



**Commission Meeting of March 20, 2024
Brookhaven Town Hall, Farmingville
Adopted Sense Resolution for the
Riverside Sewage Treatment Plant
Compatible Growth Area of the Central Pine Barrens**

Present:

Mr. Calarco, for the Governor of the State of New York,
Ms. Juengst, for the Suffolk County Executive,
Mr. Panico, Brookhaven Town Supervisor,
Mr. Hubbard, Riverhead Town Supervisor,
Ms. Moore, Southampton Town Supervisor

Whereas, the Town of Southampton, in 2015, adopted the Riverside Revitalization Action Plan, which proposed a private-public partnership to redevelop the Hamlet of Riverside, and

Robert T. Calarco
Chairman

Whereas, the Town analyzed the generic impacts of the RRAP under the State Environmental Quality Review Act (SEQRA) while deferring environmental review of specific projects until such projects were proposed, and

Timothy C. Hubbard
Member

Whereas, the Town proposes to develop a 800,000 gallon per day tertiary sewage treatment plant (STP) identified in the RRAP as public infrastructure that is foundational to full implementation of the RRAP, (the Project) and

Maria Z. Moore
Member

Whereas, the Town anticipates providing connections to the STP to the existing premises in the Riverside Hamlet in order to reduce the amount of sanitary waste being treated in conventional sewage treatment systems, and

Daniel J. Panico
Member

Edward P. Romaine
Member

Whereas, the Town, as Lead Agency, is conducting a SEQRA review of the Project, and anticipates completion of the review by the middle of April 2024, and

Whereas, the Commission is an involved agency under the SEQRA review, and

Whereas, the Town plans on seeking Environmental Facilities Corporation grants to help finance the construction of the STP, and

Whereas, the Project requires clearing as defined in the Comprehensive Land Use Plan (the Plan) in excess permitted without a hardship waiver issued under Environmental Conservation Law Section 57-0123, and

Whereas, on January 3, 2024, the Town applied to the Commission for a hardship exemption to clear in excess of the standard, and the Commission held a public hearing on the application on February 21, 2024, and

Whereas, on February 23, 2024, the Applicant submitted information in response to the comments in the Staff Report to provide clarity on the Project, and

Whereas, the Town proposes to clear 100% of the vegetation on the 11.11 acre project site, which exceeds the 57% clearing authorized by the Plan without a hardship waiver, and

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Whereas, the Project is in otherwise full conformance with the other standards in the Plan, and

Whereas, the Commission may not issue a hardship waiver unless the Project's SEQRA review is complete, and

Whereas, the Town requested the Commission issue a Sense Resolution to indicate whether the Commission will issue a hardship waiver based on the Town's presentation and the criteria set forth in Article 57 of the Environmental Conservation Law, and will provide additional information upon completion of its review, and

Whereas, to determine whether to issue this Sense Resolution, the Commission reviewed criteria for a hardship waiver in Article 57 and criteria in SEQRA's implementing regulations, the Town's February 21 presentation materials, and the Town's SEQRA record.

Now therefore be it

Resolved, that it is the Sense of the Commission that the Town's February 21 presentation and supplemental material demonstrated the need for a hardship waiver under the criteria outlined in Article 57, and be it further

Resolved, the Commission has reviewed the determination of significance criteria outlined in the SEQRA regulations and identified no significant adverse environmental impacts on the Plan, and be it further

Resolved, that it is the Sense of the Commission that the Project conforms with the Land Use Standards outlined in Chapter 5 of the Plan, except for the clearing waiver request, and be it further

Resolved, the Commission provides this Sense Resolution to indicate that it anticipates that the completion of the Project's review by the Town will not reveal any factor that causes the Commission's understanding of the need for the Project, the rationale for a hardship exemption, or its environmental impacts to materially change, and be further

Resolved, the Commission will not issue a final determination on the Town's hardship waiver request until it receives the final SEQRA record from the Town, and be it further

Resolved, this Sense Resolution does not constitute the Commission's formal determination that the Project merits a hardship exemption and the Town is required to submit the complete SEQRA record so that the Commission make such a determination, and absent such submission within one year of the date of this Sense Resolution, this Sense Resolution will cease and self-expire and be of no further force and effect all without need of any further Commission action.

Record of Motion

Motion by: Ms. Moore

Seconded by: Mr. Panico

Yea Votes: 4

Nay Votes: 1 Mr. Hubbard