



**Central Pine Barrens Joint Planning and Policy Commission
Commission Meeting of April 16, 2025
Southampton Town Hall**

Decision to Approve

Town of Brookhaven Sewer District #2 Plant Expansion
Compatible Growth Area Hardship Waiver Application
60 Ramsay Road, Yaphank, Town of Brookhaven
Suffolk County Tax Map Numbers
200-554-3-4.40 and 4.53

Present: Ms. Juengst, for the Suffolk County Executive
Ms. DiBrita, for the Brookhaven Town Supervisor
Mr. Hubbard, Riverhead Town Supervisor
Ms. Moore, Southampton Town Supervisor

Timothy C. Hubbard
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

I. The Project, Application, and Project Site

Brookhaven Town, the Applicant, owns property located at 60 Ramsay Road in Yaphank hamlet, south of Long Island Expressway (LIE) and east of William Floyd Parkway, in the industrial subdivision known as R & D Plaza (the Plaza). The property is in the Light Industrial 1 (L-1) Zoning District. The Applicant is represented by Tony Leung of IMEG.

The 4.28 acre Project Site includes two tax parcels (Suffolk County Tax Map Number 200-554-3-4.40 and 4.53) which are separated by a Town owned parcel that contains a recharge basin. Presently, the parcel identified as SCTM Number 200-554-3-4.40 contains a 200,000 gallon per day tertiary sewage treatment plant (STP) and 40 leaching pools. The STP was constructed around 2010. The other parcel identified as SCTM Number 200-554-3-4.53 is undeveloped and wooded with pine barrens vegetation. The Site, containing both parcels, is cleared to a limit of 54%, or 2.32 acres. The Town has requested a Hardship Exemption allowing it to clear 81%, or 3.45 acres of the undeveloped parcel.

The Project involves a two-phased expansion of the existing Brookhaven Sewer District #2 STP from a 200,000 gallon per day capacity to a 400,000 gallon per day capacity with 80 additional leaching pools to meet current Suffolk County requirements. Phase I involves construction of 40 pools and Phase 2 involves construction of the remaining 40 pools. STP effluent from existing and future land use development in the Plaza will be treated by the Project. The Site Plan prepared by Cameron Engineering, an IMEG Company, last dated September 24, 2024, depicts the Project.

The Applicant requires the Commission's approval because the Project is in the Compatible Growth Area of the Central Pine Barrens as defined by the Long Island Pine Barrens Protection Act of 1993 and the activity constitutes development as defined in Article 57 of the New York State Environmental Conservation Law. The Project does not conform with the Vegetation Clearance Limit Standard, 5.3.3.6.1, and Open Space Standard, 5.3.3.6.2, outlined in the Plan and implemented in the Town Code, therefore a CGA hardship waiver is required to clear more than the maximum allowable limited listed in the Plan and the percentage of Open Space required cannot be met.

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

The 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 land use activities within the specially designated Central Pine Barrens Area. The Commission has jurisdiction over development in the Central Pine Barrens area as such term is defined in the Act. Development includes 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.” In 1995, the Commission adopted the Central Pine Barrens Comprehensive Land Use Plan (the Plan), last revised April 19, 2023. In the Plan are Standards and Guidelines to govern development in the Central Pine Barrens.

The Act provides the Commission jurisdiction to review and approve the hardship waiver. Development must conform with the Plan’s Standards that became effective on July 19, 2024, or receive an extraordinary hardship exemption to proceed.

III. The Project Site and Materials Submitted to the Commission

On November 4, 2024 the Applicant submitted to the Central Pine Barrens Joint Planning and Policy Commission a Compatible Growth Area Hardship Waiver Application for the Project. It contained a review of Standards of the Comprehensive Land Use Plan, a Full Environmental Assessment Form Part 1, SEQR Coordination with EAF addendum dated July 24, 2008 when the sewer district was established and a State Pollutant Discharge Elimination System (SPDES) Discharge Permit signed March 4, 2016.

On January 9, 2025, the Applicant provided updated information including a cover letter and a Hardship Waiver Application with Site Plan.

IV. Public Process

On December 18, 2024, the Commission granted a one-month extension and scheduled a public hearing for February 19, 2025. At the public hearing, a Commission Staff Report with six Exhibits A through F were introduced into the record. The Staff Report defined a Study Area that extends one half mile from the site in all directions that identifies the land use and zoning categories found in this area.

At the February 19 Hearing, the Commission received sworn testimony from the Applicant’s representatives who also provided a PowerPoint presentation.

A stenographic transcript was made of the Hearing and on February 27, 2025, the Applicant submitted additional information and addressed comments in the Staff Report. This included a letter addressing the hardship criteria described in Town Law Section 267-b, and clarified total site acreage, clearing and natural acreage, and provided two maps that depicted the phased development. A 14-day written comment period was provided. No written comments were received. On March 14, 2025, a request for a one-month decision deadline extension was received from the Applicant.

At the regular meeting of the Commission on March 19, 2025, staff provided an update of the project and the Commission extended the decision deadline to April 16, 2025.

V. The Study Area

The Staff Report defined a Study Area which analyzed, in general the land use and ownership of property

within a one half mile radius of the Project Site. Area. The Town recharge basin parcel bisects the Project Site and is not part of the Project. More particularly, the Study Area is roughly bound on the north side by the federal-owned land within the Core Preservation Area just north of the Long Island Expressway. The east and southern boundaries of the Study Area extend beyond the Compatible Growth Area (CGA) to Sleepy Hollow Drive and Waldorf Drive. The area is bound on the west by Precision Drive and Ramsay Road, both within the CGA.

The Project Site is in an industrial subdivision known as R & D Plaza (the Plaza). The Plaza was a 238 acre property approved in 1982. Industrial and commercial uses have been developed on parcels in the Plaza while other lots are presently vacant. The Town assembled one undeveloped wooded lot and one lot developed with the existing STP to create the Project Site.

Land uses immediately adjacent to the site are industrial with an Amazon Delivery Station to the north on the west side of Ramsay Road and Precision Drive and a Tate's Bake Shop warehouse on the east side of Ramsay Road and Precision Drive. Open space is adjacent to the west of the Project Site, and to the south is the Long Island Railroad.

Beyond the site's immediate boundaries, land uses within the Study Area include industrial, commercial, vacant, institutional, low and medium density residential. Parcels of town-owned open space are scattered throughout the residential area. Zoning Districts in the Study Area include L Industrial 1, A Residence 1 and J Business 8.

Within the Study Area, a number of projects have been reviewed by the Commission that received hardships or other determinations including:

1. Long Island Fisherman received a CGA Hardship for clearing relief on 200-584-1-4.028 that was granted on March 18, 1999.
2. Flowerwood Development Corp. received a CGA Hardship for clearing relief on 200-584-1-4.31 and 4.32 that was granted on January 15, 2003, and again on May 19, 2004 for 200-584-1-4.23, 4.24, 4.31, and 4.32.
3. For Acres Realty received a CGA Hardship for clearing relief on 200-554-3-4.32 that was granted on January 21, 2004.
4. RD Industrial received a CGA Development of Regional Significance approval on 200-554-3-4.41, 4.45, and 4.46 that was granted on February 3, 2022.
5. The MTA LIRR received a CGA application for conformance approval on 200-554-1-2.1 that was granted on October 16, 2024. This site is just outside the eastern boundary of the Study Area.

VI. State Environmental Quality Review Act (SEQRA) and Other Agency Jurisdictions

The Town of Brookhaven completed the State Environmental Quality Review Act (SEQRA) process for the establishment of Sewer District #2 and collection system, which included the existing STP. The Action was classified as a Type I which received a Negative Declaration on August 5, 2008.

On July 3, 2008, the Central Pine Barrens Commission responded to the Town of Brookhaven's request for comments on the SEQRA Lead Agency Coordination for the creation of the Town of Brookhaven Sewer District #2 and the construction and maintenance of a 200,000 gallon per day Tertiary Sewage Treatment Plant and collection system. The Commission did not object to the Town assuming lead agency and defined the proposal as development that must conform to the provisions of the Plan, and NYS Environmental Conservation Law Article 57.

On August 5, 2008, the Town of Brookhaven adopted Resolution No. 715-08 that classified the Project as a Type I Action and issued a Negative Declaration.

The Commission classified Project as an Unlisted Action and did not coordinate its review. The Commission prepared Environmental Assessment Form Parts 2 and 3. No significant adverse environmental impacts were identified.

The Commission requested information from the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) on whether the Project would impact State listed historic or prehistoric resources. OPRHP replied on January 16, 2025 that no properties, including archaeological and/or historical resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by the Project.

The Project requires additional permits or approvals from other involved agencies including the Town of Brookhaven, New York State Department of Environmental Conservation (NYSDEC) SPDES permit, Suffolk County Department of Health Services (SCDHS) Articles 6, 7 and 12, and Suffolk County Department of Public Works (SCDPW) approval.

VII. The Application

Pursuant to the Act, to determine whether an Applicant has demonstrated the existence of a hardship, the Commission considers, among other things, the criteria set forth in New York State Town Law §267-b, whether the Project is consistent with the purposes and provisions of the Act and whether the Project will result in a substantial impairment of the resources of the Central Pine Barrens area and the criteria in ECL §57-0123(3)(b).

The Applicant did not directly address a reasonable return or lack thereof as demonstrated by competent financial evidence but expressed the project will bring the existing STP into compliance with the SCDPW and SCDHS standards.

The Applicant states the hardship relating to the property in question is unique since “the STP has been in existence within the industrial subdivision, R & D Plaza, for more than twelve years treating wastewater generated therein.” The hardship does not apply to a substantial portion of the district or neighborhood because “the issue is unique to the STP and does not apply to substantial portion of the sewer district.”

The Application states that the Project would not alter the essential character of the neighborhood as the sewer district is located within an industrial subdivision. Additionally, a natural roadside buffer of at least 30' wide will be retained on the Project Site. Where open space is adjacent to the west, the Plan connects open space uses. The Project’s industrial land use is consistent with the existing zoning district and permitted uses; no Town Board action is needed such as a change of zone that deviates from the Town Code. The Project is consistent with the existing character of the area, uses, and generally conforms to its surroundings and pattern of development and land uses.

At the end of Phase 2, a total of 81% (3.45 acres) of the Project Site’s existing natural vegetation will be cleared. An area of 19% (0.83 acres) will remain natural open space connected to the adjacent open space on the neighboring parcel. The layout protects terrestrial ecological communities and succeeds in connecting open space, which will add to open space connectivity in the immediate area. Project benefits include improved water quality through wastewater treatment and the reduction of nitrogen impacts to groundwater to meet Suffolk County and New York State’s nitrogen reduction action plan.

The Applicant states the hardship was not self-created since the STP is required to have 80 leaching pools to support the existing treatment demand, per SCDPW and SCDHS requirements. Forty leaching pools were installed when the STP was constructed with the understanding that the remaining 40 pools would be

installed when funding became available. SCDPW and SCDHS require land to be set aside to expand capacity to an additional 40 leaching pools, which is included as Phase 2 in the Project. The total number of leaching pools is 120 including 40 existing pools, 40 pools in Phase 1 and 40 pools in Phase 2. Both phases are to take place on the fully wooded lot identified as SCTM Number 200-554-3-4.53.

The Applicant proposes to mitigate the impacts associated with the Project in several ways. First, construction of the Project will occur in two phases. After construction of Phase 1, clearing for Phase 2 will not occur until this phase is ready to be constructed in order to retain natural habitat as long as possible.

Per the New York Natural Heritage Program's response dated March 12, 2025, the Project Site is in "the vicinity of rare or state-listed animals and plants, and significant natural communities." This includes the State-listed threatened Frosted Elfin (*Callophrys irus*) and Federal and State-listed endangered species, Northern Long-eared Bat (NLEB) (*Myotis septentrionalis*). The Applicant is required to coordinate with the NYSDEC to demonstrate conformance with the protection of listed species and their habitats. Clearing in Suffolk County will only occur from December 1 through February 28, per NYSDEC guidance for the NLEB.

VIII. Conformance Review of Project with Plan Standards and Impact on Goals of the Plan

Commission review of the Application requires a Project to demonstrate conformance with the Standards set forth in Volume 1, Chapter 5 of the Plan. If the Project does not conform with one or more provisions, and is not modified to conform, the Act authorizes the Commission, by majority vote, to waive strict compliance with the Plan upon finding that such waiver is necessary to alleviate a demonstrated hardship.

Standards that do not apply to the Project are noted in the review. This review identifies where conformance is deferred to other agencies that regulate uses and activities to protect public health, water and natural resources. The Applicant must adhere to applicable regulations and permit requirements of other agencies.

The following sections evaluate the potential impacts of the Project based on the complete information submitted by the Applicant and conformity with the Plan's Standards. The Applicant will obtain any and all applicable permits to conform with Standards of the Plan.

A. Water Resources

The Plan's Standards related to water resources are identified below. Also included is a discussion of the Project's potential impacts to water resources, mitigating measures and conformance to the applicable standards.

1. Sanitary waste, nitrate-nitrogen and other chemicals of concern

a. Standard 5.3.3.1.1 Suffolk County Sanitary Code Article 6 compliance

The Project is the expansion of an existing sewer district. It is expected that the Applicant will satisfy the procedural requirements of the SCDHS. Conformance of the Project with this standard is conditioned on the Applicant obtaining SCDHS approval of Article 6 compliance.

b. Standard 5.3.3.1.2 Sewage treatment plant discharge

The Application included State Pollutant Discharge Elimination System (SPDES) Discharge Permit Number NY-0277827 shown valid from October 1, 2014 through September 30, 2024. The Applicant must renew the permit and satisfy any additional requirements of the NYSDEC and SCDHS. The conformance of the Project with this standard is conditioned on the Applicant obtaining SCDHS and NYSDEC approvals.

c. Standard 5.3.3.1.3 Suffolk County Sanitary Code Articles 7 and 12 compliance

The Project is required to satisfy the requirements of the Suffolk County Sanitary Code as per this standard. The conformance of the Project with this standard is conditioned on the Applicant satisfying SCDHS compliance with the Sanitary Code.

d. Standard 5.3.3.1.4 Commercial and industrial compliance with Suffolk County Sanitary Code

The Project will conform with County Sanitary Code provisions that apply to industrial development and uses and intended to protect water and environmental resources from pollution and contamination.

2. Wellhead and groundwater protection

a. Standard 5.3.3.3.1 Significant discharges and public supply well locations

No significant discharges are proposed in groundwater contributing areas of existing public water supply well field locations. The Project conforms with Standard 5.3.3.3.1.

3. Wetlands and surface waters

No regulated wetland habitat exists in proximity to the Project Site and the site is not within the WSRR jurisdiction. Therefore, this section is not applicable.

a. Standard 5.3.3.4.1 Nondisturbance buffers – Not applicable

b. Standard 5.3.3.4.2 Buffer delineations, covenants, and conservation easements – Not applicable

c. Standard 5.3.3.4.3 Wild, Scenic and Recreational Rivers Act compliance – Not applicable

4. Stormwater runoff

a. Standard 5.3.3.5.1 Stormwater recharge

Stormwater runoff will be retained on the Project Site and managed through recharge to groundwater and containment systems.

To conform with this Standard the Project must comply with an approved Stormwater Pollution Prevention Plan (SWPPP). The conformance of the Project

with this Standard is conditioned on the Applicant obtaining all necessary approvals for the SWPPP.

- b. Standard 5.3.3.5.2 Natural recharge and drainage – Not applicable*
- c. Standard 5.3.3.5.3 Ponds – Not applicable*
- d. Standard 5.3.3.5.4 Natural topography in lieu of recharge basins – Not applicable*
- e. Standard 5.3.3.5.5 Soil erosion and stormwater runoff control during construction – Not applicable*

B. Land Use and Ecology

The Central Pine Barrens Development Standards concerning natural vegetation and plant habitat are set forth below along with a discussion on potential impacts to natural vegetation and plant habitat, mitigating measures and conformance with applicable standards and guidelines.

1. Natural Vegetation and Plant Habitat

- a. Standard 5.3.3.6.1 Vegetation clearance limits*

An estimated 1.13 acres of natural vegetation will be removed for the Project. To conform with the standard, the maximum clearing limit is 60% (2.57 acres) of the Project Site. The clearing limit is based on the non-residential zoning category that allows a maximum of 60% of a site to be cleared in this zoning category.

The Project Site is currently cleared to 54% (2.32 acres). The Applicant seeks a waiver to clear 0.88 acres in addition to the allowable amount of 2.57 acres to achieve clearing 81% (3.45 acres) of the Project Site.

Clearing and construction of the Project will occur in two phases. During Phase 1, Phase 2 will remain in its natural state until Phase 2 capacity is needed. The purpose of a phased clearing plan is to keep the natural vegetation and habitat for use by flora and fauna on the Project Site for as long as possible until it is necessary to develop Phase 2.

Phase 1 includes clearing 0.67 acres for the installation of 40 leaching pools to satisfy the current 80-pool SCDPW requirement. Phase 2 includes clearing 0.46 acres for the installation of an additional 40 leaching pools to satisfy the 120-pool SCDPW expansion requirement. Total clearing in the two phases is 1.13 acres. Combined with the existing cleared area of 2.32 acres, the Project Site will be cleared to a limit of 81% (3.45 acres).

Snow fencing will be installed to delineate the clearing limit in Phase 1 and to fence off the Phase 2 area to ensure it is completely retained as natural until to be necessary to develop.

- b. Standard 5.3.3.6.2 Open space standard requirement, unfragmented open space and habitat*

An estimated 0.83 acres of natural vegetation will be retained as natural open space for the Project. To conform with the standard, the minimum open space is 40% (1.71 acres) of the Project Site. The open space requirement is based on the non-residential zoning category which requires a minimum of 40% of open space to be retained.

The Applicant seeks a waiver to clear 81% (3.45 acres) of the Project Site and retain 19% (0.83 acres) as natural open space. The area to remain natural will include a roadside buffer and on the west side of the Project Site adjacent to natural open space on the neighboring lot. For the reasons discussed, the benefits of the Project outweigh the adverse impacts created by the Application.

c. Standard 5.3.3.6.3 Fertilizer-dependent vegetation limit – Not applicable

No landscape details are associated with the Project. By limiting the application of fertilizer, the Project minimizes adverse impacts to ground and surface water resources. To conform with the Plan, no more than 15% of the Project Site may be placed in fertilizer dependent vegetation without a hardship.

d. Standard 5.3.3.6.4 Native Plantings – Not applicable

No new planting details are associated with the Project. Salvaging and reusing soils and vegetation including trees, shrubs and natural groundcover that is removed during construction is strongly encouraged to revegetate the site in areas that need to be landscaped. Trees and shrubs cannot be planted in leaching field areas but may be useful on the perimeter to screen the site to supplement the natural vegetation roadside buffer that is to be retained. Native groundcovers including bearberry, lichens and mosses as well as grasses may be reused in areas that need to be regularly mowed and maintained.

e. Standard 5.3.3.6.5 Receiving entity and protection for open space areas

Upon completion of Phase 2, 19% (0.83 acres) of the site will remain as natural open space. No dedications are included in the Project.

2. Species and Communities of Special Concern

a. Standard 5.3.3.7.1 Special species and ecological communities

The Applicant commits to protect the State-listed threatened Frosted Elfin and New York State and Federally-listed Endangered Species, the Northern Long-eared Bat and its habitat. Therefore, clearing will occur only from December to February of any given year to recognize and protect this species. No clearing will occur from March to November of any given year.

Conformance of the Project with this Standard is conditioned on the Project's adherence to regulatory protection requirements of NYSDEC and Brookhaven Town.

b. Standard 5.3.3.7.2 Bird conservation and protection – Not applicable

This standard is not applicable since no buildings are proposed in the Project that have glass surfaces that could interfere with the bird protection goals outlined in this standard.

C. Other Resources

1. Dark sky compliance

Standard 5.3.3.9.1 Light pollution prevention

The Project will conform with the Brookhaven Town dark skies lighting code to protect resources, conserve energy and reduce excessive nighttime lighting.

2. Scenic, historic and cultural resources

Standard 5.3.3.11.1 Tall structures and scenic resources – Not applicable

This standard applies to projects not subject to local municipal review and is therefore not applicable.

IX. The Commission Review of the Act's Extraordinary Hardship Criteria and Findings

The Commission has considered all of the materials submitted in connection with the Application including the transcript of the public hearing.

The Commission finds the Applicant has established the existence of a hardship because the Project is unique and does not apply to a substantial portion of the district or neighborhood. The Applicant's ownership of multiple parcels assembled for the Project provides a unique opportunity to expand the existing STP. The size and scale of the Project is unique in its opportunity to support and treat the wastewater generated existing STP at Sewer District #2 was approved by the County for 80 leaching pools with 40 pools installed in 2009 with the understanding that the remaining 40 pools would be installed when funding became available. Phase 1 develops 40 pools to meet the 80 leaching pool County approval. Phase 2 requires an additional 40 leaching pools to be developed for future expansion. The Project brings the sewer district into compliance and allows for the phased development to meet Suffolk County requirements.

The Project is not inconsistent with the purposes and provisions of ECL Article 57 Section 57-0123(3)(b) and would not result in substantial impairment of the resources of the Central Pine Barrens area. The Project supports the protection of groundwater quality, a goal of the Act and as provided in Section 57-0121(4)(b) of the Act through the expanded capacity of wastewater treatment and expected improvement in the reduction of elevated nitrogen concentrations in groundwater.

The Project discourages piecemeal and scattered development to expand at an existing town-owned STP and supports regional growth by accommodating existing and future development in the subdivision. It supports improved economic and environmental conditions through the expansion of wastewater treatment infrastructure that seeks to protect the pine barrens environment including groundwater quality from individual and cumulative adverse impacts. Sewage treatment is expected to reduce nitrogen concentrations discharged to groundwater. The Project provides an opportunity to meet Suffolk County and New York State's nitrogen reduction action plans and support the growth through improved environmental conditions.

The Commission hereby determines that the Applicant has demonstrated it meets and satisfies the criteria for a CGA Hardship pursuant to the Act because the Project is unique and is designed in a compact and

efficient pattern on a Project Site in an industrial zoning district and in a commercial/industrial subdivision. The Project will not alter the essential character of the neighborhood and does not apply to a substantial portion of the neighborhood.

The Commission hereby determines that the Applicant has demonstrated the Project meets and satisfies the criteria for a CGA Hardship pursuant to the Act, that the alleged hardship has not been self-created because the Project will to satisfy existing and projected development in the R & D Subdivision as envisioned when initially approved by Suffolk County.

X. Conclusion

The Commission determines that the Project as depicted in the Site Plan prepared by Cameron Engineering, an IMEG Company, dated September 24, 2024, and Figure 5 – Phase Map, dated February 26, 2025 complies with Standards and Guidelines except for compliance with Standards 5.3.3.6.1 and 5.3.3.6.2. The Commission finds that the Applicant has established an extraordinary hardship exists and therefore grants an extraordinary hardship exemption for the reasons set forth above.

The Commission issues a Negative Declaration for the Project pursuant to the SEQRA regulations.

The Commission further imposes the following conditions on the Project:

Other agency approvals and permit requirements

The Project requires satisfaction of the requirements of other agencies including the Town of Brookhaven, Suffolk County Department of Health Services and the New York State Department of Environmental Conservation. The Applicant must seek and obtain other agency review and permit approvals, including but not limited to:

1. Suffolk County Department of Health Services approval for Article 6
2. Suffolk County Department of Health Services approval for the Sewage Treatment Plant
3. Suffolk County Department of Health Services for Articles 7 and 12
4. Suffolk County Department of Public Works
5. Brookhaven Town Engineer approval of the Stormwater Pollution Prevention Plan (SWPPP)
6. New York State Department of Environmental Conservation approval of the SWPPP
7. New York State Department of Environmental Conservation approval including a Stormwater Pollution Discharge Elimination System (SPDES) permit

Conditions

1. Approval of a waiver for the two-phased development of the site is granted where upon completion of both phases, 81% (3.45 acres) of the site will be cleared for the Project and 19% (0.83 acres) of the Project Site will remain in its existing vegetated state as natural open space.
2. No change in the Project is allowed without review by the Commission and subject to the provisions of ECL Article 57 and the Comprehensive Land Use Plan.
3. Protect large trees in the cleared area where feasible particularly on the road front to naturally buffer and visually screen the facility. Avoid removal of large trees and natural vegetation wherever possible including areas that may serve as natural buffers to visually screen the facility. Flag trees to remain prior to site disturbance and maneuver around large trees where possible.
4. No disturbance of the Project Site unless and until all permits and approvals have been received.

5. Salvage and reuse natural plant material for use in landscaping and revegetating the site when and where feasible.
6. Prior to site disturbance, walk the Project Site to identify and avoid cutting trees, if feasible, that contain nests of large raptors including owls, hawks, bald eagles, and osprey and terrestrial animals including box turtles or other rare and unique wildlife.
7. Protect the New York State and Federally-listed Endangered species and the habitat for the Northern Long-eared Bat (NLEB).
 - a. Clear trees and other vegetation only from December through February of any given year.
 - b. Avoid clearing trees and other vegetation from March to November of any given year.
8. Phased development
 - a. Prior to site disturbance, submit the Phase 1 and Phase 2 development plans.
 - b. Prior to commencing physical site disturbance in Phses 1 and 2, install snow fencing. When construction is complete in each phase, remove snow fencing.
 - c. Phase 1
 - i. The installation of 40 leaching pools east of the new access road to be developed on SCTM parcel number 200-554-3-4.53 to conform with the current 80-pool SCDPW requirement. Phase 1 will clear 16% (0.67 acres) with 30% (1.29 acres) to remain natural.
 - ii. Install snow fencing on the boundary of the Phase 1 construction site prior to clearing to avoid disturbance outside of this clearing envelope. Remove snow fencing when construction is complete.
 - iii. Delineate area in Phase 2 to avoid disturbance during Phase 1 and to avoid disturbance outside of each development phase, which is the area, 0.83 acre of the Project Site, to permanently remain natural and not disturbed in Phase 1 or 2.
 - iv. Clearing may occur only in the limits of Phase 1.
 - v. Clearing may occur only in the timeframe from December to February of any given year to protect NLEB and its habitat.
 - vi. Clear only for Phase 1 after the Project receives all required approvals. No clearing may occur in advance of approvals and permits.
 - vii. Retain the Phase 2 project area in its natural state until it needs to be cleared and developed for this phase.
 - d. Phase 2:
 - i. Prior to physical disturbance for Phase 2, ensure Phase 1 conditions are met.
 - ii. Retain Phase 2 in a natural state until development is necessary.
 - iii. The installation of an additional 40 leaching pools west of the new access road to be developed on SCTM parcel number 200-554-3-4.53 to conform with the 120-pool SCDPW expansion requirement.
 - iv. Prior to site disturbance in Phase 2, install snow fencing on the boundary of the Phase 2 construction site to avoid disturbance outside of this clearing envelope. Remove snow fencing when construction is complete.
 - v. Phase 2 will clear 11% (0.46 acres). At the end of Phase 2, 19% (0.83 acres) of the Project Site will remain natural.
 - vi. Clearing may occur only in the limits of Phase 2 during the construction of this phase.
 - vii. Clearing only in the timeframe from December to February of any given year.
 - viii. After Phase 2 construction is completed and snow fencing is removed, delineate remaining 0.83 acres of open space with split rail fencing on all sides except for that which abuts the Long Island Railroad.
9. Submit a letter to the Commission office at least two days prior to commencing physical site distance in each phase.
10. Submit a letter to the Commission office within one month after completion of each phase.

11. This hardship is valid only for the project under review in this application. Any substantive changes require a new application including expansion of the project or substantial redesign is subject to Commission review discretion.
12. The Commission's approval is valid for 10 years from the Commission's date of approval. The Project must be 90% complete by the time the end of this 10-year term occurs.
13. Record a copy of this document including an 8.5"x11" black and white copy of the Site Plan in the Office of the Suffolk County Clerk and distribute to involved agencies.

COPIES OF THIS DOCUMENT WILL BE SENT TO:

Suffolk County Planning Commission
Suffolk County Department of Health Services
Suffolk County Water Authority
Suffolk County Department of Public Works
Suffolk County Sewer Agency
Daniel J. Panico, Supervisor, Town of Brookhaven
Brookhaven Town Clerk
Michelle DiBrita, Brookhaven Town Chief Deputy Commissioner Planning, Environment and Land Management
Tony Leung, Agent (IMEG)

Motion to Approve the Town of Brookhaven Sewage District # 2 Plant Expansion
Compatible Growth Area Hardship Waiver
60 Ramsay Road, Yaphank, Town of Brookhaven
Project Site Suffolk County Tax Map Numbers 200-554-3-4.40 and 4.53

MOTION BY: Ms. Moore

SECONDED: Ms. Juengst

VOTE:

YES: 4

NO: 0

ABSTAIN: 0

DATE: April 16, 2025