

## Hargrave, Julie

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**From:** Ashley Marciszyn <AMarciszyn@nelsonpope.com>  
**Sent:** Friday, October 6, 2023 2:41 PM  
**To:** Jakobsen, Judith  
**Cc:** PB Hargrave, Julie; Milazzo, John; Brianna Sadoski; Chic Voorhis  
**Subject:** Request for Determination & CPA Hardship Application: Gosselin Property (49 Old Westhampton Road)

**Attachments:** CPA Hardship Application\_49 Old Westhampton Road\_10-06-2023.pdf; OMB\_to\_CPBC\_Interpretation Request\_2023-10-05.pdf; Cover Letter\_NPV to CPBC\_JJ\_Gosselin Application\_2023-10-06.pdf

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Dear Judy,

Please see the attached for the Gosselin Property (49 Old Westhampton Road, Riverside).

- Cover letter
- Interpretation Request
- CPA Hardship Application

Six (6) hard copies will be sent to you via regular mail.

Thank you,

**Ashley Marciszyn**  
**Administrative Assistant**

 **NELSON POPE VOORHIS**

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October 6, 2023

Judy Jakobsen  
The Central Pine Barrens Commission Office  
624 Old Riverhead Road (CR 31)  
Westhampton Beach, NY 11978

**RE: Gosselin Property (49 Old Westhampton Road); Request for Determination and  
Core Preservation Area (CPA) Hardship Application, dated October 6, 2023  
NPV#23247**

Dear Ms. Jakobsen,

Attached, please find application materials related to the above referenced project. This submission includes a request for a determination from the Central Pine Barrens Joint Planning & Policy Commission (CPBC) finding that the proposed project is not considered to be development under New York State Environmental Conservation Law Article 57 as outlined in the attached letter from Wayne Bruyn dated October 5, 2023. If the determination finds that the project is considered to be "Development" under Article 57, then we have included a complete CPA Hardship application.

Please note that the Proposed Project, involves the demolition of seven of eight residential structures, the conversion of the eighth structure into a shed for dry storage, and the construction of a single-family dwelling. The total building footprint of the removed structures is 6,200 square feet (SF), while the footprint of the new structure will be 1,800 SF. Additionally, the structure will be approximately 190' from Wildwood Lake at its closest point and appropriately stepped back from wetland areas. Two of the cottages to be demolished are currently closer to the lake, at 108' and 140', and existing cottages are near or within wetland areas. The modified site that is the subject of this application will result in substantial environmental improvement to the subject site.

Please review this application and if complete, please include this on the October 18<sup>th</sup> calendar to schedule the hearing on this matter. I can be reached via cell phone at (631) 513-8594 or by email at [cvoorhis@nelsonpopevoorhis.com](mailto:cvoorhis@nelsonpopevoorhis.com).

Very Truly Yours,  
**Nelson, Pope & Voorhis, LLC**



Charles Voorhis, CEP, AICP, Principal

cc: Julie Hargrave (CPBJPPC) (via email only)  
John Milazzo (CPBJPPC) (via email only)  
Wayne Bruyn (O'Shea, Marcincuk & Bruyn, LLP) (via email only)  
Jason Gosselin (via email only)  
Brianna Sadoski (NPV) (via email only)

**CENTRAL PINE BARRENS JOINT PLANNING & POLICY  
COMMISSION (CPBJPPC)**

**Core Preservation Area (CPA)  
Hardship Application**

**Gosselin Property  
49 Old Westhampton Road**

Suffolk County Tax Map Numbers: 0900-164-04-11 and 12  
Hamlet of Riverside, Town of Southampton, Suffolk County, New York

***Applicant:*** Jason P. Gosselin  
31 Twin Pines Road  
Downington, PA 19335  
(215) 988-3371

***For Submission To:*** Central Pine Barrens Joint Planning & Policy Commission  
624 Old Riverhead Road  
Westhampton Beach, New York 11978  
Contact: Judy Jakobsen; Executive Director  
(631) 288-1079

***Prepared by:*** Nelson, Pope & Voorhis, LLC  
70 Maxess Road  
Melville, New York 11747  
Contact: Charles Voorhis, CEP, AICP; Principal  
(631) 427-5665

NP&V #23247

**October 6, 2023**

# **CENTRAL PINE BARRENS JOINT PLANNING & POLICY COMMISSION (CPBJPPC)**

## **Core Preservation Area (CPA) Hardship Application**

### **GOSELIN PROPERTY 49 Old Westhampton Road**

Suffolk County Tax Map Numbers: 0900-164-04-11 and 12  
Hamlet of Riverside, Town of Southampton, Suffolk County, New York

**Applicants:** Jason P. Gosselin & Nancy Gosselin  
31 Twin Pines Road  
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(215) 988-3371  
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**For Submission to:** Central Pine Barrens Joint Planning & Policy Commission  
624 Old Riverhead Road  
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**October 6, 2023**

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## **SECTION 1.0**

### **DESCRIPTION OF THE PROPOSED PROJECT**

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## 1.0 DESCRIPTION OF THE PROPOSED PROJECT

### 1.1 Introduction

This document has been prepared by Nelson, Pope & Voorhis, LLC (NPV) in support of an application before the Central Pine Barrens Joint Planning and Policy Commission (CPBJPPC) for a Hardship Exemption from its standard for development within the Core Preservation Area (CPA) of the Central Pine Barrens zone. This document is intended to provide the required information documenting how the proposed exemption satisfies requirements for such an application, as listed in the New York State (NYS) Environmental Conservation Law (ECL) Article 57-0121(10). **Appendices A** through **F** contain supporting materials. This document provides a description of the features of the proposal that justify the requested exemption, based upon the characteristics of the site and the mitigation measures that will be employed.

The proposed project involves the demolition of seven of eight residential structures located at 49 Old Westhampton Road (the subject site), the conversion of the eighth structure into a shed for dry storage, and the construction of a single-family dwelling. The use, ownership and lease details for the subject property are explained further herein.

The subject site is situated on the tax lots designated District 0900, Section 164, Block 4, Lots 11 and 12. The contiguous parcels comprise approximately 1.73 acres in size, owned by Jason P. Gosselin & Nancy Gosselin (“Applicants”) (see **Figure 1**). The entirety of the subject property is situated within the CPA of the Central Pine Barrens, wherein development is strictly limited and discouraged, by the Central Pine Barrens Comprehensive Land Use Plan (CLUP). As a result, the proposed project requires an exemption from these limitations, to be reviewed and decided upon by the CPBJPPC, which has jurisdiction over this request under NYS ECL Article 57 and the CLUP. There are unique circumstances associated with this property that warrant the requested exemption.

The 1.73-acre subject site is located in the Town of Southampton R-15 Residential zoning district. Since the applicants are the current property owners, an Owner’s Affidavit was not prepared, and is not required as part of this application. A Part 1 Environmental Assessment Form (EAF) has been prepared for the proposed project, and is presented in **Appendix A**.

### 1.2 Site History

The property has been in Nancy Gosselin’s family for more than eighty years and has served four generations of family members. In the 1930s, Nancy Gosselin’s maternal grandparents (Joseph and Sarah Conlan), along with two other couples (Harry and Dorothy Stewart and George and Barbara Cole) purchased the undeveloped property on Wildwood Lake. The three families lived in New York City, and the 1.7± acres of vacant land was intended for seasonal use. The owners held the land as joint tenants by the entirety and soon built cottages for residential use.

Over the years, the owners built at least nine cottages on the property. Dorothy Stewart, Barbara Cole and Sarah Conlan typically spent their entire summers at the property with their children, and on summer weekends their husbands, Applicant's mother, Carol Bisaccia, nee Conlan, spent her first summer at the property in approximately 1940 and every summer thereafter until her death in 2021 at the age of 85. Nancy Gosselin (and other grandchildren of the original owners) also spent their childhood summers at the property.

The Stewarts sold their ownership interest in the property to Carol and Anthony Bisaccia in 1970, and sometime thereafter the Coles also sold their interest. By 2017, the sole owner of the property was a family trust established for the benefit of Carol and Anthony Bisaccia. In 2021, the trust transferred ownership of the property to the Applicants, Nancy Gosselin (granddaughter of original owners Joseph and Sarah Conlan and the daughter Carol and Anthony Bisaccia) and her husband, Jason Gosselin.

Eight cottages remain in use today. Friends and family members use them from late spring through early fall, enjoying Wildwood Lake and access to other East End offerings. Two of the cottages are fully winterized and are used or capable of use on a year-round basis.

No previous applications for Core Preservation Hardship Exemptions have been submitted for this property.

### **1.3 Description of the Proposed Project**

The overall site is a 1.73-acre property on the west side of Old Westhampton Road and bordered to the west by Wildwood Lake, in the Hamlet of Riverside, Town of Southampton, Suffolk County, New York. The subject site is situated on the contiguous tax lots designated District 0900, Section 164, Block 4, Lots 11 and 12. The subject property is presently developed with eight residential cottage structures ranging in size from approximately 375 square feet (SF) to 1,700 SF, which are arranged roughly in a U-shape on the eastern half of the property, with access to the paved Old Westhampton Road (see Property Survey, attached as **Appendix B**, and **Figure 2**).

The proposed project involves the demolition of seven of the eight residential cottage structures. The smallest of the residential structures (approximately 375 SF) will be retained and used for dry storage under the proposed project. Although the cottages served the owners' needs over the years, the cottages are not suitable for the Applicants for at least three reasons:

- Cottages have exceeded natural life spans: the cottages were built more than 80 years ago and were intended for seasonal use. Two of the cottages have been substantially upgraded to allow for year-round use, but the cottages generally do not meet the needs of modern families (e.g., lack of insulation, inefficient heating in winter, insufficient cooling in summer, lack of laundry facilities, small kitchen and bathroom facilities, etc.)

Because the cottages require significant and costly maintenance and have far exceeded their life span, the Applicants prefer to remove them and construct a modern and efficient home that suits their needs.

- Configuration not suitable for single-family use: The Applicants need a residential structure large enough to accommodate six to ten people. Most of the time, the proposed new residence will be occupied solely by Applicants, but they want a house large enough to accommodate visits from their children and eventually their grandchildren. None of the present cottages is large enough for that purpose. Similarly, Applicants are in their 50s and want a home with modern amenities that requires less maintenance. The size and configuration of the eight cottages does not suit these needs.
- Applicants unable to accommodate short-term use: The current configuration of cottages was well-suited for couples and small families seeking a seasonal vacation experience with minimal amenities. Given the age of the cottages, that use requires a constant presence on the property by an owner capable of providing ongoing maintenance. See Photos of Cottages, attached as **Appendix C**. Applicants live in Downingtown, Pennsylvania, and they plan to use the property for occasional weeks or weekends throughout the year. They plan to spend more time at the property once they retire in 10 to 12 years, but they will remain residents of Pennsylvania. They are not able to provide short-term rental opportunities and have no desire to facilitate such use even if they were able to do so.

The proposed project also involves the construction of a two-story, single-family home of approximately 3,600 SF (SF) (see Architectural Drawings, attached as **Appendix D**). The dimensions are 45' X 40', with a total footprint of 1,800 SF, plus the two-story covered deck in the rear. The structure will be approximately 190' from Wildwood Lake at its closest point (two of the cottages to be demolished are currently closer to the lake, at 108' and 140'). The home is designed in traditional style, with exterior cladding of genuine cedar shales. The look and design are in keeping with East End architecture generally as well as the rural character of Wildwood Lake. The new home will be a substantial improvement from an aesthetic standpoint.

The new home will also be a significant improvement in terms of environmental impact. The total building footprint of the removed structures is 6,200 SF, while the footprint of the new structure will be 1,800 SF. The total square footage of living space of the removed structures is 6,500 SF, while the total living space of the new home will be 3,600 SF. Instead of seven kitchens serving the needs of 15-20 people, there will be one kitchen for single-family use. Similarly, instead of eight toilet facilities and seven showers, there will be five toilet facilities and four showers serving the needs of a single family. The six cesspools and associated drywells that currently serve the eight cottages will be removed entirely. The new home will be serviced by a Fuji CEN 10 Innovative/Alternative (I/A) system. The new home will also meet modern standards of energy efficiency.

Construction of the new home will not require any clearing and will not disturb the existing natural pine barrens vegetation or freshwater wetlands. As set forth on the attached survey, the footprint of the new structure will be well inside the outer perimeter of the demolished cottages. The Applicants intend to plant native trees on the property, particularly in the space created by the removal of the three cottages on the north side of the lot in addition to a space created by the removal of the cottage in the south-central portion of the property.

**Table 1** below details the types of surface coverages of the site, in its existing condition and after completion of the proposed project.

**Table 1**  
**SITE COVERAGES**  
Existing Conditions & Proposed Project

Coverage Type	Existing Conditions (Acres)	Proposed Project (Acres)
Impervious (roads, buildings, and other paved surfaces)	0.20±	0.08±
Landscaped	0.20±	0.20±
Non-vegetated (dirt path, gravel)	0.48±	0.47±
Wooded/Natural	0.85±	0.98±
Total	1.73±	1.73±

At the present time, an estimated 51% (0.88 acres) of the overall property is developed (i.e., building footprint, paved or lawn) and/or disturbed (i.e., compacted soil) surfaces, and 49% (0.85 acres) is wooded natural pine barrens vegetation. The proposed project will decrease paved surfaces from approximately 12% under the current condition, to approximately 5% under the proposed condition. Following removal of the seven cottages and accessory structures, these areas will be converted to pervious land, with the potential of restoration to wooded/natural land.

Historical aerial photographs, displaying the subject property condition as unchanged since the establishment of Article 57 and the CLUP for the CPA, are provided as **Appendix E**.

The following changes are proposed as part of the proposed project:

- Removal/demolition of seven of the eight residential structures. The total building footprint of the removed structures is approximately 6,200 SF.
- The eighth structure, situated closest to Wildwood Lake, will be retained and used for dry storage

- Construction of a new two-story, single-family residence with a total building footprint of approximately 1,800 SF.
- Resultant reduction of total square footage of living space from 6,500 SF to 3,600 SF. Additionally, the consolidation to one residence will result in the reduction of six kitchens, three bathrooms, and three showers.
- Removal of six cesspools and associated drywells
- Installation of a Fuji CEN 10 I/A sanitary system for the new residence

## **SECTION 2.0**

### **DEMONSTRATION OF EXTRAORDINARY HARDSHIP, ECL ARTICLE 57-0121(10)(a)**

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## **2.0 DEMONSTRATION OF EXTRAORDINARY HARDSHIP**

### **ECL ARTICLE 57-0121 (10) (a)**

#### **2.1 Extraordinary Hardship Demonstration**

The following assessment outlines Section 57-0121(1) of the New York State ECL and the project's conformance to each of the applicable criteria. It is submitted that the applicants will experience an extraordinary hardship if the proposed redevelopment of the subject site is not permitted. The preclusion of beneficial use of the property stems from the provisions of Article 57 for lands in the CPA, particularly given the fact that the subject site is developed and was developed prior to the adoption of Article 57 as well as other hardships as demonstrated herein. The inability to have a beneficial use results from these unique circumstances particular to the subject property.

*"10. Any person, the state or a public corporation upon showing of hardship caused by the provisions of subdivision eight of this section on development in the core preservation area, may apply to the commission for a permit exempting such applicant from such subdivision eight in connection with any proposed development in the core preservation area. Such application for an exemption pursuant to the demonstration of hardship within the core preservation area shall be approved only if the person satisfies the following conditions and extraordinary hardship or compelling public need is determined to have been established under the following standards for development by the state or a public corporation or proposed for land owned by the state or a public corporation compelling public need is determined to have been established under the following standards:*

- (a) The particular physical surroundings, shape or topographical conditions of the specific property involved would result in an extraordinary hardship, as distinguished from a mere inconvenience, if the provisions of this act are literally enforced. An applicant shall be deemed to have established the existence of extraordinary hardship only if he demonstrates, based on specific facts, that the subject property does not have any beneficial use if used for its present use or developed as authorized by the provisions of this article, ...*

The hardship is based on the physical surroundings of the property that limit the ability to function based on today's use of the cottages. The subject building has operated as a seasonal multi-family residential property since the 1930s, predating the CLUP and Article 57. The CPA was established in the mid-1990s as a result of the Pine Barrens Act. The placement of the CPA boundary including the subject property foreclosed the ability of the current property owners to continue use of the property for their own personal use, which creates a hardship.

Although the cottages served the owners' needs over the years, they are no longer suitable for the applicants, as they have exceeded their natural lifespans, the configuration is not suitable for single-family use, and the applicants are unable to accommodate short-term use. The cottages were built more than 80 years ago and were intended for seasonal use, and generally do not meet the needs of modern families (e.g., lack of insulation, inefficient heating in winter, insufficient cooling in summer, lack of laundry facilities, small kitchen and bathroom facilities, etc.). Because the cottages require significant and costly maintenance and have far exceeded their life span, the Applicants prefer to remove them and construct a modern and efficient home that suits their needs. None of the present cottages are large enough for the purpose of occupancy solely by the Applicants, as the configuration of cottages was well-suited for couples and small families seeking a seasonal vacation experience with minimal amenities. Given the age of the cottages, that use requires a constant presence on the property by an owner capable of providing ongoing maintenance.

The hardship is not a mere inconvenience, it is a necessity to enable the property owners to continue use of the property. The property has been in Applicants' family for more than eighty years. Apart from the sentimental value of an heirloom property, this property is uniquely situated on Wildwood Lake. There are no comparable properties available to Applicants. Denying the application—and thereby forcing applicants to utilize residential structures that have long outlived their natural lifespan and do not meet their current needs—is effectively a prohibition on the continued use of this property.

If Applicants are unable to build their new home, the only other beneficial use for the property would be to replace the existing seven structures utilizing the same footprint. Replacing the cottages in the same footprint would create economic value in the short-term rental market through such platforms as AirBnB and VRBO—perhaps substantial value—but such use does not suit Applicants' needs. Such use would also be expected to have a greater impact as a result of the total square footage occupied, number of occupants and resultant density derived impacts related to sanitary waste, site activity, vehicular use, and other impacts, which would be spread across a larger area of the site. The Applicant seeks to consolidate the activities on-site and the only desire is to use the property for their own personal use, drastically reducing the intensity of use of the property. Because a denial of this application would leave Applicants with no beneficial use other than reconstruction of the structures on their existing footprint, and thus undermines rather than serves the goals of the Act, this Application satisfies Section 57-0121(10)(a).

*...and that this inability to have a beneficial use results from unique circumstances peculiar to the subject property which:*

- (i) Do not apply to or affect other property in the immediate vicinity;*

The history and current use of the subject property in the CPA is unique and the site's history and current use do not apply to or affect other properties in the immediate vicinity of the site. The property has been in Applicants' family for more than eighty years. Apart from the sentimental value of an heirloom property, this property is uniquely situated on Wildwood Lake. There are no comparable properties available to Applicants.

The property is zoned R-15, which allows for a single-family home on a minimum of 15,000 SF. The lack of a beneficial use in this case—*i.e.*, the property was originally developed with small cottages serving multiple families, generally does not apply to or affect other property in the immediate vicinity. The immediate residential area comprising Old Westhampton Road, Lakeview Avenue, and Topping Drive is fully developed with residential housing stock.

This is an extraordinary hardship as opposed to a mere inconvenience because the property owners have invested funds to maintain the existing buildings on the property. Consolidating the multi-family use to a single-family home will help ensure that the property owners can continue use of the property.

The demolition of the cottages and construction of a single-family residence will not affect the properties in the immediate vicinity, as the proposed action will result in a decrease in intensity of use. The proposed residence will be constructed within the footprint of existing development/disturbance and will not disturb existing vegetation, cause safety concerns or cause any new visual impacts.

The granting of such hardship exemption to this property should be considered in the context of these conditions as outlined herein:

- (a) The property was previously disturbed prior to the establishment of Article 57 and the CLUP for the CPA;
- (b) The proposed action is merely a continuation of the current use (at significantly decreased intensity)
- (c) The property is part of a residential community that is fully developed
- (d) The proposed action is in accordance with the current land use of the subject property, with no disturbance to or removal of the ecological resources of the CPA
- (e) Granting the Hardship Exemption is consistent with the Commission's prior hardship determinations (see precedent examples below in Section 2.2)

(ii) *Relate to or arise out of the characteristics of the subject property rather than the personal situation of the applicant; or*

The characteristics of the property are described above. The current configuration of cottages, which occupies the site, was originally constructed approximately 60 years prior to the Pine Barrens Act.

The character of the site is that of a multi-family seasonal property that does not meet the needs of a modern family for continued use. As a result, the use is not able to operate effectively on the site that it otherwise would if the proposed action were to occur.

This Hardship application has been prepared for a specific site and the specific conditions of residential cottages thereon; it would not have been practicable for the Applicant to evaluate an alternative site, as there are no comparable properties available to Applicants situated on Wildwood Lake. Denying the application – and thereby forcing applicants to utilize residential structures that have long outlived their natural lifespan and do not meet their current needs – is effectively a prohibition on the continued use of this property, which has been in the Applicants' family for generations.

The proposed project will not clear any of the existing natural vegetation on the subject property. The proposed disturbance is situated well within the footprint of currently disturbed area, which has been disturbed since the 1930s. Additionally, the plan provide habitat improvement in connection with this hardship, as the Applicant proposes the natural revegetation of the northern portion of the subject property following removal of the cottages.

Thus, the hardship would improve the safety and operations of the existing property, including a reduction in intensity of use that has occurred on the property nearly 100 years. The hardship would allow improvement of the environmental condition of the subject site by reducing intensity of use, ensuring that portions of the subject property maintain natural conditions, and safety, visual and environmental conditions would also be beneficially improved.

- (iii) Are not the result of any action or inaction by the applicant or the owner or his predecessors in title including any transfer of contiguous lands which were in common ownership on or after June 1, 1993.*

The hardship for which an exemption is sought is not the result of any action or inaction on the part of the Applicant (which is also the Owner); the Applicant has not altered the size or configuration of the buildings since prior to 1993 (see historical aerial photographs in **Appendix E**). The hardship is the result of the CPA boundary being placed to include the pre-existing developed site in 1993, nearly 60 years after the site was initially developed. As the subject property is in the CPA, it requires a Hardship approval to allow for the proposed action. As noted, consolidating the

multiple cottages to a single-family residence will address safety, visual and environmental issues associated with the current unsustainable use of the site.

## 2.2 Commission's Prior Hardship Determinations

Granting of the Hardship Exemption is consistent with the Commission's prior Hardship determinations because (a) it is merely a continuation of the current use (at significantly decreased intensity) and (b) because it is part of a residential community that is already fully developed:

- a) *Commission Has Previously Determined that Continuation of Prior Use Satisfies Hardship Criteria*

The Commission has previously granted hardship exemptions where the proposed development is merely a continuation of a present use and will not materially increase the use or environmental impact. See, e.g., Approved Resolution for Starbucks of Manorville (June 21, 2017), attached as **Appendix F**. In the Starbucks of Manorville matter, the project site was a 2,000 SF building occupied by a coffee shop and a bank. The applicant sought to expand its footprint to include a drive-thru, which triggered a change in zone and classification as a major restaurant. Manorville Starbucks sought a hardship exemption, which was granted by the Commission.

In seeking the exemption, the applicant asserted that §57-0121(10)(a) was satisfied because "the proposed action is merely a continuation of an existing use." The Commission agreed, stating "the Applicant has met the criteria in ECL §57-0121(10)(a) because the characteristics of the property are unique. The property was developed with a restaurant use prior to the Act. The Project will not increase the number of uses or different types of uses than those that already exist nor expand the existing building beyond its current footprint or gross floor area." The Commission went on to note that the "result is no net increase in the number of uses will occur, no net increase in gross floor area, footprint or lot coverage will occur, and the site will continue to be used . . . in accordance with its present land use with no disturbance to or removal of the ecological resources of the Core Preservation Area."

For similar reasons, the Commission also determined Section 57-0121(10)(a)(i)-(iii) were satisfied. Subsection (i) was satisfied because the project "continues the existing use" and "utilizes the developed property" in a similar manner. Subsection (ii) was satisfied because "the Project Site is currently developed [and] no net increase in development is proposed." Finally, the Commission found subsection (iii) was satisfied because "the restaurant use presently, legally exists on the Project Site" and the project achieves a "compact, efficient and orderly development in the Central Pine Barrens."

For the same reasons, the Commission should find that Applicants satisfy §57-0121(10)(a) and subsections (i) through (iii). The property in this case was developed for residential use prior to the Act. Although the Applicants were not the owners when the development took place, they acquired the property through a combination of inheritance and purchase. Nancy Gosselin has utilized the property for residential use for more than five decades, while her husband, Jason Gosselin, has utilized the property for residential use for more than three decades. The proposed project is merely a continuation of that use but in a more environmentally friendly manner and with a significant reduction in the intensity of use of the property.

As with the Manorville Starbucks application, this project also “will not increase the number of uses or different types of uses” than currently. While the footprint of the new home will be different than the footprint of the removed structures, it will be much smaller (approximately one third) than the footprint of the removed structures, and the total usable living space will be reduced by nearly half. In addition, the footprint of the new structure will be well within the current developed area and will not require any clearing of pine barrens vegetation. If a continuation of use (with the same intensity) warrants an exemption, the continuation of use with a drastic decrease in intensity should similarly warrant an exemption.

Moreover, the uniqueness of Applicants’ property cannot be overstated. Numerous options were and remain available for the operation of a coffee shop or restaurant. In this case, the property is situated on Wildwood Lake and has been in Applicants’ family for generations. There are no comparable properties available to Applicants.

*b) Commission Has Previously Determined that Development in Fully Developed Community Satisfies Hardship Criteria*

The exemption application is also supported by the fact that all other available residential properties in the immediate vicinity are already developed. The Commission has previously granted hardship exemptions in these circumstances. *See, e.g.*, Approved Resolution for 71 Lakeview Drive (July 20, 2016), attached as **Appendix F**. In the Lakeview Drive matter, the property owners sought a Core Preservation Area hardship exemption to construct a single family home on the last remaining undeveloped lot in the residential community. The property at issue in that case is approximately 500 yards from Applicants’ property, and both are part of the same residential community. Much of the Commission’s reasoning for granting the exemption in that case also applies here.

In the Lakeview Drive matter, the Commission determined that §57-0121(10)(a) was satisfied because “the characteristics of the subject property are unique” in that the “property is situated in a developed residential community and is the only remaining undeveloped, unprotected parcel with development on all sides.” For similar reasons, the Commission determined that §57-0121(10)(a)(i)-(iii) was satisfied, noting that the project site “is the only undeveloped property on a road surrounded on three sides by existing residential development and in a developed residential community with 72 dwellings and no other undeveloped, unprotected parcels.” The Commission also noted that the property constituted an infill lot and had no other beneficial use.

Applicants’ property is part of the same residential community as the Lakeview Drive property. *See Google Earth Photographs, attached as Appendix F.* Applicants’ property is situated at the intersection of Old Westhampton Road and Topping Drive. Old Westhampton Road runs in a northerly/southerly direction along the east side of Wildwood Lake. Apart from a public boat launch area, the properties along Old Westhampton Road are developed with residential housing. In particular, excluding Applicants’ eight residential cottages, there are more than twenty existing residential housing units on the 1/3 mile stretch of the road that runs along the east side of the lake. (It is believed that these homes are part of the 72 dwellings noted in the Lakeview Drive exemption approval.) Similar to the Lakeview Drive matter, Applicants’ property has access to an existing, improved paved road and is adjacent to an existing developed property on the south side.

The Lakeview Drive property was bounded on three sides by existing development, while Applicants’ property is bounded on only one side by existing development. Despite this difference, Applicants’ present an equal or greater case for a hardship exemption because they are not seeking to develop ***currently undeveloped*** land. They seek to continue the same use in a manner that will constitute a net improvement from an environmental and development standpoint.

## **SECTION 3.0**

### **DEMONSTRATION OF CONFORMANCE TO ADDITIONAL STANDARDS, ECL ARTICLE 57-0121 (10) (C)**

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### **3.0 DEMONSTRATION OF CONFORMANCE TO ADDITIONAL STANDARDS ECL ARTICLE 57-0121 (10) (c)**

*c) An application for a permit in the core preservation area shall be approved only if it is determined that the following additional standards also are met:*

*(i) The granting of the permit will not be materially detrimental or injurious to other property or improvements in the area in which the subject property is located, increase the danger of fire, endanger public safety or result in substantial impairment of the resources of the core preservation area;*

The proposed project will not be materially detrimental or injurious to other properties or improvements. The property has been used for residential purposes for decades without harming neighboring properties, presenting a risk of fire, endangering public safety, or impairing the resources of the CPA. The continued use of the property for residential purposes similarly will have no materially detrimental impact. The proposed use constitutes a reduction in the intensity of use and, therefore, will have a positive impact on these considerations as compared to the present use.

The proposed project will improve public safety by removing aging residential structures and reducing the number of kitchens, and will improve the resources of the site through restoration of previously disturbed land to natural conditions.

*(ii) The waiver will not be inconsistent with the purposes, objectives or the general spirit and intent of this article; or*

The nature and extent of the requested relief is not inconsistent with the purpose, objectives or general intent of Article 57-0121(10)(c), in that the proposed project will provide greater preservation of natural resources and will be more aesthetically pleasing than the current developed use. The proposed project will result in a compact, orderly and efficient pattern of development.

*(iii) The waiver is the minimum relief necessary to relieve the extraordinary hardship, which may include the granting of a residential development right to other lands in the compatible growth area that may be transferred or clustered to those lands to satisfy the compelling public need.*

The granting of the hardship exemption is the minimum relief necessary to relieve the hardship. The Applicants seek to continue using the property for residential use, and the construction of a new home to replace the outdated residential structures currently on the property is the only option.



## **SECTION 4.0**

### **DETERMINATION OF SIGNIFICANCE AND DESIGNATION OF LEAD AGENCY**

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#### **4.0 DETERMINATION OF SIGNIFICANCE AND DESIGNATION OF LEAD AGENCY**

As the Town of Southampton site plan application was recently submitted, no SEQRA review has been completed, so no Determination of Significance is currently available. It is expected that the Town of Southampton Planning Board will assume lead agency for this project. A SEQRA Determination of Significance will be provided to the Commission once it is issued.

Gosselin Property  
49 Old Westhampton Road  
CPA Hardship Application

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## SECTION 5.0 APPROVALS GRANTED

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## 5.0 APPROVALS GRANTED

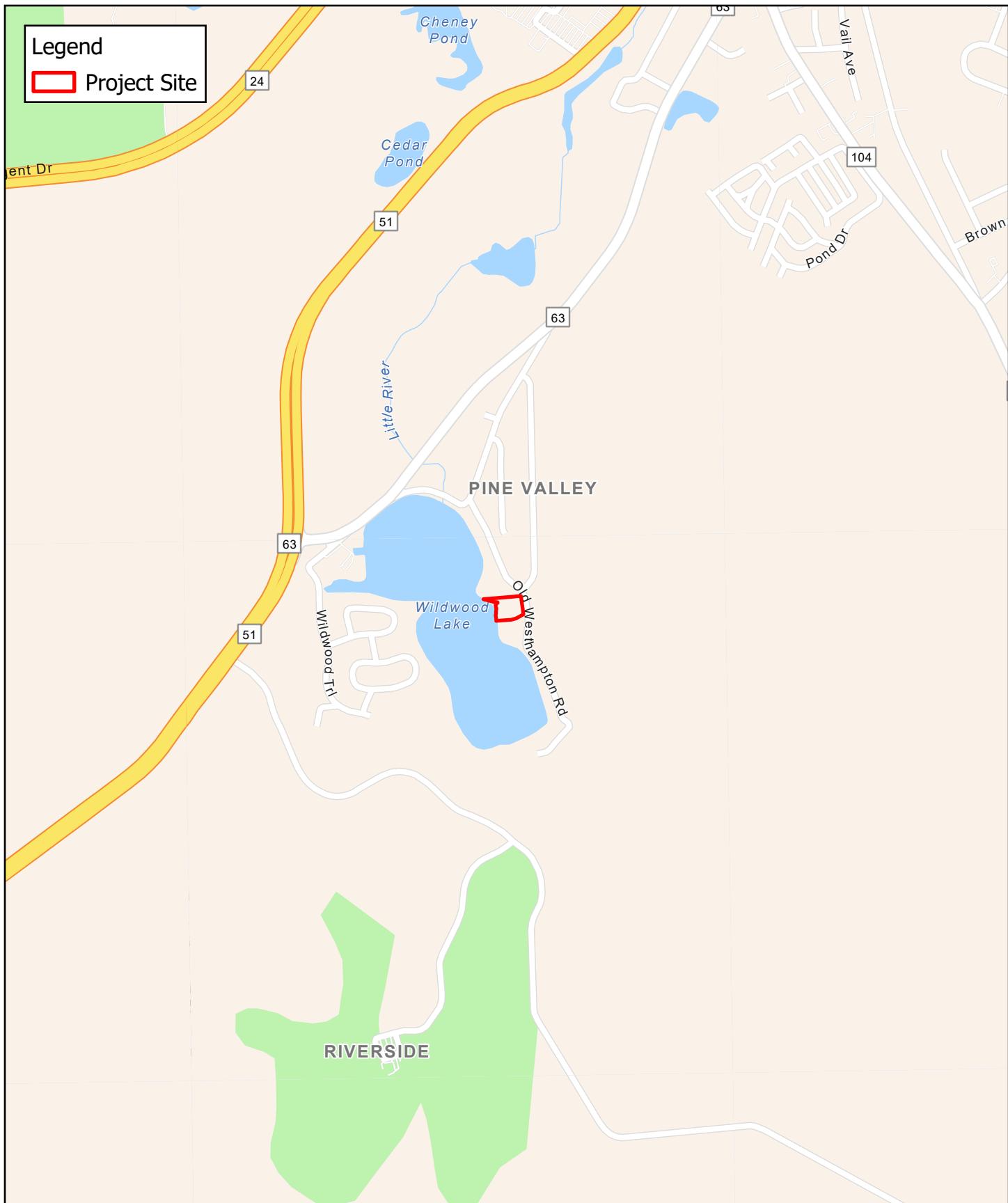
Other applications for the proposed project are currently pending; however, to date, no other approvals have been granted.

Gosselin Property  
49 Old Westhampton Road  
CPA Hardship Application

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## FIGURES

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**FIGURE 1**  
**LOCATION MAP**

Sources: ESRI WMS; Suffolk County GIS 2016  
Scale: 1 inch equals 1,500 feet

Pine Barrens  
Hardship  
Application/Part I EAF



**FIGURE 2**  
**AERIAL MAP**

Pine Barrens  
Hardship  
Application/Part I EAF



**NPV**

Sources: ESRI WMS; Suffolk County GIS 2016  
Scale: 1 inch equals 100 feet

## APPENDICES

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# APPENDIX A

## ENVIRONMENTAL ASSESSMENT FORM (EAF)

### PART 1

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***Full Environmental Assessment Form***  
***Part 1 - Project and Setting***

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

## B. Government Approvals

<b>B. Government Approvals, Funding, or Sponsorship.</b> (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission		
c. City, Town or <input type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
iii. Is the project site within a Coastal Erosion Hazard Area?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

## C. Planning and Zoning

### C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the  Yes  No only approval(s) which must be granted to enable the proposed action to proceed?

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

### C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site  Yes  No where the proposed action would be located?

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action  Yes  No would be located?

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway;  Yes  No Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)

If Yes, identify the plan(s):

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c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan,  Yes  No or an adopted municipal farmland protection plan?

If Yes, identify the plan(s):

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**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?

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b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? \_\_\_\_\_

b. What police or other public protection forces serve the project site? \_\_\_\_\_

c. Which fire protection and emergency medical services serve the project site? \_\_\_\_\_

d. What parks serve the project site? \_\_\_\_\_

**D. Project Details****D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? \_\_\_\_\_

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres

b. Total acreage to be physically disturbed? \_\_\_\_\_ acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_

ii. Is a cluster/conservation layout proposed?  Yes  No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_
- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year
- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

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f. Does the project include new residential uses?

Yes  No

If Yes, show numbers of units proposed.

One Family

Two Family

Three Family

Multiple Family (four or more)

Initial Phase

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

At completion

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Initial Phase

Yes  No

At completion

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

g. Does the proposed action include new non-residential construction (including expansions)?

Yes  No

If Yes,

i. Total number of structures \_\_\_\_\_

ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?

Yes  No

If Yes,

i. Purpose of the impoundment: \_\_\_\_\_

ii. If a water impoundment, the principal source of the water: \_\_\_\_\_

Ground water  Surface water streams  Other specify: \_\_\_\_\_

iii. If other than water, identify the type of impounded/contained liquids and their source.

iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

## D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No

(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

• Volume (specify tons or cubic yards): \_\_\_\_\_

• Over what duration of time? \_\_\_\_\_

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No

If yes, describe. \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

\_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

\_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

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iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_

- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No

If Yes:

- Name of district or service area: \_\_\_\_\_  Yes  No
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_  Yes  No

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_  Yes  No
- Name of district: \_\_\_\_\_  Yes  No
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site?</li> <li>• Will a line extension within an existing district be necessary to serve the project?</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____</li> </ul>	
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
<ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
<ul style="list-style-type: none"> <li>i. How much impervious surface will the project create in relation to total size of project parcel?            _____ Square feet or _____ acres (impervious surface)            _____ Square feet or _____ acres (parcel size)         </li> </ul>	
ii. Describe types of new point sources. _____	
iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____	
<ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____ _____</li> <li>• Will stormwater runoff flow to adjacent properties? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul>	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <input type="checkbox"/> Yes <input type="checkbox"/> No	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify:	
<ul style="list-style-type: none"> <li>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</li> </ul>	
<ul style="list-style-type: none"> <li>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</li> </ul>	
<ul style="list-style-type: none"> <li>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</li> </ul>	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
<ul style="list-style-type: none"> <li>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>ii. In addition to emissions as calculated in the application, the project will generate:           <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul> </li> </ul>	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Estimate methane generation in tons/year (metric): _____	
ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____	
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____ _____	
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend	
<input type="checkbox"/> Randomly between hours of _____ to _____.	
ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____	
iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____	
iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No	
v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:	
vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No	
vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No	
viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No	
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Estimate annual electricity demand during operation of the proposed action: _____	
ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____	
iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input type="checkbox"/> No	
l. Hours of operation. Answer all items which apply.	
i. During Construction:	
<ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	
ii. During Operations:	
<ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes:	
i. Provide details including sources, time of day and duration:	_____
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Describe: _____	
n. Will the proposed action have outdoor lighting?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes:	
i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:	_____
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Describe: _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____	
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Product(s) to be stored _____	_____
ii. Volume(s) _____ per unit time _____ (e.g., month, year)	_____
iii. Generally, describe the proposed storage facilities: _____	_____
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Describe proposed treatment(s):	_____
ii. Will the proposed action use Integrated Pest Management Practices?	<input type="checkbox"/> Yes <input type="checkbox"/> No
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Describe any solid waste(s) to be generated during construction or operation of the facility:	_____
• Construction: _____ tons per _____ (unit of time)	_____
• Operation : _____ tons per _____ (unit of time)	_____
ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:	_____
• Construction: _____	_____
• Operation: _____	_____
iii. Proposed disposal methods/facilities for solid waste generated on-site:	_____
• Construction: _____	_____
• Operation: _____	_____

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No

If Yes:

- i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_
- ii. Anticipated rate of disposal/processing:
  - \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
  - \_\_\_\_\_ Tons/hour, if combustion or thermal treatment
- iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No

If Yes:

- i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_
- ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_
- iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month
- iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_
- v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

## **E. Site and Setting of Proposed Action**

### **E.1. Land uses on and surrounding the project site**

#### a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe:

\_\_\_\_\_

\_\_\_\_\_

#### b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, i. Identify Facilities: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment: • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet	<input type="checkbox"/> Yes <input type="checkbox"/> No
ii. Dam's existing hazard classification: _____	
iii. Provide date and summarize results of last inspection: _____ _____	
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: i. Has the facility been formally closed? <input type="checkbox"/> Yes <input type="checkbox"/> No • If yes, cite sources/documentation: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ _____	
iii. Describe any development constraints due to the prior solid waste activities: _____ _____	
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <input type="checkbox"/> Yes – Spills Incidents database      Provide DEC ID number(s): _____ <input type="checkbox"/> Yes – Environmental Site Remediation database      Provide DEC ID number(s): _____ <input type="checkbox"/> Neither database	<input type="checkbox"/> Yes <input type="checkbox"/> No
ii. If site has been subject of RCRA corrective activities, describe control measures: _____ _____	
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____ _____	

v. Is the project site subject to an institutional control limiting property uses?		<input type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>• If yes, DEC site ID number: _____</li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place?</li> </ul>		<input type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>• Explain: _____ _____ _____</li> </ul>		
<b>E.2. Natural Resources On or Near Project Site</b>		
a. What is the average depth to bedrock on the project site? _____ feet		
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %		
c. Predominant soil type(s) present on project site: _____ % _____ _____ %		
d. What is the average depth to the water table on the project site? Average: _____ feet		
e. Drainage status of project site soils: <input type="checkbox"/> Well Drained: _____ % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input type="checkbox"/> Poorly Drained: _____ % of site		
f. Approximate proportion of proposed action site with slopes: <input type="checkbox"/> 0-10%: _____ % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site		
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, describe: _____		
h. Surface water features. i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input type="checkbox"/> Yes <input type="checkbox"/> No ii. Do any wetlands or other waterbodies adjoin the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes to either i or ii, continue. If No, skip to E.2.i. iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input type="checkbox"/> Yes <input type="checkbox"/> No iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <ul style="list-style-type: none"> <li>• Streams: Name _____ Classification _____</li> <li>• Lakes or Ponds: Name _____ Classification _____</li> <li>• Wetlands: Name _____ Approximate Size _____</li> <li>• Wetland No. (if regulated by DEC) _____</li> </ul> v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____		
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input type="checkbox"/> No		
j. Is the project site in the 100-year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No		
k. Is the project site in the 500-year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No		
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Name of aquifer: _____		

m. Identify the predominant wildlife species that occupy or use the project site:	   
n. Does the project site contain a designated significant natural community?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Describe the habitat/community (composition, function, and basis for designation):	   
ii. Source(s) of description or evaluation:	   
iii. Extent of community/habitat:	
• Currently: _____ acres	
• Following completion of project as proposed: _____ acres	
• Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Species and listing (endangered or threatened):	   
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Species and listing:	   
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, give a brief description of how the proposed action may affect that use:	   
<b>E.3. Designated Public Resources On or Near Project Site</b>	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, provide county plus district name/number:	   
b. Are agricultural lands consisting of highly productive soils present?	<input type="checkbox"/> Yes <input type="checkbox"/> No
i. If Yes: acreage(s) on project site? _____	   
ii. Source(s) of soil rating(s): _____	   
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature	
ii. Provide brief description of landmark, including values behind designation and approximate size/extent:	   
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. CEA name: _____	   
ii. Basis for designation: _____	   
iii. Designating agency and date: _____	   

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  Yes  No

If Yes:

i. Nature of historic/archaeological resource:  Archaeological Site  Historic Building or District

ii. Name: \_\_\_\_\_

iii. Brief description of attributes on which listing is based:  
\_\_\_\_\_

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?  Yes  No

g. Have additional archaeological or historic site(s) or resources been identified on the project site?  Yes  No

If Yes:

i. Describe possible resource(s): \_\_\_\_\_

ii. Basis for identification: \_\_\_\_\_

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?  Yes  No

If Yes:

i. Identify resource: \_\_\_\_\_

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): \_\_\_\_\_

iii. Distance between project and resource: \_\_\_\_\_ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?  Yes  No

If Yes:

i. Identify the name of the river and its designation: \_\_\_\_\_

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?  Yes  No

## F. Additional Information

Attach any additional information which may be needed to clarify your project.

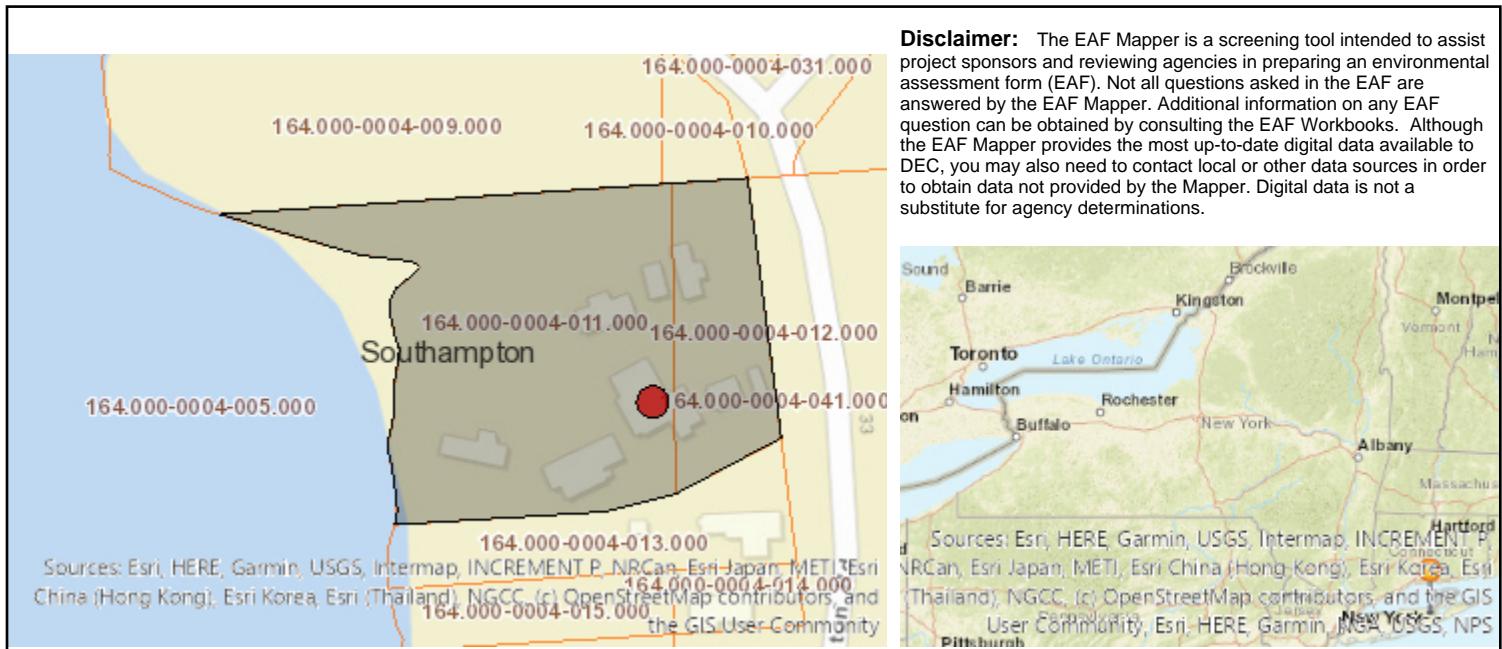
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

## G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_  Title \_\_\_\_\_



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters, NYS Wetland
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres):85.0
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	R-10
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	No

E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Sole Source Aquifer Names:Nassau-Suffolk SSA
E.2.n. [Natural Communities]	Yes
E.2.n.i [Natural Communities - Name]	Pitch Pine-Oak Forest, Pitch Pine-Oak-Heath Woodland
E.2.n.i [Natural Communities - Acres]	7018.09, 480.21, 2865.59
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Northern Long-eared Bat, Little Bluet
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	Yes
E.3.d [Critical Environmental Area - Name]	SGPA, Central Suffolk Pine Barrens, Aquifer Overlay District
E.3.d.ii [Critical Environmental Area - Reason]	Protect groundwater, Benefit to human health & protect drinking water, Preserve pure water quality
E.3.d.iii [Critical Environmental Area – Date and Agency]	Agency:Long Island Regional Planning, Agency:Suffolk County, Agency:Southampton, Town of, Date:3-19-93, Date:2-10-88, Date:6-20-84
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	Yes
E.3.i.i. [Designated River Corridor - Name]	Peconic River

## APPENDIX B PROPERTY SURVEY

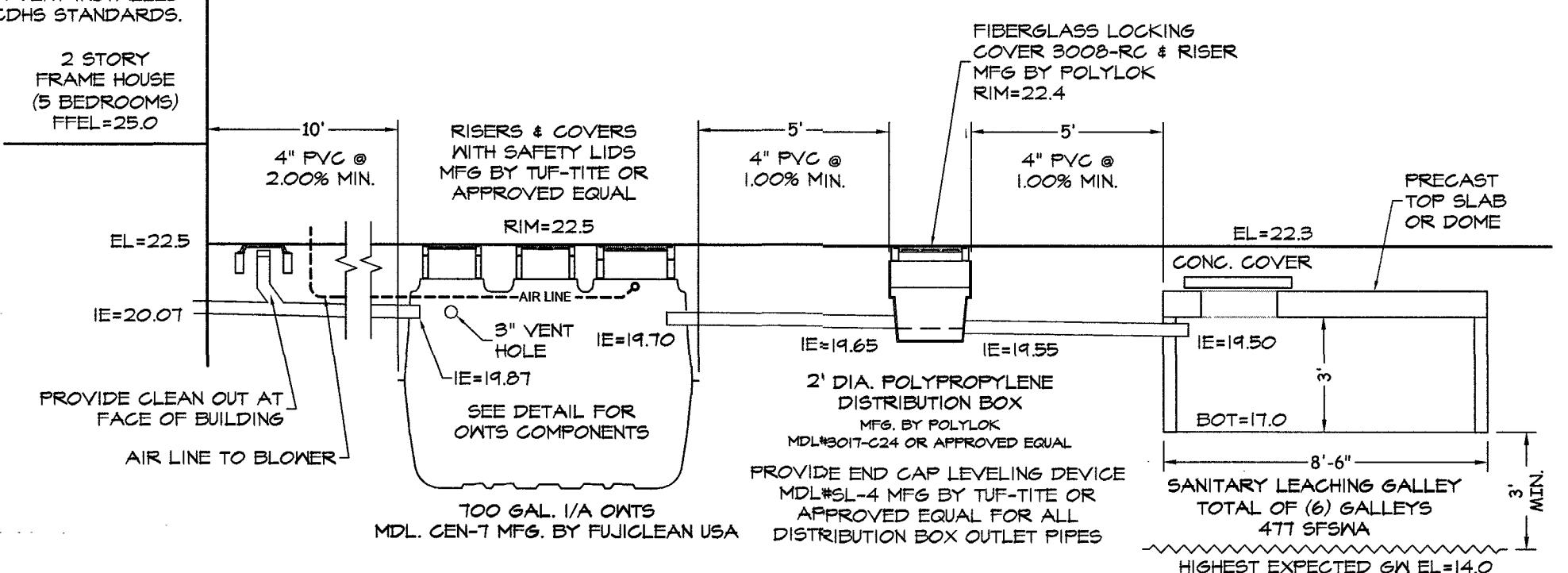
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Howard W. Young, Land Surveyor  
Thomas C. Wolpert, Professional Engineer  
Douglas E. Adams, Professional Engineer  
Daniel A. Weaver, Land Surveyor

**HEALTH DEPARTMENT USE**

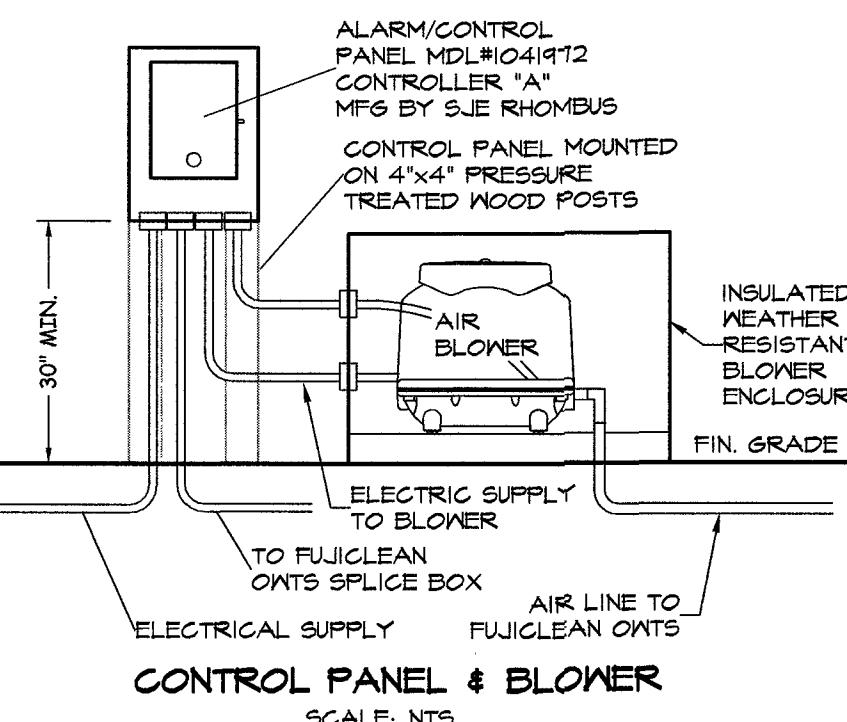
THE OWT'S SHALL BE  
PROPERLY VENTED  
THROUGH THE HOUSE, OR AN  
EXTERIOR VENT INSTALLED  
PER SCDH'S STANDARDS.



## HYDRAULIC PROFILE

NOTE: ALL CONDUITS BETWEEN PANEL AND TREATMENT TANK MUST BE SEALED TO PREVENT LEAKAGE INTO PANEL.

OR WIFI COMMUNICATION DEVICE;  
BE ALARM/CONTROL PANEL MDL#104504  
CONTROLLER "C" MFG BY SJE RHOMBUS



## ENGINEER'S CERTIFICATION

- I HEREBY CERTIFY THAT THE WATER SUPPLY(S) AND/OR SEWAGE DISPOSAL SYSTEM(S) FOR THIS PROJECT WERE DESIGNED BY ME OR UNDER MY DIRECTION, BASED UPON A CAREFUL AND THOROUGH STUDY OF THE SOIL, SITE AND GROUNDWATER CONDITIONS AND FACILITIES, AS PROPOSED, CONFORM TO THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES CONSTRUCTION STANDARDS IN EFFECT AS OF THIS DATE.

Thomas C. Woerpel

HOWARD W. YOUNG, N.Y.S. L.S. NO. 45893n  
THOMAS C. WOLPERT, N.Y.S. P.E. NO. 61483  
ROBERT ASKE ADAMS, N.Y.S. P.E. NO. 80897

**SURVEY FOR  
JASON P. GOSSELIN &  
NANCY GOSSELIN**

at Riverhead, Town of Southampton  
Suffolk County, New York

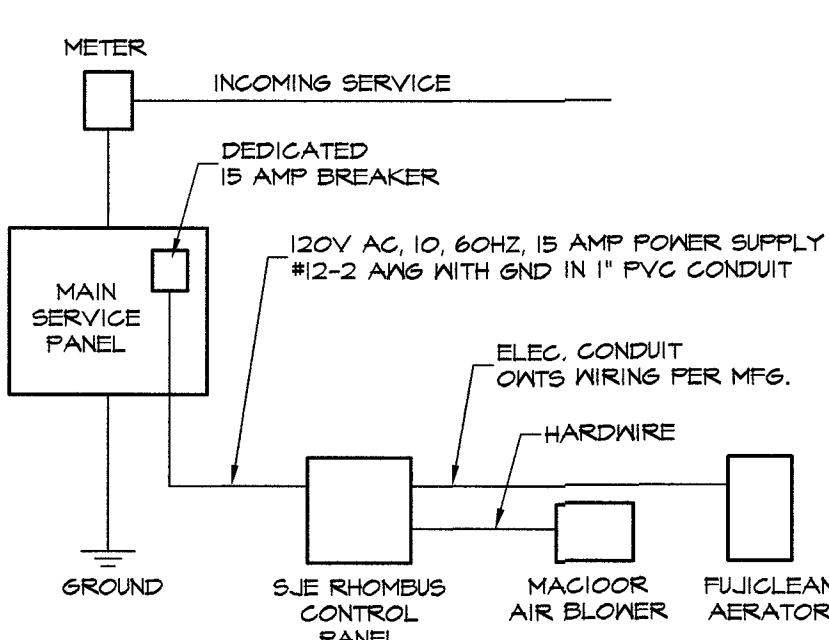
PLAN VIEW

Diagram illustrating the layout of a wastewater treatment system, showing the following components and dimensions:

- Chambers:** Sedimentation Chamber (①), Anaerobic Filtration Chamber (②), Aerobic Contact Filtration Chamber (③), Storage Chamber (④), and Disinfection Chamber (⑤).
- Dimensions:**
  - Width: 2'-11 7/8"
  - Length: 8'-2 3/8"
  - Height: 4'-8 1/4"
- Key Components:**
  - 4" INLET PIPE (A)
  - 4" OUTLET PIPE (A)
  - RECIRCULATION PIPE FLOW OPENING (TYP.)
  - SCUM BAFFLE
  - FLOW BAFFLE (CLEANING OPENING)
  - 1/2" AIR INTAKE
  - RECIRCULATION AIR LIFT PUMP
  - DISINFECTION CYLINDER (OPTIONAL)
  - EFFLUENT AIR LIFT PUMP
  - E-1/2" VENTILATION PIPE

SPECIFICATIONS			
Anaerobic Media	PP / PE	Filling Rate	32%
Board Type Aerobic Media	PVC / PP / PE	Filling Rate	17%
Aerobic Media	PP / PE	Filling Rate	55%
Blower	2.8 cfm		
Tank	FRP		
Piping	PVC / PP / PE		
Access Covers	Plastic / Cast Iron		
Disinfectant (Optional)	Chlorine Tablets		

I/A O/WTS MDL. CEN-7 MFG. BY FUJICLEAN USA



## ELECTRICAL ONE-LINE DIAGRAM

JOB NO. 2022-0133  
DWG. 2022 0133 bp r2

2 OF 2

## APPENDIX C SITE PHOTOS

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**Gosselin Property, 49 Old Westhampton Road  
Site Photographs**



Photo 1: Cottage to be removed and parking area



Photo 2: Cottage to be removed

**Gosselin Property, 49 Old Westhampton Road  
Site Photographs**



Photo 3: Cottage to be removed



Photo 4: Cottage to be removed

**Gosselin Property, 49 Old Westhampton Road  
Site Photographs**



Photo 5: Cottage to be removed



Photo 6: Cottage to be removed

**Gosselin Property, 49 Old Westhampton Road  
Site Photographs**



Photo 7: Cottage to be removed

## APPENDIX D ARCHITECTURAL DRAWINGS

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# GOSSELIN RESIDENCE

#49 OLD WESTHAMPTON RD.-RIVERHEAD, NY-11901

S:164 B:4 L:11

THIS IS AN ARCHITECTURAL SITE PLAN  
BASED ON INFORMATION SHOWN ON A  
SURVEY PERFORMED BY HOWARD W. YOUNG L.S.  
DATED: 7-22-2022

## WILDWOOD LAKE

PROPOSED 2 STORY  
COV. DECK

PROPOSED PATIO  
ON GRADE

PROPOSED 3-CAR  
DRIVEWAY

PROPOSED 2 STORY  
1 FAMILY DWLG.

PROPOSED COVERED  
PORCH

PROPOSED 2-FLEU  
CHMNEY

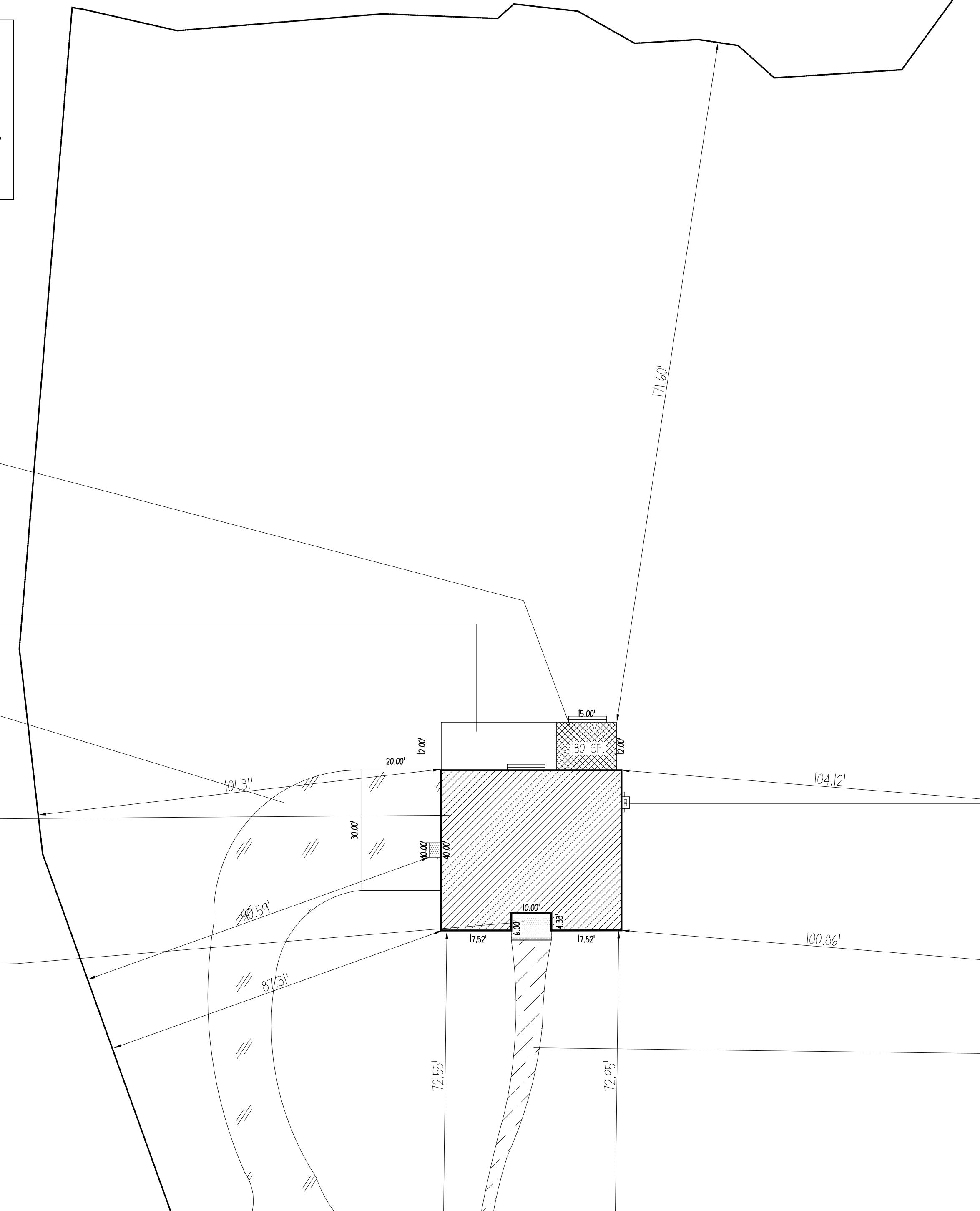
PROPOSED WALKWAY

#49 OLD WESTHAMPTON RD.

PLOT PLAN

SCALE: 1" = 20'

ZONING CALCULATIONS	
SECTION: 164	BLOCK: 4
LOT: 11	ZONE = R-15
LOT AREA	= 75,165.68 SF
REQUIRED	EXISTING PROPOSED
LOT COVERAGE	
PRIMARY DWELLING.....	SF 1,756.54 SF
PORTICO / PORCH.....	SF 60.00 SF
COV. PATIO.....	SF 180.0 SF
PATIO.....	SF 00 SF
SHED.....	SF 00 SF
STOOP.....	SF 00 SF
BALCONY.....	SF 00 SF
GARAGE (DETACHED).....	SF 00 SF
TOTAL LOT COVERAGE	XXXXXXXXXX SF #### SF 1996.540000 SF
	XXXXXXXXXX % #### % 2.656 %
FLOOR AREA	
FIRST FLOOR.....	SF 1,936.54 SF
SECOND FLOOR.....	SF 1,936.54 SF
TOTAL FLOOR AREA	XXXXXXXXXX SF #### SF 3873.080000 SF
	XXXXXXXXXX % #### % 5.153 %
FRONT YARD SETBACK.....	XXXXXXXXXX LF XXXXXXXXXX LF 72.55 LF
AVERAGE FRONT YARD SETBACK.....	XXXXXXXXXX LF XXXXXXXXXX LF 72.55 LF
REAR YARD SETBACK.....	XXXXXXXXXX LF XXXXXXXXXX LF 171.60 LF
SIDE YARD SETBACK	
SIDE YARD.....	XXXXXXXXXX LF XXXXXXXXXX LF 87.31+100.86 LF
AGGREGATE.....	XXXXXXXXXX LF XXXXXXXXXX LF 168.17 LF
TOTAL SIDE YARD SETBACK	XXXXXXXXXX LF XXXXXXXXXX LF XXXXXXXXXX LF
BUILDING HEIGHT.....	XXXXXXXXXX XXXXXXXXXX XXXXXXXXXX
EAVES HEIGHT.....	XXXXXXXXXX XXXXXXXXXX XXXXXXXXXX
ROOF PITCH.....	XXXXXXXXXX XXXXXXXXXX XXXXXXXXXX
SKYPLANE RATIO.....	XXXXXXXXXX XXXXXXXXXX XXXXXXXXXX
FRONT YARD PAVING.....	XXXXXXXXXX SF #### SF #### SF
	XXXXXXXXXX % #### % #### %
REAR YARD PAVING.....	XXXXXXXXXX SF #### SF #### SF
	XXXXXXXXXX % #### % #### %
LOT WIDTH.....	XXXXXXXXXX LF XXXXXXXXXX LF XXXXXXXXXX LF



REVISIONS TO PRELIMINARY DRAWINGS:	REVISIONS TO FINAL DRAWINGS:	MUNICIPALITY AMENDMENTS:
#1 DATE: _____ BY: _____	#1 DATE: _____ BY: _____	#1 DATE: _____ BY: _____
#2	#2	#2
#3	#3	#3
#4	#4	#4
#5	#5	#5
#6	#6	#6
#7	#7	#7

SHEET TITLE: PLOT PLAN, ZONING & GENERAL INFO

PROJECT NAME: GOSSELIN RESIDENCE  
49 OLD WESTHAMPTON RD, RIVERHEAD, NY-11901

OYSTER BAY DRAFTING  
AND ARCHITECTURE, P.C.

62 WEST MAIN STREET, OYSTER BAY, NY, 11771  
(631) 422-5476  
WEB: WWW.OYSTERBAYDRAFTING.COM EMAIL: ARCHITECT@OYSTERBAYDRAFTING.COM

SCALE: AS NOTED  
BY: MM  
JOB NO: 23010

DATE: 5/ 2023  
SCALE: AS NOTED  
BY: MM  
JOB NO: 23010

N-1  
10

TABLE R602.3(1)  
FASTENER SCHEDULE FOR STRUCTURAL MEMBERS

DESCRIPTION OF BUILDING ELEMENTS			NUMBER & TYPE OF FASTENER (a/b)	SPACING OF FASTENERS
ROOF				
1	BLOCKING BETWEEN CEILING JOIST OR RAFTERS TO TOP PLATE	4-8d BOX (2 <sup>1/2</sup> x 0.18"); OR 3-8d COMMON (2 <sup>1/2</sup> x 0.18"); OR 3-10d BOX (3" x 0.28"); OR 3-3" x 0.18" NAILS	TOE NAIL	
2	CEILING JOIST TO TOP OF PLATE	4-8d BOX (2 <sup>1/2</sup> x 0.18"); OR 3-8d COMMON (2 <sup>1/2</sup> x 0.18"); OR 3-10d BOX (3" x 0.28"); OR 3-3" x 0.18" NAILS	PER JOIST, TOE NAIL	
3	CEILING JOIST NOT ATTACHED TO PARALLEL RAFTER, LAPS OVER PARTITIONS (SEE R802.3.1, R802.3.2, AND TABLE R802.5.(9))	4-8d BOX (2 <sup>1/2</sup> x 0.18"); OR 3-8d COMMON (3" x 0.162"); OR 4-3" x 0.18" NAILS	FACE NAIL	
4	CEILING JOIST ATTACHED TO PARALLEL RAFTER (HEEL JOINT) (SEE SECTION R802.3.1, R802.3.2 AND TABLE R802.5.(9))	4-8d BOX (2 <sup>1/2</sup> x 0.18"); OR 3-8d COMMON (3" x 0.162"); OR 4-3" x 0.18" NAILS	FACE NAIL	
5	COLLAR TIE TO RAFTER, FACE NAIL OR 1/4" x 20 GA. RIDGE STRAP TO RAFTER	4-10d BOX (3" x 0.28"); OR 3-10d COMMON (3" x 0.148"); OR 4-3" x 0.315" NAILS	FACE NAIL EACH RAFTER	
6	RAFTER OR ROOF TRUSS TO PLATE	3-10d BOX (3" x 0.28"); OR 3-10d COMMON (3" x 0.148"); OR 4-10d BOX (3" x 0.28"); OR 4-3" x 0.18" NAILS	2 TOE NAILS ON ONE SIDE AND 1 TOE NAIL ON OPPOSITE SIDE OF EACH RAFTER OR TRUSS	
7	ROOF RAFTERS TO RIDGE, VALLEY OR HIP RAFTERS OR ROOF RAFTER TO MINIMUM 2" RIDGE BEAM	4-10d BOX (3" x 0.28"); OR 3-10d COMMON (3" x 0.162"); OR 4-10d BOX (3" x 0.28"); OR 3-3" x 0.18" NAILS	TOE NAIL	
		3-10d BOX (3" x 0.28"); OR 3-10d COMMON (3" x 0.162"); OR 3-10d BOX (3" x 0.28"); OR 3-3" x 0.18" NAILS	END NAIL	
WALL				
8	STUD TO STUD (NOT AT BRACED WALL PANELS)	16d COMMON (3 <sup>1/2</sup> x 0.162")	24" O.C. FACE NAIL	
		10d BOX (3" x 0.28"); OR 3" x 0.18" NAILS	16" O.C. FACE NAIL	
9	STUD TO STUD AND ABUTTING STUDS AT INTERSECTING WALL CORNERS (AT BRACED PANELS)	16d COMMON (3 <sup>1/2</sup> x 0.162")	12" O.C. FACE NAIL	
		3" x 0.18" NAILS		
10	BUILT-UP HEADER (2" TO 2" HEADER WITH 1/2" SPACER)	16d COMMON (3 <sup>1/2</sup> x 0.162")	16" O.C. EACH EDGE FACE NAIL	
		10d BOX (3 <sup>1/2</sup> x 0.185")	12" O.C. EACH EDGE FACE NAIL	
II	CONTINUOUS HEADER TO STUD	8-16d BOX (2 <sup>1/2</sup> x 0.113"); OR 4-8d COMMON (2 <sup>1/2</sup> x 0.18"); OR 4-10d BOX (3" x 0.28")	TOE NAIL	
12	TOP PLATE TO STUD	16d COMMON (3 <sup>1/2</sup> x 0.162")	16" O.C. FACE NAIL	
		10d BOX (3" x 0.28"); OR 3" x 0.18" NAIL	12" O.C. FACE NAIL	
13	DOUBLE TOP PLATE SPLICE FOR SDC's A-D2 WITH SEISMIC BRACED WALL SPACING < 25'	8-16d COMMON (3 <sup>1/2</sup> x 0.162"); OR 12-16d BOX (3 <sup>1/2</sup> x 0.185"); OR 2-10d BOX (3" x 0.28"); OR 2-3" x 0.18" NAILS	FACE NAIL ON EACH SIDE OF END JOINT (MINIMUM 24" LAP SPLICE LENGTH EACH SIDE OF END JOINT)	
	DOUBLE TOP PLATE SPLICE FOR SDC's D0, D1, OR D2, AND BRACED WALL LINE SPACING > 25'	12-16d (3 <sup>1/2</sup> x 0.185")		
14	BOTTOM PLATE TO JOIST, RIM JOIST, BAND JOIST OR BLOCKING (NOT BRACED AT WALL PANELS)	16d COMMON (3 <sup>1/2</sup> x 0.162")	16" O.C. FACE NAIL	
		10d BOX (3 <sup>1/2</sup> x 0.185"); OR 3" x 0.18" NAILS	12" O.C. FACE NAIL	
15	BOTTOM PLATE TO JOIST, RIM JOIST, BAND JOIST OR BLOCKING (AT BRACED WALL PANEL)	3-16d BOX (3 <sup>1/2</sup> x 0.162"); OR 2-16d COMMON (3 <sup>1/2</sup> x 0.162"); OR 4-3" x 0.18" NAILS	3 EACH @ 16" O.C. 2 EACH @ 16" O.C. 4 EACH @ 16" O.C.	
16	TOP OR BOTTOM PLATE TO STUD	4-8d BOX (2 <sup>1/2</sup> x 0.18"); OR 3-10d COMMON (2 <sup>1/2</sup> x 0.18"); OR 4-8d COMMON (2 <sup>1/2</sup> x 0.18"); OR 4-10d BOX (3" x 0.28"); OR 4-3" x 0.18" NAILS	TOE NAIL	
		3-10d BOX (2 <sup>1/2</sup> x 0.18"); OR 4-8d COMMON (2 <sup>1/2</sup> x 0.18"); OR 4-10d BOX (3" x 0.28"); OR 3-3" x 0.18" NAILS	END NAIL	
17	TOP PLATE, LAPS AT CORNERS AND INTERSECTION	3-10d BOX (3" x 0.28"); OR 2-16d COMMON (3 <sup>1/2</sup> x 0.162"); OR 3-3" x 0.18" NAILS	FACE NAIL	
18	1" BRACE TO EACH STUD AND PLATE	3-8d BOX (2 <sup>1/2</sup> x 0.18"); OR 2-8d COMMON (2 <sup>1/2</sup> x 0.18"); OR 2-10d BOX (3" x 0.28"); OR 2 STAPLES, 1" CROWN 16 GA, 1 <sup>1/2</sup> LONG	FACE NAIL	
19	1" x 6" SHEATHING TO EACH BEARING	3-8d BOX (2 <sup>1/2</sup> x 0.18"); OR 2-8d COMMON (2 <sup>1/2</sup> x 0.18"); OR 2-10d BOX (3" x 0.28"); OR 2 STAPLES, 1" CROWN 16 GA, 1 <sup>1/2</sup> LONG	FACE NAIL	
20	1" x 8" AND WIDER SHEATHING TO EACH BEARING	3-8d BOX (2 <sup>1/2</sup> x 0.18"); OR 2-8d COMMON (2 <sup>1/2</sup> x 0.18"); OR 2-10d BOX (3" x 0.28"); OR 2 STAPLES, 1" CROWN 16 GA, 1 <sup>1/2</sup> LONG	FACE NAIL	
		WIDER THAN 1" x 8": 4-8d BOX (2 <sup>1/2</sup> x 0.18"); OR 3-8d COMMON (2 <sup>1/2</sup> x 0.18"); OR 3-10d BOX (3" x 0.28"); OR 4 STAPLES, 1" CROWN 16 GA, 1 <sup>1/2</sup> LONG		
FLOOR				
21	JOIST TO SILL, TOP OF PLATE OR GIRDER	4-8d BOX (2 <sup>1/2</sup> x 0.18"); OR 3-8d COMMON (2 <sup>1/2</sup> x 0.18"); OR 3-10d BOX (3" x 0.28"); OR 3-3" x 0.18" NAILS	TOE NAIL	
22	RIM JOIST, BAND JOIST OR BLOCKING TO SILL OR TOP PLATE (ROOF APPLICATIONS ALSO)	8d BOX (2 <sup>1/2</sup> x 0.18"); OR 10d COMMON (2 <sup>1/2</sup> x 0.18"); OR 10d BOX (3" x 0.28"); OR 3" x 0.18" NAILS	4" O.C. TOE NAIL	
23	1" x 6" SUBFLOOR OR LESS TO EACH JOIST	3-8d BOX (2 <sup>1/2</sup> x 0.18"); OR 2-8d COMMON (2 <sup>1/2</sup> x 0.18"); OR 3-10d BOX (3" x 0.28"); OR 2 STAPLES, 1" CROWN 16 GA, 1 <sup>1/2</sup> LONG	FACE NAIL	
24	2" SUBFLOOR TO JOIST OR GIRDER	3-16d BOX (3 <sup>1/2</sup> x 0.185"); OR 2-16d COMMON (3 <sup>1/2</sup> x 0.182")	BLIND OR FACE NAIL	

(CONTINUED) TABLE R602.3(1)  
FASTENER SCHEDULE FOR STRUCTURAL MEMBERS

DESCRIPTION OF BUILDING ELEMENTS			NUMBER & TYPE OF FASTENER (a/b)	SPACING OF FASTENERS
FLOOR				
25	2" PLANKS (PLANK AND BEAM - FLOOR AND ROOF)	3-16d BOX (3 <sup>1/2</sup> x 0.185"); OR 2-16d COMMON (3 <sup>1/2</sup> x 0.182")	AT EACH BEARING, FACE NAIL	
26	BAND OR RIM JOIST	3-16d COMMON (3 <sup>1/2</sup> x 0.162"); OR 4-10d BOX (3" x 0.28"); OR 4-3" x 0.18" NAILS	END NAIL	
27	BUILT-UP GIRDERS AND BEAMS, 2" LUMBER LAYERS	20d COMMON (4" x 0.192"); OR 10d BOX (3" x 0.128"); OR 3" x 0.18" NAILS	NAIL EACH LAYER AS FOLLOWS: 32" O.C. AT TOP AND BOTTOM STAGGERED	
28	LEDGER STRIP SUPPORTING JOIST OR RAFTERS	2-20d COMMON (4" x 0.192"); OR 10d BOX (3" x 0.128"); OR 3" x 0.18" NAILS	AT EACH JOIST OR RAFTER, FACE NAIL	
29	BRIDGING TO JOIST	2-10d (3" x 0.28")	EACH END, TOE NAIL	

WOOD STRUCTURAL PANELS, SUBFLOOR, ROOF AND INTERIOR WALL SHEATHING TO FRAMING AND PARTICLEBOARD WALL SHEATHING TO FRAMING (SEE TABLE R602.3(1) FOR WOOD STRUCTURAL PANEL EXTERIOR WALL SHEATHING TO WALL FRAMING)

ITEM	MATERIAL	MINIMUM FINISH/COATING	ALTERNATE FINISH/COATING
NAILS AND TIMBER RIVETS	IN ACCORDANCE WITH ASTM F1667	HOT DIPPED GALVANIZED PER ASTM A153	STAINLESS STEEL, SILICONE BRONZE OR COPPER
BOLTS / LAG SCREWS (INCLUDING NUTS AND WASHERS)	IN ACCORDANCE WITH ASTM A307 (BOLTS), ASTM A663 (NUTS) AND ASTM F844 (WASHERS)	HOT DIPPED GALVANIZED PER ASTM A153, CLASS C (CLASS D FOR 3/8" OR 1/2" DIA. BOLTS)	STAINLESS STEEL, SILICONE BRONZE OR COPPER
METAL CONNECTORS	PER MANUFACTURER'S SPECIFICATIONS	ASTM A663 TYPE G165 ZINC COATED GALVANIZED STEEL OR POST HOT DIPPED GALVANIZED PER ASTM A232 PROVIDING A MINIMUM AVERAGE COATING WEIGHT OF 2.0 OZ/FT <sup>2</sup> (TOTAL BOTH SIDES)	STAINLESS STEEL

DESCRIPTION OF BUILDING ELEMENTS NUMBER &amp; TYPE OF FASTENER (a/b) SPACING OF FASTENERS

EDGES (INCHES)<sup>b</sup> INTERMEDIATE SUPPORTS c (INCHES)

REFERENCE STANDARDS		
ALL INFORMATION & SPECIFICATIONS SHOWN WITHIN THESE DOCUMENTS REFLECTS NORMAL BUILDING PRACTICES & REFERENCES THE FOLLOWING PUBLICATIONS -		
<ul style="list-style-type: none"> <li>• 2020 NYS RESIDENTIAL CODE</li> <li>• 2020 ENERGY CONSERVATION CONSTRUCTION CODE OF NYS</li> <li>• 2020 A.R.P.A. W.F.C.M.</li> <li>• ENERGY CODE 2020 OF NEW YORK STATE FOR SUFFOLK COUNTY</li> </ul>		
30 lbs/sqft B SEVERE 3' MODERATE TO HEAVY		

## CLIMATIC &amp; GEOGRAPHIC DESIGN CRITERIA

GROUNDS SNOW LOAD	SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP	WIND DESIGN		
		WEATHERING	FROST LINE DEPTH	TERMITE						SPEED (MPH)	TOPOGRAPHICAL EFFECTS	SPECIAL WIND REGION
30 lbs/sqft	B	SEVERE	3'	MODERATE TO HEAVY		YES	FEMA NFIP	< 1500	45°F	125 mph	YES	NO

## FRAMING NOTES

- AS SPECIFIED WITHIN THESE DOCUMENTS, ALL EXTERIOR WALLS WILL BE CONSTRUCTED AS TYPE I SHEAR WALLS AS DEFINED BY THE AMERICAN FOREST AND PAPER ASSOC. WOOD FRAME CONSTRUCTION MANUAL SECTION 3.4.2.
- ALL LOAD BEARING LUMBER SHALL BE OF DESIGN TIMBER STRESS - FB + 850, E+100,000 P.S.I., DOUGLAS FIR LARCH NO. 2.
- ALL SHEATHING AND SUB-FLOORING TO BE STRUCTURAL GRADE PLYWOOD, THICKNESSES OF SHEATHING TO BE 1/2" MIN AND 3/4" MAX FOR SUB-FLOORING, UNLESS OTHERWISE NOTED.
- ALL EXTERIOR NAILING, IN EXPOSED EXTERIOR WOOD, SHALL BE ALUMINUM OR GALVANIZED.
- PROVIDE CROSS-BRIDGING OR SOLID BLOCKING @ 8'-0" O.C. MAXIMUM FLOOR, CEILINGS, AND ROOF.
- JOISTS SUPPORTING PARALLEL PARTITIONS, SPACED APART TO PERMIT THE PASSAGE OF PIPING OR DUCT WORK, SHALL BE BLOCKED AT MAXIMUM 16" INTERVALS ON BEARING PARTITIONS & 32" INTERVALS ON NON BEARING PARTITIONS.
- PROVIDE FIRE STOPPING AS REQUIRED IN COMPLIANCE WITH THE FIRE CODE OF NEW YORK STATE.
- PROVIDE DOUBLE JOISTS OR FULL WIDTH SOLID BLOCKING UNDER ALL POSTS, PARTITIONS, AROUND AIR OPENINGS, SKYLIGHTS, BATHROOMS AND HEAVY APPLIANCES & FIXTURES.
- ALL HANDRAILS AND GUARDRAILS SHALL BE 36" HIGH AND MUST BE PROVIDED AROUND ALL SURFACES WHICH ARE 36" OR HIGHER AND ADJACENT SUR

## GENERAL BATH NOTE:

- CAP/RE-ROUTE PLUMBING LINES AS REQ'D FOR NEW FIXTURES/ FIXTURE LOCATIONS AS SHOWN.
- PROVIDE GFI OUTLET(S) IN LOCATIONS AS SHOWN (TO BE VERIFIED BY OWNER). COORDINATE CEILING RECESSED LIGHTING, WALL MOUNTED VANITY LIGHTING & CEILING EXHAUST VENT REQUIREMENTS W/ OWNER (ALL FIXTURES SHALL BE UL. LISTED & SUITABLE FOR BATHROOM LOCATIONS).
- PROVIDE CEMENTITIOUS "WONDERBOARD" TILE BACKERBOARD OR 1/2" "GREENBOARD" GNB; CONTINGENT UPON OWNER FINAL FINISH REQUIREMENTS, COORD. W/ OWNER.
- ALL NEW FINISHES, SURFACES, ACCESSORIES & REQS TO BE COORDINATED BETWEEN CONTRACTOR & OWNER.
- ALL BATHROOM CEILING EXHAUST VENTS & KITCHEN RANGE HOOD TO BE VENTED THRU TO EXTERIOR WALL W/ DIA. GALVANIZED DUCTWORK (OR SIZED AS OTHERWISE SPECIFIED IN MANUFACTURER'S SPECIFICATIONS). ALL JOINTS SEALED/WRAPPED W/ FOIL TAPE. PROVIDE 4" DUCT HOOD W/ DAMPER; SECURE TO DUCT WORK W/ SEALANT & AS PER MFR'S SPECIFICATIONS.
- CONTRACTOR TO PROVIDE NEW GREENBOARD/ OR CEMENT BOARD AROUND BATHTUB/ SHOWER WALL AS PER R301.2 OF THE 2020 NYS RESIDENTIAL CODE.
- ALL PROPOSED PLUMBING WORK SHALL UPHOLD THE PROTECTION OF THE POTABLE WATER SUPPLY AS PER P290.2, THROUGH P292.6.1 OF THE 2020 NYS RESIDENTIAL CODE; PROVIDE "BACKFLOW PREVENTER" WITH INTERMEDIATE ATMOSPHERIC VENT.

PER FIGURE R301.1 OF THE 2020 NYS RESIDENTIAL CODE, MIN 24" CLEARANCE REQUIRED IN FRONT OF SHOWER OPENING & MIN 15" REQUIRED BETWEEN CENTER-LINE OF WATER CLOSET (TOILET) AND ADJ. WALLS OR OTHER FIXTURES, & MIN 21" CLEARANCE REQ'D IN FRONT OF WATER CLOSET (TOILET).

## CENTRAL A/C NOTES:

1. PROVIDE "WHOLE HOUSE" MECHANICAL VENTILATION SYSTEM THAT MEETS THE REQUIREMENTS OF SECTION M105 OF THE 2020 NYS RESIDENTIAL CODE, CAPABLE OF SUPPLYING OUTDOOR VENTILATED AIR OF 15 CUBIC FEET PER MINUTE (CFM) (18 L/s) PER OCCUPANT ON THE BASIS OF TWO OCCUPANTS FOR THE FIRST BEDROOM & ONE OCCUPANT FOR EACH ADDITIONAL BEDROOM. GENERAL CONTRACTOR TO COORDINATE CONTROL ZONE REQUIREMENTS WITH OWNER.

2. GENERAL CONTRACTOR SHALL INSTALL ALL CENTRAL A.C. EQUIPMENT AS PER MANUFACTURER'S SPECIFICATIONS. GENERAL CONTRACTOR SHALL PROVIDE VISITING BUILDING INSPECTOR WITH FACTORY LITERATURE/ CUT SHEETS SPECIFIC TO INSTALLED CENTRAL A.C. EQUIPMENT AND VERIFY WHETHER THE INSTALLATION MEETS THE MANUFACTURER'S REQUIREMENTS IN REGARD TO INSTALLATION CLEARANCES, STRUCTURAL SUPPORT/ AFFIXMENT & ADHERENCE TO MANUFACTURER'S REQUIREMENTS FOR FIRE-RESISTIVE MATERIALS IF REQUIRED (BY THE MANUFACTURER) IN VIGINTY OF THE CENTRAL A.C. INSTALLATION WALLS, FLOOR & ROOF.

3. PROVIDE MIN. ONE (1) CEILING RECESSED 1'x1' AIR SUPPLY DIFFUSER; WHITE TRIM IN EACH FIRST & SECOND STORY ROOM AND HALL LOCATIONS.

4. PROVIDE "WHOLE HOUSE" AIR RETURN CEILING RECESSED VENT(S); CONTRACTOR TO COORDINATE LOCATION(S) WITH OWNER.

5. GENERAL CONTRACTOR SHALL COORDINATE ALL AIR SUPPLY AND RETURN LINES/RUNS WITH CENTRAL A.C. SUB-CONTRACTOR.

## SMOKE ALARM & CARBON MONOXIDE ALARM NOTES:

(PER SECTIONS R314 & R315 OF THE 2020 NYS RESIDENTIAL CODE)

- SMOKE ALARMS AS SHOWN ON THESE PLANS SHALL BE INTERWIRED/ INTERCONNECTED BETWEEN THE BASEMENT, 1ST FLOOR & 2ND FLOOR IN SUCH A MANNER THAT THE ACTUATION OF ONE ALARM WILL ACTIVATE ALL OF THE ALARMS IN THE INDIVIDUAL UNIT. THE ALARM SHALL BE CLEARLY AUDIBLE IN ALL BEDROOMS OVER BACKGROUND NOISE LEVELS W/ ALL INTERVENING DOORS CLOSED. ONE CENTRALIZED ALARM HORN FOR ALL SMOKE DETECTORS IS REQUIRED.
- CARBON MONOXIDE ALARMS AS SHOWN ON THESE PLANS SHALL BE INTERWIRED/ INTERCONNECTED BETWEEN THE BASEMENT, 1ST FLOOR & 2ND FLOOR IN SUCH A MANNER THAT THE ACTUATION OF ONE ALARM WILL ACTIVATE ALL OF THE ALARMS IN THE INDIVIDUAL UNIT.

## STAIRCASE REQUIREMENTS:

(PER SEC. R311.7 OF THE 2020 NYSRC)

- MIN. 36" CLEARANCES (INCLUDING FOR LANDINGS; LANDING FACES MUST ADDITIONALLY BE AS WIDE AS STAIRCASE BEING "SERVED" IF SUCH IS GREATER THAN 36")
- MIN. 9" TREAD DEPTH (NO DIFFERENTIAL GREATER THAN 3/8" BETWEEN ANY TREADS)
- MAX. 8 1/4" RISER HEIGHT (NO DIFFERENTIAL GREATER THAN 3/8" BETWEEN ANY RISERS)
- NO VERTICAL OPENINGS IN RISERS (I.E. SPACES) GREATER THAN 4"
- MAX. 4 1/2" SPACING BETWEEN BALUSTERS; MIN. 34" TO MAX. 38" HT HANDRAIL
- MIN. 6'-8" VERTICAL HEADROOM CLEARANCE THROUGHOUT
- DOUBLE FRAMING ALL-AROUND
- CONTRACTOR SHALL V.I.F. ALL RISER/ TREAD DIMENSIONS & TOTAL RISER QUANTITY AT START OF "LIGHT CONSTRUCTION" & PRIOR TO FABRICATION; COORDINATE ALL INFORMATION/ DESIGN APPROVALS WITH OWNER

- BUILDER SHALL FIELD-VERIFY LOCATIONS OF INSULATED WALLS ABUTTING PC FOUNDATION/ STAIRCASE ON CELLAR, FIRST & SECOND STORY LEVEL IN REGARD TO FUR-OUT REQUIREMENT @ CELLAR LEVEL & MINIMUM 3'-0" WIDTH STAIR REQUIREMENT (SINCE CELLAR STAIR IS "CONTAINED" UNDER FIRST STORY STAIR PERIPHERY). COORDINATE FINAL STAIR LOCATIONS & POSITIONING WITH STAIR MANUFACTURER/ STAIR SUBCONTRACTOR PRIOR TO FABRICATION & INSTALLATION IN FIELD.

## FIRE RESISTANCE REQUIREMENTS:

(PER SECTIONS R314 & R315 OF THE 2020 NYS RESIDENTIAL CODE)

- PROVIDE (1) LAYER 5/8"TH, TYPE-X GNB ONE (1) HR RATED ON ALL INTERIOR WALLS AND CEILING OF GARAGE
- SMOKE ALARMS AS SHOWN ON THESE PLANS SHALL BE INTERWIRED/ INTERCONNECTED BETWEEN THE BASEMENT, 1ST FLOOR & 2ND FLOOR IN SUCH A MANNER THAT THE ACTUATION OF ONE ALARM WILL ACTIVATE ALL OF THE ALARMS IN THE INDIVIDUAL UNIT. THE ALARM SHALL BE CLEARLY AUDIBLE IN ALL BEDROOMS OVER BACKGROUND NOISE LEVELS W/ ALL INTERVENING DOORS CLOSED. ONE CENTRALIZED ALARM HORN FOR ALL SMOKE DETECTORS IS REQUIRED.
- CARBON MONOXIDE ALARMS AS SHOWN ON THESE PLANS SHALL BE INTERWIRED/ INTERCONNECTED BETWEEN THE BASEMENT, 1ST FLOOR & 2ND FLOOR IN SUCH A MANNER THAT THE ACTUATION OF ONE ALARM WILL ACTIVATE ALL OF THE ALARMS IN THE INDIVIDUAL UNIT.

## GENERAL WINDOW NOTES:

(PER SECTIONS R314 & R315 OF THE 2020 NYS RESIDENTIAL CODE)

- ALL PROPOSED WINDOWS TO BE ANDERSEN "400" SERIES, MIN 18" FROM FINISHED FLOOR TO TOP OF SILL/ BOTTOM EDGE U.O.N.
- ALL UPLIFT CONNECTORS & NAILING SHALL BE IN ACCORDANCE W/ THESE PLANS, ALL LOAD PATHS SHALL BE AT EVERY EXTERIOR WALL STUD FROM FOUNDATION TO RIDGE.
- ALL NEW/PROPOSED EXTERIOR WINDOWS AND GLASS DOORS DESIGNED TO RESIST WIND LOADS SPECIFIED IN 2020 NYS RESIDENTIAL FIGURES R301.2(5)(A) & R301.2(5)(B) AND ADJUSTED FOR HEIGHT AND EXPOSURE AS PER TABLE R301.2.1.3. ALL UNITS TESTED AND APPROVED BY INDEPENDENT LABORATORY AND HAVE LABELS POSTED FOR REVIEW IDENTIFYING THE MANUFACTURER, PERFORMANCE CHARACTERISTICS AND APPROVED INSPECTION AGENCY TO INDICATE COMPLIANCE WITH REQUIREMENTS OF AAMA/AMNA 101/15/2

(PER FIGURE R301.1 OF THE 2020 NYS RESIDENTIAL CODE, MIN 24" CLEARANCE REQUIRED IN FRONT OF SHOWER OPENING & MIN 15" REQUIRED BETWEEN CENTER-LINE OF WATER CLOSET (TOILET) AND ADJ. WALLS OR OTHER FIXTURES, & MIN 21" CLEARANCE REQ'D IN FRONT OF WATER CLOSET (TOILET).

## GENERAL ELECTRICAL NOTES:

(PER SECTIONS E3801 & E3802.1 OF THE 2020 NYS RESIDENTIAL CODE)

- ALL WINDOWS TO BE ANDERSEN OR APPROVED EQUAL, MINIMUM DP RATINGS AS PER DESIGN CRITERIA TABLE LOCATED ON DESIGN STANDARDS SHEET.
- ALL PROPOSED WINDOWS TO BE ANDERSEN "400" SERIES, MIN 18" FROM FINISHED FLOOR TO TOP OF SILL/ BOTTOM EDGE U.O.N.
- ALL UPLIFT CONNECTORS & NAILING SHALL BE IN ACCORDANCE W/ THESE PLANS, ALL LOAD PATHS SHALL BE AT EVERY EXTERIOR WALL STUD FROM FOUNDATION TO RIDGE.
- ALL NEW/PROPOSED EXTERIOR WINDOWS AND GLASS DOORS DESIGNED TO RESIST WIND LOADS SPECIFIED IN 2020 NYS RESIDENTIAL FIGURES R301.2(5)(A) & R301.2(5)(B) AND ADJUSTED FOR HEIGHT AND EXPOSURE AS PER TABLE R301.2.1.3. ALL UNITS TESTED AND APPROVED BY INDEPENDENT LABORATORY AND HAVE LABELS POSTED FOR REVIEW IDENTIFYING THE MANUFACTURER, PERFORMANCE CHARACTERISTICS AND APPROVED INSPECTION AGENCY TO INDICATE COMPLIANCE WITH REQUIREMENTS OF AAMA/AMNA 101/15/2

(PER FIGURE R301.1 OF THE 2020 NYS RESIDENTIAL CODE, MIN 24" CLEARANCE REQUIRED IN FRONT OF SHOWER OPENING & MIN 15" REQUIRED BETWEEN CENTER-LINE OF WATER CLOSET (TOILET) AND ADJ. WALLS OR OTHER FIXTURES, & MIN 21" CLEARANCE REQ'D IN FRONT OF WATER CLOSET (TOILET).

## GENERAL PLUMBING NOTES:

(PER SECTIONS E3801 & E3802.1 OF THE 2020 NYS RESIDENTIAL CODE)

- WIRING METHODS SHALL BE IN ACCORDANCE WITH SECTION E3801 OF THE 2020 NYS RESIDENTIAL CODE. ALLOWABLE APPLICATIONS FOR WIRING METHODS SHALL BE IN ACCORDANCE WITH TABLE E3801.4 OF THE 2020 NYS RESIDENTIAL CODE. GENERAL INSTALLATION AND SUPPORT REQUIREMENTS FOR WIRING METHODS SHALL BE IN ACCORDANCE WITH TABLE E3802.1 OF THE 2020 NYS RESIDENTIAL CODE
- EACH NEW APPLIANCE FOR KITCHEN & LAUNDRY AREAS SHALL HAVE A DEDICATED CIRCUIT, MIN 20 AMP CAPACITY (VOLTAGE AS PER MFR'S REQUIREMENTS AS PER SECTION. ALL "SMALL APPLIANCE RECEPTACLES" IN KITCHEN LOCATIONS SHALL BE WIRED TO A MINIMUM OF TWO (2) DEDICATED 20 AMP CIRCUITS AS PER E390.3 OF THE 2020 NYS RESIDENTIAL CODE.
- SEPARATE SHUTOFF VALVES WILL BE PROVIDED FOR EACH BATHROOM AND KITCHEN
- PROVIDE ARC-FAULT CIRCUIT-INTERUPITER PROTECTION FOR ALL NEW CIRCUITS AS PER SECTION E3902 OF THE 2020 NYS RESIDENTIAL CODE.
- PROVIDE MIN. ONE (1) WALL SWITCH CONTROLLED LIGHTING OUTLET IN EACH HABITABLE ROOM, ALL EGRESS EXTERIOR LOCATIONS, GARAGE DOOR LOCATION & AS ADDITIONALLY NOTED PER SECTION E4001 OF THE 2020 NYS RESIDENTIAL CODE.
- THE ENTIRE PLUMBING SYSTEM SHALL BE TESTED IN ACCORDANCE WITH P2503 OF THE 2020 NYS RESIDENTIAL CODE.

(PER FIGURE R301.1 OF THE 2020 NYS RESIDENTIAL CODE, MIN 24" CLEARANCE REQUIRED IN FRONT OF SHOWER OPENING & MIN 15" REQUIRED BETWEEN CENTER-LINE OF WATER CLOSET (TOILET) AND ADJ. WALLS OR OTHER FIXTURES, & MIN 21" CLEARANCE REQ'D IN FRONT OF WATER CLOSET (TOILET).

## FRAMING DETAIL FOR HURRICANE TIES & NAILING SCHEDULE

WOOD FRAME CONSTRUCTION MANUAL: TABLE 3.1

### NAILING SCHEDULE

JOINT DESCRIPTION	NUMBER OF COMMON NAILS	NUMBER OF BOX NAILS	NAIL SPACING	
<b>RAFTER FRAMING</b>				
RAFTER TO TOP PLATE (TOE-NAILED)	(SEE TABLE 3.4A)	(SEE TABLE 3.4A)	PER RAFTER	
CEILING JOIST TO TOP PLATE (TOE-NAILED)	(SEE TABLE 3.4A)	(SEE TABLE 3.4A)	PER JOIST	
CEILING JOIST TO PARALLEL RAFTER (FACE-NAILED)	(SEE TABLE 3.4A)	(SEE TABLE 3.4A)	EACH LAP	
CEILING JOIST LAPS OVER PARTITIONS (FACE-NAILED)	(SEE TABLE 3.4A)	(SEE TABLE 3.4A)	EACH LAP	
COLLAR TIE TO RAFTER (FACE-NAILED)	(SEE TABLE 3.6A)	(SEE TABLE 3.6A)	PER TIE	
BLOCKING TO RAFTER (TOE-NAILED)	2- 8d	2- 10d	EACH END	
RIM BOARD TO RAFTER (END-NAILED)	2- 16d	3- 16d	EACH END	
<b>WALL FRAMING</b>				
TOP PLATE TO TOP PLATE (FACE-NAILED)	2- 16d	2- 16d	PER FOOT	
TOP PLATES AT INTERSECTIONS (FACE-NAILED)	4- 16d	5- 16d	JOIST, EACH SIDE	
STUD TO STUD (FACE-NAILED)	2- 16d	2- 16d	2" O.C.	
HEADER TO HEADER (FACE-NAILED)	16d	16d	16" O.C. ALONG EDGES	
TOP OR BOTTOM PLATE TO STUD (END-NAILED)	(SEE TABLE 3.5A)	(SEE TABLE 3.5A)	PER STUD	
BOTTOM PLATE TO FLOOR JOIST, BAND JOIST, ENDJOIST OR BLOCKING (FACE-NAILED)	2- 16d <sup>1</sup>	2- 16d <sup>1</sup>	PER FOOT	
<b>FLOOR FRAMING</b>				
JOIST TO SILL, TOP PLATE OR GIRDER (TOE-NAILED)	4- 8d	4- 10d	PER JOIST	
BRIDGING TO JOIST (TOE-NAILED)	2- 8d	2- 10d	EACH END	
BLOCKING TO JOIST (TOE-NAILED)	2- 8d	2- 10d	EACH END	
BLOCKING TO SILL OR TOP PLATE (TOE-NAILED)	3- 16d	4- 16d	EACH BLOCK	
LEDGER STRIP TO BEAM (FACE-NAILED)	3- 16d	4- 16d	EACH JOIST	
JOIST ON LEDGER TO BEAM (FACE-NAILED)	3- 8d	3- 10d	PER JOIST	
BAND JOIST TO JOIST (END-NAILED)	3- 16d	4- 16d	PER JOIST	
BAND JOIST TO SILL OR TOP PLATE (TOE-NAILED)	2- 16d	3- 16d	PER FOOT	
<b>ROOF SHEATHING</b>				
STRUCTURAL PANELS	8d	10d	(SEE TABLE 3.10)	
DIAGONAL BOARD SHEATHING	1x 6" OR 1x 8"	2- 8d	PER SUPPORT	
1x 10" OR WIDER	3- 8d	3- 10d	PER SUPPORT	
<b>CEILING SHEATHING</b>				
GYPSUM WALLBOARD	5d COOLERS	5d COOLERS	7" EDGE / 10" FIELD	
<b>WALL SHEATHING</b>				
STRUCTURAL PANELS	8d	10d	(SEE TABLE 3.11)	
FIBERBOARD PANELS	7/16"	-	3" EDGE / 6" FIELD	
25/32"	8d	-	3" EDGE / 6" FIELD	
GYPSUM WALLBOARD	5d COOLERS	5d COOLERS	7" EDGE / 10" FIELD	
HARDBOARD	8d	8d	(SEE TABLE 3.11)	
PARTICLEBOARD PANELS	8d	8d	(SEE MANUFACTURER)	
DIAGONAL BOARD SHEATHING	1x 6" OR 1x 8"	2- 8d	PER SUPPORT	
1x 10" OR WIDER	3- 8d	3- 10d	PER SUPPORT	
<b>WALL SHEATHING</b>				
STRUCTURAL PANELS	1" OR LESS	8d	6" EDGE / 12" FIELD	
GREATER THAN 1"	10d	16d	6" EDGE / 6" FIELD	
DIAGONAL BOARD SHEATHING	1x 6" OR 1x 8"	2- 8d	2- 10d	PER SUPPORT
1x 10" OR WIDER	3- 8d	3- 10d	PER SUPPORT	

1. NAILING REQUIREMENTS ARE BASED ON NAIL SHEATHING NAILED 6" O.C. AT THE PANEL EDGE. IF NAIL SHEATHING IS NAILED 3" O.C. AT THE PANEL EDGE TO OBTAIN HIGHER SHEATHING CAPACITIES, CONTRACTOR SHALL DOUBLE, OR ALTERNATE CONNECTORS, SUCH AS SHEAR PLATES, SHALL BE USED TO MANTAIN THE LOAD PATH.
2. WHEN NAIL SHEATHING IS CONTINUOUS OVER CONNECTED MEMBERS, THE TABULATED NUMBER OF NAILS SHALL BE PERMITTED TO BE REDUCED TO 1 1/2d NAIL PER FOOT.
3. CORROSION RESISTANT NAILS (6" O.C. STAPLES ARE PERMITTED) CHECK BE FOR ADDITIONAL REQUIREMENTS.

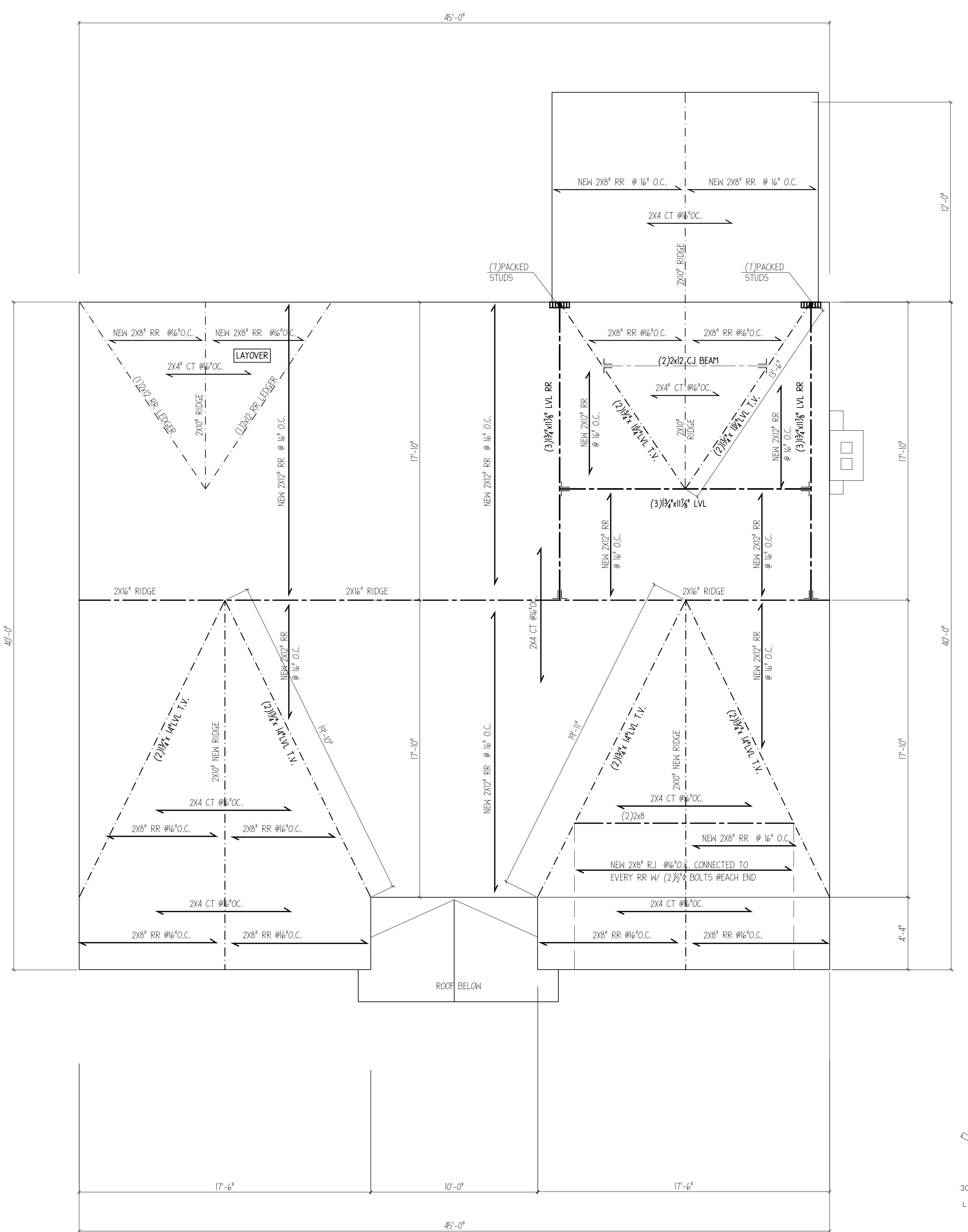
\* ALL LOAD PATHS FROM FOUNDATION TO ROOF ARE CONTINUOUS & AT EVERY WALL STUD \*

## GENERAL LIGHTING NOTES:

(PER SECTIONS E3801 & E3802.1 OF THE 2020 NYS RESIDENTIAL CODE)

- CONTRACTOR TO COORDINATE ALL LIGHTING REQUIREMENTS WITH OWNER. PROVIDE ARTIFICIAL ILLUMINATION SOURCES (MIN. AVG. ILLUMINATION: 6FC) WITH WALL SWITCHES IN ALL HALLWAYS, BATHROOMS, WALK-IN CLOSETS, & CELLAR SPACES. REFER TO "ELECTRICAL NOTES" SECTION ON SHEET N-1 FOR ADDITIONAL ELECTRICAL REQUIREMENTS
- ALL ELECTRICAL WORK SHALL BE CONFINED TO THE SPACE AND LOCATION ALLOWED FOR IT, AND SHALL BE IN STRICT CONFORMANCE TO THE NATIONAL ELECTRICAL CODE, GOVERNING MUNICIPALITY AND NFPA 72.
- CONTRACTOR SHALL INSTALL, AS PER OWNERS DIRECTION, ALL WIRING FOR NEW SWITCHES, FIXTURES, AND RE-CIRCUITING NECESSARY TO ALLOW FOR ALL NEW WORK, ALL REWIRING OF EXISTING FIXTURES AND LABELING OF CIRCUIT BREAKERS TO INDICATE CIRCUIT USE; FURNISH NFPA CERTIFICATE AT COMPLETION OF WORK.
- CONTRACTOR SHALL VERIFY WITH THE OWNER, LOCATION AND QUANTITY OF LIGHTING FIXTURES AND SWITCHES PRIOR TO PROVIDING BID ON PROJECT.
- CONTRACTOR MUST VERIFY WITH HIS LICENSED ELECTRICIAN IF AN UPGRADE OF ELECTRICAL SERVICE IS REQUIRED FOR THIS PROJECT PRIOR TO SUBMITTING A BID.
- CONTRACTOR TO VERIFY LOCATIONS OF MASTS, METERS, SUB-PANELS, ETC. FOR RELOCATION AS REQUIRED FOR THE PROJECT. CONTRACTOR MUST ALSO NOTIFY THE ARCHITECT OF LOCATIONS IF NOT SHOWN ON PLANS, PRIOR TO COMMENCEMENT OF WORK & BIDDING

</div



Simpson Strong-Tie  
STHD14RJ  
Rim Joist Installation

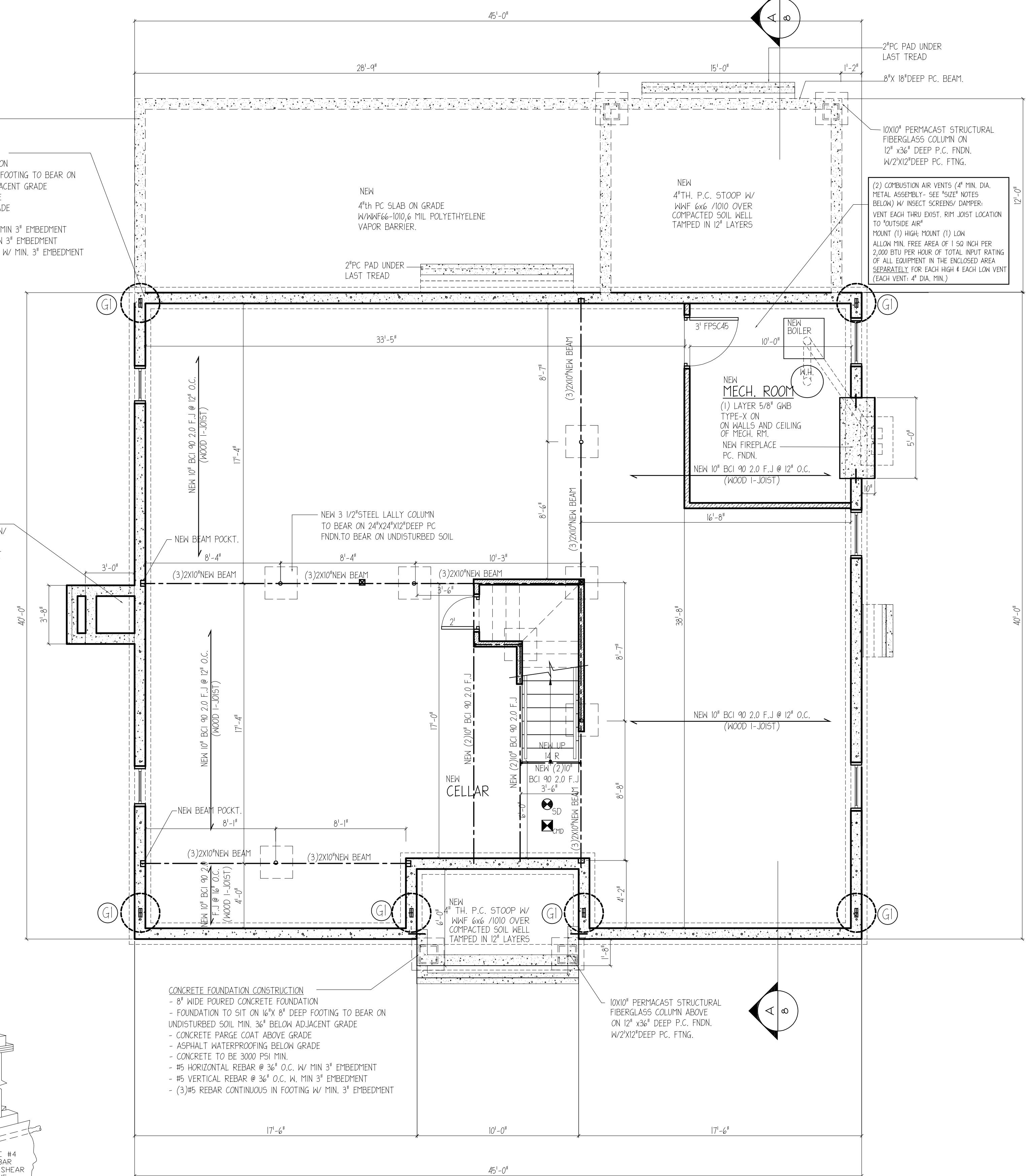
GI - CORNER HOLDOWN TO FOUNDATION

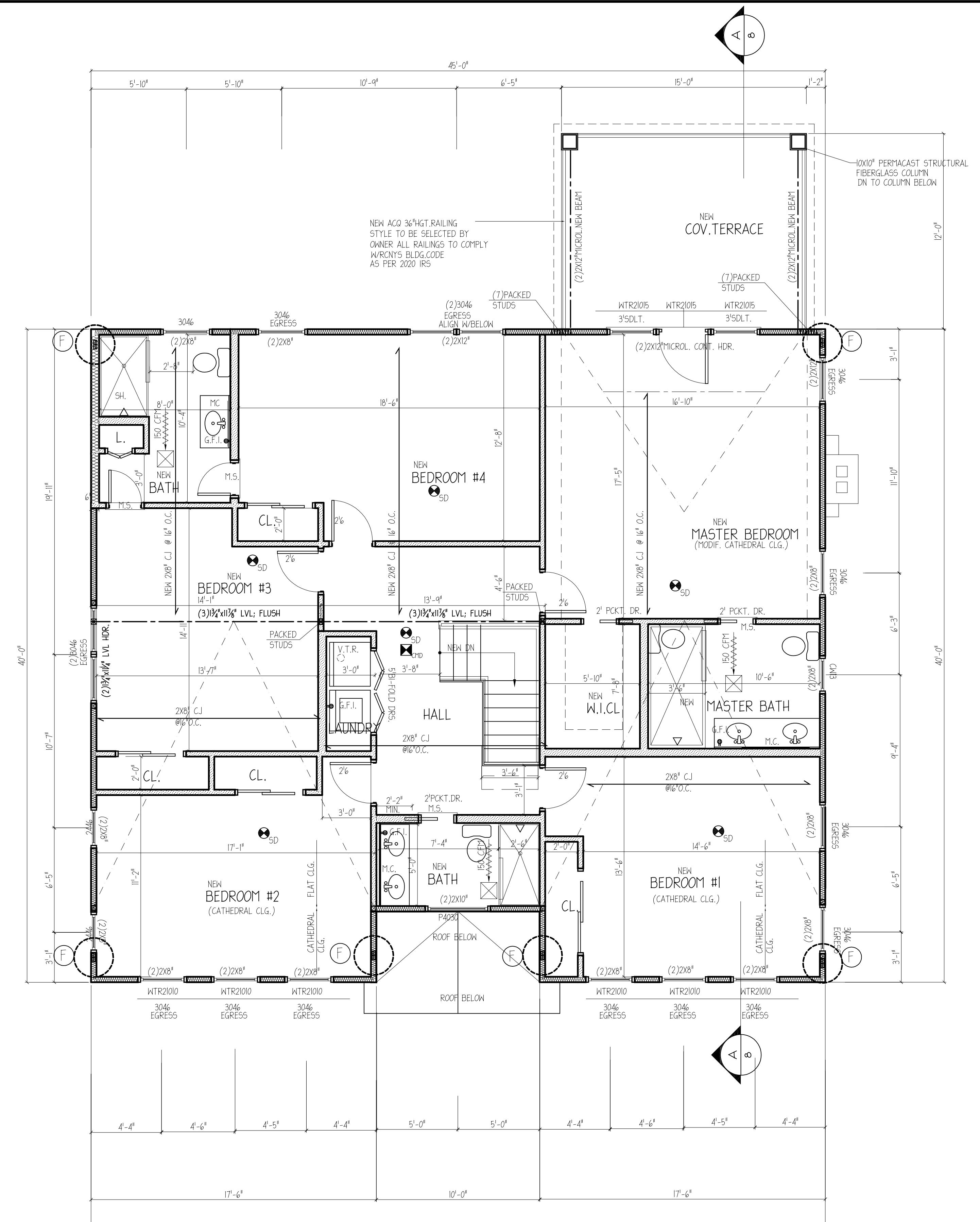
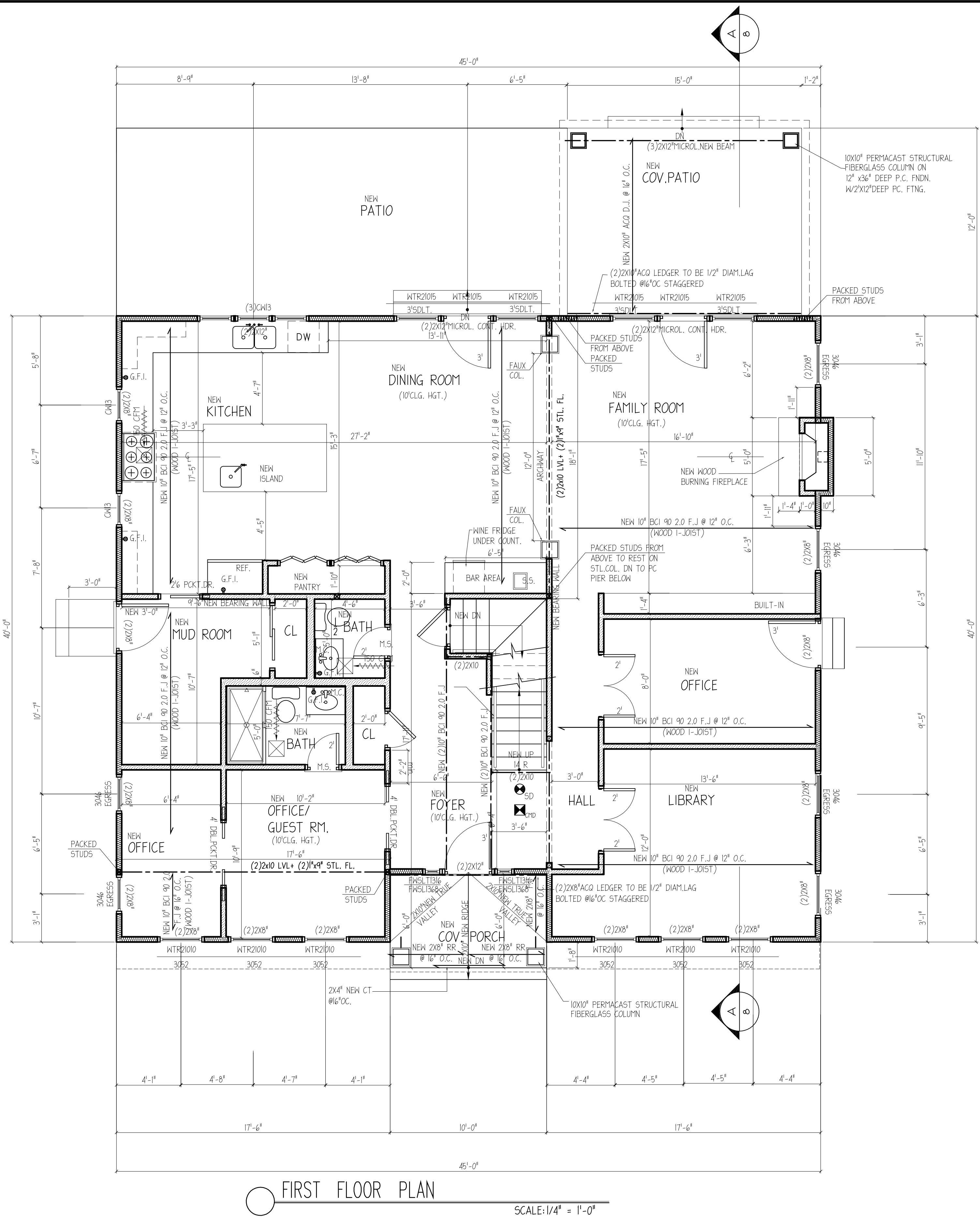
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SHEET TITLE		CONSTRUCTION DOCUMENTS	
PROJECT NAME	GOSSELIN RESIDENCE 49 OLD WESTHAMPTON RD-RIVERHEAD NY-11901		
OYSTER BAY DRAFTING AND ARCHITECTURE, P.C.		DATE: 5/ 2023	SCALE: AS NOTED
		BY: M.M.	BY: M.M.
		WEB: WWWOYSTERBAYDRAFTING.COM	EMAIL: ARCHITECT@OYSTERBAYDRAFTING.COM
		JOB NO. 23010	

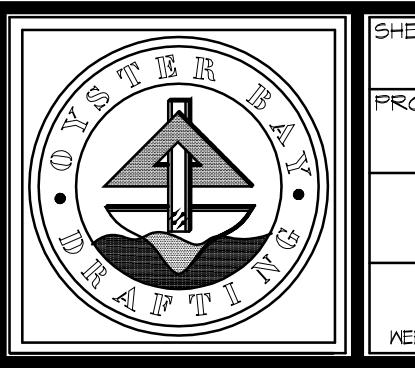




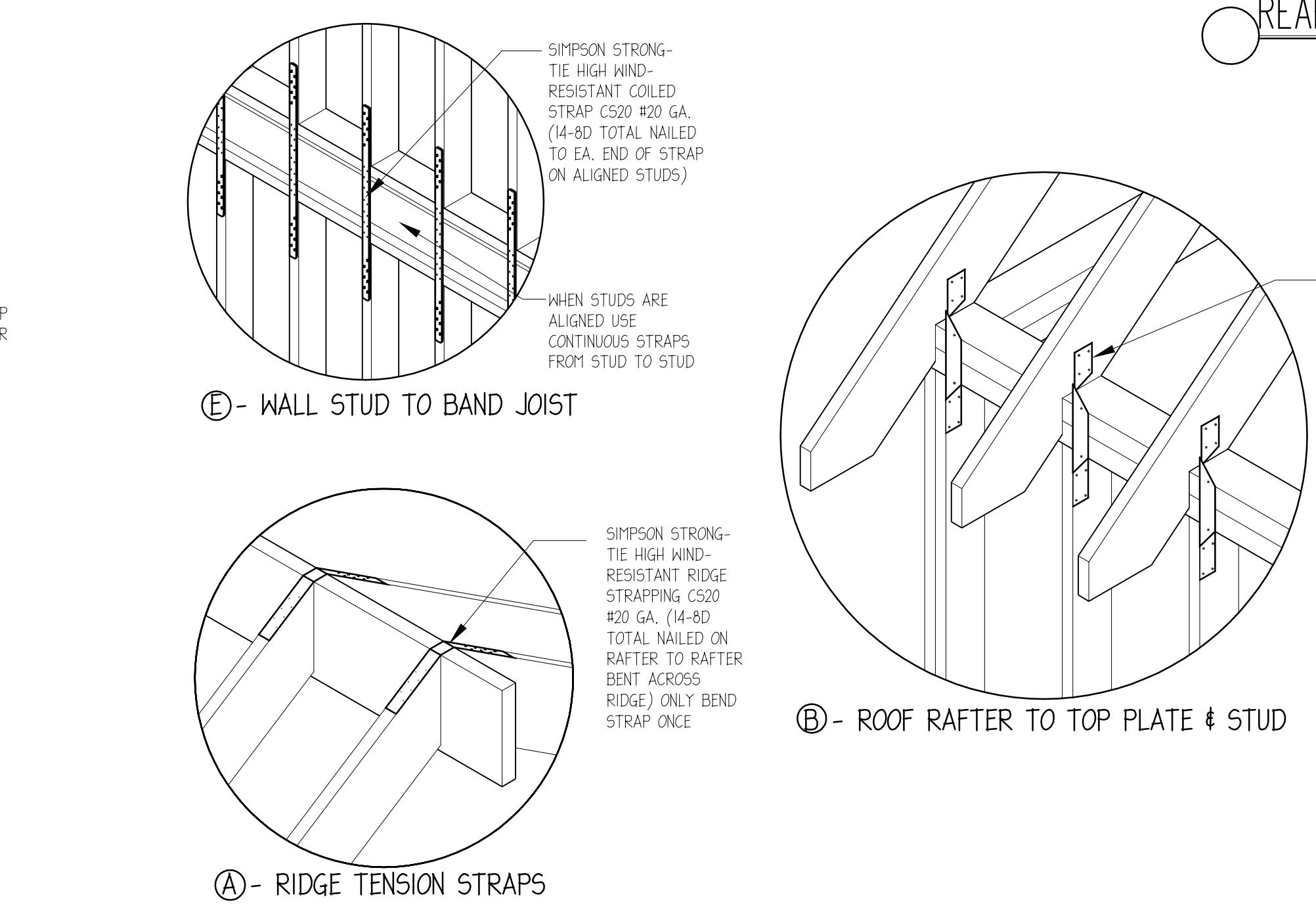
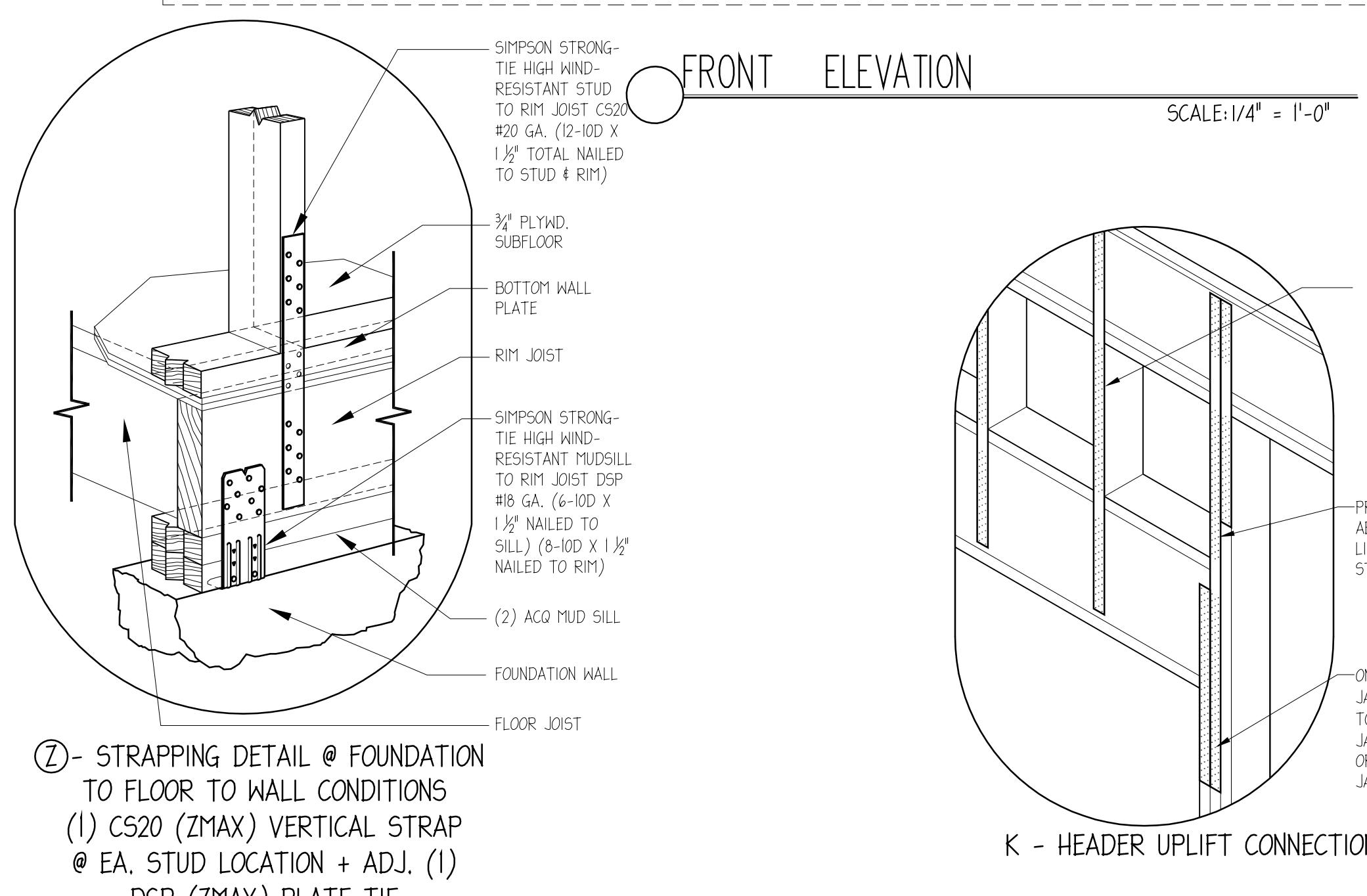
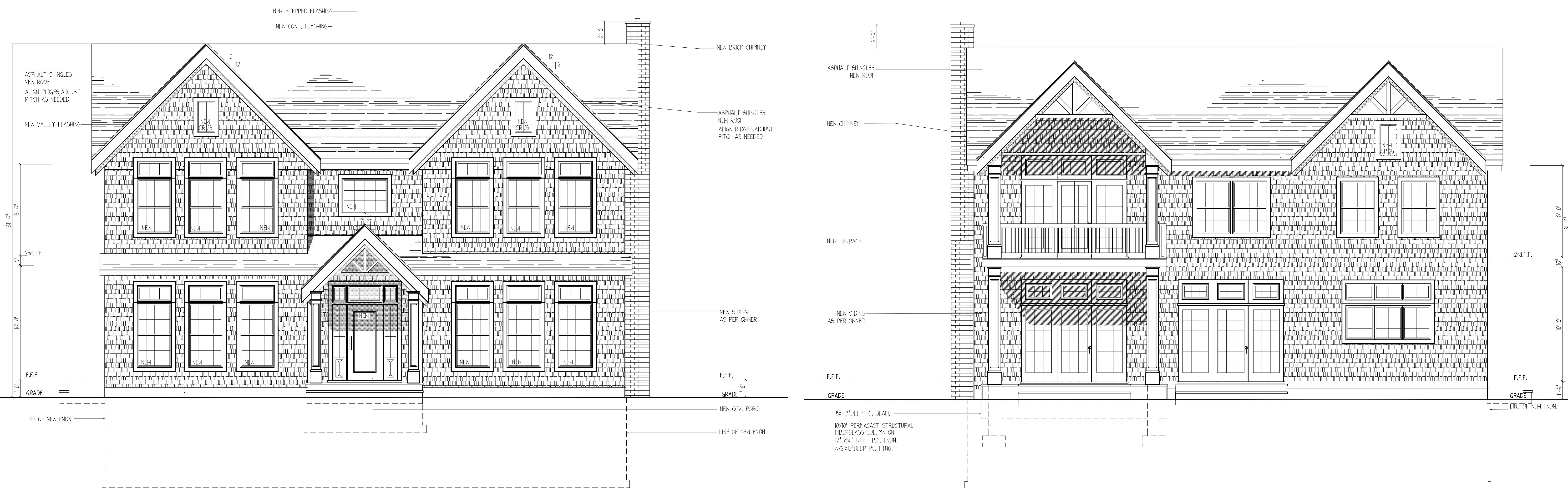
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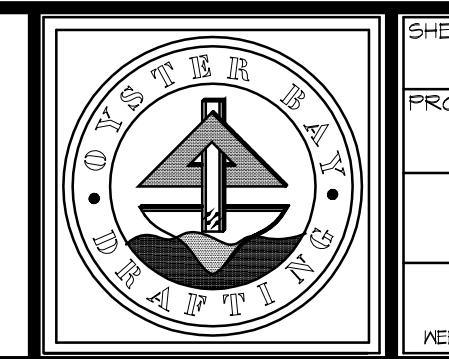
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PROJECT NAME	CONSTRUCTION DOCUMENTS
GOSSELIN RESIDENCE	
49 OLD WESTHAMPTON RD-RIVERHEAD NY-11771	
OYSTER BAY DRAFTING AND ARCHITECTURE, P.C.	
68 WEST MAIN STREET OYSTER BAY, NY, 11771 (516) 922-5476 (FAX) 922-6235	
WEB: WWW.OYSTERBAYDRAFTING.COM EMAIL: ARCHITECT@OYSTERBAYDRAFTING.COM	
DATE: 5/ 2023	SCALE: AS NOTED
BY: M.M.	BY: M.M.
JOB NO. 23010	100 OF 100



REVISIONS TO PRELIMINARY DRAWINGS:			
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PROJECT NAME		GOSSELIN RESIDENCE	
49 OLD WESTHAMPTON RD-RIVERHEAD, NY-1171		49 OLD WESTHAMPTON RD-RIVERHEAD, NY-1171	
OYSTER BAY DRAFTING AND ARCHITECTURE, P.C.		OYSTER BAY DRAFTING AND ARCHITECTURE, P.C.	
68 WEST MAIN STREET OYSTER BAY, NY 11771 (516) 922-5476 (FAX) 922-6235 WEB: WWW.OYSTERBAYDRAFTING.COM EMAIL: ARCHITECT@OYSTERBAYDRAFTING.COM		68 WEST MAIN STREET OYSTER BAY, NY 11771 (516) 922-5476 (FAX) 922-6235 WEB: WWW.OYSTERBAYDRAFTING.COM EMAIL: ARCHITECT@OYSTERBAYDRAFTING.COM	
DATE: 5/2023	SCALE: AS NOTED	DATE: 5/2023	SCALE: AS NOTED
BY: M.M.	BY: M.M.	BY: M.M.	BY: M.M.
JOB NO. 23010		JOB NO. 23010	



RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

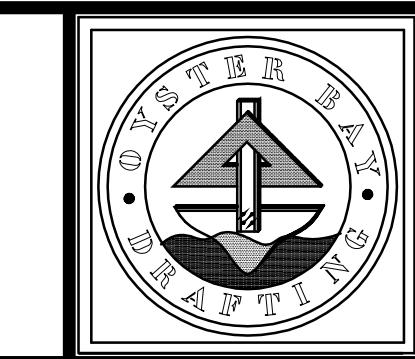


LEFT SIDE ELEVATION

SCAL F: 1/4" = 1-0"

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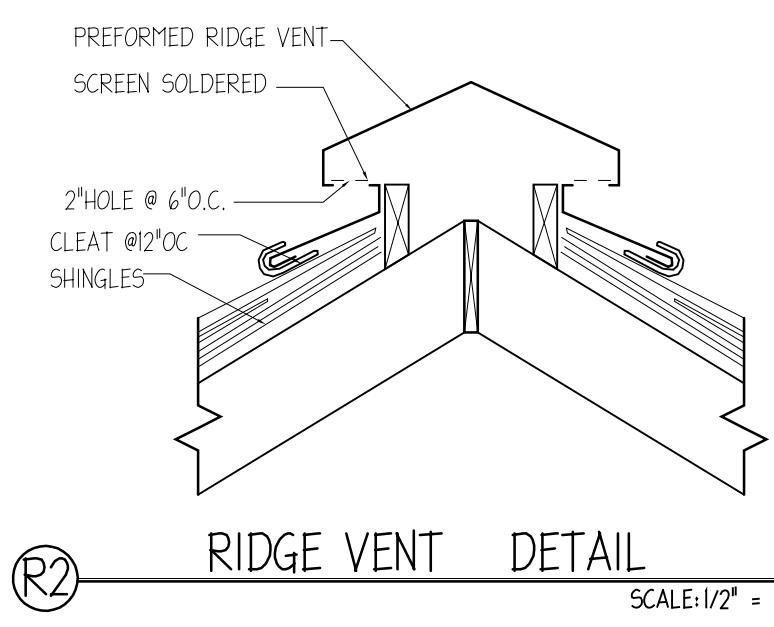
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SHEET TITLE	CONSTRUCTION DOCUMENTS		
PROJECT NAME	GOSSELIN RESIDENCE 49 OLD WESTHAMPTON RD.-RIVERHEAD, N.Y.		
OYSTER BAY DRAFTING AND ARCHITECTURE, P.C.			DATE: _____
68 WEST MAIN STREET OYSTER BAY, N.Y. 11771 (516) 922-5976 (FAX) 922-6235 WEB: <a href="http://WWW.OYSTERBAYDRAFTING.COM">WWW.OYSTERBAYDRAFTING.COM</a> EMAIL: <a href="mailto:ARCHITECT@OYSTERBAYDRAFTING.COM">ARCHITECT@OYSTERBAYDRAFTING.COM</a>			SCALE: _____
			BY: _____
			JOB N. _____

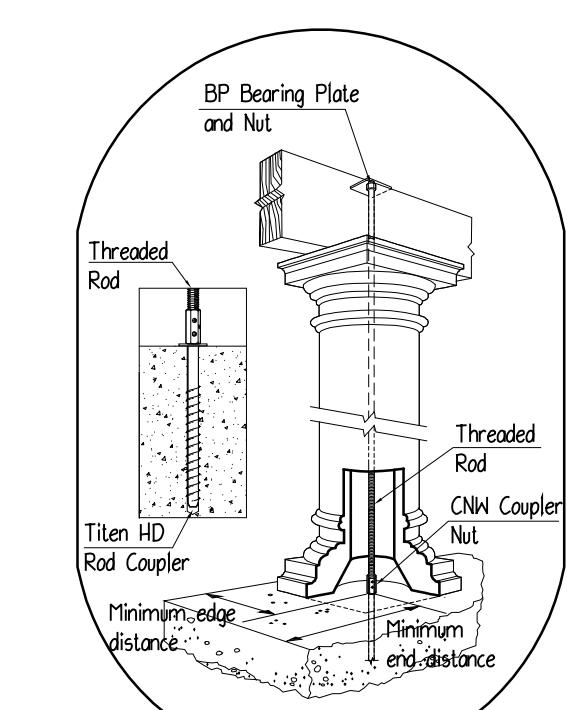
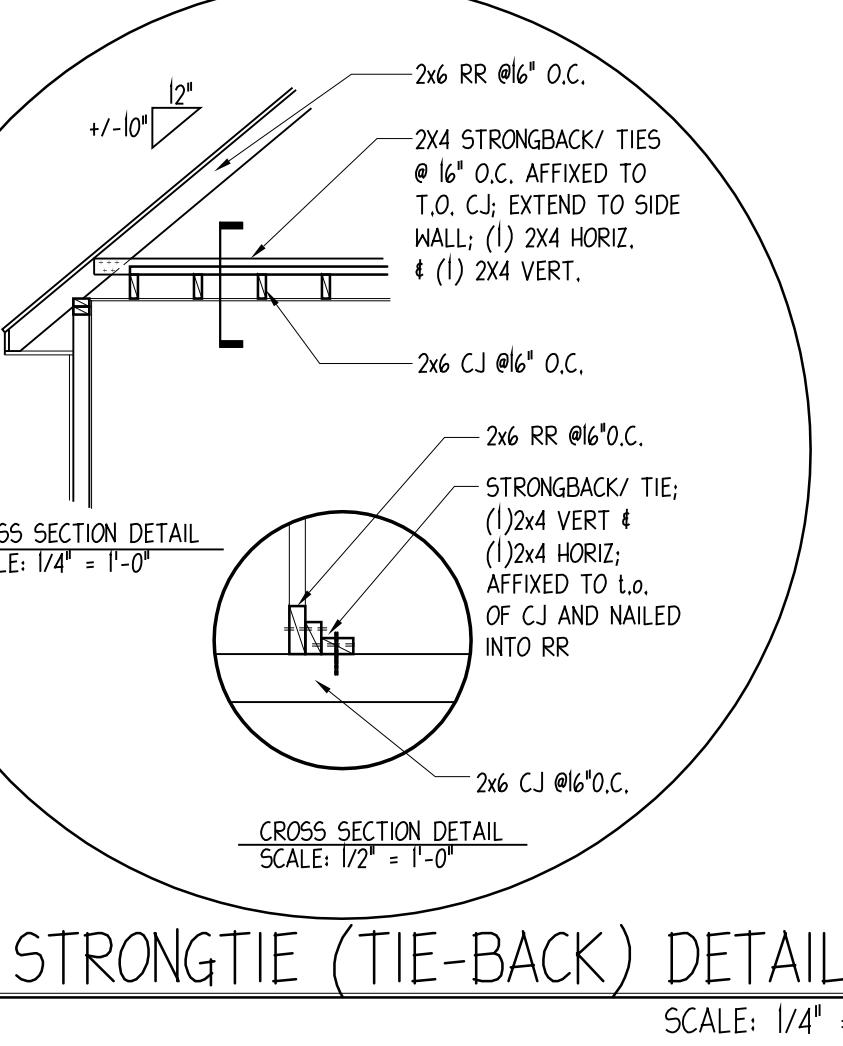
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AS NOTED	
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**NOTE - PROVIDE ROOF VENTILATION AS PER R806 OF THE 2020 NYS RESIDENTIAL CODE VENTILATION OPENINGS SHALL BE PROVIDED WITH CORROSION RESISTANT WIRE MESH WITH  $\frac{1}{8}$ " MINIMUM TO  $\frac{1}{4}$ " MAXIMUM OPENINGS. TOTAL NET FREE VENTILATING AREA SHALL NOT BE LESS THAN 1 TO 150 OF THE AREA OF SPACE VENTILATED. WHERE EAVE OR CORNICE VENTS ARE INSTALLED, INSULATION SHALL NOT BLOCK THE FREE FLOW OF AIR. A MINIMUM OF 1 INCH SPACING SHALL BE PROVIDED BETWEEN THE INSULATION AND THE ROOF SHEATHING AT THE LOCATION OF THE VENT.**



**PROVIDE INSULATION BAFFLES IN ANY INSULATED RAFTER BAYS**

**CONTRACTOR TO PROVIDE & INSTALL GABLE END VENTS & MECHANICAL SYSTEM SUITABLE FOR MIN 18,500 CF ATTIC SPACE**

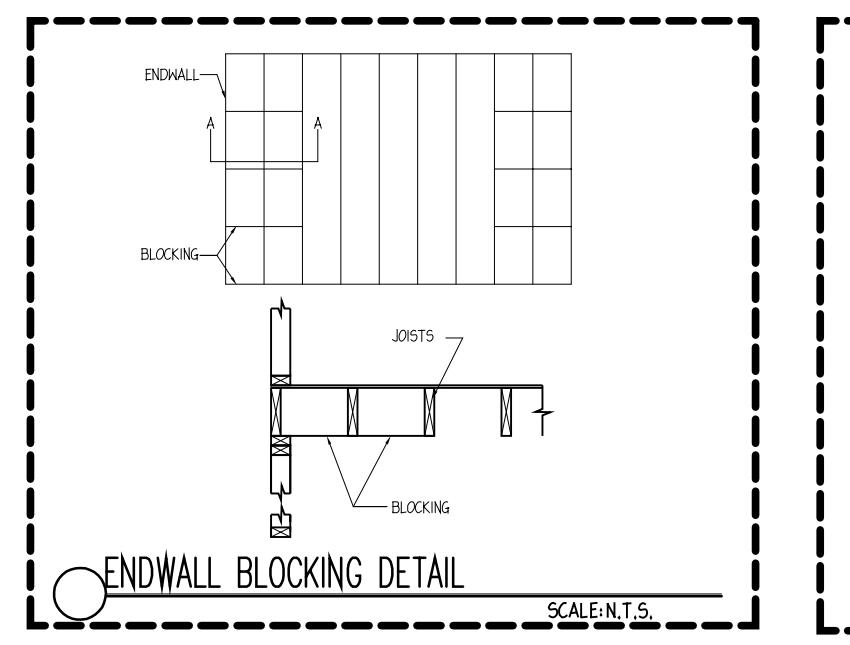
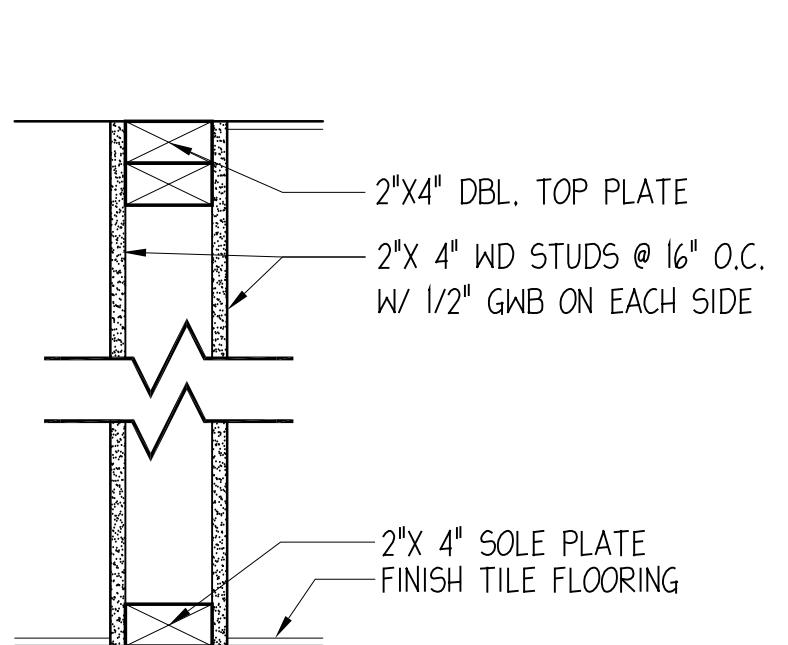
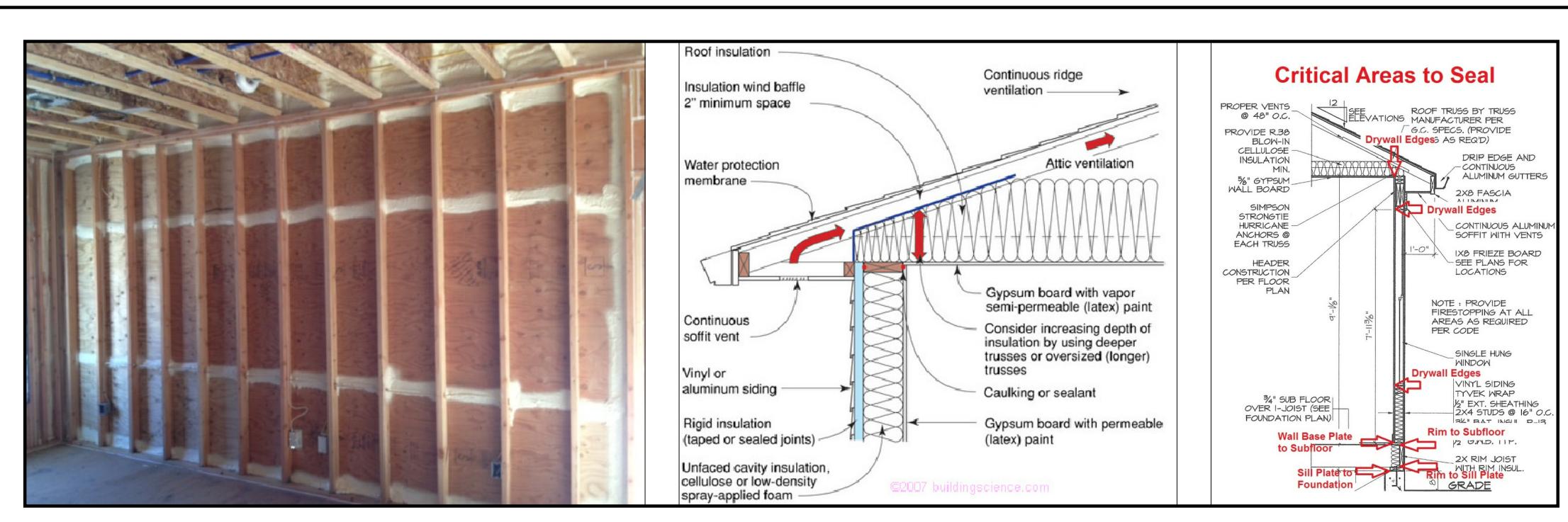


**STRONGTIE (TIE-BACK) DETAIL**

SCALE: 1/4" = 1'-0"

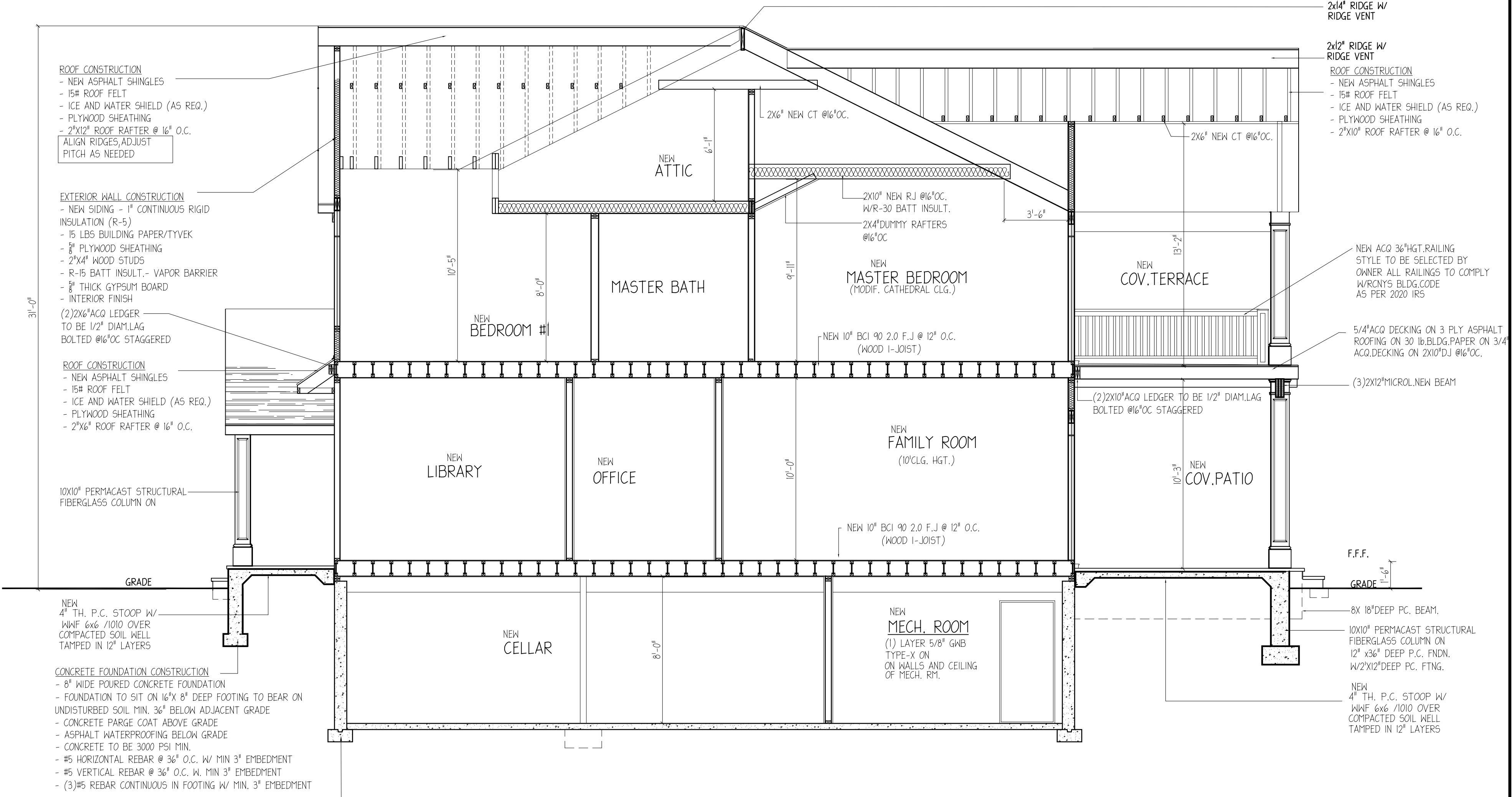
**PERMACAST COLUMN DETAIL**

SCALE: N.T.S.



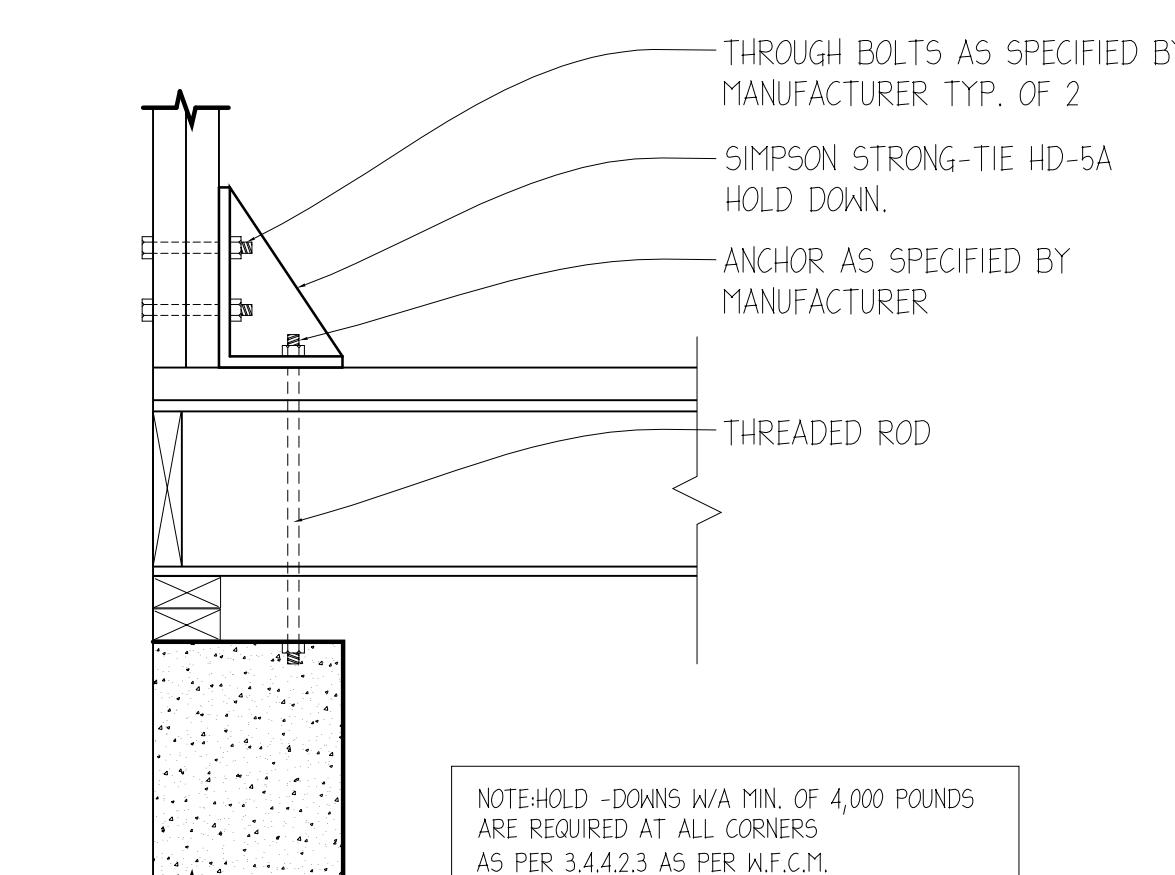
**INT. PARTITION WALL DETAIL**

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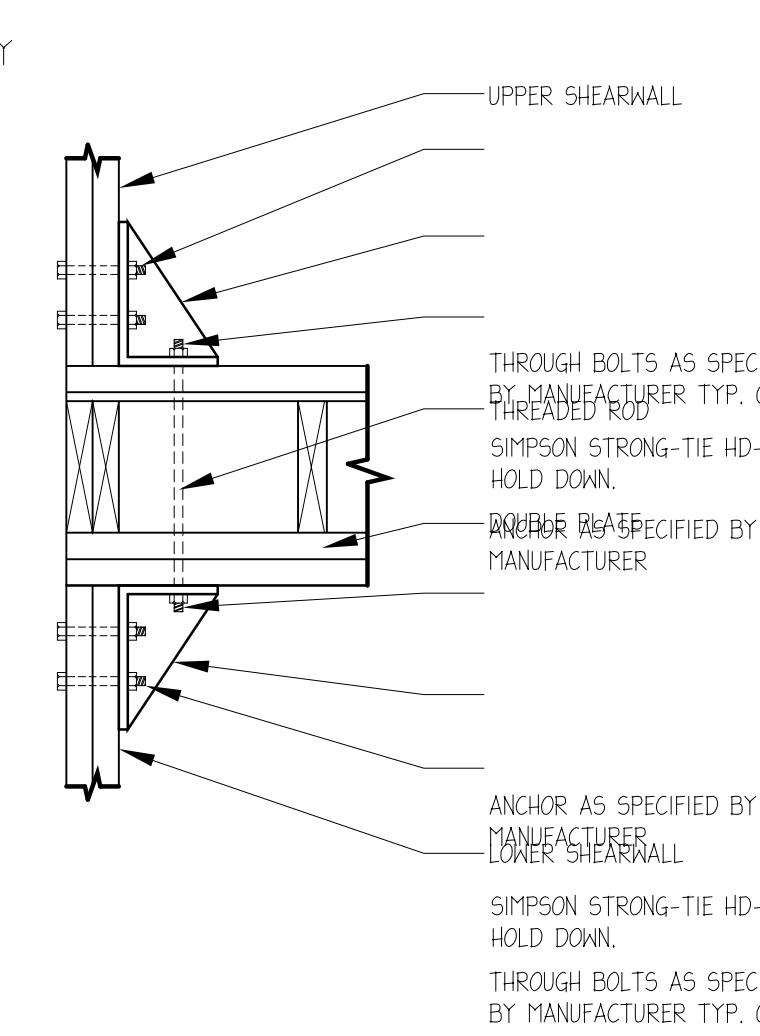


**CROSS SECTION "A"**

SCALE: 1/4" = 1'-0"



**(J) SHEERWALL TO SHEERWALL HD-3B**

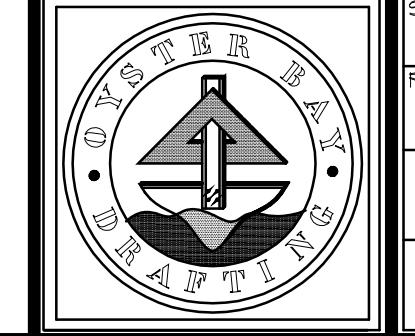


**(R) - RAKE OVERHANG DETAIL**

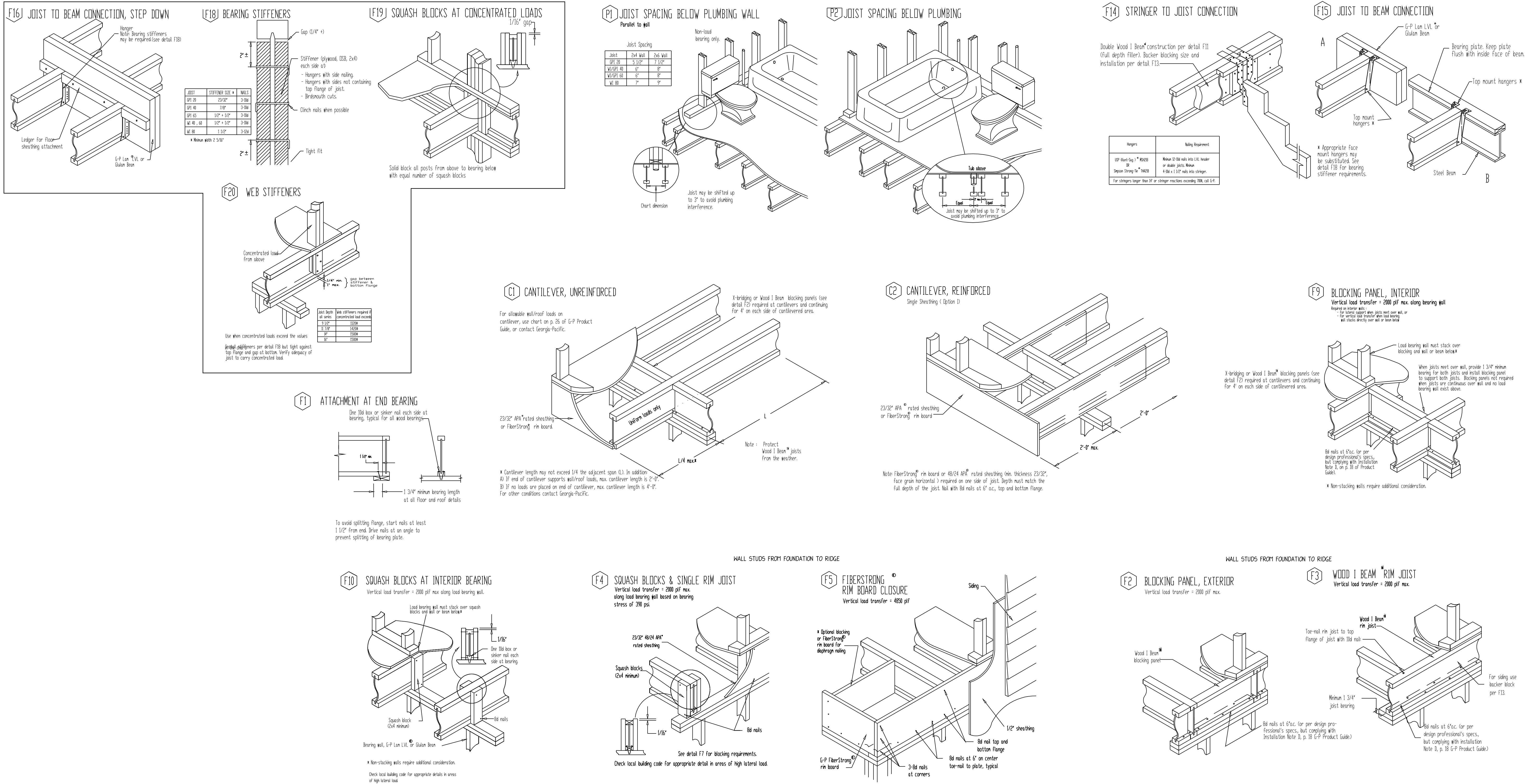
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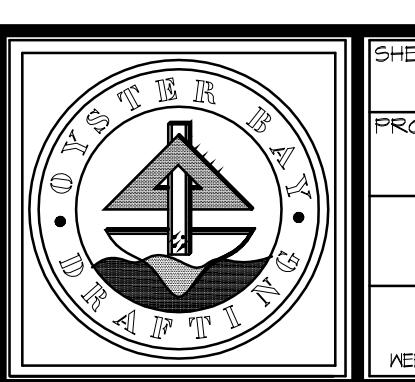
CONSTRUCTION DOCUMENTS	
PROJECT NAME	CONSTRUCTION DOCUMENTS
GOSSELIN RESIDENCE 49 OLD WESTHAMPTON RD-RIVERHEAD, NY-11701	
OYSTER BAY DRAFTING AND ARCHITECTURE, P.C.	
68 WEST MAIN STREET OYSTER BAY, NY. 11771 (516) 922-5476 (FAX) 922-6235	
WEB: WWW.OYSTERBAYDRAFTING.COM EMAIL: ARCHITECT@OYSTERBAYDRAFTING.COM	
DATE: 5/ 2023	SCALE: AS NOTED
BY: M.M.	OF: 10
JOB NO: 23010	SHEET NO. 80



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CONSTRUCTION DOCUMENTS	
PROJECT NAME	GOSSELIN RESIDENCE
	49 OLD WESTHAMPTON RD-RIVERHEAD, NY 11901
OYSTER BAY DRAFTING AND ARCHITECTURE, P.C.	DATE: 5/2023
	SCALE: AS NOTED
	62 WEST MAIN STREET OYSTER BAY, NY 11771
	(516) 922-5476 (FAX) 922-6235
	WEB: WWW.OYSTERBAYDRAFTING.COM EMAIL: ARCHITECT@OYSTERBAYDRAFTING.COM
	BY: M.M.
	JOB NO: 23010

#### GENERAL CONDITIONS OF THE WORK:

- 1- THESE NOTES SHALL APPLY TO THE GENERAL CONTRACTOR, EACH SUB-CONTRACTOR AND THE OWNER'S OWN FORCES. EACH CONTRACTOR SHALL STUDY AND FAMILIARIZE HIMSELF WITH THE SITE AND WITH ALL TRADES AND ASPECTS OF THE WORK. EACH CONTRACTOR SHALL COOPERATE AND COORDINATE HIS WORK WITH THE WORK OF OTHER CONTRACTORS AND TRADES.
- 2- THE CONTRACTOR SHALL INSPECT THE SITE AND MAKE ALL APPROPRIATE INQUIRIES TO DETERMINE CONDITIONS AND FIELD CONSTRUCTION CRITERIA PRIOR TO SUBMISSION OF BIDS, AND SHALL MAKE NO ADDITIONAL CLAIMS REGARDING SITE CONDITIONS THEREAFTER. THE CONTRACTOR'S AND OWNER'S AGREEMENT TO ENTER INTO THE WORK SHALL SUFFICE AS THEIR ACCEPTANCE TO THE TERMS SPECIFIED HEREIN, AND SHALL BE INCORPORATED INTO ANY AND ALL AGREEMENTS BETWEEN THE OWNER AND THE CONTRACTOR.
- 3- NOTHING ON THESE DRAWINGS SHALL BE CONSTRUED AS MODIFYING IN ANY WAY THE CONTRACT BETWEEN THE OWNER AND CONTRACTOR OR THE CONTRACTOR AND SUB-CONTRACTORS.
- 4- THE OWNER SHALL BE RESPONSIBLE FOR ANY ANOMALIES AND/OR IRREGULARITIES DISCOVERED DURING THE CONSTRUCTION PHASE OF THE PROJECT, WHICH MAY REQUIRE ADDITIONAL MEASURES TO BE TAKEN ON THE PART OF THE CONTRACTOR, SUB-CONTRACTORS, OR THE ARCHITECT. ANY AND ALL COSTS RELATED TO THE ADDITIONAL WORK SHALL BE THE SOLE RESPONSIBILITY OF THE OWNER, INCLUDING ADDITIONAL SERVICES OF ANY OUTSIDE AGENCIES, INCLUDING BUT NOT LIMITED TO SURVEYING, PILES, EXTERMINATION, BORINGS, UNDERPINNING, SITE DRAINAGE, ADDITIONAL CONSULTATIONS, SITE VISITS, CERTIFICATION LETTERS, AMENDMENTS, AS BUILT DRAWINGS, ETC.

#### EXISTING SITE CONDITIONS:

- 1- ALL EXISTING EQUIPMENT, UTILITIES, STRUCTURES AND OTHER ITEMS INTERFERING WITH THE INSTALLATION OF THE PROPOSED EQUIPMENT AND STRUCTURES SHALL BE REMOVED AND REPLACED AND SHALL BE SUBJECT TO APPROVAL OF THE OWNER.
- 2- THE CONTRACTOR SHALL DETERMINE AND VERIFY THE ACTUAL LOCATION OF ANY AND ALL UTILITIES, PIPING AND RELATED ITEMS PRIOR TO THE COMMENCEMENT OF WORK. ALL COSTS INCURRED SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR UNLESS OTHERWISE AGREED UPON BY THE OWNER.
- 3- ALL DIMENSIONS AND LOCATIONS AS INDICATED ON THE DRAWINGS SHALL BE CONSIDERED CORRECT, BUT SHALL BE UNDERSTOOD THAT THEY ARE SUBJECT TO MODIFICATIONS AS MAY BE NECESSARY OR DESIRABLE AT THE TIME OF INSTALLATION TO MEET UNPREDICTED OR ANY OTHER CONDITIONS.
- 4- **DO NOT SCALE DRAWINGS.** WRITTEN DIMENSIONS SUPERSEDE SCALED DIMENSIONS AND ARE SUBJECT TO REVISIONS AS PER ACTUAL FIELD CONDITIONS. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS HEREIN SHOWN, AND ALL DISCREPANCIES ARE TO BE BROUGHT TO THE ARCHITECT'S/REPRES. ATTENTION BEFORE COMMENCING WITH THE WORK.
- 5- IF IN THE COURSE OF CONSTRUCTION A CONDITION EXISTS WHICH DISAGREES WITH THAT AS INDICATED ON THESE PLANS, THE CONTRACTOR SHALL STOP ALL WORK AND NOTIFY THE ARCHITECT SO AS TO ALLEVIATE SUCH CONFLICT WITHOUT BURDEN TO THE OWNER. SHOULD HE FAIL TO FOLLOW THIS PROCEDURE AND CONTINUE WITH THE WORK, HE SHALL ASSUME ALL RESPONSIBILITY AND LIABILITY ARISING THEREFROM.
- 6- THE CONTRACTOR SHALL CHECK AND VERIFY LOCATION OF ANY EXISTING OVERHEAD OR UNDERGROUND ELECTRICAL OR OTHER HAZARDOUS UTILITY LINES AND TO ARRANGE FOR THEIR SAFE RELOCATION.
- 7- THE CONTRACTOR SHALL BE HELD TO HAVE VERIFIED DIMENSIONS AND CONDITIONS AT THE BUILDING. NO LATER CLAIMS WILL BE CONSIDERED FOR LABOR, EQUIPMENT OR MATERIALS REQUIRED OR FOR DIFFICULTIES ENCOUNTERED BECAUSE OF LACK OF INFORMATION, LACK OF SITE INSPECTIONS OR IMPROPER EVALUATION OF THE WORK INVOLVED.
- 8- CONTRACTOR MUST VERIFY WITH HIS LICENSED ELECTRICIAN IF AN UPGRADE OF ELECTRICAL SERVICE IS REQUIRED FOR THIS PROJECT PRIOR TO SUBMITTING A BID.
- 9- CONTRACTOR TO VERIFY LOCATIONS OF MASTS, METERS, SUB-PANELS, ETC. FOR RELOCATION AS REQUIRED FOR THE PROJECT. CONTRACTOR MUST ALSO NOTIFY THE ARCHITECT OF LOCATIONS IF NOT SHOWN ON PLANS.

#### CONTRACTOR'S RESPONSIBILITIES FOR COORDINATION AND WORKSHIPPING:

- 1- THE CONTRACTOR SHALL COORDINATE SCHEDULING OF SUB-CONTRACTORS AND OTHER CONTRACTS AND SHALL PROVIDE EVERY POSSIBLE COOPERATIVE EFFORT TO COORDINATE COMPLETION OF ALL WORK. THE GENERAL CONTRACTOR SHALL COMPLETE A COMPREHENSIVE SCHEDULE FOR ALL WORK PERTAINING TO ALL CONTRACTS AND SHALL SUBMIT THE SAME TO THE OWNER IN ACCEPTABLE FORMAT FOR REVIEW WELL IN ADVANCE OF WORK COMMENCEMENT.
- 2- THE CONTRACTOR SHALL COORDINATE CONSTRUCTION ACTIVITIES WITH THE OWNER TO MINIMIZE INTERRUPTIONS TO NORMAL OWNER OPERATIONS.
- 3- EACH CONTRACTOR SHALL BE RESPONSIBLE FOR CUTTING, FITTING AND PATCHING OF HIS WORK THAT MAY BE REQUIRED TO COMPLETE THE WORK OF HIS CONTRACT. NO CONTRACTOR SHALL ENDANGER ANY WORK OF ANY OTHER CONTRACTOR BY EXCAVATING, CUTTING, OR OTHERWISE ALTERING ANY OF OTHER CONTRACTORS WORK, AND NO CONTRACTOR SHDO DO SO WITHOUT PRIOR WRITTEN CONSENT OF THE OWNER. ANY COSTS CAUSED BY DEFECTIVE OR ILL-TIMED WORK SHALL BE BORN BY THE PARTY RESPONSIBLE THEREFOR.
- 4- CONTRACTORS OR SUB-CONTRACTORS WHOSE WORK AND INSTALLATIONS REQUIRE SLEEVES, HANGER INSERTS, BOLTS, ANGORS, ETC., TO BE BUILT INTO THE WORK OF OTHER CONTRACTORS SHALL INSTALL OR PROVIDE THESE ITEMS TO THE APPROPRIATE CONTRACTOR WHO WILL SET THESE TO WORK IN THE LOCATIONS ESTABLISHED BY THE CONTRACTOR WHO REQUIRES THESE ITEMS. THESE ITEMS SHALL BE PROVIDED AND THEIR LOCATIONS COORDINATED SUFFICIENTLY IN ADVANCE, SO AS NOT TO DELAY THE PROGRESS OF A JOB AS A WHOLE. ALL SUCH ITEMS SHALL BE INCORPORATED SO THAT THEY WILL MEET THE CORRECT PHYSICAL ELEVATIONS OF FLOORS AT EACH LEVEL. THEY SHALL BE SECURED INTO THE FRAMEWORK FOR CONCRETE SO AS TO MAINTAIN THEIR PROPER LOCATION AND POSITION DURING THE PLACING OF CONCRETE AND REMOVAL OF FORMWORK.
- 5- THE CONTRACTORS SHALL MAKE TIMELY SUBMISSIONS TO THE OWNER OF THE VARIOUS ITEMS SET FORTH SO AS TO ALLOW REASONABLE AND ADEQUATE TIME FOR REVIEW, POSSIBLE CORRECTION, POSSIBLE REBURNISH, AND FOR APPROVAL OF SUBMISSIONS WITHOUT DELAYING THE PROGRESS OF THE ENTIRE PROJECT OR ANY PHASE OF THE PROJECT.
- 6- ANY MATERIALS OR WORKSHIPPING FOUND AT THE TIME TO BE DEFECTIVE SHALL BE REMEDIED AT ONCE, REGARDLESS OF PREVIOUS INSPECTION. THE INSPECTION OF THE WORK IS INTENDED TO AID THE CONTRACTOR IN APPLYING LABOR AND MATERIALS TO AND IN ACCORDANCE WITH THE SPECIFICATIONS, BUT SUCH INSPECTION SHALL NOT OPERATE TO RELEASE THE CONTRACTOR FROM ANY OF HIS CONTRACTUAL OBLIGATIONS.
- 7- ALL NEW MATERIALS AND INSTALLATIONS SHALL BE IN ACCORDANCE WITH MFG. LATEST PRINTED SPECIFICATIONS AND WITH ALL GOVERNING CODE REQUIREMENTS.
- 8- ALL MATERIALS SHALL BE NEW, AS CALLED FOR IN THE DRAWINGS, AND THE BEST OF THEIR RESPECTIVE KINDS. THE CONTRACTOR WITHOUT WRITTEN APPROVAL OF THE ARCHITECT SHALL MAKE NO SUBSTITUTIONS, FOR PORTIONS OF THE WORK NOT SHOWN IN DETAIL BUT WHICH ARE SHOWN GENERALLY, OR FOR REASONABLE INFERABLE AS BEING REQUIRED FOR A PROPER AND COMPLETE INSTALLATION, THE MATERIAL, METHODS, AND WORKSHIPPING SHALL CONFORM, AS A MINIMUM, TO THE TYPICAL OR REPRESENTATIVE DETAIL THROUGHOUT THE CORRESPONDING PARTS OF THE BUILDING.
- 9- NO MATERIALS OF ANY KIND SHALL BE USED UPON THE WORK UNTIL IT HAS BEEN INSPECTED AND ACCEPTED BY THE OWNER. ALL MATERIALS REJECTED SHALL BE IMMEDIATELY REMOVED FROM THE WORK AND NOT AGAIN OFFERED FOR INSPECTION.
- 10- ALL WORK SHALL BE EXECUTED IN A WORKMANLIKE MANNER AND ALL MECHANICS SHALL BE SKILLED IN THEIR TRADE.
- II- ITEMS SHOWN ON PLANS BUT NOT SPECIFICALLY STATED IN THE SPECIFICATIONS AND/OR VICE VERSA SHALL BE CONSIDERED TO BE INCLUDED IN THE CONTRACT.

#### CODE COMPLIANCE:

- 1- ALL CONTRACTORS AND SUB-CONTRACTORS SHALL BUILD IN COMPLIANCE WITH ANY AND ALL APPLICABLE 2020 NYSC. CODES AS WELL AS THE REQUIREMENTS OF LOCAL AGENCIES. THESE RESPONSIBILITIES INCLUDE, BUT ARE NOT LIMITED TO MATERIALS, EQUIPMENT, APPLICATIONS / INSTALLATIONS, THE PROPER SEQUENCE OF TRADES AND PHASES OF CONSTRUCTION, FILING PROCEDURES, AND GENERAL ACCEPTABLE BUILDING PRACTICES OUTLINED BY THESE CODES. THESE REQUIREMENTS SHALL PERTAIN TO THE PROPERTY ADDRESSED HEREIN AS WELL AS ANY NEIGHBORING PROPERTIES THAT MAY BE AFFECTED BY IT'S ALTERATION. BE IT KNOWN THAT ALL NOTES AND SPECIFICATIONS SHOWN HEREIN, WHICH MAKE REFERENCE TO SAID RESPONSIBILITIES, ARE RECOMMENDATIONS OF THIS OFFICE AND ARE SUBJECT TO CHANGE AS PER ANY GOVERNING AGENCIES AND REPRESENTATIVES THEREOF, ANY DISCREPANCIES WHICH MAY ARISE BETWEEN THESE DRAWINGS AND SAID REQUIREMENTS SHALL BE BROUGHT TO THE ARCHITECT'S/REPRES./REPRES. ATTENTION BEFORE THE COMMENCEMENT OF WORK IN QUESTION.
- 2- EACH CONTRACTOR SHALL COMPLY WITH THE REQUIREMENTS OF THE FIRE CODE OF NEW YORK STATE, NEW YORK STATE ENERGY CONSERVATION CODE, FEDERAL O.S.H.A., AND ALL OF THE LOCAL GOVERNMENT AGENCIES HAVING JURISDICTION, INSO FAR AS APPLICABLE TO HIS PORTION OF THE WORK.
- 3- NO NOTE OR DETAIL OR LACK THEREOF SHALL BE CONSTRUED AS RELIEVING THE CONTRACTOR FROM AN EXECUTION OF ALL WORK IN ACCORDANCE WITH ALL STATE AND LOCAL CODES.

#### PERMITS, INSPECTIONS AND APPROVALS:

- 1- UNLESS OTHERWISE AGREED UPON BETWEEN THE ARCHITECT AND THE OWNER, THE OWNER SHALL PAY FOR AND THE CONTRACTOR SHALL OBTAIN A BUILDING PERMIT FROM THE VILLAGE, TOWNSHIP OR GOVERNING MUNICIPALITY PRIOR TO STARTING ANY WORK.
- 2- THE CONTRACTOR SHALL OBTAIN ALL REQUIRED APPROVALS, PERMITS, CERTIFICATES OF OCCUPANCY, INSPECTION APPROVALS, ETC. FOR WORK PERFORMED FROM AGENCIES HAVING JURISDICTION THEREOF.
- 3- THE CONTRACTOR SHALL HAVE A COMPETENT REPRESENTATIVE OR FOREMAN PRESENT, WHO SHALL FOLLOW WITHOUT DELAY ALL INSTRUCTIONS OF THE OWNER OR HIGHER ASSISTANTS IN THE PROSECUTION AND COMPLETION OF THE WORK IN CONFORMITY WITH THIS CONTRACT, AND SHALL HAVE FULL AUTHORITY TO SUPPLY LABOR AND MATERIALS IMMEDIATELY. THE CONTRACTOR SHALL ALSO HAVE A COMPETENT REPRESENTATIVE AVAILABLE TO RECEIVE TELEPHONE MESSAGES AND PROVIDE A REASONABLE REPLY AS SOON AS POSSIBLE, BUT NOT LATER THAN 24 HOURS.
- 4- THE CONTRACTOR SHALL, AT ALL TIMES, PROVIDE CONSTANT AND EASY ACCESS AND SAFE PROPER FACILITIES FOR THE INSPECTION OF ALL PARTS OF THE WORK.
- 5- THE CONTRACTOR SHALL POST THE PERMIT ON THE JOB SITE AS PER BUILDING CODE REQUIREMENTS IN AN CONSPICUOUS PLACE.

#### PAYMENTS TO THE CONTRACTOR:

- 5- BEFORE ANY PAYMENT WILL BE MADE BY THE OWNER, THE CONTRACTOR SHALL DELIVER TO THE OWNER ANY WRITER OR RELEASES OF ANY LIENS ARISING OUT OF HIS CONTRACT FOR WORK COMPLETED AS OF THE DATE OF THE REQUEST FOR PAYMENT.
- 6- THE CONTRACTOR SHALL ALSO FURNISH EVIDENCE SATISFACTORY TO THE OWNER THAT ALL PAYROLLS, BILLS FOR LABOR, MATERIALS AND EQUIPMENT, AND OTHER INDEBTEDNESS CONNECTED WITH HIS WORK FOR WHICH THE OWNER OR HIS PROPERTY MIGHT IN ANY WAY BE RESPONSIBLE, HAVE BEEN PAID OR OTHERWISE SATISFIED.

INSURANCE AND WARRANTIES:

- 1- EACH CONTRACTOR AND SUB-CONTRACTOR SHALL SUBMIT PROOF OF INSURANCE WITH A COMPANY INSURED BY THE STATE OF NEW YORK HAVING COVERAGE FOR THE TYPES OF WORK SPECIFIED WITHIN THIS BID PACKAGE IN THE AMOUNTS AND PERIODS SATISFACTORY TO THE OWNER. THE PROOF OF INSURANCE SHALL BE AS FOLLOWS: COMMERCIAL GENERAL LIABILITY, CONTRACTUAL PERSONAL INJURY, AUTOMOBILE LIABILITY, MEDICAL PAYMENTS AND UMBRELLA LIABILITY. FAILURE TO SUBMIT CERTIFICATE OF INSURANCE MAY CAUSE YOUR BID TO BE DISQUALIFIED.

5- ALL WORK LET UNDER THESE DRAWINGS SHALL BE GUARANTEED AGAINST DEFECTS IN MATERIAL AND WORKMANSHIP FOR A PERIOD OF ONE (1) YEAR FROM THE DATE OF THE ACCEPTANCE OF THE OWNER. GRANTING A CERTIFICATE OF OCCUPANCY, OR THE OWNER'S USE OF THE PREMISES SHALL NOT CONSTITUTE ACCEPTANCE OF THE WORK.

6- THE CONTRACTOR SHALL ALSO DELIVER ALL MANUFACTURER'S WARRANTIES, GUARANTEES, OPERATIONAL AND MAINTENANCE MANUALS PERTAINING TO HIS WORK.

7- EACH CONTRACTOR SHALL ALSO DELIVER TO THE OWNER WRITTEN GUARANTEE IN FORM AND WHOSE TERMS AND EXTENT WILL BE ESTABLISHED IN THE AGREEMENTS BETWEEN EACH CONTRACTOR AND THE OWNER.

#### ARCHITECT'S SERVICES DURING CONSTRUCTION:

1- THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE PERFORMANCE OF THE GENERAL CONTRACTOR OR ANY SUB-CONTRACTORS NOR SHALL HE GUARANTEE THE PERFORMANCE OF THEIR CONTRACTS. THE OBLIGATION OF THE CONTRACTOR SHALL NOT EXTEND TO THE LIABILITY OF THE ARCHITECT, HIS AGENTS OR EMPLOYEES.

2- THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR, NOR HAS CONTROL OR CHARGE OF CONSTRUCTION MEANS, SEQUENCES, OR PROCEDURES, OR FOR SAFETY PRECAUTIONS AND PROGRAMS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ADEQUATE BRACING AND PROTECTING ALL WORK DURING CONSTRUCTION AGAINST DAMAGE, BREAKAGE, COLLAPSE, DISTORTION AND MISALIGNMENT ACCORDING TO APPLICABLE CODES.

3- THE ARCHITECT HAS NOT BEEN RETAINED ON THIS PROJECT FOR BIDDING AND/OR THE NEGOTIATION AND ADMINISTRATION OF THE CONTRACTS FOR CONSTRUCTION OF THIS PROJECT.

4- THE ARCHITECT IS NOT RETAINED FOR SITE INSPECTIONS AND/OR OBSERVATION OF THE CONSTRUCTION.

5- NO REQUEST FROM ANY PARTY FOR INFORMATION REGARDING CLASSIFICATION AMPLIFICATION OR EXPLANATION OF THE DRAWINGS OR NOTATION, OR REQUEST FOR PERMISSION TO VARY OR DEVIATE FROM THE REQUIREMENTS OF THESE DRAWINGS OR NOTATIONS, WILL BE ENTERTAINED BY THE ARCHITECT, UNLESS THEY ARE SET FORTH IN WRITING AND ADDRESSED TO THE OWNER. THE OWNER REFERS THESE REQUESTS TO THE ARCHITECT, THE ARCHITECT WILL WITH REASONABLE PROMPTNESS CONSIDER THE MATTER AND RESPOND IN WRITING TO THE OWNER FOR TRANSMISSION TO THE PARTY CONCERNED. THE ARCHITECT, DOES NOT, NOR WILL ASSUME ANY RESPONSIBILITY WITH REGARD TO THE ABOVE-MENTIONED TYPES OF INQUIRIES UNLESS ABOVE PROCEDURE IS FOLLOWED.

#### TEMPORARY PROTECTION AND STRUCTURES:

1- THE CONTRACTOR SHALL BE RESPONSIBLE FOR TEMPORARY ELECTRIC, WATER, TOILET FACILITIES, FENCING, BARRICADES, SECURITY, AND CLEAN UP AS AGREED UPON BETWEEN THE OWNER AND THE CONTRACTOR. UPON COMPLETION OF WORK, THE CONTRACTOR SHALL BROOM CLEAN ALL AFFECTED AREAS AND CART AWAY ALL DEBRIS.

2- THE CONTRACTOR SHALL CONDUCT ALL WORK TO PRECLUDE THE EFFECTS OF WEATHER ON COMPLETED WORK, OR WORK IN PROGRESS. THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY AND EXPENSE OF TEMPORARY ENCLOSURES WHERE NECESSARY. DUST PARTITIONS ARE TO BE PROVIDED BETWEEN WORK AREAS AND THE REST OF THE BUILDING.

3- EACH CONTRACTOR SHALL BE RESPONSIBLE FOR LOSS OR DAMAGE ARISING FROM THE ACTION OF THE ELEMENTS SUCH AS WATER, HEAT, WIND OR OTHER UNPREDICTED DIFFERENCES THAT MAY BE ENCOUNTERED IN PERFORMING THE WORK TO BE DONE UNDER HIS CONTRACT. IN THE EVENT OF ANY SUSPENSION OF WORK, EACH CONTRACTOR OR SUB-CONTRACTOR SHALL PROTECT HIS WORK AND MATERIALS AGAINST DAMAGE OR LOSS. ANY WORK OR MATERIALS THAT HAVE BEEN DAMAGED/DESTROYED OR LOST BECAUSE OF FAILURE OF AN CONTRACTOR OR SUB-CONTRACTOR TO SO PROTECT HIS WORK OR MATERIALS SHALL BE PROMPTLY REMOVED AND PAID FOR BY THE CONTRACTOR.

4- THE CONTRACTOR SHALL CONDUCT ALL WORK IN SUCH A MANNER SO AS NOT TO IMPAIR THE STRUCTURAL INTEGRITY OR STABILITY OF ADJACENT STRUCTURES, EQUIPMENT, OR UTILITIES. SHOULD DAMAGE OCCUR AS A RESULT OF THE WORK, THE CONTRACTOR SHALL REPAIR OR REPLACE SAID DAMAGE TO THE SATISFACTION OF THE OWNER, AND AT THE CONTRACTOR'S EXPENSE. THE CONTRACTOR SHALL BEAR ANY AND ALL COSTS ASSOCIATED WITH WORK DISCONTINUATION, ENGINEERING CONSULTATION, MATERIALS TESTING, REPAIR AND ALL MISCELLANEOUS RELATED EXPENSES.

5- THE CONTRACTOR SHALL BRACE, SHORE, REINFORCE AND/OR UNDERPIN ALL STRUCTURES, INCLUDING NEIGHBORING STRUCTURES, AS REQUIRED FOR SAFE OPERATION.

6- THE CONTRACTOR IS TO TAKE ALL NECESSARY AND PRUDENT STEPS TO SHORE AND BRACE EXISTING STRUCTURES PRIOR TO THE INSTALLATION OF OPENINGS FOR NEW OPENINGS. THE PROPER AND SAFE EXECUTION OF THIS WORK IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

7- EQUIPMENT AND DEVICES OF A TEMPORARY NATURE REQUIRED FOR THE CONSTRUCTION PROCESS AND PROTECTION THEREOF, SUCH AS SCAFFOLDS, STAGING, PLATFORMS, RUNWAYS, HOISTS, LADDERS, CHUTES, TEMPORARY FLOORING, GUARDS, RAILINGS, SHAFTE WAY PROTECTIONS, ETC., FOR THE PROTECTION OF WORKMEN AND TO THE PUBLIC SHALL BE PROVIDED, ERECTED, AND MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF ALL NEW YORK STATE CODES, AND ALL OTHER LAWS, RULES OR ORDINANCES OF ALL GOVERNMENTAL AGENCIES HAVING JURISDICTION DURING CONSTRUCTION.

8- THE CONTRACTOR SHALL PROVIDE, ERECT, MAINTAIN THOSE ITEMS REQUIRED FOR USE, OBTAINING ALL NECESSARY PERMITS, INSPECTIONS AND APPROVALS, AND REMOVE THOSE ITEMS WHICH HAVE SERVED THEIR PURPOSE AND WHEN DIRECTED BY THE OWNER, UNLESS OTHERWISE STIPULATED BY THE OWNER.

#### DEMOLITION NOTES:

1- THE CONTRACTOR SHALL ASCERTAIN THAT THE AREA OF DEMOLITION HAS BEEN CLEARED OF ALL FURNITURE AND MOVEABLE EQUIPMENT IN ORDER TO ALLOW FOR DEMOLITION TO PROCEED. THE CONTRACTOR SHALL NOTIFY THE OWNER IMMEDIATELY OF ANY SUCH CONDITIONS PREVENTING HIS PROCEEDING WITH THE DEMOLITION.

2- ALL ELECTRICAL HIGH OR LOW VOLTAGE CONDUITS, WIRES, INSTRUMENTS AND EQUIPMENT ADJACENT TO OR CONTAINED WITHIN PARTITIONS TO BE REMOVED BACK TO THE NEXT PANEL, BOARD AND SHUTDOWN. NO CIRCUITS, WIRES OR EQUIPMENT SHALL REMAIN OPEN OR LIVE.

3- DEMOLITION INCLUDES COMPLETE REMOVAL AND DISPOSAL OF ALL ITEMS FROM SITE, EXCEPT ITEMS DESIGNATED TO BE REMOVED AND RETURNED TO THE OWNER FOR RE-USE. MATERIALS OR ITEMS SUCH AS DOORS AND FRAMES, GLASS AND LIGHTING FIXTURES DESIGNATED ON DRAWINGS TO REMAIN THE PROPERTY OF THE OWNER SHALL BE REMOVED WITH CARE AND STORED IN A LOCATION ON THE SITE TO BE DESIGNATED BY THE OWNER.

4- CONTRACTOR SHALL OBTAIN ALL PERMITS FOR ALL WORK, INCLUDING PERMITS FOR TRANSPORTING AND DISPOSAL OF DEBRIS AND OTHERS REQUIRED BY AUTHORITIES HAVING JURISDICTION INCLUDING ANY HAZARDOUS MATERIALS THAT MAY BE DISCOVERED.

5- CONTRACTOR IS REQUIRED TO NOTIFY OWNERS OF ANY AND ALL REQUIRED UTILITY SHUTDOWNS WITHIN THREE DAYS PRIOR TO TIME REQUIRED TO BE SHUTDOWN.

6- THE CONTRACTOR SHALL PROVIDE AND MAINTAIN ALL NECESSARY SAFEGUARDS SUCH AS GUARDRAILS, BARRICADES, COVERING, ETC., TO PROTECT THE WORKMAN AND PUBLIC FROM ANY FORM OF BODILY INJURY.

7- PROVIDE AND MAINTAIN NECESSARY COVERINGS AND BOARDING TO PROTECT EXISTING WORK AND FINISHES TO REMAIN. UPON COMPLETION, REMOVE ALL PROTECTION AND CLEAN DOWN ALL SURFACES AND LEAVE ALL CONSTRUCTIONS IN A CLEAN, ORDERLY CONDITION. DUST SHALL BE KEPT AT A MINIMUM WITH PROTECTIVE COVERING REQUIRED OVER EXISTING FINISHES (CARPET, ETC.) TO BE PROVIDED.

8- THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ANY DAMAGE CAUSED BY IMPROPER PROTECTION AND SHALL MAKE ALL REPAIRS WITHOUT COST TO THE OWNER.

9- ALL REMOVALS SHALL BE NEATLY AND SAFELY DONE, CAUSING NO DAMAGE TO WORK TO REMAIN. DEBRIS AND RUBBISH SHALL NOT BE ALLOWED TO ACCUMULATE AND SHALL BE PROMPTLY DISPOSED OF LEGALLY.

10- MAINTAIN EXISTING UTILITIES INDICATED TO REMAIN, KEEP IN SERVICE AND PROTECT AGAINST DAMAGE DURING DEMOLITION OPERATIONS.

#### EXCAVATIONS AND SUBSURFACE SOIL CONDITIONS:

1- CONTRACTOR SHALL STRIP ALL TOPSOIL FROM EFFECTED AREAS OF THE SITE AND SAVE FOR REDISTRIBUTION. THE CONTRACTOR SHALL THEN REMOVE ALL EXCESS EARTH FROM THE SITE.

2- PRIOR TO EXCAVATION THE CONTRACTOR SHALL VERIFY THE LOCATIONS OF ALL BELOW GRADE UTILITIES, WATER AND SEWAGE LINES, DRYWELLS, SEPTIC SYSTEMS, AND ANY OTHER FACILITIES.

3- ALL EXISTING FILL, ROOTS AND OTHER UNDESIRABLE BEARING MATERIAL SHALL BE REMOVED AND FOOTINGS CARRIED TO THE BOTTOM OF SUCH EXCAVATION.

4- ALL FOOTINGS SHALL BEAR ON VIRGIN SOIL HAVING A MINIMUM BEARING CAPACITY OF TWO (2) TONS PER SQUARE FOOT. CONTRACTOR TO VERIFY ASSUMED SOIL-BEARING CAPACITY AND SHALL ASSUME FULL RESPONSIBILITY FOR SAME. CONTRACTOR TO NOTIFY THE ARCHITECT OF ANY SOIL VARIATION OR CONDITION ADVERSELY AFFECTING ASSUMED BEARING CAPACITY PRIOR TO THE POURING OF ANY FOOTINGS.

5- IN THE EVENT THAT THE CONTRACTOR DISCOVERS CLAY, SILT, OR OTHER SOIL, THE CONTRACTOR SHALL COORDINATE A TEST BORING IN ACCORDANCE WITH THE OWNER'S CONTRACTOR AGREEMENT TO VERIFY THE PRESUMED MINIMUM BEARING CAPACITY.

6- ALL EXTERIOR FOOTINGS SHALL BE A MINIMUM OF 3'-0" BELOW GRADE UNLESS NOTED OTHERWISE IN PLANS.

#### CONCRETE & FOUNDATION NOTES:

1- PERFORM REQUIRED ALTERATIONS TO EXISTING CONCRETE. NEW WORK INSTALLED ADJACENT TO AND CONNECTING WITH PRESENT WORK SHALL MATCH EXISTING JOINTS. BETWEEN NEW AND EXISTING WORK SHALL BE TROWELED SMOOTH AND EVEN. PROVIDE EXPANSION JOINTS AS REQUIRED.

2- EXPANSION JOINTS AT DIFFERENT LEVELS SHALL BE TROWELED SO THAT THE CLEAR DISTANCE BETWEEN ADJACENT BOTTOM EDGES SHALL NOT EXCEED ONE (1) VERTICAL TO TWO (2) HORIZONTAL, OR DEPENDENT UPON LOCAL GOVERNING CODES, WHICHEVER IS PREVALENT.

3- CONCRETE FOUNDATIONS SHALL BE POURED CONTINUOUSLY. IF POUR IS INTERRUPTED A VERTICAL KEY SHALL BE PROVIDED.

4- HORIZONTAL JOINTS ARE NOT PERMITTED.

5- CONTRACTOR SHALL VERIFY DIMENSIONS AND LOCATIONS OF SLOTS, PIPE SLEEVES, INSERTS, ANCHOR BOLTS, ELECTRIC CONDUITS, ETC. AS REQUIRED FOR TRADES BEFORE POURING CONCRETE.

6- A CONCRETE BLOCK FOUNDATION WALL SHALL BE ACCEPTED IN LIEU OF Poured CONCRETE WHERE PERMITTED BY LOCAL CODES.

7- FOR CONCRETE BLOCK FOUNDATION WALLS, ANCHOR BOLTS SHALL BE 5/8" dia. WITH MINIMUM EMBEDMENT OF 18" FOR MASONRY WALLS AND 6" FOR REINFORCED CONCRETE WALLS. THERE SHALL BE A MINIMUM OF TWO BOLTS PER SILL, MAX. ONE FOOT FROM CORNERS AND 6' FROM END CONDITIONS, AND SPACED THEREAFTER A MAX. 48" O.C. FOR SINGLE STORY STRUCTURES AND 3'-0" O.C. FOR TWO STORY STRUCTURES AND 23" O.C. FOR THREE STORY STRUCTURES. NOTE THAT TWO STORY STRUCTURES WITH ROOF SLOPES EQUAL TO OR GREATER THAN 7/12 SHALL BE CONSIDERED THREE STORIES.

7- FOR SLABS ON-GRADE AND LOCATIONS WHERE THE EXTERIOR WALL PLATE BEARS DIRECTLY ON THE FOUNDATION WALL, ANCHOR BOLTS SHALL BE

## APPENDIX E HISTORICAL AERIAL PHOTOGRAPHS

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**Gosselin Property, 49 Old Westhampton Road, Ridge  
Historical Aerial Photograph Appendix**



Aerial Photograph Year: 1994



Aerial Photograph Year: 2001

**Gosselin Property, 49 Old Westhampton Road, Ridge  
Historical Aerial Photograph Appendix**



Aerial Photograph Year: 2003

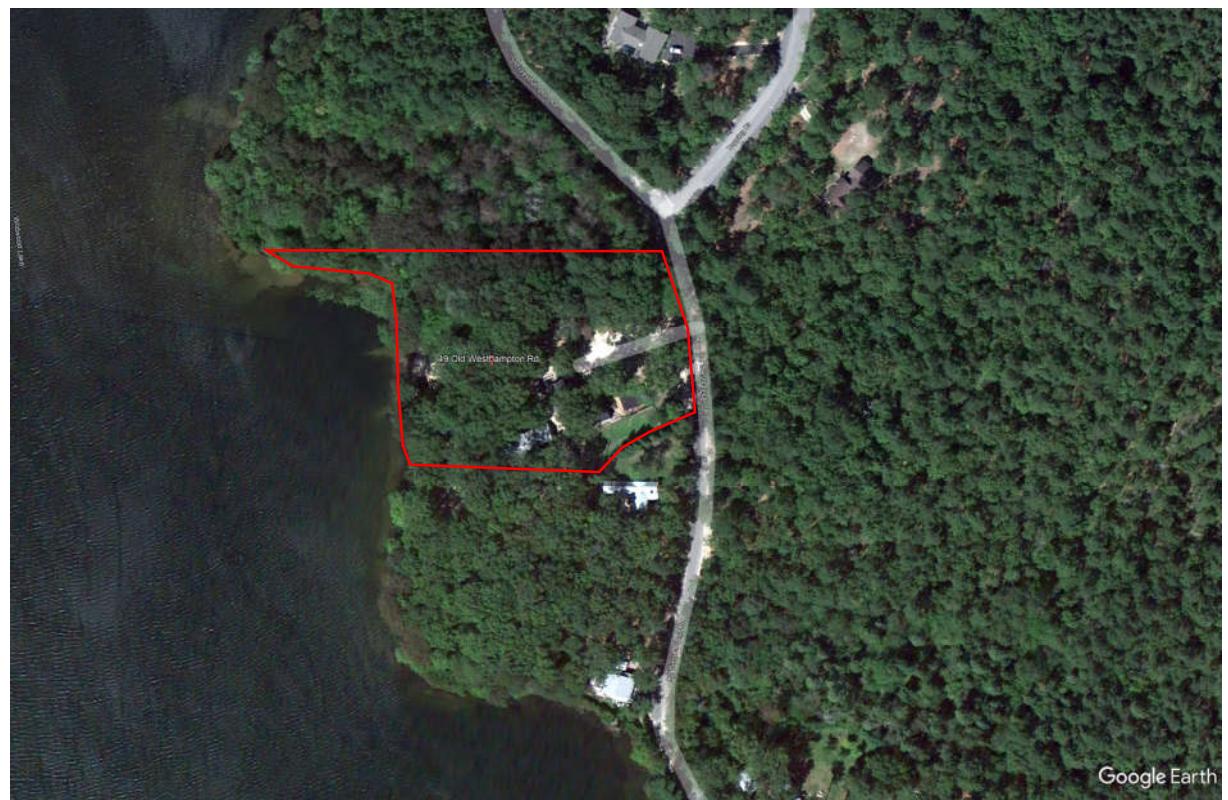


Aerial Photograph Year: 2004

**Gosselin Property, 49 Old Westhampton Road, Ridge  
Historical Aerial Photograph Appendix**



Aerial Photograph Year: 2007



Aerial Photograph Year: 2010

**Gosselin Property, 49 Old Westhampton Road, Ridge  
Historical Aerial Photograph Appendix**



Aerial Photograph Year: 2012



Aerial Photograph Year: 2014

**Gosselin Property, 49 Old Westhampton Road, Ridge  
Historical Aerial Photograph Appendix**



Aerial Photograph Year: 2016



Aerial Photograph Year: 2018

**Gosselin Property, 49 Old Westhampton Road, Ridge  
Historical Aerial Photograph Appendix**



Aerial Photograph Year: 2021

## APPENDIX F COMMISION'S PRIOR HARDSHIP DETERMINATIONS

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## **Commission Meeting of June 21, 2017 Riverhead Town Hall**

Present: Ms. Carrie Meek Gallagher (State of New York),  
Mr. Andrew Freleng (Suffolk County),

Mr. Edward P. Romaine (Brookhaven), Mr. Sean Walter (Riverhead),  
Mr. Jay H. Schneiderman (Southampton)

### **Approved Resolution**

### **Starbucks of Manorville (CA 485 County Road LLC), SSTM # 200-462-2-6 Core Preservation Area Hardship Waiver Manorville, Town of Brookhaven**

#### **I. The Project**

Carrie Meek Gallagher  
*Chairwoman*

Steven Bellone  
*Member*

Edward P. Romaine  
*Member*

Jay H. Schneiderman  
*Member*

Sean M. Walter  
*Member*

**Whereas**, CA 485 County Road LLC (aka Starbucks of Manorville) (the “Applicant”), by its representative, Farrell Fritz Attorneys, P.C., submitted on March 28, 2017 a Core Preservation Area Hardship Waiver Application for a change of zone from J Business 2 to J Business 5 on a 1.25 acre parcel identified as Suffolk County Tax Map Number 200-462-2-6 (the “Project”), located at 485 County Route 111, an existing improved, paved road, in the hamlet of Manorville, in the Core Preservation Area of the Central Pine Barrens, in the Town of Brookhaven (the “Project Site”); and

**Whereas**, the Project Site is developed with a 2,000 square foot building, occupied by a drive through bank and a Starbucks coffee shop, and a parking lot with 62 spaces; and

**Whereas**, the Project requests to utilize the existing drive through window presently used by the bank operation. When Starbucks expands into the bank space and utilizes the drive through, it triggers a change of zone and classifies the Starbucks as a major restaurant pursuant to the Town of Brookhaven Zoning Code. The Project will utilize the existing development and reduce parking on site from 62 spaces to 55 spaces; and

**Whereas**, the Project Site contains no existing natural pine barrens vegetation and no freshwater wetlands.

#### **II. The Act and the Commission**

**Whereas**, the New York State Legislature passed the Long Island Pine Barrens Protection Act (the “Act”) and codified in Article 57 of the Environmental Conservation Law (ECL), which was signed into law on July 13, 1993. The Act, among other things, created the Central Pine Barrens Joint Planning and Policy Commission (the “Commission”), to, among other things, oversee land use activities within the specially designated Central Pine Barrens Area; and

**Whereas**, in furtherance of its mission and in compliance with the directives set forth in the Act, the Commission drafted the Central Pine Barrens Comprehensive Land Use Plan (the “CLUP”), which was officially adopted on June 28, 1995; and

**Whereas**, Section §57-0107 of the ECL defines development to be the “performance of any building activity, . . . , the making of any material change in use or intensity of use of any structure or land. Without limitation the following uses shall be taken for the purposes of this article to involve development . . . (a) a change in type of use of a structure or land or, if the ordinance or rule divides uses into classes, a change from one class of use designated in an ordinance or rule to a use in another class so designated;” and

**Whereas**, Section §57-0123 of the ECL provides that “no application for development within the Central Pine Barrens area shall be approved by any municipality, or county or agency thereof or the [C]ommission . . . unless such approval or grant conforms to the provisions” of the CLUP and Environmental Conservation Law Section; and

**Whereas**, the Project constitutes development as defined in the Act.

### **III. The Project Site and Materials Submitted to the Commission**

**Whereas**, the Applicant submitted a letter addressing the hardship criteria; an owner’s affidavit; a Full Environmental Assessment Form Part I; a Survey prepared by Michael K. Wicks stamp received March 28, 2017; and a Site Plan prepared by Civil Insites (date illegible); and

**Whereas**, the Project Site holds a Certificate of Occupancy dated September 17, 1986 for a “fast service restaurant” and a Certificate of Compliance dated July 31, 1987; and

**Whereas**, the existing developed condition of the Project Site remains the same as it was prior to the Act; and

**Whereas**, the Applicant purchased the Project Site in 2016 for \$1,550,000.

### **IV. Public Process**

**Whereas**, on May 17, 2017, the Commission held a public hearing on the Project at which the Commission reviewed the Staff Report and Exhibits prepared for the hearing; heard testimony and received exhibits from the Applicant and heard testimony from the public; subsequently, a transcript of the hearing was distributed to the Commission.

### **V. The Study Area**

**Whereas**, the Staff Report defined a Study Area which consisted of all of the property within a one-half mile radius of the Project Site; and

**Whereas**, the dominant land uses in the Study Area are commercial, residential and public open space. Conservation easements are recorded on 60 parcels in the Study Area; and

**Whereas**, the Project Site is within an area identified as archaeologically sensitive according to the New York State Cultural Resource Information System (CRIS) database; and

**Whereas**, notwithstanding the Project Site's location in an archaeologically sensitive area, the Commission received a response from the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) by letter dated May 9, 2017 which stated "the project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places"; and

**Whereas**, although the site contains no existing natural pine barrens vegetation, a request for information was submitted to the New York Natural Heritage Program (NHP) responded to the Commission's request for information on rare, threatened or endangered animal and plant species on the Project Site. The NHP letter dated June 12, 2017 stated, "Given the current developed condition of the project site, and that the proposed project does not involve any new construction, ground disturbance, or clearing, we do not expect any impacts to any rare or listed animals or plants in the vicinity of the project, or to the adjacent pitch pine-oak forest"; and

**Whereas**, the Applicant has not submitted site-specific natural resources surveys on the Project Site.

## **VI. Other Required Approvals**

**Whereas**, the Project is a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA); and

**Whereas**, the Project requires permits and/or approvals from other involved agencies including but not limited to the Town of Brookhaven; and

**Whereas**, the Applicant asserts that Project will generate sanitary wastewater within the allowable limits for the Project Site in Groundwater Management Zone III, and will utilize the existing sanitary system designed for a restaurant use; and

**Whereas**, the Project will require a change of zone and building permit(s) from the Town of Brookhaven.

## **VII. Prior Commission Decisions**

**Whereas**, other development projects in the Core Preservation Area in the Study Area that were approved and identified as being similar in nature to the Project and, like the Project Site, fronting on and possessing direct access to an existing improved, paved road, include, but are not limited to, Clancy Street Food Corp and David Kepner, SCTM # 200-462-2-5.1, approved on November 8, 1995, proposed development of a commercial establishment for the retail sale of food on 1.17 acres in the J Business 2 Zoning District, with frontage on and direct access to CR 111 in Manorville; and Michaelangelo's Restaurant, SCTM # 200-462-2-12.2, approved on

August 5, 1998, proposed development including expansion of a restaurant on 1.7 acres in the J Business 2 Zoning District, with frontage on and direct access to CR 111 in Manorville; and

**Whereas**, the Commission granted Core Hardship Waivers to JCJC Holding Company, SCTM # 9000-204-1-8, on June 15, 2011 and to Westhampton Property Associates, SCTM # 900-276-3-1, on October 17, 2012, two entities, which like the Applicant, purchased their respective properties after the passage of the Pine Barrens Protection Act in 1993.

### **VIII. Commission Review of the Act's Extraordinary Hardship Criteria and Applicant's Materials**

**Whereas**, pursuant to the Act, in reviewing a Core Preservation Area extraordinary hardship exemption application, the Commission shall consider the criteria set forth in ECL §57-0121(10)(a) and Sections 57-0121(10)(c)(i), (ii), and (iii) to determine whether the Applicant has established the existence of extraordinary hardship as distinguished from a mere inconvenience and whether the requested relief is consistent with the purposes and provisions of the Act and if granted, would not result in a substantial impairment of the resources of the Central Pine Barrens area; and

**Whereas**, the Commission has considered the application, the Staff Report and Exhibits, transcripts of the hearing, and its prior decisions; and

**Whereas**, to address the criteria in ECL §57-0121(10)(a), the Applicant alleges, "The proposed action is merely a continuation of an existing use"; and

**Whereas**, to address the criteria in ECL §57-0121(10)(a)(i), the Applicant alleges, "There is no other property in the Core with the same or even similar circumstances. Likewise, no properties in the immediate vicinity are impacted or affected by these circumstances"; and

**Whereas**, the Commission finds the Applicant has met the criteria in ECL §57-0121(10)(a) because the characteristics of the subject property are unique. The property was developed with a restaurant use prior to the Act. The Project will not increase the number of uses or different types of uses than those that already exist nor expand the existing building beyond its current footprint or gross floor area. The Applicant is currently one of two tenants that occupy the existing building on the Project Site. The Project will utilize existing space presently occupied by another commercial business. The result is no net increase in the number of uses will occur, no net increase in gross floor area, footprint or lot coverage will occur, and the site will continue to be used by the Applicant, absent the bank, and in accordance with its present land use with no disturbance to or removal of the ecological resources of the Core Preservation Area; and

**Whereas**, the Commission finds the Applicant has met the criteria in ECL §57-0121(10)(a)(i), because the Applicant is a commercial land use that currently operates in the existing building on the Project Site, and the Project continues the existing use, utilizes the developed property and the facilities in the existing building including the drive through window; and

**Whereas**, the Commission finds the Applicant has met the criteria in ECL §57-0121(10)(a)(ii), because the Project Site is currently developed, no net increase in development is proposed; and

**Whereas**, the Commission finds the Applicant has met the criteria in ECL §57-0121(10)(a)(iii), because the inability to have a beneficial use results from unique circumstances peculiar to the Project Site which are not the result of action or inaction by the Applicant since the restaurant use presently, legally exists on the Project Site and the drive-through window exists and will be utilized by the restaurant resulting in a reuse of an existing use and operation and achieving compact, efficient, and orderly development in the Central Pine Barrens; and

**Whereas**, the Commission granted Core Hardship Waivers to JCJC Holding Company, SCTM # 900-204-1-8, on June 15, 2011 and to Westhampton Property Associates, SCTM # 900-276-3-1, on October 17, 2012, two entities, which like the Applicant, purchased their respective properties after the passage of the Pine Barrens Protection Act in 1993.

## **IX. Commission's Review of ECL §57-0121(c) Additional Standards**

**Whereas**, an Applicant for a Core Preservation Area Hardship Waiver must also establish it has met the criteria in ECL §57-0121(10)(c) which states as follows: “An application for a permit in the core preservation area shall be approved only if it is determined that the following additional standards also are met: (i) The granting of the permit will not be materially detrimental or injurious to other property or improvements in the area in which the subject property is located, increase the danger of fire, endanger public safety or result in substantial impairment of the resources of the core preservation area; (ii) The waiver will not be inconsistent with the purposes, objectives or the general spirit and intent of this article; or (iii) The waiver is the minimum relief necessary to relieve the extraordinary hardship, which may include the granting of a residential development right to other lands in the compatible growth area that may be transferred or clustered to those lands to satisfy the compelling public need;” and

**Whereas**, to address the criteria in ECL §57-0121(10)(c)(i), the Applicant alleges, “The granting of a hardship permit will not be materially detrimental or injurious to other properties or improvements in the area in which the subject property is located. Other parcels in the area are developed or protected and do not have the same circumstances as the Project. The parcel is in a developed community and there will be no increase to the danger of fire, will not endanger public safety or result in substantial impairment of the resources of the Core Preservation Area;” and

**Whereas**, the Commission finds the Applicant has met the criteria in ECL §57-0121(10)(c)(i), because the Project will not be materially detrimental or injurious to other property or improvements in the area in which the subject property is located, increase the danger of fire and endanger public safety or result in substantial impairment of the resources of the Core Preservation Area due to the development and use of the lot history, developed with a commercial structure and occupied by commercial uses including a restaurant use, and will not diminish or remove existing natural or vegetated lands in the Core Preservation Area; and

**Whereas**, the Commission finds the Applicant has met the criteria in ECL §57-0121(10)(c)(ii), and granting of the waiver would not be inconsistent with the purposes, objectives or general spirit and intent of the Act because it accommodates development in a manner consistent with the long term integrity of the Pine Barrens ecosystem and ensures the pattern of development is compact, efficient and orderly; and

**Whereas**, the Commission finds that due to the Project Site's past development history and current proposal, no net increase in the amount of development in the Core Preservation Area will occur as a result of the Project. The Project reuses a developed site currently occupied by the Applicant and reduces the number of businesses on the Project Site from two to one, conforms to Article 6 of the Sanitary Code for wastewater use on the Project Site due to the use of the site as a restaurant prior to the Act, and results in no clearing or disturbance to ecological resources of the Core Preservation Area. By avoiding the purchase and development of a vacant, natural, privately owned site in the Core, the Project avoids adverse impacts to the groundwater and ecological resources of the Core Preservation Area.

## **X. Commission Determinations**

**Resolved**, the foregoing recitals are incorporated herein and made a part hereof; and be it further

**Resolved**, the Commission finds that the Project constitutes development as defined by the Act; and be it further

**Resolved**, the Commission finds the Applicant has demonstrated an extraordinary hardship for the reasons set forth above; and be it further

**Resolved**, the Commission finds that the requested waiver will not result in adverse growth inducing impacts in the Study Area and in other similar hamlets in the Core Preservation Area because the Project Site is presently developed and currently partially occupied by the Applicant. The Project Site contains two commercial land uses including the Starbucks and a bank with a drive through window. The Starbucks expansion into the bank space and use of the drive through window results in the decrease in tenants from two to one in the existing building, resulting in no net increase in development, and if approved would not be inconsistent with ECL Article 57, in particular ECL §57-0121(10)(c), and accommodates development that is compact, efficient, and orderly; and be it further

**Resolved**, the Commission finds the Project will not result in substantial impairment of the resources of the Core Preservation Area since no impacts to groundwater will occur, no disturbance or removal of existing natural vegetation will occur, and the Project maintains the essential character of the region and will not result in an increase in development in the Central Pine Barrens; and be it further

**Resolved**, the Commission finds that the Project is not inconsistent with the purposes and provisions of the Act, including but not limited to, the goals and objectives to “[p]reserve the

functional integrity of the Pine Barrens ecosystem, protect the quality of surface water and groundwater, discourage piecemeal and scattered development, [to] accommodate development in a manner consistent with the long-term integrity of the Pine Barrens ecosystem and to ensure that the pattern of development is compact, efficient, and orderly;” and be it further

**Resolved**, that the Commission hereby determines the hardship waiver application, as submitted, satisfies the criteria for a Core Preservation Area Extraordinary Hardship Waiver pursuant to New York State ECL Article 57 §57-0121(10) for the reasons set forth in this resolution; and be it further

**Resolved**, that the Starbucks of Manorville Core Preservation Area Extraordinary Hardship Waiver exemption is approved; and be it further

**Resolved**, the Hardship Waiver shall be valid for a period of five years from the date of approval; and be it further

**Resolved**, the Applicant must obtain additional permits and approvals, as required by law, prior to commencement of activity related to the Project; and be it further

**Resolved**, within six months of completion of the Project and issuance of a Certificate of Occupancy, the Applicant shall submit an As-Built Survey for the Commission’s file record; and be it further

**Resolved**, pursuant to ECL §57-0121(10)(c), “Any waiver or exemption granted under the provisions of this part shall only be considered an exemption or waiver of the particular standard of this title which the commission waived. It shall not constitute an approval of the entire development proposal. Nor shall it constitute a waiver from any requirements contained within any local, county or state law or ordinance;” and be it further

**Resolved**, if any changes occur in the Project the Applicant must notify the Commission and submit an amended application, subject to review and approval.

**Starbucks of Manorville (CA 485 County Road LLC) Core Preservation Area Hardship  
Manorville, Town of Brookhaven; SSTM # 200-462-2-6**

**Record of Motion:**

Decision to Approve

Motion by: Mr. Romaine

Seconded by: Mr. Walter

In Favor: 5

Opposed: 0

Abstention: 0



## Commission Meeting of July 20, 2016 Riverhead Town Hall

Present: Ms. Carrie Meek Gallagher (State of New York),  
Ms. Sarah Lansdale (Suffolk County), Mr. Edward P. Romaine (Brookhaven),  
Mr. Daniel McCormick (Riverhead), Mr. Jay H. Schneiderman (Southampton)

### Adopted Resolution 71 Lakeview Drive, SCTM #: 900-163-2-27 Core Preservation Area Hardship Waiver Northampton, Town of Southampton

Carrie Meek Gallagher  
*Chairwoman*

Steven Bellone  
*Member*

Edward P. Romaine  
*Member*

Jay H. Schneiderman  
*Member*

Sean M. Walter  
*Member*

#### **I. The Project**

**Whereas**, Ralph Vail (the “Applicant”), by his representative, Thomas Cramer, submitted on February 24, 2016 a Core Preservation Area Hardship Waiver Application to develop a single-family residence on a 10,000 square foot parcel identified as Suffolk County Tax Map Number 900-163-2-27 (the “Project”), located at 71 Lakeview Drive, an existing improved, paved road, in the hamlet of Northampton, in the Core Preservation Area of the Central Pine Barrens, in the Town of Southampton (the “Project Site”); and

**Whereas**, the Project Site is presently wooded with natural pine barrens vegetation and contains no freshwater wetlands; and the Project Site is in the Residence 15 (R-15) Zoning District (in which a minimum lot area of 15,000 square feet is required).

#### **II. The Act and the Commission**

**Whereas**, the New York State Legislature passed the Long Island Pine Barrens Protection Act (the “Act”) and codified in Article 57 of the Environmental Conservation Law (ECL), which was signed into law on July 13, 1993. The Act, among other things, created the Central Pine Barrens Joint Planning and Policy Commission (the “Commission”), to, among other things, oversee land use activities within the specially designated Central Pine Barrens Area; and

**Whereas**, in furtherance of its mission and in compliance with the directives set forth in the Act, the Commission drafted the Central Pine Barrens Comprehensive Land Use Plan (the “CLUP”), which was officially adopted on June 28, 1995; and

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**Whereas**, Section §57-0107 of the ECL defines development to be the “performance of any building activity, . . . , the making of any material change in use or intensity of use of any structure or land. Without limitation the following uses shall be taken for the purposes of this article to involve development . . . (b) a material increase in the intensity of use of land or environmental impacts as a result thereof; . . . (c) commencement of mining, excavation or material alteration of grade or vegetation on a parcel of land excluding environmental restoration activities;” and

**Whereas**, Section §57-0123 of the ECL provides that “no application for development within the Central Pine Barrens area shall be approved by any municipality, or county or agency thereof or the [C]ommission . . . unless such approval or grant conforms to the provisions” of the CLUP and Environmental Conservation Law Section; and

**Whereas**, the Project constitutes development as defined in the Act.

### **III. The Project Site and Materials Submitted to the Commission**

**Whereas**, the Applicant submitted a letter addressing the hardship criteria; a title report; an owner’s affidavit; a Town of Southampton Letter of Non-Jurisdiction Pursuant to Chapter 325 (Wetlands); A Full Environmental Assessment Form Part I; a Survey prepared by Cramer Consulting Group dated February 3, 2016; and an aerial map of the Project Site in relation to the developed community in which it is situated on the north of Wildwood Lake and seven parcels identified in the vicinity of the Project Site that are listed in the Core Preservation Area residential frontend exemption list; and

**Whereas**, the Applicant alleges that the Project Site has been held in single and separate ownership since 1955; and

**Whereas**, the Applicant purchased the Project Site in 1970 and has owned it continuously since then; and

**Whereas**, the Applicant has extended the Commission’s hardship application decision deadline to July 20, 2016; and

### **IV. Public Process**

**Whereas**, on March 16, 2016, the Commission held a public hearing on the Project at which the Commission reviewed the Staff Report and Exhibits prepared for the hearing; heard testimony and received exhibits from the Applicant and heard testimony

from the public; subsequently, a transcript of the hearing was distributed to the Commission.

## **V. The Study Area**

**Whereas**, the Staff Report defined a Study Area which consisted of all of the property within a one-half mile radius of the Project Site; and

**Whereas**, within the Study Area are approximately 118 parcels comprising approximately 121 acres; and

**Whereas**, the dominant land use in the Study Area is residential; on the Project Site's west side is a developed road, Lakeview Drive, and the Project Site is surrounded on all three sides – north, east, and south – by existing residential development; approximately 72 parcels are developed with single-family dwellings in the residential community on the north side of Wildwood Lake in the Study Area; open space is the second most dominant land use in the Study Area including large tracts owned by Suffolk County, New York State, and the Town of Southampton; conservation easements are recorded on at least 14 parcels in the Study Area; and

**Whereas**, the Project Site is within an area identified as archaeologically sensitive according to the New York State Cultural Resource Information System (CRIS) database; and

**Whereas**, notwithstanding the Project Site's location in an archaeologically sensitive area, the Commission received a response from the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) by letter dated April 13, 2016 which stated the project will have no impact on cultural resources in or eligible for inclusion in the State and National Register of Historic Places; and

**Whereas**, the New York Natural Heritage Program (NHP) responded to the Commission's request for information on rare, threatened or endangered animal and plant species on the Project Site by letter dated April 29, 2016. The NHP provided a report entitled "Report on State-Listed Animals" and listed Tiger Salamander (*Ambystoma tigrinum*), a State-listed Endangered amphibian, Banded Sunfish (*Enneacanthus obesus*), a State-listed Threatened species, and Little Blue (*Enallagma minusculum*), a State-listed Threatened species. The species are noted as documented near the Project Site, within 0.5 mile. The report states potential onsite and offsite impacts from the project may need to be addressed. The NHP response contained a report entitled, "Report on Rare Animals, Rare Plants and Significant Natural Communities" that listed one species of moth, the coastal barrens buckmoth, a State-listed Special Concern, and four animal species of dragonflies and damselflies with a State listing of "Unlisted;" the report listed significant natural communities including a wetland/aquatic community, specifically a coastal plain poor fen identified as a cranberry bog, and two upland/terrestrial communities identified as pitch pine oak forest and pitch pine oak heath woodland. The report listed four species of vascular plants including two State-listed Endangered species and two State-listed

Threatened species and identified Wildwood Lake and Cranberry Bog as habitats for these species, and such wetland habitats are not present on the Project Site. The NHP provided a separate report entitled “Report on Historical Records of Rare Animals, Rare Plants, and Natural Communities,” and listed one historical record of a species of moth noted as “Unlisted” and 17 State-listed Endangered or Threatened species of vascular plants with 1952 listed as the most recent record of observation of this set of historical species; and

**Whereas**, the dragonflies and damselflies are noted by NHP as observed in Sweezy Pond, Wildwood Lake, and Cranberry Bog; the Project Site is neither situated in the regulated boundary of pond, lake or bog habitats nor does it contain habitat suitable for the species of moths and dragonflies listed by NHP; and

**Whereas**, a Letter of Non-Jurisdiction, dated October 7, 2009, was sent by the Town of Southampton to the Applicant and the letter indicated there are no regulated freshwater wetland habitats present on the Project Site; and

**Whereas**, the Project Site does not contain a cranberry bog or wetland habitat dependent species identified by the NHP; and

**Whereas**, the Applicant has not submitted site-specific natural resources surveys on the Project Site.

## **VI. Other Required Approvals**

**Whereas**, the Project is a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA); and

**Whereas**, the Project requires additional permits and/or approvals from other involved agencies including Suffolk County Department of Health Services, the Town of Southampton, and the New York State Department of Environmental Conservation; and

**Whereas**, the Project will generate 300 gallons of sewage per day according to the provisions of the Suffolk County Sanitary Code; and the Project will require a permit for the approval of plans and construction for a sewage disposal system for a single-family residence; and

**Whereas**, the Project Site is within a Recreational River Corridor of the Peconic River as designated by New York and is subject to regulation under Article 15, Title 27 of Environmental Conservation Law regarding Wild, Scenic & Recreational Rivers; and

**Whereas**, development of the Project Site will require a building permit from the Town of Southampton.

### **VIII. Prior Commission Decisions**

**Whereas**, other development projects in the Core Preservation Area that were approved and identified as being similar in nature to the Project and, like the Project Site, fronting on and possessing direct access to an existing improved, paved road, and being adjacent to existing development either on two or three sides include, but are not limited to, Roberta Sterk, SCTM #: 200-355-3-16, approved on May 29, 1996, proposed development of a single-family residence on 1 acre in the A5 Residence Zoning District, with frontage on and direct access to Primrose Path in Calverton, owned since 1963; Harold Marshall, SCTM #: 200-481-1-5, approved on October 2, 2002, proposed development of a single-family residence on 3.99 acres in the A5 Zoning District, with frontage on and direct access to East Bartlett Road in Middle Island, owned since 1966; and George Cachimpanis, SCTM #: 200-300-3-28 and 29, approved on May 21, 2003, proposed development of a single-family residence on 0.44 acre in the A5 Residence Zoning District, with frontage on and direct access to Parkway Drive in Calverton, owned since 1965.

### **VIII. Commission Review of the Act's Extraordinary Hardship Criteria and Applicant's Materials**

**Whereas**, pursuant to the Act, in reviewing a Core Preservation Area extraordinary hardship exemption application, the Commission shall consider the criteria set forth in ECL §57-0121(10)(a) and Sections 57-0121(10)(c)(i), (ii), and (iii) to determine whether the Applicant has established the existence of extraordinary hardship as distinguished from a mere inconvenience and whether the requested relief is consistent with the purposes and provisions of the Act and if granted, would not result in a substantial impairment of the resources of the Central Pine Barrens area; and

**Whereas**, the Commission has considered the application, the Staff Report and Exhibits, and the transcripts of the hearings and its prior decisions; and

**Whereas**, to address the criteria in ECL §57-0121(10)(a), the Applicant alleges, “The granting of the hardship would be unique to this parcel. There are no other vacant parcels in this developed community that could seek similar relief; all other parcels have been developed”; and

**Whereas**, to address the criteria in ECL §57-0121(10)(a)(i), the Applicant alleges, “The benefit sought by this parcel does not apply to or affect other property in the immediate vicinity;” and

**Whereas**, to address the criteria in ECL §57-0121(10)(a)(iii), the Applicant alleges, “The need for the hardship is not the result of actions or inactions by the applicant/owner;” and

**Whereas**, the Commission finds the Applicant has met the criteria in ECL §57-0121(10)(a) because the characteristics of the subject property are unique; the property is situated in a developed residential community and is the only remaining undeveloped, unprotected parcel with development on all sides; and

**Whereas**, the Commission finds the Applicant has met the criteria in ECL §57-0121(10)(a)(i), because the Project Site is the only undeveloped property on a road surrounded on three sides by existing residential development and in a developed residential community with 72 dwellings and no other undeveloped, unprotected parcels; and the development of the Project Site would not result in adverse environmental impacts on the resources of the Central Pine Barrens such as fragmentation of the existing habitat and establishment of an adverse precedent in that it may help to induce and promote similar types of development applications to be submitted in the area of the Project Site and in other hamlets in the Core Preservation Area in developed residential communities not contiguous to open space or other undeveloped land; and

**Whereas**, the Commission finds the Applicant has met the criteria in ECL §57-0121(10)(a)(ii), because the characteristics of the Project Site categorize it as an infill lot, which was discussed in the public hearing on the Project; and

**Whereas**, the Commission finds the Applicant has met the criteria in ECL §57-0121(10)(a)(iii), because the inability to have a beneficial use results from unique circumstances peculiar to the Project Site which are not the result of action or inaction by the Applicant since the privately owned parcels in the immediate vicinity in the Study Area make up a developed residential community, leaving the Project Site the only undeveloped privately owned parcel and it has been owned by the present owner since 1970 and held in single and separate ownership since 1955.

## **IX. Commission’s Review of ECL §57-0121(c) Additional Standards**

**Whereas**, an Applicant for a Core Preservation Area Hardship Waiver must also establish it has met the criteria in ECL §57-0121(10)(c) which states as follows: “An application for a permit in the core preservation area shall be approved only if it is determined that the following additional standards also are met: (i) The granting of the permit will not be materially detrimental or injurious to other property or improvements in the area in which the subject property is located, increase the danger of fire, endanger

public safety or result in substantial impairment of the resources of the core preservation area; (ii) The waiver will not be inconsistent with the purposes, objectives or the general spirit and intent of this article; or (iii) The waiver is the minimum relief necessary to relieve the extraordinary hardship, which may include the granting of a residential development right to other lands in the compatible growth area that may be transferred or clustered to those lands to satisfy the compelling public need;” and

**Whereas**, to address the criteria in ECL §57-0121(10)(c)(i), the Applicant alleges, “The granting of a hardship permit will not be materially detrimental or injurious to other properties or improvements in the area in which the subject property is located. Similar parcels were included on the Non-Development List and were developed with no impact to the surrounding land. The parcels is in a developed community and there will be no increase to the danger of fire, will not endangered public safety or result in substantial impairment of the resources of the Core Preservation area;” and

**Whereas**, the Commission finds the Applicant has met the criteria in ECL §57-0121(10)(c)(i), because the Project will not be materially detrimental or injurious to other property or improvements in the area in which the subject property is located, increase the danger of fire and endanger public safety or result in substantial impairment of the resources of the Core Preservation Area due to the infill nature of the lot in a developed residential community, and it is not contiguous to other undeveloped, unprotected or protected and vegetated lands; and

**Whereas**, the Commission finds the Applicant has met the criteria in ECL §57-0121(10)(c)(ii), and granting of the waiver would not be inconsistent with the purposes, objectives or general spirit and intent of the Act because it accommodates development in a manner consistent with the long term integrity of the Pine Barrens ecosystem and ensures the pattern of development is compact, efficient and orderly; and

**Whereas**, the Project layout illustrated on a Survey prepared by Cramer Consulting Group dated February 3, 2016 indicates a maximum clearing limit of 70% on the Project Site; and the Commission finds that due to the Project Site’s proximity to Wildwood Lake, to minimize stormwater runoff, allow natural recharge to continue to occur, and to protect a portion of the existing natural vegetation on the Project Site, the Applicant shall be subject to clearing limits on the Project Site in accordance with the clearance standards listed in Figure 5-1 of the Central Pine Barrens Comprehensive Land Use Plan; a Project Site in the R-15 Zoning District is subject to a maximum clearing limit of 70%; therefore, 30% of the Project Site shall remain in its existing natural state.

## **X. Commission Determinations**

**Resolved**, the foregoing recitals are incorporated herein and made a part hereof; and be it further

**Resolved**, the Commission finds that the Project constitutes development as defined by the Act; and be it further

**Resolved**, the Commission finds the Applicant has demonstrated an extraordinary hardship for the reasons set forth above; and be it further

**Resolved**, the Commission finds that the requested waiver will not result in adverse growth inducing impacts in the Study Area and in other similar hamlets in the Core Preservation Area because the Project Site is the only undeveloped, unprotected lot in the developed residential community on the north side of Wildwood Lake and it is surrounded on all sides by development, and if approved would not be inconsistent with ECL Article 57, in particular ECL §57-0121(10)(c) and accommodates development that is compact, efficient, and orderly; and be it further

**Resolved**, the Commission finds that the Project is not inconsistent with the purposes and provisions of the Act, including but not limited to, the goals and objectives to “[p]reserve the functional integrity of the Pine Barrens ecosystem, protect the quality of surface water and groundwater, discourage piecemeal and scattered development, [to] accommodate development in a matter consistent with the long-term integrity of the Pine Barrens ecosystem and to ensure that the pattern of development is compact, efficient, and orderly;” and be it further

**Resolved**, that the Commission hereby determines the hardship waiver application, as submitted, satisfies the criteria for a Core Preservation Area Extraordinary Hardship Waiver pursuant to New York State ECL Article 57 §57-0121(10) for the reasons set forth in this resolution; and be it further

**Resolved**, that the 71 Lakeview Drive Core Preservation Area Extraordinary Hardship Waiver exemption is approved; and be it further

**Resolved**, that the Project shall be subject to a maximum clearing limit of 70% or 7,000 square feet, and 30% or 3,000 square feet of the Project Site shall remain in its existing natural state in accordance with the Project layout illustrated on a Survey prepared by Cramer Consulting Group dated February 3, 2016; and be it further

**Resolved**, prior to the commencement of construction activities on the project site, limits of clearing shall be delineated with stakes to ensure retention of 30 percent of the Project Site in existing natural vegetation; and

**Resolved**, install a split rail fence along the boundary of the clearing limit to protect the 30% area of the Project Site to remain natural; and be it further

**Resolved**, the Applicant shall contact the Commission office to inspect the clearing line once staked and at least one week prior to commencement of construction activities, and contact the Commission office to re-inspect the clearing line after the issuance of a Certificate of Occupancy; and be it further

**Resolved**, the instant conditionally approved Hardship Waiver shall be valid for a period of five years from the date of approval. All work or action required in the conditions, where applicable, shall be completed within three years from the date of approval unless a longer period was approved or the Applicant obtains an extension from the Commission; and be it further

**Resolved**, pursuant to ECL §57-0121(10)(c), “Any waiver or exemption granted under the provisions of this part shall only be considered an exemption or waiver of the particular standard of this title which the commission waived. It shall not constitute an approval of the entire development proposal. Nor shall it constitute a waiver from any requirements contained within any local, county or state law or ordinance;” and be it further

**Resolved**, a copy of this resolution shall be filed with the Suffolk County Clerk within one year of the date of approval and indexed against the property.

**71 Lakeview Drive Core Preservation Area Hardship  
Northampton, Town of Southampton; SCTM #: 900-163-2-27**

**Record of Motion:**

Decision to Approve

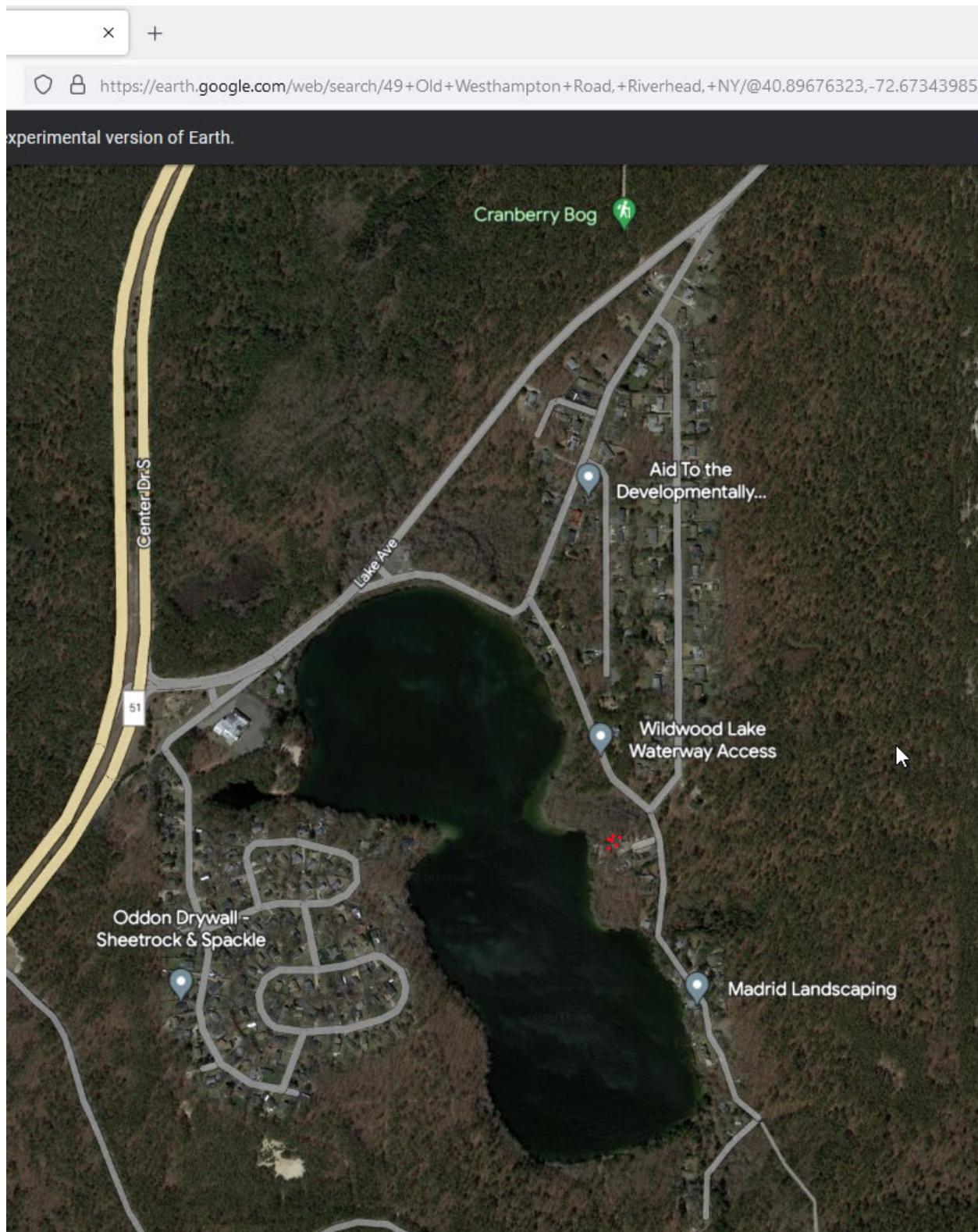
Motion by: Mr. Romaine

Seconded by: Mr. Schneiderman

In Favor: 5

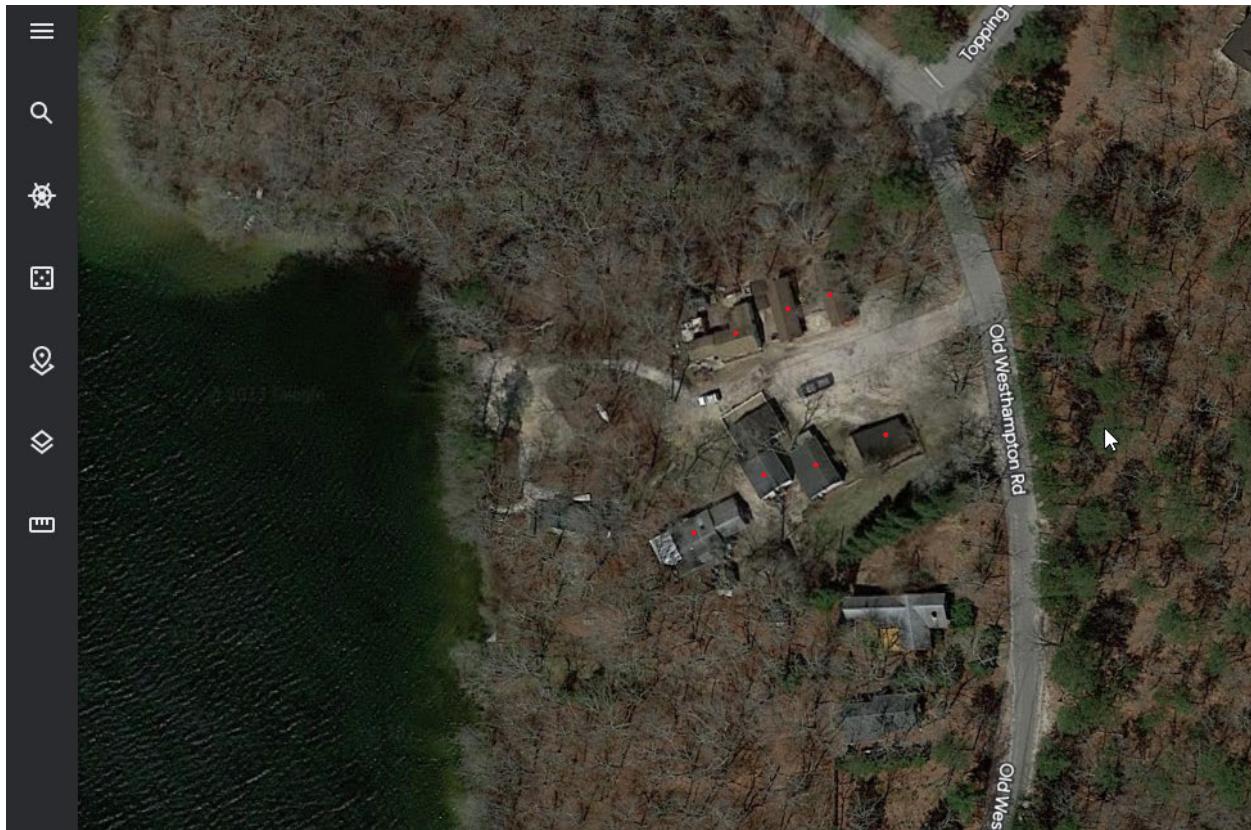
Opposed: 0

Abstention: 0



Google Earth View

Red dots indicate location of property



Google Earth Zoom View

Red dots depict residential structures to be removed

**O'SHEA, MARCINCUK & BRUYN, LLP**  
ATTORNEYS AT LAW

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October 5, 2023

Central Pine Barrens Joint Planning & Policy Commission  
624 Old Riverhead Road  
Westhampton Beach, New York 11978

Re: Interpretation Request of Nancy A. Gosselin and Jason P. Gosselin  
Premises: 49 Old West Hampton Road, hamlet of Northampton  
SCTM# 0900-164.00-04.00-011.000 & 012.000

Dear Commission Members,

Please be advised that our firm represents Nancy A. Gosselin and Jason P. Gosselin (hereinafter referred to as the "Applicants"), who are the owners of the above captioned improved real property located within the Core Preservation Area. The Applicants seek necessary permits and approvals to undertake work on their property to demolish, remove, replace, reconstruct, improve and alter the eight (8) preexisting, nonconforming residential cottages and construct one conforming single family dwelling in their place in accordance with all current laws, ordinances and regulations, thereby reducing the intensity of use and environmental impact of the current uses as further described herein and in the documents submitted herewith (hereinafter referred to as the "Project").

**Request:** Applicants initially request that the Central Pine Barrens Joint Planning & Policy Commission (hereinafter referred to as the "Commission") make an interpretation that the proposed Project does not constitute "development" under the provisions of §57-0107(13) of Long Island Pine Barrens Maritime Reserve Act, (hereinafter referred to as the "Act"). Applicants make this request in light of a letter sent by the Commission to the NYSDEC, dated July 19, 2023, wherein the Commission without notice to the Applicants, advised the NYSDEC that the Project was considered to be development under the Act and to direct the Applicants to make application to the Commission. The Applicants request that they be given an opportunity to present the Project to allow the Commission to consider or reconsider its recommendations to the NYSDEC. If the Commission determines that the Project is considered development, then the Applicants request that the Commission grant a hardship waiver pursuant to §57-0121. In support of this request, the Applicants herewith submit Core Preservation Area (CPA) Hardship Application Gosselin Property, prepared by Nelson, Pope & Voorhis, LLC, dated October 5, 2023.

**History and Current Use:** The premises, which consists of two tax parcels in the same name and ownership, has been in Applicant Nancy Gosselin's family for more than eighty years and has served four generations of family members. In the 1930s, Nancy Gosselin's maternal grandparents (Joseph and Sarah Conlan), along with two other couples (Harry and Dorothy Stewart and George and Barbara Cole) purchased the undeveloped property on Wildwood Lake. The three families lived in New York City, and the 1.7 acres of vacant land was intended for seasonal use. The owners held the land as joint tenants by the entirety and soon built cottages for residential use. Over the years, the owners built at least nine cottages on the property. Dorothy Stewart, Barbara Cole and Sarah Conlan typically spent their entire summers at the property with their children, and on summer weekends their husbands. The Applicant's mother, Carol Bisaccia, nee Conlan, spent her first summer at the property in approximately 1940 and every summer thereafter until her death in 2021 at the age of 85. Nancy Gosselin (and other grandchildren of the original owners) also spent their childhood summers at the property.

The Stewarts sold their ownership interest in the property to Carol and Anthony Bisaccia in 1970, and sometime thereafter the Coles also sold their interest. By 2017, the sole owner of the property was a family trust established for the benefit of Carol Bisaccia, and Anthony Bisaccia. In 2021, the trust transferred ownership of the property to the Applicants, Nancy Gosselin (granddaughter of original owners Joseph and Sarah Conlan and the daughter Carol and Anthony Bisaccia) and her husband, Jason Gosselin.

The premises benefits from a Certificate of Occupancy ("CO"), No. C13596, dated July 26, 1990 (see attached copy as Exhibit A) wherein the Town of Southampton Building recognizes the uses and structures on the property preexisted the adoption of the Town Zoning Code on October 14, 1957. The CO identifies the following: "SEASONAL C.O. JUNE 1-SEPTEMBER 15, Nine (9) Wood frame seasonal cottages, One shed with bath & sanitary facilities, One storage shed" and a total of eleven (11) buildings (see also copy of survey with the CO and current survey annexed to the Hardship Application).

Eight of the nine cottages remain in residential use today. One cottage has previously been removed. Friends and family members use them from late spring through early fall, enjoying Wildwood Lake and access to other East End offerings. Two of the cottages are fully winterized and are capable of use on a year-round basis.

**Proposed Project:** Although the cottages served the owners' needs over the years, the cottages in their current condition are no longer suitable for Applicants for at least three reasons.

Cottages Will Soon Exceed Natural Life Spans. The lifespan of a home is generally between 50 and 100 years, depending on weather conditions and the quality of construction, among other things. The cottages were built more than eighty years ago and were intended for seasonal use. Two of the cottages were upgraded to allow for possible year-round use, but the cottages generally do not meet the needs of modern families (e.g., lack of insulation, inefficient heating in winter, insufficient cooling in summer, lack of laundry facilities, small kitchen and bathroom facilities, etc.) Because the cottages require significant and costly maintenance and will soon exceed their life span, the Applicants prefer to remove them and construct a modern and efficient home that suits their needs.

Configuration Not Suitable for Single Family Use. The Applicants need a residential structure large enough to accommodate their family (i.e. six to ten people.) Most of the time, the proposed new residence will be occupied solely by Applicants, but they need a house large enough to accommodate visits from their children and eventually their grandchildren. None of the present cottages are large enough for that purpose. Similarly, Applicants are in their 50s and want a home with modern amenities that requires less maintenance. The size and configuration of the eight cottages does not suit these needs.

Applicants Unable to Accommodate Short-Term Use. The current configuration of cottages was well-suited for couples and small families seeking a seasonal vacation experience with minimal amenities. Given the age of the cottages, that use requires a constant presence on the property by an owner capable of providing ongoing maintenance (see Photos of Cottages). Applicants currently live in Pennsylvania, and they plan to use the property for occasional weeks or weekends throughout the year. They plan to spend more time at the property once they retire in 10 to 12 years.

Seven of the existing residential cottages are arranged roughly in a “U-shape” on the eastern half of the property with access to the paved Old Westhampton Road. Each of these cottages, which range in size from approximately 500 square feet to 1,700 square feet, will be demolished and removed from the premises. The eighth cottage closest to Wildwood Lake consisting of approximately 375 square feet will be converted and remain as dry storage. Replacing the cottages will be one two-story, single-family home of approximately 3,600 square feet (see Survey and Architectural Drawings). The dimensions are 45' by 40', with a total footprint of 1,800 square feet, plus the two-story covered deck in the rear. The structure will be approximately 190' from Wildwood Lake at its closest point. The proposed home is designed in traditional style, with exterior cladding of genuine cedar shales. The look and design are in keeping with East End architecture generally as well as the rural character of Wildwood Lake. The new home will be a substantial improvement from an aesthetic standpoint.

The new home will also be a significant improvement in terms of environmental impact. For example, the total building footprint of the removed structures is 6,200 square feet, while the footprint of the new structure will be 1,800 square feet. The total square footage of living space of the removed structures is 6,500 square feet, while the total living space of the new home will be 3,600 square feet. Instead of seven kitchens serving the needs of 15-20 people, there will be one kitchen for single family use. Similarly, instead of eight toilet facilities and seven showers, there will be five toilet facilities and four showers serving the needs of a single family. The six cesspools and associated drywells that currently serve the eight cottages will be removed entirely. The new home will be serviced by a Fuji CEN 10 I/A system. The new home will also meet modern standards of energy efficiency.

Construction of the new home will not require any clearing and will not disturb the existing natural pine barrens vegetation or freshwater wetlands. As set forth on the attached survey, the footprint of the new structure will be well inside the outer perimeter of the demolished cottages. The Applicants intend to revegetate and plant native trees and vegetation on the property, particularly in the space created by the removal of the cottages on the northerly side of the premises.

Additional details of the proposed project and description of mitigation measures are described in the Hardship Application.

**Request For Jurisdictional Determination:**

Applicants submit that the proposed Project does not constitute “development” because it involves the demolition, removal, replacement, reconstruction, improvement and/or alteration of the eight (8) preexisting, nonconforming residential cottages and the construction of one single family dwelling in their place in accordance with all current laws, ordinances and regulations, thereby reducing the intensity of use and environmental impact of the current uses. For the reasons set forth below, Applicants ask the Commission to reconsider its recommendations to the NYSDEC and find that the Project does not constitute “development” as defined in the Act.

Section 57-0107(13) of the Act defines “development” and explicitly identifies types of building activity as nondevelopment, the relevant portions of which set forth as follows:

“Development” shall mean the performance of any building activity or mining operation, the making of any material change in the use or intensity of use of any structure or land and the creation or termination of rights of access or riparian rights. Without limitation, the following activities or uses shall be taken for the purposes of this title to involve development as defined in this subdivision:

- (a) a change in type of use of a structure or land or, if the ordinance or rule divides uses into classes, a change from one class of use designated in an ordinance or rule to a use in another class so designated;
- (b) a material increase in the intensity of use of land or environmental impacts as a result thereof;
- (c) commencement of mining, excavation or material alteration of grade or vegetation on a parcel of land excluding environmental restoration activities;
- (d) material alteration of a shore, bank or flood plain of a river, stream, lake, pond, or artificial body of water;
- (e) re-establishment of a use which has been abandoned for one year;
- (f) departure from the normal use for which development permission has been granted, or material failure to comply with the conditions of an ordinance, rule or order granting the development permission under which the development was commenced or is continued.

The following operations or uses do not constitute development for the purposes of this title:

- (iii) work for the maintenance, renewal, ***replacement, reconstruction, improvement, or alteration of any existing structure*** or additions to an existing residence or residential property owned by an association formed for the common interest in real property; (emphasis added)

In the first instance, the Project does not fall within any of the stated activities that constitute development. Subsection (a) does not apply as there is no change in the zoning designation, rather this application would be considered to be a permitted change from a preexisting, nonconforming use to a conforming use.

With respect to subsection (b), the Project should not be considered a building activity that is making of any material change in the use or intensity of use of any structure or land or environmental impacts thereof. As described herein and in the Hardship Application materials, rather than a material increase in the intensity of use or environmental impacts, the Project will significantly decrease the intensity of use and current environmental impacts, bringing the property up to current standards with invaluable environmental mitigation measures that are customarily imposed by the NYSDEC and Town Conservation Board due to the proximity to freshwater wetlands. The proposed project is consistent with the purpose of the Act because it drastically improves the environmental impact compared to the current use. For example,

- Seven (7) of the eight (8) residential cottage structures will be removed.
- The eighth cottage structure, situated closest to Wildwood Lake, will not be removed but will be used for dry storage.
- The total building footprint of the removed structures is 6,200 square feet, while the footprint of the new structure will be 1,800 square feet.
- The total square footage of living space will be reduced from 6,500 square feet to 3,600 square feet.
- Instead of seven kitchens there will be one kitchen.
- Instead of eight toilet facilities and seven showers, there will be five toilet facilities and four showers.
- The six cesspools and associated drywells will be removed, and the new residential structure will be serviced by a Fuji CEN 10I/A system.
- Previously disturbed portions of the Property will be revegetated.

With respect to subsection (c), the Project does not involve any mining, excavation or material alteration of grade or vegetation on a parcel of land and actually includes environmental restoration activities, which are exempted therein.

With respect to subsection (d), the Applicants Project does not involve material alteration of a shore, bank or flood plain of a river, stream, lake, pond, or artificial body of water. At the direction of the NYSDEC and Town Conservation Board, the Applicants will be removing existing structures in Wildwood Lake that may not have a permit and will not undertake any activities involving a material alteration of the lake or its shoreline.

With respect to subsection (e), the Project does not involve re-establishment of a use which has been abandoned for one year. The preexisting, nonconforming use is still in existence. Nonetheless, the Applicant is changing the preexisting, nonconforming use to a conforming use.

With respect to subsection (f), the Project does not involve departure from the normal use for which development permission has been granted, or material failure to comply with the conditions of an ordinance, rule or order granting the development permission under which the development was commenced or is continued. The Applicants have not previously received any approvals nor is the property encumbered with any previous conditions, and the Project will actually result in conformance with existing standards.

Thus, because the Project significantly decreases the intensity of use and current environmental impacts and will bring the property up to current standards with invaluable environmental mitigation measures, the Project does not fall within the statutory conditions that are considered development. Moreover, §57-0107(13) (iii) of the Act states that certain “uses or operations *do not constitute development* for the purposes of this title, including (iii) work for the maintenance, renewal, replacement, reconstruction, improvement, or alteration of any existing structure and subsection (iv) states “the use of any structure or land devoted to dwelling uses for any purposes customarily incidental and otherwise lawful.”

The plain text of the statute indicates that the Project is not development because it involves the demolition, removal, *replacement, reconstruction, improvement and alteration* of the eight (8) preexisting, nonconforming residential cottages to replace and allow the construction of one conforming single-family dwelling with customary accessory uses or structures, all of which will be in accordance with all current laws, ordinances and regulations. The terms replacement, reconstruction, improvement and alteration are not defined in the statute nor the CLUP and are to be construed in their plain meaning. New York courts have “long applied the well-respected plain meaning doctrine in fulfillment of its judicial role in deciding statutory construction appeals.” *Raritan Development Corp. v. Silva*, 689 N.E.2d 1373, 1377 (N.Y. 1997). While courts are obliged to effectuate the intent of the legislature, “where the statutory language is clear and ambiguous, the court should construe it so as to give effect to the plain meaning of the words used.”” *Id.* (quoting *Patrolmen’s Benevolent Ass’n v. City of New York*, 359 N.E.2d 1338 (N.Y. 1976).

“Replace” is defined as “to take the place of,” while “replacement” is defined as “substitution.” Webster’s New Collegiate Dictionary (7<sup>th</sup> ed. 1969) at 727. Clearly, the new single-family dwelling will *take the place of* the nonconforming residential cottage structures and therefore constitutes a *replacement*. This project is a “replacement” under the plain meaning of the term used in the Act.

The property in this case is zoned Residence R-15 and, as previously noted, contains eight residential cottage structures that are not permitted under the current zoning requirements and are considered nonconforming. The cottages are lawful and permitted to remain as they existed prior to the adoption of zoning in 1957 as described on the Certificate of Occupancy. The Project contemplates the replacement of seven of the nonconforming cottages with a one conforming single-family dwelling and alteration of the one remaining cottage to a conforming accessory structure for dry storage use.

We were verbally advised that the Commission’s recommendations to the NYSDEC may have been based upon an interpretation that “replacement” under the Act requires the replacement and/or reconstruction of a new structure only in the same footprint as the prior structure. Applicants respectfully submit that interpretation is inconsistent with the plain text of the statute as well as the intent and purpose of the Act contemplated by the legislature. There is no such requirement stated in the Act or the CLUP and the same-footprint interpretation undermines rather than promotes the legislative intent of the Act in this case.

The legislative purpose of the Act is to “preserve, protect and enhance the natural recreational, economic and educational values of the region,” Section 57-0103, and to preserve and protect unique landforms, groundwater, and “endangered, threatened and special concern species of plants and animals.” Section 57-0105. In short, the Act serves to protect the environment by prohibiting or regulating development activity. Moreover, the intent of the legislature is to require the Commission’s review and scrutiny of a building activity that involves a material change in the use or intensity of use of any structure or land. As already demonstrated, the Project here does not involve a material change in the use or intensity of use of any structure or land, and actually will significantly decrease the intensity of use and current environmental impacts, bring the property up to current standards with invaluable environmental mitigation measures that are customarily imposed by the Town, NYSDEC and Town Conservation Board. Also, it is submitted that the intent of the legislature in further defining nondevelopment is to encourage the condition that the Project actually contemplates, to wit: the replacement of the preexisting, nonconforming residential cottages with one conforming single-family dwelling with customary accessory uses or structures, all of which will be in accordance with all current laws, ordinances and regulations. On the other hand, the same footprint interpretation would only encourage the replacement of the cottages with like cottages and not the replacement with a conforming single-family dwelling. In this case the proposed dwelling is in the area where some of the existing cottages are located with an increased wetland setback than existing cottages and with the remaining disturbed areas resulting from the removal of the nonconforming cottages to be revegetated.

The same footprint interpretation would only promote a “form over substance” process requiring the Applicants to prove a “hardship” for complying with the law, thereby adding superfluous review, time and expense to the Applicants (which can be an actual hardship to the Applicants). Given the proximity of the Project to Wildwood Lake, the Town, NYSDEC and Town Conservation Board already have jurisdiction to review the environmental compatibility of the replacement of the nonconforming cottages with a conforming single-family dwelling. It is respectfully submitted that additional Commission review under the hardship standards appears unnecessary. Both the Town and NYSDEC have reviewed the Project under their jurisdictional applications and provided positive comments toward the removal of the nonconforming cottages and replacement with a conforming single-family dwelling.

Moreover, the same footprint interpretation is inconsistent with the Commission’s prior resolutions involving the replacement of residential structures. *See, e.g.*, Commission Resolution 9/20/06, attached hereto as Exhibit B. On September 20, 2006, the Commission determined that the replacement and *expansion* of the Bruhn residence in Brookhaven did not constitute development. In that case, David Bruhn “filed a Core Preservation Area Extraordinary Hardship Permit for the total removal, expansion and replacement of a single-family dwelling on a two-acre parcel along with partial clearing of the parcel.” *Id.* At a meeting on August 16, 2006, the Commission reserved decision and instructed staff to review prior non-development determinations for similar proposals within the Core Preservation Area. After reviewing “eight prior similar non-development determinations within the Core Preservation Area,” the Commission determined that “the proposed removal, *expansion* and replacement of a single-family dwelling is deemed non-development pursuant to Article 57-0107(13)(iii)” of the Act. *Id.* (emphasis added).

The Bruhn resolution and the finding of non-development did not depend on whether the new home occupied the same footprint as the prior home. To the contrary, the Commission noted that the project involved the “expansion and replacement” of the existing home.

Here, the Applicants seek to build a clean, modern and environmentally responsible residential structure that dramatically decreases the intensity of use of the property. The current nonconforming residential cottage structures are not suitable for the Applicants’ housing needs and lifestyle. This use is consistent with the goals of the Act and the specific provisions of the Act’s restrictions development. *See Section 57-0107(13)(b)* (stating that “a material increase in the intensity of use of land or environmental impact as a result thereof” involves development). In other words, same footprint interpretation is not supported by the plain text or the spirit of the law.

For the reasons set forth above, the Applicants respectfully request that they be given an opportunity to present the Project to allow the Commission to consider or reconsider its recommendations to the NYSDEC and make a determination that the Project is not considered development. If the Commission determines that the Project is considered development, then the Applicants request that the Commission grant a hardship waiver pursuant to §57-0121. In support of this request, the Applicants hereby submit Core Preservation Area (CPA) Hardship Application Gosselin Property, prepared by Nelson, Pope & Voorhis, LLC, dated October 5, 2023.

**Alternative Request for Hardship Exemption:**

As noted above, if the Commission determines that the Project is considered development, then the Applicants request that the Commission grant a hardship waiver pursuant to §57-0121. Although the Act prohibits development in the Core Preservation Area, the Act also allows for a hardship exemption. Under §57-0121(10)(a), an exemption is warranted if the “particular physical surroundings, shape or topographical conditions of the property involved would result in an extraordinary hardship . . . if the provisions of the act are literally enforced.” The application must also satisfy §57-0121(10)(c). To the extent the Commission maintains its position that the proposed project constitutes development, a hardship exemption is warranted under §57-0121(10)(a) and is consistent with the Commission’s prior decisions.

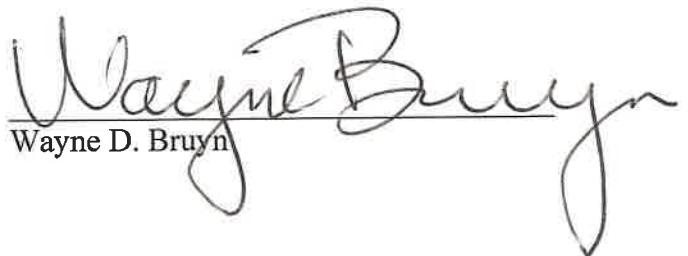
In support of such a Hardship Application, the Applicants submit herewith the “Core Preservation Area (CPA) Hardship Application Gosselin Property,” prepared by Nelson, Pope & Voorhis, LLC, dated October 5, 2023.

Please do not hesitate to contact our office should you have any questions or need any further information

Very truly yours,  
O'SHEA, MARCINCUK & BRUYN, LLP

By:

Wayne D. Bruyn

A handwritten signature in black ink, appearing to read "Wayne Bruyn", is written over a horizontal line. Below the line, the name "Wayne D. Bruyn" is printed in a smaller, sans-serif font.

WDB/  
Enclosures

SCTM# 900-181-6-29

Exhibit  
ATOWN OF SOUTHAMPTON  
BUILDING DEPARTMENT

## Certificate of Occupancy

## BUILDING ZONE ORDINANCE - ARTICLE XXIV, SECTION 1

Date July 26, 1990, 198...

No. C13596

Permit No. None

Carol Bisaccia, Anthony Bisaccia, Evelyn Gore, Joan Cerrone  
Maureen Poncato

This is to certify that the

New ( ) Altered ( ) Addition ( ) Pre-Existing ~~XXXX~~ Building  
Located E/S #93 Lake Rd., Pine Valley, Town of  
Southampton, New York

has been COMPLETED substantially according to the approved plans, and the requirements of the above ordinances have been met and permission is hereby granted for the OCCUPANCY of building for the following purposes:

This certificate supersedes all previously issued certificates.

## USE

SEASONAL C.O. JUNE 1 - SEPTEMBER 15

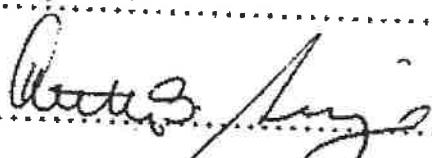
Nine (9) Wood frame seasonal cottages

One shed with bath &amp; sanitary facilities

One storage shed

No. of Buildings 11(Eleven)

Work Completed Prior to October 14, 1957

Arthur B. Siegmann  
Chief Building Inspector





Exhibit

B

**Commission Meeting of September 20, 2006  
Riverhead Town Hall, Riverhead, NY**

Present: Mr. Scully (New York State), Mr. Isles (Suffolk County),  
(Brookhaven), Mr. Shea (for Southampton), Mr. Cardinale (Rive

**Resolution on the Core Preservation Area Jurisdiction Determination  
Application of David Bruhns**

Property located on the east side of Sally Lane (#75), Ridge, Town of Brookhaven  
Tax Map #: 0200-383.00-01.00-012.000

**Whereas**, on May 9, 2006, **David Bruhns c/o Sandra Savage** filed a Core Preservation Area Extraordinary Hardship Permit for the total removal, expansion and replacement of a single family dwelling on a two acre parcel along with partial clearing of the parcel; and

**Whereas**, the filing of an application was in response to the staff letter dated January 31, 2006 that indicated possible abandonment of the structure and the need to file a Core Preservation Area Extraordinary Hardship Permit application; and

**Whereas**, the subject parcel is zoned Residential A-1 District and improved with a now dilapidated single family home that was built prior to July 13, 1993 but is no longer occupied; and

**Whereas**, a public hearing on the request was held by the Commission on July 16, 2006 with any interested party being given an opportunity to be heard; and

**Whereas**, after the August 16, 2006 public meeting the Commission reserved decision and requested staff to review prior non-development determinations for similar proposals within the Core Preservation Area; and

**Whereas**, the Commission has subsequently considered materials on file relevant to the request, including eight prior similar non-development determinations within the Core Preservation Area along with the submitted site plan and digital photographs; and

**Whereas**, the proposal, as a Type II action pursuant to Part 617.5(C)(9), is not subject to the New York State Environmental Quality Review Act; now therefore be it

**Resolved**, that the Commission hereby determines that the abandonment provision of New York State Environmental Conservation Law Article 57-0107(13)(e) does not apply to this improved residential parcel within an established residential zone; and be it further

**Resolved**, that the proposal is determined to be consistent with the goals and objectives of NYS ECL Article 57 and the Plan; and be it further

**Resolved**, that, subject to local zoning and land use regulations, the proposed removal, expansion and replacement of a single family home is deemed non-development pursuant to Article 57-0107(13)(iii) of the Environmental Conservation Law and a Core Preservation Area Extraordinary Hardship Permit is not required.

**Record of Motion:**

**Determination of Non-jurisdiction:**

Motion by: Mr. Shea

Seconded by: Mr. Isles

Yea Votes: Unanimous

Nay Votes: None

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