

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

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

**Clancy Street Food Court**

**Southeast Corner of Long Island Expressway South Service Road and Eastport  
Manor Road (CR 111)**

Suffolk County Tax Map Number: 0200-462-02-5.1  
Hamlet of Manorville, Town of Brookhaven, Suffolk County, New York

**Applicant:** Clancy Street Corp.  
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**For Submission To:** Central Pine Barrens Joint Planning & Policy Commission  
624 Old Riverhead Road  
Westhampton Beach, New York 11978  
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NP&V #97201

**February 9, 2024**

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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 (CPBC or Commission) for a Hardship Exemption for a development within the Core Preservation Area (CPA) of the Central Pine Barrens. This document is intended to provide the required information documenting how the proposed exemption satisfies requirements for approval of the application, pursuant to New York State Environmental Conservation Law (NYSECL) Article 57-0121(10). This document provides a description of the features of the proposal that justify the requested exemption, based upon the characteristics of the site, evaluation of the proposed project and the applicable Article 57 standards, and the mitigation measures that will be employed. It is important to note that an earlier, but very similar version of the proposed project received a CPA Hardship Exemption, thus establishing significant precedent that the subject site, as well as the proposed project, meet the applicable burden of proof to justify a new CPA Hardship Exemption. The proposed project will be compared to the prior approved project in further support of this hardship.

The project involves the proposed construction of a one-story, 3,293-square-foot restaurant, including 54 indoor seats and 32 outdoor seats, situated on a paver patio. Additionally, the proposed development includes 30 parking spaces (including two ADA stalls and one loading stall) situated on the east side of the subject building, and landscaping around the immediate vicinity of the building, driveways, and parking area. The site will be accessed via a two-way driveway in the northernmost portion of the site accessing the Long Island Expressway (LIE) South Service Road (SSR), and a two-way driveway in the southeast corner of the site accessing Eastport Manor Road (CR 111). Additionally, a driveway is proposed connecting the property to the east via a cross-access agreement. The site plan for the proposed project is provided as **Attachment 1**.

The subject property was historically occupied by one single-family residence, which has since been removed. The history, use, ownership and lease details for the subject property are explained further herein.

The subject site is situated on the tax lot designated District 0200, Section 462, Block 2, Lot 5.1. The parcel is  $1.17\pm$  acres in size and is owned by Clancy Street Corp. (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 CPBC, which has jurisdiction over this request under NYS ECL Article 57 and the CLUP. There are unique circumstances associated with this lot that warrant the requested exemption.

The 1.17±-acre subject site is located in the Town of Brookhaven J-Business-2 zoning district which allows general business including a restaurant through Special Permit review. The subject site is at the apex of two (2) major highways, with the Long Island Expressway (LIE) South Service Road (SSR) located to the north, and Suffolk County Route 111 (CR 111) to the west. The site is bordered by a commercial use (Starbucks) to the southeast and open land to the east. Because of the prior residential use of the site, the central/interior of the site has been cleared, and thus, the site contains limited natural vegetation on its perimeter. The proposed project will situate development within cleared areas and will retain the natural vegetation on the site. These conditions of past use and surrounding use, coupled with the business zoning of the site, supported the prior CPA Hardship, and are offered as supporting justification for the current, similar hardship as will be explained further herein. **Appendix A** contains an affidavit prepared by the property owner authorizing Charles J. Voorhis, CEP, AICP (NPV Principal) to make this Hardship application on their behalf. A Part 1 Environmental Assessment Form (EAF) has been prepared for the proposed project, and is presented in **Appendix B**.

## 1.2 Site History and Prior Hardship Applications

The subject property was historically developed with a single-family residence from at least 1961 through 1994, per a review of historical aerial photographs (see **Appendix C**). The residence has since been removed. Due to past domestic use, the subject property has been altered. Approximately 20 percent of the site was occupied by the single-family residence and associated landscaped vegetation and is presently a successional, impacted area. The subject property has been continuously owned by Clancy Street Corp. since 1984.

The proposed Clancy Street Food Court was the subject of a Special Exception application to the Brookhaven Town Board, which issued its approval for fast-food use on the subject property on February 15, 1994 (amended on May 3, 1994, see **Appendix D-1**). The approval included the following conditions:

- a. An interior connector driveway should be proposed, at the time of site plan review, to the parcel to the east, subject to Planning Board review and determination; and
- b. The building architecture of the fast-food restaurant is recommended to have a rustic appearance, as to be determined by the Planning Board.

A CPA boundary change request was submitted to CPBJPPC on May 25, 1995. Subsequently, after consultation with the Commission, the applicant submitted a Hardship Exemption application for the project on October 13, 1995, and withdrew the prior boundary change request. This boundary change would have sought to have the subject site placed in the Compatible Growth Area (CGA) due to its juxtaposition between two (2) major highways, the commercial use to the southeast (then Grace's Hotdogs) and the prior use and clearing of the site. The CPA Hardship application was then submitted, the Commission held a hearing on the application on October 25, 1994, and subsequently issued approval on November 8, 1995, determining the following:

1. that the proposed project merited a determination of non-significance pursuant to the NYS Environmental Conservation Law (ECL), Article 8, indicating that no significant adverse impacts would be expected, and that preparation of an Environmental Impact Statement would not be necessary; and
2. that the application met all of the requirements for extraordinary hardship pursuant to ECL Article 57-0121(10)(a).

A copy of the Commission's approval, dated November 8, 1995, is provided in **Appendix D-2**. The hardship exemption was granted subject to the following conditions:

1. The use of the premises is limited to the retail sale of food and food services and/or the sale at retail of dry goods.
2. The physical development of the site shall be in accordance with the Commission's Standards for Land Use as set forth in Chapter 5 of the Plan and the FGEIS for projects located in the Compatible Growth Area.
3. The height of any detached ground signs shall not exceed the height of the detached ground sign found at the gasoline filling station at the southwest corner of the intersection of County Road 111 and the Long Island Expressway Service Road.

An additional Hardship Exemption application (see **Appendix D-3**) was submitted by Amerada Hess Corporation on September 14, 2001 for the development of a convenience store and gasoline dispensing operation including a canopy over pump dispensing islands. According to the application, the owner had been unable to lease or sell the property for a food court as restricted by the November 8, 1995 resolution. There is no record that this application was approved.

An application was submitted demonstrating conformance to Hardship Exemption Criteria, dated May 26, 2011, for the construction of a 5,915-square-foot building for a fast-food restaurant use on the subject property (see **Appendix D-4**). The formerly proposed project would result in the clearing of no more than 65 percent of the existing vegetation. Likewise, there is no record of a final decision on this application.

It is noted that the 1995 Hardship Exemption granted by the CPBC recognized and acknowledged that the application for the development of a food service facility on the subject property met all of the requirements for extraordinary hardship. Comparison of the prior approved plan with the current application plan finds the following:

- The juxtaposition of the subject site between two (2) major highways is the same.
- The interior of the subject site remains disturbed and subject to prior clearing.
- The zoning remains J-Business-2 and a food/restaurant use is permissible through a Special Permit similar to the prior approved application.
- The use to the southeast remains commercial and is now a Starbucks with an extensive parking area extending eastward within the property.

- The proposed use is for a restaurant, similar to the previously proposed food court.
- The basic site plan remains the same with the use positioned within the interior of the property, in previously cleared areas, with access using cleared driveway areas.
- The currently proposed project does not clear more than 65 percent of the existing vegetation.
- The configuration of the proposed project is consistent with the previously approved project from 1995, with parking situated on the east side of the subject building, access points to LIE SSR and CR 111 in the same location as currently proposed, and the cross-access driveway to the eastern property in the same location as currently proposed.
- The proposed project involves construction of a 3,293-square-foot restaurant, which represents an approximately 44% decrease in square footage from the previously approved 5,915-square-foot<sup>1</sup> restaurant from the 1995 application.
- The proposed project includes 30 parking stalls, whereas the previously approved application included 26 parking spaces and 7 drive-thru stacking spaces.
- As an additional feature, the currently proposed project does not propose any fertilized vegetation or irrigation of areas surrounding the building or disturbed as part of the development.
- The prior approved project utilized a conventional sanitary system. As an added feature, the proposed project will utilize an Innovative/Alternative Onsite Wastewater Treatment System (I/A OWTS) for reduced nitrogen in sanitary effluent.

The proposed project has been subject to only minor changes since the 1995 Hardship waiver was granted and several beneficial improvements to the proposed project design. The proposed use and basic site conditions are unchanged, with the added benefit that no fertilizer-dependent vegetation will be established and no irrigation is required, as well as the use of an I/A OWTS installation. A new CPA Hardship Exemption application is submitted herein to ensure that the project approval reflects the proposed site conditions; however, the precedent regarding the site conditions and proposed use remains the same as the prior CPBC 1995 approved project, and both support the currently proposed project.

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

The overall site is a 1.17±-acre property at the southeast corner of the LIE SSR and CR 111, in the Hamlet of Manorville, Town of Brookhaven, Suffolk County, New York. The subject site is situated on the tax lot designated District 0200, Section 462, Block 2, Lot 5.1. The subject property is presently undeveloped and is owned by Clancy Street Corp.

Due to past domestic use, the subject property has been altered. The area of the property adjacent to CR 111 (approximately 35 percent of the site) is occupied by grasses. Approximately 20 percent of the site was occupied by the single-family residence and

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<sup>1</sup> The previously proposed building associated with the 1995 Application was reduced to 5,831 square feet following granting of the exemption.

associated landscaped vegetation, and is presently a successional, impacted area. The remainder of the property is primarily covered with pitch pine and oak trees.

The proposed project involves the development of a one-story 3,293-square-foot restaurant with 54 indoor seats and 32 seasonal outdoor seats on a paver patio on the south side of the proposed restaurant. Other proposed associated development includes 30 parking spaces, including one loading stall and two ADA stalls. The area immediately surrounding the building and paved parking and driveway areas would be landscaped with native, non-fertilized and non-irrigated vegetation (approximately 15 percent of the site). Approximately 37 percent of the site would remain undisturbed natural pitch pine and oak trees with existing understory vegetation, which would be retained on the perimeter and the southwest side of the subject property along CR 111.

As noted previously, access to the proposed development will be via a two-way driveway in the northernmost portion of the site accessing the LIE SSR, and a two-way driveway in the southeast corner of the site accessing CR 111. Additionally, a driveway is proposed connecting the property to the east via a cross-access agreement. A 5'-wide concrete walk would be provided along the southern boundary of the subject property fronting CR 111, which would connect to the sidewalk associated with the property to the east.

An on-site sanitary system is proposed on-site to accommodate the sanitary and kitchen wastewater loads, and would comprise of a 750-gallon-per-day (GPD) capacity I/A OWTS for treatment of sanitary waste, a 3,000-gallon capacity septic tank for treatment of kitchen/gray load, a 2,500-gallon grease trap, and four 12-foot-depth leaching pools. The site is situated in Groundwater Management Zone III, whereby 300 GPD per acre is allowable. As the proposed development requires a total sanitary flow (excluding kitchen/gray load) of 700 gallons per day<sup>2</sup>, 1.2 Pine Barrens Credits will be allocated to the project. Stormwater drainage improvements including 11 drywells and two ponding storage areas will be provided to accommodate a 5" rainfall event.

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

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<sup>2</sup> Suffolk County Department of Health Services Wastewater Flow Multipliers (2009) for 54 restaurant seats and 32 outdoor patio/seasonal seats.

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

Coverage Type	Existing Conditions (Acres)	Proposed Project (Acres)	1995 Project (Acres)
Impervious (roads, buildings, and other paved surfaces)	0.01	0.57	0.72
Landscaped	0.25	0.17	0.04
Successional/previoudly disturbed	0.19	0.00	0.00
Wooded/Natural	0.72	0.43	0.41
<b>Total</b>	<b>1.17</b>	<b>1.17</b>	<b>1.17</b>

At the present time, the property is undeveloped and contains no impervious surfaces with the exception of the remains of an asphalt/gravel driveway on the south side of the subject property. The area fronting CR 111 consists of landscaped grass that is littered with trash and debris. A significant portion of the central-eastern subject property has been historically disturbed from the previous residential development and is currently grass/Successional land. The proposed project would maintain the remaining pine-oak vegetation along the LIE SSR and CR 111.

Development in the CPA is generally prohibited, while commercial zone development in the CGA is allowed subject to a maximum clearing (of natural vegetation) of 65% by the CLUP and other Standards established in the CLUP. It is important to note that if the property were located in the CGA rather than the CPA, 0.74 acres of developed surfaces of the proposed project would conform to the CLUP standards regarding clearing in the CGA (the site would be 63.1% cleared/developed where up to 65% could be cleared/developed), and no Hardship Exemption would be necessary.

The proposed development has been configured to primarily occupy the portion of the subject property that has been historically disturbed from previous development and clearing. Aerial photographs depicting historical development in this area are included in **Appendix C**. Vegetation consisting of primarily native pine-oak trees will remain undisturbed along the perimeter and western portion of the subject property, and would be restored along the southwestern portion of the site.

No wetlands or surface waters are located on or adjacent to the subject site, and the subject property does not contain slopes over 10 percent.

#### **1.4 Summary/Findings**

The proposed project site was previously developed with a single-family home from approximately 1961-1994. The Pine Barrens Act (Article 57) was adopted in 1993 and the CLUP was completed in 1995. The subject site was placed in the CPA, which discourages development. The proposed project received a prior hardship for a food court/restaurant use in 1995. The prior approval was based on the unique conditions of the site adjoining two (2) major highways (LIE SSR and CR 111) and commercial development to the southeast, coupled with J-Business-2 site zoning, and the prior use of the site for a single family development which involved clearing and disturbance of the interior of the site.

The current proposed project is very similar to the prior approved project. Site conditions remain essentially the same and the proposed use is for a restaurant on the interior of the site. The precedent of the prior approval remains valid. There is added benefit that no fertilizer-dependent vegetation or irrigation is proposed. Further, an I/A OWTS installation is proposed for sanitary waste treatment. This application is submitted in support of the proposed project.

## **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)**

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 herein, that the applicant will experience an extraordinary hardship if the proposed commercial development 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 located along two (2) major highways and was developed prior to the adoption of Article 57 as well as other hardships as demonstrated herein. As noted in Section 1.0, the applicant obtained a prior CPA Hardship for a very similar project, and changes since the prior approval are minor and/or beneficial. The inability to have a beneficial use of the site 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, ...*

It is submitted that the applicant will experience an extraordinary hardship if the proposed use of the property is not permitted in accordance with the Town of Brookhaven Special Exception approval. The preclusion of beneficial use of the property stems from the provisions of Article 57 for lands in the CPA. The inability to have a beneficial use results from unique circumstances particular to the subject property.

The subject property was historically developed with a residence from at least the early 1960s and has been owned continuously by the current owner since the 1980s, predating the CLUP and Article 57. The development of the residence left approximately 20 percent

of the site in an altered and disturbed state. The LIE was developed adjacent to the subject property in the 1970s, greatly diminishing the aesthetic appeal of the subject property, fronting two (2) major highways. The CPA was established in the mid-1990s as a result of the Pine Barrens Act, and the residence was soon after demolished on the subject property. The placement of the CPA boundary including the subject property, zoned for commercial use, foreclosed the ability of the subject property to be redeveloped with a building that would have a beneficial use, particularly given the Town J-Business-2 zoning of the site and the presence of adjacent major highways.

The hardship is not a mere inconvenience, it is a necessity to enable the property owner a beneficial use for their property, which is heavily impacted visually and acoustically from adjacent major highways and has been historically disturbed by a prior residence on-site. The proposed development would be in conformance with Town zoning. **Appendix E** includes photographs showing the current condition of the subject property, including viewpoints to the LIE SSR and CR 111, and the state of previously disturbed areas. It is submitted that the ecological value of the subject property is greatly diminished by these impacts and is not characteristic of other vacant parcels in the CPA.

The provisions of Article 57 would deny any future benefit derived from the subject property, as the parcel would be required to remain in a vacant state. This would effectively deny the owner of use and value in connection with this parcel, particularly in view of the fact that it is zoned for business use.

*...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 situation and history of the subject property is unique and does not apply to or affect other properties in the vicinity of the site. The CPA boundary runs in a southeast direction along the northeast side of CR 111. Although the residential and commercial uses on the parcels to the southeast of the subject property are also located within the CPA, these uses are permitted to remain under Article 57. However, as the subject site was not in active use for more than one year, the proposed project would be considered as “development” under Article 57-107, and thus, is prohibited in the CPA.

In addition, the project site and use are unique in that a prior CPA Hardship was issued by the CPBC. This precedent adds to the unique site conditions and further supports renewing the Hardship based on the minor changes in the project plan.

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 and has been owned by the current property owner prior to the establishment of Article 57 and the CLUP for the CPA;
- (b) The subject property is heavily impacted visually and acoustically due to the proximity of the LIE SSR and CR 111;
- (c) The former domestic use of the property has resulted in the historical clearing of more than 55 percent of the site, a large portion of which remains in a vacant and disturbed condition. As noted, a photograph log showing the current condition of the subject property is included as **Appendix E**;
- (d) The ecological value of the subject property is greatly diminished by historical development;
- (e) The subject parcel is zoned for business use.

As noted, the Commission acknowledged the hardship experienced by the applicant with respect to this property in a Hardship Exemption granted in 1995. The site conditions and proposed use of the subject property have not appreciably changed since the 1995 exemption was granted.

- (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. This Hardship application has been prepared for a specific site. It would not have been practicable for the applicant to evaluate an alternative site, as this property is uniquely zoned for commercial use, situated along major thoroughfares, and was historically disturbed with a history of an approved Hardship Exemption. Further, the applicant has owned the site since 1984.

The subject property is located at the southeast corner of the intersection of the LIE SSR and CR 111. The site is heavily impacted visually and acoustically due to this situation. The site is also presently impacted by the former occupation of a single-family residence on-site. The former domestic use of the property has resulted in the clearing of more than 55 percent of the site. The remaining pine-oak vegetation is located in narrow strips along the LIE SSR and between CR 111 and the former dwelling. Only the narrow strip along the SSR is contiguous to other pine-oak vegetation. It is submitted that the ecological value of the subject property is greatly diminished by these impacts and is not characteristic of other vacant parcels in the CPA. It is also submitted that the provisions of Article 57 would deny any future benefit derived from the subject property, as the parcel would be required to remain in a vacant state. This would effectively deny the owner of use of the property and value in connection with this parcel, particularly in view of the fact that it is zoned for business use.

A large portion of the proposed disturbance area has been previously disturbed by the historical residence. The proposed project will allow for approximately 52% of the property to remain or be restored as native vegetation (unfertilized/unirrigated native grass, and undisturbed native pine-oak trees).

(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 preclusion of beneficial use of the subject property is not the result of any action or inaction of the current or previous property owners.

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 subject property since the removal of the historical residence in the early 1990s. The hardship is the result of the CPA boundary being placed to include the pre-existing developed site in 1993, at least 30 years after the site was initially developed.

The applicant has owned the site since 1984. The applicant unsuccessfully tried to market the site for a food court use after the prior approval; however, market demand for that type of use was not present. The applicant seeks a similar restaurant use which is expected to be successful, particularly given the use of CR 111 for access to the south fork of Long Island, resulting in a busy commercial corridor. The applicant recognizes the benefit of the prior CPA Hardship approval and has relied on that approval since it was granted, in planning for the productive use of the property to achieve financial benefit, particularly in view of years of commercial taxes paid to the Town of Brookhaven on the property. Not having the ability to use the site in conformance with Town zoning and consistent with the prior Hardship would present an extraordinary hardship to the applicant. The proposed use remains consistent with the prior approval in terms of site design and site use for food/restaurant purposes. The applicant seeks issuance of a renewed hardship based on the factors outlined herein including unique site conditions and prior precedent.

## **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 granting of a permit for the proposed project will not be detrimental or injurious to other properties in the area or increase the danger of fire, endanger public safety or substantially impair the resources of the CPA. Land uses in the area of the site include the LIE and CR 111 to the north and south, commercial and residential along CR 111, including a Starbucks immediately southeast of the subject property, and a gas station immediately south across CR 111. Vacant, undeveloped land is present farther to the east. The proposed project will not adversely impact the LIE or CR 111, rather, it is submitted that the visual and acoustical impacts of these roadways render the site inappropriate for uses other than commercial. The proposed project has been designed to contain and recharge all stormwater runoff on-site and provide for acceptable traffic flow in the area of the site, so as to minimize any potential impacts to surrounding parcels. Due to the land use in the area of the site as well as the configuration and limited extent of existing pine-oak vegetation on the subject site, the proposed project would have no significant impact on parcels to the east that lie within the CPA.

The proposed restaurant and associated development including paver patio, and paved parking and driveway areas, would be limited to approximately half of the subject property, a large portion of which was historically disturbed. The proposed development will not impact the use or operation of any adjacent or nearby properties. The proposed project will have no effect on environmental resources or other properties in the area other than beneficial impacts as noted in Sections 1.0 and 2.0. As noted in those sections, the proposed project met the conditions for a CPA Hardship previously, and neither the site conditions, the proposed use, nor the site plan for the project have appreciably changed.

*(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

would involve a development on a pre-disturbed site with diminished ecological value given the prior disturbance and immediately surrounding major highways. The proposed development will result in a compact, orderly and efficient pattern of development that will be situated primarily on previously disturbed land, while preserving contiguous native pine-oak vegetation on a significant portion of the subject property.

- (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.*

It is acknowledged that the waiver is the minimum relief necessary to relieve the hardship. It should be noted that the subject property owner does not own any suitable commercial land in the CGA to which development rights could be transferred.

Thus, the commercial development is necessary for the existing property owner to beneficially use the site, which is entirely located within the CPA. The site is unique in that it stands alone as a pre-developed site dating back to the early 1960s, well before the adoption of Article 57 and the CLUP. The site has been owned by the same entity since 1984, and the site/use received a prior Hardship from the Commission.

## **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 Brookhaven 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 Brookhaven Planning Board will assume lead agency for this project. A SEQRA Determination of Significance will be provided to the Commission once it is issued.

## **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 for this specific site plan have been granted. As noted in prior sections, a similar project received a CPA Hardship Exemption from the Commission on November 8, 1995.

## FIGURES

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**NPV**

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

Sources: ESRI Streets Layer, 2017; Suffolk County GIS, 2022

Scale: 1 inch equals 800 feet

Clancy Street Food Court

Manorville, NY



**NPV**

**FIGURE 1**  
**AERIAL MAP**

Sources: NYS Orthoimagery, 2023; ESRI Hybrid Reference Layer, 2017; Suffolk County GIS, 2022  
Scale: 1 inch equals 50 feet



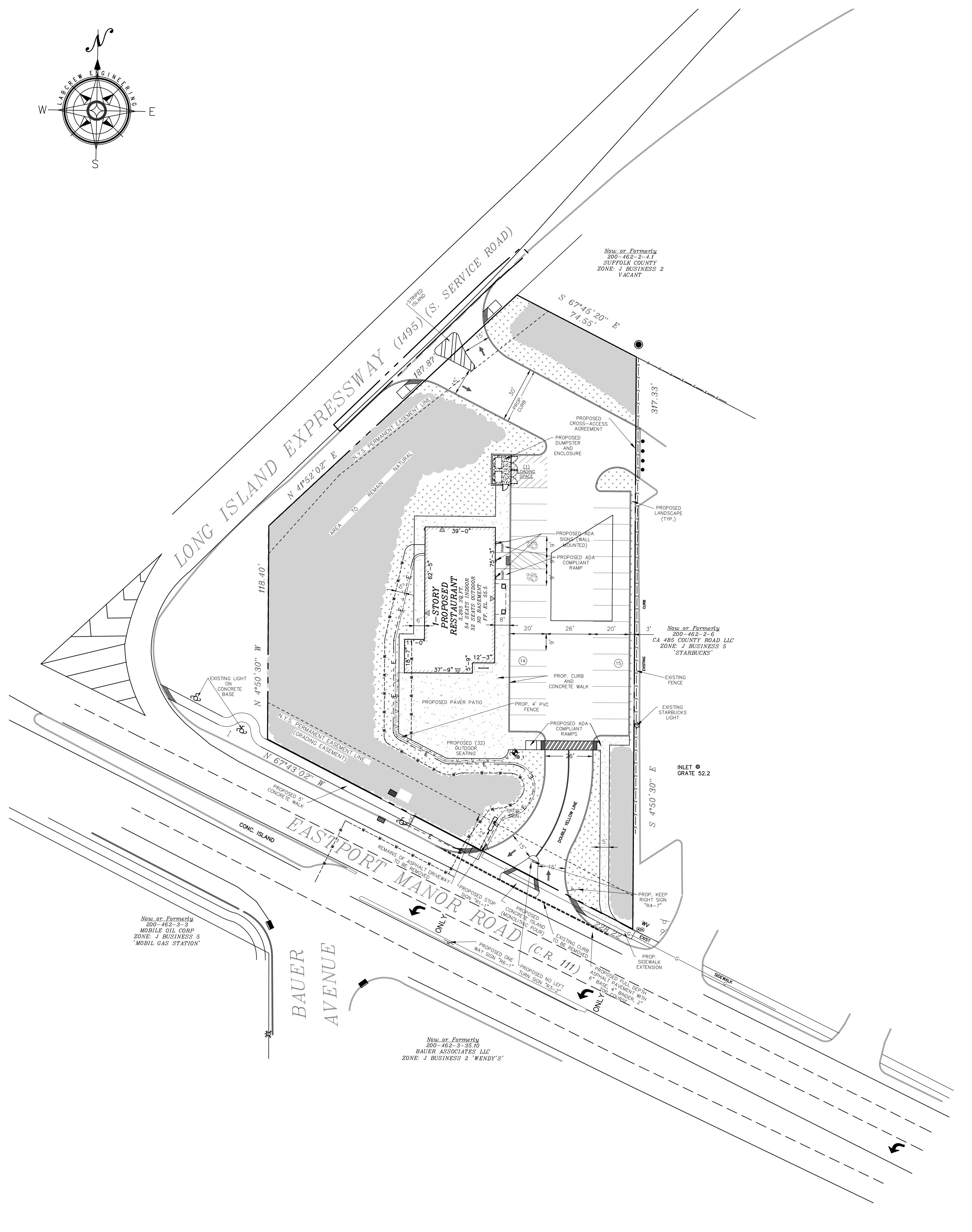
Clancy Street Food Court  
Manorville, NY

Clancy Street Food Court  
Southeast Corner of LIE SSR and CR 111  
CPA Hardship Application

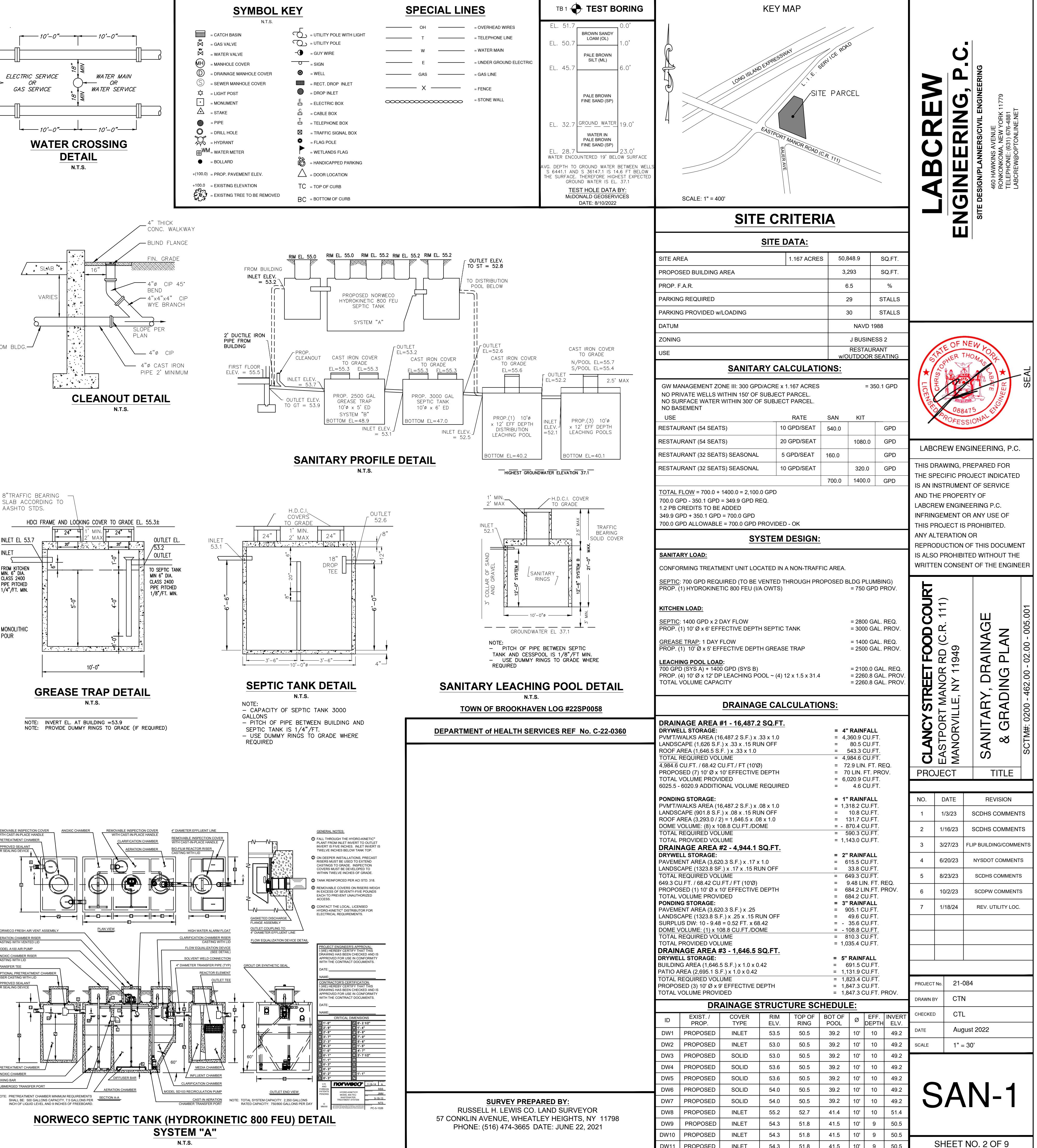
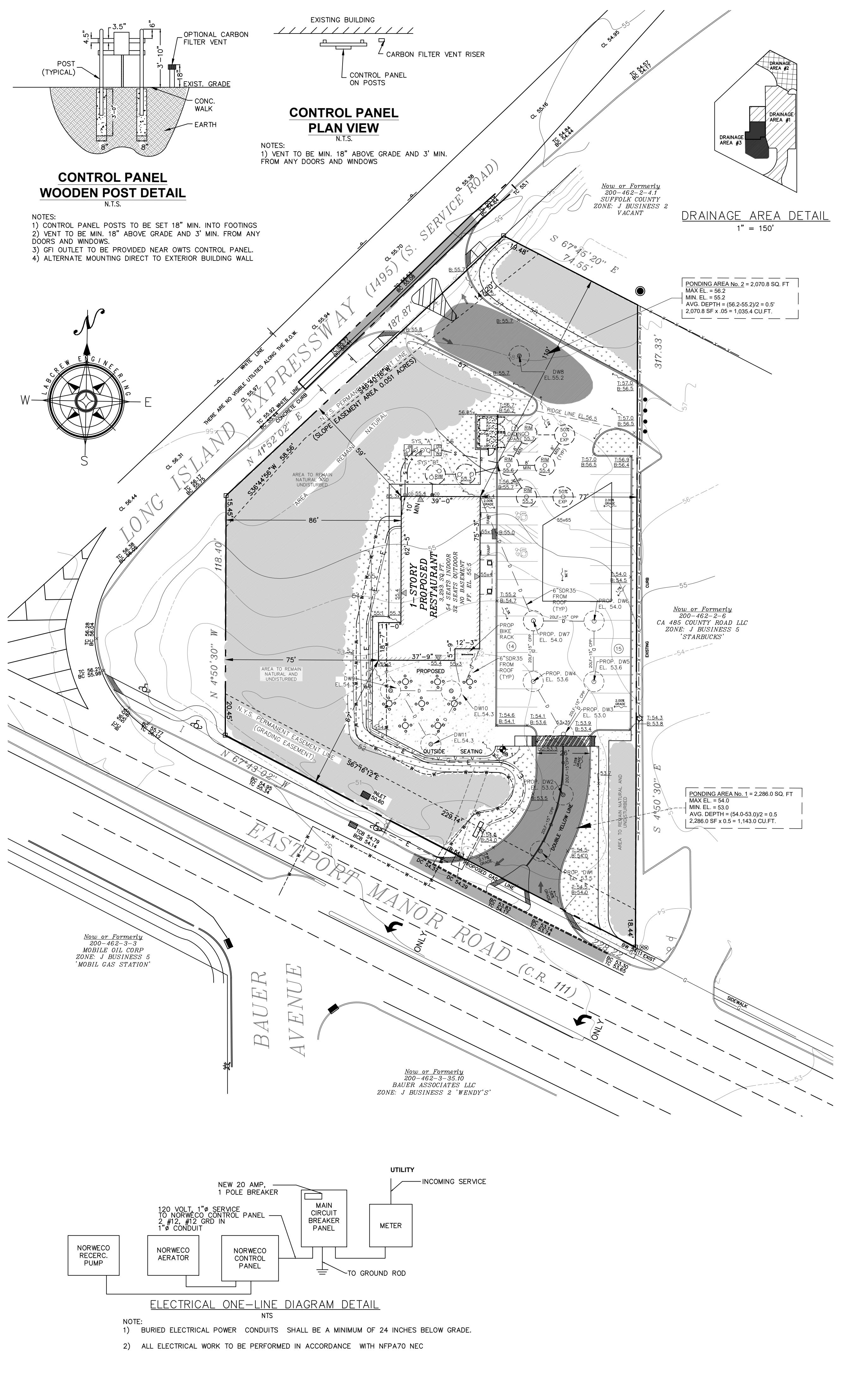
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## SITE PLAN

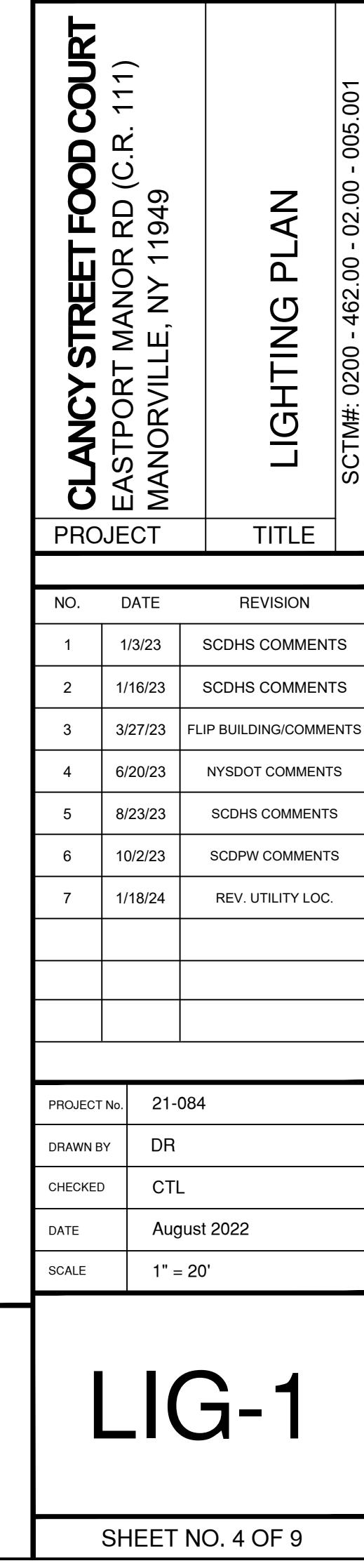
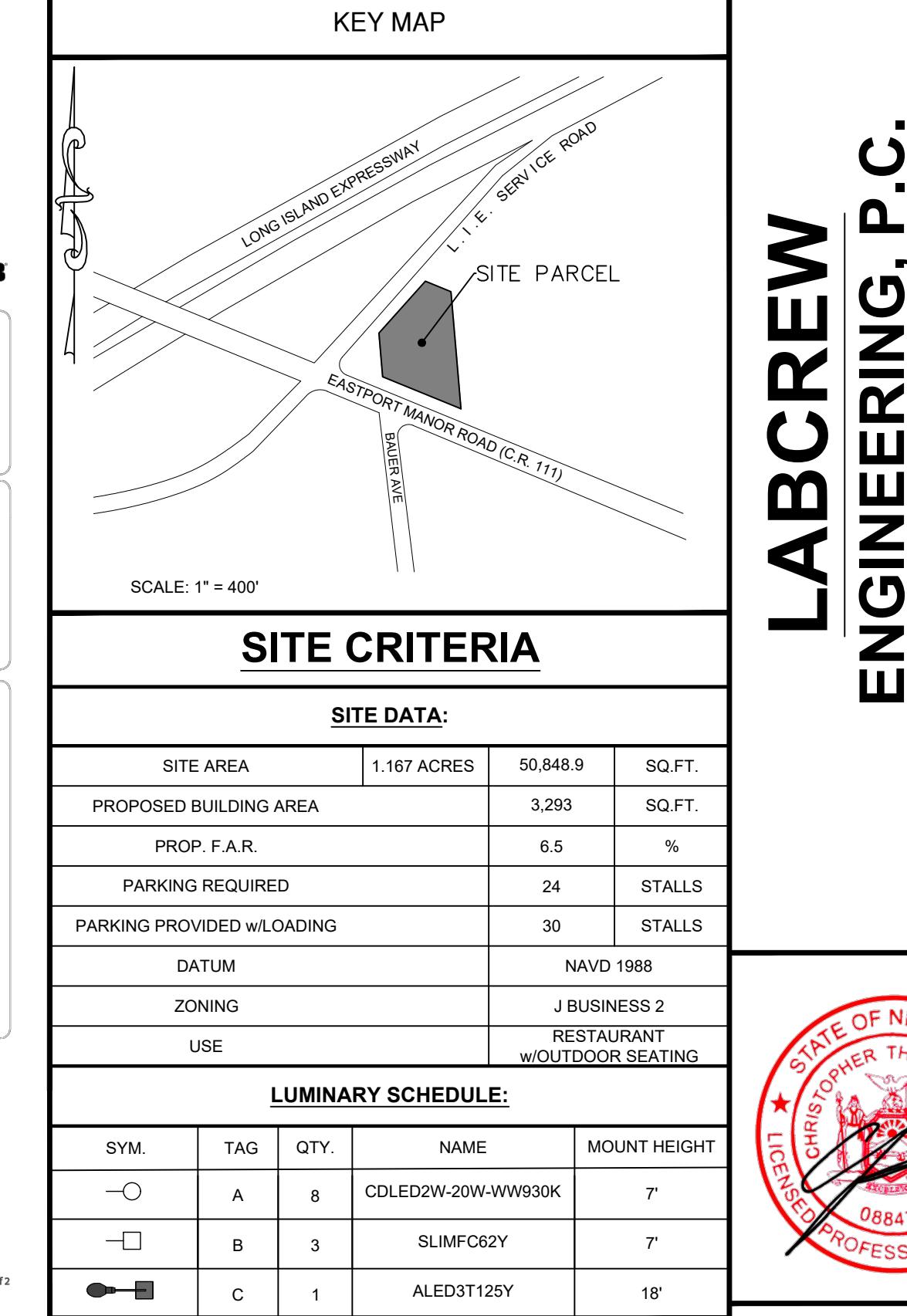
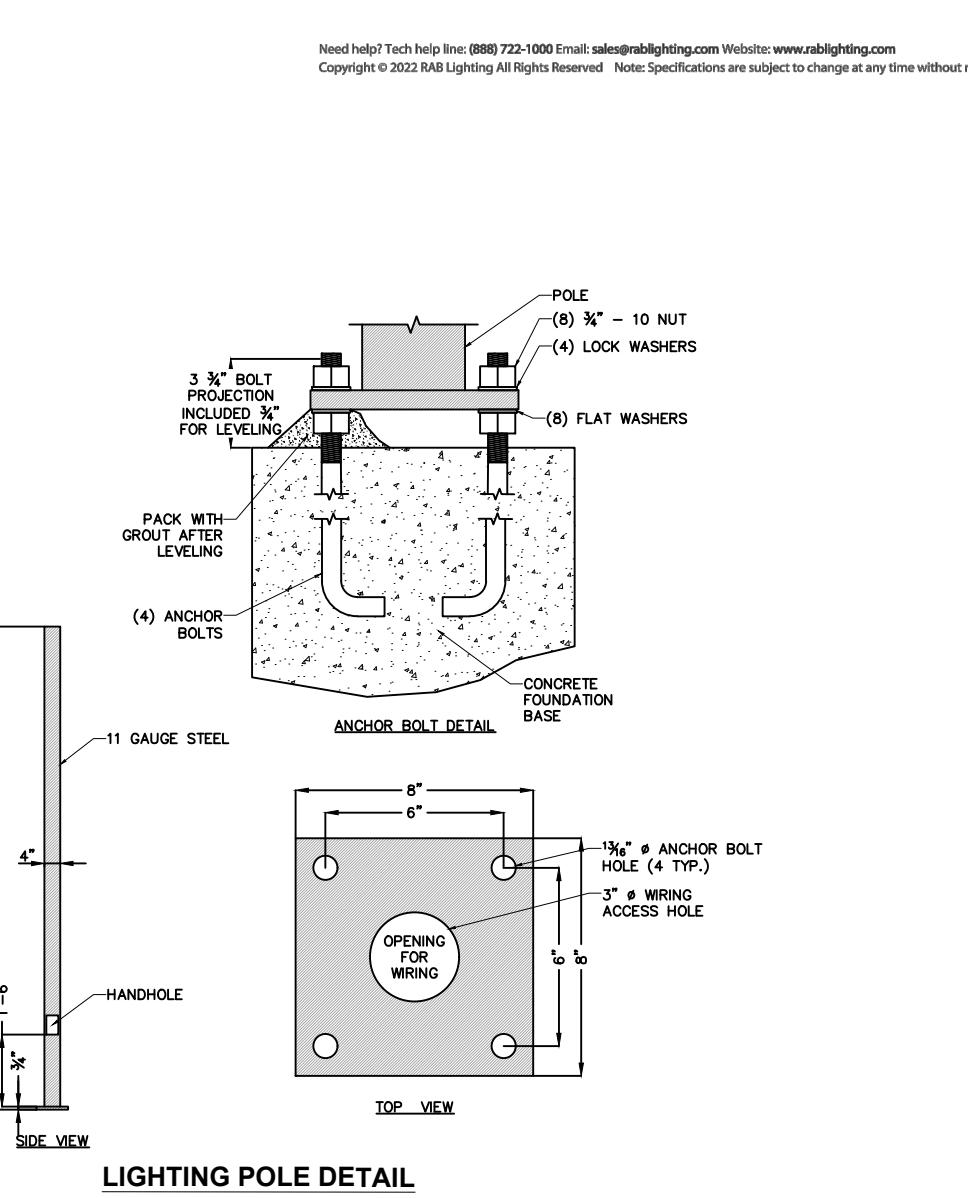
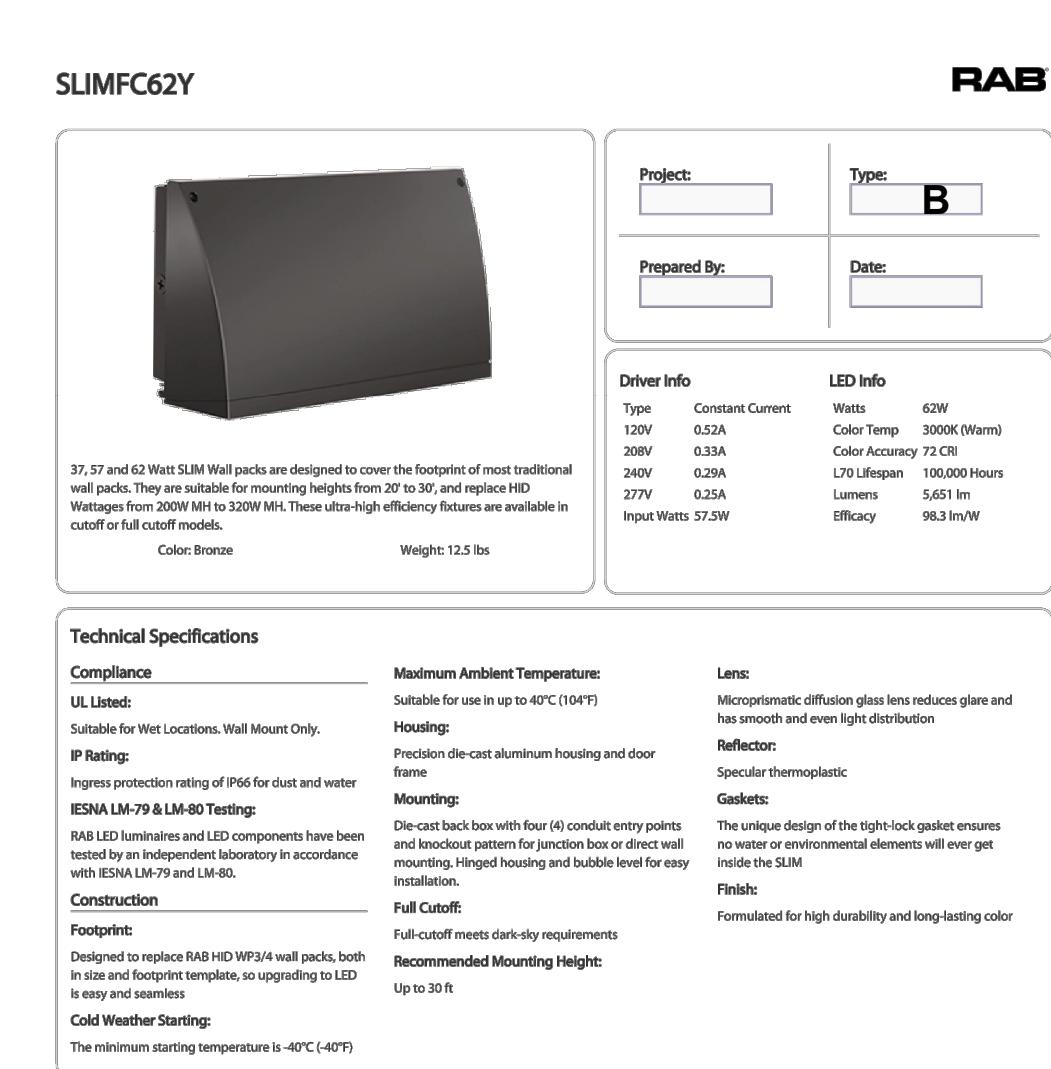
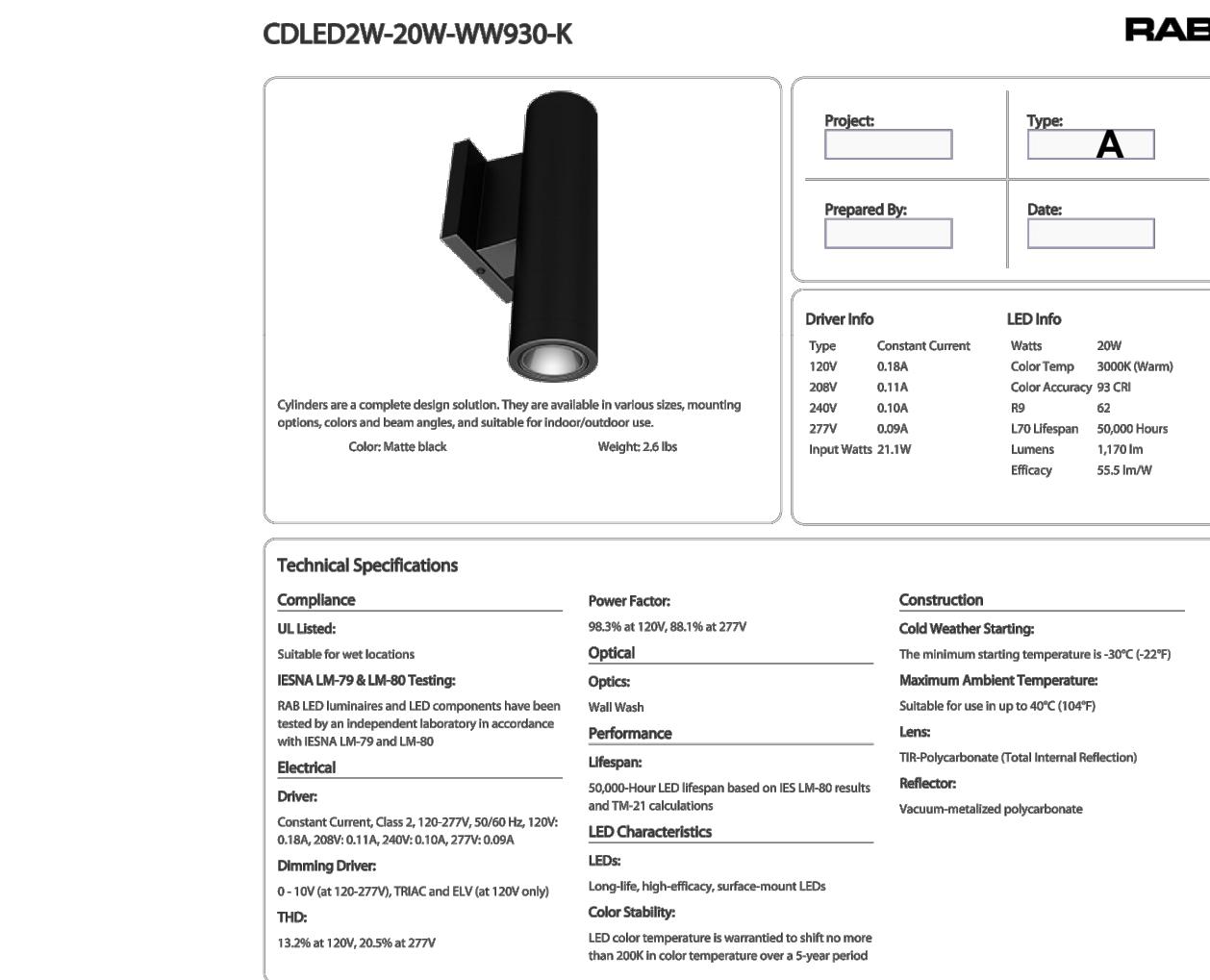
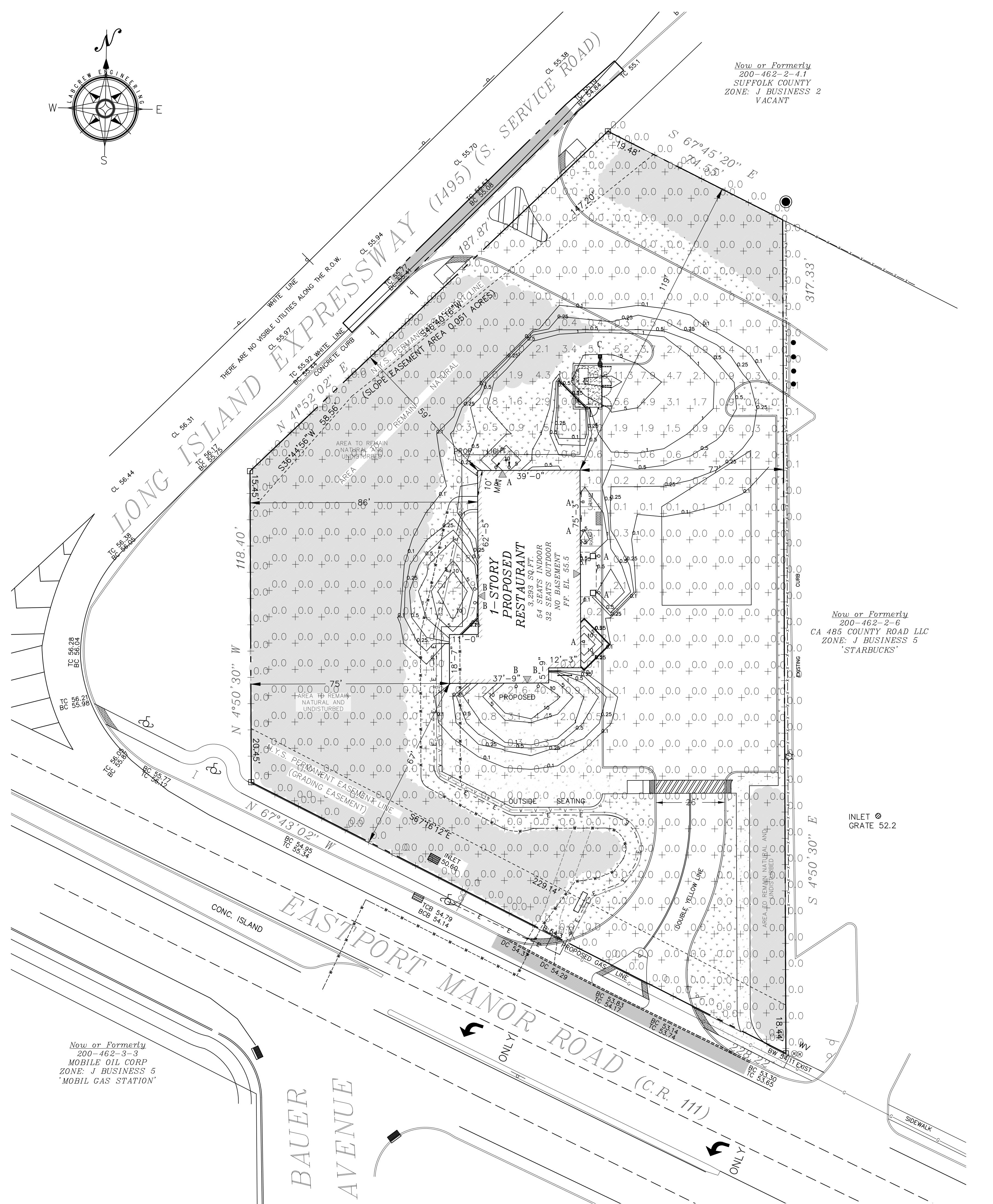
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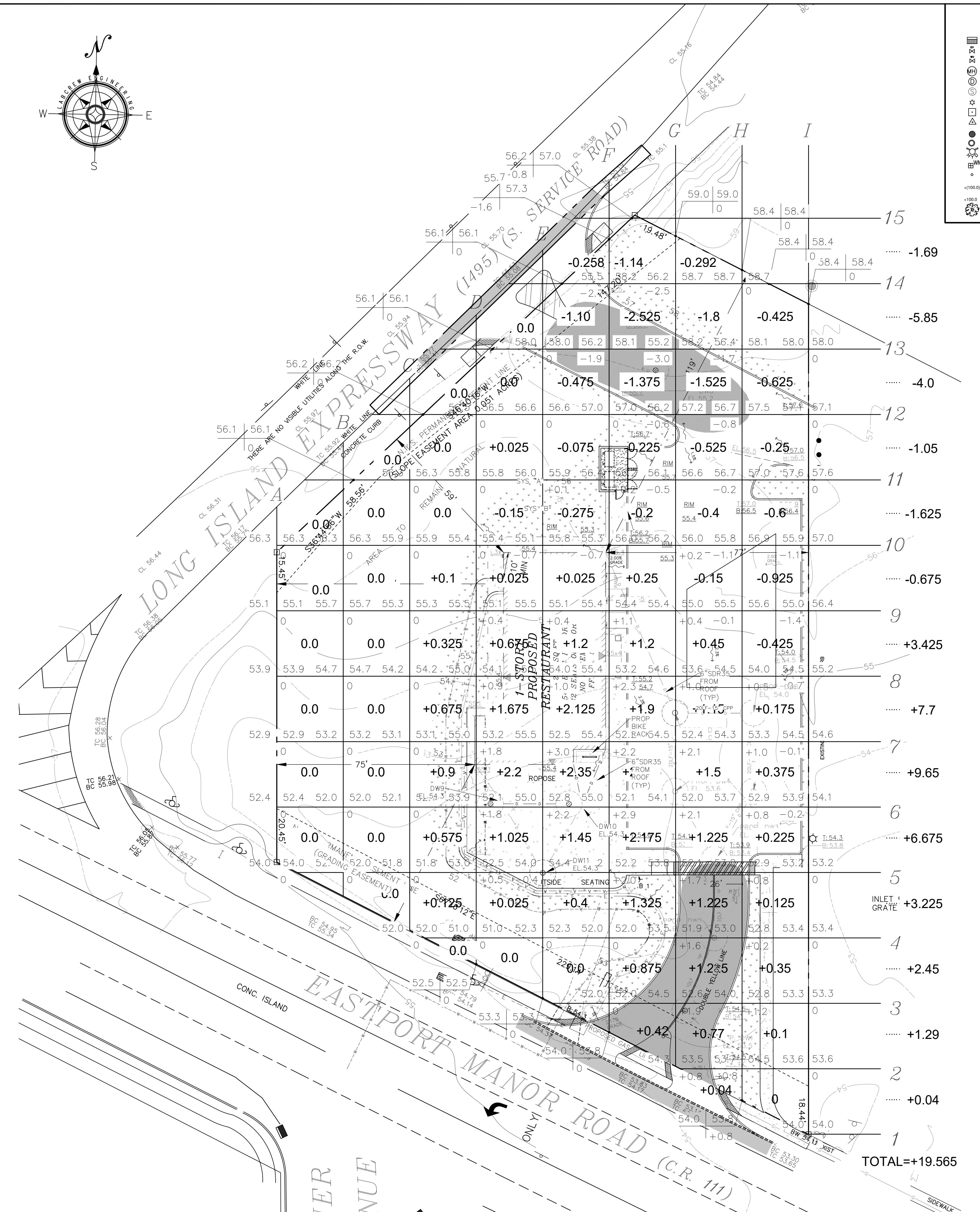


SYMBOL KEY		SPECIAL LINES		TEST BORING		KEY MAP							
■ CATCH BASIN	■ UTILITY POLE WITH LIGHT	OH	OVERHEAD WIRES	EL. 51.7	0.0'								
■ GAS VALVE	■ UTILITY POLE	T	TELEPHONE LINE	EL. 50.7	1.0'								
■ WATER VALVE	■ GUY WIRE	—	WATER MAIN	EL. 45.7	6.0'								
■ MANHOLE COVER	■ SIGN	— E — E — E —	UNDER GROUND ELECTRIC										
■ DRAINAGE MANHOLE COVER	■ WELL	— G — G — G —	GAS LINE										
■ SEWER MANHOLE COVER	■ RECT. DROP INLET	— X —	FENCE										
■ LIGHT POST	■ DRIP INLET	○ ○ ○ ○ ○ ○ ○ ○	STONE WALL										
■ MONUMENT	■ ELECTRIC BOX	— SILT FENCE —	SILT FENCE										
■ PIPE	■ CABLE BOX	■ ■ ■ ■ ■ ■ ■ ■	EXISTING CONCRETE										
■ DRILL HOLE	■ TELEPHONE BOX	△ △ △ △ △ △ △	PROPOSED CONCRETE										
■ HYDRANT	■ FLAG POLE												
■ WATER METER	■ HYDRANT												
■ BOLLARD	■ WETLANDS FLAG												
■ BOLLARD	■ HANDICAPPED PARKING												
■ BOLLARD	■ DOOR LOCATION												
■ BOLLARD	■ LOCATION												
+100.0 ■ PROP. PAVEMENT ELEV.													
+100.0 ■ EXISTING ELEVATION													
■ EXISTING TREE TO BE REMOVED													
TC ■ TOP OF CURB													
BC ■ BOTTOM OF CURB													
SESSION OF NOVEMBER 8, 1995		TEST HOLE DATA BY:		McDONALD GEOSERVICES		DATE: 8/10/2022							
HIGHEST EXPECTED GROUND WATER 16' AS PER SDWS DEPTH TO WATER													
EL. 32.7 WATER IN PALE BROWN FINE SAND (SP) 19.0'													
EL. 28.7 WATER IN PALE BROWN FINE SAND (SP) 23.0'													
TEST BORING													
EL. 51.7 BROWN SANDY LOAM (OL) 0.0'													
EL. 50.7 PALE BROWN SILT (ML) 1.0'													
EL. 45.7 PALE BROWN FINE SAND (SP) 6.0'													
EL. 32.7 WATER IN PALE BROWN FINE SAND (SP) 19.0'													
EL. 28.7 WATER IN PALE BROWN FINE SAND (SP) 23.0'													
TEST HOLE DATA BY:													
McDONALD GEOSERVICES													
DATE: 8/10/2022													
SESSION OF NOVEMBER 8, 1995													
BROOKHAVEN TOWN OFFICES													
RESOLUTION on CLANCY FOOD COURT/RENTAL AREA													
COURT/RENTAL AREA													
HARDSHIP													
WHEREAS, ON MAY 25, 1995, DAVID KEPNER, THROUGH HIS ATTORNEY, PHILIP SANDERMAN, SUBMITTED A CORE BOUNDARY CHANGE REQUEST TO CONSTRUCT A 5,915 SQUARE FOOT FAST FOOD OR OTHER RESTAURANT ON A 1.7 ACRE PARCEL IN MANORVILLE, AND,													
WHEREAS, ON AUGUST 17, 1995, PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEORA") PART 617.6, THE COMMISSION COORDINATED LEAD AGENCY REVIEW AND,													
WHEREAS, ON AUGUST 23, 1995, A PUBLIC HEARING ON THE CORE BOUNDARY CHANGE REQUEST WAS HELD BY THE COMMISSION AND A TRANSCRIPT WAS THEREAFTER MADE AVAILABLE TO THE COMMISSION, AND,													
WHEREAS, ON SEPTEMBER 20, 1995, PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEORA") PART 617.6 THE COMMISSION DESIGNATED ITSELF LEAD AGENCY AND ACCEPTED AN EXTENSION FROM THE APPLICANT ON THE TIME IN WHICH THE COMMISSION HAS TO MAKE A SEORA DETERMINATION, UNTIL OCTOBER 11, 1995, AND,													
WHEREAS, ON OCTOBER 11, 1995, THE COMMISSION ACCEPTED AN EXTENSION OF TIME IN WHICH THE COMMISSION MUST MAKE A SEORA DETERMINATION AND DECIDE THE CORE BOUNDARY CHANGE REQUEST IN ORDER THAT THE APPLICANT MAY SEEK A CORE PRESERVATION AREA HARDSHIP EXEMPTION FOR THE APPLICANT'S PROPOSED 1-STORY RESTAURANT ON A 1.7 ACRE PARCEL IN MANORVILLE, AND,													
WHEREAS, ON OCTOBER 25, 1995, DAVID KEPNER, THROUGH HIS ATTORNEY, PHILIP SANDERMAN, SUBMITTED AN APPLICATION FOR A PUBLIC HEARING ON THE CORE PRESERVATION AREA HARDSHIP EXEMPTION FOR THE APPLICANT'S PROPOSED 1-STORY RESTAURANT ON A 1.7 ACRE PARCEL IN MANORVILLE, AND,													
WHEREAS, ON OCTOBER 25, 1995, A PUBLIC HEARING ON THE CORE PRESERVATION AREA HARDSHIP EXEMPTION WAS HELD BY THE COMMISSION AND A TRANSCRIPT WAS THEREAFTER MADE AVAILABLE TO THE COMMISSION, AND,													
WHEREAS, THE COMMISSION HAS CONSIDERED ALL MATERIALS SUBMITTED IN CONNECTION WITH THE CORE BOUNDARY CHANGE REQUEST AND THE CORE PRESERVATION AREA HARDSHIP EXEMPTION, NOW, THEREFORE, BE IT													
RESOLVED, THAT THE COMMISSION HEREBY MAKES A DETERMINATION OF NON-SIGNIFICANCE PURSUANT TO ENVIRONMENTAL CONSERVATION LAW ARTICLE 8 AND BE IT FURTHER													
RECOMMENDED, THAT THE COMMISSION HEREBY DETERMINES THAT THE APPLICATION, AS SUBMITTED, DOES MEET ALL OF THE REQUIREMENTS FOR EXTRAORDINARY HARSHSHIP PURSUANT TO NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW 67-0121 (10)(a) AND BE IT FURTHER													
RESOLVED, THAT THE APPLICATION FOR A CORE PRESERVATION AREA HARDSHIP EXEMPTION IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:													
1. THE USE OF THE PREMISES IS LIMITED TO THE RETAIL SALE OF FOOD AND FOOD SERVICE AND/OR THE SALE AT RETAIL OF DRY GOODS.													
2. THE PHYSICAL DEVELOPMENT OF THE SITE SHALL BE IN ACCORDANCE WITH THE COMMISSION'S STANDARDS FOR LAND USE AS SET FORTH IN CHAPTER 5 OF THE PLAN AND THE FEES FOR PROJECTS LOCATED IN THE COMPATIBLE GROWTH AREA.													
3. THE HEIGHT OF ANY DETACHED GROUND SIGNS SHALL NOT EXCEED THE HEIGHT OF THE DETACHED GROUND SIGN FOUND AT THE GASOLINE-FILLING STATION AT THE SOUTHWEST CORNER OF THE INTERSECTION OF COUNTY ROAD 111 AND THE LONG ISLAND EXPRESSWAY.													
NOTES:													
- OUTSIDE SEATING SHALL BE PERMITTED FOR FOOD SERVICE PURPOSES ONLY.													
- OUTDOOR LOUDSPEAKERS, EXTERIOR LIVE ENTERTAINMENT OR DANCING OF ANY KIND SHALL BE PROHIBITED.													
TOWN OF BROOKHAVEN LOG #22SP0058													
TOWN OF BROOKHAVEN VARIANCES/SPECIAL PERMIT:													
TABLE OF CONTENTS:													
SHEET #:		SHEET TITLE:											
1 AL-1		ALIGNMENT PLAN											
2 SAN-1		SANITARY & DRAINAGE PLAN											
3 LAN-1		LANDSCAPE PLAN											
4 LIG-1		LIGHTING PLAN											
5 MRP-1		MATERIALS REMOVAL PLAN											

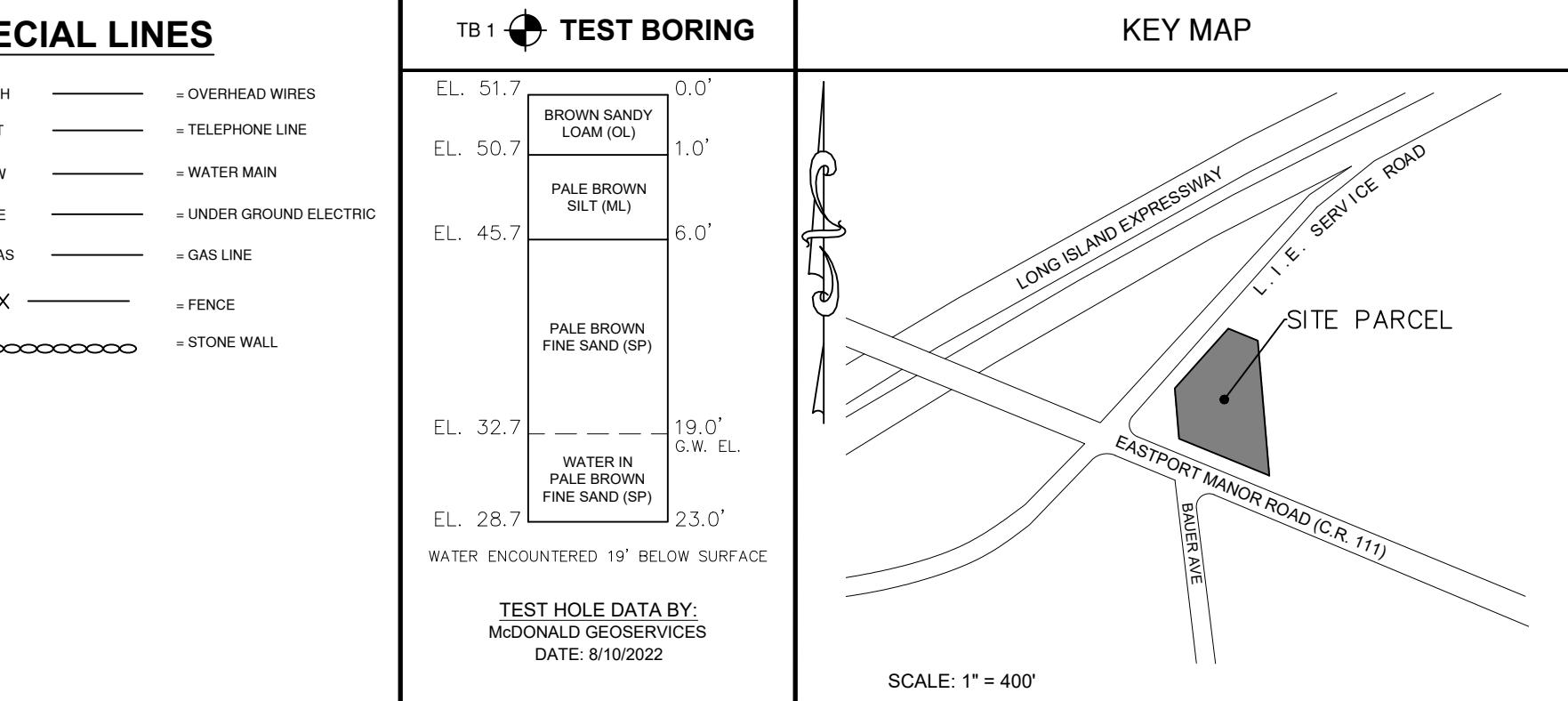
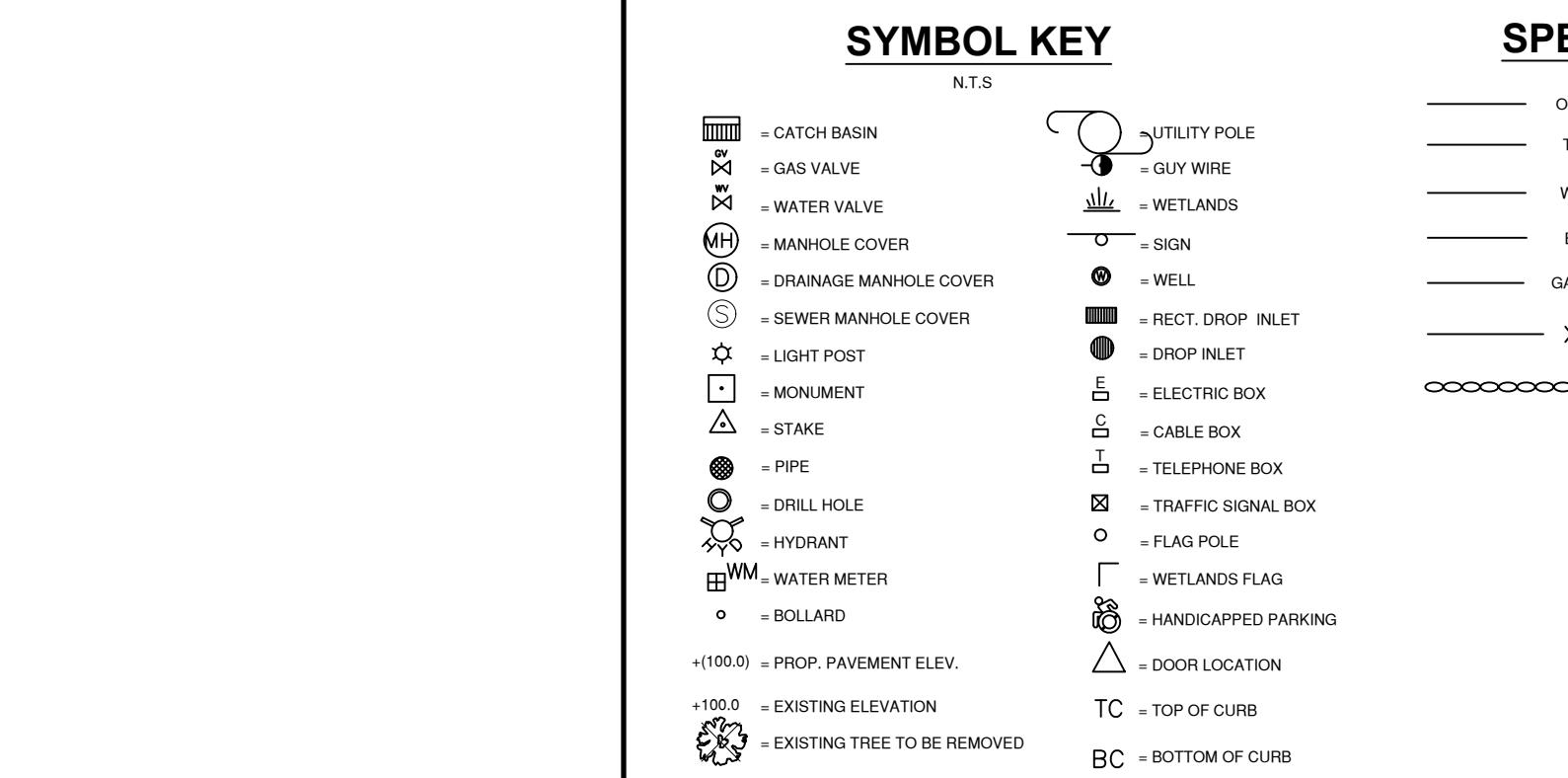
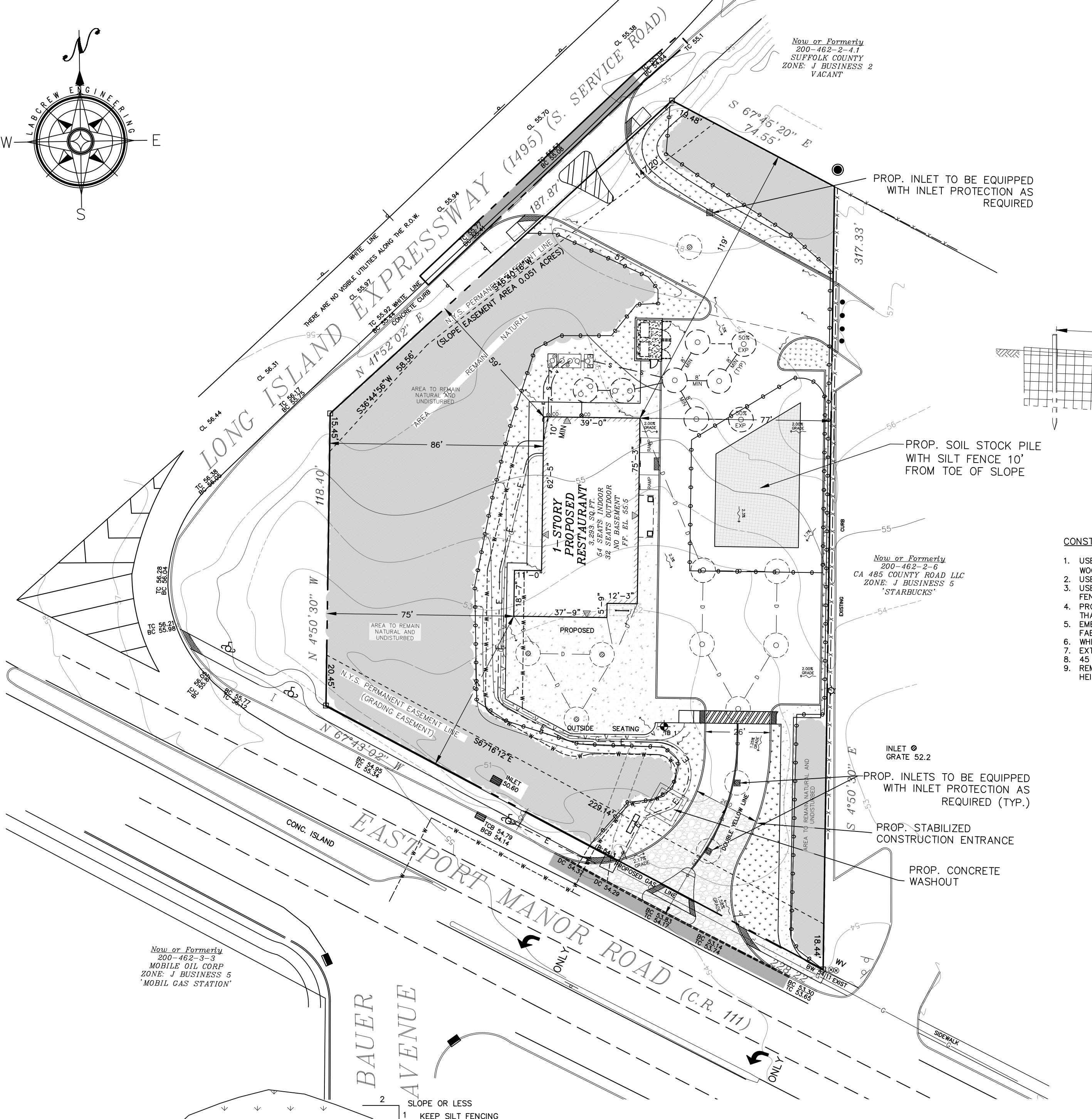








SYMBOL KEY		SPECIAL LINES		TB 1 TEST BORING	KEY MAP	LABCREW ENGINEERING, P.C.																																																											
N.T.S = CATCH BASIN = GAS VALVE = WATER VALVE = MANHOLE COVER = DRAINAGE MANHOLE COVER = SEWER MANHOLE COVER = LIGHT POST = MONUMENT = STAKE = PIPE = DRILL HOLE = HYDRANT = WATER METER = BOLLARD = PROP. PAVEMENT ELEV. = EXISTING ELEVATION = EXISTING TREE TO BE REMOVED		OH = OVERHEAD WIRES T = TELEPHONE LINE W = WATER MAIN E = UNDER GROUND ELECTRIC GAS = GAS LINE X = FENCE = STONE WALL		EL. 51.7 EL. 50.7 EL. 45.7 EL. 32.7 EL. 28.7	0.0' 1.0' 6.0' 19.0' 23.0'		SITE DESIGN/PLANNERS/CIVIL ENGINEERING 460 HAWKINS AVENUE RONKONKOMA, NEW YORK 11779 TELEPHONE: (631) 676-4881 LABCREW@OPTIONLINE.NET																																																										
CUT / FILL KEY				TEST HOLE DATA BY: McDONALD GEOSERVICES DATE: 8/10/2022	WATER ENCOUNTERED 19' BELOW SURFACE	SITE CRITERIA																																																											
PROPOSED GRADE DEPTH OF CUT		EXISTING GRADE DEPTH OF FILL				SITE DATA: <table border="1"> <tr><td>SITE AREA</td><td>1.167 ACRES</td><td>50,848.9</td><td>SQ.FT.</td></tr> <tr><td colspan="2">PROPOSED BUILDING AREA</td><td>3,293</td><td>SQ.FT.</td></tr> <tr><td colspan="2">PROP. F.A.R.</td><td>6.5</td><td>%</td></tr> <tr><td colspan="2">PARKING REQUIRED</td><td>29</td><td>STALLS</td></tr> <tr><td colspan="2">PARKING PROVIDED w/LOADING</td><td>30</td><td>STALLS</td></tr> <tr><td colspan="2">DATUM</td><td colspan="2">NAVD 1988</td></tr> <tr><td colspan="2">ZONING</td><td colspan="2">J BUSINESS 2</td></tr> <tr><td colspan="2">USE</td><td colspan="2">RESTAURANT w/OUTDOOR SEATING</td></tr> </table>		SITE AREA	1.167 ACRES	50,848.9	SQ.FT.	PROPOSED BUILDING AREA		3,293	SQ.FT.	PROP. F.A.R.		6.5	%	PARKING REQUIRED		29	STALLS	PARKING PROVIDED w/LOADING		30	STALLS	DATUM		NAVD 1988		ZONING		J BUSINESS 2		USE		RESTAURANT w/OUTDOOR SEATING																											
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				SURVEY PREPARED BY: RUSSELL H. LEWIS CO. LAND SURVEYOR 57 CONKLIN AVENUE, WHEATLEY HEIGHTS, NY 11798 PHONE: (516) 474-3665 DATE: JUNE 22, 2021																																																													



**LABCREW**  
**ENGINEERING, P.C.**

1. THE PROPOSED EROSION CONTROL MEASURES SHOWN ON THIS PLAN SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION. ADDITIONAL EROSION CONTROL MAY BE NECESSARY BASED UPON FIELD CONDITIONS THAT MAY DEVELOP AS CONSTRUCTION PROGRESSES AND AS REQUIRED BY THE TOWN. THE FOLLOWING GENERAL CONDITIONS SHALL BE OBSERVED.

A. EXISTING VEGETATION TO REMAIN SHALL BE PROTECTED AND REMAIN UNDISTURBED.

B. CLEARING AND GRADING SHALL BE CONDUCTED SO AS TO MINIMIZE DISTURBANCE TO EXISTING VEGETATION AND THE LENGTH OF TIME THAT AREAS ARE EXPOSED.

C. THE LENGTH AND STEEPNESS OF CLEARED SLOPES SHALL BE MINIMIZED TO REDUCE RUNOFF VELOCITIES AND QUANTITIES.

D. RUNOFF SHALL BE DIVERTED AWAY FROM CLEARED SLOPES.

E. SEDIMENT SHALL BE TRAPPED ON THE SITE.

SPECIFIC METHODS AND MATERIALS EMPLOYED IN THE INSTALLATION AND MAINTENANCE OF EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH THE APPROPRIATE GUIDELINES FOR URBAN EROSION AND SEDIMENT CONTROL\*.

2. SEDIMENT BARRIERS (SILT FENCE OR APPROVED EQUAL) SHALL BE INSTALLED PRIOR TO ANY GRAVING WORK ALONG THE LIMITS OF DISTURBANCES AND SHOULD BE MAINTAINED FOR THE DURATION OF THE WORK. NO SEDIMENT FROM THE SITE SHALL BE PERMITTED TO WASH INTO ADJACENT PROPERTY LINES OR ROADS.

3. GRADED AND STRIPPED AREAS AND STOCKPILES SHALL BE PERMANENTLY STABILIZED THROUGH THE USE OF TEMPORARY SEEDING AS REQUIRED. SEED MIXTURES SHALL BE IN ACCORDANCE WITH SOIL CONSERVATION SERVICE RECOMMENDATIONS.

4. DRAINAGE INLETS INSTALLED AS PART OF THE PROJECT SHALL BE PROTECTED FROM SEDIMENT BUILDUP THROUGH THE USE OF APPROPRIATE BARRIERS, SEDIMENT TRAPS, ETC. AS REQUIRED.

5. PROPER MAINTENANCE OF EROSION CONTROL MEASURES IS TO BE PERFORMED DURING AND AFTER CONSTRUCTION AND AFTER HEAVY RAINFALLS AND STORMS. MAINTENANCE MEASURES INCLUDE, BUT ARE NOT LIMITED TO, CLEANING OF SEDIMENT BASINS OR TRAPS, CLEANING OR REPAIR OF EROSION BARRIERS, CLEANING AND REPAIR OF BERMS AND DIVERSIONS, AND CLEANING AND REPAIR OF INLET PROTECTION.

6. APPROPRIATE MEANS SHALL BE USED TO CONTROL DUST DURING CONSTRUCTION. IF THE CONTRACTOR WATER-DOWNS ANY SPACE TO MITIGATE UNWANTED DUST LEVELS, RUNOFF FROM THE "WETTING" OPERATIONS SHALL NOT BE DIVERTED INTO THE STORM DRAIN SYSTEM OR SANITARY SYSTEM NOR SHALL IT BE ALLOWED TO DISCHARGE ONTO THE PROPERTY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE USE OF APPROPRIATE BACK FLOW PREVENTION DEVICES REQUIRED BY THE LOCAL WATER SUPPLIER, AND PAY FOR ALL ASSOCIATED COSTS.

7. A STABILIZED CONSTRUCTION ENTRANCE SHALL BE MAINTAINED TO PREVENT SOIL AND LOOSE DEBRIS FROM BEING TRACKED ONTO LOCAL ROADS. THE CONSTRUCTION ENTRANCE SHALL BE MAINTAINED UNTIL THE SITE IS PERMANENTLY STABILIZED.

8. SEDIMENT BARRIERS AND OTHER EROSION CONTROL MEASURES SHALL REMAIN IN PLACE UNTIL UPLAND DISTURBED AREAS ARE PERMANENTLY STABILIZED (SEE GRADING NOTE NUMBER 1). AFTER PERMANENT STABILIZATION, PAVED AREAS SHALL BE CLEANED AND DRAINAGE SYSTEMS CLEANED AND FLUSHED AS NECESSARY.

9. SILT FENCE TO BE INSTALLED AROUND ALL MATERIAL STOCKPILES AREAS.

10. STOCKPILED MATERIAL NOT TO BE PLACED WHERE IT CAN BE IN CONFLICT WITH THE DEED RESTRICTED AREAS.

**CONSTRUCTION SPECIFICATIONS:**

**EROSION CONTROL MEASURES:**

**CUT/FILL CALCULATIONS:**

**SITE DATA:**

SITE AREA	1.167 ACRES	50,848.9 SQ.FT.
PROPOSED BUILDING AREA	3.293 SQ.FT.	
PROP. F.A.R.	6.5 %	
PARKING REQUIRED	29 STALLS	
PARKING PROVIDED w/LOADING	30 STALLS	
DATUM	NAVD 1988	
ZONING	J BUSINESS 2	
USE	RESTAURANT w/OUTDOOR SEATING	

**CUT/FILL CALCULATIONS:**

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**CLANCY STREET FOOD COURT**  
EASTPORT MANOR RD (C.R. 111)  
MANORVILLE, NY 11949

**EROSION CONTROL PLAN**

**PROJECT** **TITLE**

**NO.** **DATE** **REVISION**

1 1/3/23 SCDSH COMMENTS

2 1/16/23 SCDSH COMMENTS

3 3/27/23 FLIP BUILDING/COMMENTS

4 6/20/23 NYSDOT COMMENTS

5 8/23/23 SCDSH COMMENTS

6 10/22/23 SCDPW COMMENTS

7 1/18/24 REV. UTILITY LOC.

**NOTES:**

1. AREA SIZE - USE 2" STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.

2. LENGTH - NOT LESS THAN 50 FEET.

3. WIDTH - NOT LESS THAN SIX (6) INCHES.

4. WIDTH - THIRTY FOUR (20) FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS.

5. FILTER CLOTH WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.

6. FILTER CLOTH WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PROVIDED.

7. FILTER CLOTH WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PROVIDED.

8. FILTER CLOTH WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE. IF PIPING IS IMPRACTICAL, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.

9. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

**NOTES:**

1. CAN BE TWO STACKED BALES OR PARTIALLY EXCAVATED TO REACH 3 FT DEPTH.

2. CAN BE A SHORT WALL 10 YARD STEEL REFUSE CONTAINER (IMPERMEABLE SHEETING LINER IS STILL REQUIRED FOR THIS OPTION)

**CONSTRUCTION SPECIFICATIONS:**

1. LOCATE WASHOUT STRUCTURE A MINIMUM OF 50 FEET AWAY FROM OPEN CHANNELS, STORM DRAIN INLETS, SIDEWALKS, CURB AND GUTTER INLETS AND WATER FEATURES AWAY FROM CONSTRUCTION TRAFFIC.

2. SIZE WASHOUT STRUCTURE FOR VOLUME NECESSARY TO CONTAIN ONE WATER BAG SOLID AND MAINTAIN AT LEAST 4 INCHES OF FREEBOARD. TYPICAL DIMENSIONS ARE 10 FEET X 10 FEET X 3 FEET DEEP.

3. PREPARE SOIL BASE FREE OF ROCKS OR OTHER DEBRIS THAT MAY CAUSE TEARS OR HOLES IN THE LINER. FOR CONCRETE WASHOUT, REMOVE ALL REINFORCING, FREE HOLES AND TEARS OR OTHER DEFECTS THAT COMPROMISE IMPERMEABILITY OF THE MATERIAL.

4. PROVIDE A SIGN FOR THE WASHOUT IN CLOSE PROXIMITY TO THE FACILITY.

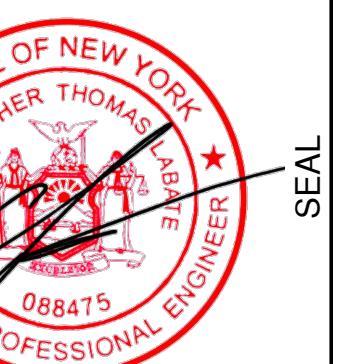
5. KEEP CONCRETE WASHOUT STRUCTURE WATER TIGHT. REPLACE IMPERMEABLE LINER IF DAMAGED (E.G. RIPPED OR TEAR). DO NOT USE PLASTIC LINERS. DO NOT USE VACUUM STORED LIQUIDS THAT HAVE NOT EVAPORATED AND DISPOSE IN AN APPROVED MANNER. PRIOR TO FORECASTED RAINSTORMS, REMOVE LIQUIDS OR COVER STRUCTURE TO PREVENT OVERFLOW. REMOVE HARDENED SOLIDS, WHILE OR BROKEN, UNTIL STRUCTURE IS REMOVED.

6. A METAL ROOF-OFF BID DESIGNATED TO SECURELY CONTAIN CONCRETE WASHWATER AND SOLIDS MAY BE PROVIDED IN LIEU OF A HAY BALE OR PLASTIC WASHOUT PIT.

**PROJECT No.** 21-084  
**DRAWN BY** CTN  
**CHECKED** CTL  
**DATE** August 2022  
**SCALE** 1" = 30'

**ECP-1**

**SHEET NO. 6 OF 9**



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CLANCY STREET FOOD COURT  
EASTPORT MANOR RD (C.R. 111)  
MANORVILLE, NY 11949

SITE DETAILS  
SCTM# 0200-4620-0200-005.001

PROJECT TITLE

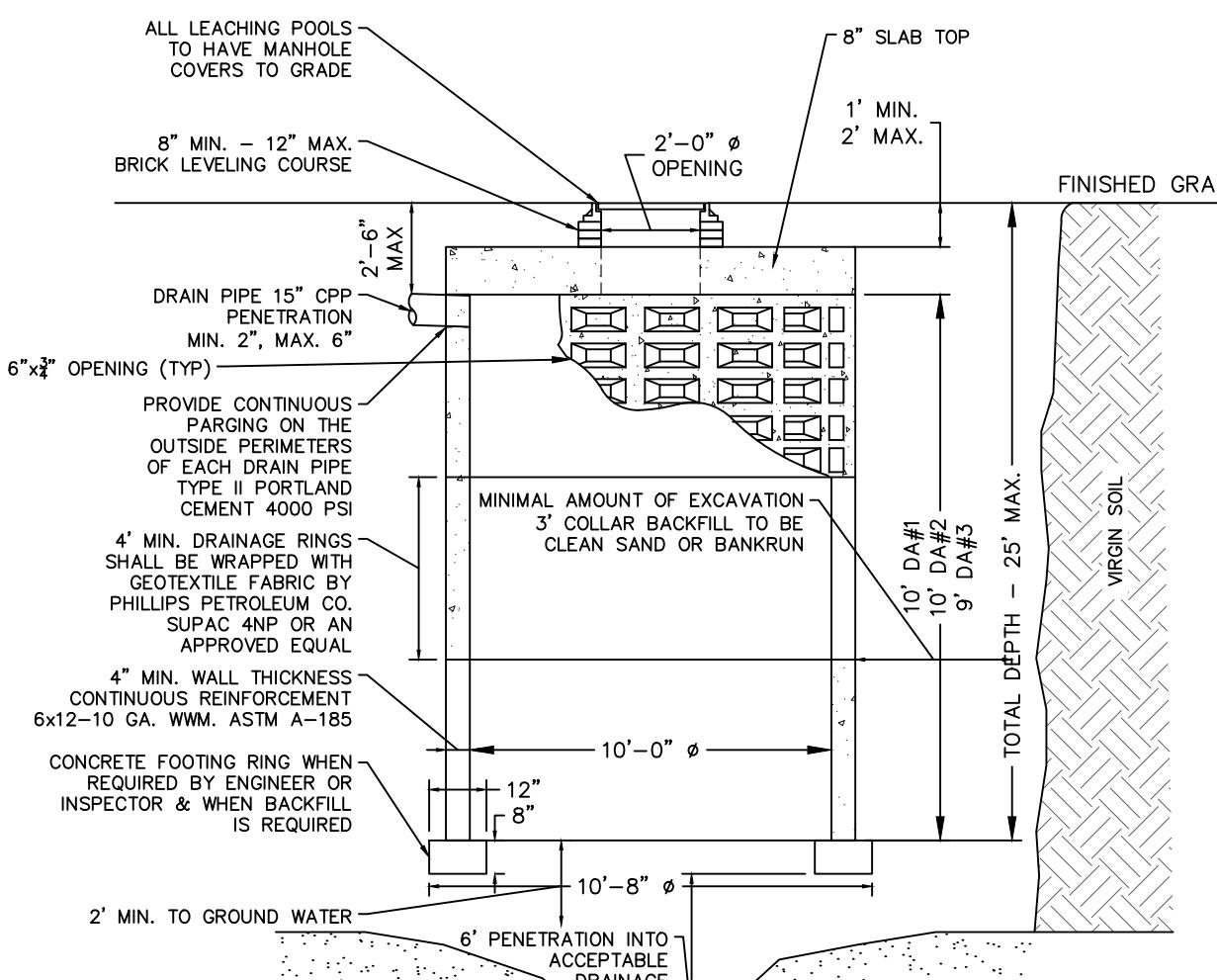
NO. DATE REVISION

1 1/3/23 SCDHS COMMENTS  
2 1/16/23 SCDHS COMMENTS  
3 3/27/23 FLIP BUILDING/COMMENTS  
4 6/20/23 NYSDOT COMMENTS  
5 8/23/23 SCDHS COMMENTS  
6 10/22/23 SCDP COMMENTS  
7 1/18/24 REV. UTILITY LOC.

PROJECT No. 21-084  
DRAWN BY CTN  
CHECKED CTL  
DATE August 2022  
SCALE 1" = 20'

DET-1

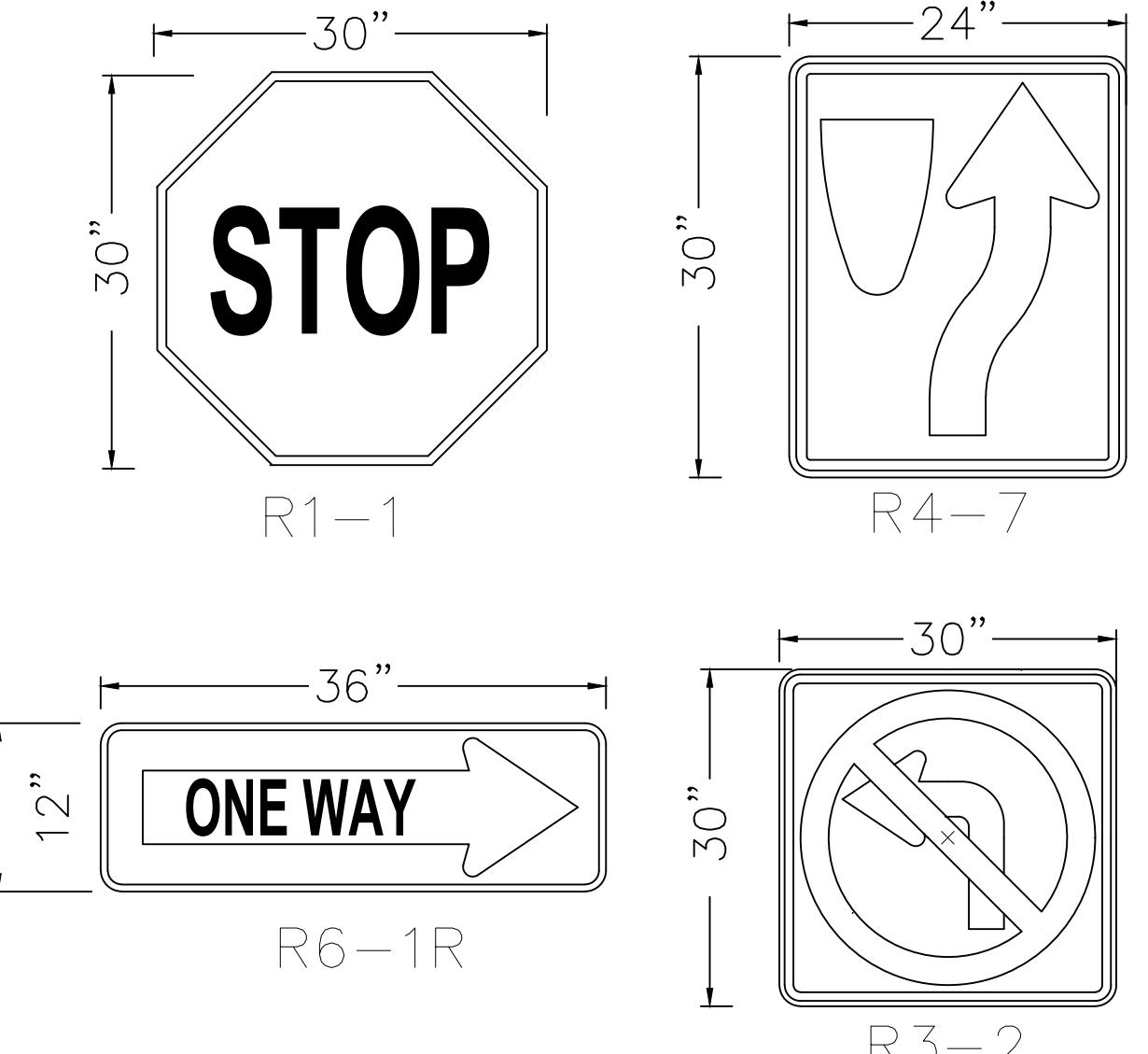
SHEET NO. 7 OF 9



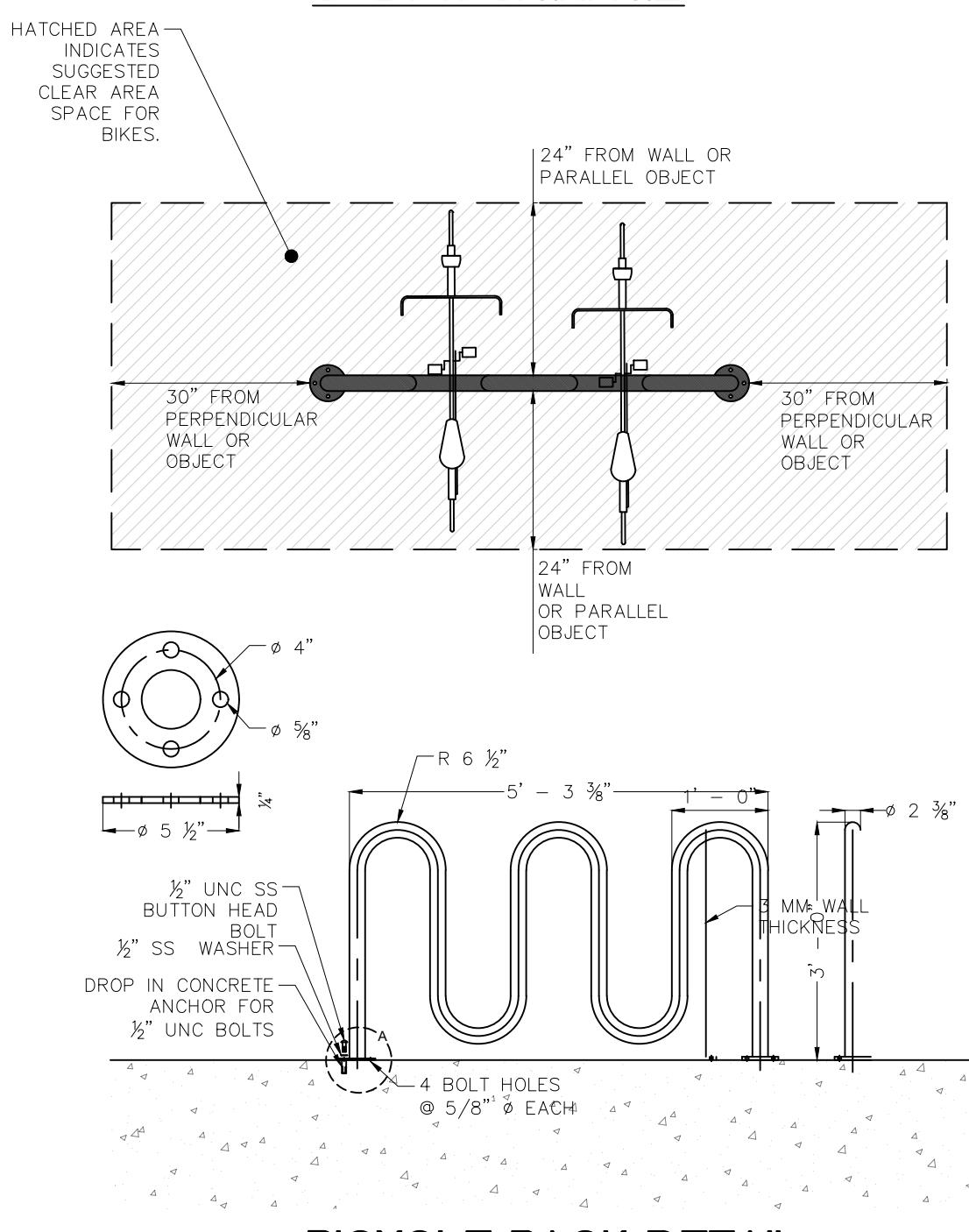
**DRAINAGE LEACHING POOL W/ DOME**

N.T.S.

NOTES:  
1. SANITARY RINGS MAY NOT BE USED.  
2. ALL PRECAST CONCRETE STRUCTURES MUST MEET ACI CODE AND SPECIFICATIONS.  
3. MINIMUM 28 DAYS COMPRESSIVE STRENGTH OF 4000 PSI CONCRETE PRIOR TO INSTALLATION.  
4. ALL STRUCTURES MUST BE MANUFACTURED IN AN ACI CERTIFIED PLANT, A COPY OF CERTIFICATION MUST BE ON FILE WITH THE TOWN.

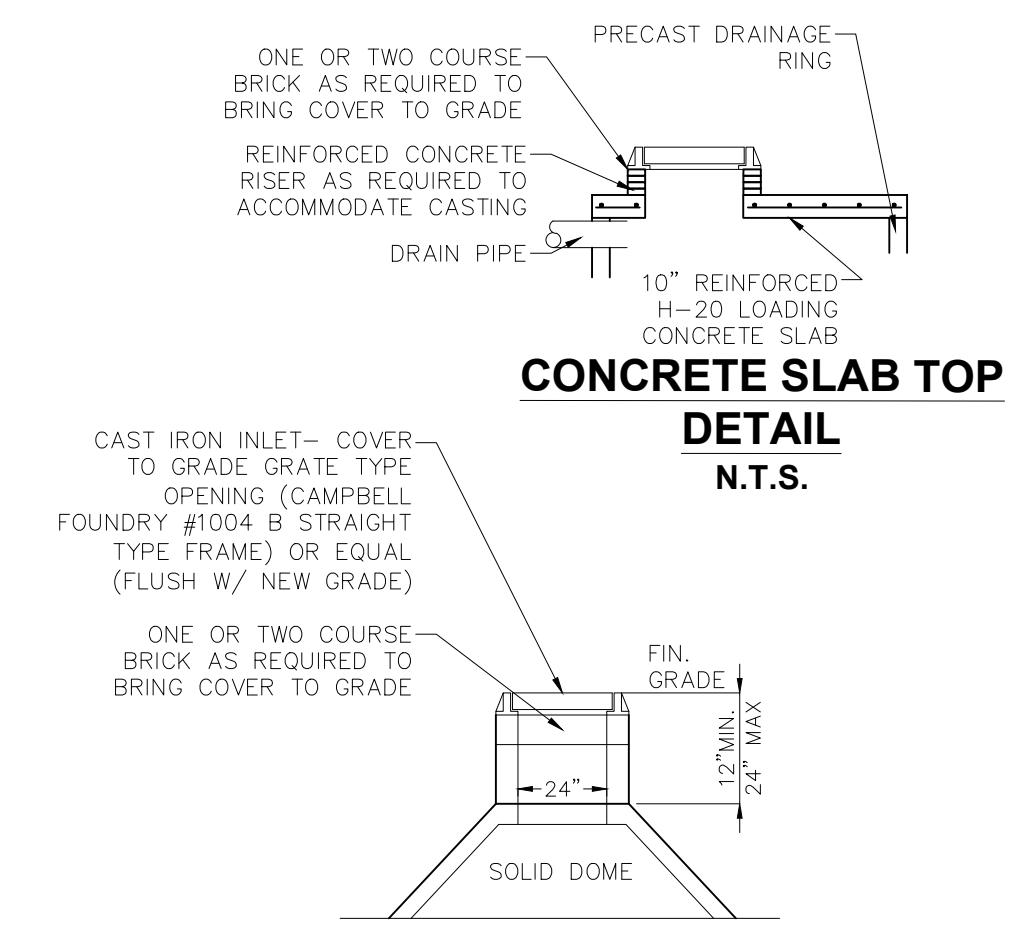


**SCDPW SIGNAGE**



**BICYCLE RACK DETAIL**

N.T.S.

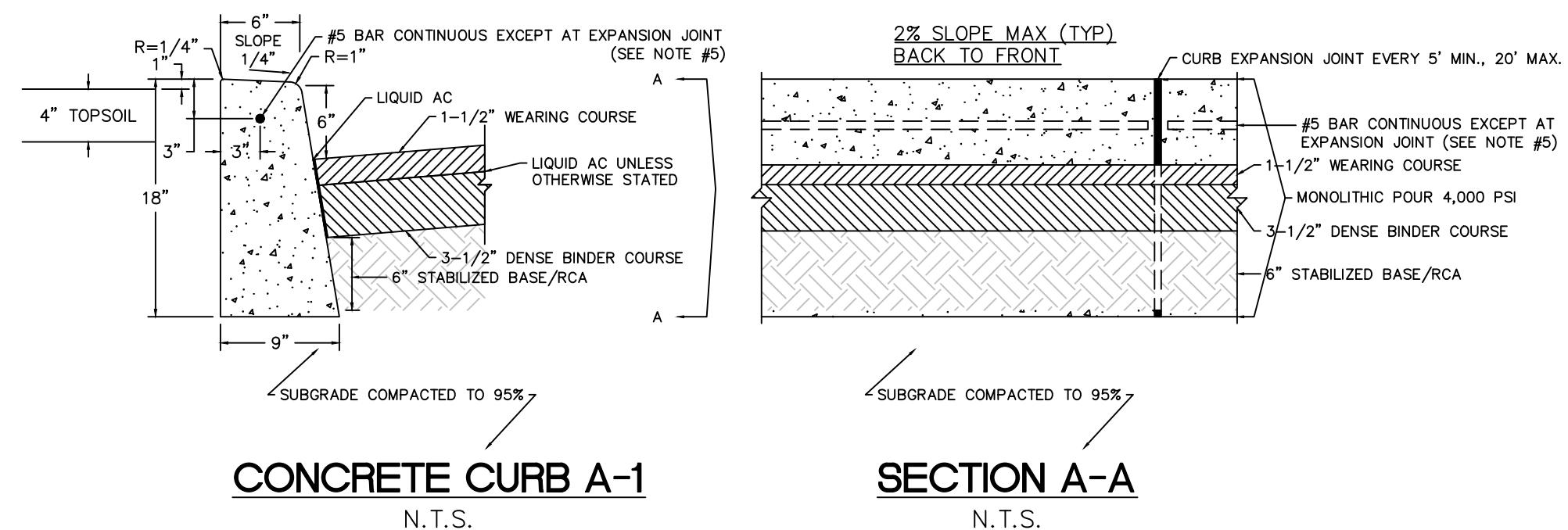


**CONCRETE SLAB TOP**  
DETAIL  
N.T.S.

**DROP INLET DETAIL**  
N.T.S.

**DOWNSPOUT CONNECTION DETAIL**

N.T.S.



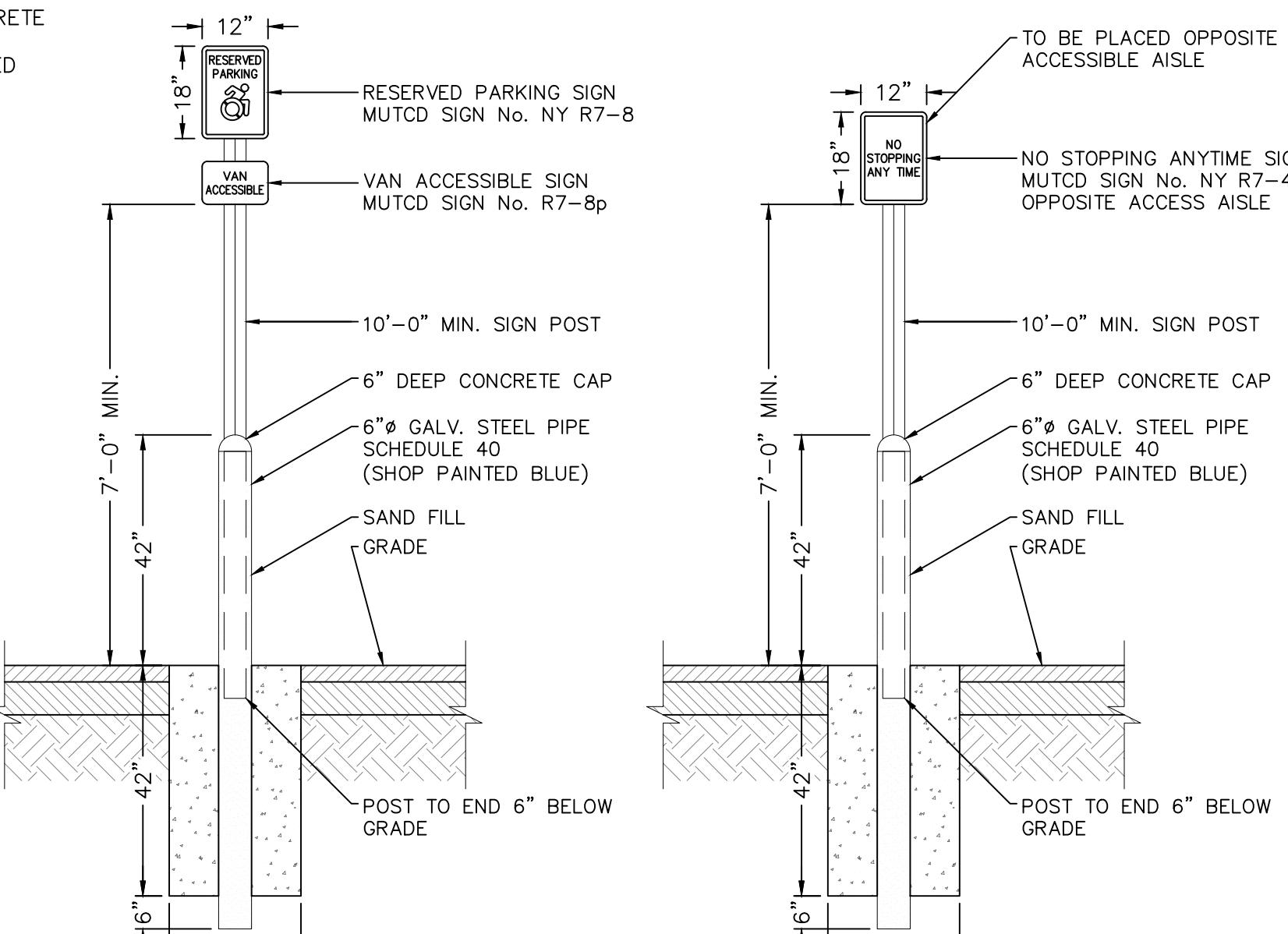
**CONCRETE CURB A-1**

N.T.S.

NOTES:  
1. CONCRETE SHALL HAVE A COMPRESSIVE STRENGTH OF 4,000 PSI AT 28 DAYS. (TEST CYLINDERS STRENGTH MAY BE REQUIRED AS REQUESTED BY INSPECTOR OR TOWN ENGINEER)  
2. CONCRETE SHALL BE A MONOLITHIC POUR, MUST USE FORMS FRONT AND REAR.  
3. CONCRETE TO CURE 14 DAYS MIN. BEFORE ROADWAY PAVING CAN BEGIN.  
4. EXPANSION JOINTS TO BE 5' MIN., 20' MAX.  
5. REBAR IS OPTIONAL, EXCEPT IS REQUIRED IN INDUSTRIAL & COMMERCIAL ROADWAYS.

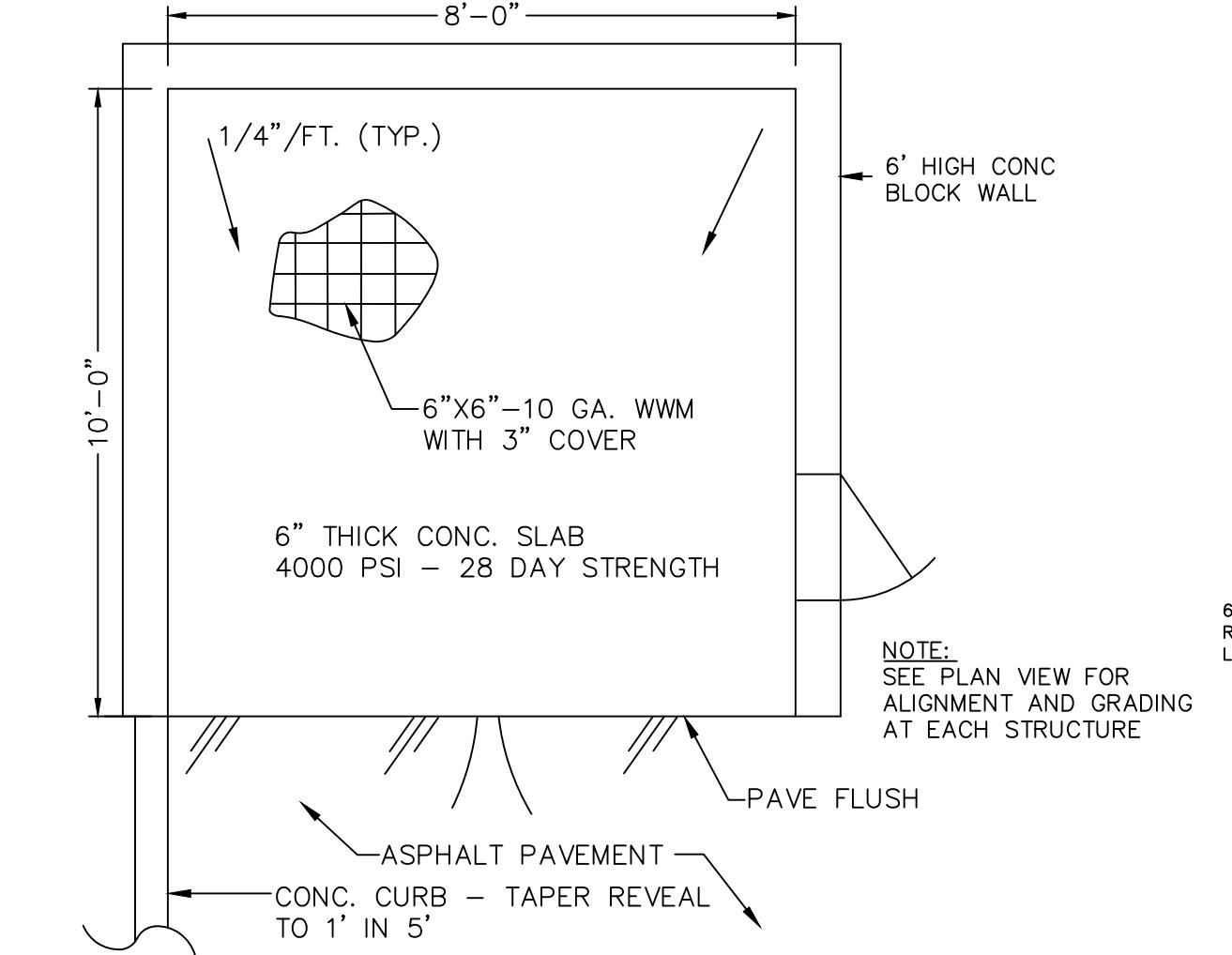
**SECTION A-A**

N.T.S.



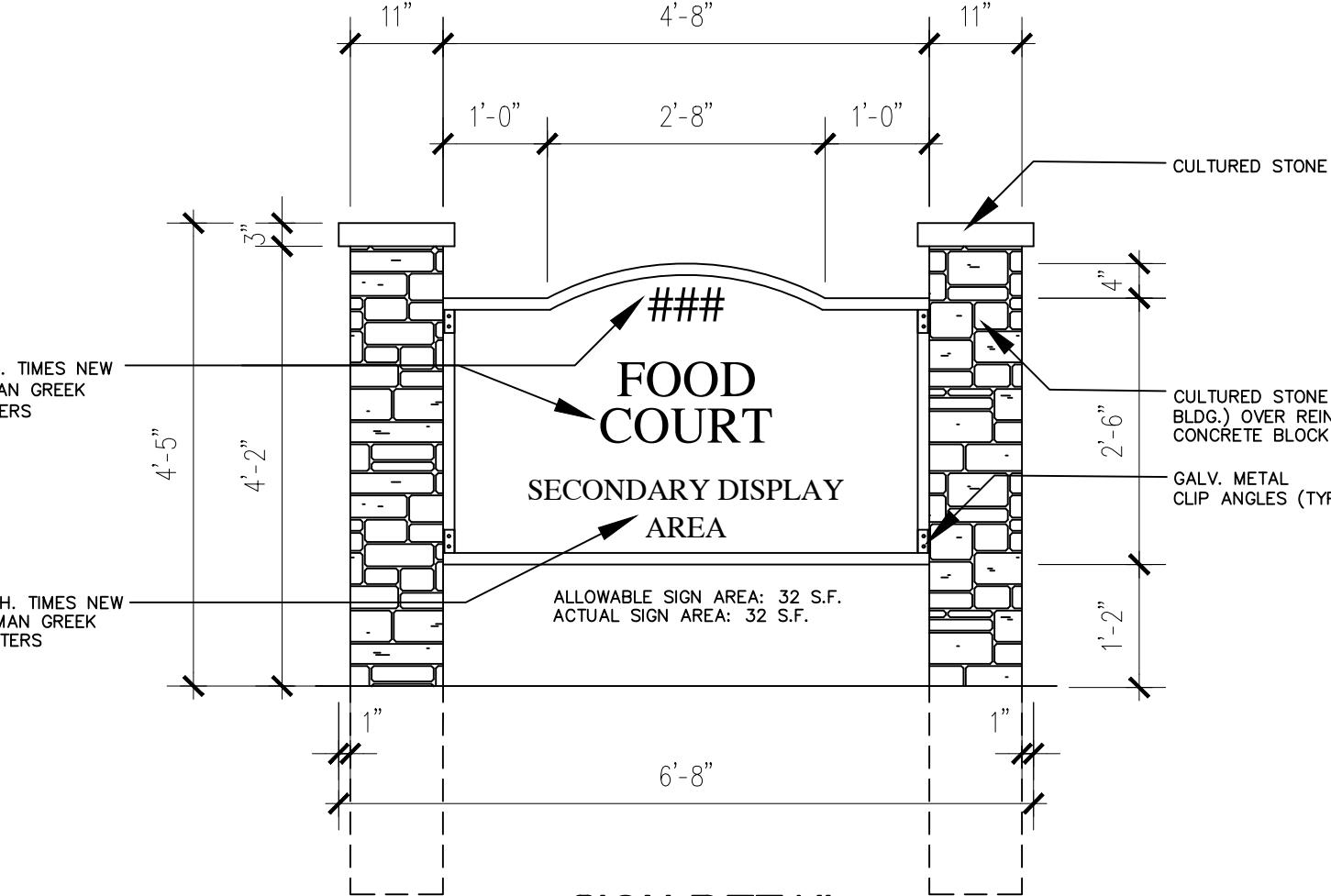
**ACCESIBLE PARKING SIGN**

N.T.S.



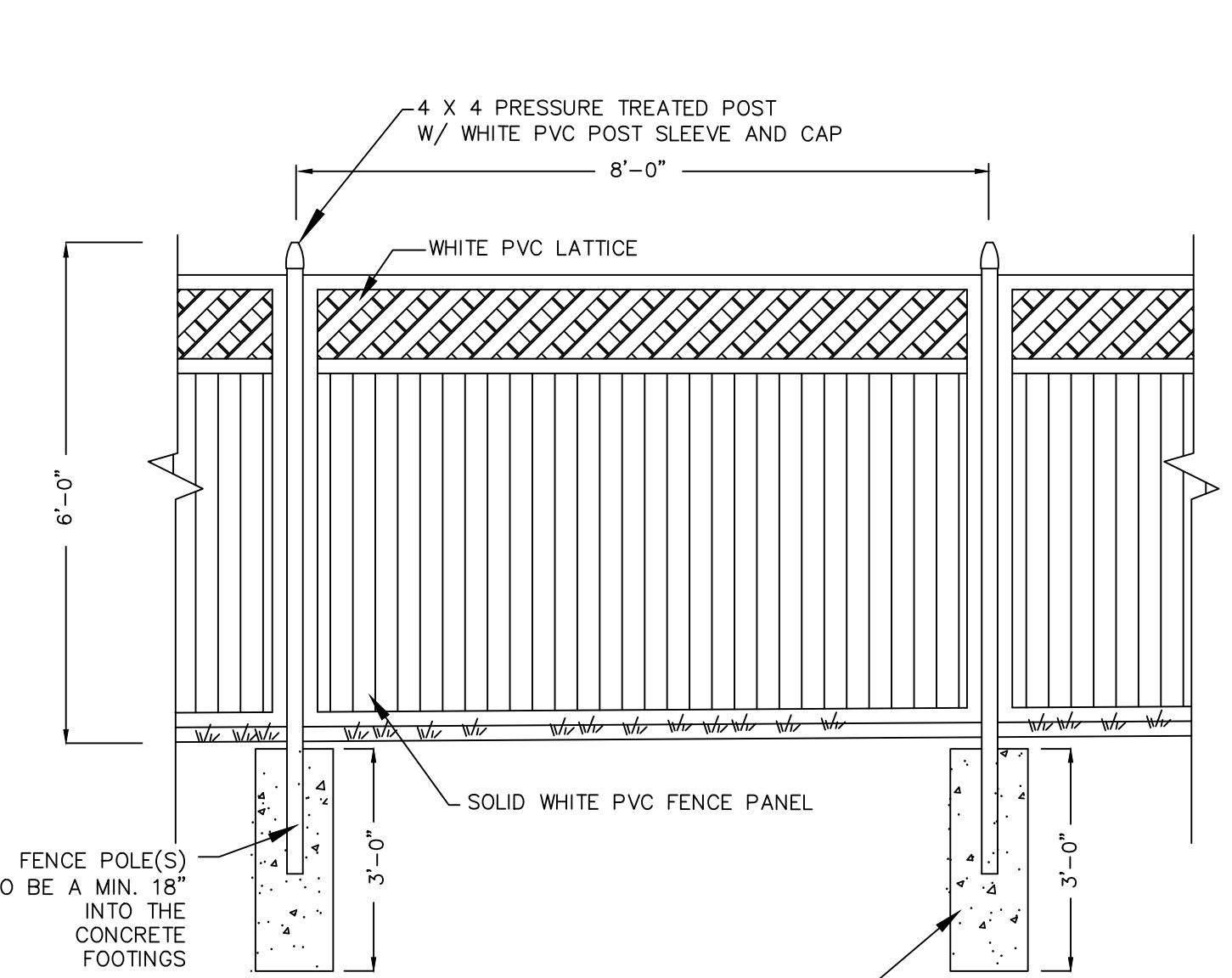
**ENCLOSED CONCRETE DUMPSTER PAD**

N.T.S.



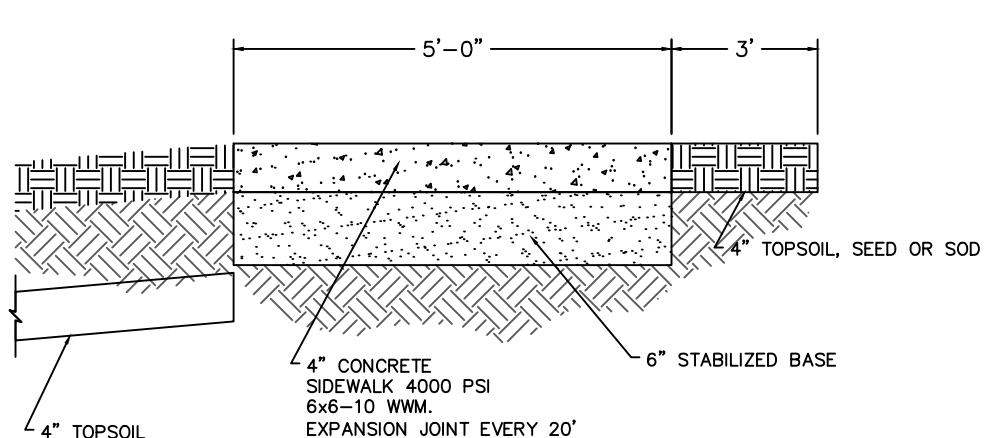
**SIGN DETAIL**

N.T.S.



**DECORATIVE PVC FENCE DETAIL**

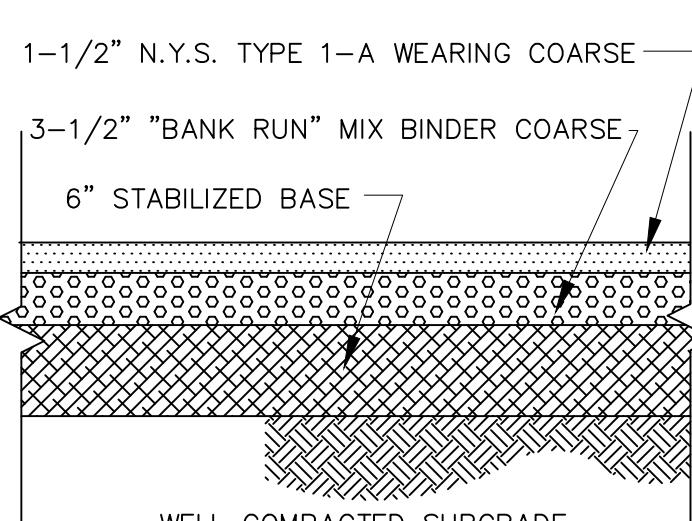
N.T.S.



**CONCRETE WALK DETAIL**

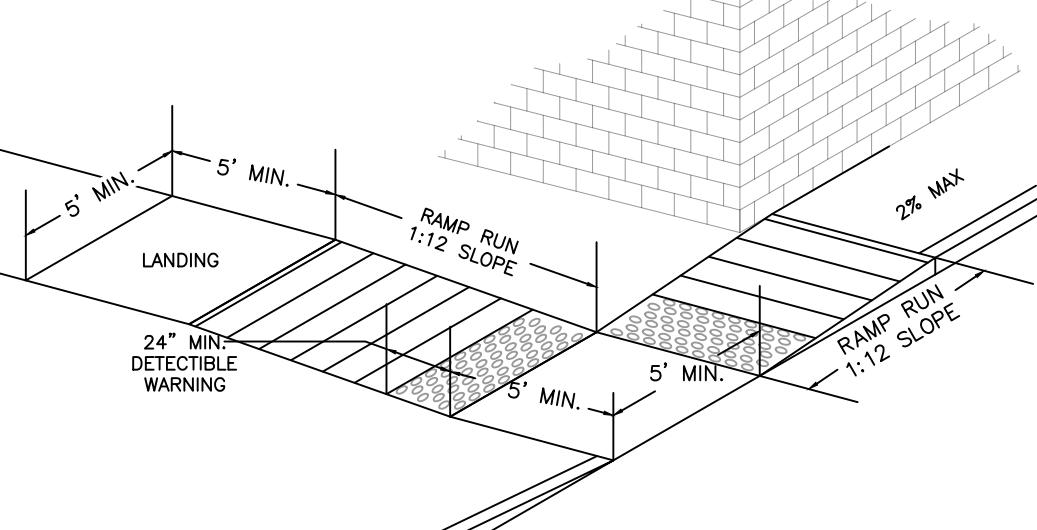
N.T.S.

NOTES:  
1. CONCRETE SIDEWALK SHALL BE A MONOLITHIC POUR AND HAVE A COMPRESSIVE STRENGTH OF 4000 PSI AT 28 DAYS.  
2. WHERE SIDEWALKS CROSS DRIVEWAYS OR FOR CURB CUTS, THE CONCRETE SHALL BE SIX (6") IN DEPTH WITH WIRE, 6"x6"-10 WWM.



**BITUMINOUS PAVEMENT DETAIL**

N.T.S.



**SIDEWALK CURB RAMP**

N.T.S.

NOTES:  
1. THE SLOPE OF THE CURB RAMP IS NOT TO EXCEED 1:12.  
2. THE SIDEWALK CURB RAMP IS TO MEET THE SAME CONSTRUCTION STANDARDS AS THE CONCRETE WALK (SEE CONCRETE WALK DETAIL).  
3. THE SIZE OF THE DETECTABLE WARNING FIELD SHALL BE 24" IN THE DIRECTION OF TRAVEL AND SHALL EXTEND THE FULL WIDTH OF THE CURB RAMP OF FLUSH SURFACE.  
4. DETECTABLE WARNING SHALL BE LOCATED SO THAT THE EDGE OR CORNER OF THE WARNING FIELD NEAREST TO THE ROADWAY IS 5" TO 9" FROM THE FRONT OF THE CURB OR ROADWAY EDGE.

**ADA COMPLIANT WALKWAY**

N.T.S.

DET-1





## APPENDICES

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## APPENDIX A OWNERS AFFIDAVITS

---

## OWNER'S AFFIDAVIT

(Use this form if property is owned by a corporation)

STATE OF New York)

)ss:

COUNTY OF Suffolk)

I, DAVID J. KEPNER, being duly sworn, deposes and says that I am the  
(Authorized Officer's Name)  
President of the CLANCY ST corporation  
(Official Title) (Landowner's Name)

located at PO Box 5048 Quogue, NY 11959,  
(Landowner's Address)

in the County of SUFFOLK, State of NY, and that

this corporation is the owner in fee of the property located at 56 Cox South Service Rd.  
(Property Address)  
½ CR 111, Mandeville which is also designated as Suffolk County Tax

Map Number(s) 0200-462.00-02.00-005.001, and that

this corporation has been the owner of this property continuously since 1984,  
(Date)

and that I have authorized Nelson, Pope & Voorhis LLC  
(Applicant's Name)

to make a permit application to the Central Pine Barrens Joint Planning and Policy Commission

for this property. I make this Statement knowing that the Central Pine Barrens Joint Planning

and Policy Commission will rely upon the truth of the information contained herein.

David J. Kepner  
(Authorized Officer's Signature)

DAVID J. KEPNER  
(Officer's Name - Please Print)

JAN 15, 2024  
(Date)

Sworn to before me this

15<sup>th</sup> day of January 2024

Cynthia M. Wilcox  
(Notary Public)

CYNTHIA M. WILCOX  
Notary Public, State of New York  
No. 01WI4793125  
Qualified in Suffolk County  
Commission Expires September 30, 2025

## **APPENDIX B**

## **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: Clancy Street Food Court		
Project Location (describe, and attach a general location map): Eastport Manor Rd, Manorville NY 11949. Corner on the eastbound L.I.E South Service Road at Exit 70 and County Route 111		
Brief Description of Proposed Action (include purpose or need): <p>The proposed action is the development of a 5,915± SF restaurant on a 1.167± acre undeveloped project site in the J-2 Business Zoning District. The proposed building area is a 3,293± SF restaurant with a total of 86 seats (54 indoor, 32 outdoor/seasonal) and the construction of 29 concrete parking stalls and 1 loading stall to accommodate (30 total). The previously undisturbed parcel will be paved with concrete curbs and walks and will include a buffer that replicates the existing landscape (18,221± SF to remain natural).</p>		
Name of Applicant/Sponsor: David Kepner		Telephone: (631)786-2942 E-Mail: <a href="mailto:davidkepner@optonline.net">davidkepner@optonline.net</a>
Address: P.O. Box 5048		
City/PO: Quogue		State: NY      Zip Code: 11959
Project Contact (if not same as sponsor; give name and title/role): Same as above		Telephone: E-Mail:
Address: Same as above		
City/PO:		State:      Zip Code:
Property Owner (if not same as sponsor): Same as above		Telephone: E-Mail:
Address: Same as above		
City/PO:		State:      Zip Code:



**NPV**

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

Sources: ESRI Streets Layer, 2017; Suffolk County GIS, 2022

Scale: 1 inch equals 800 feet

Clancy Street Food Court

Manorville, NY

## 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town of Brookhaven - Building Permit	TBD
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Town of Brookhaven Planning Board - Special Permit, Site Plan Approval	TBD
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	SCDHS - Water Supply and Sanitary System	TBD
f. Regional agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Central Pine Barrens Joint Planning and Policy Commission - CPA Hardship Exemption	February 2024
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" 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 checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" 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):

Central Pine Barrens Joint Planning and Policy Commission

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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?

J2 Business District

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? Eastport-South Manor Central School District

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

Suffolk County Police Department, Sector 709, 7th Precinct

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

Manorville Fire Department, Manorville Ambulance

d. What parks serve the project site?

Manorville Hills County Park, Robert Cushman Murphy County Park

## 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)? Commercial

b. a. Total acreage of the site of the proposed action? 1.167± acres

b. Total acreage to be physically disturbed? 0.74 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.167 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: 12-18 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: \_\_\_\_\_

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

of all phases

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Yes  No

If Yes,

i. Total number of structures 1

ii. Dimensions (in feet) of largest proposed structure: 32' height; 59' width; and 100' length

iii. Approximate extent of building space to be heated or cooled: 3,293 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? Grading, building slab/footings, utilities/drainage

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

• Volume (specify tons or cubic yards): 867.3 CY

• Over what duration of time? ~6 months

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

Excavated soil will be reused on-site where possible, and remainder (estimated 867.3 including material generated from grading and excavating of building footings/foundation and drainage/utilities) will be exported for off-site disposal at an approved facility.

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? 0.2 acres

vi. What is the maximum area to be worked at any one time? 0.2 acres

vii. What would be the maximum depth of excavation or dredging? 8 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

Yes  No

into any existing wetland, waterbody, shoreline, beach or adjacent area?

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: 2,100 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: Suffolk County Water Authority
- 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?

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

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: 2100 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): \_\_\_\_\_

Sanitary, kitchen/gray load

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

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- 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

- Do existing sewer lines serve the project site?  Yes  No
- Will a line extension within an existing district be necessary to serve the project?  Yes  No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- What is the receiving water for the wastewater discharge? \_\_\_\_\_

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):

On-site sanitary system proposed consisting of a 750 GPD I/A OWTS for treatment of sanitary load, a 3,000 GPD septic tank for treatment of kitchen/gray load, a 2,500-gallon grease trap, and four 12-foot-depth leaching pools

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_

Kitchen grease will be captured in an on-site grease trap and routinely pumped out/disposed of off-site by a contractor

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?  Yes  No

If Yes:

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)

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)?

- If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_
- Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  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?  Yes  No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

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?  Yes  No

If Yes:

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)  Yes  No

ii. In addition to emissions as calculated in the application, the project will generate:

- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
- \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
- \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
- \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/> No	
viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Sidewalk connection provided along south side of property connecting property to the east along C.R. 111 <input checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Estimate annual electricity demand during operation of the proposed action: _____ 216.3 MBtu/sq ft. (2021 CEQR Technical Manual)	
ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____	
PSEG Long Island	
iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
l. Hours of operation. Answer all items which apply.	
i. During Construction:	
<ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7am-7pm</li> <li>• Saturday: _____ 8am-5pm</li> <li>• Sunday: _____ None</li> <li>• Holidays: _____ None</li> </ul>	
ii. During Operations:	
<ul style="list-style-type: none"> <li>• Monday - Friday: _____ TBD</li> <li>• Saturday: _____ TBD</li> <li>• Sunday: _____ TBD</li> <li>• Holidays: _____ TBD</li> </ul>	

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes:	
i. Provide details including sources, time of day and duration:	
Equipment/machinery typical of clearing/grading/paving projects. Will occur in a limited area of the property during typical business hours during period of construction, in accordance with the Town of Brookhaven Town Code related to Noise Control (Chapter 50, Section 50-6B(7)).	
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Describe: _____	
n. Will the proposed action have outdoor lighting?	<input checked="" 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:	
Typical parking lot lighting in accordance with Town Code. No nearby sensitive receptors would be affected by the lighting. 11 fixtures mounted at 7' with one structure mounted at 18'.	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Describe: _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day?	<input checked="" 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: _____	
Odor emissions associated with mobile equipment typical of clearing/grading/asphalt paving work. Odors may occur during construction period. There are no nearby sensitive receptors that would be impacted by odors.	
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 checked="" 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 checked="" 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 checked="" 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 checked="" 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: _____ 613.5 tons per _____ 6 months (unit of time)	
• Operation : _____ .258 tons per _____ day (unit of time)	
ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:	
• Construction: Excavated material will be reused on-site where possible	
• Operation: Waste materials to be recycled where possible	
iii. Proposed disposal methods/facilities for solid waste generated on-site:	
• Construction: Excavated material to be transported off-site by contractor to licensed disposal facility	
• Operation: Off-site contractor to pick up/dispose of trash and recycling at licensed off-site disposal facilities. 2500 gallon grease trap installation to capture kitchen load to be routinely pumped out by contractor.	

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): L.I.E to the northwest of the site

ii. If mix of uses, generally describe:

Forested area of site within Central Pine Barrens; Starbucks borders the eastern perimeter of the site; Commercial businesses and residential housing are on the south side of Eastport Manor Rd.

#### 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	0.01	0.57	+0.56
• Forested	0.72	0.43	-0.29
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.25	0.17	-0.08
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: Successional/Previously disturbed _____	0.19	0.00	-0.19

c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain: _____	<input type="checkbox"/> Yes <input checked="" 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: Peconic Bay Medical Center Immediate Care within ±720 feet to the south of Eastport Manor Rd. _____	<input checked="" 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 checked="" 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? • If yes, cite sources/documentation: _____	<input type="checkbox"/> Yes <input checked="" 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 checked="" 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 checked="" 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): V00672	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): Site is located Southeast of subject property across County Road 111, remediation has been completed in 2007 and groundwater use restriction in place.	

v. Is the project site subject to an institutional control limiting property uses?		<input type="checkbox"/> Yes <input checked="" 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> <li>• Explain: _____ _____ _____</li> </ul>		<input type="checkbox"/> Yes <input type="checkbox"/> No						
<b>E.2. Natural Resources On or Near Project Site</b>								
a. What is the average depth to bedrock on the project site? _____		>6 feet						
b. Are there bedrock outcroppings on the project site? If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
c. Predominant soil type(s) present on project site:		<table border="0"> <tr> <td>Carver and Plymouth soils</td> <td>57 %</td> </tr> <tr> <td>Riverhead sandy loam</td> <td>42 %</td> </tr> <tr> <td></td> <td>%</td> </tr> </table>	Carver and Plymouth soils	57 %	Riverhead sandy loam	42 %		%
Carver and Plymouth soils	57 %							
Riverhead sandy loam	42 %							
	%							
d. What is the average depth to the water table on the project site? Average: _____		20 feet						
e. Drainage status of project site soils:		<table border="0"> <tr> <td><input checked="" type="checkbox"/> Well Drained:</td> <td>100 % of site</td> </tr> <tr> <td><input type="checkbox"/> Moderately Well Drained:</td> <td>_____ % of site</td> </tr> <tr> <td><input type="checkbox"/> Poorly Drained</td> <td>_____ % of site</td> </tr> </table>	<input checked="" type="checkbox"/> Well Drained:	100 % of site	<input type="checkbox"/> Moderately Well Drained:	_____ % of site	<input type="checkbox"/> Poorly Drained	_____ % of site
<input checked="" type="checkbox"/> Well Drained:	100 % 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:		<table border="0"> <tr> <td><input checked="" type="checkbox"/> 0-10%:</td> <td>90 % of site</td> </tr> <tr> <td><input checked="" type="checkbox"/> 10-15%:</td> <td>10 % of site</td> </tr> <tr> <td><input type="checkbox"/> 15% or greater:</td> <td>_____ % of site</td> </tr> </table>	<input checked="" type="checkbox"/> 0-10%:	90 % of site	<input checked="" type="checkbox"/> 10-15%:	10 % of site	<input type="checkbox"/> 15% or greater:	_____ % of site
<input checked="" type="checkbox"/> 0-10%:	90 % of site							
<input checked="" type="checkbox"/> 10-15%:	10 % of site							
<input type="checkbox"/> 15% or greater:	_____ % of site							
g. Are there any unique geologic features on the project site? If Yes, describe: _____		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
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 checked="" type="checkbox"/> No						
ii. Do any wetlands or other waterbodies adjoin the project site? If Yes to either i or ii, continue. If No, skip to E.2.i.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No						
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?		<input checked="" 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 Freshwater Pond (off-site 1,200 ft south) Classification PUBH</li> <li>• Wetlands: Name Freshwater Forested/Shrub Wetland Approximate Size 5.42 acres</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? If yes, name of impaired water body/bodies and basis for listing as impaired: _____		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No								
j. Is the project site in the 100-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No								
k. Is the project site in the 500-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No								
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? If Yes:		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No						
i. Name of aquifer: Sole Source Aquifer Names:Nassau-Suffolk SSA _____								

m. Identify the predominant wildlife species that occupy or use the project site: song birds _____ small mammals (squirrels) _____	_____
n. Does the project site contain a designated significant natural community? If Yes: i. Describe the habitat/community (composition, function, and basis for designation): Pitch Pine-Oak Forest	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Source(s) of description or evaluation: _____	
iii. Extent of community/habitat: • Currently: 7018.09 acres • Following completion of project as proposed: 7017.8 acres • Gain or loss (indicate + or -): -0.29 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? If Yes: i. Species and listing (endangered or threatened): Northern Long-eared Bat, Toothcup, Tiger Salamander	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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? If Yes: i. Species and listing: Coastal Barrens Buckmoth	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? If yes, give a brief description of how the proposed action may affect that use: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<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? If Yes, provide county plus district name/number: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Are agricultural lands consisting of highly productive soils present? i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? 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: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? If Yes: i. CEA name: SGPA, Central Suffolk Pine Barrens ii. Basis for designation: Protect groundwater, Benefit to human health & protect drinking water iii. Designating agency and date: Agency:Long Island Regional Planning, Agency:Suffolk County, Date:3-19-93, Date:2-10-88	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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.

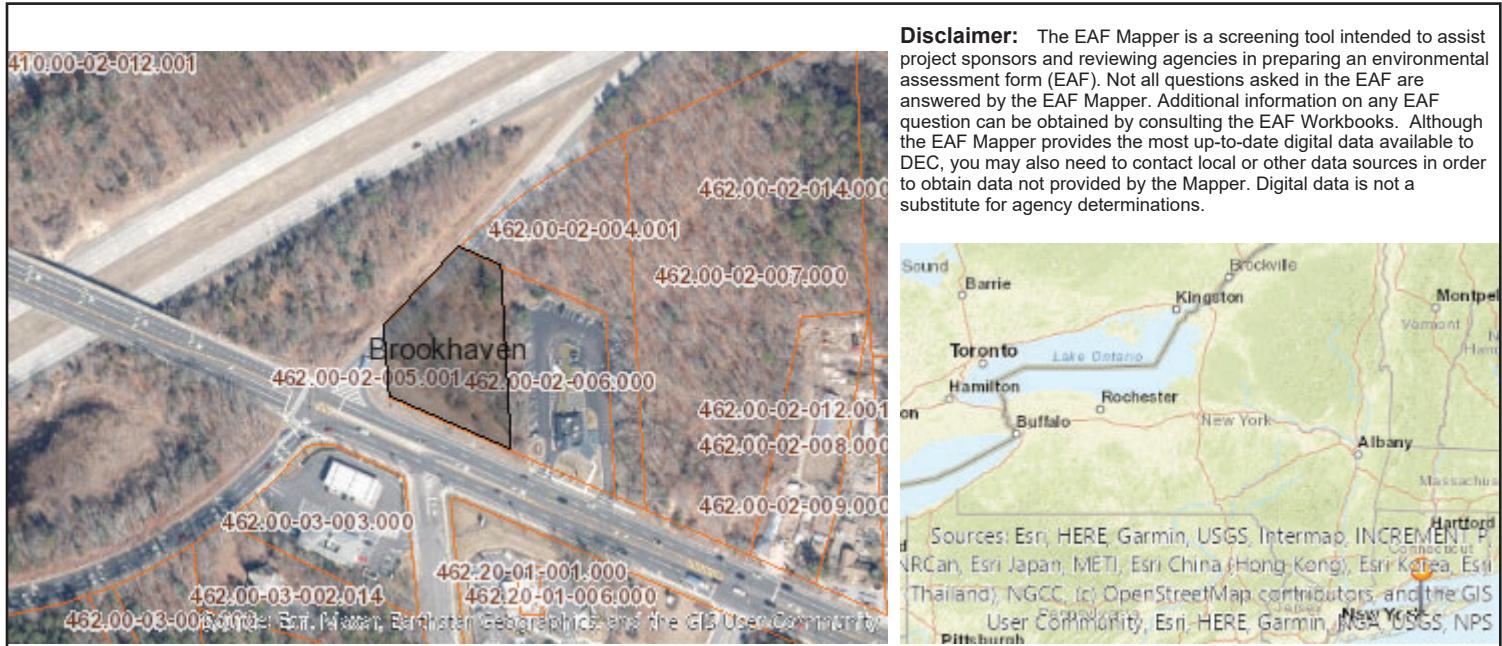
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

## G. Verification

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

Applicant/Sponsor Name Brianna Sadoski, As Agent Date 1/29/2024

Signature  Title Project Manager/Senior Environmental Planner



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]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	V00672
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
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.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
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
E.2.n.i [Natural Communities - Acres]	7018.09
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Northern Long-eared Bat, Toothcup, Tiger Salamander
E.2.p. [Rare Plants or Animals]	Yes
E.2.p. [Rare Plants or Animals - Name]	Coastal Barrens Buckmoth
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
E.3.d.ii [Critical Environmental Area - Reason]	Protect groundwater, Benefit to human health & protect drinking water
E.3.d.iii [Critical Environmental Area – Date and Agency]	Agency:Long Island Regional Planning, Agency:Suffolk County, Date:3-19-93, Date:2-10-88
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]	No

## APPENDIX C HISTORICAL AERIAL PHOTOGRAPHS

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Clancy Street Food Court, Manorville  
Historical Aerial Photograph Appendix



Aerial Photograph Year: 1947



Aerial Photograph Year: 1962

**Clancy Street Food Court, Manorville  
Historical Aerial Photograph Appendix**



Aerial Photograph Year: 1978



Aerial Photograph Year: 1984

**Clancy Street Food Court, Manorville  
Historical Aerial Photograph Appendix**



Aerial Photograph Year: 2001



Aerial Photograph Year: 2004

**Clancy Street Food Court, Manorville  
Historical Aerial Photograph Appendix**



Aerial Photograph Year: 2007



Aerial Photograph Year: 2010

**Clancy Street Food Court, Manorville  
Historical Aerial Photograph Appendix**



Aerial Photograph Year: 2016



Aerial Photograph Year: 2023

## APPENDIX D

### PRIOR APPLICATIONS/HISTORICAL DOCUMENTATION

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RESOLUTION NO. 10A  
MEETING OF: MAY 3, 1994

AMENDMENT TO RESOLUTION ADOPTED  
FEB. 15, 1994 - APPROVING THE  
SPECIAL EXCEPTION APPLICATION OF  
DAVID KEPNER & THE CLANCY STREET  
CORP. FOR A FAST FOOD RESTAURANT IN  
A J-2 BUSINESS DISTRICT (#93-001SE)

BE IT RESOLVED that the resolution adopted by the Town Board on February 15, 1994 approving the above-captioned special exception application is hereby amended to read, in full, as follows:

BE IT RESOLVED that the above-captioned application of David Kepner and the Clancy Street Corp. for a special exception for construction of a fast food restaurant in a "J-2" Business District for the site located at Manorville is hereby approved subject to the following conditions, as conditions only:

- A. An interior connector driveway should be proposed, at the time of site plan review, to the parcel to the east, subject to Planning Board review and determination; and
- B. The building architecture of the fast food restaurant is recommended to have a rustic appearance, as to be determined by the Planning Board.

and be it further

RESOLVED that prior to commencing construction, the applicant shall obtain all necessary governmental permits.

SA:la

enc.

CC: Law

Planning Board

J. Girandola, Planning Div

J. Sanzano, Planning Div

Town Council

Commissioner Swick

Environmental Protection

Suffolk County Planning Commission

A.

## Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, Chairman  
John LaMura, Vice Chairman  
Richard Blowes, Member  
Ray E. Cowen, Member  
James R. Stark, Member

P.O. Box 587  
3525 Sunrise Highway, 2nd Floor  
Great River, New York 11739  
516-563-0385 / Fax 516-277-4097

Session of November 8, 1995  
Brookhaven Town Offices

Present: Ms. Wiplush and Mr. Girandola (for Brookhaven), Mr. Duffy (for Southampton)  
Mr. Cowen (for New York State) Mr. Proios (for Suffolk County) Ms. Filmanski (for Town of Riverhead)

Resolution on Clancy Street Food Court  
Core Preservation Area Hardship

Property located southeast corner of the Long Island Expressway Service Road and County Road 111,  
Manorville, Town of Brookhaven  
SCTM # 200-462-2-5

Whereas, on May 25, 1995, David Kepner, through his attorney, Philip Sanderman, submitted a core boundary change request to construct a 5,915 square foot fast food or other restaurant on a 1.17 acre parcel in Manorville, and,

Whereas, on August 17, 1995, pursuant to the New York State Environmental Quality Review Act ("SEQRA") Part 617.6, the Commission coordinated lead agency review, and,

Whereas, on August 23, 1995, a public hearing on the core boundary change request was held by the Commission and a transcript was thereafter made available to the Commission, and,

Whereas, on September 20, 1995, pursuant to the New York State Environmental Quality Review Act ("SEQRA") Part 617.6 the Commission designated itself lead agency and accepted an extension from the applicant on the time in which the Commission has to make a SEQRA determination until October 11, 1995, and,

Whereas, on October 11, 1995, the Commission accepted an extension of time in which the Commission must make a SEQRA determination and decide the core boundary change request in order that the applicant may seek a Core Preservation Area hardship exemption for the same proposal, and,

Whereas, on October 13, 1995, David Kepner, through his attorney, Philip Sanderman submitted an application for a Core Preservation Area hardship exemption for all uses permitted in the Town of Brookhaven J-2 zoning district, except dry cleaners, laundries, public garages and automobile body shops on 1.17 acres, and,

Whereas, on October 25, 1995, a public hearing on the Core Preservation Area hardship exemption was held by the Commission and a transcript was thereafter made available to the Commission, and,

Whereas, the Commission has considered all materials submitted in connection with the core boundary change request and the Core Preservation Area hardship exemption, now, therefore, be it

Resolved, that the Commission hereby makes a determination of non-significance pursuant to Environmental Conservation Law Article 8 and be it further

Resolved, that the Commission hereby determines that the application, as submitted, does meet all of the requirements for extraordinary hardship pursuant to New York State Environmental Conservation Law 57-0121 (10)(a) and be it further

Resolved, that the application for a Core Preservation Area hardship exemption is granted subject to the following conditions:

1. The use of the premises is limited to the retail sale of food and food services and/or the sale at retail of dry goods.
2. The physical development of the site shall be in accordance with the Commission's Standards for Land Use as set forth in Chapter 5 of the Plan and the FGEIS for projects located in the Compatible Growth Area.
3. The height of any detached ground signs shall not exceed the height of the detached ground sign found at the gasoline filling station at the southwest corner of the intersection of County Road 111 and the Long Island Expressway Service Road.

**Record of Motion:**

Motion by Mr. Cowen

Seconded by Mr. Duffy

**Yea Votes:**

Unanimous

CENTRAL PINE BARRENS COMMISSION  
COUNTY OF SUFFOLK : STATE OF NEW YORK

---

*In the Matter of the Application of*

PETITION

AMERADA HESS CORPORATION,

For a Hardship Exemption, Pursuant to  
Environmental Conservation Law Article 57-0121(10)

---

TO: CENTRAL PINE BARRENS COMMISSION

The Petitioner respectfully states:

1. The Petitioner, **AMERADA HESS CORPORATION**, whose address is One Hess Plaza, Woodbridge, New Jersey 07095, is the contract vendee of the parcel of land hereinafter described.

2. **CLANCY STREET CORP.**, whose address is 400 Old Montauk Highway, Eastport, New York, 11941, is the fee title owner of the parcel of land hereinafter described, annexed as Schedule "A".

3. The Petitioner, with the consent of the property owner, is requesting a Hardship Exemption, pursuant to Environmental Conservation Law Article 57-0121(10)

4. The said premises are located at the southeast corner of C.R. 111 Port Jefferson-West Hampton Road (Eastport Manor Road) and S.R. 495 Long Island Expressway South Service Road, Manorville, Town of Brookhaven, County of Suffolk and State of New York.

5. The premises are set forth on the Suffolk County Tax Map as District 0200 Section 462.00 Block 02.00 Lot 005.001. The premises contain within its bounds 50,849+- square feet or 1.167 acres, more or less.

6. The subject premises are located in the South Manor UF School District # 21, and the Manorville Fire District.

7. The subject premises are not located within 500 feet of the boundary line of any incorporated village, other township, state park or state parkway. The subject premises are, however, within 500 feet of a New York State Highway, to wit; New York State Route 495, upon which it fronts at the south service road.

8. The subject premises are not within 500 feet of a Place of Public Assembly.

9. The subject premises are not located within a Historic District or a Historic Transition Zone.

10. The subject premises are within 2,000 feet of another Gasoline Filling Station, to wit: a Mobil gasoline service station, which is south and west of the subject premises and set forth on the Suffolk County Tax Map as District 0500 Section 462 Block 3 Lot 3. (across Eastport Manor Road)

11. Upon information and belief, the subject premises are subject to the "Central Barrens Land Use Act". The subject premises are located within the boundaries of the Core Preservation Area.

12. The Petitioner proposes to erect a convenience store and a gasoline dispensing operation only with a canopy over pump dispensing islands on the premises.

13. The reasons for the hardship request are as follows:

- (A) (1) The subject parcel is located at the intersection of Eastport Manor Road and the South Service Road of the Long Island Expressway; both roadways carry thousands of cars per day.
- (2) The subject parcel is zoned J-2 Business pursuant to the zoning ordinance of the Town of Brookhaven.

- (3) The subject parcel is surrounded by J-2 Business zoning.
- (4) To the east is an operating restaurant with a large on-site blacktop paved parking field.
- (5) Although in the Core Preservation Area, the subject site is at the very edge thereof at a triangle abutting two heavily traveled roadways.
- (6) The site presently is covered with a gravel surface which is not conducive to Pine Barrens Core Preservation intent.
- (7) A prior Core Preservation Area Hardship Resolution was granted at the session of November 8, 1995 to Clancy Street Food Court.
- (8) Upon information and belief, the current owner has been unable to lease or sell the property for a food court as restricted by the above-mentioned resolution. The property owner now has the opportunity to lease or sell the property, which will operate in conjunction with a retail filling station by a major oil company.
- (9) The subject parcel is unique due to its location at the intersection of the two aforementioned heavily traveled roads at the very edge of the Core Preservation Area. Thus, its location is not common to other properties in the area.

(B) (1) The proposal will serve the convenience of the traveling public by having gasoline available for motor vehicles as well as food. The operation will be conducted seven days per week, 24 hours per day.

(2) The proposed operation will provide an essential service in an otherwise rural area.

(3) The public benefit will outweigh the protection of the Core Preservation Area as it is business zoned, surrounded by business zone and other commercial operations at a periphery location in the Core Area across across the road from the compatible growth area.

(4) The Core Preservation Area will not be affected in any way by the proposed operation. All safety systems will be in place to avoid any adverse affect to the Core Preservation Area.

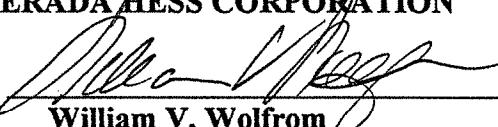
(C) (1) The current restrictions for the underground storage of gasoline with the state of the art detection systems in place, will not create a detrimental or injurious affect to the Core Preservation Area.

- (2) The granting of the applicant's proposed use will not cause any substantial impairment to the resources of the Core Preservation Area due to all safety devices in place.
- (3) The water flows underground are to the south and not to the east, therefore no underground water resources will be affected by the proposed use.
- (4) Due to its unique location at the very edge of the Core Preservation Area, any waiver to be granted as requested herein will not be inconsistent with the purposes, objects or the general spirit and intent of the Pine Barrens Act. Prior commercial development of the site has been approved.
- (5) The extraordinary hardship being placed upon the property owner may be removed by granting the relief requested herein, maintaining all safeguards for a safe use of the property without any adverse affect to the purpose of the Pine Barrens Legislation in a location that would be for the public good.

14. A copy of a prior Hardship Resolution approved at the Session of November 8, 1995 is annexed hereto as Exhibit "B".

15. The Petitioner respectfully requests that the Central Pine Barrens Commission grant the request for a hardship exemption as set forth herein.

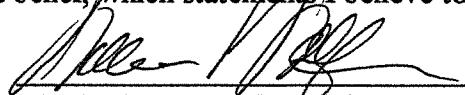
AMERADA HESS CORPORATION

By: 

William V. Wolfson  
Northern Permit Manager

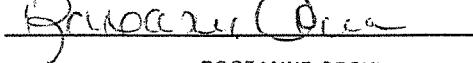
STATE OF NEW YORK: COUNTY OF SUFFOLK) : ss.:

William V. Wolfson, being duly sworn, does depose and say: That I am the Northern Permit Manager for the Applicant, Amerada Hess Corporation, the Petitioner herein. That I have read the foregoing Petition and that the statements contained therein are true except as to such statements which are based on information and belief, which statements I believe to be true.

  
WILLIAM V. WOLFSON

Sworn to before me this

16 day of September 2001

  
ROSEANNE ORSKI  
Notary Public  
New York

Suffolk County  
Term Expires April 30, 2003

**NARRATIVE OF PRIOR TOWN BOARD & CENTRAL PINE BARRENS JOINT  
PLANNING & POLICY COMMISSION APPROVALS**  
**Central Pine Barrens Comprehensive Land Use Plan**  
May 26, 2011

**History of Application**

The proposed Clancy Street Food Court was the subject of a Special Exception application to the Brookhaven Town Board, which issued its approval on February 15, 1994 (amended on May 3, 1994, see *Attachment A*).

The applicant submitted a Core Preservation Area boundary change request to the Central Pine Barrens Joint Planning & Policy Commission (hereafter, "the Commission") on May 25, 1995. At this time, the Commission assumed lead agency status under the New York State Environmental Quality Review Act (SEQRA). Subsequently, after consultation with the Commission, the applicant submitted a Hardship Exemption application on the project, on October 13, 1995, and withdrew the prior boundary change request. The Commission held a hearing on the Hardship Exemption application on October 25, 1995 and, after review of all materials submitted by the applicant and the Commission staff in relation to the application, determined:

- 1) that the proposed project merited a determination of non-significance pursuant to the NYS Environmental Conservation Law (ECL), Article 8, indicating that no significant adverse impacts would be expected, and that preparation of an Environmental Impact Statement would not be necessary; and
- 2) that the application met all of the requirements for extraordinary hardship pursuant to ECL Article 57-0121(10)(a).

A copy of the Commission's approval (dated November 8, 1995) is contained herein as *Attachment B*; the approval contains three (3) conditions, which are satisfactory to the applicant.

**Conformance to Hardship Exemption Criteria**

The following description and discussion of the project's conformance to the criteria to establish hardship is taken from the materials submitted to the Commission as part of the October 13, 1995 application, and provides useful background information about the project.

The subject property is identified as SCTM number 0200-462-02-005.1 and is located in the Central Pine Barrens Core Preservation Area as established pursuant to the Long Island Pine Barrens Protection Act of 1993. In the past, the subject site was occupied by one single-family residence, which has since been removed. Due to the past domestic use, the subject property has been altered. The area of the property adjacent to CR 111 (approximately 35 percent of the site) is occupied by non-fertilized grasses. Approximately 20 percent of the site was occupied by the single-family residence and landscaped vegetation, and is presently a vacant and impacted area. The remainder of the property is primarily covered with pine and oak trees. The applicant proposes to construct a 5,915 SF [since reduced to 5,831 SF] building for a fast food restaurant use on the property. The proposed project will result in the clearing of no more than 65 percent of the existing vegetation to facilitate the proposed

building, parking area and access points. Portions of the site not included in the proposed clearing will be supplemented with indigenous vegetation where necessary. The site plan for the proposed project has been attached for your review. No wetlands or surface waters are located on or adjacent to the subject site, and the site does not contain slopes over 10 percent. The subject site and the parcel located at the southwest corner of the intersection of the LIE and CR 111 are both zoned for commercial uses, J-Business-2 and J-Business-3, respectively. A Special Exception for fast food on the subject site was granted by the Town Board of the Town of Brookhaven on May 11, 1994. The proposed use and layout of the proposed project will substantially conform to the dimensional regulations for J-Business-2 zoning and even the more stringent regulations for J-Business-3 zoning. The proposed project is also consistent with allowable sanitary flow permitted on the 1.17-acre site under Article 6 of the Suffolk County Sanitary Code. The concentration of nitrogen in recharge will be less than 6 mg/l standard based on Article 6, the 208 Study and the Suffolk County Comprehensive Water Resources Management Plan.

Demonstration of Hardship

It is submitted that the applicant will experience an extraordinary hardship if the proposed use of the property is not permitted as per the ZBA approval. The preclusion of beneficial use of the property stems from the provisions of Article 57 for lands in the Core Preservation Area. This inability to have a beneficial use results from unique circumstances particular to the subject property. Consistent with Section 57-0121(10) of the NYS ECL, the following discussion outlines the necessary conditions to demonstrate the existence of a hardship.

(a)(i)

The situation and history of the subject property is unique and does not apply or affect other properties in the vicinity of the site. The Core Preservation Area (Core) boundary runs in a southeast direction along the northeast side of CR 111. Although the residential and commercial uses on the parcels to the southeast of the subject property are also located within the Core, these uses are permitted to remain under Article 57. However, as the subject site was not in active use for more than one year, the proposed project would be considered as "development" under §57-107, and thus is prohibited in the Core. The subject property is the only J-Business-2 zoned parcel in this vicinity of the Core and has been granted a Special Exception for fast food use by the Town Board of the Town of Brookhaven. The conditions of the Special Exception will be adopted on the subject property. A copy of the Special Exception for the project are attached for review [Attachment A]. The issuance of this approval is unique to the subject property and does not apply to or affect other properties in the area.

(a)(ii)

The subject property is located at the southeast corner of the intersection of the LIE south service road and CR 111. The site is heavily impacted visually and acoustically due to this situation. The site is also presently impacted by the former occupation of a single-family residence on-site. The former domestic use of the property has resulted in the clearing of more than 55 percent of the site. The remaining pine-oak vegetation is located in narrow strips along the LIE south service road and between CR 111 and the former dwelling. Only the narrow strip along the south service road is contiguous to other pine-oak vegetation. It is submitted that the ecological value of the subject property is greatly diminished by these impacts and is not characteristic of other vacant parcels in the Core. It is also submitted that the provisions of Article 57 would deny any future benefit derived from the subject property, as the parcel would be required to remain in a vacant state. This

Clancy Street Food Court  
Narrative of Prior CPB Commission Approval  
as Supplement to EAF Part 1

would effectively deny the owner of use and value in connection with this parcel, particularly in view of the fact that it is zoned for business use.

(a)(iii)

The preclusion of beneficial use of the subject property is not the result of any action or inaction of the current or previous property owners.

(b)

The hardship experienced by the owner of the subject site does not involve public need in respect to the essential health and safety of the municipality or the adaptive reuse of an historic resource.

(c)(i)

The granting of a permit for the proposed project will not be detrimental or injurious to other properties in the area or increase the danger of fire, endanger public safety or substantially impair the resources of the Core area. Land uses in the area of the site include the LIE and CR 111 to the north and south, commercial and residential along CR 111, and vacant land to the east. The proposed project will not adversely impact the LIE or CR 111, rather it is submitted that the visual and acoustical impacts of these roadways render the site inappropriate for uses other than commercial. The proposed project has been designed to contain and recharge all stormwater runoff on-site and to provide for acceptable traffic flow in the area of the site, so as to minimize any potential impacts to surrounding parcels. Due to the land use in the area of the site as well as the configuration and limited extent of existing pine-oak vegetation on the subject site, the proposed project would have no significant impact on parcels to the east that lie within the Core.

(c)(ii)

The proposed project has been reviewed according to the Joint Planning and Policy Commission's Interim Goals and Standards for Development. This review was conducted to assess potential impacts and to provide a basis for determination of the proposed project's consistency with the purposes, objectives and general spirit of Article 57, should a waiver be granted. Based on this review, it is submitted that the proposed project is consistent with the Interim Goals and Standards. A copy of the review is included as an attachment [Attachment B].

(c)(iii)

It is acknowledged that the waiver is the minimum relief necessary to relieve the hardship. It should be noted that the subject property owner does not own any suitable commercial land in the Compatible Growth Area to which development rights could be transferred.

The above discussion provides the application for hardship exemption in the Core Preservation Area. The existence of a hardship has been demonstrated by the applicant, consistent with the requirements promulgated under Section 57-0121(10) of the NYS ECL. As such, relief from the provisions of subdivision eight of this section should be granted.

It should be noted that the Commission granted approval of the Hardship Exemption application on November 8, 1995.

## APPENDIX E SITE PHOTOGRAPHS

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**Clancy St. Food Court**  
**Southeast Corner of LIE SSR and C.R. 111, Manorville**  
**Site Photographs taken 01/31/2024**



**Photo 1:** Looking west at Eastport Manor Road.



**Photo 2:** Looking slightly northwest at site parcel from Eastport Manor Rd.

**Clancy St. Food Court**  
**Southeast Corner of LIE SSR and C.R. 111, Manorville**  
**Site Photographs taken 01/31/2024**



**Photo 3:** Looking east from Eastport Manor Rd. at impervious pavement on subject property.



**Photo 4:** Looking north north-east at vegetation along perimeter of subject property bordering Eastport Manor Road.

**Clancy St. Food Court  
Southeast Corner of LIE SSR and C.R. 111, Manorville  
Site Photographs taken 01/31/2024**



**Photo 5:** Looking north into subject property into mixed Pitch Pine Oak forest.



**Photo 6:** Looking northeast at subject property where the previous impervious surface ends.

**Clancy St. Food Court**  
**Southeast Corner of LIE SSR and C.R. 111, Manorville**  
**Site Photographs taken 01/31/2024**



**Photo 7:** Looking north-northwest at undisclosed, small structure on subject property.



**Photo 8:** Looking northwest at subject property from the corner of Eastport Manor Rd.

Clancy St. Food Court  
Southeast Corner of LIE SSR and C.R. 111, Manorville  
Site Photographs taken 01/31/2024



**Photo 9:** Looking Northeast from adjacent property opposite of the western perimeter of subject property at exit ramp to the L.I.E



**Photo 10:** Looking south at the western perimeter of subject property that borders entrance ramp to L.I.E from adjacent property.

**Clancy St. Food Court**  
**Southeast Corner of LIE SSR and C.R. 111, Manorville**  
**Site Photographs taken 01/31/2024**



**Photo 11:** Looking East at subject property edge from entrance ramp to L.I.E



**Photo 12:** Looking Southwest at the corner of subject property and Eastport  
Manor Road from opposite side of the entrance ramp to L.I.E.

**Clancy St. Food Court**  
**Southeast Corner of LIE SSR and C.R. 111, Manorville**  
**Site Photographs taken 01/31/2024**



**Photo 13:** Looking East at corner of subject property from opposite side of the road.



**Photo 14:** Southwest at Eastport Manor Road. From property adjacent to subject property.

**Clancy St. Food Court**  
**Southeast Corner of LIE SSR and C.R. 111, Manorville**  
**Site Photographs taken 01/31/2024**



**Photo 15:** Looking east at the corner of subject property from adjacent property across the street.



**Photo 16:** Looking North at corner of subject property to L.I.E entrance ramp.

**Clancy St. Food Court**  
**Southeast Corner of LIE SSR and C.R. 111, Manorville**  
**Site Photographs taken 01/31/2024**



**Photo 17:** Looking Northeast at the corner of subject property from Eastport Manor Road.



**Photo 18:** Looking North at the corner of subject property from Eastport Manor Road.

**Clancy St. Food Court**  
**Southeast Corner of LIE SSR and C.R. 111, Manorville**  
**Site Photographs taken 01/31/2024**



**Photo 19:** Looking South in subject parcel in the successional shrubland area.



**Photo 20:** Looking North in subject parcel in the successional shrubland area.