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

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

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6 CORE PRESERVATION AREA HARDSHIP WAIVER

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February 15, 2023
3:00 p.m.

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 & Voorhis

14 Jay Timothy Shea, Certilman Balin Adler & 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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2 (The proceeding began at 3:00 p.m.)

3 MR. CALARCO: New York Cancer and

4 Blood Specialists Core Preservation Area

5 Hardship Waiver Application.

6 At this time, I think we can go to

7 Ms. Hargrave.

8 MS. HARGRAVE: Good afternoon.

9 So we have the New York Cancer

10 Blood Specialist Core Hardship Waiver.

11 This is a site in Ridge in the Town of

12 Brookhaven.

13 I will take that. Thank you,

14 Angie.

15 Thank you for your patience.

16 So just to go to the Staff Report,

17 it's been distributed to the Commission

18 and there are a number of exhibits and we

19 have another exhibit to add, if you can

20 agree.

21 So again, this is in the Town of

22 Brookhaven, in the Core Preservation Area,

23 on the west side of William Floyd Parkway,

24 north of the Long Island Expressway. It's

25 an isolated site, five acres on the west

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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

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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.

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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

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2 patients with cancer?

3 MR. MILAZZO: That's better
4 directed to the applicant. We don't
5 know --

6 MS. HARGRAVE: Yeah. Just to get
7 some clarification of what's occurring in
8 this building, if this is a patient
9 facility or if it's some kind of -- just
10 offices or if it's a combination of both.

11 So again, this is -- this use is
12 demanding more parking. And even with
13 this expansion of a parking lot on the
14 property, it will be over 100 spaces
15 lacking what is really needed for a
16 building of this size in accordance to the
17 Town code. Town code requires one space
18 per 150 square feet and the building is,
19 again, 45,000 square feet. So that is
20 something to consider if this will be
21 enough for this use or if there will be
22 additional issues in the future for
23 parking.

24 Again, the owner purchased the site
25 last year and we have a discussion item

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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

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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

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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.

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

4

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

6

MR. CALARCO: Thank you,

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

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

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

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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

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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

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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

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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.

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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.

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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

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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.

23 SUPERVISOR ROMAINE: West.

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

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2 actually.

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

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

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

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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

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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
13 constructed.

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
21 consideration. I'm --

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

23 It's Exhibit 4.

24 MR. VOORHIS: Thank you, John.

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

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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

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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

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

20

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

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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 ROMAINE: Chick, can I
23 ask you a question?

24 MR. VOORHIS: Sure.

25 SUPERVISOR ROMAINE: If you built

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

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

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

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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.

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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

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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

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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

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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

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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

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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

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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

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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

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

15

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

21

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

24

25 Question four had to do with the
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

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

19

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

26

27 Also, you know, the site has its
28 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

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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

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

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

18 MR. SHEA: I will disagree with
19 that.

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

22 MR. SHEA: With the conclusion,
23 because the business has grown so
24 exponentially that by the time they got to
25 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

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

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.

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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 been 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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2 MR. SHEA: I would have to take a
3 deeper dive into that. I know that it's
4 not consistent every single day. There
5 are certain days, Mondays and Tuesdays in
6 particular, where they have staff meetings
7 and certain training sessions, that that
8 seems to be the days that are at peak,
9 other days are less.

10

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

14

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

16

16 MS. HARGRAVE: 165.

17

17 MR. SHEA: 165.

18

18 SUPERVISOR ROMAINE: 165.

19

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

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2 Thank you. Sorry.

3 SUPERVISOR ROMAINE: 165. And you
4 you're looking for how many more parking
5 spaces to be approved?

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

11 SUPERVISOR ROMAINE: So you are
12 looking for about 35 more spaces?

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

16 SUPERVISOR ROMAINE: Do you know
17 how many people work in the building now?

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

20 SUPERVISOR ROMAINE: Fluctuates
21 between --

22 MR. SHEA: Give me one second.

23 SUPERVISOR ROMAINE: That's what
24 number and what number?

25 MR. SHEA: Give me one second.

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

5 SUPERVISOR ROMAINE: And you looked
6 at, I assume, a traffic study for this
7 location?

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

25 SUPERVISOR ROMAINE: Thank you,

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2 Mr. Shea. Thank you.

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

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

7 UNKNOWN SPEAKER: With occasional
8 training on weekends.

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

11 MR. MILAZZO: And Saturdays too?

12 So there's use of the building five days a
13 week and occasionally on Saturdays?

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

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

21 MR. SHEA: Yes, yes.

22 MR. MARTY SHEA: You had indicated
23 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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2 code?

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

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

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

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

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

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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

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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 Any questions? Go ahead, Dick,
7 come up.

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

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

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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 ROMAINE: 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.

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

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

8

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10 *Domenica Raynor*

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DOMENICA RAYNOR

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