



**Central Pine Barrens Commission Meeting Agenda**  
**Wednesday, April 19, 2023 at 2:00 pm**  
**Southampton Town Hall**  
**116 Hampton Road**  
**Southampton, NY 11968**

**IN PERSON ONLY, NO REMOTE OPTION**

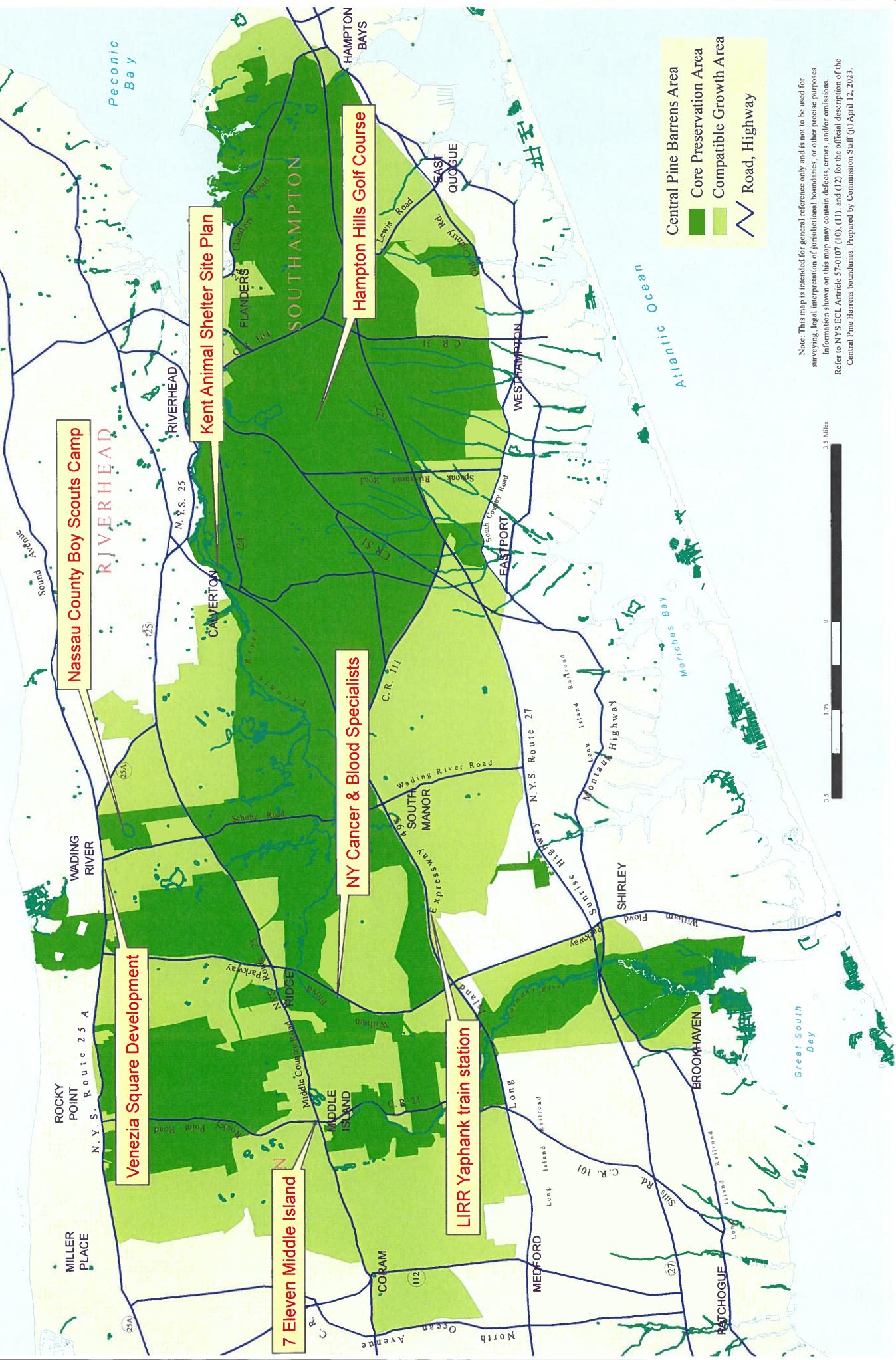
- 1. Administrative and Public Comment**
  - a. Public Comment
  - b. Minutes for 3/15/23 review (*approval*)
- 2. Education and Science and Stewardship**
  - a. Draft resolution to receive assistance from FOREST for seasonal staff housing: *approve* (*Ms. Weigand*)
- 3. Planning, Land Use and the Pine Barrens Credit Program**
  - a. Findings Statement for the Supplemental Final Generic Environmental Impact Statement for the Plan Amendments and vote to adopt amendments: (*Ms. Jakobsen*)
    - i. *Accept Findings Statement*
    - ii. *Vote to Adopt Plan Amendments*
  - Core Preservation Area**
    - b. NY Cancer & Blood Specialists Core Preservation Area Hardship Waiver Application / w/s William Floyd Parkway, 1 Research Road, Ridge / 200-459-1-1.4 / parking lot expansion for medical facility on 5 acres L Industrial 1 zoning district, former site of American Physical Society / decision deadline 4/19/23 / *draft decision* (*Ms. Hargrave*)
    - c. Nassau County Boy Scouts Camp/Camp Wauwepex / Wading River / 600-75-3-10.3 / request to cut dead trees infested by Southern Pine Beetle and review consistency with the Pine Barrens Credit Program conservation easement / *permission* (*Mr. Tverdyy*)
    - d. Request for determination: Hampton Hills Golf Course / Westhampton / 900-194-1-3 / construct two, 60'x32' fenced pickleball courts in a mowed grass area / *draft determination* (*Ms. Hargrave*)
    - e. Referral: Kent Animal Shelter Site Plan / 2259 River Road, Calverton / 600-138-1-6.2 and 7.1 / proposal to renovate existing facilities / *draft response* (*Ms. Hargrave*)
  - Compatible Growth Area**
    - f. 7 Eleven Middle Island (R.N. Middle Island et al) / Route 25, Middle Island / 200-378-2-37.2, 200-403-1-2.1 and 2.3 / *authorize Order on Consent* (*Ms. Jakobsen*)
    - g. Referral: LIRR Yaphank train station / south of the LIE, west of North Street, Yaphank / 200-554-1-2.1 / development of train station on 5.33 acres in the L Industrial 1 zoning district / *draft response* (*Ms. Hargrave*)
  - 4. Public Hearing at 3:00 pm**
    - a. Venezia Square Development of Regional Significance Application / Route 25A, Wading River / 600-73-1-1.4, 1.16, 1.17, 1.18 & 1.19 / development of 37,000 square foot commercial center, five buildings with 7 units/tenants for restaurant, retail and bank uses on 6.34 acres in the Business CR zoning district / *decision deadline* 6/8/23 (*Ms. Hargrave*)
  - 5. Public Comment**
  - 6. Closed Advisory Session (if necessary)**

624 Old Riverhead Road  
Westhampton Beach, NY  
11978

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[www.pb.state.ny.us](http://www.pb.state.ny.us)

Next Commission Meeting, Wednesday, May 17, 2023 at 2:00 pm  
For meeting information visit <https://pb.state.ny.us/>

SITES FOR DISCUSSION AT  
CENTRAL PINE BARRENS COMMISSION MEETING OF  
April 19, 2023





## Central Pine Barrens Commission Meeting Agenda

Wednesday, March 15, 2023 (DRAFT)

Brookhaven Town Hall

One Independence Hill

Farmingville, NY

2:00 pm

**Commission members present:** Mr. Robert Calarco (New York State Governor's Representative), Mr. Panico and Ms. Pines (for Brookhaven), Mr. Stafford (for Riverhead), Mr. Shea (for Southampton) and Mr. Freleng (for the Suffolk County Executive).

**Others present:** Commission and other agency staff members included Ms. Jakobsen, Mr. Milazzo, Mr. Carbone, Ms. Hargrave, Ms. Parrott, Ms. Weigand Mr. Tverdy, Mr. Steiger, Ms. Kern, Ms. Mencel, Mr. Woffinden, Mr. Bagan, Mr. Bagozzi and Ms. Brown-Walton.

Robert Calarco  
Chairman

Yvette Aguiar  
Member

Steven Bellone  
Member

Edward P. Romaine  
Member

Jay H. Schneiderman  
Member

### 1. Administrative and Public Comment

#### a. Public Comment

*Summary: Mr. Turner expressed his strong support, endorsement and excitement about the proposal to begin steps forward in thinking about some type of primary Pine Barrens Interpretive Center.*

#### b. Minutes for 2/15/23 review

*Summary: The motion was made by Mr. Shea and seconded by Mr. Stafford to approve the February 15, 2023 minutes. The motion was approved by the five members present.*

#### c. Pine Barrens Interpretive Center

*Summary: Ms. Jakobsen discussed the Central Pine Barrens Commission staff would like to investigate the feasibility of designing and building a Central Pine Barrens Interpretive Center to showcase to visitors and residents all the resources the region has to offer. The goal would be to create a facility that establishes a sense of place for the Central Pine Barrens for local residents as well as tourists by allowing them to immerse themselves in the diverse, natural, cultural, recreational and historic resources the region has to offer. It is envisioned this would be accomplished through for creation of interactive exhibits and educational programming as well as with outdoor garden featuring the ecology of the Central Pine Barrens. There was a consensus by the Commission for the Pine Barrens staff to proceed.*

#### d. Draft resolution to approve the agreement between the Commission and SCWA for 2024 to 2029

*Summary: The motion was made by Mr. Shea and seconded by Mr. Stafford to approve the agreement between the Commission and SCWA for 2024 to 2029. The motion was approved by 5:0 vote.*

### 2. Education and Science and Stewardship

#### a. Education and Outreach Division: update

*Summary: Ms. Parrott discussed highlights and updates on the Education and Outreach division's activities covered in the previously distributed science and stewardship division report.*

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b. *Science and Stewardship Division: update*  
Summary: Ms. Weigand discussed highlights and updates on the Science and Stewardship division's activities covered in the distributed science and stewardship division report. Ms. Weigand wished Ms. Cohn the best on her new career in agriculture. She expressed how valuable Mr. Panko has been and wished him well on his retirement at the end of the month. Mr. Weigand introduced the seasonal Prescribed Fire Crew Mr. Woffinden, Mr. Bagozzi, Mr. Bagan, Ms. Kern and Ms. Mencel. Ms. Weigand invited the Commissioners and Designated Representatives out to a prescribe fire. Mr. Shea inquired about the Northern Long-eared Bat and if it is present in a tree when the tree is cut if the animal directly harmed. Ms. Weigand stated she would follow-up on that question.

c. *Draft resolution to purchase 2 UAS-DJI Mavic3T (thermal capability drones)*  
Summary: Mr. Carbone discussed how the drones will be used for encroachments, different types of property access issues, to help to focus on the ground activities for rapid response, the drones will be used for documenting active work that's occurring on restorations, the drones will have an accountable applications for early detection in Southern Pine Beetles, can also be used to size up invasive species infestations, and used for the prescribed fire program to find hot spots. Mr. Carbone discussed the number of drone pilots and the plan to increase that number.

***The motion was made by Mr. Shea and seconded by Mr. Freleng to approve the purchase of 2 UAS-DJI Mavic3T drones. The motion was approved by 5:0 vote.***

d. *Draft resolutions to purchase ATVs with violation fund monies:*  
i. Town of Riverhead Police  
ii. New York State Police  
iii. Suffolk County Sheriff

***Summary: The motion was made by Mr. Freleng and seconded by Stafford to authorize the purchase of ATVs with the violation fund monies for the Town of Riverhead Police Department, New York State Police Department and the Suffolk County Sheriff's Department. The motion was approved by 5:0 vote.***

**3. Planning, Land Use and the Pine Barrens Credit Program**

a. *Compliance and Enforcement Division: update*  
Summary: Mr. Carbone introduced Mr. Steiger, the new Enforcement Officer. Mr. Carbone discussed highlights and updates on the Compliance and Enforcement division's activities covered in the previously distributed compliance and enforcement division report.

b. *Land Use Division: update*  
Summary: Ms. Hargrave discussed highlights and updates on the Land Use division's activities covered in the previously distributed land use division report.

c. *Credit Program: update*  
Summary: Mr. Tverdy discussed highlights and updates on the Credit Program's activities covered in the previously distributed credit program report. Mr. Shea asked if it was possible for someone to donate Pine Barrens credits to an agency for a tax benefit thereby extinguishing those credits. Mr. Milazzo responded municipalities can retire credits and there is a procedure for retiring credits, after that whether they get a tax donation or credit would be up to their accountant or tax advisor.

d. *Draft resolution Central Pine Barrens Commission to Purchase Pine Barrens Credits*  
Summary: Mr. Tverdy discussed the Pine Barrens Clearinghouse board authorized the Commission staff to prepare a letter on its behalf concerning the option to purchase Pine Barrens Credits through a reverse auction. Mr. Tverdy discussed the intent of the Clearinghouse is to increase PBCs redemptions by creating an inventory of credits that is available to individuals with shovel-ready development projects. The Clearinghouse will spend up to \$1 million dollars to purchase Pine Barrens Credits within the Town of

Brookhaven. There are parameters that the Clearinghouse considers important and request the Commission staff to consider including the suggested parameters in the auction.

***The motion was made by Mr. Freleng and seconded by Mr. Stafford to approve the draft resolution for the Central Pine Barrens Commission authorization to purchase Pine Barrens Credits. The motion was approved by 5:0 vote.***

- e. Draft resolution to accept the Supplemental Final Generic Environmental Impact Statement for the Comprehensive Land Use Plan Amendments as Complete. Final Notice of Completion  
**Summary: The motion was made by Mr. Shea and seconded by Mr. Freleng to authorize the adoption of the Supplemental Final Generic Environmental Impact Statement and to vote on the Plan Amendments at the April 19, 2023 meeting. The motion was approved by 5:0 vote.**
- f. 7 Eleven Middle Island (R.N. Middle Island et al) / Route 25, Middle Island / 200-378-2-37.2, 200-403-1-2.1, 2.3 / authorization to add 7 Eleven Inc. to Notice of Violation and authorize Executive Director to finalize Order on Consent  
**Summary: The motion was made by Mr. Shea and seconded by Mr. Stafford the authorization to add 7 Eleven Inc. to the Notice of Violation and authorize the Executive Director to finalize Order on Consent. The motion was approved by 5:0 vote.**

#### **Core Preservation Area**

- g. NY Cancer & Blood Specialists Core Preservation Area Hardship Waiver Application / w/s William Floyd Parkway, 1 Research Road, Ridge / 200-459-1-1.4 / parking lot expansion for medical facility on 5 acres, former site of American Physical Society / decision deadline 4/19/23 / decision  
**Summary: Mr. Milazzo asked the Brookhaven Designated Representative if he would like to recuse himself from this discussion. Mr. Panico responded he would like to put on record that the council member he serves with is an employee of the NY Cancer & Blood Specialist and if counsel believed he should recuse myself, he would like to discuss it further. Mr. Panico stated that Supervisor Romaine did not recuse himself and he would like to proceed on behalf of the Brookhaven Town Supervisor.**

*Ms. Hargrave discussed the resolution decision for the project is a denial based on the information in the application and testimony provided. Mr. Panico discussed after reviewing all the documents and visiting the site, he wanted to understand how the building was allowed to be expanded in 2010. The expansion was 19,000 square feet and it called for the diminishment of parking. It was explained that the prior applicant demonstrated a hardship for the building expansion and as part of that application restored area that was previously a loop driveway. The applicant's testimony shows the property is used five days a week and sometimes on Saturdays.. Every inch of pavement is needed. This draft decision to deny is consistent with decisions on other applications including 7 Eleven. It is a very high standard to meet in the Core. Mr. Shea indicated that Supervisor Schneiderman contacted him during the meeting expressing the same concerns as Mr. Panico. Discussions continued and Mr. Milazzo suggested that this topic be tabled and discussed in the executive session to receive legal advice.*

**No action was taken on the draft resolution to deny the project.**

- h. Request for determination of jurisdiction / 425 North Street, Manorville / 200-410-1-11 / construct new barns for blueberry storage and to house 8 horses, reconstruct existing barns and outbuildings, and 1,000 square foot addition to existing residence on the 13 acre property of a residence with blueberry farm and natural area/ draft response  
**Summary: Ms. Hargrave discussed this is a request for a new buyer who would like to have some structures for private use for horses and other storage for equipment in addition to the dwelling. The draft letter explains that the changes are for private use of the resident, therefore the determination is non development.**

***The motion was made by Mr. Freleng and seconded by Mr. Stafford to send the draft letter of determination. The motion was approved by 5:0 vote.***

**Compatible Growth Area**

- i. Venezia Square Development of Regional Significance Application / Route 25A, Wading River / 600-73-1-1.4, 1.16, 1.17, 1.18, 1.19 / development of 37,000 square feet of buildings for commercial uses on 6.34 acres / schedule public hearing  
*Summary: The motion was made by Mr. Shea and seconded by Mr. Freleng to schedule a hearing for April 19, 2023 at 3:00 pm. The motion was approved by 5:0 vote*
- j. Referrals / draft responses
  - i. Brookhaven Planning Board: September Morning LLC / Shirley / 200-554-3-4.43 / development of a 78,400 square foot warehouse on 6 acres in the Brookhaven Industrial Park  
*Summary: The motion was made by Mr. Freleng and seconded by Mr. Calarco to send the draft referral letter to the Town of Brookhaven. The motion was approved by 5:0 vote.*
  - ii. Southampton ZBA single-family dwelling / Riverside / 900-139-2-36  
*Summary: The motion was made by Mr. Shea and seconded by Mr. Stafford to send the draft referral letter to the Town of Southampton. The motion was approved by 5:0 vote.*
  - iii. Southampton ZBA single-family dwelling / Riverside / 900-139-2-56  
*Summary: The motion was made by Mr. Shea and seconded by Mr. Stafford to send the draft referral letter to the Town of Southampton. The motion was approved by 5:0 vote.*

**4. Public Comment**

*Summary: No public comments were received.*

**5. Closed Advisory Session (if necessary)**

*The motion was made by Mr. Stafford and seconded by Mr. Freleng to close the public portion of the meeting and to move into an advisory session for the purpose of discussing enforcement matters and obtaining legal advice from Commission counsel the Commission would not return to public session. The motion was approved by a 5:0 vote.*

*Meeting was adjourned at approximately 4:00 pm*

Attachments (in order of discussion)

1. Draft Commission meeting summary for 2/15/23
2. Final Commission meeting summary for 2/15/23
3. Central Pine Barrens Interpretive Center Memo dated March 15, 2023 from Judy Jakobsen, Executive Director, to the Commission
4. Draft resolution of the Central Pine Barrens Joint Planning and Policy Commission to authorize a New Agreement with the Suffolk County Water Authority for the term of April 1, 2023 to March 31, 2028 to provide services to the Commission dated March 15, 2023, Draft Agreement between Central Pine Barrens Joint Planning and Policy Commission and the Suffolk County Water Authority and final resolution dated March 15, 2023
5. Education and Outreach division update dated March 2023
6. Science and Stewardship division update dated March 23, 2023
7. Draft resolution for Commission to authorize purchase of two UAS-DJI Mavic 3T Thermal Imaging Drones dated March 15, 2023 and final resolution dated March 15, 2023
8. Draft resolution for the Commission to authorize the purchase of one All-Terrain Vehicle by the Law Enforcement Council for the Riverhead Town Police dated March 15, 2023 and Final resolution dated March 15, 2023
9. Draft resolution for the Commission to authorize the purchase of one All-Terrain Vehicle by the Law Enforcement Council for the New York State Police dated March 15, 2023 and Final resolution dated March 15, 2023
10. Draft resolution for the Commission to authorize the purchase of one All-Terrain Vehicle by the Law Enforcement Council for the Suffolk County Sheriff's Office dated March 15, 2023 and Final resolution dated March 15, 2023
11. Compliance and Enforcement Division update dated January – February 2023
12. Land Use Division update dated March 15, 2023
13. Credit Program update dated March 15, 2023
14. Draft resolution Central Pine Barrens Commission authorization to purchase Pine Barrens Credits dated March 15, 2023 and Final resolution dated March 15, 2023
15. Draft resolution to accept the Supplemental Final Generic Environmental Impact Statement for the Comprehensive Land Use Plan Amendments as complete, file notice of completion dated March 15, 2023 and Final resolution dated March 15, 2023
16. Draft Notice of Violation to R.N. Middle Island, LLC, Rocky Point Road., LLC and 7 Eleven, Inc. dated March 15, 2023 and Final Notice of Violation dated March 15, 2023
17. Draft response letter for NY Cancer and Blood Specialists Core Preservation Area Hardship Waiver Application dated March 15, 2023
18. Draft response letter request for determination of jurisdiction 425 North Street, Manorville dated March 15, 2023 and Final response letter dated March 15, 2023, Letter and attachments from Kelly Redican dated March 2, 2023
19. Venezia Square Development of Regional Significance Application dated February 7, 2023
20. Draft referral letter and map to the Town of Brookhaven regarding September Morning LLC site plan application Ramsay Road, Shirley dated March 15, 2023; Memo and attachments from Town of Brookhaven dated August 26, 2022; Final referral letter dated March 15, 2023
21. Draft referral letter and map to the Town of Southampton regarding the Town of Southampton Housing Authority ZBA Application #2300009 at 100 Vail Avenue, Riverside dated March 15, 2023; Letter and attachments from the Town of Southampton dated February 14, 2023; Final referral letter dated March 15, 2023
22. Draft referral letter and map to the Town of Southampton regarding the Town of Southampton Housing Authority ZBA Application #2300010 at 93 Vail Avenue, Riverside dated March 15, 2023; Final referral letter dated March 15, 2023



## Central Pine Barrens Joint Planning and Policy Commission Meeting

Wednesday, April 19, 2023

Southampton Town Hall

116 Hampton Road, Southampton, NY

### Draft resolution for Commission to accept FOREST financial assistance for seasonal prescribed fire crew housing costs

Present: (for the NYS Governor)  
(for Suffolk County Executive)  
(Brookhaven Town Supervisor)  
(Riverhead Town Supervisor)  
(Southampton Town Supervisor)

**Whereas**, the Commission has entered into a five-year contract with the NYS Department of Environmental Conservation for \$1.25 million to develop, coordinate, and conduct a prescribed fire management program in the Central Pine Barrens to reduce wildfire risk, promote forest and ecological health, and benefit conditions for ecological service provision, recreational use, and cultural aspects of the Central Pine Barrens; and

**Whereas**, the Central Pine Barrens Commission has hired a seasonal prescribed fire crew to provide the necessary staffing level to conduct prescribed burns this spring from March 1, 2023 through the end of May 2023; and

**Whereas**, the NYSDEC Prescribed Fire Contract provides funding to support and operate the Commission's prescribed fire management program that includes the hiring of seasonal prescribed fire crew members that will provide the staffing levels necessary to conduct prescribed fire work by the Commission, however additional funding is required to cover the cost for housing the fire crew members that do not live locally for the month of May; and

**Whereas**, the seasonal prescribed fire crew is currently housed at the Smithers Complex in Hubbard County Park in Flanders at no cost to the Commission, which is graciously provided by Suffolk County Parks until the end of April, therefore alternative housing accommodations are necessary for the crew for the month of May; and

**Whereas**, Foundation for Research and Stewardship in the Long Island Pine Barrens Maritime Reserve (FOREST) is a charitable, non-governmental organization formed under Section 402 of the Not-For-Profit Corporation Law that is dedicated to generating support and fostering strategic partnerships to conserve, manage and enhance unique natural, agricultural, historical, cultural and recreational resources within the Long Island Pine Barrens Maritime Reserve and beyond for the benefit of current and future Long Island residents; and

**Whereas**, on April 4, 2023, FOREST approved by resolution to pay for housing costs up to \$3,300 for the Commission's seasonal prescribed fire crew at Brookhaven National Laboratory for the month of May with payment to be made directly by FOREST to BNL Housing; and

**Whereas**, as per ECL Article 57-119.6 The commission shall have the power:

(i) To contract for and to accept any assistance, including but not limited to gifts, grants or loans of funds or of property from the federal government or any agency or instrumentality thereof, or from any agency or instrumentality of the state, or from any other public or private source and to comply, subject to the provisions of this title, with the terms and conditions thereof;

now therefore be it

**Resolved**, the Commission, with grateful appreciation, accepts FOREST's financial assistance to pay up to \$3,300 for housing the Commission's seasonal prescribed fire crew at BNL for the month of May with FOREST to pay BNL Housing directly. The Commission will provide documentation in the form of photographs, video or similar material of the work conducted by the fire crew as a result of this housing grant for FOREST to use on its website and to document the activities it supports.

**Motion by:**

**Second by:**

**Ayes:**

**Nays:**

**Abstentions:**

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Westhampton Beach,  
NY 11978

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**FOUNDATION FOR RESEARCH AND STEWARDSHIP IN THE  
LONG ISLAND PINE BARRENS MARITIME RESERVE  
P.O. Box 161, Yaphank, NY 11980-0161**

April 10, 2023

Judy Jakobsen, Executive Director  
Central Pine Barrens Joint Planning and Policy Commission  
624 Old Riverhead Road  
Westhampton Beach, NY 11978

**RE: Funding for Prescribed Fire Crew Housing**

Dear Ms. Jakobsen:

I am pleased to advise you that at its Tuesday, April 4, 2023 meeting, the board of directors of the Foundation for Research and Stewardship in the Long Island Pine Barrens Maritime Reserve (FOREST) approved a grant of up to \$3,300 for the purposes of providing funding for housing of the Central Pine Barrens Commission's Prescribed Fire Crew for the month of May 2023. Accordingly, I have attached a copy of the FOREST adopted resolution. It is my understanding that the Commission office will provide formal notification of this grant at the Commission's April 19, 2023 meeting.

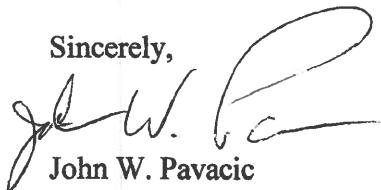
As requested by the Commission office, FOREST will pay these funds directly to Brookhaven National Laboratory's lodging department with the proviso that liability shall be the responsibility of the individual Commission prescribed fire crew member who registers and signs for, accepts and utilizes said housing. FOREST will coordinate with your office on this matter.

In addition, FOREST requests that the Commission provide it with photographs, video and similar materials as needed to document the work conducted by the Commission seasonal prescribed fire crew as a result of FOREST's housing grant which FOREST shall utilize on its website and other programs as documentation of the activities FOREST supports.

If you have any questions, please feel free to contact me.

Thank you.

Sincerely,



John W. Pavacic  
Executive Director

Attachment

cc: Polly Weigand, Science and Stewardship Manager



**FOUNDATION FOR RESEARCH AND STEWARDSHIP IN THE  
LONG ISLAND PINE BARRENS MARITIME RESERVE**  
P.O. Box 161, Yaphank, NY 11980-0161

**Members Present:**

Timothy Green, Chair  
Robert Anrig, Member  
Henry Bokuniewicz, Vice Chair  
Thomas Malanga, Treasurer  
Edward Schneyer, Member

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**Resolution to Approve and Provide Funding for  
Central Pine Barrens Commission Prescribed Fire Housing**

**WHEREAS**, the Central Pine Barrens Joint Planning and Policy Commission (hereinafter “Commission”) operates a prescribed fire program which is vital for maintaining and improving the ecological health of the Central Pine Barrens region as well as helping to ensure public safety by reducing the risk of wildfires, and

**WHEREAS**, the Commission has requested funding from the Foundation for Research and Stewardship in the Long Island Pine Barrens Maritime Reserve (hereinafter “FOREST”) to provide funding for four qualified and experienced seasonal staff members who do not live locally and who serve as the Commission’s seasonal prescribed fire crew for the month of May 2023, and

**WHEREAS**, by providing the aforementioned housing funding FOREST will help the Commission to continue its successful and important prescribed fire program during 2023, now, therefore, be it

**RESOLVED**, FOREST hereby approves this resolution to provide, to the Commission or its designee, financial assistance for the purpose of housing for its seasonal prescribed fire personnel for its prescribed fire program during the month of May 2023, in an amount not to exceed Three Thousand Three Hundred Dollars (\$3,300), and be it further

**RESOLVED**, as requested by the Commission, FOREST will render the housing funding directly to the Brookhaven National Laboratory (hereinafter “BNL”) housing/lodging entity as this method is the most expedient means of procuring the required seasonal housing, and, be it further

**RESOLVED**, the Commission staff will provide notice to the Commission of this funding grant at the Commission’s April 19<sup>th</sup> meeting, and be it further

**RESOLVED**, liability for any damages to BNL housing shall be the responsibility of the individual Commission prescribed fire crew member who registers and signs for, accepts and utilizes said housing, and be it further

**RESOLVED**, FOREST requests the Commission provide it with photographs, video and similar materials as needed to document the work conducted by the Commission seasonal prescribed fire crew as a result of FOREST’s housing grant which FOREST shall utilize on its website and other programs as documentation of the activities it supports.

**Adopted Tuesday, April 4, 2023**

**Motion by:** Henry Bokuniewicz

**Seconded by:** Robert Anrig

**Ayes:** Timothy Green, Robert Anrig, Henry Bokuniewicz, Thomas Malanga and Edward Schneyer

**Abstentions:** None

**Nays:** None

**Absent:** Jay Miller, Secretary



**FOUNDATION FOR RESEARCH AND STEWARDSHIP IN THE  
LONG ISLAND PINE BARRENS MARITIME RESERVE**  
P.O. Box 161, Yaphank, NY 11980-0161

**Members Present:**

Timothy Green, Chair  
Robert Anrig, Member  
Henry Bokuniewicz, Vice Chair  
Thomas Malanga, Treasurer  
Edward Schneyer, Member

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**Resolution to Approve and Provide Funding for  
Central Pine Barrens Commission Prescribed Fire Housing**

**WHEREAS**, the Central Pine Barrens Joint Planning and Policy Commission (hereinafter “Commission”) operates a prescribed fire program which is vital for maintaining and improving the ecological health of the Central Pine Barrens region as well as helping to ensure public safety by reducing the risk of wildfires, and

**WHEREAS**, the Commission has requested funding from the Foundation for Research and Stewardship in the Long Island Pine Barrens Maritime Reserve (hereinafter “FOREST”) to provide funding for four qualified and experienced seasonal staff members who do not live locally and who serve as the Commission’s seasonal prescribed fire crew for the month of May 2023, and

**WHEREAS**, by providing the aforementioned housing funding FOREST will help the Commission to continue its successful and important prescribed fire program during 2023, now, therefore, be it

**RESOLVED**, FOREST hereby approves this resolution to provide, to the Commission or its designee, financial assistance for the purpose of housing for its seasonal prescribed fire personnel for its prescribed fire program during the month of May 2023, in an amount not to exceed Three Thousand Three Hundred Dollars (\$3,300), and be it further

**RESOLVED**, as requested by the Commission, FOREST will render the housing funding directly to the Brookhaven National Laboratory (hereinafter “BNL”) housing/lodging entity as this method is the most expedient means of procuring the required seasonal housing, and, be it further

**RESOLVED**, the Commission staff will provide notice to the Commission of this funding grant at the Commission’s April 19<sup>th</sup> meeting, and be it further

**RESOLVED**, liability for any damages to BNL housing shall be the responsibility of the individual Commission prescribed fire crew member who registers and signs for, accepts and utilizes said housing, and be it further

**RESOLVED**, FOREST requests the Commission provide it with photographs, video and similar materials as needed to document the work conducted by the Commission seasonal prescribed fire crew as a result of FOREST’s housing grant which FOREST shall utilize on its website and other programs as documentation of the activities it supports.

**Adopted Tuesday, April 4, 2023**

**Motion by:** Henry Bokuniewicz

**Seconded by:** Robert Anrig

**Ayes:** Timothy Green, Robert Anrig, Henry Bokuniewicz, Thomas Malanga and Edward Schneyer

**Abstentions:** None

**Nays:** None

**Absent:** Jay Miller, Secretary



FOUNDATION FOR RESEARCH AND STEWARDSHIP IN THE  
LONG ISLAND PINE BARRENS MARITIME RESERVE  
P.O. Box 161, Yaphank, NY 11980-0161

April 10, 2023

Judy Jakobsen, Executive Director  
Central Pine Barrens Joint Planning and Policy Commission  
624 Old Riverhead Road  
Westhampton Beach, NY 11978

**RE: Funding for Prescribed Fire Crew Housing**

Dear Ms. Jakobsen:

I am pleased to advise you that at its Tuesday, April 4, 2023 meeting, the board of directors of the Foundation for Research and Stewardship in the Long Island Pine Barrens Maritime Reserve (FOREST) approved a grant of up to \$3,300 for the purposes of providing funding for housing of the Central Pine Barrens Commission's Prescribed Fire Crew for the month of May 2023. Accordingly, I have attached a copy of the FOREST adopted resolution. It is my understanding that the Commission office will provide formal notification of this grant at the Commission's April 19, 2023 meeting.

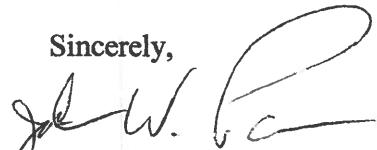
As requested by the Commission office, FOREST will pay these funds directly to Brookhaven National Laboratory's lodging department with the proviso that liability shall be the responsibility of the individual Commission prescribed fire crew member who registers and signs for, accepts and utilizes said housing. FOREST will coordinate with your office on this matter.

In addition, FOREST requests that the Commission provide it with photographs, video and similar materials as needed to document the work conducted by the Commission seasonal prescribed fire crew as a result of FOREST's housing grant which FOREST shall utilize on its website and other programs as documentation of the activities FOREST supports.

If you have any questions, please feel free to contact me.

Thank you.

Sincerely,



John W. Pavacic  
Executive Director

Attachment

cc: Polly Weigand, Science and Stewardship Manager

DRAFT



**Commission Meeting of April 19, 2023**  
Southampton Town Hall

**Adopt Findings Statement for the  
Supplemental Final Generic Environmental Impact Statement for the  
Central Pine Barrens Comprehensive Land Use Plan Amendments**

Present: \_\_\_\_\_, (for the Governor of the State of New York)  
\_\_\_\_\_, (for the Suffolk County Executive)  
\_\_\_\_\_, Brookhaven Town Supervisor  
\_\_\_\_\_, Southampton Town Supervisor  
\_\_\_\_\_, Riverhead Town Supervisor

Robert Calarco  
*Chairman*

Yvette Aguiar  
*Member*

Steven Bellone  
*Member*

Edward P. Romaine  
*Member*

Jay H. Schneiderman  
*Member*

Whereas, the Central Pine Barrens Commission seeks to amend the Central Pine Barrens Comprehensive Land Use Plan (the Plan), specifically Volume 1 Chapters 4, 5 and 6; and

Whereas, on March 15, 2023 the Commission completed the Supplemental Final Generic Environmental Impact Statement (SFGEIS), pursuant to the State Environmental Quality Review Act (SEQRA) regulations in 6 NYCRR Part 617, and

Whereas, no significant adverse Environmental impacts were identified in the SEQRA process, and

Whereas, Commission has met the requirements of the State Environmental Quality Review Act (SEQRA) regulations and has prepared a Findings Statement, and

Whereas, the Findings Statement established that the Plan Amendments will advance the goals and objectives of ECL 57, and

Whereas, pursuant to New York State Environmental Conservation Law (ECL) §57-0121(13), the Commission adopted a resolution to schedule a vote on April 19, 2023 and published the notice for not less than 30 days.

**NOW THEREFORE BE IT**

624 Old Riverhead Road  
Westhampton Beach, NY  
11978

Phone (631) 288-1079  
Fax (631) 288-1367  
<https://pb.state.ny.us/>

Resolved, the Commission completed the SEQRA requirements pursuant to the regulations outlined in 6 NYCRR Part 617 and publishing requirements pursuant to ECL 57, and be it further

Resolved, the Commission adopts the SEQRA Findings Statement for the Comprehensive Land Use Plan Amendments.

Motion by:

Seconded by:

Yea Votes:

Nay Votes:



**Commission Meeting of April 19, 2023**

Southampton Town Hall

**Vote to Adopt  
Plan Amendments to Chapters 4, 5 and 6 of the  
Central Pine Barrens Comprehensive Land Use Plan**

Present:                   \_, (for the Governor of the State of New York)  
                         \_, (for the Suffolk County Executive)  
                         \_, Brookhaven Town Supervisor  
                         \_, Southampton Town Supervisor  
                         \_, Riverhead Town Supervisor

Robert Calarco  
*Chairman*

Yvette Aguiar  
*Member*

Steven Bellone  
*Member*

Edward P. Romaine  
*Member*

Jay H. Schneiderman  
*Member*

**Whereas**, New York State Environmental Conservation Law (ECL) Article 57 provides that once every five years the commission shall, if appropriate, make amendments to the land use plan and update the generic environmental impacts statement, and

**Whereas**, the Commission seeks to amend the Central Pine Barrens Comprehensive Land Use Plan (the Plan), specifically Volume 1 Chapters 4, 5 and 6, and

**Whereas**, the Commission prepared Plan Amendments and a Supplemental Draft Generic Environmental Impact Statement (SDGEIS) to analyze the potential significant adverse environmental impacts of the Plan Amendments, and

**Whereas**, on March 16, 2022, the Commission accepted as complete the Supplemental Draft Generic Environmental Impact Statement (SDGEIS) pursuant to the State Environmental Quality Review Act (SEQRA) regulations, and

**Whereas**, on April 20, 2022, the Commission held a public hearing and written comments were accepted until 12:00 p.m. on May 31, 2022, and

**Whereas**, a Supplemental Final Environmental Impact Statement (SFEIS) was prepared that contains a responsiveness summary that addresses the written comments received which the Commission accepted as complete on March 15, 2023, and

**Whereas**, pursuant to ECL 57, not less than 30 days before voting on amendments to the Plan, the Commission published notice thereof in a newspaper of general circulation in the Central Pine Barrens area, and

**Whereas**, the SEQRA documents are posted on the Commission website, and

**Whereas**, the Commission completed the SEQRA regulatory requirements pursuant to 6 NYCRR Part 617 and provided public notice pursuant to ECL 57 §57-0121(13), and

DRAFT

**Whereas**, by separate resolution on the same date, the Commission adopted the Findings Statement for the Plan Amendments to complete the SEQRA review, and

**Whereas**, no significant adverse environmental impacts were identified in the SEQRA process and the Plan Amendments will advance the goals and objectives of ECL 57.

NOW THEREFORE BE IT

**Resolved**, the Commission hereby amends the Comprehensive Land Use Plan pursuant to the Plan Amendments dated April 19, 2023; and be it further

**Resolved**, the Commission hereby transmits the Plan Amendments to the three towns and two villages to conform their zoning codes to reflect the Plan Amendments and establishes the effective date of the Plan Amendments is one year from this date, April 19, 2024.

Motion by:

Second by:

Ayes:

Nays:

## STATE ENVIRONMENTAL QUALITY REVIEW

### FINDINGS STATEMENT

April 19, 2023

Pursuant to Article 8 (State Environmental Quality Review Act - SEQR) of the Environmental Conservation Law and 6 New York Codes, Rules and Regulations (NYCRR) Part 617, the Central Pine Barrens Joint Planning & Policy Commission (hereinafter “Commission”), as lead agency, makes the following findings:

*NAME OF ACTION:* Central Pine Barrens Comprehensive Land Use Plan Amendments

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

*Contact Person:* Judith Jakobsen, Executive Director  
*Phone:* (631) 288-1079

*DATE SUPPLEMENTAL FINAL GEIS FILED:* March 15, 2023

## ***INTRODUCTION***

This findings statement has been prepared pursuant to the requirements of 6 NYCCR Part 617.11, which states that no agency shall make a decision on an action which has been the subject of a Final GEIS until a written findings statement has been prepared concerning the facts and conclusions of the Draft and Final GEIS and Supplemental GEIS relied on to support its decision. To meet this SEQRA provision, the Commission has prepared these generic findings related to the significant issues identified in the Supplemental Final GEIS.

The Central Pine Barrens are located in central Suffolk County on Long Island containing unique and important ecologic features and possess significant hydrologic resources. Recognizing these features, in 1993, New York State enacted the Long Island Pine Barrens Protection Act. (the “Act”) The Act designated a subset of the Central Pine Barrens as an area of statewide importance since it contains of special ecological and hydrologic features. To protect the areas, the Central Pine Barrens Joint Planning and Policy Commission (the “Commission”) created by the Act, was required to prepare, analyze under the SEAQRA, and adopt a Comprehensive Land Use Plan governing development in the area. On June 28, 1995, the Commission fulfilled its statutory charge with the adoption of the Central Pine Barrens Comprehensive Land Use Plan consisting of two Volumes. Volume 1 is operative, establishes the Commission’s procedures and regulations and is referred to as the Plan throughout this Findings Statement. Volume 2 serves as a compilation of reference materials complementing the Plan. Volume 2’s materials are not operative.

The Act provides that that once every five years the Commission is required to review and if appropriate amend the Plan and update its generic environmental impact statement. The Commission has determined that the proposed Plan Amendments are appropriate. The Amendments affect Chapters 4, 5, and 6 of the Plan.

Since 1993, the New York State legislature amended the Act to add area to the Central Pine Barrens region. The Act further defines two distinct areas in the Central Pine Barrens, the Core Preservation Area (the Core) presently comprised of approximately 57,817 acres and the Compatible Growth Area (the CGA) which presently comprises approximately 48,665 acres. In toto, the Central Pine Barrens area contains approximately 106,482 acres.

The Act defines development and non-development and grants the Commission the power to regulate development. The Plan specifies that development, is to be prohibited or is to be redirected from the Core Preservation Areas to areas outside the Core while allowing the Commission authority to grant a hardship exemption to permit development in the Core upon a hardship demonstration.

Development that conforms with the Plan's provision may occur in Compatible Growth Area. The Act provides the Commission the authority to waive strict conformance with the Plan's provision upon a hardship showing. The hardship criteria differ between the Core and the CGA.

The Act catalogs the features of both the Core and the CGA and establishes how goals and objectives for each that the Plan was designed to achieve. In the CGA, the Plan is required to preserve and maintain the central character of the existing Pine Barrens environment, to protect the quality of surface and groundwaters, discourage piecemeal and scattered development, and encourage appropriate patterns of compatible residential, commercial, agricultural and industrial development in order to accommodate regional growth influences, and to provide for such growth in an orderly way, protecting the Pine Barrens environment from individual and cumulative adverse impacts. The Plan Amendments continue to support ECL 57 requirements for the Plan. Chapters 4, 5, and 6 implement this charge.

#### *STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)*

On April 15, 2015, the Commission, after coordinating this Type I Action, assumed lead agency and adopted a Positive Declaration to prepare a Supplemental Draft Generic Environmental Impact Statement (SDGEIS). A draft scope was released for public comment. On February 17, 2016, the Commission adopted a Final Scoping Document for the preparation of the SDGEIS.

On March 16, 2022, the Commission adopted the SDGEIS as complete and scheduled a public hearing that was held on April 20, 2022 with a written comment period open until 12:00 p.m. on May 31, 2022. Written comments were received from nine separate individuals or entities. A SFGEIS was prepared which included a responsiveness summary for all comments received that was adopted by the Commission as complete on March 15, 2023.

Consistent with the Act, municipalities in the Central Pine Barrens region must amend their land use and zoning regulations to incorporate the Plan Amendments to conform with the Plan.

#### *LOCATION OF ACTION*

The Central Pine Barrens region is located within the towns of Brookhaven, Riverhead and Southampton and to a lesser extent in the villages of Quogue and Westhampton Beach in Suffolk County on Eastern Long Island. The Act sets forth the boundaries of the Central Pine Barrens and the Core. The Compatible Growth Area is the area outside the Core and inside the Central Pine Barrens. A general map is provided in the office of the Commission and on the Commission website at <https://pb.state.ny.us/>.

## *AGENCY JURISDICTIONS*

Municipalities with land use jurisdiction in the Central Pine Barrens region have incorporated the Plan's provisions into their codes as required by ECL 57. The Plan Amendments will similarly need to be adopted by such municipalities.

## *PLAN AMENDMENTS OVERVIEW*

The majority of the Plan Amendments are housekeeping items, ministerial in nature, provide clarification of standards and provisions in the Plan where needed and incorporate Commission policy passed by resolution that related to development projects and the Credit program. Amendments are consistent with the Commission's policy and decision record and the goals to preserve ecological and water resources and accommodate compact, efficient and orderly development.

The Plan Amendments affect three chapters of the Plan:

- Chapter 4: Review Procedures and Jurisdiction
- Chapter 5: Standards and Guidelines for Land Use
- Chapter 6: Pine Barrens Credit Program

The Chapter 4 Amendments specify coordination between agencies, clarify definitions based on past resolutions and policies of the Commission, updates maps and ownership of Critical Resource Areas, and refines, as well as adds definitions of projects that achieve the threshold for Developments of Regional Significance (DRS). The Commission finds the Chapter 4 Amendments will have a beneficial impact on and support the goals and objectives of the Act by encouraging appropriate patterns of compatible residential, commercial, agricultural and industrial development in order to accommodate regional growth influences in an orderly way while protecting the pine barren environment from the individual and cumulative adverse impacts thereof.

The Commission further finds the Chapter 4 Amendments will have a beneficial impact on and support the goals and objectives of the Act of protecting the quality of surface water and groundwater through the new DRS water table exposure definition requiring Commission review of projects that expose groundwater which may have potential adverse impacts on groundwater resources.

Another DRS amendment reflects current development patterns that incorporate mixed uses into one project. The new DRS sets a 400,000 square foot area threshold on the size of these types of projects that must conform to the Plan's provisions. Adding a mixed use DRS definition addresses emerging types of development projects that involve two or more different land uses such as residential and commercial on the same project site. The water table exposure DRS enables the Commission to review a project that proposes to expose the water table to evaluate whether this may cause potential adverse environmental impacts on hydrology, and water resources, serve as a potential contamination source and impact groundwater quality and quantity. This supports the goals outlined in ECL 57 Section 57-0121, to protect the quality of surface water and groundwater.

The Development of Regional Significance (DRS) threshold related to traffic impacts was removed from Chapter 4.

The Chapter 5 Amendments clarify ambiguity in the vegetation clearing limits and open space standards by including open space requirements in Figure 5-1 of the Plan alongside its corollary clearing limit. Methodologies for prioritizing open space on a project site as required per Figure 5-1 require the conservation design approach outlined in the open space standard. Conformance with the open space standard protects regulated and listed species, wildlife, wetlands and other natural and cultural features and will promote large areas of unfragmented open space to be retained and protected. This requires open space to be preserved in a development project regardless of existing site conditions such as in the case of formerly over cleared or overdeveloped sites. If open space is not set aside in conformance with the open space standard, regardless of the site's condition, the applicant must apply for a hardship waiver. Self-heal restoration, a natural restoration process, is encouraged when necessary to bring a site into conformance with the open space standard. These amendments support achieving the Act's goals for the CGA and enables the CGA to serve as an ecological buffer to the Core.

Scenic roads and scenic areas are listed in the new Figure 5-3 in Chapter 5 which are excerpted from Chapter 8 of Volume 2 to provide a readily available reference for project reviewers and applicants. In Figure 5-1 Clearance and Open Space Standards, additional clarification is made to the table by adding a note that parcels added after 1995 to the CGA, the zoning as of the date the parcel was added to the CGA or the current zoning should be used, whichever is more protective, for determining conformance with the clearance and open space requirements.

The Commission finds the Chapter 4 Amendments will have a beneficial impact on accommodating development, in a manner consistent with the long-term integrity of the pine barrens ecosystem and to ensure that the pattern of development is compact, efficient and orderly

through oversight of tall structures and dark skies protection. The bird friendly building design standard is a new standard that supports the protection of avian wildlife from strikes with expansive window features. The dark skies protection standard is intended to protect fauna that are potentially impacted by lighting. The tall structure standard is intended to protect avian species that may collide with tall structures, protect scenic resources and the overall character of the Central Pine Barrens. These standards apply to projects not subject to municipal review and provide an opportunity to ensure these resources are protected.

The Commission finds the Chapter 6 Amendments will have a beneficial impact on and support the goals and objectives of ECL 57 by continuing through the implementation of the Credit Program to accommodate a portion of development redirected from the preservation area and allowing appropriate growth consistent with the natural resource goals pursuant to ECL 57. The Plan Amendments in Chapter 6 acknowledge the Carmans River Watershed Protection Act provision that the zoning in effect as of 2014 must be used when calculating the number of Pine Barrens Credits allocated for the parcels that were added to the Core by this act. Other Plan Amendments in Chapter 6 codify past practices of the Commission, clarify provisions related to the intermunicipal transfer of Credits, refine Pine Barrens Credit redemptions policies, the Letter of Interpretation process and Pine Barrens Credit transaction requirements. A provision was added to address the issuance of Pine Barrens Credits when a land use violation exists on a parcel. No significant adverse environmental impacts occur as a result of the Plan Amendments and the ECL 57 goals for the core to prohibit and redirect new construction or development.

## *REASONS, FACTS & CONCLUSIONS*

### *Compliance with Article 57 of the Environmental Conservation Law*

The Commission adopted the Supplemental Final Generic Environmental Impact Statement for the Plan Amendments as complete on March 15, 2023. The SEQRA materials for the proposed action are available by request in the Commission office and publicly available on the Commission website at: <https://pb.state.ny.us/>.

The SDGEIS updated land use, demographics and community services information based on available data. Land acquisition efforts by public and non-government organizations combined with the credit program have effectively reduce the potential population and development in the Central Pine Barrens. Absent these programs, the region would experience significant increases

in population, infrastructure development and a loss of and reduction in quality of ecological and water resources.

As noted, the majority of the Plan Amendments are housekeeping items, ministerial in nature, provide clarification of standards and provisions in the Plan where needed and incorporate Commission policy passed by resolution that related to development projects and the Credit program.

The Plan amendments further clarify the thresholds for developments of regional significance and added a new threshold for projects that expose the subsurface water table and for mixed use development of greater than 400,000 square feet to address large projects with commercial and residential development.

The impact of the Plan Amendment on a wide range of environmental subjects including water resources, wetlands, vegetation, open space, scenic resources and character were examined in the SDGEIS to evaluate whether any potential impacts may occur from the implementation of the Plan Amendments. The Commission finds that the Plan Amendments will not have a significant adverse impact on any of the features studied. In all cases, full implementation will have a beneficial impact on these resources because the Amendments are more protective than the current provisions in the Plan.

The Commission finds the Plan Amendments will have a beneficial impact on and support the goals and objectives of ECL 57 by preserving and maintaining the essential character of the existing pine barrens environment including plant and animal species indigenous thereto and habitats therefor through the use of the self-heal method under the open space standard. This option to revegetate project sites unable to meet this standard due to existing conditions such as being overcleared or prior development conditions combined with the control and management of invasive species supports the restoration and preservation in the Central Pine Barrens while minimizing the proliferation of non-indigenous plant and wildlife species. The self-heal method is a natural restoration process that encourages the existing seed bank to recolonize a disturbed site. Requiring project sites to conform with the open space standard regardless of existing conditions enhances the quality of the ecological resources within the CGA and supports its ability to serve as an ecological buffer to the Core. The Plan amendments related to open space will therefore have a beneficial impact on the CGA and the Core.

The Commission finds the Plan Amendments will have a beneficial impact on and support the goals and objectives of ECL 57 to discourage piecemeal and scattered development. The CGA and the Core will continue to benefit from the existing Plan Amendments that protect and preserve scenic resources and the overall character of the Pine Barrens. The CGA will continue as designed to serve as an ecological buffer to the Core. Provisions to protect dark skies and

thresholds to minimize the height of tall structures aim to achieve this goal which are consistent with other local regulations.

The Commission finds the Plan Amendments will have a beneficial impact on and support the goals and objectives of ECL 57 to protect the quality of surface and groundwaters. Standard 5.3.3.4.1 Nondisturbance buffers includes the addition of a provision that will enable the Commission to require stricter and larger nondisturbance buffers for development projects not subject to municipal review. This standard ensures that wetlands, when present, will be protected and results in a beneficial impact to the CGA when implemented.

Protection of steeply sloped topography and related geologic features is encouraged where possible in the open space conservation design priorities. Standards and Guidelines that control development in the CGA remain in place to protect these resources. The quality and quantity of water resources will continue to be protected through the implementation of existing standards which included standards related to the clearing limit, open space and fertilizer dependent vegetation limit. The addition of the water table exposure DRS threshold will provide an opportunity for the Commission to review this type of project to determine whether there may be potential impacts to groundwater and will potentially afford greater protection to groundwater thereby providing a positive or beneficial impact to groundwater resources.

The amendments seek to clarify open space protection requirements for a development project. The amount of open space is quantified as a corollary to the vegetation clearance limit. The open space required to be set aside through clustering and the use of open space design methods as per Standard 5.3.3.6.2 will enhance the quality of open space retained and protected. Conformance with this standard will promote large unfragmented open space areas that will improve the amount and quality of groundwater recharge and further supports ECL 57 and the Plan's goals to reduce potential adverse impacts of development in the CGA. In addition, it will foster the CGA's ability to serve as an ecological buffer to the Core.

The Plan continues to require that all stormwater be recharged on site and the use of naturally vegetated swales and depressions is recommended. These measures will reduce the nitrogen loadings by permitting nitrogen uptake prior to recharge and minimize the extent of clearing to develop recharge basins to control and manage stormwater runoff. Since there is no substantive change on the existing standards or guidelines, as all development must comply with the regulations of the Suffolk County Department of Health Services, there is no anticipated impact to groundwater and surface water resources from the Plan Amendments. Potential impacts to natural vegetation from clearing for stormwater management will be potentially reduced by encouraging the use of natural recharge basins and swales.

Historic, archeological and cultural resources are present in the Central Pine Barrens. As noted in the SEQRA materials, the Plan Amendments support the protection of the character or quality of

important historical, archeological, architectural and aesthetic resources. The Plan Amendments will not hinder or diminish the existing powers of governmental agencies regarding cultural resource preservation and protection.

Scenic resources are landscape patterns and features that are visually or aesthetically pleasing and therefore they contribute positively to defining a distinct community or region in the Central Pine Barrens. The Plan Amendments will beneficially impact the character of the Central Pine Barrens through the preservation of open space on all development project sites and through the inclusion of standards that limit light pollution and the height of tall structures.

No changes will occur to the Plan's provisions related to sewage treatment infrastructure and the requirement for development projects to conform with the Suffolk County Sanitary Code. When a development project proposes to increase land use density or intensity, the Commission continues to encourage the redemption of Pine Barrens Credits to mitigate adverse environmental impacts. It remains in the Plan that new STPs are expected to be outside and downgradient of the Central Pine Barrens, where feasible. Other infrastructure development will continue to be reduced on a regional basis by accommodating development, as per the goals of the Act, in a pattern that is compact, efficient and orderly.

The Plan Amendments support the goals outlined in the Act to accommodate development in a manner consistent with the long-term integrity of the pine barrens ecosystem and ensuring the pattern of development is compact, efficient and orderly. No significant adverse environmental impacts occur from the Plan Amendments that affect the DRS definitions.

No significant adverse environmental impacts are expected on noise levels and air quality due to the Plan Amendments. Site specific SEQRA analysis will continue to be required to address noise related potential adverse impacts on projects in the CGA. Beneficial impacts are expected because of the Plan Amendments since the open space amendment supports compact, efficient and orderly development and retains open space in the CGA on all development project sites. The goal to preserve the Core continues to support a reduction in sprawl development and therefore the reduced density of development within the Core areas will not have a significant adverse impact on air quality.

ECL 57 and the Plan Amendments seek to preserve farmland resources where agricultural uses exist and where there are opportunities for farming to continue. Where farmland exists and a development project occurs, open space will be required. Agricultural easements may be utilized to set aside and protect open space in an agricultural reserve to ensure agricultural activity continues in the region.

Agencies including the towns and villages continue to implement through their zoning codes the existing Plan and will be required to be updated to incorporate the Plan Amendments to remain

in conformance with the Plan as required by the Act. Existing land uses will not be impacted by the Plan Amendments because the Plan will indicate an effective date for implementation of these amendments. When development activity occurs, pursuant to the definitions in the Act, it remains unchanged that such activity must conform with the Plan's provisions.

The Plan Amendments will not create impacts on school districts because the Amendments do not increase the amount of development that may occur in the Central Pine Barrens or the location of such development. The proposed action does not change sending and receiving area capacity. The SEQRA materials for the Plan addressed potential impacts to school district. The GEIS evaluated the redirection of development to the non-Core area, number of potential affected districts and loss of tax revenue in the Core.

As explained and supported in the SEQRA materials, the Plan is not expected to induce growth above that generated by existing development pressures. Rather, it will reduce or redirect the induced growth which will occur, with or without its implementation, to more ecologically suitable areas.

The CGA is an area designed to accommodate compact, efficient and orderly development. It will continue to be developed in this pattern with the Plan Amendments. Development that does not conform with the Plan will continue to be required to revise the project to conform or seek a hardship waiver.

The redirection of development from the Core not only reduces the number of units developed in the Central Pine Barrens but also reduces demands for water consumers in the Core and results in decreased pumpage demands resulting in a beneficial impact on groundwater resources. No increased demand for water will be generated by the Plan Amendments.

Implementation of the Credit Program and redirection of development from the Core to areas outside of the Core and outside the Central Pine Barrens supports water resource protection. Watershed protection through land acquisition is another path to achieve this goal.

Development of receiving sites where infrastructure and municipal services already exist reduces the cost to municipalities and taxpayers for new road construction and water main extensions. The need for community services and facilities such as police, fire and schools are also lowered.

The goals and achievements of the Credit Program facilitate compact efficient and orderly development in the Central Pine Barrens resulting in the preservation of water and ecological resources and pine barrens character.

The SEQRA materials indicate, that with respect to the Core, the Plan Amendments continue to preserve the Pine Barrens area in its natural state thereby ensuring the continuation of the Pine

Barrens environment which contains the unique and significant ecologic, hydrogeologic and other resources representative of such environments; promote compatible agricultural, horticultural and open space recreational uses within the framework of maintaining a Pine Barrens environment and minimize the impact of such activities thereon; prohibit or redirect new construction or development; accommodate specific Pine Barrens management practices, such as prescribed burning, necessary to maintain the special ecology of the Core; protect and preserve the quality of surface and groundwaters; and coordinate and provide for the acquisition of private land interests as appropriate and consistent with available funds.

The SEQRA materials indicate that, with respect to the CGA, the Plan Amendments will continue to preserve and maintain the essential character of the existing Pine Barrens environment, including plant and animal species indigenous thereto and habitats therefor; protect the quality of surface and groundwaters; discourage piecemeal and scattered development; encourage appropriate patterns of compatible residential, commercial, agricultural, and industrial development in order to accommodate regional growth influences in an orderly way while protecting the Pine Barrens environment from the individual and cumulative adverse impacts thereof; and accommodates a portion of development redirected from the preservation area as required by ECL 57

#### *SEQR 617.10 GENERIC ENVIRONMENTAL IMPACT STATEMENTS*

SEQR regulations, Part 617.10(c), state that, “Generic EIS's and their findings should set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQR compliance. This may include thresholds and criteria for supplemental EISs to reflect specific significant impacts, such as site specific impacts, that were not adequately address or analyzed in the generic EIS.” The Commission will continue to require that development proposals analyze the impacts created by such projects if such impact was not analyzed by the Commission in its review of the Plan or these Plan Amendments.

#### *CONCLUSIONS & GENERIC FINDINGS*

Based upon the information contained in the SFGEIS, as outlined in these Findings and the supporting documentation provided, the Commission finds that adoption of the Plan Amendments will achieve the goals of this Findings Statement, the goals and objectives of the Act and minimize potential adverse environmental impacts of development in the Central Pine Barrens region. Further the Plan Amendments will provide the necessary balance between the protection of the environment and the need to accommodate social and economic considerations.

The Commission finds the Plan Amendments result in positive impacts that support the protection of ecological and water resource resources. No significant adverse environmental impacts occur

as a result of the Plan Amendments which contain neutral changes to provide clarifications to improve implementation of the Plan. The standards and guidelines pertaining to tall structures, bird conservation and dark skies controls are designed to protect ecosystem resources including scenic resources and character in the Central Pine Barrens, which is consistent with the goals and objectives of ECL 57. Where oversight was incorporated into the amendments it will provide the Commission with the opportunity to ensure proposals protect groundwater resources, such as where surface water is exposed, and to continue to review large scale development projects defined as Developments of Regional Significance.

The Commission finds no significant adverse environmental impacts will result from the Plan Amendments on the Central Pine Barrens' ecological resources. Development continues to be accommodated through the Plan Amendments in a compact, efficient and orderly pattern. Conservation design principles are applied in site design through clustering to protect unfragmented open space. By clustering the yield or land use development, open space preservation occurs which protects ecosystems and water resources in the Central Pine Barrens. No reduction in yield is proposed, rather the implementation of clustering techniques will occur to support the goals and objectives of the Act including establishing the CGA to act as an ecological buffer to the Core, as it was originally intended.

Therefore, having considered the Plan and the Draft, Draft Supplemental, and Final SGEIS, and having considered the foregoing written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.11, this Statement of Findings certifies that:

1. The requirement of 6 NYCRR Part 617 have been met;
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, including the effects disclosed in the supplemental final generic environmental impact statement.
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by adoption of the proposed Plan and by incorporating those mitigative measures which are identified as practicable contained herein.
4. This action is consistent with the applicable policies of 19 NYCRR 600.5.

The Lead Agency, pursuant to SEQRA Part 617.11 has prepared the Findings stated herein and shall cause it to be filed in accordance with Part 617.12.

*COPIES OF THIS FINDINGS STATEMENT HAVE BEEN FILED WITH:*

Basil Seggos, Commissioner, New York State Department of Environmental Conservation  
Environmental Notice Bulletin/Business Environmental Publications, Inc.

Robert Calarco, Assistant Regional Director, Region 1, NYSDEC

Robert J. Rodriguez, Secretary of New York State

Steven Bellone, County Executive, Suffolk County

Kathy Haas, Regional Director, NYSDEC

Edward P. Romaine, Supervisor, Town of Brookhaven

Yvette Aguiar, Supervisor, Town of Riverhead

Jay Schneiderman, Supervisor, Town of Southampton

Maria Moore, Mayor, Village of Westhampton Beach

Paul Sartorius, Mayor, Village of Quogue

## CERTIFICATION OF FINDINGS TO APPROVE

Having considered the draft generic, the supplemental draft generic and final generic environmental impact statements, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the environmental impact statement, and
3. Consistent with the social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable; and
4. Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations; and
5. Approval of the Plan is subject to ratification and adoption of the Plan by municipalities in the Central Pine Barrens region on or before April 19, 2024.

Central Pine Barrens Joint Planning and Policy Commission

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Signature of Responsible Official

Robert Calarco  
Name of Responsible Official

Chairman, Central Pine Barrens Joint Planning and Policy Commission  
Title of Responsible Official

April 19, 2023  
Date

624 Old Riverhead Road, Westhampton Beach, New York 11978  
Address of Agency

TIM SHEA  
tshea@certilmanbalin.com

April 14, 2023

**Via Overnight FedEx and Email**

Central Pine Barrens Joint Planning and Policy Commission  
Attn: Ms. Judith Jakobsen, Executive Director  
624 Old Riverhead Road  
Westhampton Beach, NY 11978

**Re: Request to Reopen the February 15, 2023 Central Pine Barrens Joint Planning and Policy Commission's Hearing and Extend the Decision Deadline of April 19, 2023**  
Ascend Realty Partners, LLC  
One Research Road, Ridge, New York  
SCTM No.: 0200-459-1-1.004  
Our File: 54226.0002

Dear Ms. Jakobsen:

As you know, our firm represents Ascend Realty Partners, LLC in connection with the applied to the Central Pine Barrens Joint Planning and Policy Commission (“CPBJPPC”) a Core Preservation Area Extraordinary Hardship Exemption to construct thirty-four (34) parking stalls in the previously cleared area, which was proposed to be landscaped. A public hearing on this application was held by the CPBJPPC on February 15, 2023 (the “February 15, 2023 Hearing”). Given that the March 15, 2023 draft Decision for this matter prepared by the CPBJPPC staff (the “March 15, 2023 Draft Decision”) contains factually and legally inconsistent and incorrect information as specified below, and in light of the testimony made by special counsel for the CPBJPPC, John Milazzo, Esq. to the CPBJPPC at the March 15, 2023 CPBJPPC meeting, we respectfully request to reopen the Hearing to allow the applicant an opportunity to correct the record and to extend the CPBJPPC’s decision deadline of April 19, 2023.

Specifically, the March 15, 2023 Draft Decision provides that the subject project “will remove an area of trees and other natural vegetation that was previously required to be restored as a condition in a prior waiver.” (See March 15, 2023 Draft Decision, page 5). This statement is incorrect. To the contrary, the additional thirty-four (34) parking stalls that the applicant is seeking as part of this hardship application are proposed in the previously cleared areas utilized for a driveway area as recently as 2013, which were previously proposed to be landscaped but not proposed to be restored to a natural condition<sup>1</sup>. Annexed hereto as **Exhibit A** is a copy of the

<sup>1</sup> Based on the 2010 Revegetation Plan by Cameron Engineering & Associates LLP, dated June 2010, which was approved by the CPBJPPC, only 260 square feet out of approximately 9000 square feet of the proposed parking

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overlay exhibit prepared by Phronesis Engineering on April 3, 2023 based on the 2010 Revegetation Plan by Cameron Engineering & Associates LLP, dated June 2010, which was approved by the CPBJPPC. As you know, the 2010 Revegetation Plan was prepared in connection with the 2010 CPBJPPC Approval of the Core Preservation Area hardship exemption application of American Physical Society for the subject property (the “Overlay Exhibit”). The Overlay Exhibit clearly demonstrates that the entire area of the proposed parking expansion but for 260 square feet as explained in Footnote 1 is not part of the existing natural area or the area that was supposed to be restored to a natural condition in accordance with the 2010 Revegetation Plan approved by the CPBJPPC (*See* Footnote 1). In other words, the vast majority of the area of proposed parking is not part of the area of “proposed vegetation not to be maintained” (*See* Footnote 1). It is important to note that the March 15, 2023 Draft Decision also incorrectly states that the area previously used as a driveway (i.e. where the parking expansion is being proposed by the applicant) was part of 0.41 acres of the property to be restored to a natural condition (*see* March 15, 2023 Draft Decision, page 4). Special counsel for the CPBJPPC, John Milazzo, Esq. also incorrectly insinuated at the March 15, 2023 CPBJPPC meeting that the entire proposed parking expansion will require removal of all or nearly all natural vegetation or area proposed to be restored to a natural condition. As the Overlay Exhibit shows, the area previously used as a circular driveway was proposed to be landscaped and was not proposed to be restored to a natural condition in accordance with the 2010 Revegetation Plan. As such, contrary to the contentions of the March 15, 2023 Draft Decision, the subject project is designed to minimize adverse environmental impacts. This is demonstrated by the non-disturbance of the existing natural vegetation or areas to be restored to natural (*see* Footnote 1), minimal disturbance to landscaped areas and use of the previously cleared and utilized areas. Thus, based on the above, it is clear that the project achieves the minimum relief necessary to ensure the integrity and continued protection of the project site and the Core Preservation Area.

Additionally, in support of the recommended denial of the subject application, the March 15, 2023 Draft Decision cites the Starbucks decision (Manorville, 2017) and JCJC decision (2011) pointing out that those hardship exemption waiver applications in a Core Preservation Area were granted because, *inter alia*, “changes in uses [in those applications] were made at property that did not require disturbance to natural vegetation or clearing on the properties.” (*See* March 15, 2023 Draft Decision, page 6). Similarly, and as noted above, the area of the proposed parking expansion does not require disturbance to any existing natural vegetation since it is proposed in the previously cleared areas, which were proposed to be landscaped as per the 2010 Revegetation Plan approved by the CPBJPPC (*See* Footnote 1). As such, the CPBJPPC staff arrived at the wrong conclusion by incorrectly analyzing the facts of the subject project.

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expansion was proposed to be revegetated to a natural condition. The applicant is willing to reduce the proposed parking expansion by 260 square feet if necessary.

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In its March 15, 2023 Draft Decision, the CPBJPPC also incorrectly relies on the 7-Eleven decision (Ridge, 2011) noting that the proposed denial of the subject project is consistent with the denial of the 7-Eleven application (See March 15, 2023 Draft Decision, page 6). In the 7-Eleven decision (Ridge, 2011), the applicant was proposing to clear 12,231 square feet of the existing natural vegetation in the Core Preservation Area to add 14 parking spaces and a new driveway and curb cut. Contrary to the 7-Eleven decision (Ridge, 2011), the applicant in the subject project is not proposing any parking expansion in the existing natural area. It is being proposed in the previously cleared areas which are proposed to be landscaped and not restored to a natural condition (See Footnote 1). Additionally, in the 7-Eleven decision (Ridge, 2011), the proposed amount of parking sought by the applicant exceeded the Town's parking requirements. Contrary to that decision, as part of the subject project, the applicant is seeking to remediate a 50% parking deficiency by adding thirty-four (34) parking spaces, so that the subject property has at least some beneficial use if used for its present use.

Even if the proposed denial and Milazzo's testimony was correct regarding the proposed parking expansion requiring the removal of existing natural vegetation or substantial portion of the area proposed to be restored to a natural condition, this would still be consistent with a series of prior CPBJPPC's decisions granting the Core Preservation Area Hardship Waiver applications involving removal of natural vegetation or clearing. For example, on July 21, 2010, the CPBJPPC approved the Core Preservation Area Hardship Waiver application of American Physical Society, the former owner of the subject property, for a 16,274-square foot second-story expansion of an existing 31,062-square foot commercial office building and 27 additional parking spaces *allowing for removal of 2,613.6 square feet of existing natural vegetation*. A copy of the on July 21, 2010 American Physical Society decision is annexed hereto as **Exhibit B**. On October 21, 2015, the CPBJPPC approved the Core Preservation Area Hardship Waiver application for Saints Peter and Paul Parish Center, which involved a 2,942-square foot expansion of a church and related buildings and an increase of 14 parking spaces *on the existing natural area*. A copy of the October 21, 2015 Saints Peter and Paul Parish Center decision is annexed hereto as **Exhibit C**. On August 8, 2001, the CPBJPPC approved the application of Lakeside Manorville Hotel (Day Care) for a Core Preservation Area Hardship exemption to construct a +/-9,900-square foot day care building with sanitary system, parking lot and playground on a 5.4 parcel in A-2 Residential zoning district. A copy of the August 8, 2001 Lakeside Manorville Day Care decision is annexed hereto as **Exhibit D**. On October 2, 1996, the CPBJPPC approved the Core Preservation Area Hardship application of George Mathys to construct a 2,900-square foot building with parking for 10 cars on a parcel containing 17,135 square feet *allowing for the clearing of 11,140 square feet of natural and landscaped areas*. A copy of the October 2, 1996 George Mathys decision is annexed hereto as **Exhibit E**. On September 17, 1997, the CPBJPPC approved the Core Preservation Area Hardship application of

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Evan Goldstein to construct one single family dwelling and associated sanitary system on a lot containing 75,714 square feet *allowing for a 20% clearing of the existing vegetation combined with the existing clearing*. A copy of the September 17, 1997 Evan Goldstein decision is annexed hereto as **Exhibit F**. On October 20, 2010, the CPBJPPC approved the Core Preservation Area Hardship application of Estate of Constance DiPeri for the development of a single-family residential dwelling on a vacant wooded 21,780 square foot project site, *which involved clearing of 11,543 square feet of exiting natural vegetation*. A copy of the October 20, 2010 Estate of Constance DiPeri decision is annexed hereto as **Exhibit G**. On November 19, 2008, the CPBJPPC approved the Core Preservation Area Hardship application of Long Island Power Authority to expand and reconfigure the existing Riverhead substation, which *involved clearing of approximately 1.14 acres of woodlands*. A copy of the November 19, 2008 Long Island Power Authority decision is annexed hereto as **Exhibit H**. On July 20, 2016, the CPBJPPC approved the Core Preservation Area Hardship application of Ralph Vail to develop a single-family residence on a 10,000-square foot parcel in Northampton *allowing for a 7,000-square foot clearing of existing natural pine barrens vegetation*. A copy of the July 20, 2016 Ralph Vail decision is annexed hereto as **Exhibit I**. On January 20, 2021, the CPBJPPC approved the Core Preservation Area Hardship application for Lewis Road Planned Residential Development for subdivision with 118 seasonal single-family residences, 12 year-round workforce housing residences and an 18-hole private golf course on a 608.45-acre project site *allowing for clearing of natural vegetation in the Core Preservation Area*. A copy of the January 20, 2021 Lewis Road Planned Residential Development decision is annexed hereto as **Exhibit J**. Based on the prior CPBJPPC's approvals of the Core Preservation Area Hardship applications referenced above, it is clear that reliance of the March 15, 2023 Draft Decision on the prior CPBJPPC decisions in support of the denial of the subject project is meritless and legally inconsistent. In light of the above, the relief being sought by the applicant is consistent with prior Core Preservation hardship exemptions granted by the CPBJPPC.

It is important to note that the March 15, 2023 Draft Decision misrepresented that "the granting of the Hardship Exemption Waiver would be inconsistent with its prior Hardship Waiver decisions on the Project Site, will undo requirements of a prior hardship exemption and with the purposes and provisions of the Act." (See March 15, 2023 Draft Decision, page 6). In 2010, the CPBJPPC approved the Core Preservation Area Hardship application of American Physical Society for a second-story expansion to an existing commercial office building and twenty-seven (27) additional parking spaces allowing for "removal of 2,613.6 square feet of natural vegetation (1.2 percent of the site area)." (See Exhibit B, page 2). The only relief the applicant is seeking as part of the subject Core Preservation Area Hardship Application is a thirty-four (34) parking stall expansion, which would require clearing of a 0.21-acre area proposed to be landscaped. The applicant is not seeking any additional expansion of the building on site. The proposed site plan prepared by Phronesis Engineering, dated September 1, 2022 and

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last revised on September 21, 2022, clearly demonstrates that it is consistent with the Declaration of Covenants and Restrictions recorded on June 27, 2011 in Liber 12663 and Page 864 requiring the property owner of the subject site to protect a total of 1.96 acres as area to remain natural and to be restored to a natural condition (the “June 27, 2011 Declaration of Covenants and Restrictions”) as it protects 1.96 acres of subject site as natural and to be restored to natural. Please note that the June 27, 2011 Declaration of Covenants and Restrictions was a condition of the July 21, 2010 CPBJPPC’s approval of the Core Preservation Hardship application of the American Physical Society. A copy of the June 27, 2011 Declaration of Covenants and Restrictions is annexed hereto as **Exhibit K**. Thus, the relief being sought by the applicant is consistent with the prior 2010 CPBJPPC’s Grant of the Core Preservation Area Hardship Application of American Physical Society and results in a minimal disturbance to the areas proposed to be landscaped to the greatest extent practicable.

The March 15, 2023 Draft Decision also incorrectly concluded that the subject property does have a beneficial use if used for its present use or developed as authorized by the provisions of Article 57 of the Environmental Conservation Law (the “ECL”), and that inability to have a beneficial use did not result from unique circumstances peculiar to the subject property as per the ECL Section 57-0121(10). Given that there is currently a significant deficiency in parking based on the size of the existing commercial building, NY Cancer and Blood Specialist (“NYCBS”), the applicant, who occupies the building now, is not able to operate its business in the existing facility in conformance with the Town of Brookhaven Code (the “Town Code”) and other applicable laws and regulations. Pursuant to the Town Code Section 85-852, a minimum of three hundred and six (306) parking stalls are required to be provided on the subject property given that there is a 45,907-square foot existing commercial building on the subject property. There are currently one hundred and fifty-three (153) existing parking stalls, which constitutes a 50% parking deficiency based on the Town Code. As part of this hardship application, the applicant is seeking to add only thirty-four (34) parking spaces, which will bring the total count of parking to one hundred and ninety-nine (199) stalls (including 12 previously approved land banked stalls) – this represents the minimum relief necessary to relieve the extraordinary hardship. No business can realize a reasonable rate of return by operating out of the existing facility in compliance with the Town Code and other applicable laws when the subject site is 50% deficient in parking. No business can maintain a beneficial operation out of the existing facility, which must remain a half vacant to meet the existing parking situation and meet the Town Code and other applicable laws and regulations. As such, if the applied for Core Preservation Area Hardship is not granted to the applicant, the applicant does not have any beneficial use of the subject property.

Additionally, this inability to have a beneficial use results from unique circumstances peculiar to the subject property which do not apply to or affect other property in the immediate vicinity and relate to or arise out of the characteristics of the subject property rather than the

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personal situation of the applicant. The subject parcel is the only developed commercial parcel within an approximate ¼-mile radius of the perimeter of the property. There are no other roads, buildings, parking facilities, or other infrastructure within this area. No changes to the facility or use of the property are proposed. As such, an increase in parking will not affect the properties in the immediate vicinity. Additionally, the applicant's inability to have a beneficial use arise out of the characteristics of the subject property. The applicant does not have a beneficial use of the subject property because the subject property is 50% deficient in parking and does not provide the minimum number of parking spaces required by the Town Code for the 45,907-square foot existing commercial building. Neither NYCBS nor any other business will have a beneficial use of the subject property by occupying a building which must remain half vacant in order to comply with the Town Code requirements and other applicable laws.

Furthermore, it is important to note that in so many of its prior decisions, where the CPBJPPC granted the Core Preservation Area Hardship, the CPBJPPC did not even provide any basis for concluding that a particular property at issue did not have any beneficial use. Instead, the CPBJPPC just provided a conclusion that an application met all of the requirements for extraordinary hardship pursuant to ECL 57-0121(10) without applying the facts of that particular project to the legal standard that applicant has to meet in order to have its Core Preservation Hardship application approved as per the ECL 57-0121(10). (See the August 8, 2001 Lakeside Manorville Day Care decision, the October 21, 2015 Saints Peter and Paul Parish Center decision, the November 8, 1995 Clancy Street Food Court decision, the January 24, 1996 Frank Turrigiano decision, the March 20, 1996 Rita Kristiansen decision, the April 3, 1996 Regina and Stanley Seltzer decision, the May 29, 1996 Roberta Sterk decision, the June 4, 1997 Seth Mortgan decision, the June 4, 1997 Theodore Martz decision, the February 24, 1994 Gina DeMarco on behalf of Felicia Matusevich decision, the September 11, 1996 John Feore decision, the July 18, 2011 Katherine Foster Screven decision, the June 27, 2001 Joseph Gazza decision, the September 26, 2001 Anna and Alexander Czanecki decision – all decisions annexed hereto as **Exhibit L**). On the other hand, in most of its prior denials of the Core Preservation Hardship applications, the CPBJPPC provided reasoning for the applicant's failure to demonstrate that that property had no beneficial use. (See the January 19, 2011 7-Eleven Inc. decision, the February 17, 2016 Henry Dittmer decision, the May 18, 2016 East End Christian Academy decision, the June 15, 2016 Armand Gustave decision, the September 21, 2016 Trocchio decision – all decisions are annexed hereto as **Exhibit M**). Based upon the above, the failure of the CPBJPPC to provide a consistent analysis of the standards for relief clearly demonstrate that the decisions on the Core Preservation Hardship relief are granted or denied in an arbitrary and capricious manner.

Moreover, it should be noted that on August 8, 2001, the CPBJPPC approved the Core Preservation Area Hardship Application of Lakeside Manroville Hotel (Day Care) by allowing

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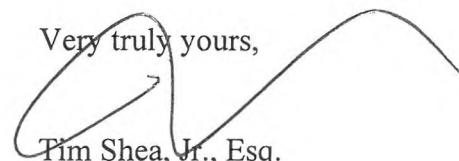
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the construction of a +/-9,900-square foot day care building with sanitary system, parking lot, and playground in A-2 Residential zoning district concluding that application met all of the requirements for extraordinary hardship pursuant to ECL 57-0121 (10)(a) and (c) and finding, among other things, that the Core Preservation Hardship for the development of a +/-9,900-square foot day care was the minimum relief necessary to relief the extraordinary hardship on behalf of that applicant. Development of up to two single-family residences on that property would have resulted in significantly lower environmental impacts, less clearing, and insubstantial impairment of the resources of the Core in comparison to the construction of a +/-9,900-square foot day care with other site improvements. Construction of a +/-9,900-square foot day care with a parking lot and playground is clearly not the minimum relief necessary for that property.

In light of the above, it is clear that the CPBJPPC staff acted arbitrary and capricious by proposing a denial of the applicant's Core Preservation Area Hardship subject application in its March 15, 2023 Draft Decision. Based upon the above, the applicant has established the existence of extraordinary Core Preservation Area Hardship, and the requested relief would not result in a substantial impairment of the resources of the Pine Barrens Area. It is also clear that the requested hardship is the minimum relief necessary to relief the extraordinary hardship on behalf of the applicant to minimize adverse impacts on the project site in the Core Preservation Area to the greatest extent practicable, the granting of the hardship will not be materially detrimental or injurious to other properties or improvements in the area in which the subject property is located and will be consistent with the purposes and provisions of the Act, including but not limited to the goals and objectives to preserve the functional integrity of the Pine Barrens ecosystem, discourage piecemeal and scattered development, and to accommodate development in a manner consistent with the long-term integrity of the Pine Barrens ecosystem. As such, we respectfully request to reopen the Hearing to allow the applicant an opportunity to correct and supplement the record and to extend the CPBJPPC's decision deadline of April 19, 2023.

Very truly yours,  
  
Tim Shea, Jr., Esq.

cc: Robert Calarco, Chariman (via email: rob@robcalarco.com)  
Steven Bellone, Member (via email: county.executive@suffolkcountyny.gov)  
Yvette Aguiar, Member (via email: supervisor@townofriverheadny.gov)  
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### Central Pine Barrens Joint Planning and Policy Commission April 19, 2023 NY Cancer and Blood Specialists Core Preservation Area Hardship Waiver Application Ridge, Town of Brookhaven SCTM #200-459-1-1.4

#### I. The Project

NY Cancer and Blood Specialist (NYCBS) and its real estate partners, Ascend Realty Partners and Route 111 Realty Partners LLC, (collectively the Applicant) applied to the Central Pine Barrens Joint Planning and Policy Commission for a Core Preservation Area Extraordinary Hardship Exemption to expand a parking lot on an improved property in the Core Preservation Area of the Central Pine Barrens (the Project). The Applicant alleges the existing parking is insufficient to accommodate the demands created by its use of the Property. The parking lot expansion is depicted on a September 21, 2022 Site Plan prepared by Phronesis Engineering.

The property (the “Property”) is located at 1 Research Way, in the hamlet of Ridge, in the Town of Brookhaven and is in the Town’s L1 Industrial Zoning District. It has 613 feet of frontage on the west side of William Floyd Parkway (County Route 46). It is developed with an approximately 45,000 square foot commercial building. Applicant uses the building each day of the workweek and occasionally on Saturdays for general office activities.

The Applicant acquired the Property on February 11, 2022 and submitted the Application on December 14, 2022.

#### II. The Long Island Pine Barrens Protection Act of 1993, the Commission, Development, the Central Pine Barrens Comprehensive Land Use Plan and the Project Status under the Same

The Central Pine Barrens Joint Planning and Policy Commission was created by the Long Island Pine Barrens Protection Act (the “Act”) adopted in 1993 and codified in Article 57 of the Environmental Conservation Law (ECL). The Act empowered the Commission, to, among other things, oversee development activities within the specially designated Central Pine Barrens Area. Section §57-0107(13) of the ECL defines development to be the “performance of any building activity, . . . , the making of any material change in the use or intensity of use of any . . . land and the creation . . . of rights of access.”

ECL Section §57-0123(3)(a) provides that, “[s]ubsequent to the adoption of the land use plan, the provisions of any other law, ordinance, rule or regulation to the contrary notwithstanding, no application for development within the Central Pine Barrens area shall be approved by . . . the [C]ommission . . . unless such approval or grant conforms to the provisions of such land use plan; provided, however, that the [C]ommission by majority

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vote is hereby authorized to waive strict compliance with such plan or with any element or standard contained therein, for an application for development of any person, upon finding that such waiver is necessary to alleviate hardship for proposed development in the core preservation area according to the conditions and finding of extraordinary hardship . . . pursuant to subdivision ten of section 57-0121 of this title, and every application is consistent with the purposes and provisions of this article and would not result in substantial impairment of the resources of the Central Pine Barrens.”

ECL Section 57-0121 (10) provides that, “[a]ny person, . . ., may apply to the commission for a permit exempting such [development from the prohibition on new 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:

- (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. A person shall be deemed to have established the existence of extraordinary hardship only if he or she 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 title, 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;
  - (ii) Relate to or arise out of the characteristics of the subject property rather than the personal situation of the applicant; or
  - (iii) Are not the result of any action or inaction by the applicant or the owner or his or her predecessors in title including any transfer of contiguous lands which were in common ownership on or after June 1, 1993.

On June 28, 1995 the Commission, in furtherance of its mission and in compliance with the directives set forth in the Act, adopted the Central Pine Barrens Comprehensive Land Use Plan (the “Plan”). Section 4.5.1 of the Plan, states, “[t]he Act requires the prohibition or redirection of development in the Core Preservation Area and sets forth the jurisdiction of the Commission over, and certain requirements for processing, hardship exemptions. The Act authorizes the Commission, by majority vote, to waive strict compliance with this Plan upon finding that such waiver is necessary to alleviate hardship according to the conditions and finding of extraordinary hardship” pursuant to subdivision of Section 57-0121(10) of the Act.

The Project requires clearing of the Property. The Project constitutes development as defined by the Act and to proceed the Applicant must demonstrate a hardship exists pursuant to Section §57-0121(10) of the Act.

### **III. The Application, the Public Process, the Staff Report, and the Supplemental Materials**

The Applicant submitted, among other things, a completed Part I of the Full Environmental Assessment Form, and the Phronesis Site Plan in support of its request. The Project is an Unlisted Action pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act, SEQRA). A coordinated SEQRA review was not performed.

A public hearing on the Application was held by the Commission on February 15, 2023. At the Hearing a Commission staff report with six (6) exhibits (A through F) and Applicant's four exhibits 1 through 4 were introduced into the record. The Commission received sworn testimony from the Applicant's counsel J. Timothy Shea of the law firm Certilman Balin and its consultant Charles Voorhis, principal at Nelson Pope Voorhis, an environmental engineering firm. Two members of the public, both from the Pine Barrens Society, a non-governmental organization, submitted oral comments on the Project. A stenographic transcript was made of the hearing and distributed to the Commission, the Applicant, and posted on the Commission's website.

Following the testimony portion of the hearing, the hearing was closed, and the Commission held the public comment period open for the following 14 days. No written comments were received during the public comment period. During the hearing, the Applicant agreed to extend the Commission's decision deadline from April 18 to April 19 to align with the Commission's meeting schedule.

### **IV. The Property and the Study Area**

To determine the characteristics of the immediate vicinity of the Property, the Commission defined a Study Area, which is the area that extends one-half mile from the Property in all directions. The Study Area was part of the Commission's Exhibit E. The dominant land use in the Study Area is public land owned by Suffolk County and New York State. Area to the north and northwest are residentially developed and Brookhaven National Laboratory, a 5,000 acre federal facility, is located to the east across CR 46. The CR 46 corridor in this area of the Central Pine Barrens is identified as a Scenic Resources in Volume 2 Chapter 8 of the Plan.

The New York State Office of Parks, Recreation and Historic Preservation, by letter dated January 31, 2023, stated, “[b]ased upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by the Project.”

### **V. History of the Development of the Property and NYCBS Use of the Property**

In 1979, a 12,000 square foot building was constructed on the Property. At the time of the Act's passage, the building was owned and used by the American Physical Society (APS). In 1994, APS applied to the Commission for a hardship exemption waiver to expand the building by approximately 14,000 square feet. The Commission granted the NYCBS Core Hardship, Ridge

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waiver and required APS to design the addition “in a manner that future expansion needs of the sponsors may be accommodated by vertical expansion above the new addition.”

In 2010, APS applied for a second hardship exemption to add a 16,274 square foot second story to the building, which was consistent with the terms of APS’s first exemption. The Commission granted the second exemption to APS. In its decision, the Commission required APS restore to a natural condition 0.41 acres of the Property that had been previously used as a driveway. The Commission also required APS file a Covenant and Restriction indexed against the Property in records of the Suffolk County Clerk to protect an additional 1.55 acres of natural area on the Property and to memorialize the restoration requirement for the 0.41 acres. The Covenant provided Notice that the Commission had granted a hardship exemption on the Property.

On February 11, 2022, the Applicant purchased the Property. NYCBS “currently occupie[s]” the Property and the building thereon with a “centralized facility [] for their executive, administrative and support personnel.” (Transcript at 21). NYCBS “use[s] the site five days a week.” (Transcript at 48). Applicant’s representative stated in response to an observation that the NYCBS “occasionally” uses the Property on Saturdays, that “[i]t would appear so, yes, But I wouldn’t think that Saturday would be as crowded as the other days of the week.” (Transcript at 48). In response to the parking issues, Applicant’s representative stated that NYCBS is “changing operations on the site” and staggering shifts to minimize parking related impacts but still requires the requested exemption to “alleviate the parking problem.” (Transcript at 43, 44, 45, and 49). Applicant’s use overwhelms the existing parking spaces on the Property. There are more vehicles than designated parking spots.

### **VI. Applicant’s Statements in Support of the Application**

During the hearing, Applicant’s representative stated that the Property “currently [has] a beneficial use for offices.” (Transcript at 36) and it was established that NYCBS uses the building daily and at least on some Saturdays.

To support its request, the Applicant provided the Commission with a copy of a letter APS submitted to the Commission in 1994 seeking to have the Property removed from the Core Preservation Area. During the Hearing, the Applicant averred that the drafters of the Act should have excluded the Property from the Core Preservation Area because it was a developed at the time of adoption of the Act. APS recommendation was not acted upon.

Turning to the merits of its application, Application stated that the number of NYCBS employee vehicles frequently exceeds the parking lot’s capacity. The Applicant noted that some days there are more intense activities than others, but it is a typical condition to see cars parking on William Floyd Parkway because there no open spaces in the parking lot. (Transcript at 25)

The Applicant’s testimony indicates that the scale of its operations inside the building triggers the need for additional parking capacity. (Transcript at 24-25). The Applicant

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stated the NYCBS use of the building fluctuates and on some days, there are staff meetings and trainings that causing a peak in their parking demands. (Transcript at 45).

During the Hearing, Applicant was asked if prior to its purchase of the Property whether it “did the arithmetic and they knew moving in, they didn’t have adequate parking.” (Transcript at 42). Applicant replied that its business has “grown so exponentially that by the time they got to contract and closed, then of course they’re sitting there and going okay we have to figure out how to make this all work. So[,] it was not with the intention of having a parking issue to build this – to purchase this. This was supposed to be a centralized home with adequate parking facilities that they felt would be good for business.” (Transcript at 43). Elsewhere, Applicant’s representative stated that the “facility was anticipated to have adequate parking and the site operations within the existing building increases the need.” (Transcript at 36).

Applicant’s representative was asked whether if the hardship exemption was granted if there would be sufficient parking at the Property for the level of use NYCBS maintains in the building. Applicant’s counsel stated that NYCBS is actively attempting to acquire additional buildings or property outside of the Central Pine Barrens if so, will shift some of the employees using the Property to another site so that the parking capacity matches the number of employees in the building. (Transcript at 49). According to the Applicant, NYCBS is also staggering the work hours of its employees at the site to alleviate parking constraints and if another building is acquired some of uses at the Project Site could be transferred to the other building. If this occurs, according to the Applicant’s representatives, the amount of parking, if expanded as per their request, will support the intensity of use occurring in the building. (Transcript at 49).

During the hearing, the Commission asked the applicant to quantify the disparity between the parking demand and the Property’s parking capacity. No responsive information was provided at the hearing or during the comment period.

### **VII. Potential Environmental Impacts**

The Commission finds the Project would result in environmental impacts on the resources of the Central Pine Barrens. The Project will remove an area of trees and other natural vegetation that was previously required to be restored as a condition in a prior hardship waiver. It will have an environmental impact on vegetation on the Property.

### **VIII. Commission Review of the Application and Findings**

Pursuant to the Act, in reviewing a Core Preservation Area Hardship exemption application, the Commission must determine whether the Applicant has established based on specific facts the Property does not have any beneficial use if used for its present uses and its inability to have a beneficial use was established under the criteria set forth in ECL §57-0121(10)(a).

The Commission has considered the Application, the hearing transcript, the Staff Report, and the Exhibits and finds that the Applicant has not established based on specific facts that the Property has no beneficial use if used for its present uses. Applicant stated that it NYCBS Core Hardship, Ridge

## DRAFT

uses the Property five days a week and occasionally on Saturdays and that the Applicant uses the Property as a centralized facility and can institute controls to minimize its parking demands. Although the Applicant alleges that its business has grown “so exponentially” that “by the time they got to contract and closed” the parking capacity was insufficient, the Applicant did not provide evidence of the reason why they went to contract for the Property if their business had already grown beyond the capacity of the Property which they knew or should have known existed prior to executing the contract of sale. The Applicant also did not provide any evidence to document that “exponential[] growth” it experienced.

Further, Applicant did not address its decision to purchase to the Property despite public notice of its location inside the Core Preservation Area or the restrictions imposed by the Covenant and Restriction, which the Application seeks to have the Commission waive.

The Commission finds the Applicant has not based on specific facts demonstrated 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 title and that this inability to have a beneficial use results from unique circumstances peculiar to the subject property.

Applicant conceded the Project Site “currently [has] a beneficial use for offices” during the hearing.

The Commission further finds the Applicant has not established that the Property is unique among all developed properties in the Core Preservation Area or in the Study Area. All properties in the Core Preservation Area which have a current beneficial use are subject to the Act’s provisions and therefore are not unique for the reason alone.

The Commission finds that the 1994 APS letter is immaterial to the Applicant’s situation as neither the New York State Legislature nor the Commission, to extent it has the power to do so, removed the Property from the Core Preservation Area.

### **IX. Consistency with Prior Commission’s Decisions**

The Commission finds the granting of the Hardship Exemption Waiver would be inconsistent with its prior Hardship Exemption Waiver decisions on the Project Site, will undo requirements of a prior hardship exemption and with the purposes and provisions of the Act.

The Commission has granted hardship exemptions on properties used for commercial enterprises (see JCJC, (2011) and Starbucks, Manorville (2017)). In contradistinction to the Application, in each of those matters, changes in uses were made at property that did not require disturbance to natural vegetation or clearing on the properties.

On January 19, 2011, the Commission denied granting a hardship exemption to 7-Eleven Inc. on its application to expand the parking at an existing 7-Eleven in Ridge. The Commission found, among other things, that 7-Eleven failed to demonstrated that its property did not have any beneficial use if used for its then present use, which was an existing 7-Eleven convenience store. The Commission finds that the denial of Application is consistent with its denial of the 7-Eleven application.

**DRAFT**

Applicant has not identified any hardship exemption granted by the Commission that authorizes areas that were required by the Commission to be restored as a part of one hardship exemption and protected by a Covenant and Restriction to be cleared and put to another use.

**X. Conclusion**

The Commission finds that the Applicant failed to demonstrate an extraordinary hardship exists for the reasons set forth above. Therefore, the Commission respectfully declines to grant the hardship exemption. The Commission finds the denial of the Application will not have a significant adverse environmental impact and hereby authorizes a Negative Declaration pursuant to SEQRA.

**Present:**

for the Governor of the State of New York  
 for the Suffolk County Executive  
 Brookhaven Town Supervisor  
 Riverhead Town Supervisor  
 Southampton Town Supervisor

**Record of Motion:**

Motion by:

Seconded by:

In Favor:

Opposed:

Abstain:



April 19, 2023

James P. Rigano  
Rigano LLC  
538 Broadhollow Road  
Suite 301  
Melville, New York 11747

**RE:** Nassau County Boy Scouts Camp Waukeee  
Central Pine Barrens Core Preservation Area

Dear Mr. Rigano:

Robert Calarco  
*Chairman*

Yvette Aguiar  
*Member*

Steven Bellone  
*Member*

Edward P. Romaine  
*Member*

Jay H. Schneiderman  
*Member*

On March 20 and April 6, 2023, the Central Pine Barrens Commission received your request to remove trees infested by Southern Pine Beetle that your client asserts pose a risk to the health and safety on the subject property. The property is protected in a Conservation Easement recorded on December 23, 2008.

Commission staff performed inspections on February 22 and April 5, 2023 to flag trees damaged by Southern Pine Beetle in the areas identified by your client. An estimate of 700 trees were identified as infested and potentially hazardous.

Section #6 of the Conservation Easement Reserved Rights allows removal of such hazardous vegetation with the approval of the Commission. The conservation easement states:

Grantor shall have the right to remove vegetation that poses a risk to the health, safety or welfare of Grantor or its invitees or guests. Grantor shall obtain the approval of the commission or its successors or assigns prior to removing any such vegetation which approval shall not be unreasonably withheld, unless an emergency condition existing which requires the immediate removal of the vegetation and makes providing such notice impracticable.

624 Old Riverhead Road  
Westhampton Beach, NY  
11788

Phone (631) 288-1079  
Fax (631) 288-1367  
<https://pb.state.ny.us/>

Based on the information provided by your client and observed by staff, the removal of trees in the areas identified by your client is consistent with the conservation easement. This determination is not an evaluation of the risks, if any, to your client and its invitees or guests, posed by other vegetation on the site. The Commission makes no representation as to the same as it only assessed the areas identified by your client. The Commission is not qualified to make such a determination.

Please be advised, despite the presence of hazardous condition, the timing of cutting and removing trees may be restricted to seasonal periods to protect the

Northern Long-eared Bat, a New York State and Federal listed Endangered species. Please consult with NYSDEC to adhere to protective guidelines and requirements for this and other listed species and regulated habitats on the property the wetlands and surface waters of Deep Pond. The Commission has no control over such requirements.

The proposal must conform to all other involved agency jurisdictions and permit requirements in effect on the project site.

Please notify this office within 48 hours of commencing and completing the tree cutting activity. Commission staff will inspect the treated areas. If you have any questions, contact me at this office.

Sincerely,

Jerry Tverdy  
Senior Environmental Analyst

cc: Judith Jakobsen, Executive Director, Central Pine Barrens Commission  
John C. Milazzo, Counsel to the Commission  
Chris Coscia, Scout Executive and CEO  
Thomas Cleary, VP Properties, Boy Scouts of America  
New York State Department of Environmental Conservation Region 1

## STAFF REPORT

April 11, 2023

SCTM #: 600-75-3-10.3

OWNER: Nassau County Council Boy Scouts of America Incorporated

SITE LOCATION: 1606 Wading River Manor Road, Wading River, Core Preservation Area, Town of Riverhead

SITE AREA: 403 acres

ZONING DISTRICT: Riverhead Open Space Conservation District

EXISTING USE: Recreation

VEGETATION: Pitch pine – Oak Forest

SITE VISITS: February 22, 2023 and April 5, 2023

### PINE BARRENS CREDIT PROGRAM CONSERVATION EASEMENT:

Recorded: December 23, 2008

Grantor: Nassau County Council Boy Scouts of America Incorporated

Grantee: Central Pine Barrens Commission

Credits generated: 99.78

CE signs installed: 1

### OBSERVATIONS:

- On February 1, 2023, the Commission staff was informed by the Boy Scout's Council representative Thomas Cleary about the southern pine beetle infestation areas in the camp.
- On February 22, 2023, a field inspection of the site was performed by Commission staff.
- During the field inspection, it was observed that the large areas of pitch pine trees were infested with a pine beetle. The disturbed area is depicted in red on the aerial. The area contains most of the hazardous trees and is approximately 30 acres in size. The total number of trees that have been flagged is approximately 660, including around 50 dead oak trees. These trees are located in immediate proximity to the buildings, structures, roads and trails. See photographs taken during the site visit.
- On March 21, 2023, the Commission staff has received a letter from Chris Coscia, Scout Executive &CEO and Thomas Cleary, Vice President of Properties, requesting the removal of infected trees.
- During the field inspection on April 5, 2023, additional 100 trees have been flagged. All of them are located in immediate proximity to the buildings, structures, roads and trails. Therefore, the total amount of trees that have been flagged during both visits is approximately 760.
- On April 6, 2023, the Commission staff has received a map of the site from James P. Rigano, counsel to the Theodore Roosevelt Council, showing areas with dead hazardous trees. Also

attached was the conservation easement for the camp with highlighted paragraph of the Reserved Rights section.

- Attached 2020 Aerial showing areas with infected trees. Red polygon is where most hazardous trees are located, yellow polygons represent areas with lower concentration of hazardous trees.

#### CONSERVATION EASEMENT:

Covenants section of the Conservation Easement states:

*"1. There shall be no construction activity, alteration of vegetation or change in topography, no development as defined by ECL Section 57-0107(13) and no operations or uses not constituting development pursuant to ECL Section 57-0107(13)(i-xv), unless otherwise expressly reserved herein."*

Reserved Rights sections of the Conservation Easement states:

*"6. Grantor shall have the right to remove vegetation that poses a risk to the health, safety or welfare of Grantor or its invitees or guests. Grantor shall obtain the approval of the Commission or its successors or assigns prior to removing any such vegetation, which approval shall not be unreasonably withheld, unless an emergency condition exists which requires the immediate removal of the vegetation and makes providing such notice impracticable. In such event, the Grantor shall notify the Commission within five (5) business days of the removal."*

#### DISCUSSION ITEMS OF CONCERN:

- The representatives of the Boy Scout's Council are requesting to obtain the Commission approval to remove hazardous trees that are located in immediate proximity to the buildings, structures, roads and trails.

Photos taken on February 22, 2023







Photos taken on April 5, 2023



Aerial 2020



25A

**Schiff Scout Reservation  
Camp Wauwepex  
600-75-3-10.3**



Area where most of infested  
hazardous trees are located

Note: This map is for general reference only  
Spring 2020 NYS Digital Orthoimagery Program  
Prepared by Commission Staff (JT) on April 11, 2023



BOY SCOUTS OF AMERICA  
THEODORE ROOSEVELT COUNCIL

March 20, 2023  
Ms. Julie Hargrave  
Policy and Planning Manager  
Central Pine Barrens Commission  
624 Old Riverhead Road  
Westhampton Beach, NY 11978

RECEIVED

MAR 21 2023

Central Pine Barrens Joint  
Planning & Policy Commission

Dear Ms. Hargrave,

We would like to remove trees that were infected and killed by Southern Pine Beetles at Schiff Scout Reservation. Earlier this year, the Theodore Roosevelt Council, Inc., Boy Scouts America (Council) contacted the Central Pine Barren Commission to remove the dead trees at Schiff Scout Reservation in Wading River, New York. We arranged for a camp inspection, and on February 22, 2023, representatives of the Central Pine Barrens Commission (Commission), including Senior Environmental Analyst, Jerry Tverdyy, and representatives from our Council tagged approximately 1000 dead trees that were destroyed by the Southern Pine Beetle.

Mr. Tverdyy showed us copies of satellite images of the camp affected by the Southern Pine Beetle. The infestation has spread throughout Schiff Scout Reservation and tagged trees require immediate removal to avoid harm, injury, accidents, and liability. Theodore Roosevelt Council is respectfully requesting the removal of approximately 1000 dead trees that were tagged during the site inspection.

The affected areas with the dead trees are located near the main road, around many of our cabins, concentrated in a camping area in one section of camp and surrounding both dining halls. We would like to remove the dead trees as soon as possible, to allow camping during the spring and summer months.

Our Council has a dedicated group of volunteers who help us maintain Schiff Scout Reservation. Our team of volunteers will not be able to remove the extensive number of dead trees and we do not have the financial resources to contract with tree specialists for their removal. We plan to coordinate with the Commission to engage outside volunteer groups to support us.

We are requesting formal approval to arrange for the removal of approximately 1000 dead trees tagged. The Theodore Roosevelt Council appreciates the Central Pine Barrens Commission's time, efforts, and consideration in this urgent manner.

Respectfully submitted,

Chris Coscia  
Scout Executive & CEO

544 Broadway  
Massapequa, NY 11758  
516.797.7600  
TRCBSA.org  
beascout.org

Thomas Cleary  
Vice President of Properties

Prepared. For Life.





---

**From:** James Rigano <jrigano@riganollc.com>  
**Sent:** Thursday, April 06, 2023 1:44 PM  
**To:** Hargrave, Julie <Julie.Hargrave@SCWA.com>  
**Cc:** Tom Cleary <tcleary@clearycustomcabinets.com>; Christopher M. Coscia (chris.coscia@scouting.org) <chris.coscia@scouting.org>  
**Subject:** FW: Boy Scout Request to Remove Dead Trees

**CAUTION:** This email originated from outside of SCWA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Julie,

As counsel to the Theodore Roosevelt Council, I am submitting the following and attached as part of the request to remove dead trees at the Nassau County Boy Scout Reservation in the Town of Riverhead. I understand Jerry T., of the Commission staff, has very recently performed an inspection at the camp and has observed the approximately 800 trees that are dead and require removal. Attached is a map of the camp showing the location with the dead trees that require removal. I have also attached the conservation easement for the camp which provides under paragraph 6 for the removal of vegetation that poses a risk to "health, safety or welfare" and is subject to the approval of the Commission.  
I understand this matter will be on the Commission agenda at the Town of Southampton Town Hall on April 19.

Thank you,

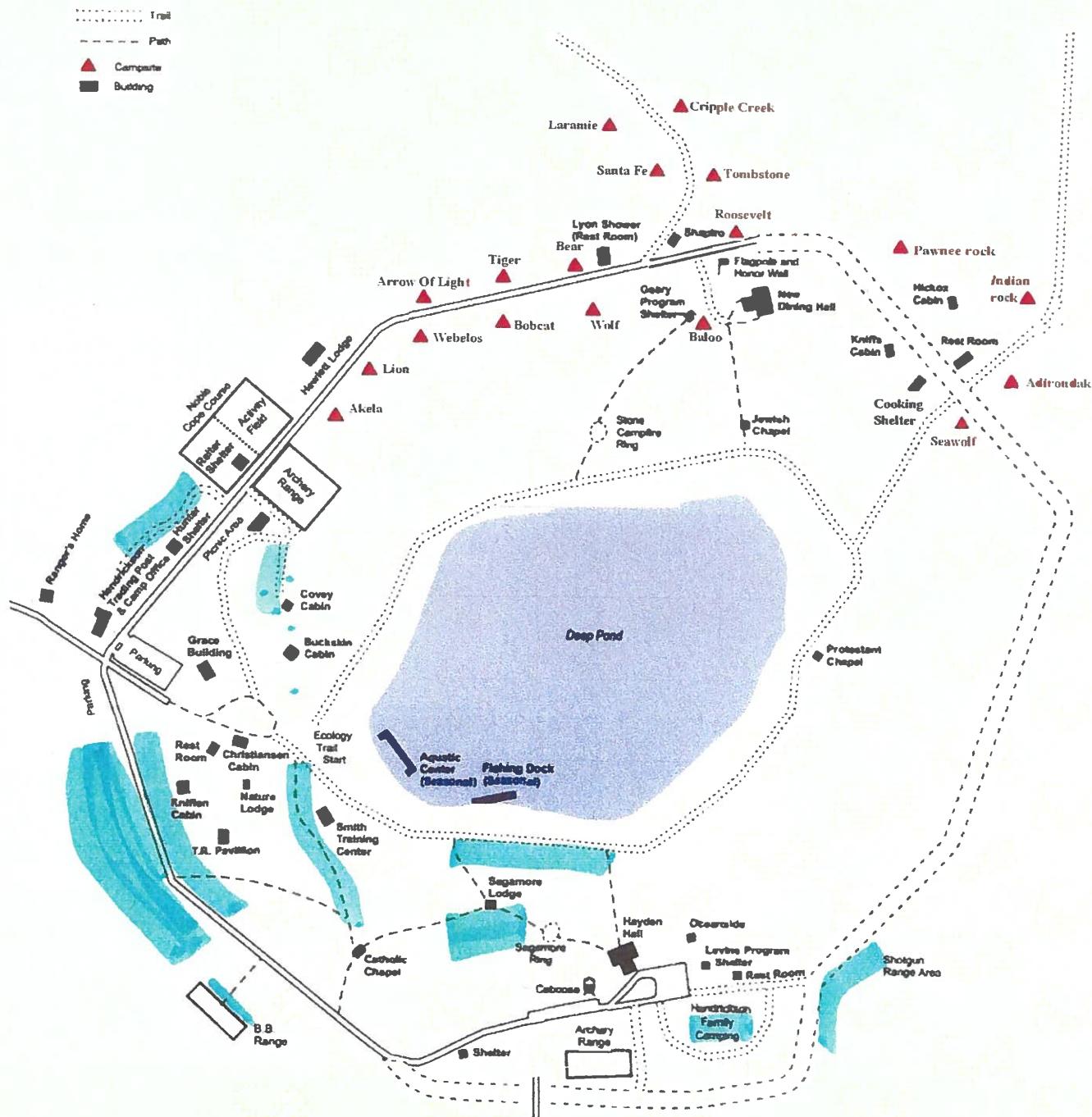
James P. Rigano  
Rigano LLC  
538 Broadhollow Road  
Suite 301  
Melville, New York 11747  
631-921 2988

# SCHIFF SCOUT RESERVATION

## *Camp Wauwepex*



BOY SCOUTS OF AMERICA  
THEODORE ROOSEVELT COUNCIL



2019

AREA WITH DEAD HAZARDOUS TREES  
SINGLE TREES HERE + THERE

1 2

Number of pages

TORRENS

Serial #

Certificate #

Prior Ctf. #

RECORDED  
 2008 Dec 23 11:39:56 AM  
 Judith A. Pascale  
 CLERK OF  
 SUFFOLK COUNTY  
 L 000012575  
 P 754  
 DT# 08-11889

Deed / Mortgage Instrument	Deed / Mortgage Tax Stamp	Recording / Filing Stamps
3	FEES	
Page / Filing Fee		Mortgage Amt.
Handling	5. 00	1. Basic Tax
TP-584		2. Additional Tax
Notation		Sub Total
EA-5217 (County)	Sub Total	Spec. / Assit.
EA-5217 (State)		or
R.P.T.S.A.		Spec. / Add.
Comm. of Ed.	5. 00	TOT. MTG. TAX
Affidavit		Dual Town
Certified Copy		Dual County
Reg. Copy	Sub Total	Held for Appointment
Other	Grand Total	Transfer Tax
		Mansion Tax
The property covered by this mortgage is or will be improved by a one or two family dwelling only.		
YES _____ or NO _____		
If NO, see appropriate tax clause on page # _____ of this instrument.		

4 0602 District 0600 07500 0300 010003 5 Community Preservation Fund

Real  
 Property  
 Tax Service  
 Agency  
 Verification



Consideration Amount \$ \_\_\_\_\_

CPF Tax Due \$ \_\_\_\_\_

Improved \_\_\_\_\_

Vacant Land \_\_\_\_\_

TD \_\_\_\_\_

TD \_\_\_\_\_

TD \_\_\_\_\_

6 Satisfaction/Discharges/Release List Property Owners Mailing Address  
 RECORD & RETURN TO:

Central Pine Barrens Joint Planning and Policy  
 Commission  
 P.O. Box 587  
 3525 Sunrise Highway  
 Great River, New York 11739-0587

7	Title Company Information
Co. Name	<i>Advantage Title</i>
Title #	06-AS-35736

## 8 Suffolk County Recording & Endorsement Page

This page forms part of the attached Conservation Easement made by:  
 (SPECIFY TYPE OF INSTRUMENT)

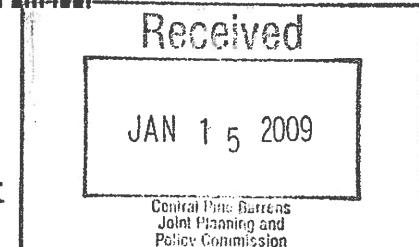
Nassau County Council Boy Scouts of America Incorporated The premises herein is situated in  
 SUFFOLK COUNTY, NEW YORK.

TO

In the Township of Riverhead

Central Pine Barrens Joint Planning and Policy Commission In the VILLAGE  
 or HAMLET of \_\_\_\_\_

BOXES 6 THROUGH 8 MUST BE TYPED OR PRINTED IN BLACK INK ONLY PRIOR TO RECORDING OR FILING.  
 (over)



SUFFOLK COUNTY CLERK  
RECORDS OFFICE  
RECORDING PAGE

Type of Instrument: EASEMENT

Recorded: 12/23/2008

Number of Pages: 13

At: 11:39:56 AM

Receipt Number : 08-0121190

TRANSFER TAX NUMBER: 08-11889

LIBER: D00012575

PAGE: 754

District:

Section:

Block:

Lot:

0600

075.00

03.00

010.003

EXAMINED AND CHARGED AS FOLLOWS

Deed Amount:

\$0.00

Received the Following Fees For Above Instrument

		Exempt		Exempt
Page/Filing	\$0.00	YES	Handling	\$0.00
COE	\$0.00	YES	NYS SRCHG	\$0.00
TP-584	\$0.00	YES	Notation	\$0.00
Cert. Copies	\$0.00	YES	RPT	\$0.00
Transfer tax	\$0.00	YES	Comm. Pres	\$0.00
			Fees Paid	\$0.00

TRANSFER TAX NUMBER: 08-11889

THIS PAGE IS A PART OF THE INSTRUMENT  
THIS IS NOT A BILL

Judith A. Pascale  
County Clerk, Suffolk County

# Conservation Easement

THIS INDENTURE, made this 18<sup>th</sup> day of December, 2008,

**Witnesseth:**

WHEREAS, Nassau County Council Boy Scouts of America Incorporated, with offices at 544 Broadway, Massapequa, New York 11758, hereinafter called the Grantor is the owner in fee simple of certain real property, hereinafter called the "Property," which has ecological, scientific, groundwater recharge, scenic, educational, recreational and aesthetic value (the "Natural Values") in its present state as a natural area which property is partly located in the Town of Riverhead in the County of Suffolk, State of New York, which property is more particularly described as follows:

*See Schedule A annexed hereto*

SCTM: WHEREAS, the Central Pine Barrens Joint Planning and Policy Commission (the "Commission"), with offices at P.O. Box 587, 3525 Sunrise Highway, 2nd Floor, Great River, New York 11739-0587, was created pursuant to the Long Island Pine Barrens Protection Act of 1993 (the "Act") codified in New York Environmental Conservation Law Article 57 ("Article 10.003 57"), is hereinafter described as the "Grantee;" and

WHEREAS, the Central Pine Barrens is a 100,000 acre area within the central and eastern portions of New York's Suffolk County which includes parts of the towns of Brookhaven, Riverhead and Southampton, and which is divided into two areas, the Core Preservation Area (the "Core") and the Compatible Growth Area (the "CGA"), as delineated in Article 57; and

WHEREAS, the Commission adopted the Central Pine Barrens Comprehensive Land Use Plan (the "Plan") which is designed to protect, preserve and enhance the functional integrity of the Pine Barrens ecosystem and its significant natural resources, including plant and animal populations and communities, to protect the quality of surface water and groundwater, discourage piecemeal and scattered development, promote recreational and environmental educational uses that are consistent with the Plan, to accommodate development in a manner consistent with the long term integrity of the Pine Barrens ecosystem, and to ensure that the pattern of development is compact, orderly and efficient; and

WHEREAS, the Plan's goals for the Core include protecting and preserving the ecologic and hydrologic functions of the Central Pine Barrens by preserving the Central Pine Barrens area in its natural state, promoting compatible agricultural, horticultural and open space and certain recreational uses within the framework of maintaining a Pine Barrens environment and minimizing the impact of such activities thereon, prohibiting or redirecting new construction or development, accommodating specific Pine Barrens management practices, and protecting and preserving the quality of surface and groundwaters; and

WHEREAS, this grant of Conservation Easement is made pursuant to Environmental Conservation Law ("ECL"), Title 3, Article 49 or its similar successor statute, and this Conservation Easement is intended to comply with said statute; and

WHEREAS, Grantor currently uses the Property for scouting activities and wishes to continue this use and maintain the existing facilities and structures associated with or necessary for such use, and

WHEREAS, Grantor and Grantee recognize the ecological, scientific, groundwater recharge, scenic, educational, recreational and aesthetic value of the Property and have the common purpose of conserving the Natural Values of the Property by the conveyance to the Grantee of a Conservation Easement on, over and across the Property which shall conserve the Natural Values of the Property and advance the goals of the Commission pursuant to the Act and the Plan;

NOW, THEREFORE, Grantor, for and in consideration of the facts above and hereinafter recited including, but not limited to, entitlement to receipt of the Pine Barrens Credits pursuant to Grantor's Letter of Interpretation issued on December 18, 2008 in the amount of 99.78 Pine Barrens Credits and of the mutual covenants, terms, conditions and restrictions herein contained, does hereby give, grant, bargain, sell and convey unto the Grantee, its successors and assigns forever a Conservation Easement in perpetuity over the Property consisting of the following:

1. The right of visual access to and view of the Property in its natural, scenic and open condition as same existed on the date first written above.
2. The Grantor's forbearance from taking any of those actions constituting development pursuant to ECL Section 57-0107(13), and the Grantor's forbearance from operations or uses pursuant to ECL Section 57-0107(13)(i-xv) unless such operations or uses are otherwise expressly reserved herein.
3.
  - a. The right of the Grantee, its respective agents, employees or other representatives, to enforce this Conservation Easement in an action at law or in equity or both.
  - b. The right of the State of New York, the County of Suffolk, the Township in which the Property is situated or their respective agents, employees or other representatives, exercising a third party enforcement right, to enforce this Conservation Easement in an action at law or in equity or both.

Enforcement pursuant to (a) and (b) hereinabove shall not be defeated because of any subsequent adverse possession, laches, estoppel or waiver. Grantee or any party with a third party enforcement right or their respective agents, employees or other representatives shall be permitted access, if necessary, to cross other lands

retained by the Grantor, and to enter upon the Property at all reasonable times but solely for the purpose of inspection in order to enforce and assure compliance with the terms and conditions herein contained. Grantee, its agents, employees or other representatives, agree to give Grantor reasonable advance notice of its intention to enter and inspect the Property, and further such entrance and inspection shall be in a reasonable manner and at reasonable times. Furthermore, Grantor shall provide any third party with enforcement rights, or its agents, representatives or employees, access to cross other lands retained by Grantor, and permission to enter upon the Property, upon receipt of advance notice of such third party's intention to enter and inspect. Such entrance and inspection shall be in a reasonable manner and at reasonable times.

### **Covenants**

In furtherance of the foregoing affirmative rights, the Grantor makes the following covenants, on behalf of it, its successors, and assigns, lessees, personal representatives and other successors in interest, which covenants shall run with and bind the Property in perpetuity:

1. There shall be no construction activity, alteration of vegetation or change in topography, no development as defined by ECL Section 57-0107(13) and no operations or uses not constituting development pursuant to ECL Section 57-0107(13)(i-xv), unless otherwise expressly reserved herein.
2. There shall be no storing, dumping, discharging or placing of any substance in or on the Property in contravention of any applicable federal, state or local law or ordinance.

### **Reserved Rights**

NEVERTHELESS, and notwithstanding any of the foregoing provisions to the contrary and as expressly limited herein, the Grantor reserves for itself, its successors and assigns the following reserved rights in addition to all those rights previously retained, reserved and defined herein, which may be exercised without written notice to the Grantee.

1. The right of exclusive possession of the Property.
2. The right to use the Property for passive recreational activities such as, but not limited to, hunting, fishing, camping, hiking and activities associated therewith so long as such activities conform to local zoning regulations and do not constitute development as defined in ECL Section 57-0107(13) and do not involve material alteration of native vegetation, involve construction or does not have the potential to result in the increased generation sewage or involve construction.

3. The right to use the Property for scouting activities so long as such activities conform to local zoning regulations and do not constitute development as defined in ECL Section 57-0107(13) and do not materially alter the Property's vegetation.
4. The right to maintain, modify or replace the facilities or structures existing on or in the Property as of the date first written above and shown on the survey entitled Survey for Schiff Scout Reservation Camp Wauwepex, Certified Survey with Photo Overlay, prepared by Young and Young, and last dated October 21, 2008 and as also described in Schedule B attached hereto and made a part hereof and associated with or necessary for the scouting activities provided such maintenance, modification or replacement does not increase the size of the facility or structure or relocate the footprint of the facility or structure or materially alter the Property's vegetation. Grantor may not modify or replace an existing facility or structure in a manner that increases the structure or facility's design sewage flow rate as defined by the Suffolk County Department of Health Services, (hereinafter "Design Sewage Flow") as the same may be modified from time to time. Notwithstanding, anything to the contrary, Grantor shall not modify or replace any existing facility or structure without giving Grantee thirty (30) days advanced written notice.
5. The right to construct, maintain, modify, repair or replace the facilities or structures identified as "Future" structures as shown on the survey entitled Survey for Schiff Scout Reservation Camp Wauwepex, Certified Survey with Photo Overlay, prepared by Young and Young, and last dated October 21, 2008 provided the construction, maintenance, modification, repair or replacement of such structures does not increase the Design Sewage Flow of the Property beyond the Design Sewage Flow of the Property as the same existed on the day first written above. Notwithstanding, anything to the contrary, Grantor shall not construct any facility or structure identified as "Future" structure without giving Grantee thirty (30) days advanced written notice.
6. The right to use the Property for operations or uses described in ECL Section 57-0107(13) (i, ii and vi) upon approval of applicable Federal, State, and local agencies and upon the approval of the Commission, or environmental restoration projects commenced by the Grantor or his heirs, successors or assigns upon approval of applicable Federal, State, and local agencies and upon the approval of the Commission.

Grantor shall have the right to remove vegetation that poses a risk to the health, safety or welfare of Grantor or its invitees or guests. Grantor shall obtain the approval of the Commission or its successors or assigns prior to removing any such vegetation, which approval shall not be unreasonably withheld, unless an emergency condition exists which requires the immediate removal of the

vegetation and makes providing such notice impracticable. In such event, the Grantor shall notify the Commission within five (5) business days of the removal.

7. The right to sell, give or otherwise convey the Property or, consistent with the Covenants herein, any portion or portions of the Property, subject to the terms of this Conservation Easement. The Grantor, upon the sale, gift or other conveyance of his fee interest in the Property, shall have no further obligations or liabilities under this Conservation Easement. Grantor shall promptly notify Grantee of any conveyance of any interest in the Property, including the full names and mailing addresses of all Grantees, and the individual principals thereof, under any such conveyance. The instrument of any such conveyance shall specifically set forth that the interest thereby conveyed is subject to this Conservation Easement, without modification or amendment of the terms of this Conservation Easement, and shall incorporate this Conservation Easement by reference, specifically setting forth the date, office, liber and page of the recording thereof. The failure of any such instrument to comply with the provisions hereof shall not affect Grantee's rights hereunder.

#### **Rights of the Public**

Nothing contained in this Conservation Easement shall give or grant to the public a right to enter upon or to use the Property or any portion thereof where no such right existed in the public immediately prior to the execution of this Conservation Easement except as may be granted by the Grantor herein or his successors.

#### **Miscellaneous**

1. The parties hereto understand and agree that all the terms and provisions of ECL, Title 3, Article 49, as the same may be hereafter amended, entitled Conservation Easements, shall apply to this Conservation Easement.
2. This Conservation Easement contains the entire understanding between its parties concerning its subject matter. Any prior agreement between the parties concerning its subject matter shall be merged into this Conservation Easement and superseded by it.
3. Any provision of this Conservation Easement restricting Grantor's activities, which is determined to be invalid or unenforceable by a court, shall not be rendered a nullity. Instead, that provision shall be reduced or limited to whatever extent that the court determines will make it enforceable and effective. Any other provision of this Conservation Easement which is determined to be invalid or unenforceable by a court shall be severed from the other provisions, which shall remain enforceable and effective.
4. Regardless of any contrary rule of construction, no provision or alleged ambiguity of this

Conservation Easement shall be construed in favor of one of the parties because it was drafted by the other party's attorney. If any provision of this Conservation Easement is ambiguous or shall be subject to two or more interpretations, one of which would render that provision invalid, then that provision shall be given such interpretation as would render it valid and consistent with the purposes of this Conservation Easement as intended by Grantor. Any rule of strict construction designed to limit the breadth of the restrictions on use of the Property shall not apply in the construction or interpretation of this Conservation Easement, and, this Conservation Easement shall be interpreted broadly to effect the purposes of this Conservation Easement as intended by Grantor. The parties intend that this Conservation Easement, which is by nature and character primarily negative in that Grantor has restricted and limited Grantor's right to use the Property, except as otherwise recited herein, be construed at all times and by all parties to effectuate its purposes.

5. This Conservation Easement can be terminated only in accordance with the law of the State of New York applicable to the termination of easements and covenants running with the land. This Conservation Easement may be modified only upon the written consent of both Grantor and Grantee, or their successors, heirs, representatives or assigns. Grantor and Grantee recognize that circumstances could arise which would justify the modification of certain of the restrictions contained herein. To this end, Grantee and Grantor shall mutually have the right, in their sole discretion, to agree to amendments to this Conservation Easement which are not inconsistent with the basic purpose of this Conservation Easement, provided, however, that the Grantee shall have no right or power to agree to any amendments hereto that would result in this Conservation Easement failing to qualify as a valid conservation easement under ECL, Title 3, Article 49 as the same may be hereafter amended.
6. The Grantor agrees that the terms, conditions, restrictions and purposes of this Conservation Easement shall continue as a servitude running in perpetuity with the Property and will be incorporated by reference in any subsequent deed or other legal instrument by which the Grantor divests itself of either the fee simple title to or its possessory interest in the Property or any portion thereof specifically setting forth the date, and the liber and page of the Suffolk County Clerk's records of the recording hereof.
7. Any notices required in this Conservation Easement shall be written. Notices shall be given either by manual delivery or by mailing in a mail receptacle maintained by the United States Postal Service. Mailed notices must be contained in an accurately addressed, sealed envelope, marked for delivery by first class registered or certified mail, with sufficient prepaid postage affixed and with return receipt requested. Mailed notice to the Grantor shall be addressed to Grantor's address as recited herein or to any such other address as the Grantor may designate by notice in accordance with this section. Mailed notice to the Grantee shall be addressed to Grantee's address as recited herein or to any such other address as the Grantee may designate by notice in accordance with this

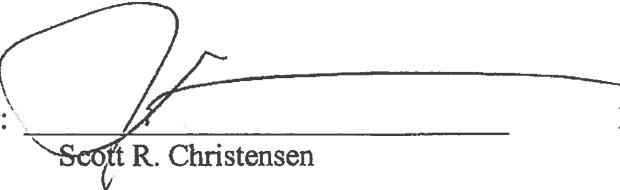
section.

8. It is understood and agreed by the Parties hereto that the Grantor, its successors, heirs and assigns, shall not be liable for any changes to the Property caused by any natural disaster or Act of God. Grantor may restore the Property to substantially the same condition as existed immediately before the occurrence of such natural disaster or Act of God providing such restoration does not materially alter the Property's vegetation. Grantor may restore or repair facility or structure on the Property damaged by a natural disaster or Act of God but in restoring the facility or structure may not increase the Design Sewage Flow rate of the facility or structure or materially alter the Property's vegetation. Prior to commencing any restoration, Grantor shall submit a restoration plan to the Commission for its review and approval. Grantor shall not undertake any restoration activities without giving Grantee thirty (30) days written notice.
9. The Grantor and Grantor's lessees, representatives, successors, heirs and assigns, shall not apply to the Commission or the Pine Barrens Credit Clearinghouse for a hardship, other permit or Pine Barrens Credits under the Plan or under ECL Article 57 pertaining to the "Schedule A" premises.
10. The Grantor does further covenant and represent that the Grantor is seized of the Property in fee simple and has good right to grant and convey the aforesaid Conservation Easement, that the Property is free and clear of any and all encumbrances, other than those of record, and that the Grantee shall have the use of, and enjoy all of the benefits derived from and arising out of, the aforesaid Conservation Easement.
11. The parties hereto recognize and agree that the benefits of this Conservation Easement are in gross and assignable, and the Grantee hereby covenants and agrees that any transferee or assignee will be an organization or public body qualified to hold a Conservation Easement pursuant to ECL, Title 3, Article 49, as the same may be hereafter amended, and the regulations promulgated thereunder.
12. All references to statutory provisions of Article 57 shall be as such provisions were in effect on the date of execution of this Conservation Easement.

IN WITNESS WHEREOF, Grantor has executed and delivered and Grantee has accepted and received this Grant of Conservation Easement on the day and year set forth above.

Nassau County Council Boy Scouts of America Incorporated

By:

  
Scott R. Christensen

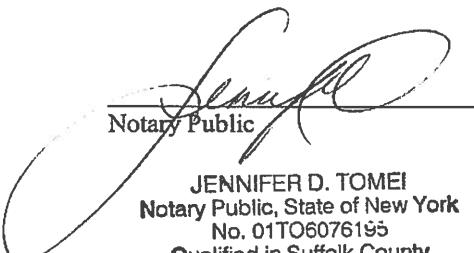
Central Pine Barrens Joint Planning and Policy Commission

By:

  
Peter A. Scully, Chairman

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

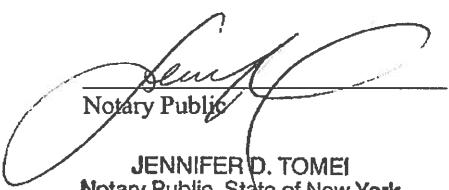
On the 18th day of December in the year 2008 before me, the undersigned, a notary public in and for said state, personally appeared Scott R. Christensen, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public

JENNIFER D. TOMEI  
Notary Public, State of New York  
No. 01TO6076195  
Qualified in Suffolk County  
Commission Expires June 24, 2010

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

On the 18th day of December in the year 2008 before me, the undersigned, a notary public in and for said state, personally appeared Peter A. Scully, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public

JENNIFER D. TOMEI  
Notary Public, State of New York  
No. 01TO6076195  
Qualified in Suffolk County  
Commission Expires June 24, 2010

## ADVANTAGE TITLE AGENCY, INC.

Title No. 06-AS-35736 (611S21141)

### SCHEDULE A

Amended June 21, 2007

ALL that certain plot, piece or parcel of land, situate, lying and being at Wading River, Town of Riverhead, Suffolk County, New York, bounded and described as follows:

BEGINNING at a point on the Southerly side of Port Jefferson-Riverhead Road (a/k/a N.Y.S. Route 25A or Sound Avenue), distant the following three (3) courses and distances from the corner formed by the Easterly side of Manorville-Wading River Road with the Southerly side of Port Jefferson-Riverhead Road:

1. North 81 degrees 49 minutes 10 seconds East 801.45 feet;
2. North 83 degrees 04 minutes 40 seconds East 571.46 feet;
3. North 83 degrees 14 minutes 50 seconds East 701.93 feet;

RUNNING THENCE the following four (4) courses and distances:

1. North 82 degrees 54 minutes 41 seconds East 1692.09 feet;
2. South 07 degrees 07 minutes 57 seconds East 6.92 feet;
3. North 83 degrees 50 minutes 44 seconds East 705.37 feet;
4. North 82 degrees 57 minutes 22 seconds East 200.35 feet;

THENCE South 07 degrees 08 minutes 06 seconds East 4298.28 feet;

THENCE South 81 degrees 05 minutes 32 seconds West 900.54 feet;

THENCE South 30 degrees 18 minutes 32 seconds West 788.46 feet;

THENCE North 07 degrees 07 minutes 38 seconds West 182.35 feet;

FOR  
CONVEYANCING  
ONLY

The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property.

TOGETHER with all the right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.

## ADVANTAGE TITLE AGENCY, INC.

Title No. 06-AS-35736 (611S21141)

### SCHEDULE A (continued)

THENCE South 63 degrees 04 minutes 42 seconds West 663.87 feet;

THENCE South 07 degrees 14 minutes 58 seconds East 20.48 feet;

THENCE South 73 degrees 02 minutes 32 seconds West 190.38 feet;

THENCE South 66 degrees 56 minutes 52 seconds West 601.14 feet;

THENCE South 78 degrees 03 minutes 52 seconds West 517.42 feet;

THENCE South 72 degrees 30 minutes 42 seconds West 624.99 feet;

THENCE North 12 degrees 02 minutes 00 seconds West 747.24 feet to a point on the Easterly line of Manorville-Wading River Road;

THENCE North 02 degrees 33 minutes 11 seconds West 911.74 feet;

THENCE North 07 degrees 01 minute 47 seconds West 801.00 feet;

THENCE South 82 degrees 58 minutes 13 seconds West 222.01 feet to a point on the Easterly side of Manorville-Wading River Road;

THENCE along the Easterly side of said road, North 23 degrees 35 minutes 17 seconds West 225.06 feet;

THENCE North 82 degrees 58 minutes 13 seconds East 294.70 feet;

THENCE North 07 degrees 01 minute 47 seconds West 1388.43 feet;

THENCE North 83 degrees 24 minutes 40 seconds East 585.19 feet;

THENCE North 07 degrees 10 minutes 30 seconds West 211.70 feet;

FOR  
CONVEYANCING  
ONLY

The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property.

TOGETHER with all the right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.

**ADVANTAGE TITLE AGENCY, INC.**

**Title No. 06-AS-35736 (611S21141)**

**S C H E D U L E A (continued)**

THENCE North 83 degrees 14 minutes 17 seconds East 699.14 feet;

THENCE North 05 degrees 54 minutes 24 seconds West 684.01 feet;

THENCE North 08 degrees 29 minutes 22 seconds West 416.11 feet to the point or place of BEGINNING.

FOR  
CONVEYANCING  
ONLY

The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property.

TOGETHER with all the right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.

## Schedule B

Name of Building or Area	Number of Structures	Dimension of Structure	Number of Toilets	Use now or Future	Future Additions	Notes
Ranger's House	1	36' x 36'	1	Residence	2nd Story	
Hendrickson Building	1	84' x 32'	2	Shop/Office	N/A	
Maintenance Yard	2	12' x 35' (trailer) 8' x 4' (shed)	0	Storage	Future Bldg. 40' x 80'	N.W. and adjacent to Hendrickson.
Grace Building	1	53' x 30'	1	Temp. Res.	N/A	
Central Latrine	1	10' x 18'	3	Restrooms	N/A	
Kniffen Cabin	1	29' x 37'	0	Temp. Res.	N/A	
Christiansen Cabin	1	38' x 24'	0	Temp. Res.	N/A	
Buckskin Lodge	1	36' x 25'	0	Temp. Res.	N/A	
Nature Lodge	1	28' x 28'	0	Temp. Res.	N/A	
Covey Cabin	1	29' x 29'	1	Temp. Res.	N/A	
Hunter Shelter	1	13' x 14'	0	Lean-To	N/A	
Hewitt Building	1	32' x 51'	2	Instruction	N/A	NE of Hendrickson
Native Game Course	19		0	Ropes Course	Yes	Training Building
Archery Center	3		0	Archery Course	N/A	(19) Utility poles for Course.
T.R. Pavilion	1	34' x 52'	0	Crafts Instruction	N/A	
Smith Building	1	24x12 sqft.	0	Temp. Res.	N/A	
Catholic Chapel	1	29' x 22'	1	Church	N/A	
B.B. Gun Range	1	13' x 91'	0	Shooting Sports	N/A	
Sageapire Cabin	2	24' x 28', Sled 12' x 7'	0	Historic	7' x 15' addition	
Sageapire Ring	6		0	Ceremonial	N/A	
Hayden Hall	1	6303 sqft.	1	Gen. Assembly	N/A	
Caboose	1	50' x 17'	0	Display	N/A	
O.A. Storage	1	20' x 19'	0	Storage	N/A	First structure: East of Shooting Range along road.
Shelter	1	20' x 25'	0	Storage	N/A	Structure directly East of O.A. Storage.
Oceanside Cabin	1	19' x 23'	0	Temp. Res.	N/A	Adjacent road.
Levine Shelter	1	17' x 24'	0	Instruction	N/A	
House of Doors	1	48' x 27"	0	Restrooms	N/A	Structure directly South of Oceanside Cabin.
Family Camping Area	0	37'5" x 194"	0	Restrooms	N/A	Restrooms directly east of Oceanside Cabin.
Pump House 1	1	15' x 12'	0	Trailer Pads	N/A	Area directly South of House of Doors East of Caboose.
Pump House 2	1	9' x 10'	0	Water Supply	N/A	West side of pond near DEC access.
Reiter Shelter	1	20' x 32'	0	Water Supply	N/A	East side of pond, NE of Protestant Chapel.
O.A. Ring	4	8' Fire ring, 3 totem poles.	0	Instruction	N/A	1 story structure in present Climbing Course Area.
Brotherhood Ring	1	8' Fire Ring	0	Ceremonial	N/A	Wooden Benches.
Gulch Bathroom	1	18' x 28'	0	Ceremonial	N/A	No improvements.
Hickok Cabin	1	2.5' x 36'	0	Restrooms	N/A	12 Toilets, 2 Urinals.
Kniffs Cabin	1	35' x 26'	0	Temp. Res.	N/A	
Kniffs Campsite	5		0	Temp. Res.	N/A	
Seawolf Campsite	0		0	Campsite	N/A	(1) 10' Fire Ring, (3) 11' x 13' Lean-to, (1) 20' x 19' cooling shelter.
Adirondack Campsite	6		0	Campsite	Yes	No longer in use, future Lean-to site.
Indian Rock Campsite	5		0	Campsite	N/A	Directly N of future Cooling
Pawnee Rock Campsite	5		0	Campsite	N/A	
Tombstone Campsite	5		0	Campsite	N/A	
Santa Fe Campsite	10		0	Campsite	N/A	
Clipple Creek Campsite	7		0	Campsite	N/A	
Latitude Campsite	7		0	Campsite	N/A	
Pueblo Campsite	0		0	Campsite	Yes	(4) Demolished Lean-To, future reconstruction.
Pecos Campsite	8		0	Campsite	N/A	
Stone Council Ring	1	94' diameter	0	Campsite	N/A	

### Schiff Scout Reservation

Riverhead, NY

Prepared by Nassau County Council Boy Scouts of America (Glenn Gabbard)

Date: December, 2008

DRAFT



April 19, 2023

Barry Beil  
President  
P.O. Box 1087  
Westhampton Beach, NY 11978

**RE:** Request for two pickleball courts at Hampton Hills Golf Course  
Westhampton, Town of Southampton, SCTM # 900-194-1-3  
Central Pine Barrens Core Preservation Area

Dear Mr. Beil:

On March 6 and April 4, 2023, the Central Pine Barrens Commission office received material for the referenced project. The site is in the Core Preservation Area of the Central Pine Barrens.

#### **Existing Conditions and Project Description**

The 18-hole private golf course is located north of Sunrise Highway and between County Road 31 and CR 51 in Westhampton, in the Town of Southampton. It was developed in the late 1970s, prior to the Act. It contains a clubhouse, tennis courts, maintenance and associated facilities.

The proposal is to construct two fenced pickleball courts, each 32 feet by 60 feet, in an area adjacent to the parking lot that is presently cleared of natural vegetation that contains mowed grass lawn. No disturbance to existing natural vegetation will occur and no trees will be removed for the project. Commission staff confirmed the condition of the area and took photographs in a site inspection on April 4.

#### **Central Pine Barrens Status**

The project area is presently cleared with a maintained mowed grass lawn. No clearing or cutting of trees will occur. No increase in the intensity of use of the site is expected to occur and the courts will accommodate the club's existing membership.

As proposed, the activity is not material therefore it does not constitute development pursuant to New York State Environmental Conservation Law Article 57 Section 57-0107.13. No further review from this office is required. If the project changes, please forward the revised information to this office for review.

The proposal must conform to all other involved agency jurisdictions and permit requirements in effect on the project site. Thank you for your attention, and if you have any questions, please do not hesitate to contact me at (631) 218-1192.

Sincerely,

Julie Hargrave  
Policy and Planning Manager

cc: Judy Jakobsen, Executive Director  
John C. Milazzo, Counsel

624 Old Riverhead Road  
Westhampton Beach, NY  
11978

Phone (631) 288-1079  
Fax (631) 288-1367  
<https://pb.state.ny.us/>



March 6 2023

Julie Hargrave  
Policy and Planning Manager  
Central Pine Barrens Commission  
624 Old Riverhead Road  
Westhampton Beach, NY 11978

Dear Ms. Hargrave,

We would like to place two 30' by 60' asphalt-based pickle ball courts with surrounding chain link fences immediately north of our existing parking lot.

Attachment #1 is 1984 Aerial Imagery from the Town GIS. The circle visible in the center of the image is where the parking for Hampton Hills was originally built.

The courts would be placed within the area that was disturbed and paved over 50 years ago at the top of the circle as shown on Attachment 1.

Attachment #2 is 2022 Aerial Imagery from the Town GIS. You can see the parking lot and just to the north of the lot you can see the portion of the circle that is now covered with grass.

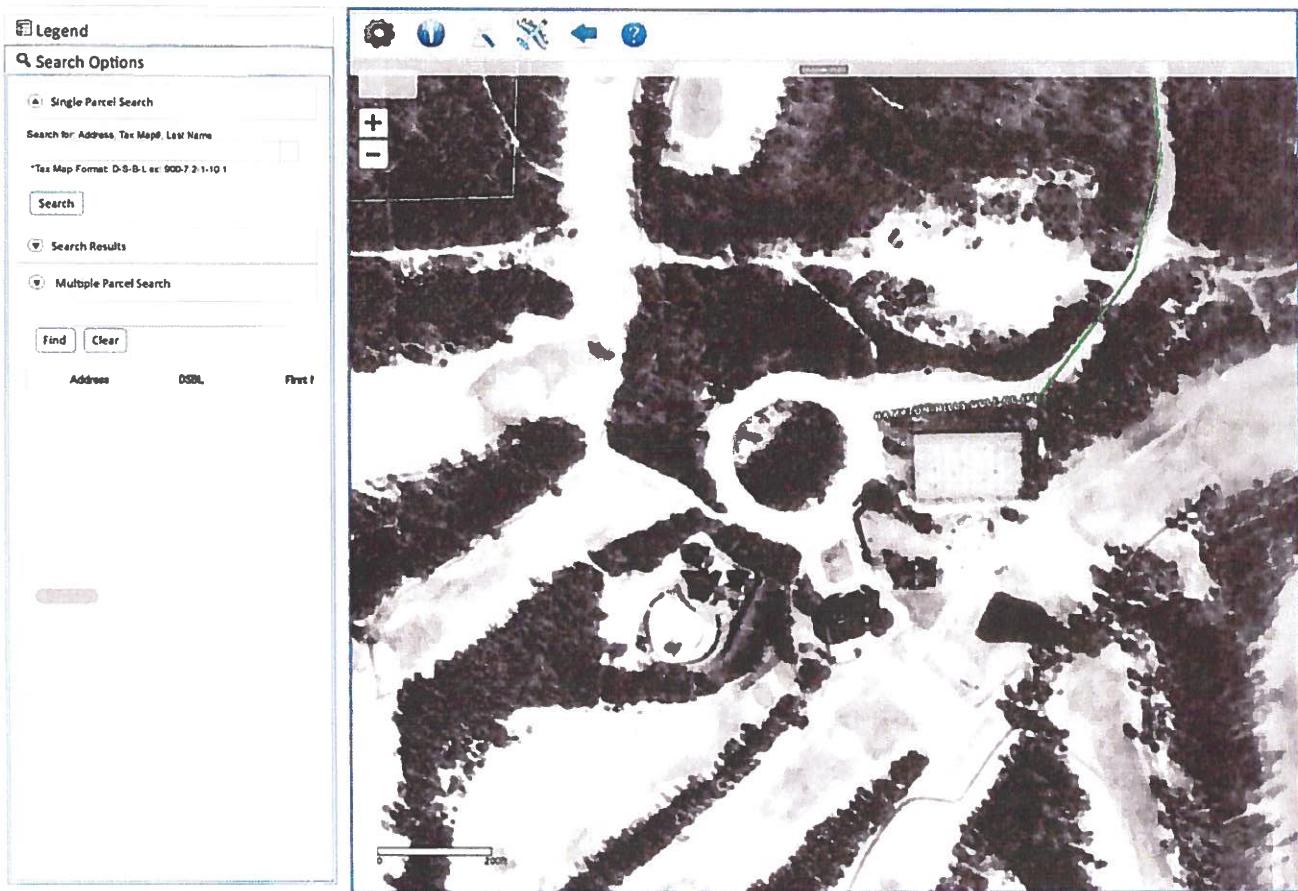
Attachment #3 is a blow up of the 2022 Imagery with two pickle ball courts that I sketched on it. Between the pickle ball courts is a tree we planted years ago.

We're hoping that you will agree that the pickle ball courts will have no impact on the Pine Barrens as the area was cleared and paved decades ago.

Please let me know if you need any further information. Thank you.

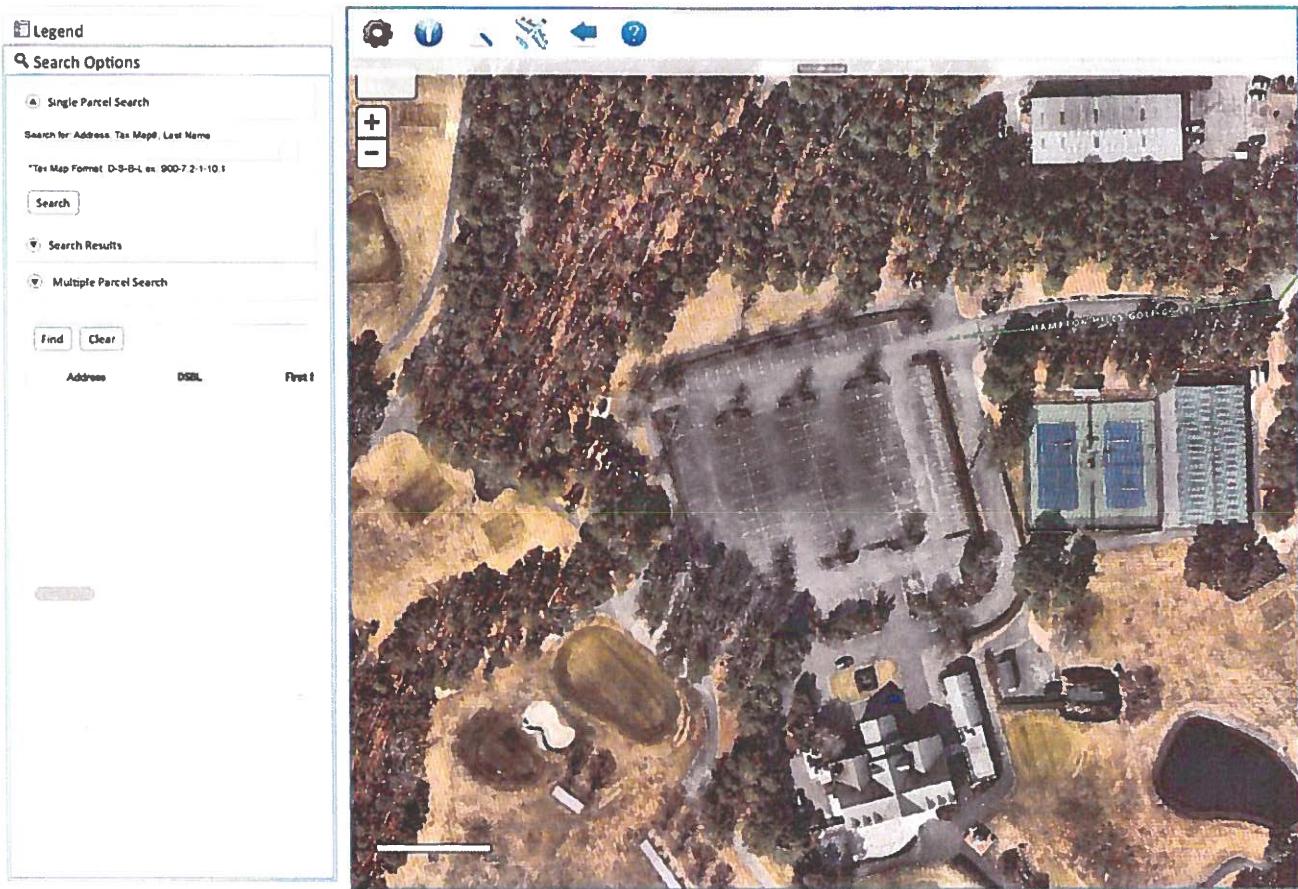
Sincerely,

Barry Beil



1984 AERIAL IMAGERY FROM  
SOUTHAMPTON TOWN GIS

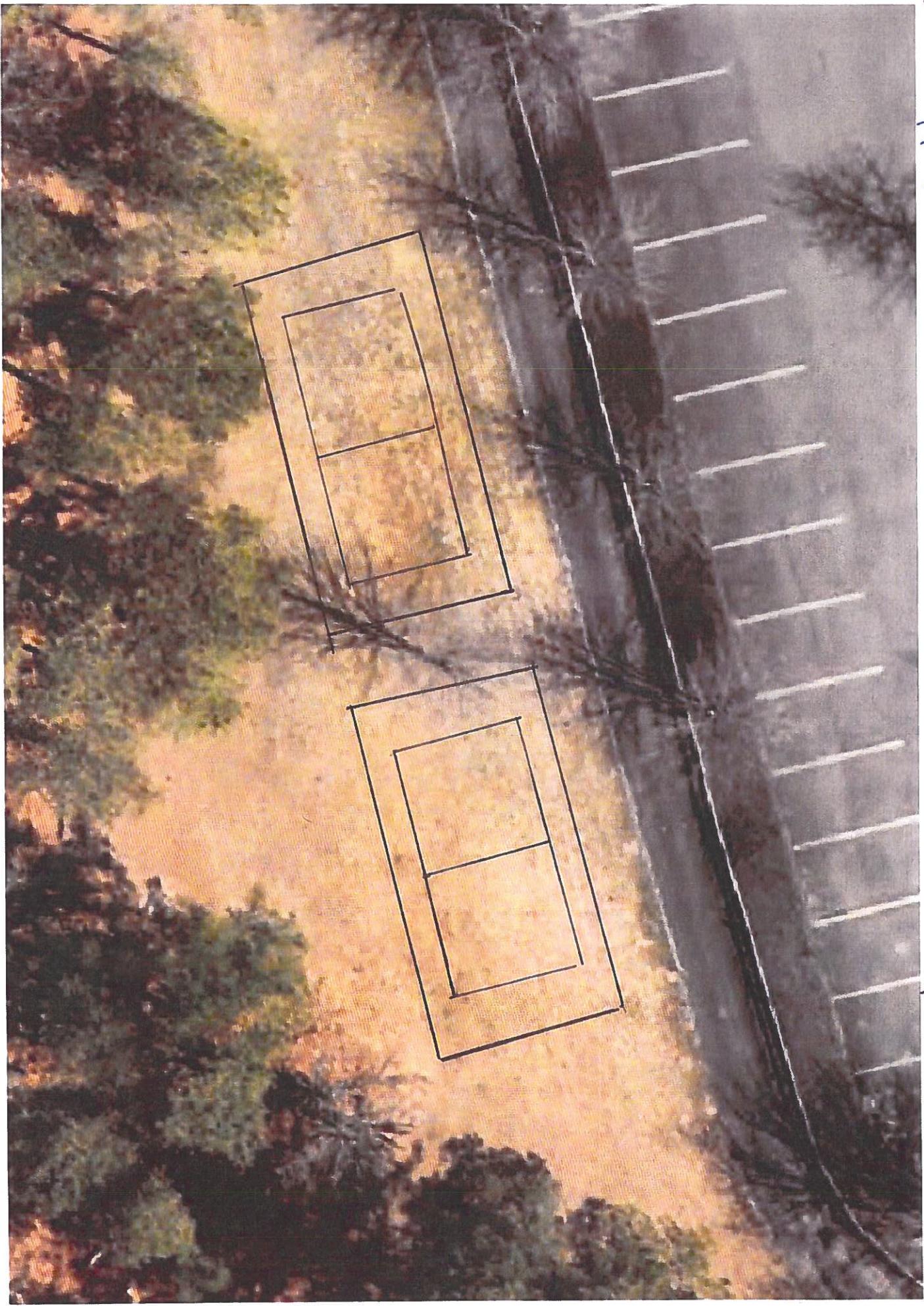
ATTACHMENT # 1



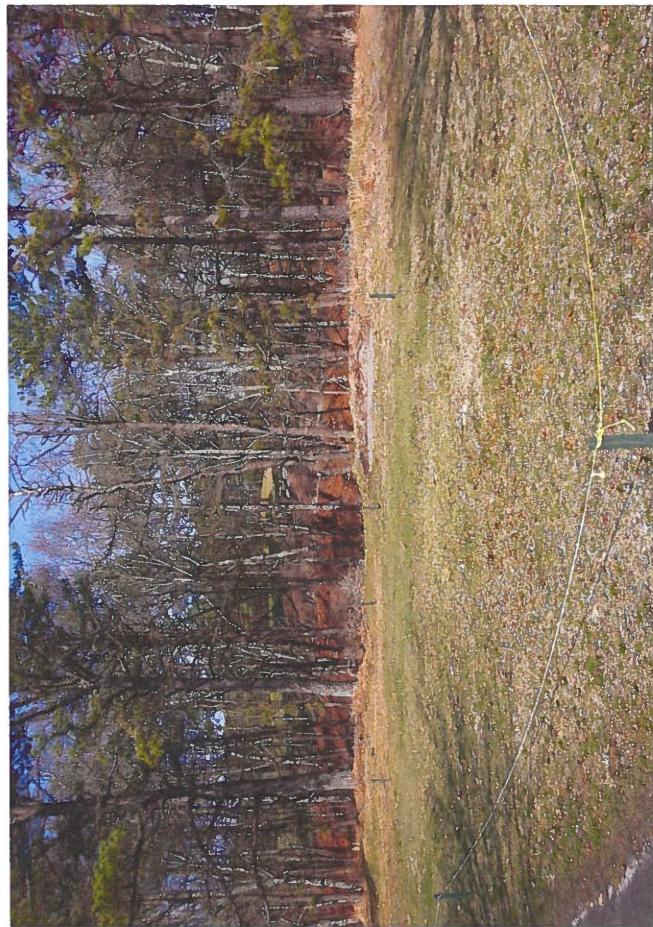
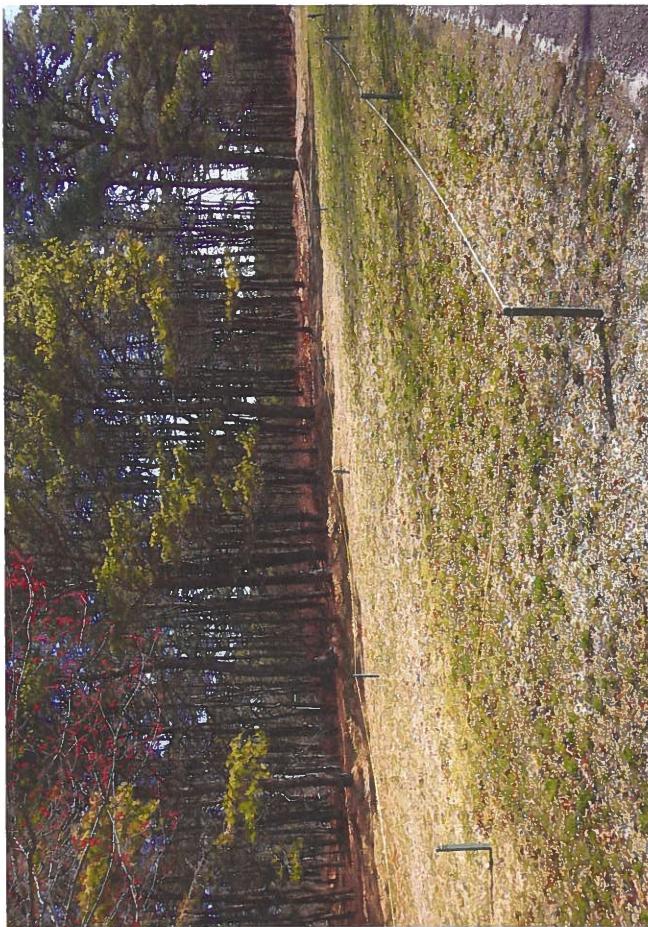
2022 AERIAL IMAGERY FROM  
SOUTHAMPTON TOWN GIS

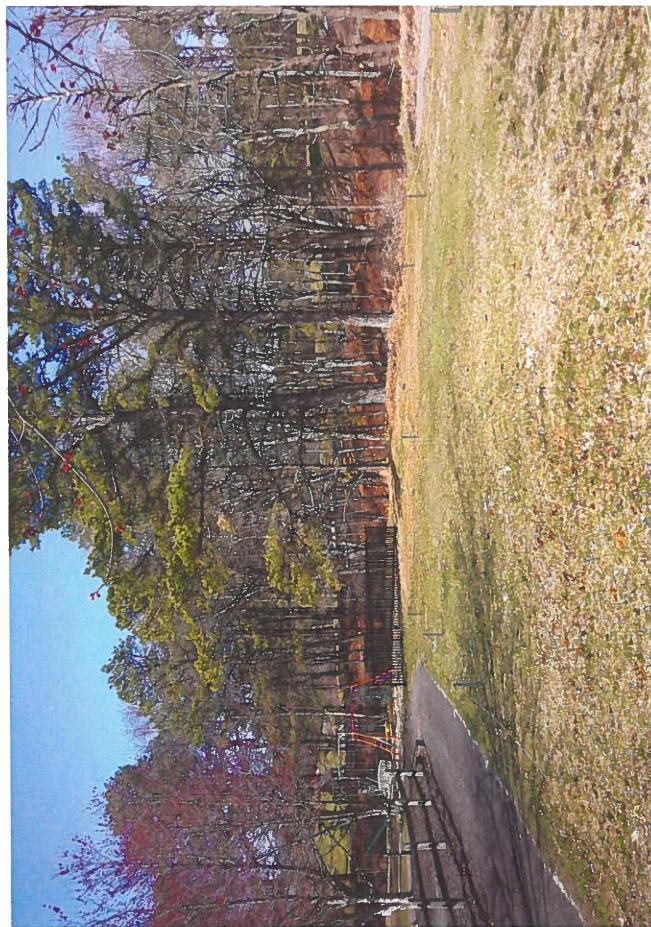
ATTACHMENT #2

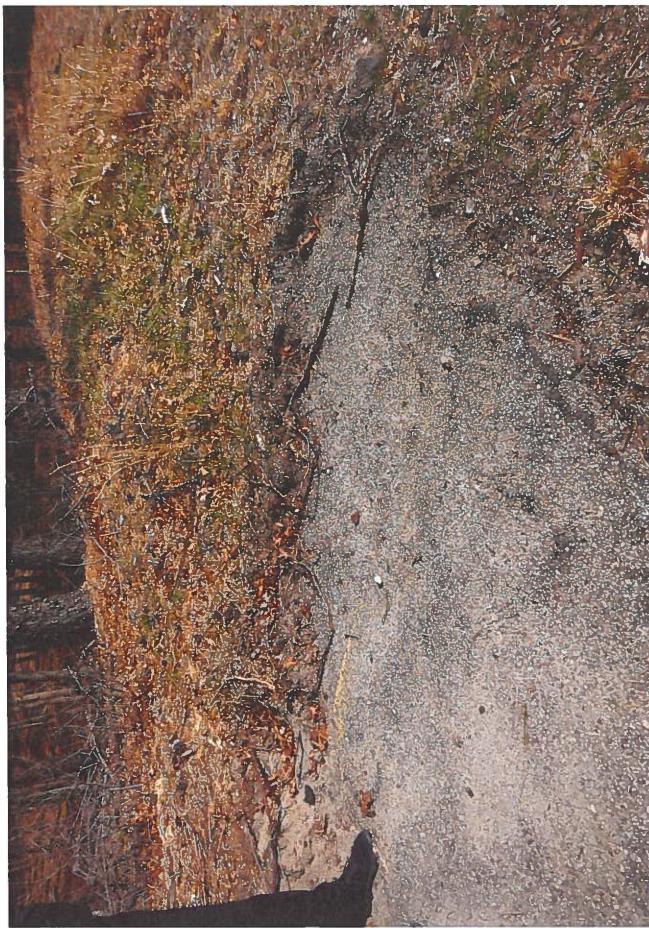
ATTACHMENT #3



2022 AERIAL IMAGERY WITH 2 30X60 PROPOSED PICKLEBALL COURTS







## **Hargrave, Julie**

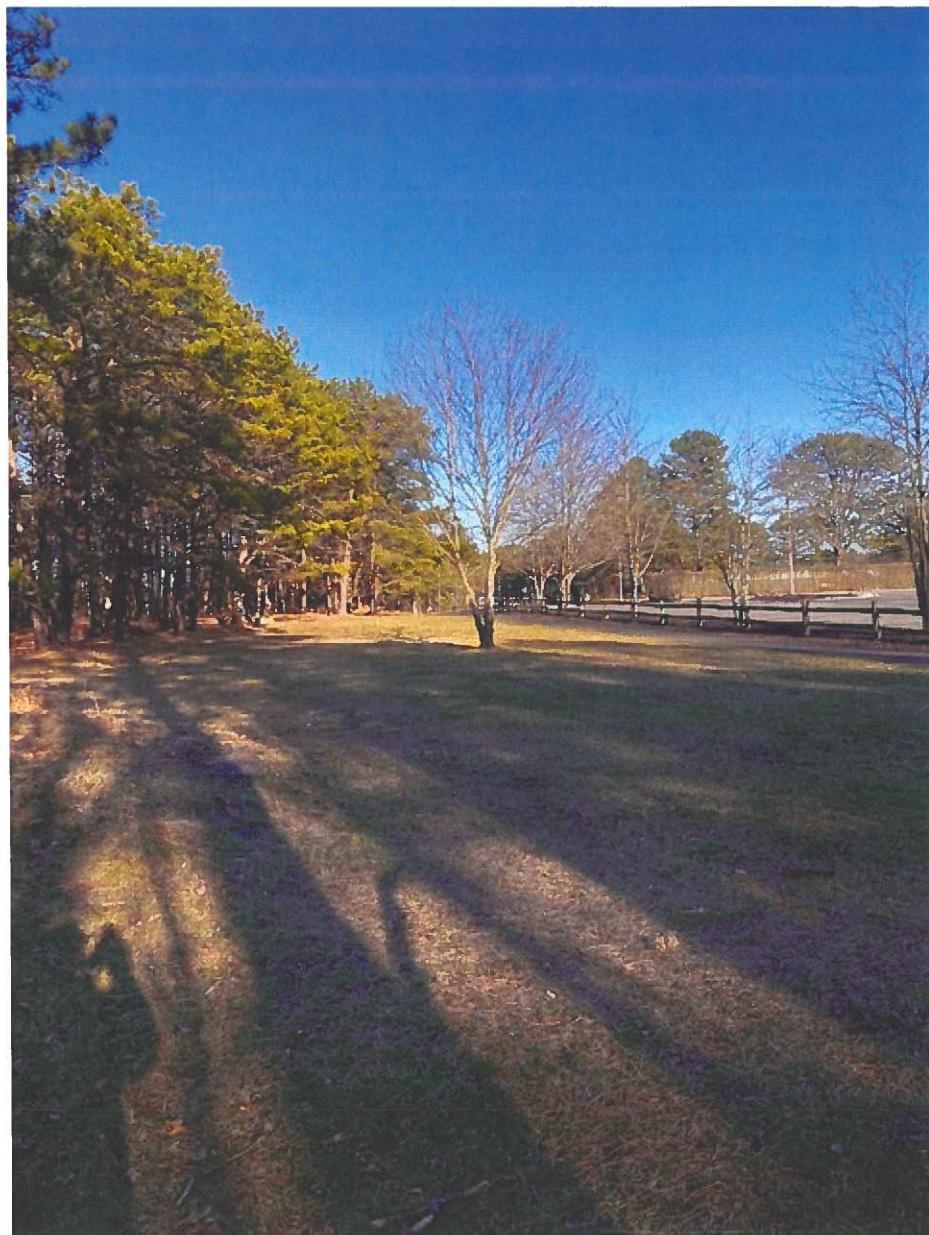
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**From:** Barry Beil <barry@hamptonhills.com>  
**Sent:** Monday, March 06, 2023 4:28 PM  
**To:** Hargrave, Julie  
**Subject:** Hampton Hills

**CAUTION:** This email originated from outside of SCWA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see photos. Are these ok?  
I'll let you know when area of pickleball is staked out.  
Thank you.

Barry











Barry Beil  
Principal & Director of Membership  
Hampton Hills Country Club  
P.O. Box 1087  
Westhampton Beach, NY 11978  
Office 631 727-6862 ext 122  
Mobile 516 816-2220  
barrybeil1@gmail.com  
www.hamptonhills.com

## Hargrave, Julie

---

**From:** Barry Beil <barry@hamptonhills.com>  
**Sent:** Tuesday, April 04, 2023 4:15 PM  
**To:** Hargrave, Julie  
**Subject:** Hampton Hills propose pickleball courts

**CAUTION:** This email originated from outside of SCWA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Julie,

We have been advised that if we have room 32' x 60' paved area would be better than 30' x 60'.

If possible we would like to build the pickle ball courts 32' wide instead of 30' wide.

Thank you.

Barry

--

Barry Beil  
Principal & Director of Membership  
Hampton Hills Country Club  
P.O. Box 1087  
Westhampton Beach, NY 11978  
Office 631 727-6862 ext 122  
Mobile 516 816-2220  
[www.hamptonhills.com](http://www.hamptonhills.com)

## DRAFT



April 19, 2023

Heather Trojanowski  
Site Plan Reviewer  
Town of Riverhead Planning Department  
200 Howell Avenue  
Riverhead, NY 11901

**Re: Referral: Kent Animal Shelter  
2259 River Road, Calverton; SSTM # 600-138-1-6.2 & 7  
Core Preservation Area of the Central Pine Barrens**

Dear Ms. Trojanowski:

On March 8, 2023, the Central Pine Barrens Commission office received a referral on the referenced project site in the Compatible Growth Area.

The project site contains 1.6 acres. It is located on River Road and Peconic River in Calverton in the Residence B-40 zoning district. The survey prepared by Nathan Taft Corwin, Land Surveyor, dated January 10, 2023, identifies nine existing structures on the property occupied by an animal shelter and parking.

The project, identified in the Site Plan dated October 3, 2022 prepared by Condon Engineering, is to demolish and replace structures in-kind. Other upgrades to the site include installation of an alternative treatment system and shoreline restoration. Five landbanked parking spaces are shown in the Site Plan.

### **Central Pine Barrens Status**

On March 17, 2021, the Commission determined that the proposal constitutes “non-development” activity pursuant to the Act.

The proposal is consistent with the Commission’s 2021 determination. No further review is required. If the project changes, please forward the revised information to this office for review.

The proposal must conform to all other involved agency jurisdictions and permit requirements in effect on the project site. Thank you for your attention, and if you have any questions, please do not hesitate to contact me at (631) 218-1192.

Sincerely,

624 Old Riverhead Road  
Westhampton Beach, NY  
11978

Phone (631) 288-1079  
Fax (631) 288-1367  
<https://pb.state.ny.us/>

cc: Judy Jakobsen, Executive Director

John C. Milazzo, Counsel



## TOWN OF RIVERHEAD PLANNING DEPARTMENT

200 HOWELL AVENUE, RIVERHEAD, NEW YORK 11901-2596  
(631) 727-3200

RECEIVED

MAR 8 2023

Central Pine Barrens Joint  
Planning & Policy Commission

**Jefferson V. Murphree, AICP**  
Town Building and Planning  
Administrator  
Ext. 239

**Greg Bergman**  
Planner  
Ext. 264

**Matt Charters**  
Planner  
Ext. 207

**Heather Trojanowski**  
Site Plan Reviewer  
Ext. 283

**Tracy Stewart**  
Principal Office  
Assistant  
Ext. 240

**MEMO TO:** Central Pine Barrens Joint Planning and Policy Commission  
624 Old Riverhead Road, Westhampton Beach, NY 11978

**FROM:** Heather Trojanowski, Site Plan Reviewer, Planning Department

**RE:** Site Plan Application- Kent Animal Shelter

**DATE:** Tuesday, March 07, 2023

---

Kindly see the attached application seeking to demolish two existing buildings (3,091 SF and 1,045 SF, respectively) and reconstruct them within the same footprints. The application also proposes to upgrade the existing sanitary system and install site drainage and a planting buffer on the subject parcel.

Should you have any questions or need additional information, please feel free to contact me at [trojanowski@townofriverheadny.gov](mailto:trojanowski@townofriverheadny.gov)

Received

FEB 27 2023 SCTM#: 600-138 - 1 - 6.2 § 7.1



Planning Department  
TOWN OF RIVERHEAD  
PLANNING DEPARTMENT

201 HOWELL AVENUE, RIVERHEAD, NEW YORK 11901-2596  
(631) 727-3200, EXT. 240

RECEIVED

MAR 8 2023

General Pine Barrens Joint  
Planning & Policy Commission

**NOTE: ALL SITE PLAN SUBMISSIONS MUST BE FOLDED AND COLLATED**

**Site Plan fees are NOT refundable**

**SITE PLAN CHECKLIST (INCLUDING ARCHITECTURAL REVIEW)**

**\*\*AMENDED 1/8/2021\*\***

**PROJECT NAME:** KENT ANIMAL SHELTER  
KENNEL + ISOLATION BUILDING RE-CONSTRUCTION

This application is for:

New construction (vacant land)  Re-construction  Building addition(s)  
 Façade alteration  Other

Please identify submission phase (*Pursuant to Chapter 301, Section 301-305 of the Riverhead Town Code*):

Preliminary  Final

**Please check the items submitted:**

**\*\*NEW REQUIREMENT\*\*** - All applications must be accompanied by a flash drive that includes digital files of all documents, survey, site plan, elevations, supporting information, etc. Application will be deemed incomplete until digital files have been submitted.

Completed application for Site Plan Approval (1 original, 13 photocopies); **10 COPIES ADMINISTRATIVE**

All resubmissions shall include a cover letter identifying any and all changes made to any of the submitted plans; cover letter must be signed and sealed by a NY state licensed P.E., registered architect or attorney.

**Non-Refundable Fee** - the fee shall be \$500, plus \$0.10 per square foot of site improvements and/or altered area, whichever is greater, or \$500, plus \$0.10 per square foot of gross floor area (cumulative total of all floors) or altered land area, whichever is greater. **75% required at preliminary review phase, remainder 25% required at final review.** (\$500 paid at time of submission for an amendment of an approved site plan prior to issuance of a Certificate of Occupancy.)

**SEQR** (1 original, 13 photocopies at Preliminary Submission only):  
 Type I Action (Long EAF required)  
 Type II Action (Short EAF required)

- Unlisted Action (\* long or short EAF required); (\*To be determined by the Planning Department)
- Other Approvals: copies of all prior Planning Board, Special Permit and/or Zoning Board decisions
- One (1) original and one (1) copy of Current Title Report** for the subject property, dated *not more than three months prior to the date of submission of the application*, prepared by a title company licensed in the State of New York containing a 50 year chain of title and any/all recorded covenants, declarations, restrictions and/or easements on the subject property. Title Report must be certified to the Town of Riverhead with a minimum insurance amount of \$1,000.
- Current Title Surveys, **(14 originals)**, must be stamped/sealed by a registered Land Surveyor);
- \*\* Two (2) prints** of plans for Fire Marshal, titled "Fire Marshal Plan" to include the following: **\*\***
  - Building type of construction (i.e. Type II, Type V)
  - Building occupancy (i.e. Business, Mercantile, Place of Assembly, or simple vanilla box)
  - Loading zones, fire zones, or any other type of parking that may or may not be permitted
  - Square footage of building, to include building dimensions
- N/A**
  - Fire service mains (existing and to be installed), locations of fire sprinkler risers for the buildings, and any existing or new fire hydrant locations in or near the project area
  - Clearly defined road access widths
  - All utilities
- Fourteen (14) prints** of a professionally executed site plan which contains the information required by §301-306 of the Zoning Code. *(Please note that the proposed site plan drawings, including landscape and lighting plans, cannot exceed the standard D size (24" x 36") and the following scales are to be used: Sites less than 2 acres: one inch equals 20 ft.; two acres or more: one inch equals 40 ft.; detailed portions of a site: one inch equals 10 ft. (Match lines can be used for particularly large sites.)* At a minimum, the site plan must include, but is not limited to, the following:
  - Property lines, showing directional bearings and distance, adjacent land ownerships, land uses, streets, directional arrow, scale, Tax Map Number, and zoning district;
  - Key map at 1"=600'
  - Existing and proposed buildings, structures and uses including first floor and ground floor elevation(s) and setbacks to the property lines;
  - The area, expressed in square feet, of each existing and proposed building, structure or uses;
  - The location of any existing easements on, over or adjacent to the site including the location of all existing or proposed utility lines and fire hydrants. If easements exist on site, a copy of the language associated with said easement must be provided;

- Layout of existing and proposed parking and loading areas, including dimensions of spaces, aisles and street approaches, the general circulation pattern with directional movement shown, existing and proposed curb cuts, traffic safety devices, sidewalks, curbing, paving, drainage structures and their respective specifications. Methods used for computing parking and drainage requirements shall be included;
- Any existing woodlands, stands of trees, or instances of unique or indigenous vegetation, and any other natural features, such as, but not limited to, water bodies, drainage courses, fresh and saltwater marshes, coastal dunes, bluffs, beaches, escarpments, overlook areas and wildlife habitats;
- Existing and proposed sewage disposal and water supply systems. The sanitary calculations must also be included;
- Existing topography of the site and immediately adjacent property, as revealed by contours or key elevations, and any proposed regrading of the site. (Areas of greater than 15% slope should be designated and the square footage provided.)
- Cultural features, such as paleontological and archeological remains, old trails, agricultural fields, historic buildings and sites or those that contribute to the rural character of the community or possess a unique and/or identifiable feature;
- A table which demonstrates compliance, or the extent of non-compliance, with the Dimensional Regulations for the Zoning District. *The applicant should note that although this item is not listed in the Town Code, it is the Board's policy to require it.*

N/A



Fourteen (14) prints of a lighting plan including all existing and proposed lighting (parking lot, building-mounted, sign lighting, etc.), which demonstrates compliance with the Town's Lighting Ordinance (§301-256 to §301-264 of the Zoning Code). The lighting plan must include, but is not limited to, the following: **NO LIGWTING**

- The full *manufacturer's* catalogue number for each fixture proposed.
- The locations, mounting height(s), hours of operation, wattage, lumen output, and lamp type for each type of fixture including whether such fixtures are full cutoff;
- Photometric data for each fixture type and illuminance levels in 10 ft. grids.



Fourteen (14) prints of a landscape plan which contains the data required by of the Zoning Code. The landscape plan must include, but is not limited to, the following:

- A planting schedule which provides the common and scientific names of each plant species proposed.
- Depictions and labeling of required buffer areas, screening plantings, street trees, fencing, etc. as per 301-236.

The applicant should be aware of the existing and proposed plant species banned for sale in Suffolk County and their effective date. A list of banned species can be found at Suffolk County's Department of Environment and Energy's Division of Water Quality Improvement's website.

**Fourteen (14) prints** of elevation drawings of all faces of buildings and structures at an appropriate scale prepared and sealed by a licensed professional. When scheduling an appearance for the Architectural Review Board, the following must be provided in advance:

- Cornice, trim, window, door and column details
- Building colors and materials
- Heights of buildings and structures
- Photographs of the site showing neighboring structures
- Any proposed signage (if applicable)

**Fourteen (14) prints** of floor plan drawings prepared and sealed by a licensed professional. The floor plans must be provided *only* if the applicant is proposing to exclude those exemptions allowed, under §301-231, from the parking calculations;

*N/A*  An Agricultural Data Statement, if applicable. (See the data form on page 9 for information.)

*I am aware that all of the items on this checklist must be submitted for acceptance as a complete application, and that if any of the items are missing, the application will be deemed incomplete, and will be returned to me.*

Signature: \_\_\_\_\_ Date: 10-12-22

Printed Name: MARTIN F. SENDLEWSKI, AIA

Date Submitted: \_\_\_\_\_ (For Planning Dept. use only)

Complete: \_\_\_\_\_ (For Planning Dept. use only)

Incomplete: \_\_\_\_\_ (For Planning Dept. use only)



**TOWN OF RIVERHEAD  
PLANNING DEPARTMENT  
201 HOWELL AVENUE, RIVERHEAD, NEW YORK 11901-2596  
(631) 727-3200, EXT. 240**

**NOTICE TO APPLICANT  
REQUIREMENTS FOR SITE PLAN APPROVAL  
SUBMISSION OF A STORMWATER POLLUTION PREVENTION PLAN**

Please be advised that submission of a Stormwater Pollution Prevention Plan (SWPPP) consistent with the provisions of Riverhead Town Code chapter 275 shall be required for construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple, separate and distinct land development or re-development activities may take place at different times on different schedules unless the activity is exempt as delineated in Riverhead Town Code section 275-5.

The applicant must submit three (3) copies of a SWPPP, in conformance with Riverhead Town Code sections 275-6 and 275-7, to the attention of Drew Dillingham, Engineering Department-Stormwater Management Officer, 1295 Pulaski Road, Riverhead, New York 11901, at either the time the applicant receives written notice that the Planning Department has approved the *generalized layout* of the site or at the time the applicant receives a resolution conditionally approving the site plan application, at the applicant's preference.

**Fees:** Upon the submission of three (3) copies of a SWPPP, the Town shall require an initial stormwater pollution prevention plan review fee deposit in the amount of \$3500.00, pursuant to Riverhead Town Code Section 275-12. Such deposit shall be submitted to Drew Dillingham, as the Stormwater Management Officer.

**In addition, the Planning Board Chairman (or Town Supervisor, if applicable) will not affirm site plan approval by signing the mylar (which is required for issuance of a building permit or to begin site improvements) until such time that the Stormwater Management Officer has reviewed and approved a submitted SWPPP.**

**Design of the SWPPP should be considered during preparation of the site plan so that major changes are not needed once the SWPPP is reviewed.**

**If you have any questions as to whether a SWPPP is required regarding your land use application you may contact either Drew Dillingham, Stormwater Management Officer, at 631-727-3200 x 604 or the Planning Department at 631-727-3200 x 240.**

RECEIVED

MAR 08 2023

Central Pine Barrens Joint  
Planning & Policy Commission

Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

**Part 1 - Project and Sponsor Information**

KENT ANIMAL SHELTER

Name of Action or Project:

KENT ANIMAL SHELTER KENNEL & ISO. BLDG. RECONSTRUCTION

Project Location (describe, and attach a location map):

2259 RIVER RD. CALVERTON, NY 11933 0600-138-1-6.2 & 7.1

Brief Description of Proposed Action:

RENOVATION / RE-CONSTRUCTION OF EXISTING 3,091 SF  
KENNEL AND 1045 SF ISOLATION BUILDING.

Name of Applicant or Sponsor:

KENT ANIMAL SHELTER

Telephone: 631 727 5731

E-Mail: PANGBRENN@KENTANIMALSHELTER.  
COM

Address:

2259 RIVER RD. CALVERTON, NY 11933

City/PO:

CALVERTON

State:

NY

Zip Code:

11933

1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?

If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.

NO

YES

2. Does the proposed action require a permit, approval or funding from any other governmental Agency?

If Yes, list agency(s) name and permit or approval: NYS DEC

PINE BARRENS

SCHD SANITARY SYSTEM

NO

YES

3.a. Total acreage of the site of the proposed action?

2.13 acres

b. Total acreage to be physically disturbed?

acres

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

2.13 acres

4. Check all land uses that occur on, adjoining and near the proposed action.

Urban  Rural (non-agriculture)  Industrial  Commercial  Residential (suburban)

Forest  Agriculture

Aquatic

Other (specify): \_\_\_\_\_

Parkland

5. Is the proposed action, a. A permitted use under the zoning regulations?	PRE-EXISTING NON-COMPLYING			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Consistent with the adopted comprehensive plan?				<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	EXISTING CHARACTER & USE TO REMAIN			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____				<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?				<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____				<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____				<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>ON SITE SANITARY SYSTEM</u>				<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?				<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?				<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:				<input type="checkbox"/> Shoreline	<input type="checkbox"/> Forest	<input type="checkbox"/> Agricultural/grasslands	<input type="checkbox"/> Early mid-successional
<input checked="" type="checkbox"/> Wetland	<input type="checkbox"/> Urban	<input type="checkbox"/> Suburban					
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?				<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES				<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: _____ Date: <u>10-12-22</u> Signature: _____		

**Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

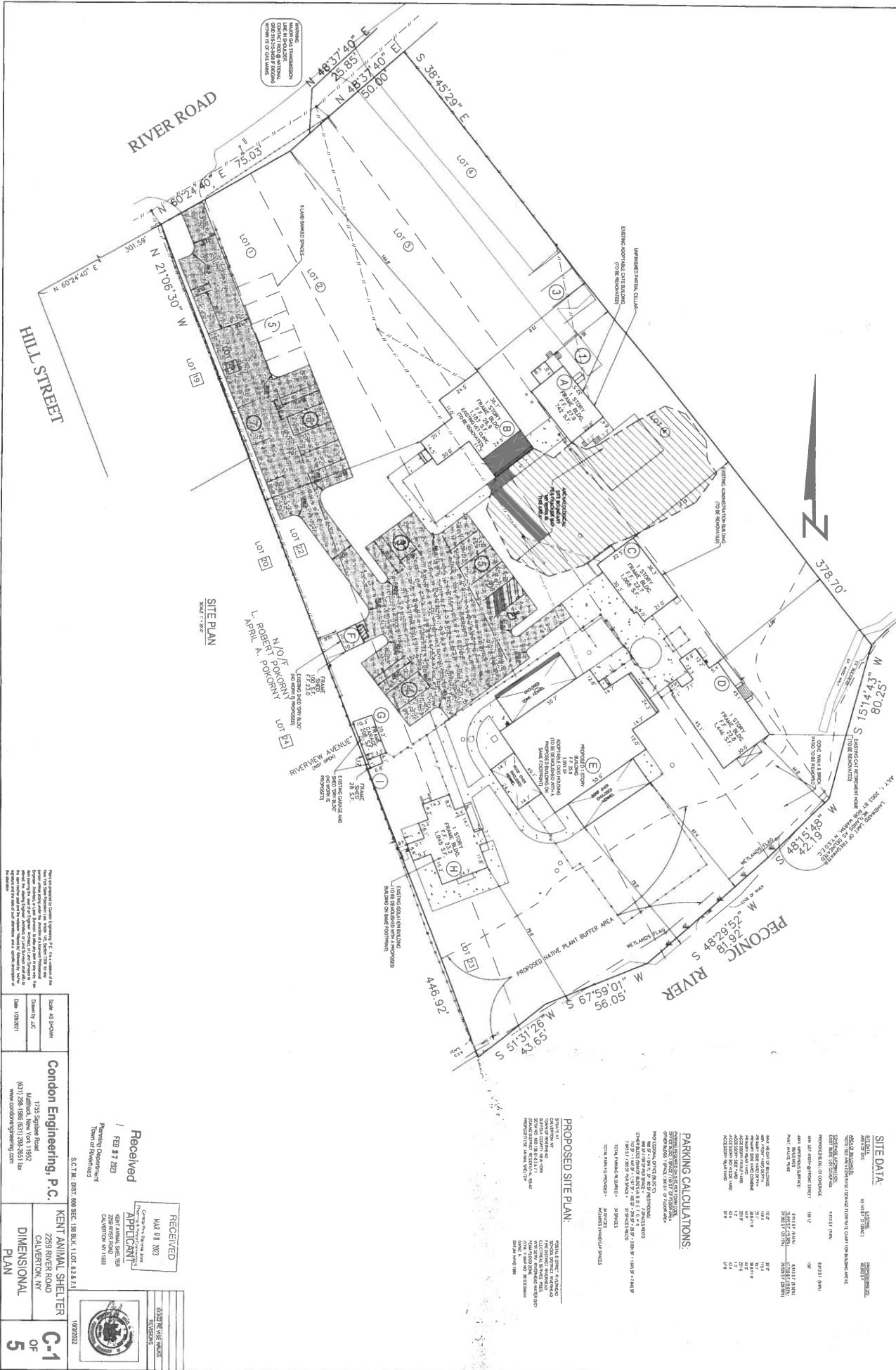
	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance.** The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____ Name of Lead Agency	
_____ Date	
_____ Print or Type Name of Responsible Officer in Lead Agency	
_____ Title of Responsible Officer	
_____ Signature of Responsible Officer in Lead Agency	
_____ Signature of Preparer (if different from Responsible Officer)	

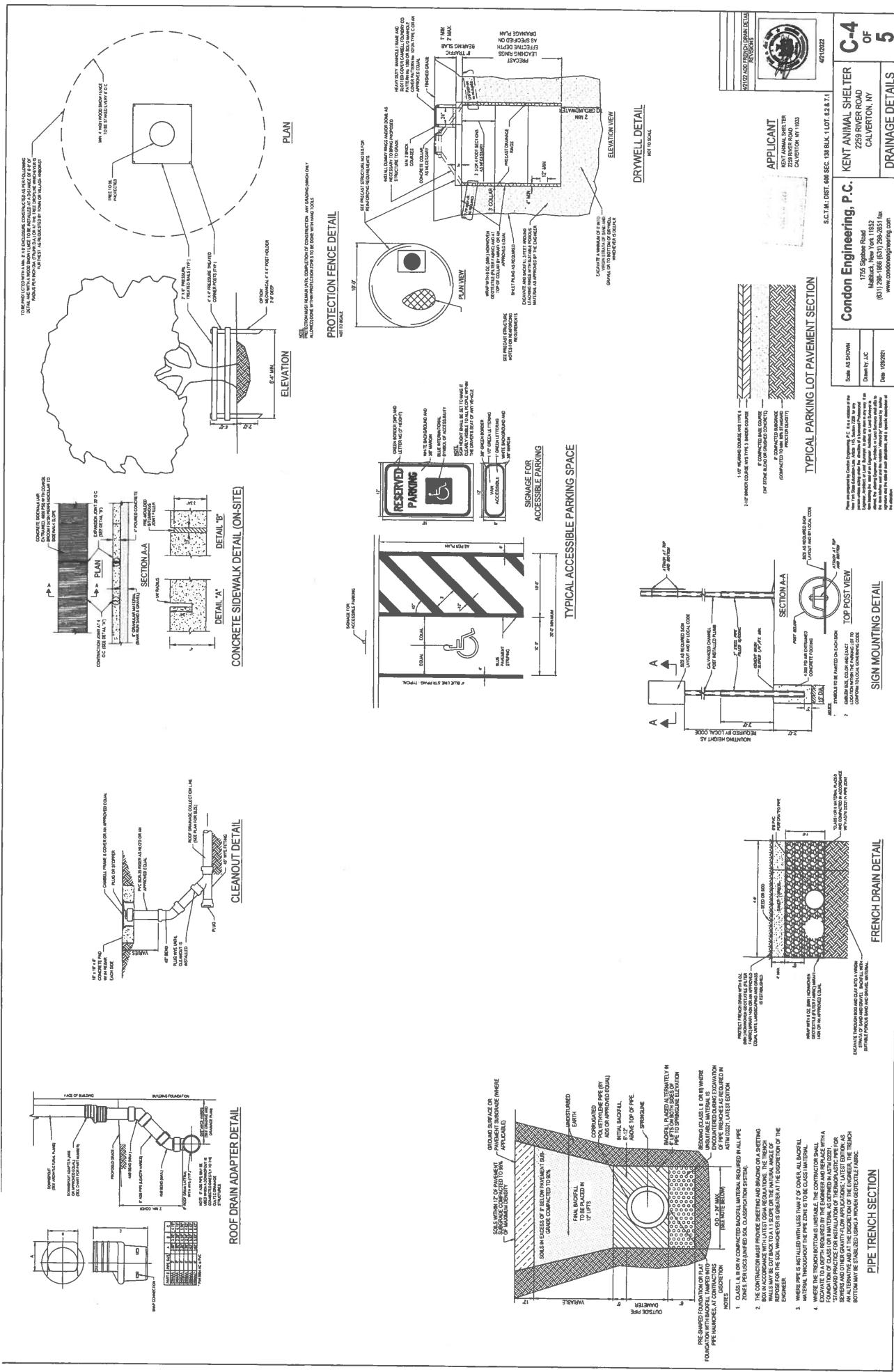
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CENTRAL PINE BARRENS JOINT  
PLANNING AND POLICY COMMISSION

-----x  
In the Matter of the Violation of Article 57 of the  
Environmental Conservation Law of the State of  
New York (ECL)

ORDER ON CONSENT

No. CPBJPPC 2-2023

by

R.N. Middle Island LLC  
Rocky Point Road LLC  
7 Eleven Inc.  
Respondents

-----x

WHEREAS:

1. The Central Pine Barrens Joint Planning and Policy Commission (the "Commission") has jurisdiction over development, as the term is defined in the Long Island Pine Barrens Protection Act (the Act) as codified in Article 57 of the Environmental Conservation Law (the ECL), in the Central Pine Barrens region. Pursuant to the Act, the Commission adopted and now implements the Central Pine Barrens Comprehensive Land Use Plan (the Plan). The Act and the Plan govern "Development" as the term is defined in the Act, in the Central Pine Barrens region.
2. R.N. Middle Island LLC and Rocky Point Road LLC (the "Owners") own certain property located at 910 Middle Country Road in Middle Island, in the Town of Brookhaven. The Property consists of three separate parcels of land on the northeast corner of the intersection of Middle Country Road and Rocky Point Road in the hamlet of Middle Island, Town of Brookhaven. The parcels are identified on the Suffolk County Tax Map as District 200, Section 378, Block 2, Lot 37.2 and District 200, Section 403, Block 1, Lots 2.1 and 2.3 (the Property). In total the Property contains 1.54 acres of area. The Property is in the Compatible Growth Area of the Central Pine Barrens region. 7 Eleven Inc. leases the Property. R.N. Middle Island LLC, Rocky Point Road LLC, and 7 Eleven Inc. taken together are referred to as the "Respondents."
3. The Property is developed with a 7 Eleven convenience store and gas station. The Property is shown in the Revegetation Plan dated June 11, 2017 prepared by Nelson, Pope & Voorhis. The 2017 Revegetation Plan is attached hereto as Exhibit A.
4. Development on the Property is regulated by the Act and the Plan.
5. On August 16, 2017, the Commission granted to the Owners a Hardship Waiver Exemption (the Decision) authorizing 100 percent of the Property to be cleared for the development of the 7 Eleven convenience store and gas station. The terms or conditions of the Decision required the revegetation of 35%, 0.539 acres of the Property, after

construction was complete. The Decision also required the preparation and filing of a Declaration of Covenants and Restrictions on the Property setting forth certain conditions on the Property's use, including to protect the revegetation area from being disturbed.

6. On November 7, 2018 the Covenants and Restrictions were filed.
7. On March 18, 2020, the revegetation was completed.
8. On March 17, 2021, the Commission issued a Notice of Violation to the Owners for improperly causing or allowing revegetation area to be disturbed.
9. On May 10, 2021, the Owners and the Commission executed an Order on Consent executed with terms included a \$1,500 fine of which \$1,000 was a suspended penalty and \$500 was paid. The Owners were also required to plant approved vegetative species in the revegetation area.
10. On December 9, 2022, Commission staff became aware of disturbance on the Property and performed an inspection on December 15. The inspection revealed that activities had been conducted on the Property including disturbance of the area that was revegetated pursuant to:
  - the Hardship waiver
  - the recorded Declaration of Covenants and Restrictions and
  - the 2021 Order on Consent
11. On December 21, 2022, the Commission issued a Notice of Violation to the Owners.
12. A meeting occurred on March 2, 2023 with Commission staff, Mike Nelin, a principal of the Owners, and Owner's attorneys Keith Brown and Matthew Ingber to discuss the violation.
13. During the meeting, Owners stated that their tenant, 7 Eleven, is responsible for maintaining the Property and that 7 Eleven may have caused the revegetation area to be disturbed. Owners stated that 7 Eleven should be made party to the Notice of Violation.
14. On March 15, 2023, a new NOV was issued to the Respondents.
15. The Commission finds that the disturbance activity was neither authorized nor approved by the Commission prior to commencement and it violates the terms of the terms and conditions of the Decision and Declaration of Covenants and 2021 Order on Consent.
16. ECL §57-0136(2-b), provides that "any person who violates any provision of ECL Article 57, the land use plan adopted by the Commission, . . . , or the terms or conditions of any order, permit, or determination issued by the Commission pursuant to ECL Article 57 shall be liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each

violation and an additional civil penalty of not more than one thousand dollars (\$1,000) for each day that such violation continues."

17. To avoid the costs and uncertainties of litigation, the parties have agreed to the terms of a settlement as set forth below.

NOW, therefore, the parties agree as follows:

18. Due to the uncertainty in identifying the individual or company who caused the disturbance the Respondents agree to settle this matter as set forth herein assumes responsibility for the unauthorized clearing that occurred on the Property and seeks to resolve the matter without further delay.

19. In consideration of the settlement of the claims arising from or related to the Violation, the Respondent agrees, at its own cost and expense, to:

- A. Maintain the 0.539 acre revegetated area as per the Decision and Covenants.
- B. Prepare and submit a Revegetation Plan by May 15, 2023 that includes existing plantings from past revegetation activities. The Revegetation Plan shall supplement the impermissibly cleared portion of the Property and must comport with the revegetation guidelines (the "Guidelines") attached hereto as Exhibit B.

20. **Penalty.** With respect to the violations identified in this Order, the Commission assesses against the Respondent a civil penalty jointly and severally payable in the sum of **TWO THOUSAND DOLLARS (\$2,000)**, of which **ONE THOUSAND DOLLARS (\$1,000)** is suspended pending complete compliance with the terms and conditions of this Order on Consent.

**Method of Payment.** Payment shall be made as follows.

The payable portion of the penalty, **ONE THOUSAND DOLLARS (\$1,000)** is to be paid by bank check made payable to "Central Pine Barrens Joint Planning and Policy Commission,"

**Payment to the Commission must have written on its face:**  
CPBJPPC 2-2023.

**Payment to the Commission shall be delivered to:**  
Central Pine Barrens Joint Planning and Policy Commission  
624 Old Riverhead Road  
Westhampton Beach, New York 11978

**Via certified mail no later than THIRTY (30) DAYS following the effective date of this Order.**

21. Execution and complete satisfaction of the terms of this Consent Order shall resolve the March 15, 2023 Notice of Violation issued by the Commission for the Violation.
22. Except for resolving the matters described herein, nothing contained in this Consent Order shall be construed as barring, diminishing, adjudicating or in any way affecting any civil, administrative, or criminal rights of the Commission with respect to other action of the Respondents that violates the Act or the Plan or both no matter when it occurred.
23. Respondents expressly waive its rights to bring or pursue any lawsuit, grievance, arbitration, or administrative proceeding, upon any claims it may have or has had against the Commission, its members, staff, representatives, or agents (collectively the "Commission Parties") arising from the Violation, the Notice of Violation, or this Consent Order. Respondents irrevocably and unconditionally release and forever discharge the Commission Parties from any actions, charges, causes of action, suits, obligations, promises, agreements, damages, debts, complaints, liabilities, claims, grievances, arbitrations, costs, losses, rights, expenses or any controversies, or any combination of the same in law or equity of any nature whatsoever asserted or unasserted, known or unknown, suspected or unsuspected, which Respondents ever had or now have against the Commission Parties about the Violation, the Notice of Violation, or this Consent Order.
24. Respondents covenant not to sue, bring, or pursue any lawsuit, grievance, arbitration, or administrative proceeding, upon any claims it may have or has had against the Commission Parties in law or equity of any nature about the Violation, the Notice of Violation or this Consent Order.
25. Respondents' failure to materially comply with any provision, term, or condition of this Consent Order constitutes a violation and is a violation of this Consent Order and the Act. Upon such failure to comply, the Commission may commence any action it deems appropriate to resolve the violation and the suspended portion of the penalty will be immediately payable to the Commission.
26. Respondents jointly and severally agree to indemnify and hold harmless to the extent permitted by law the Commission Parties for all claims, suits, actions, damages and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of this Consent Order by Respondents and its successors and assigns (including successors in title).
27. If Respondents desire that any of the provisions, terms or conditions of this Consent Order be changed, Respondents must make written application, setting forth the grounds for the relief sought, to the Commission at 624 Old Riverhead Road, Westhampton Beach, New York 11978. No change or modification to this order shall be made or become effective except as set forth by a written order of the Commission.
28. No informal oral or written advice, guidance, suggestion, or comment by the Commission Parties regarding any report, proposal, plan, specification, schedule, comment, or statement made or submitted by Respondents will be construed as relieving Respondents

of its obligations under this Consent Order to obtain the approvals or consents required for the Project.

29. The Effective Date of this Order shall be the date upon which it is signed by the Commission's Executive Director or her designee.
30. Respondents acknowledge the authority and jurisdiction of the Commission to issue the Notice of Violation and enter this Consent Order, accepts the terms and conditions set forth in the Consent Order and consent to the issuance thereof and agrees to be forever bound by the provisions, terms and conditions contained therein.
31. Each of the undersigned persons represents and warrants that he or she is fully authorized to enter this Consent Order and execute this Consent Order on his or her own behalf and on behalf of the party he or she represents. Each signatory shall defend and hold the Commission harmless against any loss caused by a signatory's misrepresentation.

Respondents acknowledge the authority and jurisdiction of the Central Pine Barrens Joint Planning and Policy Commission to issue the foregoing Order, waives public hearing or other proceedings in the matter, accepts the terms and conditions set forth in the Order and consents to the issuance thereof and agrees to be bound by the provisions, terms and conditions contained therein.

R.N. Middle Island LLC

Rocky Point Road LLC

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

7 Eleven Inc.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

### XIII. Acceptance by the Commission

The Commission authorizes entering into this Order on Consent.

CENTRAL PINE BARRENS JOINT PLANNING  
AND POLICY COMMISSION

By: \_\_\_\_\_

Judith Jakobsen  
Executive Director

Date: \_\_\_\_\_

## Acknowledgments

STATE OF NEW YORK )  
COUNTY OF \_\_\_\_\_ ) ss.:

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2023 before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

---

Notary Public

STATE OF NEW YORK )  
COUNTY OF \_\_\_\_\_ ) ss.:

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2023 before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

---

Notary Public

STATE OF NEW YORK )  
COUNTY OF \_\_\_\_\_ ) ss.:

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2023 before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

**Exhibit A – Survey**

## **Exhibit B**

### **Revegetation Plan Guidelines**

#### **A. Revegetation Plan and Implementation.**

1. Prepare a Revegetation Plan to remediate the impacts caused by the clearing.
2. The Plan shall depict the surveyed area of disturbance that will be revegetated.
3. The Plan shall identify the plantings that remain and have survived from prior revegetation activities.
4. Provide the amount of area (square feet or acres) that will be revegetated
5. The Plan shall be reviewed by Commission staff and revised until it is approved by the Commission.
6. The Plan shall include two areas of pollinator garden planted with native pollinator attracting plant species. Each pollinator garden shall be a minimum size of 50 feet x 100 feet. One shall be located on the east side of the site and one on the north side of the site, within the overall 0.539 acre revegetation area.
7. Timeline
  - a. Submit the plan to Commission by May 15, 2023.
  - b. Commence planting activity by May 31, 2023 and complete by June 30, 2023
8. Plantings
  - a. Utilize species native to the Central Pine Barrens, composed of species similar to that which was removed and likely to be found in ecological communities on or in the vicinity of the property and at sufficient densities, sizes and diverse arrangements to mimic natural conditions
  - b. Identify locations of each species, sizes and spacing
  - c. List the source(s) of plant material
  - d. Quantify the number of plants to be installed.
  - e. Trees shall be at a minimum of two (2) gallon container size. Trees shall be planted in a staggered grid or naturalistic planting design with spacing to be determined based on selected species (but no less than 30 feet on center).
  - f. Understory shrubs and groundcovers shall be planted between trees in a naturalistic planting design.
  - g. Plant specifications including gallon size and spacing information will be provided by the Commission office.
9. Survival and maintenance
  - a. Identify a temporary water source, if necessary
  - b. Guarantee 85% survival of plantings for three years
  - c. Remove and replace dead, dying, and diseased plants during the three-year guarantee period as necessary.

- d. Monitor and control invasive species in the revegetation area. Invasive plants shall be removed by hand with non-chemical methods

10. Reporting

- a. Notify the Commission in writing when revegetation commences and when it is complete.
- b. Submit reports by June 30 of each year for three years
- c. Upon completion of revegetation, submit an 'As Built' survey to confirm the list and locations of plantings that were installed. Minimal substitutions are acceptable. Significant changes require review
- d. Report replacements when survival requirements are not met. No extension of the reporting period shall be necessary regardless of replaced plantings. Respondents are expected to ensure survival and quality of revegetation.
- e. Monitor the area and submit to the Commission an annual narrative report for three years concerning the status and success of the revegetation.
- f. Color photographs shall be included and taken from the same viewpoint each year to show progression
- g. Annually certify that the 85% survival rate is achieved
- h. Commission staff will perform a physical inspection with two days advance notice once per year between spring and fall seasons

11. Protection

- a. Install a split fence around each pollinator garden
- b. No mowing activity may occur in the pollinator garden area.
- c. Mowing may occur outside in the revegetated area except where plants and the pollinator garden are installed.



April 19, 2023

Albert S. Albano  
Director – MTA C&D LIRR Business Unit  
Hillside Support Facility, MC: 3013  
93-59 183<sup>rd</sup> Street  
Hollis, NY 11423

**RE:** Referral: New LIRR Yaphank train station  
South of LIE, west of North Street, Yaphank, SCTM # 200-554-1-2.1  
Central Pine Barrens Compatible Growth Area

Dear Mr. Albano:

On March 29, 2023, the Central Pine Barrens Commission office received material for the referenced project. The site is in the Central Pine Barrens Compatible Growth Area (CGA).

Robert Calarco  
*Chairman*

Yvette Aguiar  
*Member*

Steven Bellone  
*Member*

Edward P. Romaine  
*Member*

Jay H. Schneiderman  
*Member*

624 Old Riverhead Road  
Westhampton Beach, NY  
11978

Phone (631) 288-1079  
Fax (631) 288-1367  
<https://pb.state.ny.us/>

### **Existing Conditions and Project Description**

The project site contains 5.33 acres. It is located south of the Long Island Expressway and on the north side of the LIRR train tracks. The site is naturally vegetated with pine barrens habitat. It is in the L Industrial 1 zoning district. The property is presently owned by AVR. The LIRR may acquire the property or have an easement to develop the train station.

The Site Plan prepared by Gannet Fleming dated March 23, 2023 illustrates the development of a railroad station and 50 parking spaces. A driveway connects the site through the westerly adjacent project known as RD Industrial, a Development of Regional Significance project in the Brookhaven Industrial Park.

The project is the development of a single, elevated two-car platform and parking area with 50 parking stalls, a bus loop, a “kiss and ride” facility and connection to an existing roadway for vehicular and pedestrian access.

### **Central Pine Barrens**

The proposal constitutes development activity pursuant to the Long Island Pine Barrens Protection Act (the Act), (New York State Environmental Conservation Law (ECL) Article 57). Therefore, the proposal must conform to the standards for land use in Chapter 5 of the Central Pine Barrens Comprehensive Land Use Plan (the Plan). If the project does not conform, the application may be revised to conform or the applicant must apply for a CGA Hardship Waiver from the Commission, subject to review and action.

Section 57-0123.3(a) of the Act states:

...“no application for development within the Central Pine Barrens area shall be approved by any municipality or county or agency thereof or the commission, and no state approval, certificate, license, consent, permit, or financial assistance for the construction of any structure or the disturbance of any land within such area

shall be granted, unless such approval or grant conforms to the provisions of such land use plan;”...

Please confirm the project demonstrates conformance with the Plan and the goals and objectives of the Act, prior to a decision and disturbance on site. Submit materials to the Commission office since the project may not be subject to local jurisdiction.

#### Comments

The Commission staff reviewed the preliminary material supplied to the Town by the applicant. The applicant states the project will not generate sanitary waste, impact water supply wells, disturb wetlands, impact New York State or Federal listed species and will minimize clearing, dedicate open space and provide stormwater management on site.

The project must conform with the Plan standards. Information should be provided to address the State Environmental Quality Review Act (SEQRA) classification and potential adverse environmental impacts including potential traffic impacts. Please forward additional information when it is available.

Consider seeking the input of the Chief Fire Marshall and emergency services to ensure the facility meets public safety and emergency service requirements. Limited ingress/egress is available to the station through the Brookhaven Industrial Park where there is only one exit and two entrance points are development to access millions of square feet of industrial development. If the project requires a secondary or emergency access road, please identify it in the site plan.

The project’s site design should be improved to conform with the Plan to the maximum extent practicable. The layout should be clustered more tightly to minimize fragmentation of open space and to achieve compact, efficient and orderly development, pursuant to the Act. Please address conformance with items including:

- Provide the amount of existing cleared area, existing area of natural vegetation, the amount of clearing for the project and the amount of area to remain natural (Standard 5.3.3.6.1). In the L Industrial 1 zoning district, the site is subject to a maximum clearing limit of 65% or 3.46 acres. A minimum area of 1.87 acres must remain in its natural condition.
- Minimize fragmented open space by creating a more compact and efficient development. Reduce the extent of narrow buffers and jagged edge habitat. This will improve the quality of open space that remains and minimize the adverse effects of fragmentation in the CGA (Standard 5.3.3.6.2)
- Limit fertilizer dependent vegetation to a maximum of 15% or no more than 0.8 acres (Standard 5.3.3.6.3).
- Utilize native plants in landscaping. Please submit a draft landscape plan to the Commission for review. It should include the list of species, quantity, size and source of material (Standard 5.3.3.6.4). Retain existing trees and vegetation where possible to reduce the spread of invasives, irrigation requirements and maintenance on the project site.
- Coordinate the application with NYSDEC Region 1 to ensure the project will protect State and Federal listed wildlife if present including the Endangered Northern Long-eared Bat (NLEB) and other listed species (Standard 5.3.3.7). The project may be subject to clearing windows to avoid take permits and adverse impacts on the NLEB and its habitat.

DRAFT

The proposal must conform to all other involved agency jurisdictions and permit requirements in effect on the project site. Thank you for your attention, and if you have any questions, please do not hesitate to contact me at (631) 218-1192.

Sincerely,

Julie Hargrave  
Policy and Planning Manager

cc:     Judy Jakobsen, Executive Director  
          John C. Milazzo, Counsel  
          Supervisor Edward P. Romaine



## Long Island Rail Road

March 28, 2023

Hon. Edward P. Romaine, Supervisor  
Town of Brookhaven  
1 Independence Hill  
Farmingville, NY 11738

Dear Supervisor Romaine,

Thank you for meeting with Long Island Rail Road (LIRR) last week to discuss our proposal for a relocated Yaphank Station. We appreciate your on-going support for this project and offers of assistance with respect to coordination with the Central Pine Barrens Joint Planning and Policy Commission.

As discussed at our meeting we are providing you with a copy of our conceptual site plan layout developed by LIRR in consultation with AVR Realty, the property owner. LIRR will be entering into negotiations with AVR Realty to either acquire the property or obtain a permanent easement for the station improvements and access thereto.

The proposed project is located on Suffolk County Tax Map Number 0200 554.00 01.00 002.001 and includes the construction of a single, elevated two-car platform, parking area with approximately 50 parking stalls, bus loop, a "kiss and ride" facility and connection to an existing roadway for vehicular and pedestrian access.

LIRR's consultants have reviewed the language in the Long Island Pine Barrens Maritime Reserve act (Article 57 of the NYS Environmental Conservation Law) (also known as the Long Island Pine Barrens Protection Act of 1993) and the Central Pine Barrens Joint Planning and Policy Commission's website and believe that a case could be made for LIRR's proposed Yaphank Station relocation project to constitute "non-development" pursuant to NYS Environmental Conservation Law Article 57 Section 57-0107.13(i) which states, "public improvement undertaken for the health, safety or welfare of the public ... [including] but not limited to, maintenance of an existing road or railroad track" and Section 57-0107.13(iii) which states, "work for the... reconstruction, improvement ... of any existing structure." These sections of NYS Environmental Conservation Law are codified in the Brookhaven Town Code at 85-720.A(1)(a) and (c).

Should an exemption not be applicable, we believe that the Yaphank Station relocation project should be reviewed as a reconstruction of an existing facility within the Compatible Growth Area to another location within the Compatible Growth Area.

Last, we would hope that the Town would view the proposed station location in the context of development immediately to the west which occupies a similar position within the Compatible Growth Area.

Pursuant to the standards codified at 85-723 of Town of Brookhaven Town Code, the proposed Yaphank Station relocation would:

- A. Not generate any sanitary wastewater and thus would not generate any nitrate-nitrogen;
- B. Not generate significant discharges to groundwater in proximity to any public water supply wells;
- C. Not disturb any freshwater or tidal wetlands, or the buffer areas of any wetlands, nor affect any lands within the Carmans River wild and scenic rivers area;
- D. Provide on-site stormwater management such that all stormwater runoff originating from the station is recharged on-site;
- E. Minimize the areas of clearing on the site to those areas required for construction and operation of the access driveway, parking area, and station plaza and retention of unfragmented open space to the maximum extent practicable given the site's location adjacent to an industrial park and the Long Island Expressway (LIE) right-of-way. Any new landscaping would be native plantings or species that are not fertilizer-dependent;
- F. Not result in significant adverse impacts upon habitat essential to any State or Federal rare, threatened, endangered, or species of special concern, or upon any natural communities classified by New York State Natural Heritage Program as G1, G2, G3 or S1, S2, or S3.
- G. Identify the entity or agency to which any dedicated open space would be transferred, if applicable.
- H. Not be a commercial or industrial development to which Suffolk County Sanitary Code would apply.

As a publicly-accessible commuter rail station constructed by a State agency that is not required to comply with the provisions of local land use regulations, we believe that the provisions of 85-725, "Pine Barrens Credit Program," and 85-726, "Incentive Zoning," would not be applicable to the Yaphank Station relocation project.

Please let us know if the Town requires any further details on the proposed project. Our consultant team is conducting additional technical work to complete project design in the middle of this year such that LIRR can complete the procurement process for a contractor to begin construction as early in 2024 as possible.

You may reach me at (516) 523-0894.

Sincerely,



Albert S. Albano

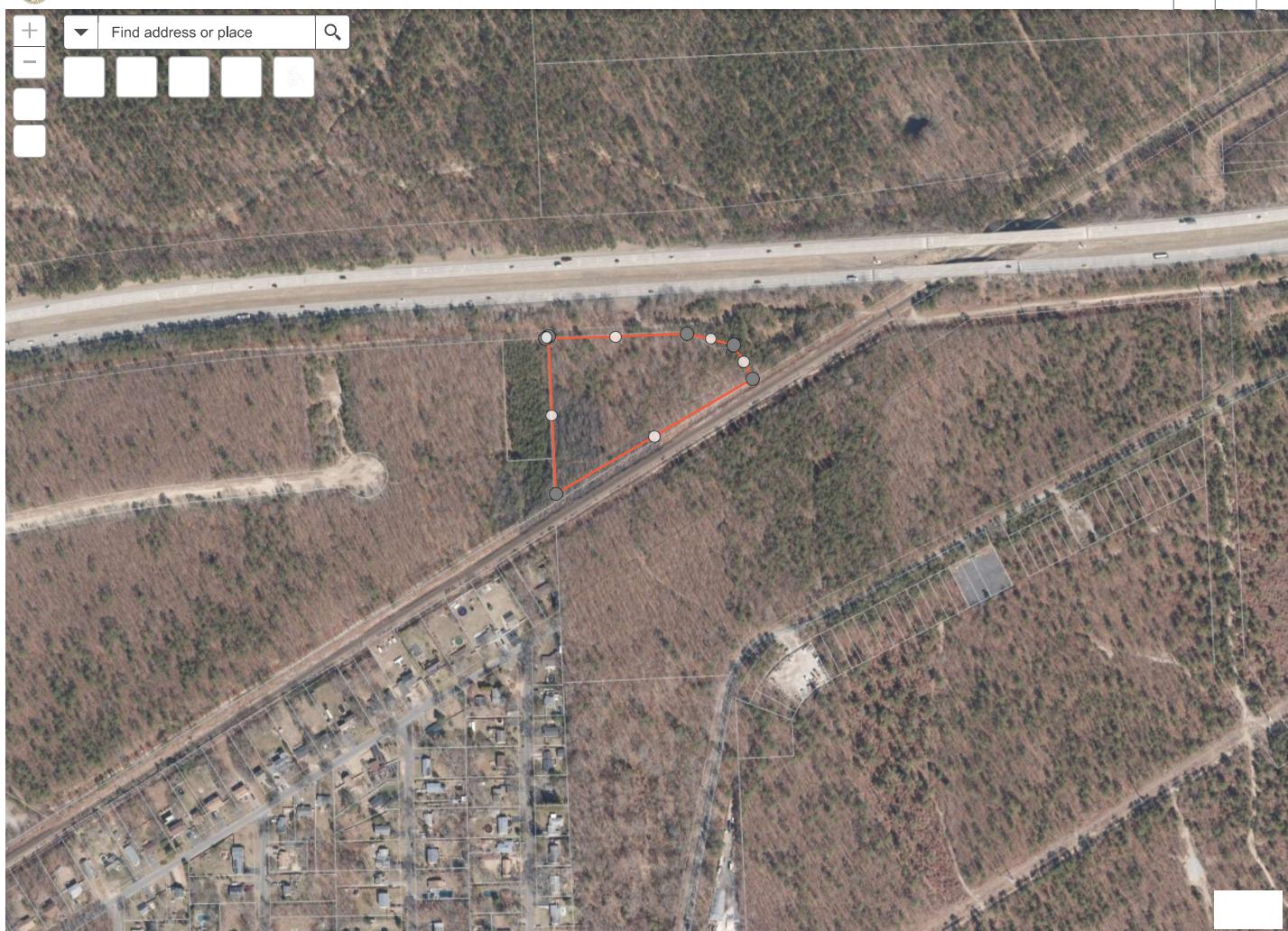
Director

MTA C&D – LIRR Business Unit

cc:      A. Eaderesto (TOB)  
          J. Tullo (TOB)  
          M. Loguercio, Jr. (TOB)  
          H. Garcia (LIRR)  
          N. Mastropietro (MTA RE)



Find address or place



400ft

1,299,636.265 250,623.065 Feet



## SITE INFORMATION

TOTAL PROPERTY AREA	5.33 ACRES
INITIAL STATION SITE FOOTPRINT	2.63 ACRES (49.3%)
UNDISTURBED AREA	1.87 ACRES (35.0%)
TOTAL PARKING SPACES	50
TOTAL ADA PARKING SPACES	2

INITIAL STATION SITE FOOTPRINT

2.63 ACRES (49.7%)
UNDISTURBED AREA
50
TOTAL PARKING SPACES
2
TOTAL ADA PARKING SPACES

Long Island Expressway (I-495) METROWAY

Long Island Expressway (I-495) Interchange

TO GREENPORT

TO RONKONKOMA

## STATION SITE E - INITIAL DIESEL CONSTRUCTION



CONFIDENTIAL NOT SUBJECT TO FOIA/DELIBERATIVE PROCESS

AS STATION		C-001	
AS Project No.		C-001	
065484		C-001	
March 23, 2023		C-001	
CONCEPTUAL STATION SITE LAYOUT			
INITIAL DIESEL CONSTRUCTION			
STATION SITE E			

SCALE 1° = 40' - 0"

## DRAFT

Central Pine Barrens Joint Planning and Policy Commission  
Draft Staff Report for the Public Hearing  
April 19, 2023

**PROJECT NAME:** Venezia Square Wading River Compatible Growth Area Development of Regional Significance (DRS)

**APPLICATION TIMELINE:**

- 2/8/23 DRS Application received
- 2/16/23 Amended site plans received
- 3/15/23 Scheduled public hearing
- 4/19/23 Public hearing
- 6/8/23 Decision deadline

**OWNER/APPLICANT:** Venezia Corp./Joseph Vento  
Represented by Charles Voorhis, Nelson Pope

**PROJECT SITE LOCATION:** South side of Route 25A, Wading River  
Town of Riverhead

**SUFFOLK COUNTY TAX MAP #s:** 600-73-1-1.4, 1.16, 1.17, 1.18 and 1.19

**PROJECT SITE AREA:** 6.34 acres

**PROJECT:** Development of five buildings with 7 commercial use tenants totaling 37,000 square feet and other improvements

**ZONING DISTRICT:** Business CR

**SEQRA:** Unlisted Action

This staff report is Exhibit A. The staff report relies on the application materials and plans date stamped received on February 17, 2023.

**PROPOSED PROJECT AND APPLICANT REQUEST**

The property contains 6.34 acres. The proposal is the development of a commercial center with 37,000 square feet for seven tenants in five separate buildings. Uses include restaurants, a bank and retail stores. Other development includes parking for 186 vehicles, drainage, sanitary systems, driveways, signage, landscaping and two curb cuts on Route 25A and a traffic light at Dogwood Drive. A cross access road to the west is proposed. Clearing covers 65% or 4.1 acres and 2.2 acres will remain natural.

**EXISTING CONDITIONS**

The project site is undeveloped and naturally vegetated with a successional ecological community. An aerial of the Project Site and surrounding area is Exhibit B. The property survey prepared by Northwind Group LLC dated June 4, 2008 is Exhibit C. Photographs of the site are in Exhibit D.

## DRAFT

The Site Plan prepared by Bohler Engineering dated September 18, 2008, last revised February 13, 2023, received on February 17, 2023 is Exhibit E.

### CENTRAL PINE BARRENS STATUS

The Project constitutes development pursuant to New York State Environmental Conservation Law (ECL) §57-0107(13)(b) and (c):

13. "Development" shall mean the performance of any building activity or mining operation, the making of any material change in the use or intensity of use of any structure or land and the creation or termination of rights of access or riparian rights. Without limitation, the following activities or uses shall be taken for the purposes of this article to involve development as defined in this subdivision:
  - (b) a material increase in the intensity of use of land or environmental impacts as a result thereof;
  - (c) commencement of mining, excavation or material alteration of grade or vegetation on a parcel of land excluding environmental restoration activities;

### Development of Regional Significance

Pursuant to Section 57-0123.2(a) of the Act and Section 4.5.5.1 of the Central Pine Barrens Comprehensive Land Use Plan, the project achieves a Development of Regional Significance since it meets the traffic threshold of a reduction in level of service by two levels or to LOS D or below. As a DRS the Commission reviews the project for conformance with the standards and guidelines outlined in Chapter 5 of the Plan and pursuant to the goals and objectives of the Act.

### SEQRA, REQUIRED APPROVALS, PERMITS AND REVIEW

- State Environmental Quality Review Act (SEQRA). The project is classified as an Unlisted Action. No coordinated review was performed.
- Town of Riverhead permits and approvals for the Site Plan
- New York State Department of Environmental Conservation
  - Stormwater Pollution Prevention Plan permit review and approval.
  - Protect rare, threatened and endangered species and habitats. Adhere to regulations and guidelines including clearing window restrictions to protect the Northern Long-eared Bat, a New York State and Federally listed Threatened species.
- New York State Department of Transportation permit approvals for a new traffic signal.
- Suffolk County Department of Health Services Article 6 conformance and approval.
- New York State Office of Parks, Recreation and Historic Preservation. SHPO response received concluding no impact to cultural resources.

### SITE DESCRIPTION

This section contains a general description of the features on the Project Site including natural, scenic, and cultural resources.

*Existing Condition and Land Use:* Undeveloped, naturally vegetated.

## DRAFT

*Vegetation:* The Project Site is naturally vegetated with dense successional field habitat. Tall pitch pine trees exist in the western portion of the site. Pioneer species including eastern red cedar, shrubs and hardwoods colonized this property after more than 30 years ago when it was farmed. Publicly available aerial photography shows the presence of a farm in 1984.

*Rare, Endangered, & Threatened Species and Species of Concern:*  
A referral was made to the New York Natural Heritage Program. Awaiting a response.

*New York State Breeding Bird Atlas*

The New York State Breeding Bird Atlas (BBA) lists 81 species exhibiting breeding behavior including 40 confirmed breeders in the survey block, 6753D, that covers the Project Site (note: survey block is 3 x 3 miles). The survey includes six species listed as Special Concern including Cooper's Hawk, Whip-poor-will, Horned Lark, Vesper Sparrow, Grasshopper Sparrow, Red-Headed Woodpecker. Harrier hawk, a threatened species, is also listed as present.

*Wetlands:* No wetland habitat is identified in the application materials.

*Wild, Scenic & Recreational Rivers:* Not in the NYSDEC WSRR jurisdiction.

*Hydrology:* Hydrogeologic Zone III. Groundwater flow is generally in a northerly direction toward Long Island Sound. Depth to groundwater is at approximately 83 feet. The test hole data in Sheet C-4 Grading and Drainage dated September 18, 2008, is listed with an illegible date either from 2003 or 2008 states no water encountered at a depth of 23 feet. However, the data is out of date. Please have the test hole data updated to reflect current hydrological conditions beneath the site.

*Topography/Elevation:* The Project Site is generally flat except for a grade change on the roadfront where slopes greater than 10% are present. The Existing Slope Analysis Plan is Exhibit F.

*Soils:* Haven loam, 0 to 2 percent slopes, Riverhead sandy loam, 0 to 3 percent slopes and Riverhead sandy loam 3 to 8% slopes are present.

*Cultural/Archeological Resources:* By letter dated February 15, 2017 and confirmed on March 17, 2023, the New York State Office of Parks, Recreation, and Historic Preservation indicated no potential impact on archaeological and/or historic resources listed in or eligible for the New York State and National Register of Historic Places.

*Scenic Resources:* The Scenic-related Guidelines state development proposals should protect undisturbed roadsides, scenic features and buffers and manmade structures should be consistent with the character of the area.

### **Land Use and Zoning in the Study Area**

Land uses were identified within the immediate vicinity called the Study Area. The Project Site is at the center of the Study Area that is a one-half mile radius in all directions from the site.

The Route 25A corridor is commercially developed in the vicinity of the site. Adjoining the easterly boundary of the site is an agricultural use, Mays Farm, on 3 acres. To the south is

## DRAFT

additional farmland and a residential community. The adjoining site to the west is a funeral home and opposite the site on Route 25A are other commercial land uses including offices and retail establishments.

East of Wading River Road, on the south side of Route 25A is a gas station, a large strip mall with a grocery store, hardware and other retail uses and a separate post office. Restaurants, retail and office spaces are developed on the north side of Route 25A.

Approximately 38 acres of farmland is present south of the project site in the hamlet, on the east side of Wading River Road, south of the strip mall. Roughly ½-mile to the southeast of the Project Site is the 400 acre property of the Nassau County Boy Scouts known as Camp Wauwepex, which is preserved with a Conservation Easement in the Pine Barrens Credit Program

Residential development is situated to the north of the Route 25A commercial corridor.

### Zoning

The Study Area zoning is comprised of Business CR on properties with frontage on Route 25A. The Residence B 80 Zoning District covers property beyond the Route 25A corridor.

### Other DRS Applications

The Commission has reviewed 9 Development of Regional Significance projects since 1993. There were seven (7) approvals, one application was withdrawn (American Tissue, 2000) and one was disapproved (Tall Grass, Shoreham, 2008). The approved applications included:

- Suffolk County Center (2005)
- Brookhaven Walk (2007)
- Artist Lake Plaza (2011)
- The Meadows at Yaphank (2011)
- Silver Corporate Park (2020)
- RD Industrial (2022)
- Expressway Drive North (Wildflower) (2023)

## **WATER RESOURCES**

The project conforms with Article 6 of the Suffolk County Sanitary Code. The as-of-right sanitary flow is approximately 1,902 gallons per day and the project will generate 1,900 gpd. Innovative alternative treatment systems will be installed.

## **COMPREHENSIVE LAND USE PLAN REVIEW OF STANDARDS AND GUIDELINES**

A project classified as a DRS must conform with the Standards and Guidelines for development contained in Chapter 5 of the Plan. The Staff's review of the project's conformance with Standards and Guidelines is provided below. Where additional information is needed, time is also needed to review supplemental or revised materials and information submitted in response. The project's conformity with Standards and Guidelines will be deferred until such time as additional information is provided by the applicant. The Applicant's review is provided in Exhibit G.

### Review of Standards and Guidelines by Commission Staff for Venezia Square Wading River Compatible Growth Area Development of Regional Significance Application

**DRAFT**

<b>Standard (S)/Guideline (G)</b>		<b>Explanation and Document Page Reference (attach additional sheets if necessary)</b>
<b>S 5.3.3.1.1</b>	<b>Suffolk County Sanitary Code Article 6 compliance</b>	The project demonstrates conformance and generates the maximum amount of flow, 1,900 gpd and does not exceed the as of right flow. Innovative On Site Alternative Treatment Systems are proposed.
<b>S 5.3.3.1.2</b>	<b>Sewage treatment plant discharge</b>	No sewage treatment plant is proposed.
<b>G 5.3.3.1.3</b>	<b>Nitrate-nitrogen goal of 2.5 mg/l</b>	Proposed nitrogen concentration in recharge is 2.20 mg/l, which conforms to this guideline. Confirm the SONIR analysis model used commercial rather than residential inputs.
<b>S 5.3.3.2.1</b>	<b>Suffolk County Sanitary Code Articles 7 &amp; 12 compliance</b>	The project must conform to the Sanitary Code regulations for industrial and commercial uses. Proposed uses will be required to conform.
<b>S 5.3.3.3.1</b>	<b>Significant discharges and public supply well locations</b>	Identify the nearest public drinking water supply well and potential impacts if any.
<b>G 5.3.3.3.2</b>	<b>Private well protection</b>	Check private wells in vicinity
<b>S 5.3.3.4.1</b>	<b>Nondisturbance buffers</b>	No wetlands are present
<b>S 5.3.3.4.2</b>	<b>Buffer delineations, covenants and conservation easements</b>	N/A
<b>S 5.3.3.4.3</b>	<b>Wild, Scenic and Recreational Rivers Act compliance</b>	N/A – not in jurisdictional boundary
<b>G 5.3.3.4.4</b>	<b>Additional nondisturbance buffers</b>	N/A
<b>S 5.3.3.5.1</b>	<b>Stormwater recharge</b>	The site is over 1 acre and requires a stormwater pollution prevention plan to be prepared, prior to site disturbance. Provide information demonstrating conformance and seek the required permits and approvals.
<b>G 5.3.3.5.2</b>	<b>Natural recharge and drainage</b>	Drainage systems will distribute recharge of stormwater, no recharge basin is proposed.
<b>G 5.3.3.5.3</b>	<b>Ponds</b>	N/A - No ponds are proposed.
<b>G 5.3.3.5.4</b>	<b>Natural topography in lieu of recharge basins</b>	A series of drainage structures will be installed to accommodate stormwater.
<b>G 5.3.3.5.5</b>	<b>Soil erosion and stormwater runoff control during construction</b>	<p>The project is required to conform with stormwater regulations, employ stormwater controls and protect adjacent areas from runoff during construction.</p> <p>A Stormwater Pollution Prevention Plan must be prepared and approved by the Town Engineer and/or NYSDEC.</p> <p>Protect natural areas from encroachments with snow fencing and employ erosion control measures prior to disturbance.</p>

**DRAFT**

S 5.3.3.6.1	<b>Vegetation Clearance Limits</b>	<p>Confirm the cross access and the NYSDOT dedication area are included in the clearing limit.</p> <p>The application indicates 65% of the site or 4.2 acres will be cleared and 2.2 acres will remain natural.</p> <p>Provide a cross access to the easterly adjacent property as well. Presently cross access is only provided to the westerly adjacent funeral home. Road signage indicates a new vet hospital is proposed.</p> <p>Please confirm the westerly cross access will avoid cutting the tall pitch pine trees in that area of the property.</p>
S 5.3.3.6.2	<b>Unfragmented open space</b>	<p>Open space is fragmented in narrow strips and jagged edges. Revise the site plan to straighten out edges and reduce edge habitat on the west, south and east sides. Avoid creating islands of open space that become degraded from wind and other exposure and encroachments and are difficult to manage and protect.</p>
S 5.3.3.6.3	<b>Fertilizer-dependent vegetation limit</b>	<p>The project demonstrates conformance. Fertilizer dependent vegetation will cover approximately 15% of the site</p>
S 5.3.3.6.4	<b>Native Plantings</b>	<p>No landscaping plan was provided. When it is prepared, forward a copy to the commission for review and comment.</p> <p>Retain existing trees and other natural vegetation to the extent possible.</p> <p>Utilize native plants in landscaping</p>
S 5.3.3.7.1	<b>Special species and ecological communities</b>	<p>Awaiting response from NYS Natural Heritage Program. The project site may be subject to clearing restrictions related to Northern Long eared Bat species and habitat protection. Coordinate with NYSDEC Region 1 prior to clearing trees on the site.</p>
G 5.3.3.8.1	<b>Clearing envelopes</b>	<p>Confirm development occur on slopes less than 10%. Project is a site plan, not a subdivision but should aim to achieve this guideline.</p>
G 5.3.3.8.2	<b>Stabilization and erosion control</b>	<p>Confirm roads occur on slopes less than 10% and if greater show project design achieves erosion control practices to minimize adverse environmental impacts. A significant grade change exists on the road front. Please explain the project's design to accommodate this grade change.</p>
G 5.3.3.8.3	<b>Slope analysis</b>	<p>Slope analysis provided in Exhibit F.</p>
G 5.3.3.8.4	<b>Erosion and sediment control plans</b>	<p>Stormwater plans must be prepared and approved prior to disturbance. No structures or other disturbance may occur in the open space areas or area to remain natural.</p>
G 5.3.3.8.5	<b>Placement of roadways</b>	<p>The project minimizes traversing steep slopes greater than 10% when evaluated on a proportional basis.</p> <p>In the road alignment, consider retaining existing large trees as street trees, flag and protect during construction.</p>
G 5.3.3.8.6	<b>Retaining walls and control structures</b>	<p>Retaining walls are planned.</p> <p>Where feasible, utilize naturally vegetated slopes as opposed to hard retaining wall structures that will reduce disturbance to natural vegetation and habitat and minimize erosion and stormwater runoff.</p>
S 5.3.3.9.1	<b>Receiving entity for open space dedications</b>	<p>Open space will be protected in covenants granted to the Commission.</p>

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<b>G 5.3.3.9.2</b>	<b>Clustering</b>	Cluster the project to minimize creating fragmented islands of natural open spaces.
<b>G 5.3.3.9.3</b>	<b>Protection of dedicated open space</b>	Protect the area to remain as natural open space in a conservation easement or covenants.
<b>G 5.3.3.10.1</b>	<b>Best management practices</b>	N/A
<b>G 5.3.3.11.1</b>	<b>Cultural resource consideration</b>	No established recreation trails exist here or scenic resources identified in the Plan. However, the two lane road maintains a rural character and should be protected to the greatest extent practicable. Any large trees in the roadside buffer should be retained to protect the resources and character of the CGA.
<b>G 5.3.3.11.2</b>	<b>Inclusion of cultural resources in applications</b>	This site is visible and exposed to Route 25A. The roadside portion should be vegetated and in keeping with the character of the CGA.
<b>G 5.3.3.11.3</b>	<b>Protection of scenic and recreational resources</b>	The project should retain visually shielding natural buffers.. Retain natural vegetation and trees on the roadside Signage must be in keeping with the character of the area including size, color palette, lighting, height and material. Please revise the signage to avoid interior illumination and with materials that protect the character of the Central Pine Barrens. See Exhibit H for the sign plan.
<b>G 5.3.3.11.4</b>	<b>Roadside design and management</b>	<p>The roadside is presently naturally vegetated and undisturbed. Retain existing natural vegetation where possible such as flowering trees, evergreens (cedars that are present) and other native plants to preserve the character and scenic features of the roadside.</p> <p>Minimize structures in the front yard. The proposed monument sign is placed right in the center of the roadfront. Consider placing it at the curb cut where the new traffic signal is proposed to minimize the proliferation of structures on the roadside.</p> <p>One 10 foot tall monument sign is proposed on the roadfront with seven nameplates to serve each building unit. Exterior (gooseneck) lighting is proposed.</p> <p>Manmade structures including signage and building materials should be consistent with the character of the area.</p> <p>Prepare for review a master sign plan for consistency in signage for the seven different units in five buildings. Use a natural palette of earth tone colors and consistency in fonts and materials that are in keeping with the character of the Central Pine Barrens.</p> <p>Variations from the master sign plan in the future should require applicants return to the Commission for a determination of consistency.</p> <p>The main curb cut is at the proposed light opposite Dogwood Path.</p> <p>Consider reducing the project scale to avoid the need for a new traffic light installation since an existing traffic light is less than 700 feet away.</p>
<b>G 5.3.3.12.1</b>	<b>Commercial and industrial compliance with Suffolk County Sanitary Code</b>	The Project and proposed uses must conform with the requirements of the Suffolk County Sanitary Code.

## DRAFT

### SUMMARY OF DISCUSSION ITEMS

Conditions and comments for discussion are summarized below. The hearing record should remain open until the relevant information is received. The main relate to subjects including:

- Ownership
- Wastewater
- Dedication to NYSDOT and roadfront grade change
- Test hole data need update
- Vegetation clearance limit - confirm limit includes dedication and cross access areas
- Fragmented open space
- Covenants and restrictions
- Landscape plan
- Master sign plan
- Traffic

1. Please submit owner's consents or proof of ownership.
2. Are the parcels single and separate or considered merged under zoning?
3. Wastewater. SONIR Model analysis – confirm the model reflects the proposed commercial use versus residential use. Table B Nitrogen Budget Parameters lists 1.50 persons per dwelling and cat and dog waste nitrogen load inputs that are not consistent with the proposed non-residential land use. The model should be targeted to the potential wastewater impacts from sewage generated by commercial uses and operations.
4. How much area will be dedicated to NYSDOT? Is this included in the clearing limit?
5. Explain the accommodations needed to manage the grade change on the roadfront.
6. Test hole data. Please update test hole data listed in the site plan. The information, from 2003 or 2008 (illegible), is at least 15 years old.
7. Clearing and grading. Prior to site disturbance:
  - a. Prepare draft covenants to protect open space and submit for review and approval by the Commission
  - b. Is the cross access connection accounted for in the clearing limit? It cannot be counted in natural buffers/open space.
  - c. Ensure the project avoids cutting the few remaining healthy large tall pitch pine trees on the west side of the site in the vicinity of the cross access connection.
  - d. Will a cross access to the east be provided? The site to the east is planned to be developed with a vet hospital according to a road sign presently on the property.
  - e. Prepare and submit for review draft covenants or easements to protect open space. Once approved, record and submit proof of same to the Commission prior to commencing site disturbance.
  - f. Install snow fencing on clearing limits for inspection prior to clearing.
  - g. Coordinate the proposal and clearing with NYSDEC to protect listed species including the Northern Long-eared Bat (Endangered species) and Harrier Hawk (Threatened species).

## DRAFT

### 8. Open Space and Site Design

- a. Avoid the jagged edges of open space in the building envelope. Straighten out the edge to minimize disturbance and create a higher quality block of unfragmented open space.
- b. Minimize open space fragmentation and creating islands of open space such as on the west side between Route 25A and the cross access. That buffer is considered cleared and not part of the open space.
- c. Utilize native plants in landscaping.
- d. Install split rail fence on the boundary of open space when construction is complete. Notify the commission office for an inspection within five days of project completion.
- e. Submit As Built plan
- f. Lighting
  - i. No lighting plan was provided.
  - ii. Where lighting is necessary in the parking lot and on buildings, confirm it is dark skies compliant.
  - iii. Reduce lighting where it is not necessary.
  - iv. No lighting may spill offsite or upward.
- g. Proposed 6 foot chain link fencing on the natural area boundary should be removed. It is not in keeping with the character of the area.

### 9. Signage

- a. Create a Master Sign Plan that will be used for the seven tenants proposed in five buildings. A Master Sign Plan will ensure conformity and consistency when new owners and tenants occupy the buildings with new uses and require signage.
- b. The signage plan Sheet SG-1 prepared by Bohler, dated February 9, 2023, illustrates one freestanding monument sign, 10 feet tall with seven nameplates. Gooseneck lighting will provide exterior illumination. Use dark skies lighting fixtures, no uplighting or off site spillage and no interior illumination. Design signage with natural material(s) and earth tone colors to protect the character of the Central Pine Barrens.

10. Traffic impacts – Have alternatives been considered that would reduce the size and scale of the project in a manner to avoid traffic impacts that cause the project to be a DRS including avoiding the construction of a new traffic light within the short distance to an existing traffic light at Route 25A and Wading River Road? Please explain alternative land uses.

11. Obtain all approvals and permits prior to disturbance, grading excavation and other site work.

12. Additional analyses may be necessary after the public hearing and/or receipt of any additional information. Hearing record may need to remain open to receive and review any additional information for the public record. Keep record open for a minimum of 10 days to receive supplemental information and public comments.

## STAFF EXHIBITS

- A. Draft Staff Report
- B. Aerial of the Project Site and Study Area
- C. Survey prepared by Northwind Group LLC, dated June 4, 2008
- D. Photographs of the Project Site

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- E. Site Plan Sheet C-3 prepared by Bohler Engineering, last revised February 13, 2023
- F. Existing Slope Analysis Plan prepared by Bohler Engineering, dated March 22, 2023
- G. Applicant's review Standards and Guidelines
- H. Sign Plan Sheet SG-1 prepared by Bohler Engineering, dated February 9, 2023



**FIGURE 1b**  
**LOCATION MAP, LOCAL**

Venezia Square  
Wading River  
Site Plan Application  
Expanded EAF

Source: NYS Orthophotography, 2020  
Scale: 1 inch = 200 feet



Venezia Square Compatible Growth Area  
Development of Regional Significance Application  
Wading River, Town of Riverhead  
SCTM #s 600-73-1-1.4, 1.16, 1.17, 1.18, 1.19  
Public Hearing April 19, 2023  
Study Area



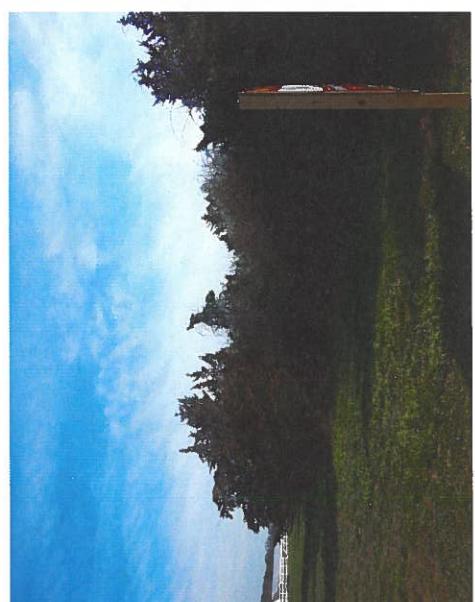
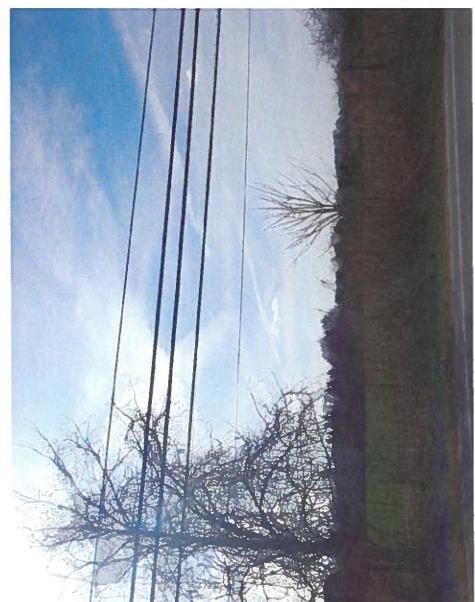
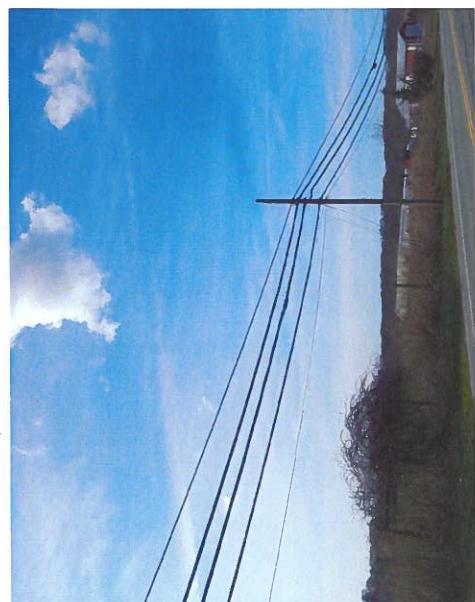
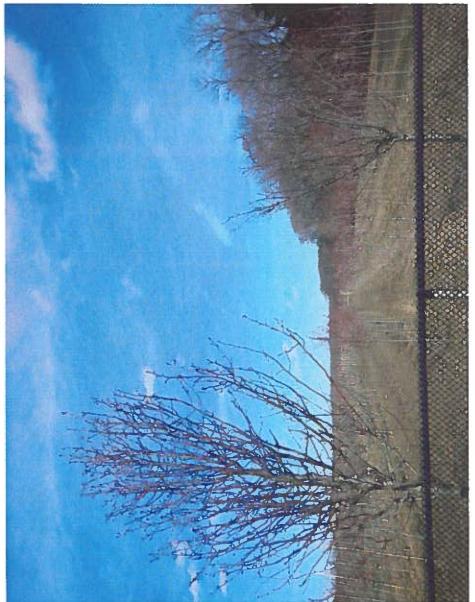
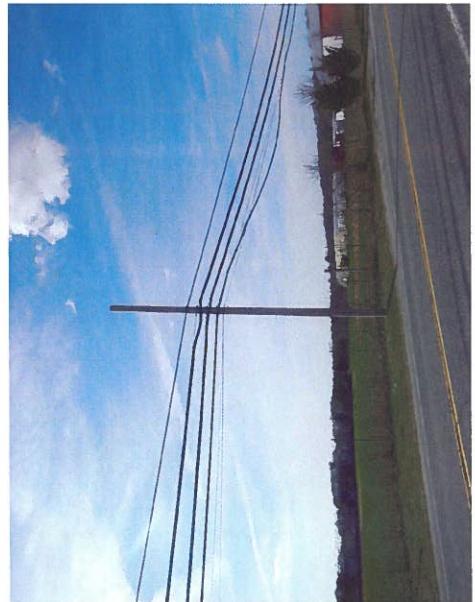
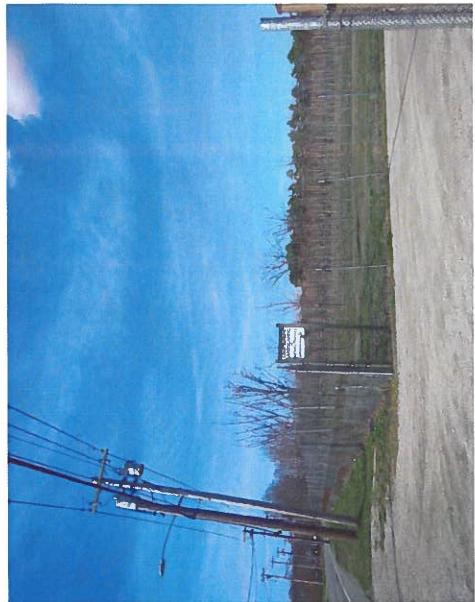
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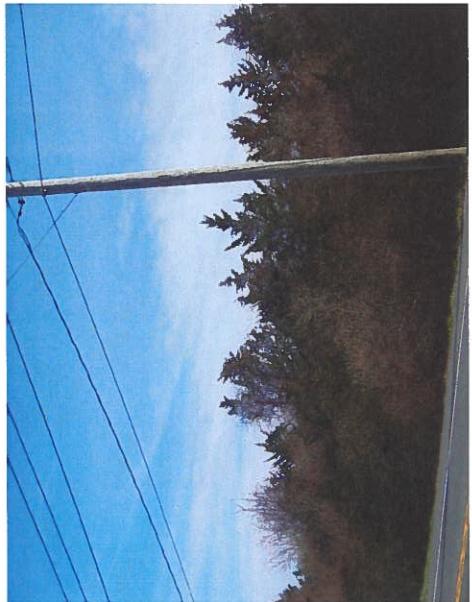
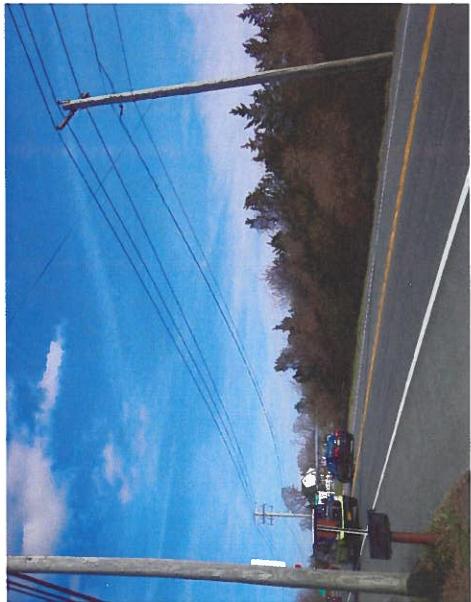
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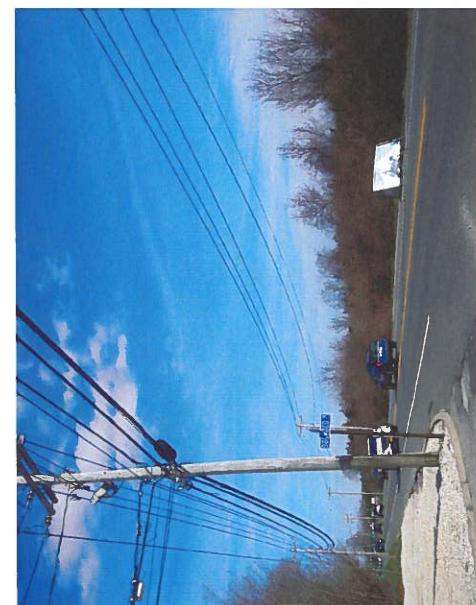
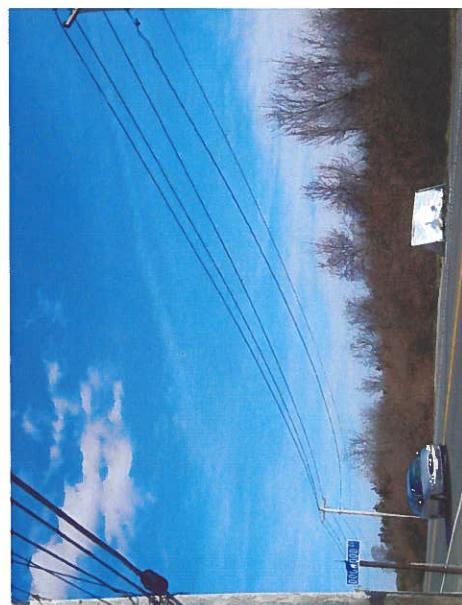
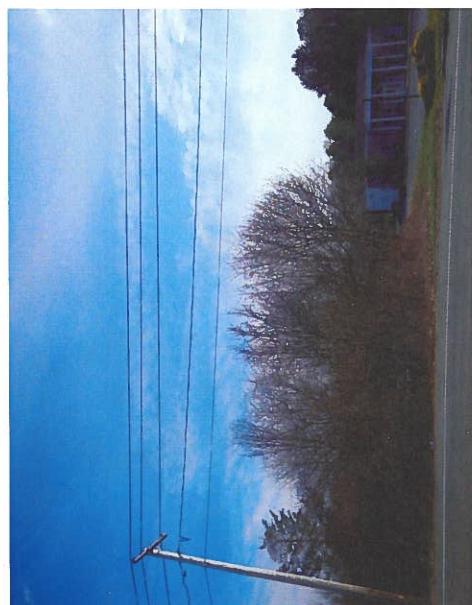
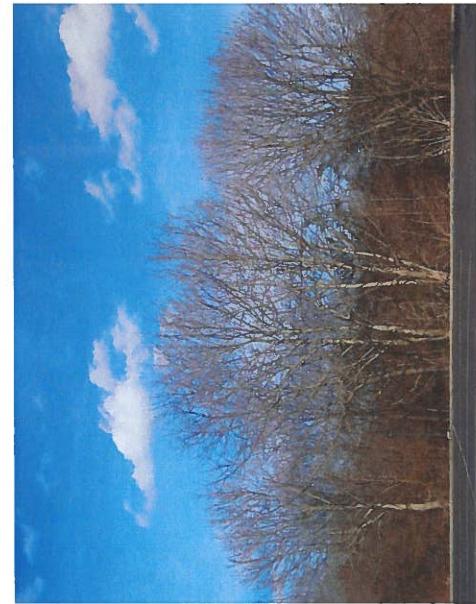
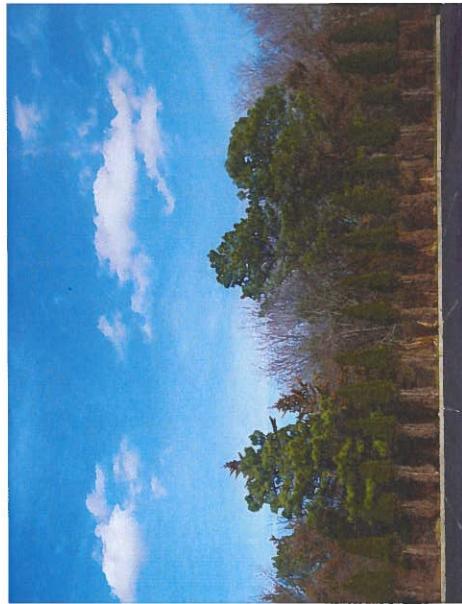
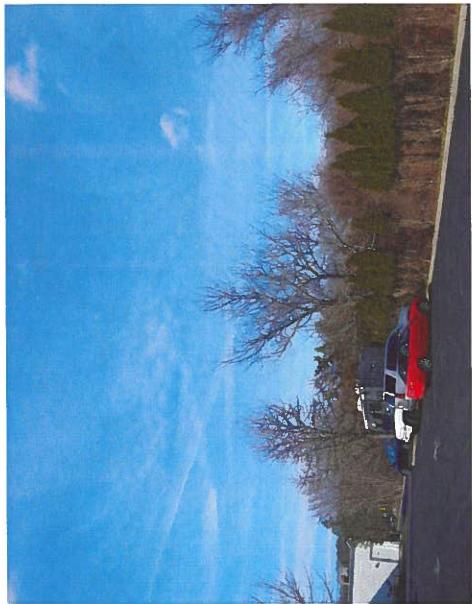


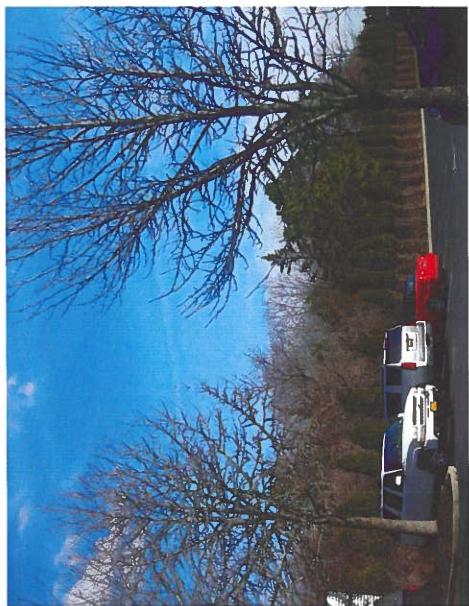
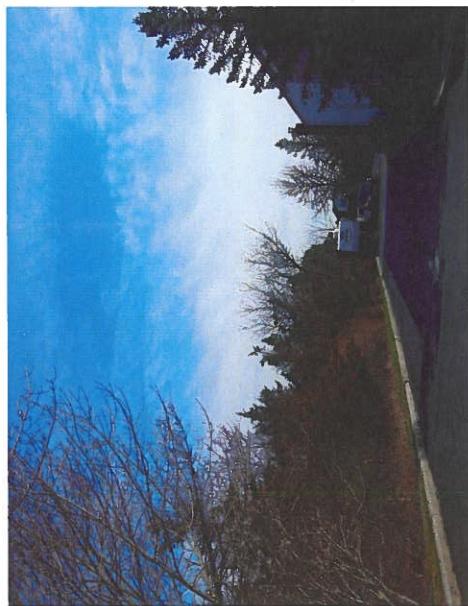
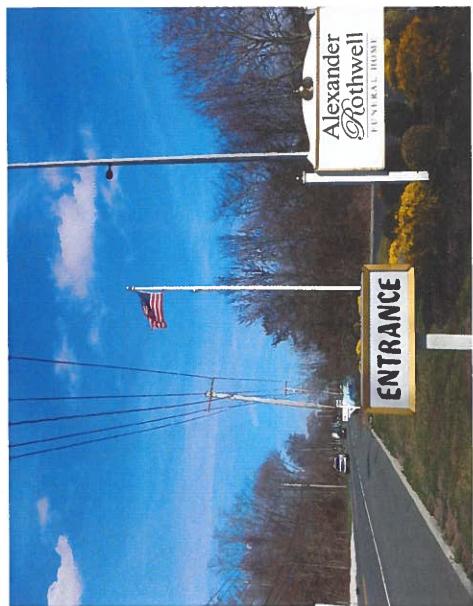
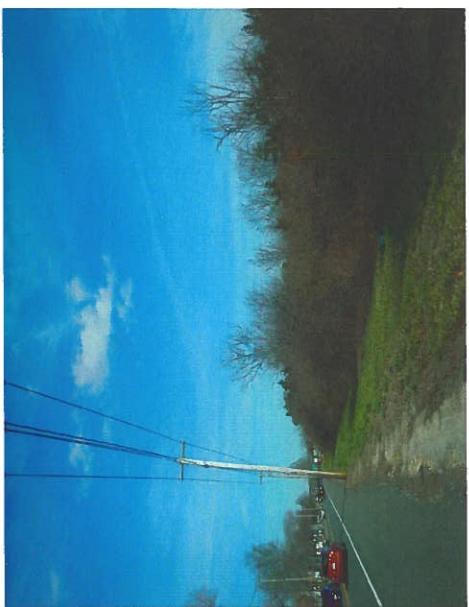


March 29, 2023 Venezia Square and vicinity













**STANDARDS AND GUIDELINES FOR LAND USE**  
Central Pine Barrens Comprehensive Land Use Plan (CLUP)

Standard (S)/Guideline (G)	Explanation and Document Page Reference (Attach additional sheets if necessary)	
<b>5.3.3.1 Nitrate-nitrogen</b>		
S 5.3.3.1.1	Suffolk County Sanitary Code Article 6 compliance The property is located in Groundwater Management Zone III, wherein the maximum allowed sanitary wastewater generation is 300 gallons per day (gpd)/acre, if an on-site septic system is used. For 6.34-acre subject site, this means that, the total wastewater generation of the project may not exceed 1,902 gpd. Based on the uses and yields proposed, and the applicable standards of the Suffolk County Sanitary Code (SCSC) Article 6 for wastewater system design, the project engineer has determined that the proposed project will generate a total of 1,900 gpd of sanitary wastewater daily. Thus, septic systems would be allowed under SCSC Article 6, and will be used; each of the five proposed buildings will be provided with an Innovative/Alternative Onsite Wastewater Treatment System (I/A OWTs). The proposed project will conform to SCSC Article 6 requirements for the treatment, handling and disposal of its sanitary wastewater. All wastewater will be treated and recharged to groundwater through facilities conforming to SCSC Article 6 requirements. Appropriate County approvals and permits will be obtained. The proposed project will not exceed SCSC Article 6 allowable flow.	
S 5.3.3.1.2	Sewage treatment plant discharge The proposed project will conform to SCSC Article 6 requirements; based on its standards, septic systems would be allowed for the proposed project, so that no STP is necessary. It is acknowledged that the project's effluent will be recharged within the Compatible Growth Area (CGA). However, the project will operate under the jurisdiction of the Suffolk County Department of Health Services (SCDHS) and in conformance with SCSC Article 6, thereby assuring that no impact to underlying groundwater quality will occur. Review of the orientation of the water table contours indicates that groundwater flows toward the north, away from the Central Pine Barrens. This implies that water recharged on this site does not (and would not in the future) flow into the CGA or the Core Preservation Area (CPA), where it could otherwise adversely impact groundwater in this critical region.	
G 5.3.3.1.3	Nitrate-nitrogen goal This guideline does not apply as the subject site is not in the "vicinity of ponds or wetlands" (CLUP, Chapter 5; Guideline 5.3.3.1.3). Nevertheless, based on the measures incorporated into the project that would tend to minimize potential nitrogen impacts to groundwater (i.e., conformance to SCSC Article 6, minimizing the area of fertilizer-dependent landscaping), the project is expected to generate an overall nitrogen concentration in recharge of 2.20 mg/l (see Attachments B-1 and B-2), which is less than the 2.5 mg/l concentration sought by this guideline even though it does not apply.	
<b>5.3.3.2 Other chemical contaminants of concern</b>		
S 5.3.3.2.1	Suffolk County Sanitary Code Articles 7 & 12 compliance These regulations concern water pollution control (Article 7) and storage of hazardous or toxic materials associated with industrial use (Article 12). The proposed project is consistent with SCSC Article 7 in that it will not store or use hazardous or toxic materials in excess of the quantities allowed. As the proposed project is not an industrial operation, SCSC Article 12 is not applicable. It is acknowledged that the proposed project will include the use, storage and handling of various chemicals (e.g., landscaping fertilizers, pesticides, etc., and cleaning agents for retail, office & restaurant maintenance, etc.). However, the project will provide for proper facilities for these substances, as well as procedures for their application by trained and certified personnel, as well as procedures for cleanup and disposal, in conformance with pertinent County and State regulations and professional standards.	
<b>5.3.3.3 Wellhead protection</b>		
S 5.3.3.3.1	Significant discharges and public supply well locations The subject property slopes downward slightly from northwest to southeast (see <i>Boundary &amp; Topographic Survey</i> ). The highest elevation of 125 feet above mean sea level (asl) is encountered at the northwest corner of the property while the lowest elevation is in the eastern portion. The elevation of groundwater beneath the subject property is approximately 35 feet asl, depending on meteorological conditions associated with the water year. Therefore, the depth to groundwater is approximately 93 feet. Test holes installed in 2006 by McDonald Geoscience to a depth of 17 feet did not encounter water. Therefore, sufficient vertical separation between the water table and the bottoms of the proposed leaching pools will be maintained to ensure proper performance of the on-site septic systems. The septic systems will be subject to the review and approval of the SCDHS. Review of the orientation of the water table contours indicates that groundwater flows toward the north, away from the CPB. This implies that water recharged on this site does not (and would not in the future) flow into the CGA or the CPA, where it could otherwise adversely impact groundwater in this critical region.	
G 5.3.3.3.2	Private well protection The proposed project is in accordance with SCSC Articles 6 and 7, and all sanitary recharge will flow in a northerly direction. As a result, sanitary recharge will flow in a direction away from that portion of the Riverhead Water District that would include public water supply wellfields, so that no impact to any such wellfield's zone of depression would occur.	
<b>5.3.3.4 Other</b>		
The proposed project is not expected to include the presence, use, generation, or disposal of toxic or hazardous materials, so SCSC Articles 7 or 12 permitting will not be necessary. The project will conform to the standards and requirements of SCSC Articles 6, and its sanitary wastewater will be treated and recharged via on-site sanitary systems that were designed, reviewed, approved, and operated under the jurisdiction of the County. This would tend to minimize the potential for adverse impact to any private wells that may be located in the downgradient direction. Further, reference to the Suffolk County Water Authority (SCWA) Distribution System maps indicates that the residential area to the south of the project site (the direction in which groundwater flows in the area) is served by public water from the Riverhead Water District. As a result, no impact to private wells from recharge associated with the proposed project would occur.		

		5.3.3.4 Wetlands and surface waters	
<b>S 5.3.3.4.1</b>	Nondisturbance buffers	N/A; there are no areas of designated or suspected Town-regulated freshwater wetlands on the project site or in the immediate vicinity; no impacts to this resource are expected, and no buffers are necessary or proposed. Please also refer to the Expanded EAF dated December 1, 2022.	
<b>S 5.3.3.4.2</b>	Buffer delineations, covenants and conservation easements	N/A; there are no areas of designated or suspected Town-regulated freshwater wetlands on the project site or in the immediate vicinity; no impacts to this resource are expected, and no buffers are necessary or proposed. Please also refer to the Expanded EAF dated December 1, 2022.	
<b>S 5.3.3.4.3</b>	Wild, Scenic & Recreational Rivers Act compliance	N/A; the project site is not within the regulated limits of any river under the jurisdiction of the WSRR Act. Please also refer to the Expanded EAF dated December 1, 2022.	
<b>G 5.3.3.4.4</b>	Additional nondisturbance buffers	N/A; there are no areas of designated or suspected Town-regulated freshwater wetlands on the project site or in the immediate vicinity; no impacts to this resource are expected, and no buffers are necessary or proposed. Please also refer to the Expanded EAF dated December 1, 2022.	
		5.3.3.5 Stormwater runoff	
<b>S 5.3.3.5.1</b>	Stormwater recharge	This standard requires that adequate drainage capacity be provided for retention and recharge of stormwater runoff generated on-site. There are no natural surface areas on or proximate to the proposed development area that could be used as part of the project's drainage system. In lieu of such features, the proposed project will utilize a combination of slopes on paved surfaces, catch basins and leaching pools to retain all runoff within the property for on-site recharge in a drainage system designed in conformance with Town requirements. The project's drainage system will not utilize a man-made pond. No runoff from developed surfaces will be allowed to exit the site, based on the stringent retention and design requirements of the Town. The project's drainage system will be subject to the review and approval of the Town engineering staff and the project will comply with SPDES GP 0-20-001 for stormwater project notification and preparation of a SWPPP (if applicable). The proposed stormwater design conforms to the intent of this standard. An erosion & sediment control plan will be prepared for the proposed project to ensure that impacts from soil erosion during and/or after the construction period do not occur.	
<b>G 5.3.3.5.2</b>	Natural recharge and drainage	There are no natural recharge areas on or near the site that can be used in the project's drainage system. As described above, in lieu of such features, the project will utilize a combination of slopes on paved surfaces, catch basins and leaching pools to retain all runoff within the property for on-site recharge; no recharge basin is proposed. The drainage system will distribute recharge of stormwater across the site and conforms with the intent of this guideline to the extent that it is applicable.	
<b>G 5.3.3.5.3</b>	Ponds	N/A; the proposed project does not include any surface ponds, whether for solely aesthetic or for a combination of aesthetic and stormwater control functions.	
<b>G 5.3.3.5.4</b>	Natural topography in lieu of recharge basins	N/A; the project does not include any recharge basins, and no natural topographic low points or swales are available to be utilized for stormwater runoff detention or recharge.	
<b>G 5.3.3.5.5</b>	Soil erosion and stormwater runoff control during construction	An erosion & sediment control plan will be prepared for the proposed project to ensure that impacts from soil erosion during and/or after the construction period do not occur. Additionally, if applicable, a SPDES GP 0-20-001 permit will be obtained prior to the onset of construction of the proposed project, and the project will comply with its requirements. The project will be subject to Town drainage requirements, engineering review, implementation of erosion control measures during construction, and measures to ensure that off-site sediment transport does not occur. The site is relatively flat and existing topography is not expected to result in off-site sedimentation.	
		5.3.3.6 Natural vegetation and plant habitat	
<b>S 5.3.3.6.1</b>	Vegetation Clearance limits	The project site is zoned Business CR, wherein the maximum allowed clearing is 65% which, for the 6.34-acre site, is 4.12 acres (conversely, a minimum of 35% of the site, or 2.22 acres, would have to be retained in its existing, naturally-vegetated state). The proposed project will clear 4.11 acres, or 64.83% of the site, and retain 2.23 acres (35.2%) of the site. As a result, the project will conform to this standard.	
<b>S 5.3.3.6.2</b>	Unfragmented open space	This standard concerns preservation of natural vegetation in large unbroken blocks to establish open spaces contiguous to on-site and, if possible, off-site property. The project will retain the entire southern third of the property, in such a condition, which reflects the character of the abutting land to which it will be contiguous, thereby forming an open space continuum as intended by this standard.	
<b>S 5.3.3.6.3</b>	Fertilizer dependent vegetation limit	No more than 15% of a project site shall be established in fertilizer-dependent vegetation. As the project site is a total of 6.34 acres in size, up to 0.95 acres of landscaping that requires fertilization may be planted on this site. Based on the Site Plan, total of 0.96 acres of landscaping are proposed. Of this landscaped area, a maximum of 0.86 acres will be fertilized; therefore, the project will conform to this standard on fertilized acreage. Final site plans will ensure that less than 15% of the site is established in fertilizer-dependent vegetation. None of the non-native species listed in Figure 5-2 of the CLUP will be used as part of the project's final site plan landscape design plans.	
<b>S 5.3.3.6.4</b>	Native Plantings	More than 35% of the site will remain in its current vegetated state. Landscaping will primarily include grass species and typical shrub/tree plantings in the vicinity of the building. Landscaping will consider the species listed in Figure 5-2 of the CLUP to the maximum extent practicable. None of the non-native species listed in Figure 5-2 of the CLUP will be used as part of the project's final site plan landscape design plans.	

<b>5.3.3.7 Species and communities of special concern</b>	
<p>The property is presently comprised of 6.34 acres of successional old field previously utilized for farming practices. The site was cleared of natural vegetation by virtue of its past use as farmland; no significant vegetation or habitats are present on the subject property. Information on the potential presence of rare, threatened, endangered or special concern species that may inhabit or use the subject site was solicited from the NYS Natural Heritage Program (NYSNHP); the response is provided in <b>Appendix C</b>. The endangered Tiger Salamander was identified as being present in ponds approximately ½ mile from the project site. The species would have no association with the site due to the following:</p> <ul style="list-style-type: none"> <li>• The species travels upland from vernal ponds typically in the range of 535 feet, but sometimes just over 1,000 feet. The location (1/3 mile away) is more than 1,700 feet from the subject site and as a result, migration to the property is not expected.</li> <li>• There is intervening development south of the site between the Tiger Salamander breeding pond and the subject site.</li> <li>• The site does not contain optimum upland sandy soil, pine barrens habitat for mole habits of the Tiger Salamander.</li> </ul> <p>As a result, no impact is expected with respect to the Tiger Salamander. Finally, it should be noted that not all of the site's existing natural habitat will be removed; an estimated 2.24 acres of successional old field vegetation (35.3% of the site, in conformance with the CLUP Standard 5.3.3.6.1) will remain. This will enable the site to continue to support wildlife and plant life.</p>	
<b>G 5.3.3.8.1</b>	Special Species and Ecological Communities
<b>G 5.3.3.8.1</b>	Clearing envelopes
<b>G 5.3.3.8.2</b>	Stabilization and erosion control
<b>G 5.3.3.8.3</b>	Slope analysis
<b>G 5.3.3.8.4</b>	Erosion and sediment control plans
<b>G 5.3.3.8.5</b>	Placement of roadways
<b>G 5.3.3.8.6</b>	Retaining walls and control structures
<b>G 5.3.3.9.1</b>	Receiving entity for open space dedications
<b>G 5.3.3.9.2</b>	Clustering
<b>G 5.3.3.9.3</b>	Protection of dedicated open space

N/A; this Guideline refers to establishment of clearing envelopes for individual lots within a subdivision; as the proposed project does not include a subdivision, this guideline does not strictly apply. Additionally, as the subject site was previously cleared and graded for use as agricultural fields, no natural slopes (whether in excess of 10% or not) remain on it.

N/A; this Guideline refers to implementing erosion control measures associated with development of individual homes; as the proposed project is commercial in nature and does not include a subdivision, this guideline does not strictly apply. Nevertheless, an Erosion & Sediment Control Plan will be prepared as part of the site plan application for the project. Erosion prevention measures to be taken during construction may include: use of groundcovers (vegetative or artificial), drainage diversions, soil traps, minimizing the area of soil exposed to erosive elements at one time, and minimizing the time span that soil is exposed to erosive elements. Soil removed during grading and excavation will be used as backfill (if it displays acceptable bearing capacity and leaching characteristics) to produce acceptable slopes for construction. The proposed stormwater design conforms to the intent of this standard.

Applicable Town of Riverhead standards and construction practices specified by the appropriate Town agencies will be followed. Conformance to the Town Code and to the requirements of NYSDEC SPDES review of stormwater control measures may be necessary, to be consistent with Phase II stormwater permitting requirements for construction sites in excess of 1-acre (the SPDES GP-0-20-001 permit; hereafter, the General Permit), if applicable.

A slope interval map has been prepared depicting slope intervals of 0-10%, 10-15% and greater than 15% (see Figure 8 of December 1, 2022 Expanded EAF). As shown, there are only small areas of steep slopes (i.e., in excess of 10% and 15%) on the subject site, and these are located along the northern and the western property lines, in areas of the site that will not be disturbed.

N/A; only small areas of slopes in excess of 15% are found on the project site. The potential for erosion to occur during construction or after construction is completed will be controlled by implementing a SWPPP, which will include engineered Erosion Control Plans within the Site Plan review.

N/A; only small areas of slopes in excess of 10% are found on the project site.

N/A; There are only small areas of acres of steep slopes (i.e., in excess of 10% and 15%) on the subject site, and these are located along the northern and the western property lines, in areas of the site that will not be disturbed. As only small areas of slopes in excess of 10% are found on the subject site, no use of retaining walls or control structures for the project's parking areas or buildings is foreseen. The site plan to be reviewed by the Town Planning Board will include site grading and drainage. All grading is subject to Town engineering review and is typical of the developed portions of a commercial site with minimal topographic relief.

N/A; the proposed project does not include any dedications of land for public open space purposes. The 2.23 acres of retained naturally-vegetated land on-site will remain in private ownership, to be preserved under binding covenant.

While the proposed project does not specifically incorporate clustering of the structures, the portion of the site to be developed has preferentially been located in the northern and central parts of the site, to minimize the area developed and thereby meet the CLUP Clearing Standard.

The Applicant will participate in the preparation of a covenant to permanently protect the naturally-vegetated portion of the site, to remain under private ownership if required. Otherwise, the approved site plan is binding and will ensure preservation of the remaining natural areas on the site.

5.3.3.10 Agriculture and horticulture		
<b>G 5.3.3.10.1</b>	Best Management Practices	N/A; the project is commercial in nature, and does not include any agricultural or horticultural components.
<b>5.3.3.11 Scenic, historic and cultural resources</b>		
<b>G 5.3.3.11.1</b>	Cultural resource consideration	Site inspections have not revealed the existence of any recreational or educational trails or trail corridors, or active recreation sites, on the project site. The Archaeological Investigation prepared for the proposed project did not reveal the presence of any cultural resources on the subject site. In consideration of the above, it may be concluded that the proposed project will not impact any scenic, historic or cultural resources.
<b>G 5.3.3.11.2</b>	Inclusion of cultural resources in application	N/A; the Archaeological Investigation prepared for the project site (see <a href="#">Appendix D-1</a> ) does not indicate the presence of any cultural resources. Further, in <a href="#">Appendix D-2</a> , the NYS OPHP confirms that no impact to cultural resources is anticipated from the proposed project.
<b>G 5.3.3.11.3</b>	Protection of scenic and recreational resources	Project design will retain buffers of natural vegetation along the site's southern and western boundaries, which will reduce potential adverse visual impacts for observers in these directions. Due to the commercial nature of the project, the small size of the site, and the presence and proximity of other, complementary commercial sites to the north and the east, it is not feasible to retain buffers of natural vegetation in these directions as well. It is noteworthy that the decision to maintain natural buffers to the south and to the west (by placing the developed area in the northern portion of the property) reflects the applicant's decision to maximize protection of aesthetics for observers in these directions (where development is less prevalent), as opposed to the north and the east, where development already exists. The northern setback area will be landscaped appropriately, using species approved in the CLUP, Figure 5-2. The project's buildings and amenities will employ an attractive architectural treatment and complementary landscape design that would be consistent with the aesthetics of the area and congruent with the surrounding land uses.
<b>G 5.3.3.11.4</b>	Roadside design and management	The project's developed area has been located so as to provide for the maximum practicable retention of natural vegetation as buffers to the more sensitive receptors (i.e., to the south and to the west), recognizing that the existing pattern of development along NYS Route 25A (to the east and north) precludes protection of scenic resources along this commercial corridor. Finally, plantings of landscape species around and within the developed area will add to the buffering effect of natural vegetation, reducing the potential adverse impact on scenic resources and community character.
<b>5.3.3.12 Commercial and industrial development</b>		
<b>S 5.3.3.12.1</b>	Commercial and industrial compliance with Suffolk County Sanitary Code	The proposed project complies with all applicable requirements of the SCSC, including Articles 6, 7 and 12, as well as with all applicable requirements of the SCDHS. The project has been designed to comply with the applicable bulk and setback requirements of the Town Code for the CR Business zone.

