



May 1, 2024

VIA FEDEX & EMAIL

Julie Hargrave

The Central Pine Barrens Commission Office

624 Old Riverhead Road (CR 31)

Westhampton Beach, NY 11978

**RE: Clancy Street Food Court
Response to Staff Comments; NPV# 97201**

Dear Ms. Hargrave,

Below please find detailed responses to comments and concerns raised in the Staff Report and the April 2024 Central Pine Barrens Commission meeting with regards to the Clancy Street Food Court project. Please add this documentation to the record of Applicants submissions for the file and please circulate this to the Commission members. We believe that this additional detail supports the case for approval of the Core Preservation Area (CPA) Hardship Application for the above referenced project.

Staff Discussion/Comments from April 17, 2024 Staff Report

- 1. The Core is a sending not receiving area for Pine Barrens Credits (PBCs). The proposal seeks to redeem 1.2 PBCs in the Core. This proposal contradicts the Comprehensive Land Use Plan and the goals and objectives of the Act. The Plan, Section 6.4.2.1 Brookhaven Pine Barrens Credit Program overview, explains the Pine Barrens Credit Program for the Town of Brookhaven is designed to redirect development for residentially zoned lands within the Core Preservation Area to receiving districts throughout the Town.*

It should be noted that credits are not allowed to be redeemed in the Core since credits represent the development potential from a core parcel intended to be transferred outside of the core.

Section 6.5.6 of the Plan Amendments, effective July 2024, states PBCs may not be redeemed in the core or other sending area under this Plan.

Furthermore, the Commission's core hardship decision on American Physical Society dated July 21, 2010 found that the redemption of PBCs on a project site in the Core is contrary to the spirit and intent of the Act and the Plan. It further indicated that Section 6.5.3.2.3 of the Plan that states no receiving area may include land in the Core.

The applicant was directed through the Health Department to purchase land for preservation in the same watershed. The applicant for the project should consult with the Health Department in this matter. Other options may include reducing the number of restaurant seats to conform.

The Applicant has agreed to reduce the number of restaurant seats so the purchase of a Pine Barrens credit is not required to accommodate the reduced sanitary flow. A revised plan has been provided (see **Attachment A**). Per the revised plan, the number of proposed restaurant seats has been reduced from 54 indoor seats and 32 seasonal outdoor seats to 22 indoor seats and 26 outdoor seasonal seats.

Per the Suffolk County Department of Health Services Wastewater Flow Multipliers (2009), the revised proposed development requires a total sanitary flow (excluding kitchen/gray load) of 350 gallons per day (GPD). The updated on-site sanitary system would comprise of a 400-GPD capacity I/A OWTS for treatment of sanitary waste, a 1,500-gallon capacity septic tank for treatment of kitchen/gray load, a 1,500-gallon grease trap, and two 12-foot-depth leaching pools. The site is situated in Groundwater Management Zone III, whereby 300 GPD per acre is allowable (350.1 GPD for the 1.167-acre subject property). This reduction of seats allows the project to meet the allowable 350.1 gallons per day (GPD) sanitary flow maximum; therefore, a pine barrens credit is no longer required.

2. *Applicant will need to obtain approvals and permits as required from New York State Department of Environmental Conservation, New York State Department of Transportation, Suffolk County Department of Public Works, and Suffolk County Department of Health Services and Brookhaven Town.*

The Applicant will submit all required applications for approval/permit and will furnish approvals/permits to CPBC upon receipt, prior to implementation of the proposed project.

3. *NY State listed species and habitats:*
 - a. *Please coordinate the application and consult with NYSDEC Region 1 to determine if habitat present to support the State and Federally listed Endangered species, Northern Long-eared Bat. Currently no tree removal is allowed from March to November of any given year. Clearing limitations during certain times of the year may be applied. Avoid clearing during protection windows for the Northern long eared bat.*
 - b. *Confirm no other endangered species are present on the Project Site including State listed amphibians.*
 - c. *Contact Natural Heritage Program to confirm the presence of rare and listed species. Contact Natural Heritage Program to confirm the presence of rare and listed species.*

No Take – No Permit Necessary determinations will be obtained for Northern Long-Eared Bat (NLEB) and Tiger Salamander. Consultation with the National Heritage Program has been initiated. Determinations will be furnished to CPBC upon receipt, and in advance of implementation of the proposed project.

4. *Protect the character of the Central Pine Barrens*
 - a. *Protect existing large trees and other natural vegetation to maintain the character of the region and to provide a visual and noise buffer and screening from adjacent roads including for the outdoor seating area.*
 - b. *Signage should be minimal and consistent with the pine barrens landscape.*
 - c. *No signage variances should be granted.*
 - d. *Dark skies lighting fixtures should be in the site plan.*

See updated architectural plans and site plans provided (**Attachment B**). The proposed project protects existing larger trees by locating development in the area of historical disturbance, and provides buffering from roadways.

Signage will be minimal and consistent with the pine barrens landscape (see signage detail in **Attachment B** and rendering depicting signage in **Attachment C**). No signage variances will be sought. A design of the signage is representative in the architectural design plan and has been submitted for review. The project will meet Town Code for dark sky compliance (see Plan Sheet LIG-1 in **Attachment A**).

5. *Consider placing the two ingress/egress points as close as possible to the property boundary, on the CR 111 side and on the service roadside, to reduce fragmentation of the natural area and to create the largest block of natural area, to avoid collisions and provide sight distances for vehicle turning movements.*

The ingress/egress points were placed based on NYSDOT requirements and input as well as discussions with Suffolk County Department of Public Works (DPW). Specifically, the South Service Road entrance was indicated by NYSDOT. The C.R. 111 entrance was indicated by DPW based on a concern related to the adjacent Starbucks entrance.

6. *Further comments and recommendations may be necessary after the public hearing or receipt of additional information.*

All comments received to date have been addressed herein. Any further comments and recommendations will be addressed as necessary.

Please add this to the file and distribute, and please feel free to contact me should you have any questions.

Very Truly Yours,

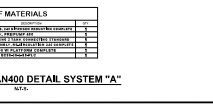
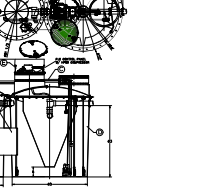
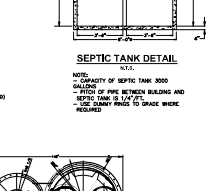
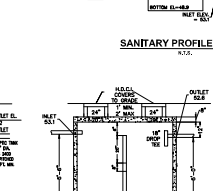
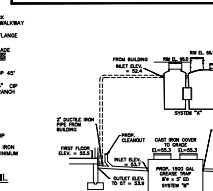
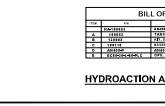
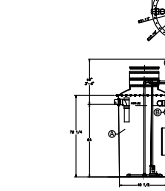
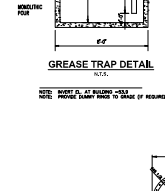
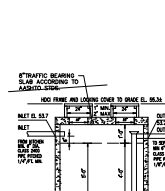
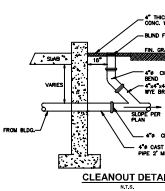
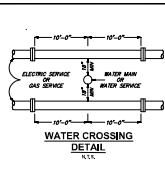
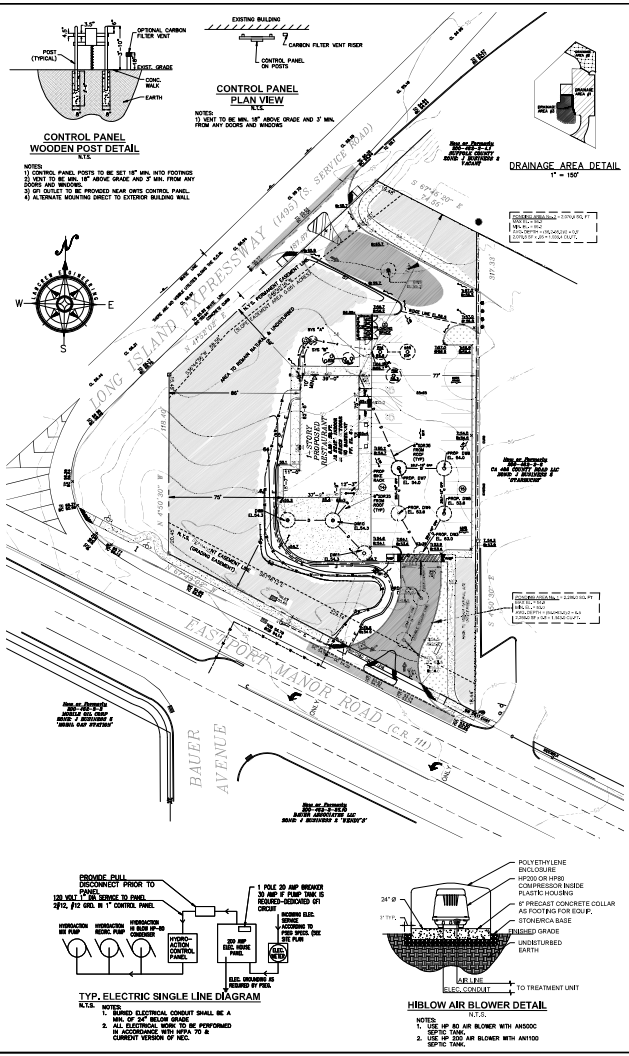
Nelson, Pope & Voorhis, LLC



Brianna Sadoski
Project Manager/Senior Environmental Planner

cc: Judy Jakobsen (CPBJPPC) (via email only)
John Milazzo (CPBJPPC) (via email only)
David Kepner (Applicant) (via email only)
Yuliya Viola, Esq. (Applicant Counsel) (via email only)
Chic Voorhis (NPV) (via email only)

Attachment A
Revised Site Plans
April 18, 2024



DRAINAGE AREA #1 - 16,824 SQ. FT.

NO.	TYPE	AREA	PERCENT	PERIMETER	PERIMETER
1	ROOF	10,000	59.5%	1,000	1,000
2	DRIVEWAY	1,000	5.95%	100	100
3	PORCH	500	2.97%	50	50
4	WALKWAY	500	2.97%	50	50
5	YARD	1,824	10.76%	180	180
6	ROAD	0	0%	0	0
7	WATER	0	0%	0	0
8	SEWER	0	0%	0	0
9	UTILITY	0	0%	0	0
10	UNKNOWN	0	0%	0	0
11	UNKNOWN	0	0%	0	0
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DRAINAGE AREA #2 - 4,824 SQ. FT.

NO.	TYPE	AREA	PERCENT	PERIMETER	PERIMETER
1	ROOF	3,000	62.2%	300	300
2	DRIVEWAY	500	10.4%	50	50
3	PORCH	200	4.1%	20	20
4	WALKWAY	100	2.1%	10	10
5	YARD	1,024	21.2%	100	100
6	ROAD	0	0%	0	0
7	WATER	0	0%	0	0
8	SEWER	0	0%	0	0
9	UTILITY	0	0%	0	0
10	UNKNOWN	0	0%	0	0
11	UNKNOWN	0	0%	0	0
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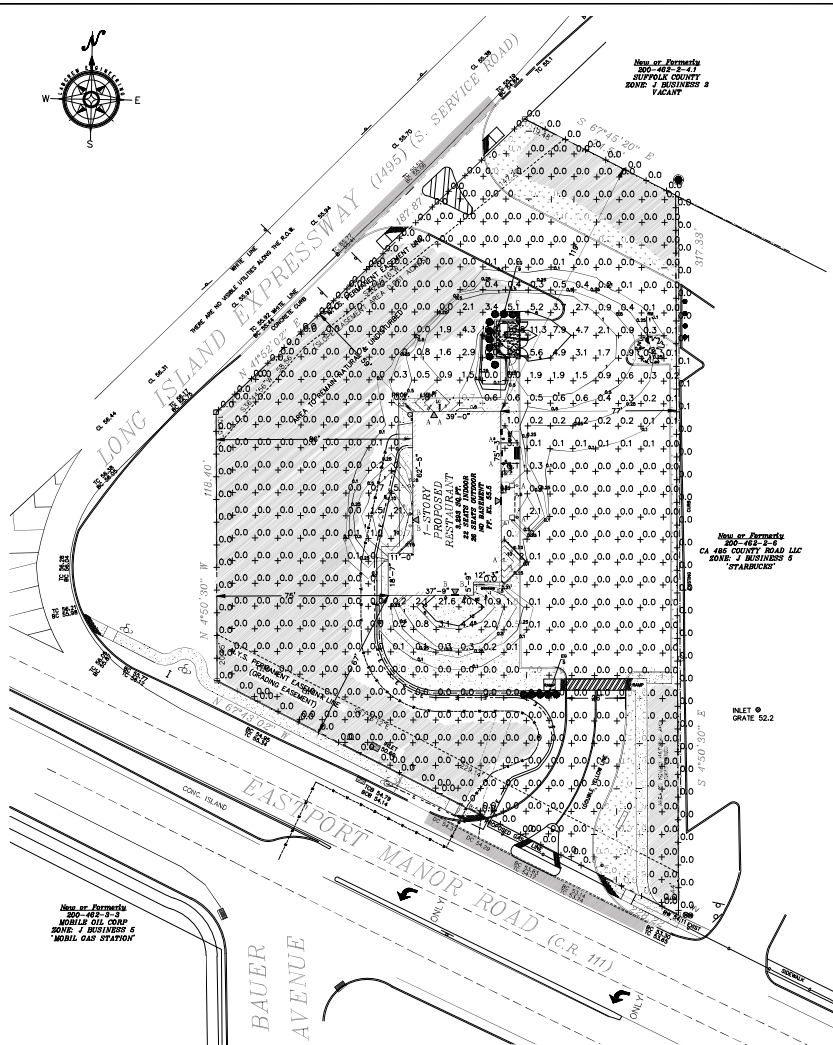
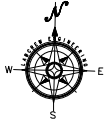
NO.	TYPE	AREA	PERCENT	PERIMETER	PERIMETER
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2	DRIVEWAY	500	10.4%	50	50
3	PORCH	200	4.1%	20	20
4	WALKWAY	100	2.1%	10	10
5	YARD	1,024	21.2%	100	100
6	ROAD	0	0%	0	0
7	WATER	0	0%	0	0
8	SEWER	0	0%	0	0
9	UTILITY	0	0%	0	0
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DRAINAGE AREA #4 - 1,624 SQ. FT.

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2	DRIVEWAY	200	12.3%	20	20
3	PORCH	100	6.2%	10	10
4	WALKWAY	50	3.1%	5	5
5	YARD	274	16.8%	20	20
6	ROAD	0	0%	0	0
7	WATER	0	0%	0	0
8	SEWER	0	0%	0	0
9	UTILITY	0	0%	0	0
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NO.	TYPE	AREA	PERCENT	PERIMETER	PERIMETER
1	ROOF	1,000	61.6%	100	100
2	DRIVEWAY	200	12.3%	20	20
3	PORCH	100	6.2%	10	10
4	WALKWAY	50	3.1%	5	5



New or Formerly
300-462-2-11
SUFFOLK COUNTY
ZONE J BUSINESS 2
TAXMAP

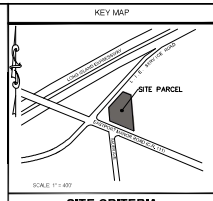
New or Formerly
300-462-2-11
SUFFOLK COUNTY
ZONE J BUSINESS 2
TAXMAP

New or Formerly
300-462-2-3
SUFFOLK COUNTY
ZONE J BUSINESS 2
TAXMAP

COLDW-20W-WW930-K RAB

Technical Specifications

Code:	300-462-2-11	Zone:	J BUSINESS 2
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City:	300-462-2-11	County:	J BUSINESS 2
State:	300-462-2-11	Country:	J BUSINESS 2



LABCREW ENGINEERING, P.C.
SITE DESIGN/LANDSCAPE ENGINEERING
1000 W. MAIN ST. SUITE 100
WHEATLEY HEIGHTS, NY 11786
PHONE: 815.452.1000
FAX: 815.452.1001

LUMINAIRE SCHEDULE

SPEC.	QTY	TYPE	NAME	ACCENT HEIGHT
1	6	COLDW-20W-WW930-K	RAB	7'
2	1	ALD03125Y	RAB	10'

SUMICRYZ RAB

Technical Specifications

Code:	300-462-2-11	Zone:	J BUSINESS 2
Area:	300-462-2-11	Subzone:	J BUSINESS 2
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City:	300-462-2-11	County:	J BUSINESS 2
State:	300-462-2-11	Country:	J BUSINESS 2

ALD03125Y RAB

Technical Specifications

Code:	300-462-2-11	Zone:	J BUSINESS 2
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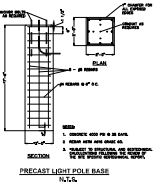
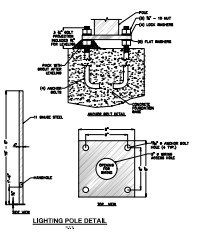
LABCREW ENGINEERING, P.C.

THE OFFICE PROJECT PREPARED IS AN INSTRUMENT OF SERVICE AND THE PROPERTY OF LABCREW ENGINEERING, P.C. NO PART OF THIS INSTRUMENT OR ANY USE OF THIS PROJECT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.

CLANCY STREET FOOD COURT
EASTPORT MANOR RD (C.R. 117)
MANORVILLE, NY 11949

LIGHTING PLAN

PROJECT TITLE

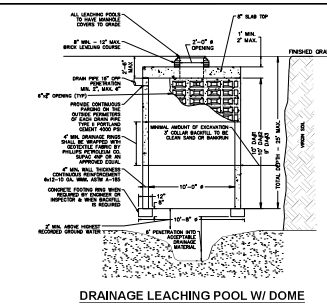


TOWN OF BROOKHAVEN LOG #2282016

SURVEY PREPARED BY:
RUSSELL P. TOWNSEND LAND SURVEYOR
42 CONNOR AVENUE
WHEATLEY HEIGHTS, NY 11786
PHONE: 815.452.1000
DATE: JUNE 22, 2017

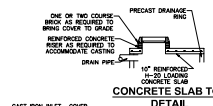
LIG-1

SHEET NO. 4 OF 9

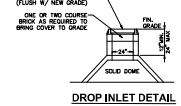


DRAINAGE LEACHING POOL W/ DOME
N.T.S.

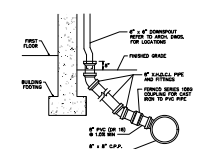
- NOTES:
 1. SANITARY RISERS MAY NOT BE USED.
 2. ALL PRECAST CONCRETE STRUCTURES MUST MEET A.C.I. CODE AND SPECIFICATIONS.
 3. MINIMUM 28 DAYS COMPRESSIVE STRENGTH OF 4000 PSI CONCRETE PRIOR TO INSTALLATION.
 4. ALL STRUCTURES MUST BE MANUFACTURED AT AN A.C.I. CERTIFIED PLANT. A COPY OF CERTIFICATION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



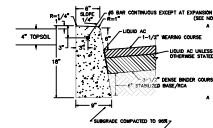
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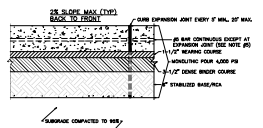
DROP INLET DETAIL
N.T.S.



DOWNSPOUT CONNECTION DETAIL
N.T.S.

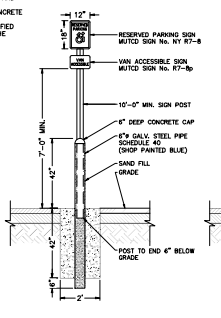
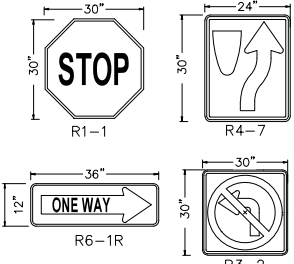


CONCRETE CURB A-1
N.T.S.

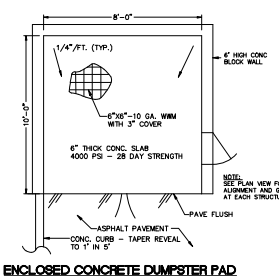


SECTION A-A
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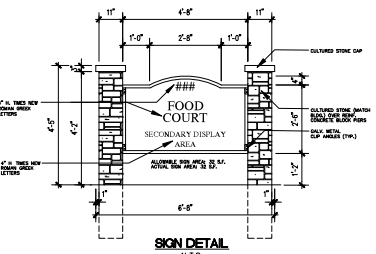
- NOTES:
 1. CONCRETE SHALL HAVE A COMPRESSIVE STRENGTH OF 4000 PSI AT 28 DAYS. TEST CYLINDERS STRENGTH MAY BE REQUIRED, AS REQUESTED BY INSPECTOR OR TOWN ENGINEER.
 2. CONCRETE SHALL BE A MONOLITHIC POUR, MUST USE FORMS FRONT AND REAR.
 3. CONCRETE TO CURB IN 24 HRS. BEFORE ROADWAY PAVING CAN BEGIN.
 4. EXPANSION JOINTS TO BE 5' MIN. 20' MAX.
 5. FORMS TO BE 1/2\"/>



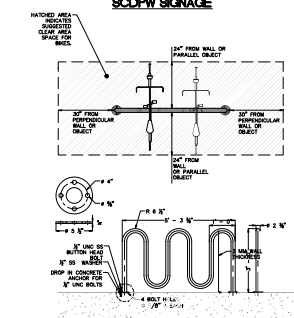
ACCESSIBLE PARKING SIGN
N.T.S.



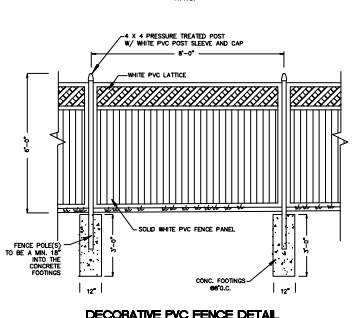
ENCLOSED CONCRETE DUMPSTER PAD
N.T.S.



SIGN DETAIL
N.T.S.

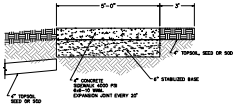


BICYCLE RACK DETAIL
N.T.S.



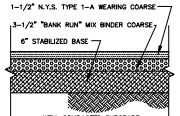
DECORATIVE PVC FENCE DETAIL
N.T.S.

- NOTES:
 1. CONTRACTOR TO PROVIDE SHOP DRAWINGS OF FENCING TO ENGINEER FOR APPROVAL.

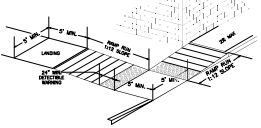


CONCRETE WALK DETAIL
N.T.S.

- NOTES:
 1. CONCRETE SIDEWALK SHALL BE A MONOLITHIC POUR AND HAVE A COMPRESSIVE STRENGTH OF 4000 PSI AT 28 DAYS.
 2. CURB, SIDEWALK, CROSS DRIVEWAYS OR FOR CURB CUTS, THE CONCRETE SHALL BE SIX (6)\"/>

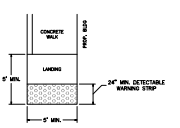


BITUMINOUS PAVEMENT DETAIL
N.T.S.



SIDEWALK CURB RAMP
N.T.S.

- NOTES:
 1. THE SLOPE OF THE CURB RAMP IS NOT TO EXCEED 1:12.
 2. THE SIDEWALK CURB RAMP IS TO MEET THE SAME CONSTRUCTION STANDARDS AS THE CONCRETE WALK (SEE CONCRETE WALK DETAIL).
 3. THE SIZE OF THE DETECTABLE WARNING FIELD SHALL BE 24\"/>



ADA COMPLIANT WALKWAY
N.T.S.

LABCREW ENGINEERING, P.C.
 8111 CROFTON AVENUE, SUITE 100
 MANORVILLE, NY 14500
 TEL: 518-752-1100
 FAX: 518-752-1101

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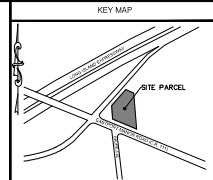
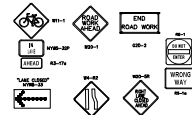
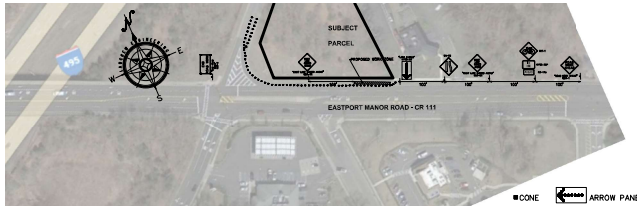
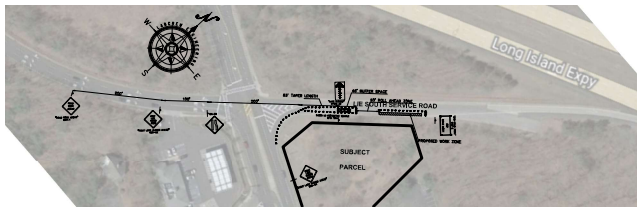
SITE DETAILS

NO.	DATE	REVISION
1	10/03	ISSUE COMMENTS
2	11/03	ISSUE COMMENTS
3	03/04	PER PERMITS COMMENTS
4	05/04	ISSUE COMMENTS
5	05/04	ISSUE COMMENTS
6	11/04	PERMITS LOG
7	01/05	DELIVERED DRAWING

Project: 21468
 Drawing: 078
 Date: August 2003
 Scale: 1" = 20'

DET-1

SHEET NO. 7 OF 9



SITE CRITERIA

SITE DATA			
SITE AREA	ST. ACRES	CONV.	CONV.
PROPOSED A.E. AREA	3.200	0.0747	
PROPOSED A.E. %	64	%	
PARKING SPACES	24	SPACES	
PAVING SURFACE	37	SPACES	
STATION	NAVD 8583		
CONTR.	USDA 8583		
USE	REST HOUSE		

DRAINAGE CALCULATIONS:

DRAINAGE AREA	CONTR.	COEFF.	PEAK FLOW (GPM)	PEAK FLOW (MGD)
DRAINAGE AREA #1 - 19 ACRES SOUTH	4" MINIFALL	0.40	117.00 GPM	0.0015 MGD
DRAINAGE AREA #2 - 4.84 ACRES SOUTH	2" MINIFALL	0.40	132.00 GPM	0.0018 MGD
DRAINAGE AREA #3 - 1.66 ACRES SOUTH	4" MINIFALL	0.40	46.00 GPM	0.0006 MGD
DRAINAGE AREA #4 - 1.66 ACRES SOUTH	4" MINIFALL	0.40	46.00 GPM	0.0006 MGD

LABCREW ENGINEERING, P.C.
 100 W. MAIN ST. SUITE 200
 MANORVILLE, NY 11949
 (609) 438-1111

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 EASTPORT MANOR RD (CR 111)
 MANORVILLE, NY 11949

DOT LANE CLOSURE PLAN

NO.	DATE	REVISION
1	10/25	SCHEMATIC
2	11/03	SCHEMATIC
3	12/13	PERMITS
4	05/22	SCHEMATIC
5	05/22	SCHEMATIC
6	05/22	SCHEMATIC
7	10/25	PERMITS
8	4/24/24	AS NOTED

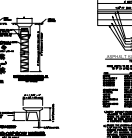
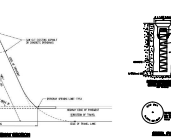
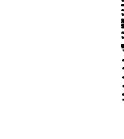
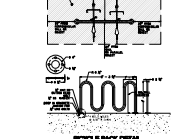
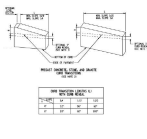
PROJECT NO. 24-084
 DRAWN: CTN
 CHECKED: RLB
 DATE: November 2024
 SCALE: AS NOTED

TOWN OF BROOKHAVEN LOG #22829388

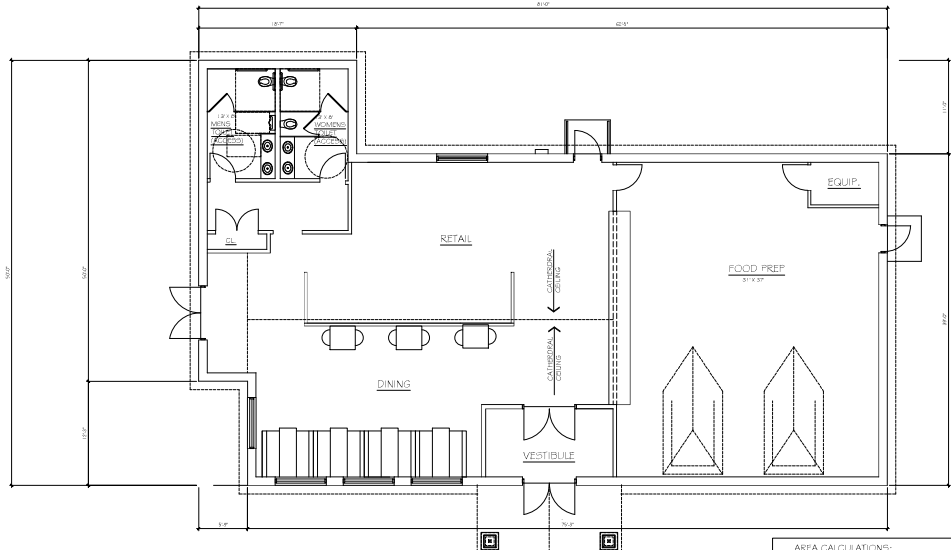
SURVEY PREPARED BY:
 RUSSELL L. LEWIS, LAND SURVEYOR
 81 CONYER AVENUE
 WHEATLEY HEIGHTS, NY 11798
 PHONE: 800-443-8882 DATE: JUNE 22, 2024

DOT-2

SHEET NO. 8 OF 9

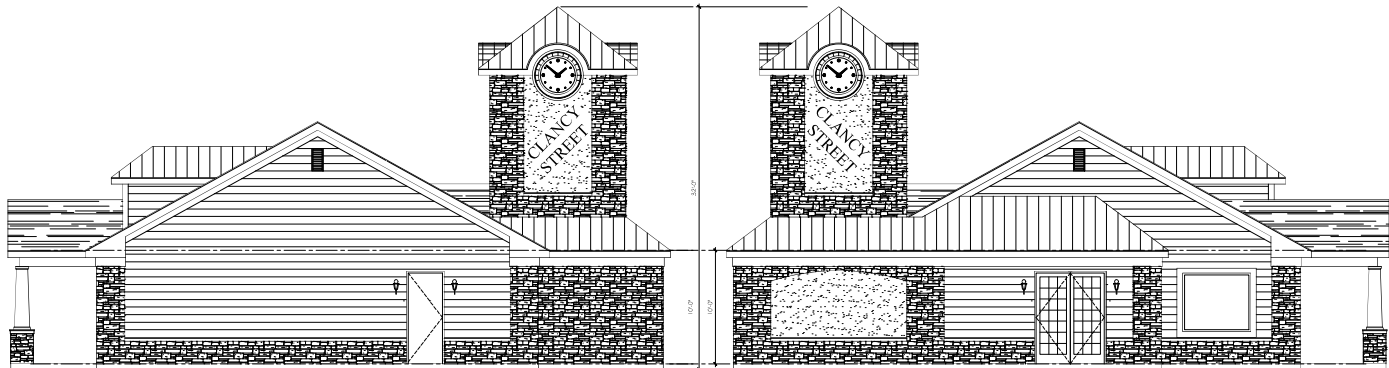


Attachment B
Architectural Plans



AREA CALCULATIONS:	
TOTAL AREA	3,290 S.F.
# OF SEATS	80

FLOOR PLAN
SCALE: 3/16" = 1'-0"



NORTH ELEVATION
SCALE: 1/4" = 1'-0"

SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

FOR REVIEW: 4.24.24
 FOR REVIEW: 4.20.23
 FOR REVIEW: 8.4.22
 FOR REVIEW: 8.1.22
 FOR REVIEW: 6.21.22
 FOR REVIEW: 6.2.22

DESIGN TECH
Kevin J. Kelly & Associate
 12 Oldway Road, Suite 110
 30 Franco Avenue, Selden, N.Y. 11784
 phone: (631) 552-5100

CLANCY STREET FOOD COURT
 TOWN OF BROOKHAVEN
 MANORVILLE, NEW YORK

REVISED

date: -
 proj. #: 22.24

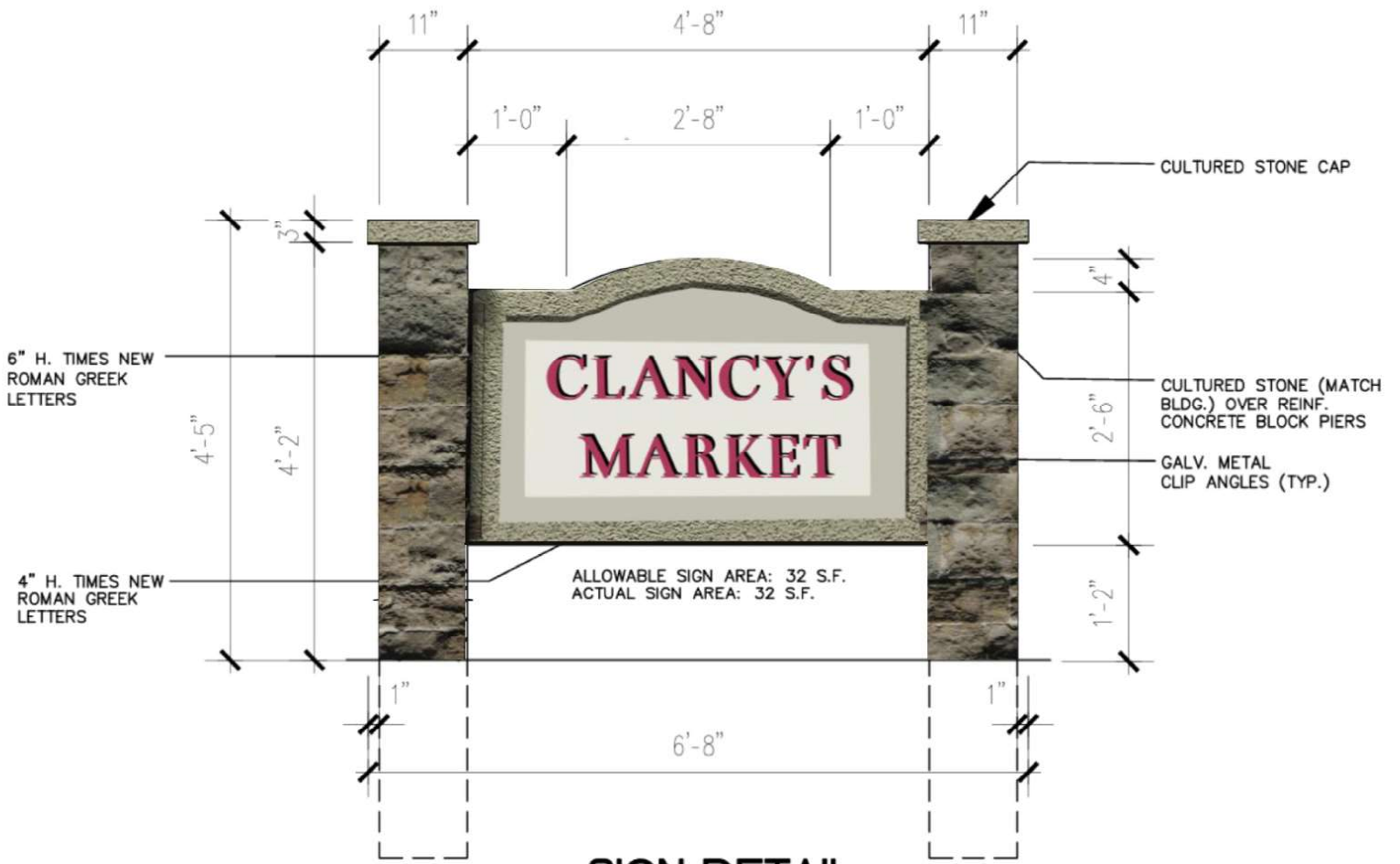
drawn by: dk
 chkd. by: DK

sheet no.
A-1

Attachment C
Renderings







SIGN DETAIL

N.T.S.