing a need for additional sanitary  
4 flow or if it is in conformance.

5 The 2010 Hardship required  
6 redemption of not Pine Barrens credits,  
7 but transfer of development rights because  
8 the sewage flow, when the building was  
9 increased in size in the last hardship, it  
10 facilitated the need for more sanitary  
11 flow to be generated, so that -- and since  
12 it wasn't consistent with the Pine Barrens  
13 Act to land Pine Barrens credits in the  
14 Core, it's a place where the Core credits  
15 are sent out from, they had to purchase  
16 development rights from some other  
17 program. So that is all I have for now.

18 And, again, I will just go through  
19 the exhibits: We have -- there is a  
20 location map, the site plan of the site  
21 showing the existing conditions, the  
22 existing building and the parking lot  
23 configuration, photographs of the site  
24 showing the area that will be cleared and  
25 disturbed for this project in the front

1  
2       southerly lawn, south of the building, and  
3       the prior hardships in '94 and in 2010 and  
4       their plans associated with those projects  
5       and the study area map and the applicant  
6       demonstration of hardship.

7               We were proposing to have an  
8       additional exhibit, the applicant  
9       submitted yesterday a restoration plan for  
10      the front area that will remain  
11      undeveloped, and so we were going to add  
12      that as an additional exhibit and I will  
13      distribute that to you.

14              So I think the application is here  
15      to make a presentation as well.

16              MR. CALARCO: Thank you,  
17      Ms. Hargrave.

18              Any questions for Ms. Hargrave  
19      before I let her go?

20              (Whereupon, there was no response  
21      amongst the Board.)

22              MR. CALARCO: Okay. If the  
23      applicant or their representative is here  
24      please come forward and introduce  
25      yourselves and we ask that you keep your

1  
2 presentation brief.

3 MR. SHEA: Yes.

4 Good afternoon, Mr. Calarco,  
5 members of the Commission.

6 Jay Timothy Shea, Jr., 100 Motor  
7 Parkway, Hauppauge, New York, for the  
8 applicant. I'm joined by Chick Voorhis,  
9 who will do most of the factual  
10 presentation with regard to the site and  
11 conditions and the Hardship application  
12 itself. I would like to start with the --  
13 some background to answer some of the  
14 questions that were raised by  
15 Ms. Hargrave.

16 The site was initially developed in  
17 1979 prior to the act of -- the Pine  
18 Barrens Act. The prior owners, which was  
19 American Physical Society, in 1994 and  
20 possible before, but we found one letter  
21 from 1994 that made an application to the  
22 County to change the physical boundaries  
23 of the Core Preservation Area based on the  
24 fact that their site was already  
25 developed. And then failing that, made an

1  
2 application to the Pine Barrens for a  
3 hardship to allow for additional building  
4 area on the site.

5 The letter points out in specific  
6 language that they are anticipating growth  
7 for the site and this put everyone on  
8 notice from the beginning that this site  
9 was not really compatible with the finding  
10 that was put in the Core. In that letter,  
11 it was pointed out that as far back as  
12 1994, there were plans to expand the site  
13 for growth of their business, this was  
14 when the first hardship was mandated.

15 The second hardship noted by  
16 Ms. Hargrave was in 2010, where the Town  
17 and the Pine Barrens approved to increase  
18 the size of the building pursuant to  
19 certain dicta that was in the '94 decision  
20 indicating that such should be on the  
21 second story of the building and not  
22 enlarge the footprint. But this did not  
23 consider completely the potential for  
24 growth of the company that was there at  
25 the time or for any company that may

1  
2 occupy the site in the future.

3 We understand that there's a  
4 delicate balance to these types of  
5 applications and at the time I'm sure all  
6 of those factors were taken into  
7 consideration.

8 However, businesses either grow or  
9 they downsize or collapse. When you grow,  
10 you have additional employees that will  
11 fill the office space. By approving the  
12 office space with the capacity that it had  
13 left open for that or you downsize and  
14 sell.

15 What happened with American  
16 Physical Society is that they downsized,  
17 they sold the building to our client  
18 Ascend who is a real estate partner of New  
19 York Blood and Cancer.

20 And as a side note, this is not  
21 used for medical visits. This site is  
22 their operation center, offices and all  
23 administrative-type uses. Therefore, it  
24 meets all of the Article 6 standards from  
25 the Health Department from the prior

1  
2       approvals in that it's going from office  
3       to office and not office to medical  
4       office, so they decided to sell the asset.

5               In this case, like I said,  
6       eventually a business was going to occupy  
7       this site, given the available space and  
8       basic economics and was going to have a  
9       need for additional parking, whether it  
10      was our client, American Physical Society,  
11      or some other company. Given the size of  
12      the building, this cost of buying the  
13      building, the economics, this was  
14      inevitable, and this relates back to the  
15      original decision to include a developed  
16      property in the Core. So this hardship is  
17      not one that's based on our client's  
18      actions. It's -- you got to look back all  
19      the way through history of the property.  
20      Furthermore, we don't believe -- it says  
21      here, it's not -- this is not a Compatible  
22      Growth Hardship where you have to show  
23      that the hardship was not self-created,  
24      but provided this information to the  
25      Commission regardless.

1  
2           Staff also asked to consider two  
3 prior reliefs granted when assessing this  
4 application. However, the fact that there  
5 were prior reliefs granted is not material  
6 and is not something that the Commission  
7 should consider in connection with this  
8 particular application.

9           The question is whether this  
10 applicant, in this application, meets the  
11 tests for the hardship. Staff also  
12 conflates the prior applications with this  
13 application for assessing the minimum  
14 relief required. The minimum relief  
15 required request is based upon current  
16 conditions, the current owner and the  
17 current application, not upon past  
18 history.

19           And there's nothing within the Pine  
20 Barrens Act that limits in any way, shape  
21 or form, the amount of reliefs that a  
22 person -- a property can be granted on it,  
23 so you can grant this without violating  
24 any provisions of the Pine Barrens Act  
25 with regard to the number of reliefs.

1  
2 I have handed up three exhibits,  
3 one of which is the letter from 1994 from  
4 American Physical Society, which I've  
5 highlighted the areas where they talk  
6 about growth. I've also handed up a  
7 picture of the site prior to its most  
8 recent reconfiguration, which I believe  
9 Mr. Milazzo is going to hand around.

10 MR. MILAZZO: Tim, can we take one  
11 second? We are going to mark them.

12 (Whereupon, Exhibits 1, Map, was  
13 marked for identification as of this  
14 date.)

15 (Whereupon, Exhibits 2, Picture,  
16 was marked for identification as of this  
17 date.)

18 (Whereupon, Exhibits 3, Letter, was  
19 marked for identification as of this  
20 date.)

21 (Whereupon, Exhibits 4, Restoration  
22 Plan, was marked for identification as of  
23 this date.)

24 MR. MILAZZO: Tim, you're good.

25 MR. SHEA: Okay. So in looking at

1  
2 Exhibit 2, the picture from the street  
3 view, so to speak, at the building, you  
4 can see that as late as -- this was taken  
5 in 2013 -- as late as 2013, prior to  
6 effectuating conditions of the site plan  
7 and the Pine Barrens decision, you can see  
8 that there was a driveway, circular in  
9 size, coming around in front of the  
10 building with a couple -- a few trees  
11 within that area and a mowed lawn,  
12 manicured.

13 And in addition to that, if you  
14 look at Exhibit 1, you can see from an  
15 aerial view the detail of that driveway  
16 access together with parking that was on  
17 the prior site plan. The area that we  
18 seek to put the parking in is largely  
19 within the driveway area just south of the  
20 building, together with the parking stalls  
21 and going just a little bit further to, I  
22 am going to say, east.

23 SUPERVISOR ROMAINE: West.

24 MR. SHEA: West. I have to point  
25 myself. It's southeast, I think,

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actually.

So any of the redeveloped area that we are looking to put the parking on will be in this particular area. It should also further be noted that this area currently has both drainage and a sanitary system in this particular area. And that has been pointed out to me by the engineer for the project site.

So when you take -- lastly, and I'm sure that Chick will also cover this, at the end of the day, what we've done is we took the covenants of the prior approval and we limited our relief so that it would mirror the prior 2010 relief granted with regard to the amount of ultimate open space, preserved space, on the site, it was 1.96 acres.

After this project is hopefully granted and completed, the amount of acreage that will be within the preserved area will be 1.96 acres, so it will be essentially the same with the replanting. Which I should note that the covenants

1  
2 under the decision from 2010 both point  
3 out that approximately 1.55 acres was to  
4 remain natural, which they have, and that  
5 the balance, which is I think 1.41, would  
6 be replanted, which is consistent with our  
7 plan.

8 So for all of those reasons, I  
9 think that the application should be  
10 granted. And I'm going to defer to Chick  
11 to give a little bit more detail.

12 Thank you very much.

13 MR. VOORHIS: Thank you, Tim.

14 Good afternoon, everyone.

15 For the record, my name is Chick  
16 Voorhis of Nelson Pope Voorhis, office is  
17 in Melville and our office prepared the  
18 application that is before you and have  
19 conducted extensive analysis with respect  
20 to the project, the compliance with the  
21 provisions for the Core Preservation  
22 Hardship and that's all documented in our  
23 application, which has been submitted and  
24 was dated December 14, 2022.

25 All right. We are going to have

1

2 Angela help us on that. Sorry about that.

3

4 All right. So just by way of  
5 background, I think you all know me, I've  
6 been doing environmental plan consulting  
7 on Long Island for 45 years. I did sit in  
8 the Town of Brookhaven for a period of  
9 time and I'm extremely familiar with this  
10 site going back to my first days with the  
11 Town of Brookhaven starting in 1982, which  
12 was only three years after this site was  
constructed.

13

14 I did want to point out, and I  
15 thank Julie for noting, that we did submit  
16 our restoration plan yesterday after our  
17 application that was submitted on December  
18 14th, sorry that it came in just before  
19 the hearing, but I do expect that it will  
20 be part of the record and taken into  
consideration. I'm --

21

22

MR. MILAZZO: It's marked as 4.  
It's Exhibit 4.

23

MR. VOORHIS: Thank you, John.

24

25

The next slide is a five-acre site,  
as you know, it's at the northwest corner

1  
2 of William Floyd and Research Road. The  
3 tax map is there, it is zoned L-1  
4 Industrial, it's been that way for  
5 decades. The entire site is within the  
6 Core Preservation Area and the site has  
7 been historically developed, as Tim has  
8 mentioned.

9 It's currently occupied, next  
10 slide, by the New York Cancer and Blood  
11 Specialists. They have a centralized  
12 facility here for their executive,  
13 administrative and support personnel  
14 offices. The building is about 46,000  
15 square feet in size, it's a two-story and  
16 there's 69,300 square feet of paved  
17 parking and driveways on the site  
18 currently, there's 1.4 acres of natural  
19 land on the property. And as I said, the  
20 commercial building has been there since  
21 1979.

22 Next: Tim went through some of  
23 this, so I don't need to dwell on it, but  
24 as it was mentioned, built in '79, came in  
25 for a hardship in 1994. The Core

1  
2       Preservation Area was defined in 1993 as  
3       part of the Article 57 boundaries. And  
4       that's really what began this situation,  
5       it was an industrial site, it was  
6       developed, and it was placed in the Core,  
7       so I think we can understand what's  
8       happened historically and we feel that's  
9       important to the record.

10               Next slide: As Tim said, and this  
11       image shows it as well as the one Tim  
12       submitted as an exhibit, up until about  
13       2014, the area immediately south of the  
14       building was used for a kind of a circular  
15       driveway, it's a little tough to see on  
16       the image below, but I have other ones and  
17       Julie has some in the staff report and  
18       this presentation will be made part of  
19       your record.

20               As Julie noted, we are proposing  
21       additional parking, but the Town code  
22       requires one space for 150 square feet.  
23       We know in the Town of Brookhaven that is  
24       a very strict, and in many cases,  
25       extensive parking requirement. We also

1  
2 have a handle on how many cars are parked  
3 on the access road now during peak use of  
4 the facility, as well as cars that are  
5 parked at end caps that aren't marked  
6 parking stalls. We feel that's a safety  
7 issue and that this proposed additional  
8 parking will alleviate that and address  
9 that demand.

10 If this property were in the  
11 Compatible Growth Area of the Pine  
12 Barrens, we've allowed 65 percent  
13 clearing, with the cleared and developed  
14 areas where it's 60.8 percent, so we are  
15 about 4 percent under what would be  
16 allowed if this was in the Compatible  
17 Growth Area. It's not an applicable  
18 standard here, but it is benchmarked, it's  
19 a reference point, and I think that's  
20 important that the site is not completely  
21 utilized by that standard.

22 SUPERVISOR ROMAIN: Chick, can I  
23 ask you a question?

24 MR. VOORHIS: Sure.

25 SUPERVISOR ROMAIN: If you built

1

2 additional parking, what percentage would  
3 it bring it up to, approximately?

4

MR. VOORHIS: It would be the same.  
5 It would be 60.8 percent of the site.

6

SUPERVISOR ROMAINE: With the  
7 additional parking?

8

MR. VOORHIS: Yes. That is our  
9 proposal.

10

11 So we are under the 65 percent that  
12 would be allowed and we get more open  
13 space if it required, if it were in the  
14 Compatible Growth Area, and the -- I don't  
15 want Julie to jump down my throat --  
16 assuming that areas of natural  
17 revegetation are complete. So just to be  
18 very clear.

18

19 So this Hardship is submitted to  
20 you to approve the operations on the site.  
21 It does not impact natural Pine Barren  
22 areas, as I will testify to in a little  
23 more detail, and the activity is proposed  
24 in prior impacted areas.

24

25 Next slide: This shows -- it's a  
little tough to see, again, I'll be

1

2

submitting this. This shows cars on the

3

left parked next to the end caps of the

4

rows of parking that decreases the aisle

5

within some of the site.

6

Next slide.

7

MR. MILAZZO: And that's indicative

8

of the number of people that use this site

9

every day?

10

MR. VOORHIS: It's -- it's

11

intermittent, it may vary. There are days

12

that there may be more intense activities,

13

but these were, I would say, fairly

14

typical.

15

I drive by the site several times a

16

week and, you know, I'd seen it similar to

17

this, I've seen it a little more in terms

18

of cars parked on William Floyd Parkway

19

and I've seen it a little less, so it's

20

kind of a typical condition.

21

MR. DALE: So can I ask a question?

22

MR. VOORHIS: Yes.

23

MR. DALE: I think it would be

24

illuminating to find out what the average

25

flow is on any given day in terms of car

1  
2 traffic. You bring up the point of safety  
3 issues because overflow parking is on  
4 William Floyd, which in effect is a  
5 violation, it's a violation on the part of  
6 those people who are engaged in the their  
7 day-to-day work at the site. So coming  
8 into this site in 2022, these were  
9 constraints that were clearly known and  
10 given the fact that New York Blood and  
11 Cancer Center have a couple hundred sites  
12 across the island, they do -- would seem  
13 to have the resources to relay -- offload  
14 some of the admin work they're doing  
15 there.

16 So these are the concerns and I'm  
17 just interested to hear how you address  
18 them.

19 MR. VOORHIS: Some of that I'm  
20 going to defer to Tim after I'm done, he  
21 has some information to share with respect  
22 to that. We can certainly look at the  
23 overflow if it's necessary, that's  
24 something that he can quantify.

25 As far as the operations of the

1  
2 business, my understanding is that it  
3 would be difficult for them to divert that  
4 flow to another site, but I can't speak in  
5 detail on the actual operations of the  
6 company. And, you know, it real is kind  
7 of a practical situation where there is a  
8 need for additional parking, this will  
9 help to alleviate, and, you know, people  
10 are kind of reacting as best they can to  
11 get to work.

12 So we do know that New York Cancer  
13 Blood Specialists employ many people, it's  
14 an ongoing business, it's a successful  
15 business and it's an important business  
16 and our application is to make the  
17 operations work a little bit better and  
18 not impact the Pine Barrens. So that's  
19 our -- we're going to concentrate on the  
20 environmental aspects of it and if there's  
21 someone on the team that can provide some  
22 additional input, we'll certainly get to  
23 that, but thank you for your question.

24 Next: So the project would utilize  
25 the existing revegetated area and concrete

1  
2 walk area on the south side of the  
3 building. The parking expansion utilizes  
4 about 11,600 square feet of the land south  
5 of the building. The proposed parking is  
6 for 46 additional stalls, that includes 12  
7 previously approved land bank stalls,  
8 drainage to be installed for impervious  
9 area. And we have Anthony Stancanelli  
10 here from Phronesis Engineering if there  
11 are more specific questions on the  
12 engineering plans. And we're going to  
13 maintain and improve the naturalized areas  
14 of 0.57 access to the south and east of  
15 the existing building.

16 Next: These are just a series of  
17 slides that are available from Google  
18 Earth, this is 1994. The next is  
19 from 2004 to 2010, this does show the  
20 building, the expanded building, for the  
21 most part. I'm not sure if the second  
22 story appears, it might be a later part of  
23 this period. It does include that  
24 circular drive that we made reference to.

25 Next: This is 2012, the circular

1  
2 drive is still there. The trees are out  
3 in this one, so it's a little tougher to  
4 read. And as I said, you'll have a better  
5 image when I submit it. This is the image  
6 that Tim submitted as an exhibit that  
7 shows that 2012 condition. It actually is  
8 recorded in Google Earth or Google Maps  
9 and it's a street view.

10 The next one was the 2013, and that  
11 basically shows -- you can see the  
12 circular pattern, you can see the area  
13 that is not paved anymore, but it follows  
14 that circular pattern where the driveway  
15 was and that area was intended to remain  
16 open and restored.

17 Next slide: It's 2015, again, it's  
18 a little bit dark. Basically, it's the  
19 existing condition on the site.

20 Next: So our justification, we  
21 covered some of this, but basically that  
22 the site has been used commercially since  
23 1979, which predates the Comprehensive  
24 Land Use Plan and it predates Article 57.

25 The placement of the developed

1  
2 site, the previously existing developed  
3 site, into the CPA created the hardship  
4 and that necessitated the prior relief as  
5 well as the current relief.

6 The facility does need parking for  
7 ongoing operations and it will address the  
8 demand. We will achieve closer  
9 conformance to the Town's parking  
10 requirements, but as I said, they intend  
11 to be quite excessive. If that is a good  
12 reference to use, we found that to be true  
13 for other sites.

14 The current parking causes safety  
15 concerns, visual concerns and  
16 environmental impairment. There's  
17 headlights, there's activity in areas that  
18 aren't really intended for it. And  
19 obviously, the need for emergency vehicles  
20 to enter this site would be a concern.

21 The new parking internal to the  
22 site and near the building would not  
23 result in external impacts. There would  
24 be a remaining area of natural vegetation  
25 on William Floyd Parkway and I have an

1  
2 image that will show that, but not quite  
3 yet. But there is really no external  
4 impact or going to supplement the natural  
5 vegetation when I present the landscape  
6 restoration plan.

7           There will be no change in the site  
8 operations. In other words, there's no  
9 additional building, there won't be any  
10 additional activity or traffic, those  
11 patterns are already established. And the  
12 expansion area has been disturbed  
13 previously and there's no natural area  
14 into the site being impacted. There are  
15 several trees being impacted that I will  
16 mention.

17           Next: This is a picture of -- the  
18 one on the left is the north side of the  
19 building and one on the right is the east  
20 side of the building. And it shows areas  
21 where natural vegetation comes almost  
22 right up to the building. There are a few  
23 strips where we are proposing to expand  
24 that natural vegetation, but you can see  
25 that they've been a good steward of the

1  
2 environment. We didn't observe invasive  
3 species, this is native Pine Barrens right  
4 up to the building. And I just thought  
5 that was important, you know, that the  
6 stewardship of the property, other than  
7 their situation due to operations, has  
8 been very good.

9           Next image: So this is fairly  
10 readable. The green will be the restored  
11 areas. You can see up to the northwest  
12 patch, that will be heavily revegetated.  
13 A strip on the north side of the building  
14 and an area to the east of the building  
15 and the larger area to the south of the  
16 building, and it's a little smaller, it's  
17 hard to see there, but we have a kind of a  
18 strip south of the land bank parking that  
19 will also be revegetated. This brings us  
20 up to 1.96 acres.

21           Next slide: These are the  
22 engineering plans that are a part of the  
23 package. Obviously, you're not going to  
24 be able to read that, so just the -- kind  
25 of the polygons and the images show that

1  
2 on the engineering plans, with exact  
3 calculations, those areas have been called  
4 out and are part of the restoration, that  
5 shows a title block from Phronesis  
6 Engineering and the plans that are pending  
7 in your application.

8 Next: This is the exhibit from the  
9 engineering set that shows the  
10 revegetation areas and quantifies those as  
11 I have mentioned.

12 Next: This is an inventory of  
13 existing trees on the property. And there  
14 are about seven within the footprint of  
15 the parking, which is the north of those  
16 patches of existing trees, about seven  
17 trees will be removed. I do want to tell  
18 you that based on the restoration plans,  
19 37 trees will be replanted on the site, so  
20 we looked to do a significant restoration  
21 plan that will be successful, that will  
22 not promote invasive species becoming  
23 established on the property and it will  
24 create a natural environment using the  
25 plantings from figure 5-2 of chapter 5 of

1  
2 the Comprehensive Land Use Plan.

3 The next image: So this indicates  
4 those tree installations, we have a full  
5 table of all the species and numbers and  
6 the spacing and the size of plantings that  
7 is included with the restoration plan.

8 The next image is the shrub and  
9 ground covering installation, that's all  
10 of those areas that I described before  
11 that were green on the colored plan.

12 The next slide shows the list of  
13 plantings in tabular form, with the common  
14 names, scientific names and size of  
15 containers and number of plants. There  
16 are literally, in addition to the 37 trees  
17 to be planted, there is over a thousand  
18 shrubs and several thousands of plugs and  
19 containers that will establish ground  
20 cover vegetation on the property.

21 Next slide: There was an item in  
22 the staff report that asked about Natural  
23 Heritage. We did check our files, there  
24 will be a Natural Heritage Program letter  
25 forthcoming. But in the meantime, the

1  
2 environmental resource map identifies two  
3 species in association with the site: One  
4 being the northern long-eared bat, we are  
5 quite familiar with that, and that would  
6 mean that DEC involvement would be  
7 necessary, even through a notate  
8 determination under Article 11 of the  
9 Environmental Conservation Law. We would  
10 have to either observe the time periods  
11 for clearing of trees due to northern  
12 long-eared bat or perform such surveys as  
13 might be required by the DEC to conduct  
14 removal of those trees. And this would be  
15 a good candidate site actually for the  
16 mergence surveys that would potentially  
17 permit clearing beyond that window. But  
18 we are fully aware of it and we will  
19 comply with all DEC requirements.

20 Also the eastern spadefoot, which  
21 is a toad, was identified. And that's a  
22 species of special concern, they don't  
23 have any special protection, but we're not  
24 disturbing any habitat areas for that  
25 species. The natural woodlands will

1  
2 remain and we are actually creating more  
3 natural habitat that would serve that  
4 species if it is present. So I don't  
5 think anything more will be learned with  
6 respect to the Natural Heritage.

7 This just goes through the staff  
8 report, Tim covered some of these, but  
9 they will submit this. Basically, what  
10 will happen as far as the parking, after  
11 this proposal is completed, with question  
12 number one or comment and the parking will  
13 serve the current future needs. There's  
14 no new building expansion proposed.

15 We do recognize the ownership  
16 purchase date, but when purchased, the  
17 facility was anticipated to have adequate  
18 parking and the site operations within the  
19 existing building increases the need, but  
20 again, no change in the building.

21 The site is currently a beneficial  
22 use for offices. Again, no expansion and  
23 the parking is needed, as I said.

24 Question four had to do with the  
25 increase in intensity of use in the Core.

1  
2 As I said before, the pattern of use is  
3 already established, the activity is there  
4 and this will improve the operational  
5 conditions, as well as the visual and  
6 environmental conditions on the property.

7 There were prior comments and  
8 restrictions and we're indicating today  
9 that the current plan will comply with the  
10 1.96 acres of the natural area when the  
11 parking lot expansion is completed and the  
12 revegetation is installed pursuant to the  
13 plan. And our client has looked at the  
14 plan and has their landscape contractor  
15 reviewing it as well, so we are ready to  
16 be in the ground to perform that  
17 restoration work as soon as possible.

18 It was noted -- the next slide is  
19 number six: Two prior hardships were  
20 granted, Tim Shea covered this, but it's  
21 redundant, but we know why we are here.  
22 It's a developed site that was put in the  
23 Core.

24 Also, you know, the site has its  
25 unique qualities because of that. So I

1  
2 think it's important to recognize when a  
3 site is unique and even with those two  
4 prior hardships, it shows that there have  
5 been difficulties since it's been placed  
6 in the Core.

7 Comment or discussion item seven in  
8 the staff report on page 5 of the staff  
9 report asked about Article 6 compliance,  
10 the engineering plans confirm that the  
11 Suffolk County Department of Health  
12 Services has already issued their approval  
13 and that was based on the building. And I  
14 have an image that shows the Health  
15 Department approved plan, as well as their  
16 stamp that indicates that transfer of  
17 development rights as was explained by  
18 Julie Hargrave.

19 Number eight was potential  
20 visibility of the lot CR-46. You saw that  
21 colored image before. The parking is on  
22 the interior of the site, it's within the  
23 previously paved areas and disturbed areas  
24 of the site. There will be natural  
25 vegetation remaining, as we saw before,

1  
2 and additional screening for the  
3 restoration plan will further block  
4 visibility from the roadway.

5 Number nine was a submitted  
6 revegetation plan, and I described that  
7 today, it's one of your exhibits, and I'm  
8 sure that will be reviewed in detail by  
9 staff. But we are confident in the  
10 ability of that plan to achieve a natural  
11 restoration.

12 And number ten had to do with the  
13 Natural Heritage Program and I've covered  
14 that with respect to the northern  
15 long-eared bat and the eastern spadefoot.

16 So this next image, as I said, is  
17 the Health Department approved plan.  
18 After the hearing today, I will submit  
19 electronically this presentation so you  
20 have it for the record, and I will also  
21 submit this exact plan. The plan itself  
22 is on the right and the left image is in  
23 this enlargement of stamp, which appears  
24 down to the lower right near the title  
25 block. And it basically shows that it's

1  
2 approved by the Health Department and no  
3 further review by the Health Department is  
4 required.

5 So just a very quick summary, the  
6 next slide --

7 MR. DALE: Chick, just before you  
8 move on, just out of curiosity, so we are  
9 talking about 56,000 square feet, right?  
10 That's the total and there's an assignment  
11 for "X" amount of square feet, like 300  
12 PPV or something to that to effect, so I'm  
13 curious about --

14 MR. VOORHIS: You're talking about  
15 sanitary waste water?

16 MR. DALE: Yes. What are those  
17 numbers? I know you've told us numerous  
18 times that it's been approved, but in  
19 looking through some of this, looking at  
20 what the allowed sanitary flow is, I'm  
21 just a little bit fuzzy because it seems  
22 to be at odds with the total square  
23 footage.

24 MR. VOORHIS: Well, Tim mentioned  
25 it before that this is administrative

1  
2 offices, so it's not medical flow, which  
3 is 2.1 gallons per square foot, so the  
4 actual flow is 2,749 gallons per day, not  
5 a huge amount, it's under 3,000 gallons on  
6 a five-acre site.

7 MR. DALE: What kind of a system  
8 are they using? Do you know?

9 MR. VOORHIS: I'm quite certain  
10 it's a conventional system. So it was  
11 installed prior to any requirement for an  
12 IA system, but it does meet Health  
13 Department requirements. I will submit  
14 that stamped plan for your files.

15 And that's it, this is just a  
16 summary. And I don't want to be to  
17 redundant, because I really covered all of  
18 these items.

19 So I really appreciate your  
20 attention and I can be available if you  
21 have any further questions.

22 MR. CALARCO: Does anybody have any  
23 questions for the applicant?

24 MR. DALE: Well, I believe I posed  
25 a few concerns that --

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(Whereupon, there was inaudible, indecipherable cross-talk among the parties present and was told so by the court reporter.)

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MR. DALE: So just to recap, with your clients buying the property last year, they are a sizable operation, I'm sure they are exceedingly well managed, so they are looking at what the capacity is in terms of the number of staffers they can put there and they're looking at this parking lot, so clearly given the fact that they are really astute businessman, they did the arithmetic and they knew moving in, they didn't have adequate parking.

18

19

MR. SHEA: I will disagree with that.

20

21

MR. DALE: Okay. I see. That's interesting. But I would like --

22

23

24

25

MR. SHEA: With the conclusion, because the business has grown so exponentially that by the time they got to contract and closed, then of course

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2       they're sitting there and going okay we  
3       have to figure out how to make this all  
4       work. So it was not with the intention of  
5       having a parking issue to build this -- to  
6       purchase this. This was supposed to be a  
7       centralized home with adequate parking  
8       facilities that they felt would be good  
9       for the business.

10               And if I may, I think I can maybe  
11       help with the mitigation we've been  
12       discussing with the client, both on-site  
13       mitigation and off-site mitigation, that  
14       we think is going to help resolve the  
15       parking issue. But, you know, we still  
16       need the additional parking and those  
17       would be two things we are discussing and  
18       trying to put into place.

19               One is, they are negotiating  
20       with -- to purchase another property that  
21       is already built that is not in the Pine  
22       Barrens Core. In fact, I don't think it's  
23       in the Pine Barrens at all. Somewhat in  
24       the vicinity, but to the south, to  
25       alleviate some of the employment issues.

1  
2           The other thing they are doing and  
3 they are trying to put in place currently  
4 is a shifting. You know, putting in  
5 different shifts, so that not everybody is  
6 there at the exact same time, so we don't  
7 have people there 9:00 to 5:00 every day  
8 and that they have being trying to do some  
9 overlapping shifting in order to alleviate  
10 the parking problem.

11           We think between the two of those  
12 mitigation factors that the parking that  
13 is provided will be more than adequate and  
14 we are trying to fix the situation.

15           SUPERVISOR ROMAINE: Tim, what is  
16 the current number of parking spaces  
17 there?

18           MR. SHEA: Anthony has that on the  
19 plan in front of him.

20           MR. DALE: And along with that,  
21 Tim, I had asked about the typical daily  
22 traffic. Because that, again, gets down  
23 to what you have, what you're trying to  
24 accommodate and I am not clear on those  
25 numbers.

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MR. SHEA: I would have to take a deeper dive into that. I know that it's not consistent every single day. There are certain days, Mondays and Tuesdays in particular, where they have staff meetings and certain training sessions, that that seems to be the days that are at peak, other days are less.

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So again, we are trying to work within the operation itself to try to mitigate that and to make that parking issue go away.

14

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SUPERVISOR ROMAINE: Again, what is the count number of parking spaces?

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MS. HARGRAVE: 165.

17

MR. SHEA: 165.

18

SUPERVISOR ROMAINE: 165.

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MR. MILAZZO: Just one second, let the record reflect that at 3:50 Janice left the hearing and Marty Shea replaced her for the hearing. And Mr. Shea was present throughout the hearing in the -- and observed and participated in all of the proceedings.

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Thank you. Sorry.

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SUPERVISOR ROMAIN: 165. And you  
you're looking for how many more parking  
spaces to be approved?

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10

MR. SHEA: It would be 31 in the  
area in front of the building and the 12  
land bank spaces that were previously  
approved, so it would end up at one  
ninety -- 199 total.

11

12

SUPERVISOR ROMAIN: So you are  
looking for about 35 more spaces?

13

14

15

MR. SHEA: Forty-six, with 15 being  
land bank that are constructed, 31 new  
spaces on the plan.

16

17

SUPERVISOR ROMAIN: Do you know  
how many people work in the building now?

18

19

MR. SHEA: I think it fluctuates  
between certain days.

20

21

SUPERVISOR ROMAIN: Fluctuates  
between --

22

MR. SHEA: Give me one second.

23

24

SUPERVISOR ROMAIN: That's what  
number and what number?

25

MR. SHEA: Give me one second.

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Okay. Unfortunately, Supervisor Romaine, I don't have that number, but we can get it for you.

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SUPERVISOR ROMAIN: And you looked at, I assume, a traffic study for this location?

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MR. SHEA: Well, we know that the problem has been a demand and it's been so dramatic and quick to come upon us, that we immediately started putting together plans in order to deal with this issue and we said to the client from the beginning, that at the end of the day, if there's any chance at success of this application happening, we have to adhere to the 1.96 natural area that was on the prior approvals. And that has been our benchmark trying to design this site and also to limit any disturbance to areas that have previously been disturbed. Those were our two, from the beginning, this is your limitation if you have any chance of success.

25

SUPERVISOR ROMAIN: Thank you,

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2 Mr. Shea. Thank you.

3

4 MR. MILAZZO: And they use this  
site every day, correct?

5

6 MR. SHEA: They do use the site  
five days a week.

7

8 UNKNOWN SPEAKER: With occasional  
training on weekends.

9

10 MR. SHEA: But normally it's Monday  
through Friday.

11

12 MR. MILAZZO: And Saturdays too?  
So there's use of the building five days a  
13 week and occasionally on Saturdays?

14

15 MR. SHEA: It would appear so, yes.  
But I wouldn't think that Saturday would  
16 be as crowded as the other days of the  
17 week.

18

19 MS. JAKOBSEN: Tim, are they  
currently using the land bank parking  
20 spots for parking?

21

MR. SHEA: Yes, yes.

22

23 MR. MARTY SHEA: You had indicated  
that even if the additional parking spaces  
24 are there, it would still be a deficiency  
25 of 107 parking spaces as per the Town

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code?

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MR. SHEA: Well, Julie indicated that under the Town code, we would still be deficient, but we would be mitigating the fact that we were at half of what is required. And now we will be at two thirds of what is required and we think doing that, together with the changing the operational procedures and buying the other property, that the 199 stalls would be adequate for the use.

13

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MR. MARTY SHEA: So you don't think that large of a deficiency is likely to result in additional issues in terms of insufficient parking in the years ahead?

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21

MR. SHEA: No, because we are addressing it through other means to make sure that 199 stalls will meet our needs by, again, looking at other properties and changing operations on the site.

22

23

MR. MILAZZO: Are they under contract to buy the other site?

24

25

MR. SHEA: Not at this time, they're negotiating the contract. I'm not

1  
2       representing them on that particular  
3       transaction.

4               MR. CALARCO:   Anybody else?

5               (Whereupon, there was no response  
6       amongst the Board.)

7               MR. CALARCO:   Okay.   Thank you,  
8       Mr. Shea.

9               MR. SHEA:   Thank you, all.

10              MR. CALARCO:   Okay.   Is there  
11       anybody else who would like to comment on  
12       this public hearing?   Come up and please  
13       introduce yourself for the record.

14              MS. LEONHARDT:   Nina Leonhardt,  
15       Long Island Pine Barrens Society.

16              I don't have anything new to add,  
17       but I think the questions that have been  
18       raised from the time that Ms. Hargrave  
19       presented, including what Mr. Shea had to  
20       say, and the questions of the  
21       Commissioners, really pinpoints that the  
22       issue that surrounds this property were  
23       known from the beginning and we were not  
24       supposed to consider that there were  
25       Hardship Waivers previously.   But that

1  
2       should have indicated something to the  
3       applicant that there were issues here.

4               And this property was included in  
5       the Core before it was developed for  
6       obvious reasons. It's in a very critical  
7       area and probably should never have been  
8       there. But that being said, once 1993  
9       came around, it was in the Core and we  
10      have to respect all that.

11              Now, the idea that we are going to  
12      have 45 more spots and that is going to be  
13      enough, I mean, do you have any idea what  
14      the overflow is now? How much is it each  
15      day? Is it 45? Is it 60? What is it?  
16      That number hasn't been addressed.

17              And Mr. Shea was very clear in  
18      saying that when there is a business, it  
19      keeps growing. So what is to say, as  
20      Marty Shea indicated, that we won't hear  
21      this. No, there aren't any plans now, but  
22      what happens when this business grows?  
23      Are you going to come back again and look  
24      for more spots? So where does this end?  
25      What do we do? And the applicant should

1

2 have been aware because this property has  
3 been well developed.

4

Thank you.

5

MR. CALARCO: Thank you.

6

7

Any questions? Go ahead, Dick,  
come up.

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MR. AMPER: What you're doing is  
exactly what you said you wouldn't do. We  
listened, we learned, we expressed our  
anxieties about whether or not this would  
be the seriousness and the importance of  
the project, that it be controlled, that  
what we were going to see, what we were  
going to witness, what we are going to  
support was limited, and now we are saying  
except otherwise.

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And it's of serious concern because  
it happens over and over again where we  
are told by people in government, this is  
going to be protected, and it isn't. And  
it's extremely concerning because these  
things were asked about and addressed, we  
were concerned, very, very disturbed,  
learned that there would be problems

1  
2 because rarely does the government meet  
3 its requirements and meet its  
4 responsibility and it didn't do it here  
5 again. So sorry, it just doesn't work out  
6 where you say we are not going to do  
7 something and then you go and do it. And  
8 I say you'll do it again.

9 MR. CALARCO: Thank you, Mr. Amper.

10 Is there anybody else in the  
11 audience that would like to address us on  
12 this public hearing?

13 Seeing none, I think we will make a  
14 motion to close.

15 MR. MILAZZO: We'll close the  
16 hearing and leave the record open for  
17 comments for a week, two weeks at most.  
18 There's a decision deadline in April, so  
19 if we have a two-week comment period,  
20 everything could be brought back to the  
21 Commission.

22 SUPERVISOR ROMAIN: Make a motion  
23 to close the hearing and leave it open for  
24 written comment for the next 14 days.

25 MR. DALE: Second.

1  
2 MR. CALARCO: We have a motion by  
3 Supervisor Romaine and second by Dorian  
4 Dale.

5 All in favor?

6 (Whereupon, there was a unanimous,  
7 affirmative vote of the Board.)

8 MR. CALARCO: Any abstentions?

9 (Whereupon, there was no response  
10 amongst the Board.)

11 MR. CALARCO: The motion carries.

12 (The proceeding concluded at this  
13 time.)

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C E R T I F I C A T I O N

I, Domenica Raynor, a Notary Public for  
and within the State of New York, do hereby  
certify that the above is a correct  
transcription of my stenographic notes.

*Domenica Raynor*

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DOMENICA RAYNOR