



**Central Pine Barrens Joint Planning and Policy Commission  
Commission Meeting of July 16, 2025  
Riverhead Town Hall**

**Adopted Resolution**

599 Middle Country Road  
Compatible Growth Area Hardship Waiver Application  
599 Middle Country Road, Middle Island, Town of Brookhaven  
Suffolk County Tax Map Number  
200-402-2-2

Present: Ms. Juengst, for the Suffolk County Executive  
Mr. Panico, for the Brookhaven Town Supervisor  
Mr. Hubbard, Riverhead Town Supervisor  
Ms. Moore, Southampton Town Supervisor

Timothy C. Hubbard  
*Member*

Maria Z. Moore  
*Member*

Daniel J. Panico  
*Member*

Edward P. Romaine  
*Member*

**I. The Project, Application, and Project Site**

RA Middle Island LLC, the Applicant, owns the 1.44 acre property located at 599 Middle Country Road (NYS Route 25) in Middle Island, Town of Brookhaven in the Compatible Growth Area (CGA) of the Central Pine Barrens. The property is in the J Business 4 Zoning District. The Applicant is represented by Charles J. Voorhis, Nelson, Pope & Voorhis LLC.

The Project Site, identified as SCTM Number 200-402-2-2, is developed with an estimated 5,000 square foot one-story commercial building with a drive-through and parking lot. The existing building was previously occupied by a bank and has been vacant since 2019. The site was developed prior to the Long Island Pine Barrens Protection Act (the Act) and the 1995 adoption of the Central Pine Barrens Comprehensive Land Use Plan (the Plan). The site is currently cleared to a limit of 93%, or 1.34 acres, and the remaining 7%, 0.10 acres, is natural pine barrens vegetation. On July 16, 2025 the Applicant corrected the amount of existing natural vegetation to 0.10 acre and the amount to be revegetated to 0.23 acre.

The Applicant requests a CGA Hardship Waiver for a change of zone from J Business 4 to J Business 5 to allow a Starbucks restaurant to reuse and occupy the existing building with a drive-through window. The Applicant seeks relief from the Vegetation clearance limit standard (5.3.3.6.1) and Open space standard requirement, unfragmented open space and habitat standard (5.3.3.6.2) described in the Plan. The standards permit a clearing limit of 60% (0.86 acres) and a minimum open space requirement of 40% (0.58 acres). The project proposes 77% (1.11 acres) of cleared and developed area, and 23% (0.33 acres) of natural vegetation. The total area of natural vegetation includes an existing natural area to remain undisturbed of 0.10 acres and 0.23 acres that will be revegetated with native species. The area to remain natural is not considered open space. The Site Plan prepared by Stonefield Engineering & Design last dated June 18, 2025, depicts the Project.

The Applicant requires the Commission's approval because the Project is in the CGA of the Central Pine Barrens and the activity constitutes development, as defined in Article 57 of the New York State Environmental Conservation Law. The Project does not conform with the Vegetation Clearance Limit Standard, 5.3.3.6.1, and Open Space Standard, 5.3.3.6.2, outlined in the Plan and implemented in the Town Code, therefore a CGA hardship waiver is required.

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## **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. The Commission has jurisdiction over development in the Central Pine Barrens area as such term is defined in the Act. Development includes the “a change in type of use of a structure or land or, if the ordinance or rule divides uses into classes, a change from one class of use designated in an ordinance or rule to a use in another class so designated.” In 1995, the Commission adopted the Central Pine Barrens Comprehensive Land Use Plan (the Plan), last revised April 19, 2023. In the Plan are Standards and Guidelines to govern development in the Central Pine Barrens.

The Act provides the Commission jurisdiction to review and approve the hardship waiver. Development must conform with the Plan’s Standards that became effective on July 19, 2024, or receive an extraordinary hardship exemption to proceed.

## **III. The Project Site and Materials Submitted to the Commission**

On April 4, 2025, the Applicant submitted to the Central Pine Barrens Joint Planning and Policy Commission a CGA Hardship Waiver Application for the Project. The Application contained a project description, review of Standards of the Comprehensive Land Use Plan, review of Town Law Section 267-b, site plans prepared by Stonefield Engineering & Design dated March 7, 2025, notarized owner’s affidavit, Full Environmental Assessment Form Part 1, and aerial photographs.

On May 30, 2025, the Applicant provided updated information including a summary of minor revisions and updated site plans prepared by Stonefield Engineering & Design dated April 30, 2025.

On June 18, 2025, the Applicant provided additional information responding to the Commission Staff Report presented at the public hearing on the same date. Updated site plans prepared by Stonefield Engineering & Design dated June 18, 2025 were included.

## **IV. Public Process**

On May 21, 2025, the Commission scheduled a public hearing for June 18, 2025. At the public hearing, a Commission Staff Report with seven items, Exhibits A through G, were introduced into the record. The Staff Report was made available to the Applicant prior to the meeting.

At the June 18 Hearing, the Commission received sworn testimony from the Applicant’s representatives who also provided a PowerPoint presentation.

A stenographic transcript was made of the Hearing and the Applicant submitted additional information addressing comments in the Staff Report on the same date, June 18. Updated Site Plans prepared by Stonefield Engineering & Design dated June 18, 2025 were also received. A seven-day written comment period was provided. No written comments were received.

## **V. The Study Area**

The Staff Report defined a Study Area which analyzed, in general, the land use, ownership, and zoning categories within a one half mile radius of the Project Site. The Study Area is bisected by the principal arterial east-west State Route 25, Middle Country Road, as classified by the New York State Department

of Transportation. It is bound on the west side by Bartlett Road and Middle Island Road on the east. The northern boundary cuts through the residential communities of Birchwood at Spring Lake and Eagleview, and the industrial operation of Roanoke Sand and Gravel Corp. The southern boundary extends to Fairway Drive and includes parcels in both CGA and Core Preservation Area.

Land uses immediately adjacent to the site are commercial and residential with a car wash to the east of Spring Lake Drive, a shared access driveway serving both commercial properties, and Oak Run at Middle Island, a planned retirement community, to the north and west of the site.

Land uses within the Study Area include industrial, institutional, commercial, vacant, low-, medium-, and high-density residential. A mix of town-, state-, and county-owned open space are distributed throughout the north and south sides of the Study Area with larger contiguous space on the south side of Middle Country Road in the Core Preservation Area. A mix of zoning districts are within the Study Area including J Business, A and B Residence, Multifamily Residence, Planned Retirement Community, Light Industrial, and Pet Cemetery Business District.

Several projects within the Study Area and just beyond its boundaries have been reviewed by the Commission and received hardships. Approved CGA Hardship Waiver applications within the Study Area include:

1. 2/7/1996 - Aroya and Brodbeck (SCTM # 200-402-1-16.12 and 16.2). Developed site approved for new construction and parking.
2. 5/18/2005 - Longwood Public Library (SCTM # 200-402-1-24.9 and 200-403- 1-3, 4). One developed parcel and two undeveloped parcels approved for parking lot expansion and drainage improvements.
3. 1/16/2013- Longwood Public Library (SCTM # 200-402-1-23.1, 24.9; 200- 403-1-3, 4, 17, 18). Developed site approved for parking lot expansion and drainage improvements.

Approved CGA Hardship Waiver applications near the Study Area include:

4. 10/11/1995 - Mavis Development Corp. (SCTM # 200-378-3-49). Developed site approved for gas station and convenience store with parking. Approximately one mile east of the Project Site.
5. 8/16/2017 - R.N. Middle Island, 7-Eleven Middle Island (SCTM # 200-378-2-37.2 and 200-403-1-2.1 and 2.3). Two developed parcels and one undeveloped parcel approved for change of zone to develop a gas station and convenience store. Approximately 0.70 miles east of the Project Site.

## **VI. State Environmental Quality Review Act (SEQRA) and Other Agency Jurisdictions**

The Commission classified the Project as an Unlisted Action and performed an uncoordinated review. The Commission prepared Environmental Assessment Form Parts 2 and 3. No significant adverse environmental impacts were identified.

The Commission requested information from the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) on whether the Project would impact State listed historic or prehistoric resources. OPRHP replied on April 25, 2025 that no properties, including archaeological and/or historical resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by the Project.

The Commission also requested information on the project's potential impact on resources from the New York State Natural Heritage Program. The response, dated June 27, 2025, states the Project Site is in "within 2.5 miles of a documented summer nonbreeding location of Northern Long-eared Bat (NLEB) (*Myotis*

*septentrionalis*, state and federally-listed as Endangered)...the main impact of concern for bats is the removal of potential roost trees.”

The Project requires additional permits or approvals from other involved agencies including the Town of Brookhaven and Suffolk County Department of Health Services (SCDHS) Articles 6, 7 and 12.

## **VII. The Application**

Pursuant to the Act, to determine whether an Applicant has demonstrated the existence of a hardship, the Commission considers, among other things, the criteria set forth in New York State Town Law §267-b. The Commission considers the criteria in ECL §57-0123(3)(b) and determines 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.

The Applicant states a reasonable return cannot be realized and the inability to secure a tenant since 2019 is due to changes in market demand for bank branches. The lack of income from the property is of economic hardship with current annual real estate taxes of \$46,409.11. New banks that have opened are smaller than the existing building size and seven former banks within approximately eight miles of the Project Site currently stand vacant or have been approved for drive-through restaurants.

The Applicant alleges the hardship relating to the property in question is unique and does not apply to a substantial portion of the neighborhood because the site was developed prior to the adoption of the Plan. The placement of the property in the CGA prevents the site from being utilized as a profitable commercial business consistent with changing consumer needs of the community. The existing building, parking area, and drive-through would allow the property to function as a profitable business without extensive modifications to site configuration. The Project includes site improvements to more closely conform with clearing and open space requirements, Standards 5.3.3.6.1 and 5.3.3.6.2.

The Application states the essential character of the neighborhood will not be altered if the request is granted because it will remain a commercial drive-through in nature where traffic patterns and customer flow will be consistent with the existing use. The conversion of impervious surface and sections of maintained lawn to native vegetation along the western edge of the site, contiguous with neighboring open space, and along the southern edge along Middle Country Road will not negatively alter the essential character of the neighborhood and would rather help improve the essential character.

The Applicant maintains that the alleged hardship has not been self-created because the property was developed prior to the adoption of the Plan and the placement of the site into the CGA limits the potential for adaptation driven by consumer needs. A tenant has not been able to be secured since 2019 for the existing use and the Project includes a change of use with minimal site disturbance and an improvement to the natural condition of the Site.

## **VIII. Conformance Review of Project with Plan Standards and Impact on Goals of the Plan**

Commission review of the Application requires a Project to demonstrate conformance with the Standards set forth in Volume 1, Chapter 5 of the Plan. If the Project does not conform with one or more provisions, and is not modified to conform, 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. Standards that do not apply to the Project are noted in the review. This review identifies where conformance is deferred to other agencies that regulate uses and activities to protect public health, water and natural resources. The Applicant must adhere to applicable regulations and permit requirements of other agencies.

The following sections evaluate the potential impacts of the Project based on the complete information submitted by the Applicant and conformity with the Plan's Standards. The Applicant will obtain any and all applicable permits to conform with Standards of the Plan.

## **A. Water Resources**

The Plan's Standards related to water resources are identified below. Also included is a discussion of the Project's potential impacts to water resources, mitigating measures and conformance.

### **1. Sanitary waste, nitrate-nitrogen and other chemicals of concern**

#### *a. Standard 5.3.3.1.1 Suffolk County Sanitary Code Article 6 compliance*

The Project is a change of zone for the conversion of an existing commercial building to a drive-through restaurant with a total of 30 indoor and outdoor seats. It is expected that the Applicant will satisfy the procedural requirements of the SCDHS. Conformance of the Project with this standard is conditioned on the Applicant obtaining SCDHS approval of Article 6 compliance.

#### *b. Standard 5.3.3.1.2 Sewage treatment plant discharge – The existing onsite conventional septic system will be replaced with a new Innovative/Alternative Onsite Wastewater Treatment System (I/A OWTS), therefore this standard is not applicable.*

#### *c. Standard 5.3.3.1.3 Suffolk County Sanitary Code Articles 7 and 12 compliance*

The Project must satisfy the requirements of the Suffolk County Sanitary Code as per this standard. The conformance of the Project with this standard is conditioned on the Applicant satisfying SCDHS compliance with the Sanitary Code.

#### *d. Standard 5.3.3.1.4 Commercial and industrial compliance with Suffolk County Sanitary Code*

The Project must satisfy the requirements of the Suffolk County Sanitary Code as per this standard. The conformance of the Project with this standard is conditioned on the Applicant satisfying SCDHS compliance with the Sanitary Code.

### **2. Wellhead and groundwater protection**

#### *a. Standard 5.3.3.3.1 Significant discharges and public supply well locations*

No significant discharges are proposed in groundwater contributing areas of existing public water supply well field locations. The Project conforms with Standard 5.3.3.3.1.

### **3. Wetlands and surface waters**

No regulated wetland habitat exists in proximity to the Project Site and the site is not within the Wild, Scenic and Recreational Rivers Permit Program (WSRR) jurisdiction. Therefore, this section is not applicable.

- a. *Standard 5.3.3.4.1 Nondisturbance buffers* – Not applicable
- b. *Standard 5.3.3.4.2 Buffer delineations, covenants, and conservation easements* – Not applicable
- c. *Standard 5.3.3.4.3 Wild, Scenic and Recreational Rivers Act compliance* – Not applicable

#### **4. Stormwater runoff**

- a. *Standard 5.3.3.5.1 Stormwater recharge*

Stormwater runoff will be retained on the Project Site and managed through the existing drainage system. A conversion of about 6,000 square feet of impervious surface and maintained lawn to native vegetation will aid in on-site stormwater recharge. The project involves ground disturbance of 0.26 acres and is not subject to the State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activity requirements. The Project conforms with Standard 5.3.3.5.1.

- b. *Standard 5.3.3.5.2 Natural recharge and drainage*

The Project does not include alteration of the existing drainage system aside from the conversion of approximately 2,500± square feet of impervious surface and approximately 3,500± square feet of maintained non-native landscaping to areas revegetated with native species. This aids in improving natural recharge on-site, demonstrating conformance with Standard 5.3.3.5.2.

- c. *Standard 5.3.3.5.3 Ponds* – The Project does not include ponds, therefore, this standard is not applicable.
- d. *Standard 5.3.3.5.4 Natural topography in lieu of recharge basins* – The Project does not include excavated recharge basins, therefore, this standard is not applicable.
- e. *Standard 5.3.3.5.5 Soil erosion and stormwater runoff control during construction* – The Project involves ground disturbance of 0.26 acres and is not subject to the SPDES General Permit for Construction Activity requirements, therefore, this standard is not applicable.

### **B. Land Use and Ecology**

The Plan's Standards related to natural vegetation and plant habitat are identified below. Also included is a discussion of the Project's potential impacts to natural vegetation and plant habitat, mitigating measures and conformance.

#### **1. Natural Vegetation and Plant Habitat**

- a. *Standard 5.3.3.6.1 Vegetation clearance limits*

The maximum clearing limit is 60% (0.86 acres) of the Project Site. The clearing limit is based on the non-residential zoning category in Figure 5-1 of the Plan.

The Project Site is currently cleared to 93% (1.34 acres). There is no clearing of natural vegetation included in the Project. The Applicant is seeking relief from this standard and proposes a reduction in clearing to 77% (1.11 acres). This exceeds the clearance limit by 17% (0.25 acres).

The existing footprint of the building and parking lot will remain unchanged, however approximately 6,000± square feet of non-native landscaped and impervious surface areas will be converted to areas revegetated with native species.

The site does not contain non-contiguous parcels, split zoning, residential overlay districts, areas of environmental restoration pursuant to ECL §57-0107(13)(c), and is not split between the Core Preservation Area and CGA. Therefore, Standards 5.3.3.6.1.1, 5.3.3.6.1.2, 5.3.3.6.1.3, 5.3.3.6.1.4, and 5.3.3.6.1.6 do not apply. Standard 5.3.3.6.1.5 includes the filing of the CGA Hardship Waiver Application which was received April 4, 2025. For the reasons discussed, the benefits of the Project outweigh any potential adverse impacts created by the Application.

*b. Standard 5.3.3.6.2 Open space standard requirement, unfragmented open space and habitat*

The minimum open space requirement is 40% (0.58 acres) of the Project Site. The minimum is based on the non-residential zoning category in Figure 5-1 of the Plan.

The Project utilizes the existing cleared areas for development and the footprint of the building and parking lot will remain unchanged. Due to the site's pre-existing development prior to the adoption of the Plan, revegetation is required via self-heal, active restoration with nursery stock, and/or transplantation activity methods.

The Project Site is 7% (0.10 acres) of natural area. There is no clearing of natural vegetation included in the Project. The Applicant is seeking relief from the minimum open space requirement of 40% and proposes mitigation for the lack of open space by revegetating with native plant species on 16%, or 0.23 acres of the Project Site. The revegetated area adds to the existing natural area of 7% (0.10 acres) that will remain natural and undisturbed. Therefore, the total Project Site coverage of natural vegetation, existing and proposed, is 23% or 0.33 acres. The area to remain natural is not considered open space.

The Site and Landscaping Plans prepared by Stonefield Engineering & Design, last dated June 18, 2025 depicts the conversion of approximately 6,000± square feet of non-native landscaped and impervious surface areas to natural areas revegetated with nursery stock.

The areas to be revegetated with native species are on the northern and western edges of the site, contiguous with neighboring open space on parcel identified as Suffolk County Tax Map Number 200-401-2-38.5. Native plantings will be used throughout the site and on the southern edge along Middle Country Road. For the reasons discussed, the benefits of the Project outweigh the adverse impacts created by the Application.

Once revegetation occurs, it must be protected in a Declaration of Covenants and Restrictions (C&Rs) in accordance with Standard 5.3.3.6.5, Receiving entity and protection for open space areas. The C&Rs will be prepared by the Applicant, granted to the Commission and recorded in the Office of the Suffolk County Clerk.

*c. Standard 5.3.3.6.3 Fertilizer-dependent vegetation limit*

The maximum fertilizer-dependent vegetation limit is 15% (0.22 acres) of the Project Site. The Landscaping Plan prepared by Stonefield Engineering & Design, last dated June 18, 2025 depicts a reduction in fertilizer-dependent vegetation from 19% (0.28 acres) to 14% (0.20 acres), demonstrating conformance with Standard 5.3.3.6.3.

*d. Standard 5.3.3.6.4 Native Plantings*

The Landscaping Plan prepared by Stonefield Engineering & Design, last dated June 18, 2025 depicts the use of native species of trees, shrubs and groundcovers to be planted along the western and southern edges of the Project Site. Native plantings along the existing parking lot islands, existing lawn areas and adjacent to the existing building are also included. The Project conforms with Standard 5.3.3.6.4.

*e. Standard 5.3.3.6.5 Receiving entity and protection for open space areas*

An area of 23% (0.33 acres) of the site will be naturally vegetated, which includes 0.10 acres of existing natural area and 0.23 acres of area revegetated with native species. The entire natural area will be protected in a Declaration of Covenants and Restrictions granted to the Commission and recorded with the Suffolk County Clerk.

## **2. Species and Communities of Special Concern**

*a. Standard 5.3.3.7.1 Special species and ecological communities*

The New York State Natural Heritage Program states the Project Site is “within 2.5 miles of a documented summer nonbreeding location of Northern Long-eared Bat (NLEB) (*Myotis septentrionalis*, state and federally-listed as endangered)...the main impact of concern for bats is the removal of potential roost trees.” No clearing of natural vegetation is included in the project. An improvement of natural vegetation on the site is expected with restored areas contiguous to neighboring open space to the west. Therefore, this standard does not apply and coordination with the New York State Department of Environmental Conservation (NYSDEC) for this matter is not required.

*b. Standard 5.3.3.7.2 Bird conservation and protection*

The Site Plan prepared by Stonefield Engineering & Design, last dated June 18, 2025 notes existing light fixtures will be dark sky compliant, per town requirements. The Project conforms with Standard 5.3.3.7.2.



## **C. Other Resources**

The following Standards apply to projects not subject to local municipal review. Therefore, this section is not applicable.

### **1. Dark sky compliance**

*a. Standard 5.3.3.9.1 Light pollution prevention – Not applicable*

### **2. Scenic, historic and cultural resources**

*b. Standard 5.3.3.11.1 Tall structures and scenic resources – Not applicable*

## **IX. The Commission Review of the Act's Extraordinary Hardship Criteria and Findings**

The Commission has considered all of the materials submitted in connection with the Application including the transcript of the public hearing.

The Commission finds the Applicant has established the existence of a hardship pursuant the criteria set forth in New York State Town Law §267-b.

The Applicant cannot realize a reasonable return in the current zoning, as demonstrated by financial evidence. Changes in consumer needs have resulted in numerous bank branches within about eight miles of the Study Area to sit vacant, some of which have been reused for drive-through restaurants. Adaptive reuse of the developed commercial site can provide opportunity for a reasonable return to the Applicant.

The Project is unique and does not apply to a substantial portion of the district or neighborhood. The site contains a pre-existing building originally constructed prior to the Act and the Project will adaptively reuse the existing building with no physical disturbance to the existing natural vegetation or expansion of the facility. Revegetation of 0.23 acres of the site with native species is proposed as mitigation for the Project.

The Project will not alter the essential character of the neighborhood as it remains a commercial drive-through in nature with traffic flow consistent with the existing use. Environmental improvements via wastewater treatment updates and the conversion of asphalt and maintained lawn areas to native vegetation is not found to have negative impacts to the character of the neighborhood, rather it will help improve the neighborhood character.

The Commission determines that the Applicant has demonstrated that the alleged hardship has not been self-created because the Project Site was developed prior to the adoption of the Act, which placed the site within CGA boundaries.

The Project is not inconsistent with the purposes and provisions of ECL §57-0123(3)(b) and would not result in substantial impairment of the resources of the Central Pine Barrens area. The Project supports the reuse of a previously cleared and developed commercial parcel within the CGA while also providing improvements to the wastewater system and natural conditions of the site.

## **X. Conclusion**

The Commission determines that the Project as depicted in the Site Plans prepared by Stonefield Engineering & Design dated June 18, 2025 complies with Standards outlined in the Plan, except for compliance with Standards 5.3.3.6.1 and 5.3.3.6.2. The Commission finds that the Applicant has established

that an extraordinary hardship exists and, therefore, grants an extraordinary hardship exemption for the reasons set forth above.

The Commission issues a Negative Declaration for the Project pursuant to the SEQRA regulations.

The Commission further imposes the following conditions on the Project:

Other agency approvals and permit requirements

The Project requires satisfaction with the requirements of other agencies including the Town of Brookhaven and Suffolk County Department of Health Services. The Applicant must seek and obtain other agency review and permit approvals, including but not limited to:

1. Suffolk County Department of Health Services approval for Article 6
2. Suffolk County Department of Health Services for Articles 7 and 12
3. Town of Brookhaven zone change, site plan approval, and any other approvals

Conditions

1. No disturbance of the Project Site unless and until all permits and approvals have been received.
2. Approval of a waiver for the development of the site is granted where upon completion, 77% (1.11 acres) of the site will remain cleared for the Project and 23% (0.33 acres) of the Project Site coverage will be in natural vegetation, as per the Site Plan and Landscaping Plan prepared by Stonefield Engineering & Design last dated June 18, 2025.
  - a. Within six months of revegetation, submit an 'As Built' survey to confirm the list and locations of plantings that were installed. Minimal substitutions with native species are acceptable. Significant changes require review.
  - b. Guarantee 85% survival of plantings for three years.
  - c. Remove and replace dead, dying and diseased plants during the three-year guarantee period as necessary.
  - d. Monitor and control invasive species in the revegetation area. Invasive plants shall be removed by hand with non-chemical methods.
  - e. Monitor the area and submit to the Commission an annual narrative report for three years concerning the status and success of the revegetation. Color photographs shall be included and taken from the same viewpoint each year to show progression.
  - f. The revegetated area must be permanently protected and included in the covenants and restrictions for the site including in the event the Property changes ownership, use and/or is redeveloped.
  - g. Submit proof of recording within six months of revegetation.
3. Declaration of Covenants and Restrictions (C&Rs). Prepare draft C&Rs for review and approval by the Commission. The C&Rs will be granted to the Commission. The C&Rs will restrict additional development, changes in use, increases in density or intensity on the Project Site. Once approved, record in the Office of the Suffolk County Clerk.
  - a. Protect 0.33 acres of natural area of the site.
  - b. No disturbance to existing natural vegetation to remain.
  - c. No construction of structures and uses or changes of use on the property other than what is approved in this decision.
  - d. Revegetated areas shall be considered "natural vegetation" and shall not be considered "cleared" or "previously cleared" land hereafter.

4. Prior to application to the Town for Certificates of Occupancy, the Applicant must certify to the Commission that revegetation is complete and that Commission conditions have been fulfilled. The Applicant may not request Town Certificates of Occupancy until written verification from Commission staff has been received stating that the revegetation is complete and that Commission conditions have been fulfilled. Submit a letter to the Commission office within one month after completion.
5. This hardship is valid only for the project under review in this application. Any substantive changes require a new application including expansion of the project or substantial redesign is subject to Commission review discretion.
6. The Commission's approval is valid for five (5) years from the Commission's date of approval.
7. Record a copy of this document including an 8.5"x11" black and white copy of the Site Plan in the Office of the Suffolk County Clerk and distribute to involved agencies.

**Motion to Approve the 599 Middle Country Road Compatible Growth Area Hardship Waiver**

599 Middle Country Road, Middle Island, Town of Brookhaven

Project Site Suffolk County Tax Map Number 200-402-2-2

MOTION BY: Mr. Panico

SECONDED: Mr. Hubbard

VOTE:

YES: 4

NO: 0

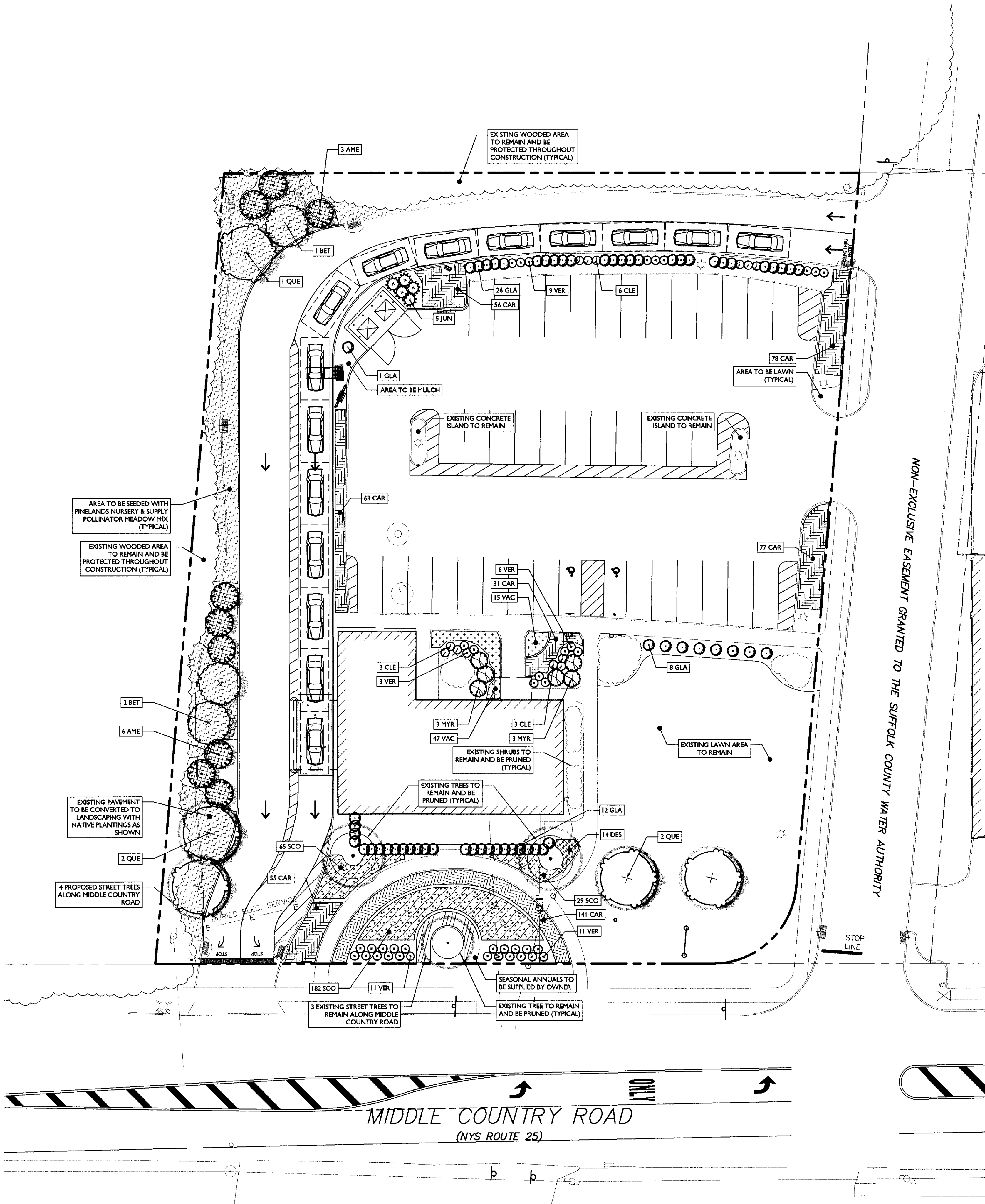
ABSTAIN: 0

DATE: July 16, 2025

cc: Suffolk County Department of Health Services  
Town of Brookhaven Supervisor  
Town of Brookhaven Town Clerk  
Town of Brookhaven Planning Environment and Land Management  
Nelson, Pope, & Voorhis, LLC







LANDSCAPING AND BUFFER REQUIREMENTS		
CODE SECTION	REQUIRED	PROPOSED
§ 85-843.A.(1)	LANDSCAPING AREAS MINIMUM 20% OF A COMMERCIAL SITE SHALL BE LANDSCAPED LOT AREA: 62,846 SF 62,846 SF * (0.20) = 12,569 SF	22,697 SF (36.1%)
§ 85-843.A.(2)	MINIMUM 50% OF THE REQUIRED LANDSCAPED AREA SHALL BE LOCATED IN THE FRONT YARD 12,569 SF * (0.50) = 6,285 SF	7,993 SF (63.6%)
§ 85-843.A.(3)	STREET TREES 1 TREE FOR EVERY 30 LF OF FRONTAGE MIDDLE COUNTRY ROAD: 191 FT (191 FT) * (1 TREE / 30 FT FRONTAGE) = 7 TREES	3 EXISTING TREES 4 PROPOSED TREES 42.1 FT
§ 85-843.A.(4)	MINIMUM LANDSCAPED AREA ALONG ALL STREET FRONTAGES: 15 FT	
§ 85-843.A.(7)	PARKING AREA SCREENING ALL PARKING AREAS SHALL BE SCREENED FROM VIEW WITH A HEDGE, BERM, AND/OR DECORATIVE WALL OR FENCE	COMPLIES
§ 85-843.A.(8)(a)	PARKING AREA LANDSCAPING PARKING AREAS OF 50 SPACES OR MORE: 400 SF OF LANDSCAPING FOR EVERY 25 SPACES 51 SPACES * (400 SF / 25 SPACES) = 816 SF	2,750 SF
§ 85-847.E.(1)	GREEN LANDSCAPING STANDARDS 50% OF ALL SPECIES SHALL BE DROUGHT TOLERANT, NATIVE SPECIES	COMPLIES

SYMBOL	DESCRIPTION
	PROPOSED STREET TREES

PLANT SCHEDULE						
SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
DECIDUOUS TREES						
	BET	3	BETULA LENTA	SWEET BIRCH	4" - 4.5" CAL	NATIVE
	QUE	5	QUERCUS RUBRA	NORTHERN RED OAK	4" - 4.5" CAL	NATIVE
EVERGREEN TREES						
	AME	9	ILEX OPACA	AMERICAN HOLLY	6" - 7" HT	NATIVE
	JUN	5	JUNIPERUS VIRGINIANA J.N. SELECT GREEN	EMERALD FEATHER EASTERN REDCEDAR	6" - 7" HT	NATIVE
SHRUBS						
	CLE	12	CLETHRA ALNIFOLIA	SUMMERSWEET	18" - 24"	POT NATIVE
	VER	40	ILEX VERTICILLATA	WINTERBERRY	18" - 24"	POT NATIVE
EVERGREEN SHRUBS						
	GLA	61	ILEX GLABRA	INKBERRY HOLLY	18" - 24"	POT NATIVE
	MYR	6	MYRICA PENSYLVANICA	NORTHERN BAYBERRY	18" - 24"	POT NATIVE
GROUND COVERS AND ORNAMENTAL GRASSES						
	VAC	62	VACCINIUM ANGUSTIFOLIUM	LOWBUSH BLUEBERRY	1 GAL.	POT, 24" o.c. NATIVE
	CAR	501	CAREX PENSYLVANICA	PENNSYLVANIA SEDGE	1 GAL.	POT, 24" o.c. NATIVE
	DES	14	DESCHAMPSIA FLEXUOSA	CRINKLED HAIR GRASS	1 GAL.	POT, 24" o.c. NATIVE
	SCO	276	ANDROPOGON SCOPARIUS	LITTLE BLUESTEM	1 GAL.	POT, 24" o.c. NATIVE

NOTE: IF ANY DISCREPANCIES OCCUR BETWEEN AMOUNTS SHOWN ON THE LANDSCAPE PLAN AND WITHIN THE PLANT LIST, THE PLAN SHALL DICTATE.

PINELANDS NURSERY & SUPPLY POLLINATOR MEADOW MIX - SDM-101		
ACHILLEA MILEFOLIUM	COMMON YARROW	1.00%
ANDROPOGON GERARDII	BIG BLUESTEM	4.00%
ASCLEPIAS INCARNATA	SWAMP MILKWEED	0.70%
ASCLEPIAS INCARNATA VAR. PULCHRA	EASTERN SWAMP MILKWEED	0.30%
ASCLEPIAS SYRIACA	COMMON MILKWEED	0.20%
ASCLEPIAS TUBEROSA	BUTTERFLY WEED	0.10%
BAPTISIA AUSTRALIS	BLUE WILD INDIGO	0.50%
CHAMAECRISTA FASCICULATA	PARTRIDGE PEAS	5.00%
COREOPSIS LANCEOLATA	LANCELEAF TICKSEED	2.00%
DESMODIUM CANADENSE	SHOWY TICK-TREFOIL	1.00%
ECHEINACEA PURPUREA	PURPLE CONEFLOWER	4.00%
ELYSIUM VIRGINICUS	VIRGINIA WILD-RYE	16.00%
ERAGROSTIS SPECTABILIS	PURPLE LOVE GRASS	5.00%
ERYNGIUM YUCCIFOLIUM	RATTLESNAKE MASTER	1.00%
EUPATORIUM PURPUREUM	PURPLE JOE PYE WEED	2.00%
EUTROCHIUM DUBIUM	COASTAL PLAIN JOE-PYE WEED	2.00%
HELIOPSIS AUTUMNNALE	SNEEZEWEED	4.00%
HELIOPSIS HELIANTHOIDES	FALSE SUNFLOWER	0.20%
LACTIS SPICATA	DENSE BLAZING STAR	1.00%
MONARDA FISTULOSA	WILD BERGAMOT	0.0%
PENSTEMON DIGITALIS	FOXGLOVE BEARDTONGUE	2.00%
PHYRANTHEMUM INCANUM	HOARY MOUNTAIN MINT	1.00%
PHYRANTHEMUM TENUIFOLIUM	SLENDER MOUNTAIN MINT	1.00%
RUDBECKIA FULGIDA	ORANGE CONEFLOWER	0.45%
RUDBECKIA HIRTA	BLACK-EYED SUSAN	1.00%
SCHIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM	12.00%
SOLIDAGO JUNCIFOLIA	EARLY GOLDENROD	1.00%
SOLIDAGO NEMORALIS	GRAY GOLDENROD	3.00%
SORGHASTRUM NUTANS	INDIANGRASS	6.00%
SYMPHYOTRICHUM LAEVE	SMOOTH ASTER	3.00%
SYMPHYOTRICHUM NOVAE-ANGIAE	NEW ENGLAND ASTER	10.00%
TRIDENS FLAVUS	PURPLETOP	0.55%
VERBESINA ALTERNIFOLIA	WINGSTEM	2.00%
VERNONIA NOVEBORACENSIS	NEW YORK IRONWEED	1.00%
ZIZA AUREA	GOLDEN ALEXANDER	
SEEDING RATE: 15 LBS PER ACRE		



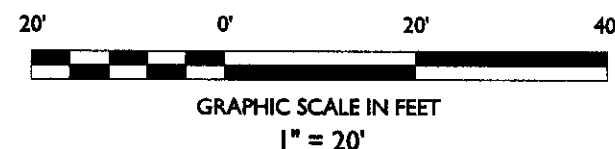
Know what's below  
Call before you dig.

IRRIGATION NOTE:

IRRIGATION CONTRACTOR TO PROVIDE A DESIGN FOR AN IRRIGATION SYSTEM SEPARATING PLANTING BEDS FROM LAWN AREA. PRIOR TO CONSTRUCTION, DESIGN IS TO BE SUBMITTED TO THE PROJECT LANDSCAPE DESIGNER FOR REVIEW AND APPROVAL. WHERE POSSIBLE, DRIP IRRIGATION AND OTHER WATER CONSERVATION TECHNIQUES SUCH AS RAIN SENSORS SHALL BE IMPLEMENTED. CONTRACTOR TO VERIFY MAXIMUM ON SITE DYNAMIC WATER PRESSURE AVAILABLE MEASURED IN PSI. PRESSURE REDUCING DEVICES OR BOOSTER PUMPS SHALL BE PROVIDED TO MEET SYSTEM PRESSURE REQUIREMENTS. DESIGN TO SHOW ALL VALVES, PIPING, HEADS, BACKFLOW PREVENTION, METERS, CONTROLLERS, AND SLEEVES WITHIN HARDSCAPE AREAS.

LANDSCAPING NOTES

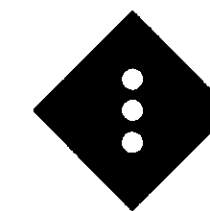
- THE CONTRACTOR SHALL RESTORE ALL DISTURBED GRASS AND LANDSCAPED AREAS TO MATCH EXISTING CONDITIONS UNLESS INDICATED OTHERWISE WITHIN THE PLAN SET.
- THE CONTRACTOR SHALL RESTORE ALL DISTURBED LAWN AREAS WITH A MINIMUM 4 INCH LAYER OF TOPSOIL AND SEED.
- THE CONTRACTOR SHALL RESTORE MULCH AREAS WITH A MINIMUM 3 INCH LAYER OF MULCH.
- THE MAXIMUM SLOPE ALLOWABLE IN LANDSCAPE RESTORATION SHALL BE 3 FEET HORIZONTAL TO 1 FOOT VERTICAL (3:1 SLOPE) UNLESS INDICATED OTHERWISE WITHIN THE PLAN SET.
- THE CONTRACTOR IS REQUIRED TO LOCATE ALL SPRINKLER HEADS IN AREA OF LANDSCAPING DISTURBANCE PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL RELOCATE SPRINKLER HEADS AND LINES IN ACCORDANCE WITH OWNER'S DIRECTION WITHIN AREAS OF DISTURBANCE.
- THE CONTRACTOR SHALL ENSURE THAT ALL DISTURBED LANDSCAPED AREAS ARE GRADED TO MEET FLUSH AT THE ELEVATION OF WALKWAYS AND TOP OF CURB ELEVATIONS EXCEPT UNLESS INDICATED OTHERWISE WITHIN THE PLAN SET. NO ABRUPT CHANGES IN GRADE ARE PERMITTED IN DISTURBED LANDSCAPING AREAS.



REVISED PER CENTRAL PINE BARRENS COMMENTS	REVISED PER TOWN COMMENTS	ISSUED FOR REVIEW	ISSUED FOR REVIEW	DATE	DESCRIPTION
4	06/18/2025	MG	MG	06/18/2025	BY
3	04/07/2025	MG	MG	04/07/2025	DATE
2	03/07/2025	MG	MG	03/07/2025	ISSUE
1	02/14/2025	MG	MG	02/14/2025	DESCRIPTION

NOT APPROVED FOR CONSTRUCTION

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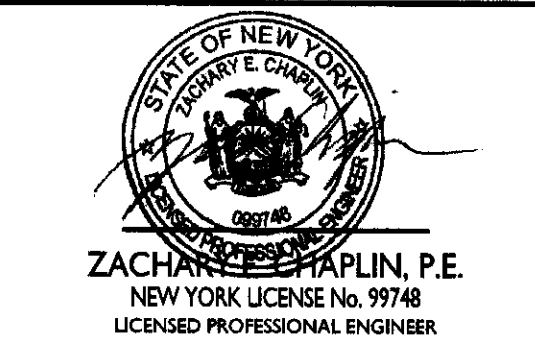


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SITE PLANS  
PROPOSED STARBUCKS



SECTION 402 COUNTRY ROAD 2  
599 MIDDLE COUNTRY ROAD  
TOWN OF BROOKHAVEN  
SUFFOLK COUNTY, NEW YORK



STONEFIELD  
engineering & design

SCALE: 1" = 20' PROJECT ID: NYC-240191

TITLE: LANDSCAPING PLAN

DRAWING: 2 OF 2