



Central Pine Barrens Joint Planning and Policy Commission
December 20, 2023

Adopted Decision to Approve
LIPA Medford Operations Center
Compatible Growth Area Hardship Waiver
Development of Regional Significance
3351 NYS Route 112, Medford, Town of Brookhaven
Suffolk County Tax Map Numbers 200-574-2-3.001, 16 and 17.001

Present:

Mr. Dorian Dale, for the Suffolk County Executive
Ms. Emily Pines, for Brookhaven Town Supervisor
Ms. Yvette Aguiar, Riverhead Town Supervisor
Mr. Jay Schneiderman, Southampton Town Supervisor

Robert Calarco
Chairman

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
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I. The Project, Application, and Project Site

LIPA PSEG (the Applicant) is in contract to purchase 24.26 acres of property identified on the Suffolk County Tax Map as parcels 200-574-2-3.1, 16 and 17.1 (the Project Site), in the Compatible Growth Area (CGA) of the Central Pine Barrens. Lot 3.001 contains 1.44 acres. Lot 16 contains 16.83 acres and Lot 17.001 contains 5.99 acres. Collectively, the three lots comprise the Project Site.

The Project Site is bounded by NYS Route 112 on its west side and Cedarhurst Avenue on the east side and is located approximately 625 feet south of Granny Road in Medford, in the Town of Brookhaven. The site is in two zoning categories: J Business 2 (19.61 acres) and A Residence 1 (4.64 acres).

The Applicant proposes to develop a facility to consolidate utility operations in a centralized and accessible location in Suffolk County by constructing a 21,000 square foot warehouse for utility vehicles and materials, a 16,000 square foot warehouse for use as a fleet garage and the reuse of an existing 10,690 square foot building for administration. The total building area is 47,690 square feet. Parking for 409 staff and fleet vehicles will be provided. The Site Plan drawings prepared by Nelson and Pope dated August 8, 2023 contain the project details including the site layout, grading, landscaping and lighting.

On August 8, the Applicant, through their agent, Charles Voorhis, of Nelson Pope & Voorhis, submitted to the Central Pine Barrens Joint Planning and Policy Commission (the Commission) a Compatible Growth Area (CGA) Hardship Exemption and Development of Regional Significance application for the Project. Supplemental information was submitted on November 16, 2023 including a narrative addressing the hardship waiver criteria and Traffic Impact Study prepared by Nelson and Pope, dated July 2023 and revised in October 2023.

Infrastructure will be constructed to access public water, for wastewater treatment and stormwater management. A new traffic signal will be installed at the new site entrance on Route 112. The new curb cut on Route 112 will support efficient and safe vehicle access and turning movements.

Approximately 19.34 acres of the Project Site were cleared prior to the Act. Under the CLUP 15.21 acres of the Project Site. Because the Project Site was cleared before the Act, the Applicant may maintain the 4.13 acres of clearing in excess allowed by the Standard. The Applicant will utilize the cleared area for the Project and seeks to have the Commission waive strict conformance with Standard 5.3.3.6.1 Vegetation Clearance Limit to allow the Applicant to clear an additional 0.5 acres of existing natural vegetation. If approved 19.84 acres of the Project Site will be cleared and 4.43 acres of existing natural area that will remain. Of the 19.84 acres of cleared area, the Applicant proposes to plant pine barrens vegetation on 5.73 acres. The Commission's practice is not to consider areas revegetated to determine compliance with the clearing vegetation. When the Project is complete, a total area of 10.16 acres of the Project Site will contain natural pine barrens vegetation. The Project achieves a net benefit of open space as compared to the present condition. This includes 4.43 acres of existing woodlands and 5.73 acres of revegetated habitat. The clearing/natural open space limits will be delineated with snow fencing during construction and by split rail fencing after construction to avoid disturbance and encroachment activities.

Dark skies lighting fixtures will be installed to protect wildlife and limit energy consumption and to ensure the site is safe and secure.

A sign plan that conforms with the character of the Compatible Growth Area will be submitted to the Commission office for review. It will have no interior illumination and will be designed with natural colors and materials in a style that is consistent with the area. No more than one monument sign should be planned on the Route 112 frontage. The sign's dimensions are limited to no more than 6 feet tall and 6 feet wide.

No natural steep slopes are present and therefore none will be impacted in the Project. No retaining walls are proposed.

Public water will be supplied to the Project Site by a new water main extension. The nearest public water supply well field is more than one half mile to the south of the project site. The Project Site is in Groundwater Management Zone III. An Innovative Alternative Onsite Wastewater Treatment System will be installed to manage sanitary wastewater. The system details are provided in the Site Plan prepared by Nelson and Pope dated August 8, 2023. Stormwater will be controlled in the managed landscape and recharged to groundwater. A Stormwater Pollution Prevention Plan (SWPPP) will be completed prior to disturbance. The SWPPP is a requirement to manage stormwater and implement erosion controls during construction. Reinforced silt fencing will be installed for erosion control to protect adjacent properties.

Approximately 40,000 gallons of fuel will be stored on the Project Site, 20,000 gallons of gasoline and 20,000 gallons of diesel fuel. The Project must conform with the Suffolk County Department of Health Services for fuel containment and storage to protect groundwater resources. Coordination with Suffolk County Water Authority will be required to protect water resources in the groundwater contribution area of public water supply well fields.

The Project is a Development of Regional Significance (DRS) as defined Section 4.5.5.1 of the Central Pine Barrens Comprehensive Land Use Plan (the Plan) because it causes traffic impacts that degrade the Level of Service (LOS) from C to D. The Project must conform with the Standards and Guidelines outlined in the Plan. With the installation of a new traffic signal, the traffic study results improve LOS conditions at the Project Site and study area intersections.

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. 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 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.”

III. The Public Process, Testimony, and Supplemental Materials to the Application

The Application included a review of conformance with the Central Pine Barrens Comprehensive Land Use Plan Standards and Guidelines.

On August 16, 2023, the Commission scheduled a public hearing that was held on October 18. At the hearing, a Commission Staff Report with Exhibits was introduced into the record. The Applicant, under sworn testimony, expressed they would address the concerns in the Staff Report and provide responses. No members of the public commented. The hearing was closed with the written comment period held open for two weeks. No written comments were received. A stenographic transcript was made of the hearing and provided to Commission members. On November 16, the Applicant submitted responses to items in the Draft Staff Report.

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

On August 4, LIPA coordinated the application, classified as Type I Action, pursuant to the State Environmental Quality Review Act (SEQRA) regulations. The Commission deferred Lead

Agency to LIPA. On December 1, 2023, LIPA adopted a Negative Declaration and forwarded it to the Commission on December 5.

The Project requires permits, approvals and authorizations from other involved agencies including the New York State Department of Transportation (NYSDOT), Suffolk County Department of Health Services and New York State Department of Environmental Conservation.

V. History of the Project Site

The Project Site has been developed since the 1970s. It is overcleared, approximately 80%, due to past development activity and uses. Most recently, Lot 16 was used as a small family-oriented amusement center with mini golf, a driving range and indoor facility for children's parties. Lot 17.001 was occupied by house with outbuildings and structures in the rear yard and cleared areas interspersed with trees and other natural vegetation. Lot 3.001 is undeveloped and naturally vegetated.

VI. The Project Site and the Study Area

At the Commission's public hearing, the Staff Report described the Project Site and defined a Study Area that extends one half mile from the site in all directions. The Study Area describes the land use pattern in the vicinity of the Project Site.

Only approximately 4.4 acres of the site is naturally vegetated. The natural area is situated in the southeast corner of the site. A multifamily residential use is situated to the north. Other surrounding land uses include industrial, commercial, and retail uses including food establishments, offices and businesses. A cemetery is present in the northwest corner of the Study Area.

The Project Site is located within one mile of documented non-winter location of Northern long-eared bat (*Myotis septentrionalis*, state and federally listed as threatened). (New York Natural Heritage Program correspondence dated May 4, 2023). No clearing is permitted from March through November to avoid impacts to this species and its habitat.

No archaeological and historic resources listed in or eligible for the New York State and National Registers of Historic Places will be impacted by the Project. (New York State Office of Parks, Recreation and Historic Preservation correspondence dated October 3, 2023).

VII. Development of Regional Significance Review and Plan Conformance

Summary

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. Chapter 4 of the Plan outlines the review process for development that meets the thresholds constituting a DRS. The Commission's review is limited to compliance with the Standards and Guidelines set forth in Volume 1, Chapter 5 of the Plan. The Application demonstrates conformance with Standards and Guidelines except for S.5.3.3.6.1 Vegetation Clearance Limit which requires the Applicant to seek a hardship from the Commission.

Standards and Guidelines that are Not Applicable

Not all Standards and Guidelines apply to the Project either because the Project does not include a facility or structure that will cause an impact, the resource is not present, or the activity is not occurring. Specifically, no sewage treatment plant is proposed (S 5.3.3.1.2); freshwater wetland habitat is not present (S 5.3.3.4.1); the site is not within the jurisdiction of the Wild, Scenic and Recreational Rivers Act (S 5.3.3.4.3); no ponds are proposed (G5.3.3.5.3); open space is unfragmented to the maximum extent (S 5.3.3.6.2); the Project maximizes the clustering technique (G 5.3.3.9.2) and no natural steep slopes exist on the Project Site (G 5.3.3.8.2).

Standards and Guidelines to which the Project Conforms

A summary of the Project's conformance with Standards and Guidelines outlined in the Plan is provided including details where relevant and applicable to explain the conclusions related to conformity. It is noted where conformance is deferred to other agencies such as the Suffolk County Department of Health Services or NYSDEC who regulates the protection of public health, groundwater and other natural resources. Since the proposed land use is commercial/industrial and will store hazardous materials such as fuel on the Project Site, it is subject to the County Health Department standards and regulations that pertain to the management and storage of chemicals and hazardous materials.

Stormwater and runoff control to minimize water pollution apply to the Project pursuant to the Plan Section 5.3.3.5. The Applicant must obtain the necessary agency permits and implement measures to control erosion and manage stormwater on site.

The Project conforms with the Suffolk County Department of Health Standards (S 5.3.3.1.1). The allowable flow is 7,278 gallons per day (gpd) and the Applicant proposes 2,598 gpd, which is less than half of the maximum limit. An Innovative Wastewater Treatment System will be installed (S 5.3.3.1.1). Activities that require permits to conform with the Sanitary Code Articles 7 and 12 are subject to those regulations and approvals (S 5.3.3.2.1).

The Project does not conform with the Vegetation Clearance Limit (S 5.3.3.6.1). An area of 0.5 acres will be cleared which is not permitted without a hardship waiver due the presently over cleared condition of the property. The Project protects 4.43 acres of existing natural vegetation and revegetates 5.73 acres of previously cleared area that will result in a total of 10.16 acres of natural vegetation or 42 percent of the site that will be protected as open space. The open space will be protected in a Declaration of Covenants and Restrictions (G 5.3.3.9.3).

The area to remain natural is in the rear of the Project Site is clustered in an unfragmented block to the greatest extent practicable (S 5.3.3.6.2). No other open space connects to the Project Site.

The Project will conform with the fertilizer-dependent vegetation limit (S 5.3.3.6.3). An estimated 0.42 acres of landscaped area may require fertilizer which is significantly below the maximum allowable 15% of the site.

Native plants will be used in landscaping and revegetation (S 5.3.3.6.4). Twelve (12) existing large trees on the roadside will remain in place and supplemented with additional landscaping to provide natural screening for the project site to the greatest extent possible from the public's viewshed and will improve the aesthetics of the road corridor at the Project Site.

The State and Federal-listed Endangered species, Northern Long-eared Bat and its habitat will be protected by avoiding clearing from March through November and clearing only from December through February of any given year (S 5.3.3.7.1). In its May 4, 2023 correspondence, the New York Natural Heritage Program reported the species having been documented within 1.25 miles of the project site. The Northern long-eared bat (*Myotis septentrionalis*) is a state and federally listed as endangered species. The NLEB may travel 1.5 miles or more from documented locations. An impact of concern for bats is the removal of potential roost trees." Consistent with DEC guidelines, the Applicant proposes to conduct its clearing activities during the annual clearing window between December 1 and February 28. To protect the NLEB habitat, no regulated clearing will occur on the Project Site from March through October 31 of any given year.

Clustering is used to the maximum extent (G 5.3.3.9.2). A Declaration of Covenants and Restrictions will be filed to protect open space prior to site disturbance (G 5.3.3.9.3). No impact will occur on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places (New York State Historic Preservation Office correspondence dated October 3, 2023) (G 5.3.3.11.1 and 11.2). Roadside character will be preserved in the existing mature trees and supplemented landscaping on the NYS Route 112 roadside (G 5.3.3.11.2 and 11.3). Dark skies lighting will be installed and signage is expected to be in keeping with the character of the Central Pine Barrens. This decision will subject to review and approval of a signage plan (G 5.3.3.11.4).

VIII. Commission Review of the Hardship Exemption Request

Pursuant to the Act, in determining whether to grant a CGA hardship exemption for the Project, the Commission must consider, among other things, the criteria set forth in New York State Town Law §267-b(2) and determine 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.

Reasonable return

LIPA currently leases eight locations for its operations. The Applicant completed a Site Optimization Analysis to examine operational factors to identify inefficiencies and determine the ideal locations of 4 to 6 consolidated facilities. To service central Suffolk County, LIPA operates two existing leased facilities, one in Patchogue and one in Port Jefferson. The facilities are inefficient for access and to respond into customer's needs or storm restoration activities. The existing facilities were determined to be too small, incapable of effectively supporting the storm restoration process, inefficiently located and leased, which is prohibitive of operational growth to meet LIPAs projected energy demands. The facilities do not provide a reasonable rate of return for operations purposes. The Project achieves consolidation efforts that are necessary for the utility.

Pursuant to Town Law §267-b(2)(b)(1), the Commission finds that the lack of reasonable return, to the extent applicable to a public authority, arises from the increased operational demands of utilities and the limited availability of sites to consolidate facilities and achieve efficient and optimal operational needs.

Uniqueness

In considering the criteria set forth in Town Law §267-b(2)(b)(2), the Commission finds that the hardship is unique due the Project Site's history. The site is in a developed area and is presently "overdeveloped" due to past uses. These circumstances and history are unique. The site meets most of the required operational criteria which led the Applicant to pursue the property. The cleared portion of the site predates the Act. As a whole, the Project Site presently exceeds the allowable clearing limit. Since more clearing is proposed on an overcleared site, a waiver is required. The cleared areas of the site have been previously disturbed and developed for more than 60 years. The site is used for commercial purposes and is in the CGA where compact, efficient and orderly development is encouraged, rather than in the Core where development is prohibited. The Project provides a net benefit of revegetation with native pine barrens species and habitat. More than five acres of previously disturbed area will be revegetated. When the Project is complete, more than 10 acres of natural open space will be protected, which is twice the amount of natural vegetation that presently exists on the Project Site.

The Project Site is situated along major thoroughfares near to arteries pertinent to LIPA PSEG LI operations, enabling an ability to function as a critical facility in serving the public. The size of the facility is adequate to provide site features, fueling, fleet vehicles and turning and site circulation needs. It has multiple access points and a turning lane to safely que entering and exiting vehicles without blocking travel lanes.

The hardship is unique given the nature of the utility and location and availability of suitable property. The Project utilizes a previously developed site. Additional minimal disturbance is needed for the use.

No open space is adjacent to the site for the Project to connect. The area to remain natural will be situated in an unfragmented pattern in the rear of the Project Site by using the clustering technique is maximized to protect natural area in the rear of the Project Site. The Application encourages compatible industrial development in the CGA to accommodate regional growth influences in an orderly way while protecting the pine barrens environment from the individual cumulative adverse impacts thereof. Roadside landscaping will provide natural screening from the public roads to the greatest extent possible. The site is on a developed roadway with limited aesthetic character, however, the project provides the opportunity to improve features along this corridor through additional landscaping to restore the character of the region as must as possible on this site that will hopefully carry forward as each site is developed or redeveloped in this corridor.

Pursuant to Town Law §267-b(2)(b)(2), the Commission finds that the hardship is unique due to its prior use. The Project reuses an existing building and a previously developed site that is centrally located in a developed commercial corridor with nearby access to a highway for compact, efficient and orderly development for the utility operations. It provides a public benefit and utilizes a previously disturbed site while achieving a net benefit of natural habitat through revegetation.

Through mitigation, the project achieves a mitigation ratio of 10 times more revegetation than the amount of clearing proposed, specifically 0.5 acre of clearing and more than 5 acres of revegetation, resulting in a net increase in natural pine barrens vegetation on the Project Site.

Essential character

In considering the criteria set forth in Town Law §267-b(2)(b)(3), as it relates to character of the neighborhood, the Project is consistent with development in the Study Area. The Applicant utilizes a significantly developed property in a heavily developed corridor. It is consistent with other nearby uses, offices, auto repair facilities, gas stations, construction and landscaping material and equipment storage and other mixed commercial and industrial uses. The adjacent multifamily residential development is buffered and screened by a natural tree line that will remain on the north side of the Project Site. The frontage on Route 112 will be professionally landscaped to screen parking areas and enhance views of the property. The second access point will improve traffic to the site and circulation within the site for fleet vehicles, parking, maintenance, and storage and fueling stations.

The Project is consistent with the non-residential developed uses in the study area and places the development in the western portion of the site. Natural areas will remain in the rear of the property on the east side. The natural open space will be protected with covenants to avoid future disturbance and development. The site plan is clustered to the greatest extent to connect natural areas on the site while accommodating development along Route 112. The Commission finds that the Project will not alter the essential character of the neighborhood.

The Applicant will revegetate previously disturbed areas that will not only provide habitat but support stormwater management by collecting and recharging stormwater runoff generated on the site. The system is designed to include a green stormwater infrastructure in the form of a wet meadows containing native plants. It will provide increased stormwater treatment while maintaining green space and reducing the need to maintain a traditional stormwater recharge basin and infrastructure. The project utilizes previously disturbed area for development and siting proposed structures away from property boundaries to avoid impacts on neighboring land uses.

Pursuant to Town Law §267-b(2)(b)(3), the Commission finds that the hardship avoids impacts to the essential character of the pine barrens and supports the preservation of its character through revegetation and the preservation of open space.

Self-created

LIPA's Site Optimization Analysis found no other properties of the required size and access along main thoroughfares in a central area within the targeted market radius. The site was selected given the limited availability of parcels that fit the criteria, the previously developed nature and non residential use of the site and the opportunity to utilize 4.13 acres of previously cleared area in the Project. The site is presently cleared to a limit of 19.34 acres. The standard allows 15.21 acres if the site was entirely naturally vegetated. With the proposed revegetation of more than 5 acres the project mitigates the excess clearing through a net benefit of natural area and revegetates in full the overcleared area on the Project Site.

Consolidating operations on this property with adequate access and maneuverability supports the utility while meeting the growing and essential electricity needs of the public and supporting the distribution system in the surrounding area.

The benefit of 5.73 acres of revegetation accomplishes natural open space preservation on a total of 10.16 acres of the Project Site, 41.9 percent of the property, providing a net increase in the quantity of natural pine barrens habitat on the Project Site. By reusing a previously disturbed property, the Applicant avoids the development of a naturally vegetated, undeveloped property that would require significantly more clearing and disturbance and may not be located in an area where development is concentrated, compact and in an efficient pattern that is suitable to meet the Applicant's needs.

The facility is required to serve an essential public need by supporting reliable electricity for residents and communities that support services including schools, fire departments, health services and businesses. The Project incorporates beneficial improvements that support the pine barrens including solar energy and the installation of innovative alternative on site wastewater treatment systems that will reduce nitrogen loading from sanitary wastewater systems and will help protect groundwater resources. The site provides a public benefit as compared to existing site conditions. It achieves a net environmental benefit through mitigation of 10 times more vegetation than the amount that will be cleared.

Pursuant to Town Law §267-b(2)(b)(4), the Commission finds that the hardship is not self-created.

IX. Conclusion

The Commission determines that the Project as depicted in the Site Plan last dated August 8, 2023 prepared by Nelson and Pope complies with Standards and Guidelines except for Standard 5.3.3.6.1 Vegetation Clearance Limits. The Commission finds that the Applicant has established an extraordinary hardship exists and provides mitigation to compensate for the request to clear additional acreage through proposed restoration and therefore grants an extraordinary hardship exemption for the reasons set forth above. The Commission further imposes the following conditions on the Project.

General conditions

1. Obtain all required permits and approvals prior to site construction and disturbance including approval and permits from:
 - a. Suffolk County Department of Health Services to:
 - i. construct an Innovative Alternative Onsite Wastewater Treatment System
 - ii. contain, store and use fuel and hazardous materials.
 - b. New York State Department of Transportation for curb cut modifications and new traffic signal on the New York State roadway.
 - c. NYSDEC for the stormwater management system and SWPPP permits and approvals and any other permits and approvals.
 - d. Suffolk County Water Authority.

2. Protection of natural vegetation and clearing

- a. Protect 10.16 acres of natural open space in a Declaration of Covenants and Restrictions to avoid future disturbance and development including:
 - i. 5.73 acres of pine barrens habitat revegetation and
 - ii. 4.43 acres of existing pine barrens habitat
- b. Record C&Rs prior to demolition of existing structure and other site disturbance and clearing activities.
- c. No disturbance may occur in the open space including staging or storing materials or excavated soil.
- d. No more than 0.5 acres of current natural area of the Project Site may be cleared.
- e. Coordinate clearing activities with NYSDEC. Comply with the endangered species and habitat requirements to protect the Northern Long-eared Bat. Clearing trees is only permitted to occur from the period of December 1 to February 28 in Suffolk County, unless otherwise directed by NYSDEC.

3. Declaration of Covenants and Restrictions (C&Rs):

- a. Prior to the commencement of ground disturbance activities on the Project Site, draft and obtain approval to record C&Rs
- b. Protect 10.16 acres of the natural habitat as open space including 4.43 acres of existing natural area and 5.73 acres of revegetated habitat.
- c. No additional density or development may be generated by the open space area.
- d. Include a black and white, 8.5" x 11" copy of the site plan as an exhibit.
- e. Include this resolution as an exhibit.
- f. Include the 0.4 acre (1.6%) fertilizer dependent vegetation limit in the covenants.
- g. Record instruments prior to ground disturbance activities and no later than within six months after this decision.
- h. Submit proof of recording to the Commission prior to ground disturbance activities
- i. Permitting no less than annual inspections by Commission staff to inspect required open space unless an emergency conditions requires an exigent inspection.

4. Install and maintain in perpetuity split rail fencing, or other Commission approved installation, on the clearing limits/open space boundaries.

5. Fencing. Install and maintain snow fencing along the clearing limits/natural area to protect the area to remain natural during construction and install split rail when construction is complete.

- a. Prior to disturbance, demolition of existing structures and construction, to avoid disturbance and encroachment in natural areas of open space including the revegetation area, install snow fencing around the limits of clearing and natural area
- b. Provide pictures and a letter notifying the commission the site was fenced prior to disturbance.
- c. When construction is complete, provide a letter notifying the commission of the removal of snow fencing and the installation of split rail fencing.
- d. Install a permanent split rail fence around the limits of the natural area including in the interior portion of the site and on the exterior Cedarhurst Avenue boundary.
- e. Maintain the split rail fence in perpetuity.

6. Lighting
 - a. The Lighting Plan lists 70 lighting fixtures for the Project.
 - b. Install only dark skies compliant fixtures to minimize excess nighttime lighting and energy consumption.
 - c. Submit a copy of the lighting fixture(s) cut sheet(s). Cross section of fixture(s) not provided in the Luminaire Schedule.
7. Signage. Submit a signage plan that is consistent with the character of the Central Pine Barrens including its dimensions, no more than 6x6 feet, colors, and materials with no interior illumination. No more than one monument sign at each curb cut.
8. Landscaping Plan
 - a. Implement the landscaping plan.
 - b. Implement the revegetation plan for native woodlands and meadow species.
 - c. Provide a timeline of revegetation and how it aligns with construction activity.
 - d. Provide a timeline of when landscaping and revegetation will commence and be completed.
 - e. Complete no more than one year after construction.
 - f. Utilize native plant species including Long Island genotypes where available.
 - g. Retain 12 existing large trees on the Route 112 roadside. Replace in the event of damage.
 - h. Flag existing trees that will remain protected and kept in place during grading and construction.
 - i. Submit the 'As Built' landscaping and revegetation plan for the Commission's record.
9. Stormwater Pollution Prevention Plan. Submit proof of the approved SWPPP prior to implementation and site disturbance.
10. This approval shall expire five (5) years from the date of this Resolution.
11. Submit an 'As Built' Plan for the Commission's record when construction is complete.
12. 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.
13. Non-ministerial changes are subject to Commission review and decision. No changes are permitted including no additional development or changes of use or increases in density or intensity.
14. Surveying activity that does not require disturbance to vegetation is excluded from consultation with the Commission office.

15. Failure by the Applicant or its successors or assigns to fully comply with the foregoing conditions will constitute a violation of this decision.

Motion to Approve

LIPA PSEG LI Medford Operations Center

Compatible Growth Area Hardship Waiver and Development of Regional Significance

Date: December 20, 2023

Motion By: Mr. Dale

Seconded: Mr. Schneiderman

Vote:

Yes: 4 (Mr. Dale, Mr. Schneiderman, Ms. Pines, Ms. Aguiar)

No: 0

Abstain: 0

Absent: Mr. Calarco, for the New York State Governor

Copies of This Decision Will be Sent To:

New York State Department of Environmental Conservation, Division of Environmental Permits, Region 1

New York State Department of Transportation Region 10

Suffolk County Planning Commission

Suffolk County Department of Health Services

Suffolk County Department of Public Works

Suffolk County Sewer Agency

Suffolk County Water Authority

Town of Brookhaven Supervisor

Town of Brookhaven Town Clerk

Town of Brookhaven Town Board

Town of Brookhaven Board of Zoning Appeals

Town of Brookhaven Planning Environment and Land Management (PELM)

Town of Brookhaven Building Department

Town of Brookhaven Parks and Recreation Department

Applicant/Attorney