



Commission Meeting of September 21, 2005  
Quogue Wildlife Refuge,  
Quogue, NY

Present: Peter Scully (for New York State), John Turner (for Brookhaven), Marty Shea (for Southampton), Chris Kent (for Riverhead), Janet Longo (for Suffolk County)

**FINAL**

Resolution on the Compatible Growth Area Development of Regional Significance Hardship Application for Riverhead County Center Proposed Improvements located at SWC Nugent Drive (NYS Rte 24/CR94) and Center Drive (CR51), Riverhead, Town of Southampton Tax Map Number: 900-137-1-27

Peter A. Scully  
Chair

Phillip J. Cardinale  
Member

Patrick A. Heaney  
Member

John Jay LaValle  
Member

Steve A. Levy  
Member

**Whereas**, the New York State Department of Environmental Conservation (NYSDEC) sent to the Commission a lead agency coordination letter dated October 6, 2004, for an application made by Suffolk County for Wild Scenic and Recreational Rivers and Freshwater Wetlands permits to construct an addition and make improvements to an existing 2-story court record storage facility and to conduct other renovations and improvements to the childcare play area, drop-off and parking area at the Riverhead County Center, and

**Whereas**, Commission staff sent a response dated November 5, 2004 to the NYSDEC that the project appears to be one phase or segment, and all projects contemplated at the site should be reviewed for significance together under SEQRA, and must meet Compatible Growth Area Standards for development, and

**Whereas**, the aforementioned correspondence mentioned if the combined projects meet the threshold for a Development of Regional Significance then guidelines would also have to be met,

**Whereas**, the New York State Department of Environmental Conservation (NYSDEC) sent to the Commission a lead agency coordination letter dated December 20, 2004, for the application by Suffolk County for Wild Scenic and Recreational Rivers and Freshwater Wetlands permits to construct certain additions, renovations and improvements at the Riverhead County Center,

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**Whereas**, the NYSDEC requested in their December 20, 2004 correspondence, the jurisdiction of the Central Pine Barrens Commission, its interest to serve as lead agency and to identify issues of concern relevant to the Commission,

**Whereas**, the Suffolk County Department of Public Works (SCDPW) requested in correspondence dated January 18, 2005 to the NYSDEC and Central

Pine Barrens Commission that the timeframe for deciding lead agency between these two agencies be extended until SCDPW could provide additional information on other contemplated improvements at the County Center,

**Whereas**, Mr. La Guardia, SCDPW sent to Commission staff in correspondence dated February 7, 2005, information that contained all projects for the foreseeable future at Riverhead County Center,

**Whereas**, a presentation was made by Suffolk County at the Commission meeting on March 16, 2005, on the proposed improvements for Riverhead County Center,

**Whereas**, the Commission at its March 16, 2005 meeting decided to seek lead agency status for this project and advised the County to submit one application for all the proposed improvements,

**Whereas**, the Suffolk County Planning Department submitted a Compatible Growth Area Development of Regional Significance application for the following proposed improvements to the Riverhead County Center to the Commission on June 14, 2005,

- Two- story 22,000 sf addition to the Riverhead County Center. This addition with an 11,000 sf footprint is needed to expand the storage space for county records. The addition will be built next to the existing record storage wing of the facility. Project planned for 2005/2007 and is considered a priority. (County Legislature Resoln No. 47-2003, CP#1643)
- Two- story 7,500sf addition to the Criminal Courts Building. New footprint of 3,750 sf. To provide additional space for the Sheriff's office transportation section(office space, locker rooms and some additional parking).Project planned for 2007/2008.(County Legislature Resoln No. 253-2005 CP#3013)
- Parking lots/garage at County Center. Plan on paving areas formerly grass and possibly build a parking garage. Projects planned for 2005/2008. (Approx. total:178,000 sf)
- Miscellaneous - other miscellaneous projects are planned at this site. All planned work within existing footprints.
- Stormwater Remediation to Peconic River(County Legislature Resoln No. 1243 -2004, CP#8233)
- Upgrades to Power Plant - replace cooling towers and associated water cooling system and to extend the building automated system to the Criminal Courts Bldg(County Legislature Resoln No. 258-2005, CP #1715)
- Upgrade to Power Plant - replace absorption chiller, continuing energy improvements, and waterproofing of the utility tunnels. (County Legislature Resoln. No. 497-2001, CP# 1715)
- County Center Bldg -Upgrade HVAC, lighting system, improve insulation, install glass and install mandated childcare facility (County Legislature Resoln. No. 522-2003, CP# 1643)

**Whereas**, according to the County, the submittal represents all planned improvements for the next five years for the County Center site, with the understanding the implementation of these projects are subject to budgetary considerations and/or legislative approval,

**Whereas**, the Commission coordinated with involved and interested agencies by correspondence dated August 17, 2005, no objection was received within 30 calendar days and the Commission assumed lead agency status, and

**Whereas**, the 82.7 acre property was condemned by eminent domain for “general county purposes” in 1955 and 26.5 acres has been developed for government use with buildings, roads, parking lots, etc,

**Whereas**, according to the County, the property has been used for various governmental purposes including legislative functions, various county offices, the jail, criminal courts and associated facilities since prior to the 1993 Long Island Pine Barrens Protection Act (“the Act”) and the adoption of the Central Pine Barrens Comprehensive Land Use Plan, dated 1995 (“the Plan”),

**Whereas**, the aforementioned uses for this property for various public purposes over time have caused an increase in demand for parking and records storage, and the need for building improvements,

**Whereas**, several master plans and studies such as the 1970 Nassau-Suffolk Comprehensive Plan, 1992 Central Suffolk SGPA Plan, 2001 Peconic Estuary Program Comprehensive Conservation & Management Plan, and the 2003 Town of Southampton, Flanders/Northampton/Riverside Revitalization Study (Draft), and the 1995 Central Pine Barrens Comprehensive Land Use Plan document the institutional use of this property,

**Whereas**, the site is zoned CR200 (1 residence per 5 acres) which does not meet the clearing standard of 20% since it is 62.5 % cleared due to its institutional use that predates the Act,

**Whereas**, the proposed improvements shall occur mainly on existing paved or grassy areas, except for the 15,400 sf parking area for the jail area (“jail parking”), located north of the criminal courts building and just south of CR94, that would remove approximately .35 acres of wooded area,

**Whereas**, the site contains NYSDEC designated wetlands near Cheney Pond, the Peconic River and Little River, and nearby Cedar Pond,

**Whereas**, the site is located within the Wild Scenic and Recreational Rivers corridor,

**Whereas**, the Peconic River and Riverhead Moriches Road are identified as scenic resources in Volume 2 of the Central Pine Barrens Comprehensive Land Use Plan, dated 1995,

**Whereas**, the County has applied to the NYSDEC for a change in designation for the County Center complex to “community” under the Wild Scenic and Recreational Rivers Act,

**Whereas**, the County Center site is contiguous to the Peconic River and its designated significant fish and wildlife habitat area under the Coastal Zone Management Program, with portions of the site along the north within a designated flood area,

**Whereas**, the County Center site is connected to the Riverhead sewage treatment facility and all County proposals are required to be reviewed by the Suffolk County Department of Health Services and must be in compliance with Articles 6, 7, and 12 of the Health Code,

**Whereas**, the Commission has considered all materials submitted in connection with the application including the transcript of the public hearing, now therefore, be it

**Resolved**, the NYSOPRHP in correspondence dated August 26, 2005 states the project will not have an impact on cultural or historic resources in or eligible for inclusion in the State and National Registers of Historic Places,

**Resolved**, the proposed projects will be consistent with the Coastal Zone Management Plan since the stormwater remediation project will benefit the significant fish and wildlife habitat areas of the Peconic River and Little River by reducing the number of discharge points to the rivers and improving the overall quality of stormwater discharged, and the construction of projects approved by this Commission will occur in existing paved and grassy areas and not in any flood area,

**Resolved**, the projects will not occur in proximity to Cheney Pond and will therefore not impact the tiger salamander ponds, the Altantic White Cedar Swamp (rare plant and community type, G3G4S1) and Hessel's Hairstreak (endangered butterfly) located nearby Cheney Pond,

**Resolved**, the Commission hereby determines that the proposal is a Type 1 action pursuant to SEQRA and the grant of a hardship exemption will not have a significant adverse impact on the environment based on the mitigating measures and conditions enumerated in this resolution and therefore issues a negative declaration on the project, and be it further

**Resolved**, that NYS ECL Article 57 provides that no application for development shall be approved by any municipality or agency thereof unless such approval or grant conforms to Article 57 and the Plan, and absent a hardship exemption granted by the Commission the project does not conform due to the existing clearing and amount of fertilizer dependent vegetation onsite, that predates the Act, and its construction in proximity to wetlands and within the Wild Scenic and Recreational Rivers Corridor, predates the Act, and be it further,

**Resolved**, this project is a Development of Regional Significance and must meet standards and guidelines for development, however, Article 57 enables the Commission by majority vote to waive strict compliance with this Plan upon finding that such waiver is necessary to alleviate a demonstrated hardship, and be it further

**Resolved**, that the County has demonstrated that the hardship is unique to this site since it was developed for institutional uses prior to the Act of 1993, that effect its ability to conform with the standards as mentioned previously and guidelines related to wetland buffers, the protection of scenic and recreational resources, and roadside design and management, that are contained in the Plan, and be it further

**Resolved**, the hardship does not apply to a substantial portion of the community surrounding the project because the surrounding land is mainly County preserve land, this institutional facility was cleared and built prior to the Act, and has existed in this community since 1956, and the proposed improvements will occur in existing paved and grassy areas, therefore the relief granted will not alter the essential character of the community, and be it further

**Resolved**, the applicant has demonstrated that in order to alleviate a hardship it is necessary to waive strict compliance with the Plan and Article 57 to allow the projects as previously described, to be constructed, in order to further improve the public use and access to the government facilities at this complex, and improve and maintain the quality of the Peconic and Little Rivers and their associated freshwater wetlands, and be it further

**Resolved**, the application is approved for projects depicted on the aerial photograph prepared by the Suffolk County Department of Public Works, "Proposed Improvements to the Riverhead County Center & Jail", County Center, Riverhead, New York, dated December 11, 2003, revised April 29, 2005 subject to the following conditions:

1. There shall be no further clearing of natural vegetation onsite.
2. The proposed 15,400 sf parking area (38 spaces) located to the north of the Criminal Courts Building and adjacent to CR94 shall instead be relocated to an existing paved or grassy area elsewhere onsite.
3. The proposed Surrogate Court parking near Center Drive shall be shielded from the street with street trees and landscaping with native plants to reduce visual impacts.
4. The County shall submit when available the final proposed location of the 2 story parking garage to ensure conformance with this hardship waiver and shall submit to the NYSDEC to ensure conformance with the Wild Scenic and Recreational Rivers Act.
5. Commission recommends that the County consider locating the 2-story parking garage between the County Center Building and Criminal Courts Building where it would serve more buildings and would be potentially less visible from the street.
6. The County shall incorporate street trees that are a minimum of 1-1/2 inch caliber in size along Center Drive to reduce the visual impact of the overall facility.
7. The County shall obtain and comply with the necessary NYSDEC permits to mitigate any impacts to wetlands and the Peconic River, and Suffolk County Health Department permits.

**Resolved**, the granting of this hardship exemption is consistent with the purposes and provisions of Article 57 and will not result in a substantial impairment of the resources of the Central Pine Barrens.

## Motion on SEQRA Determination and Project Approval

Made by: M. Shea      Seconded by: C. Kent

Vote: Yes 5

No 0