



Final
Commission Meeting of October 16, 2024
Riverhead Town Hall, Riverhead, NY

Resolution on the Metropolitan Transportation Authority Proposal for a
New Long Island Railroad Train Station in Yaphank
Compatible Growth Area Application
SCTM Number 200-554-1-2.1

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

Whereas, the MTA is proposing to build a new Long Island train station in Yaphank (the Project) on a 233,3569 square foot (5.36 acres) parcel identified by Suffolk County Tax Map Number 200-554-1-2.1 which is zoned Light Industrial and is located in the Brookhaven Town industrial park, south of the Long Island Expressway, and east of William Floyd Parkway, at the eastern end of the cul-de-sac on Precision Drive, and

Whereas, the elements of the Project include a single, elevated two-car platform, parking area for 50 parking stalls, a bus loop, a “kiss and ride” facility and connection to an existing road for vehicular and pedestrian access, and

Whereas, the Applicant is not subject to local land use regulations and is exempt from the regulations of the State Environmental Quality Review Act, pursuant to Public Authorities Law Section 1266(11), and

Whereas, 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 Act 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,” and

Whereas, the Act further 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 vote is hereby authorized to waive strict compliance with such plan or with any element or standard contained therein,” and

Whereas, the Project constitutes development by increasing the intensity of use of land and involves the material alteration of grade or vegetation on a parcel of land, as defined by the Act, and

Whereas, on September 30, 2024, the Metropolitan Transportation Authority (MTA) (the Applicant) filed with the Central Pine Barrens Commission a demonstration of conformance including a site plan package prepared by Gannett Fleming dated November 20, 2023 to determine if the proposal for a new Yaphank train station conforms with the Comprehensive Land Use Plan (the Plan), and

Whereas, the Project has no restroom facilities, therefore, no sanitary wastewater will be generated on the Project Site and Standard 5.3.3.1.1 Article 6 of the County Sanitary Code is not applicable, and

Whereas, no wetland habitat is present to protect, therefore, Standards 5.3.3.4.1 through 5.3.3.4.4 are not applicable, and

Whereas, the Applicant has prepared a stormwater pollution prevention plan prepared by Gannett Fleming, dated November 20, 2023, in accordance with NYSDEC regulations and will adhere to Standards 5.3.3.5.1 through 5.3.3.5.5 and Guidelines in 5.3.3.8.1 and 8.6 regarding soil erosion and stormwater runoff during construction, and the Project plans reflect conformance, and

Whereas, the Project is subject to a maximum clearing limit of 60% and will clear only 51%, 2.78 acres, in conformance with Standard 5.3.3.6.1; the Project will conform with the open space Standard 5.3.3.6.2, and

Whereas, after clearing and grading activities, landscaped areas of the site will be seeded with native grass mixes and initially fertilized; no further fertilizer will be used during the routine maintenance of the site; the Project will conform with Standards 5.3.3.6.3 Native Plantings and 5.3.3.6.4 Fertilizer-dependent vegetation limit, and

Whereas, the Applicant is coordinating with the New York State Department of Environmental Conservation (NYSDEC) on the protection of State and Federal listed species and their habitat and will conform with Standard 5.3.3.7.1; no structures in the Project are enclosed therefore Standard 5.3.3.7.2 Bird conservation and protection is not applicable, and

Whereas, the Project will install dark skies friendly light fixtures, as represented in the Site Plan package cut sheets, therefore, the Project conforms with Standard 5.3.3.9.1 Light pollution prevention, and

Whereas, the New York State Office of Parks, Recreation and Historic Preservation, by letter dated September 6, 2024, stated 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 this project,” and

Whereas, the Commission has reviewed the Applicant’s demonstration of conformance with the Standards outlined in Chapter 5 of the Plan and finds the Project conforms therewith.

Now therefore be it

Resolved, the Project is development, as defined in the Act, and be it further,

Resolved, the Project is identified in the Site Plan package stamped received on September 30, 2024, prepared by Gannett Fleming, and be it further

Resolved, the Applicant has demonstrated the Project as presented in the Site Plan drawings for the “LIRR New Yaphank Station,” prepared by Gannett Fleming dated November 20, 2023 and stamped received on September 30, 2024 conforms with the Long Island Pine Barrens Protection Act of 1993 and the Comprehensive Land Use Plan, and be it further

Resolved, the Commission accepts the Applicant’s offer to implement the following conditions in the Project:

1. Clearing and Open Space, identified in the plan titled “Civil Site Clearing Plan,” undated, stamped received on September 30, 2024, prepared by Gannett Fleming:
 - a. Clearing activities must be coordinated with NYSDEC to comply with Northern Long-eared Bat habitat protection. Clearing may only occur from the period of December 1 to February 28 in Suffolk County, unless otherwise directed by NYSDEC.
 - b. No more than 121,038 square feet (2.78 acres or 51%) of the current natural area of the Project Site may be cleared total area, as shown in the Clearing Plan.
 - c. No less than 40% of the Project Site shall remain as natural open space.
 - d. Minimize clearing and grading to protect the pine barrens ecosystem to the extent practicable outside of the clearing limits.
2. Landscaping activities shall be implemented to the extent practicable including:
 - a. Transplanting existing plants including trees and shrubs where possible.
 - b. Where a tree intersects the clearing boundary, maneuver around the tree to keep it in place, when possible.
 - c. Flag existing trees that will remain protected in the building envelope and kept in place during grading and construction.
 - d. Incorporate more native oak and other trees in the landscape design and retain existing native, large and flowering trees where possible.
 - e. Avoid excess clearing and regrading.
 - f. Trees with a breast height diameter of 6 inches or greater along the edge of the areas to be cleared are required to be maintained to the extent practicable by adjusting the clearing line.
 - g. The Landscaping Plan prepared by Gannett Fleming, dated November 20, 2023, identifies native seed mixes in areas to be cleared and graded. Consider in the landscaped area either retaining existing trees and shrubs or planting native trees and shrubs in lieu of grasses.
3. No more than 15% of the Project Site may be established in fertilizer dependent vegetation to protect the ecosystem and groundwater resources.
4. Stormwater Pollution Prevention Plan. Complete requirements for the SWPPP and obtain approval or permit prior to ground disturbance activity.
5. Fencing shall be required to the extent practicable including:

- a. Prior to the commencement of ground disturbance activities on the Project Site, the Applicant must install and maintain snow fencing along the clearing limits/natural area to protect the area to remain natural during construction.
- b. After construction: Remove snow fencing, install and maintain a split rail fencing on the clearing limits/open space boundaries.

6. Only dark skies compliant fixtures may be installed to minimize excess nighttime lighting and energy consumption and to protect nocturnal species.
7. Signage must conform to the extent practicable. Minimize signage in keeping with the character of the Central Pine Barrens including number of signs, color palette, sign size and material and no interior illumination. No signage plan was submitted with the application. Please forward a copy when it is available.

And be it further

Resolved the applicant must submit an 'As Built' Plan for the Commission's record when construction is complete, and be it further

Resolved, that any changes to the Project, as approved, must be reviewed and approved by the Commission. If the site is sold or the use is proposed to change or a different site plan or development project is proposed, it is subject to Commission review and conformance with the Plan and be it further

Resolved that this approval shall expire five (5) years from the date of this Resolution, and be it further

Resolved, that the failure by the Applicant or its successors or assigns to fully comply with the foregoing conditions will constitute a violation of this decision.

Record of Motion - Decision (Approval with Conditions)

Motion by: Ms. DiBrita

Seconded by: Mr. Hubbard

Yea Votes: 4

Nay Votes: 0

Absent: 0

Abstain: 0