



Central Pine Barrens Commission

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RE: Town of Brookhaven Sewer District #2
Proposed Installation of Leaching Pool for
Compliance with SCDPW Requirements
Compatible Growth Area Hardship Waiver Application
Yaphank, Town of Brookhaven
SCTM Numbers 200-554-3-4.40 and 4.53

Central Pine Barrens
Joint Planning & Policy Commission

Dear Central Pine Barrens Commission:

This letter provides responses and information to the request for additional information as outlined on page 6 of the public hearing package and your February 21, 2025, email regarding supplemental information.

To be clear, the area to be utilized for the proposed leaching pools in this hardship is solely for groundwater recharge via leaching pools only. This project will bring the existing Sewer Treatment Plant into compliance with the Suffolk County Department of Public Works standards that 80 pools total are to be installed to support the existing treatment demand. The hardship was not self-created since the treatment plant is required to have eighty (80) pools by SCDPW. There were 40 pools that were installed when the Treatment Plant was constructed, with the understanding that the remaining 40 pools are to be installed when funding becomes available.

This hardship relating to the treatment plant is unique since the treatment plant has been in existence within the industrial park (sewer district) for more than twelve (12) years treating wastewater generated therein. This issue is unique to the treatment plant and does not apply to substantial portion of the sewer district. As the sewer district only comprises of the industrial park, the project will not alter the character of the area.

The following provides responses to the items outlined on page 6 of the public hearing package:

1. The Commission will independently perform the SEQRA review and discuss a determination in the decision process.

Response: Noted.

2. The area of the Project Site varies on the items submitted. The Applicant must confirm the total project area size, the existing and proposed clearing amounts, and the existing and proposed amount of natural areas. The Applicant must define the area of the strip of land required for the installation of the 4" force main connection and confirm its inclusion in the existing natural and proposed clearing amounts.

Response: Please see Figure 1: Parcel Map below. The project area includes the Sewer Treatment Plant Parcel (2.113 Acres), the Expansion Parcel (1.961 Acres), and an easement on the south side of the recharge basin parcel (0.21 Acres). This totals to a project area of 4.284 Acres.

The easement to the south of the recharge basin is already cleared and will not be part of the clearing area.





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Figure 1 - Parcel Map.

3. The Applicant must identify the federal wetlands present on the Project Site that are indicated on Part 1 of the submitted EAF and address related protections during and after construction. No NYSDEC mapped and regulated wetlands appear to be present.

Response: *The EAF was generated using the NYS DEC (DEC) EAF Mapping Tool. The federal wetlands as identified on Part 1 of the EAF is in error. The location is in fact a recharge basin situated next to the treatment plant.*

The EAF Mapping tool relies on DEC freshwater wetlands data, tidal wetlands data, as well as the National Wetlands Inventory (NWI) dataset which is not accurate for certain features. The DEC data (EAF Mapper and Environmental Resource Mapper) did not identify the recharge basin as a wetland. Only the NWI dataset identified the recharge basin (parcel no. 02005540003000004053) as a wetland (freshwater pond). This is in error and is explained below.

The identified wetland was based on the National Wetlands Inventory (NWI) mapper which identifies these waterbodies via the analysis of high-altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. As mentioned in the NWI webpage, a margin of error is inherent in the use of imagery, and that a "... detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis... The wetlands displayed on the Wetlands Mapper show wetland type and extent using a biological definition of wetlands. There is no attempt to define the limits of proprietary jurisdiction of any Federal, State, or local government, or to establish the geographical scope of the regulatory programs of government agencies."

Our in-depth review shows that many recharge basins are also identified by NWI as freshwater ponds. In short, the NWI relies on high-altitude imagery and the identified wetland in question has not been ground truth.

The two figures on the next page show the recharge basin next to the treatment plant without, and with NWI layer. Figure 2 shows the DEC's freshwater wetlands (shown as green polygon) and tidal wetlands layer turned on and the recharge basin was not identified as a wetland. Figure 3 shows the addition of the NWI layer which identified the recharge basin next to the treatment plant as well as two other nearby basins as a freshwater pond (blue polygon). And Figure 4 shows the location of the three recharge basins (marked by layer) along with photo of the entrance gate to the basins.

Based on in-depth review of the information by NWI, it is determined that the recharge basin as identified in Part 1 of the EAF is incorrectly labelled as "federal wetlands" by NWI.



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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Environmental Resource Mapper



Figure 2 - DEC's freshwater wetlands (shown as green polygon) and Tidal Wetlands Layer.

The recharge basin is identified by NWI as Freshwater Pond with classified code of PUBHx and the letter "x" is a special modifier which stands for excavated to identify wetland basins or channels that were excavated by humans.

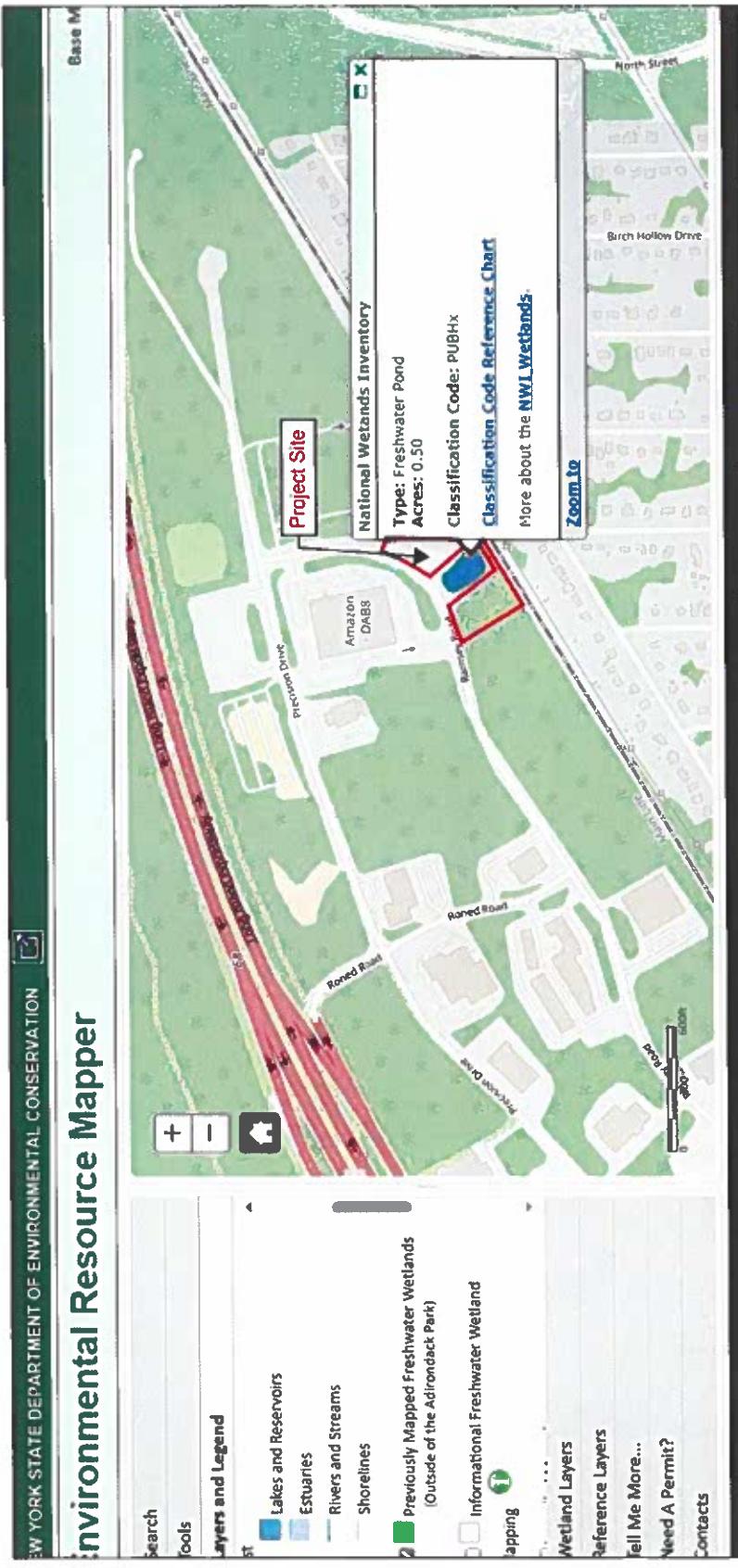


Figure 3 – National Wetlands Inventory Layer.





Figure 4 - Recharge Basins.



4. Part 1 of the EAF indicates the project includes a new 5,000 square foot building to be heated and cooled, though it is not shown on the Site Plan. The Applicant must indicate where a new building is to be constructed.

Response: *There will be no new buildings to be constructed on the project site. The only structures to be constructed will be the underground effluent pump station, 4" force main, and 40 leaching pools to comply with SCDPW Requirements.*

5. The Project Site is in a designated significant natural community within the vicinity of Federal and State-listed endangered species, Northern Long-eared Bat (NLEB). The Applicant must coordinate the application with the NYSDEC to demonstrate conformance with the protection of listed species and their habitats. Clearing in Suffolk County may only occur from December 1 through February 28 of a given year, per NYSDEC guidance (<https://dec.ny.gov/nature/animals-fish-plants/northern-long-eared-bat>).

Response: *The Town of Brookhaven and IMEG are aware of this constraint and will schedule any clearing between the dates of December 1st and February 28th as required.*

6. The Applicant must label the existing trees to be retained and existing trees to be removed should be labeled as such. The Applicant must delineate and maintain clearing limits prior to site disturbance to protect the area to remain natural during construction.

Response: *Please see Figure 1: Parcel Map above. The clearing limit has been reduced from eighty (80) pools to forty (40) pools.*

An area of approximately 1.292 Acres shall be undisturbed in the western portion of the expansion parcel, west of the new access road.

Prior to land clearing, IMEG will flag/outline the clearing area and will be present to ensure the land is only cleared for the forty (40) pools per the clearing limit shown in Figure 1.

7. The Site Plan shows a natural roadside buffer of at least 30' wide. The Applicant must clarify if the buffer is to be of existing natural vegetation that will be delineated and protected prior to site disturbance or revegetated with natural vegetation after site disturbance.

Response: *This buffer area will be delineated and protected prior to site disturbance. As with the response to Question 6, IMEG will outline the area to be cleared with the contractor and maintain during clearing.*

8. The Applicant must address if any mitigation will be provided for the project.

Response: *Mitigation actions will include the following.*

- 1. Clearing will occur during the clearing window only (December 1st to February 28th) as required by the NYS DEC.*
- 2. Area will only be cleared based on clearing limit as shown in Figure 1, or as approved by the Central Pine Barrens Joint Planning and Policy Commission.*
- 3. Any areas that may be cleared for beyond what is shown will be revegetated with natural vegetation.*

9. The Applicant should consider establishing phased development areas for (1) the 40 leaching pools proposed to satisfy the current 80-leaching pool requirement and (2) the future 40 leaching pools to meet the 120-leaching pool expansion requirement. If so, the Applicant should delineate the areas and retain the natural vegetation in the Phase 2 development area until the final cluster of leaching pools are to be installed.

Response: *Town of Brookhaven has considered the phased approach and has revised the clearing limit to show Phase 1 (the required set of 40 pools) and phase 2 future replacement/expansion area. This is shown in Figure 5 below.*



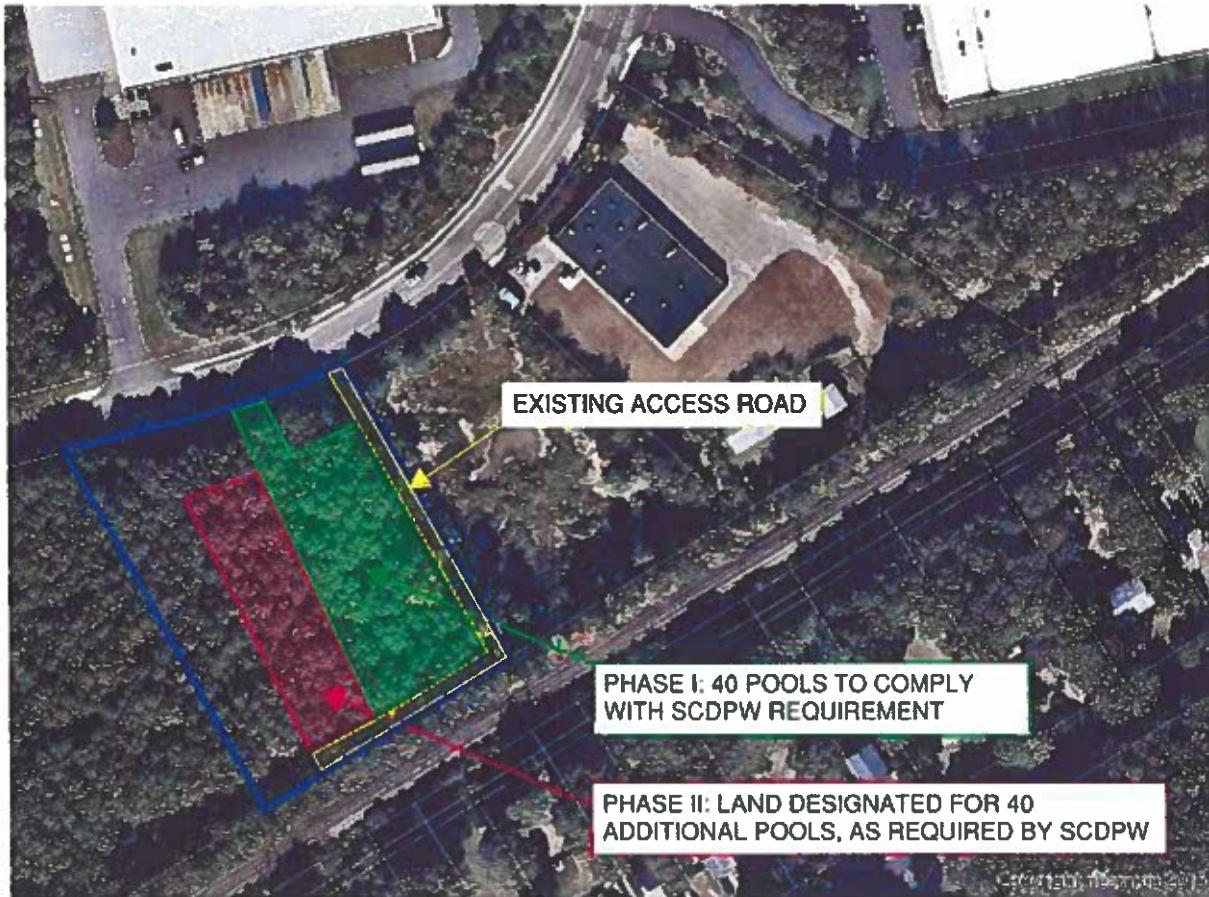


Figure 5 – Phase Map.

10. The Commission will consider any additional documentation submitted in support of this Application and reserves the right to keep the hearing record open to receive and review any additional information for the public record.

Response: *Noted.*

11. Consider decision by April 16th, 2025 Commission Meeting.

Response: *Noted.*

Thank you for the opportunity to provide additional information. Please contact us should you require additional information.

