



April 16, 2025

Antoinette Rivera
Town of Brookhaven
Office of the Town Clerk
One Independence Hill
Farmingville, NY 11738

**RE: Referral of the Site Plan for Middle Island Starbucks
2024-020-CZ RA Middle Island Starbucks
SCTM #: 200-402-2-2
Compatible Growth Area of the Central Pine Barrens**

Dear Mrs. Rivera:

Timothy C. Hubbard
Member

On March 20, 2025, the Central Pine Barrens Commission office received a referral of the revised application and site plan for the subject proposal. The project site is in the Compatible Growth Area (CGA) of the Central Pine Barrens.

Maria Z. Moore
Member

Enclosed please find a copy of the Commission's letter dated January 15, 2025 in response to the original referral of this project. These comments remain valid. It appears the project does not conform with one or more of the Plan standards including the open space standard. If it is not revised to conform, please direct the applicant to apply to the Commission for a hardship.

Daniel J. Panico
Member

Edward P. Romaine
Member

Thank you for your attention, and if you have any questions, please do not hesitate to contact me at (631) 563-0307.

Sincerely,


Tara Murphy
Environmental Planner

cc: Judy Jakobsen, Executive Director, CPBJPPC
Julie Hargrave, Policy and Planning Manager, CPBJPPC
John C. Milazzo, Counsel, CPBJPPC
Amy Moody, Town of Brookhaven
RA Middle Island LLC, Applicant

624 Old Riverhead Road
Westhampton Beach, NY
11978

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January 15, 2025

Antoinette Rivera
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**RE: Referral of the Site Plan for Middle Island Starbucks
2024-020-CZ RA Middle Island Starbucks
SCTM #: 200-402-2-2
Compatible Growth Area of the Central Pine Barrens**

Dear Mrs. Rivera:

Timothy C. Hubbard
Member

On December 27, 2024, the Central Pine Barrens Joint Planning and Policy Commission office received your referral dated November 22, 2024 for the above-referenced project. The project site is in the Compatible Growth Area (CGA) of the Central Pine Barrens.

Maria Z. Moore
Member

Existing Conditions and the Proposed Project

Daniel J. Panico
Member

The 1.44 acre (62,726.4 square foot) project site is located on the north side of Middle Country Road at 599 Middle Country Road in the J Business 4 zoning district in the hamlet of Middle Island. Surrounding land uses include a mix of residentially and commercially zoned developed and undeveloped properties. The project site is developed with a one-story 4,000 square foot commercial building with drive-through and associated parking lot. The existing building was previously occupied by a bank.

Edward P. Romaine
Member

The northern and western edges of the project site border the neighboring lot vegetated with pitch pine-oak woodland. The project site is described as 35% roads, buildings, or impervious surfaces and 65% grass or landscaping, as per Part 1 of the Full Environmental Assessment Form (EAF).

The applicant proposes a change of zone from J Business 4 to J Business 5 to renovate the existing vacant bank building and convert 4,000 square feet into a Starbucks restaurant and drive-through. Please note the discrepancy of proposed zone change on Part 1 FEAF which states the zone change is from J Business 4 to J Business 2.

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The concept plan prepared by Stonefield Engineering & Design last dated November 21, 2024 notes the existing developed area including the building, parking lot, and access points will be utilized. The parking lot will be restriped and reconfigured to accommodate drive-through and bypass lanes for the restaurant. A landscaped peninsula will be removed from the parking lot to accommodate the lanes, and the western most edge of existing pavement will be converted to a landscaped area. The site plan notes a landscaping limit of 37.6% (23,603 square feet).

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Central Pine Barrens Status

The project appears to constitute development activity pursuant to New York State Environmental Conservation Law (ECL) Article § 57-0107(13), which states that development includes:

13. "Development" shall mean the performance of any building activity or mining operation, the making of any material change in the use or intensity of use of any structure or land and the creation or termination of rights of access or riparian rights. Without limitation, the following activities or uses shall be taken for the purposes of this article to involve development as defined in this subdivision:

(a) 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;

(b) a material increase in the intensity of use of land or environmental impacts as a result thereof;

The project must conform with the provisions of the Town Zoning Code implementing the Central Pine Barrens Comprehensive Land Use Plan (the Plan). If the project does not conform with one or more standards, the application may be revised to conform or the applicant must apply for a CGA Hardship Waiver from the Commission, subject to review and action.

Comments on the Project

As per your request for comments, the following items relate to review of the project's consistency with the Plan and the goals and objectives of the Long Island Pine Barrens Protection Act (the Act). The applicant must demonstrate conformance with the standards that became effective on July 19, 2024 prior to development on the project site.

Standard 5.3.3.1.1 Suffolk County Sanitary Code Article 6 compliance

The project is subject to conformance with Article 6 of the Suffolk County Sanitary Code and shall meet the applicable requirements of the Suffolk County Department of Health Services. Although the current action is the zone change, the redevelopment of the bank to a restaurant use will increase wastewater generated on the project site. The provided materials do not include sanitary flow information, however any flow exceeding Article 6 standards should be mitigated by the redemption of Pine Barrens Credits.

Standard 5.3.3.1.4 Commercial and industrial compliance with the Suffolk County Sanitary Code

If materials stored on site or activities related to the proposed commercial/industrial use require conformance with the Suffolk County Sanitary Code, ensure conformance and employ protection measures to preserve groundwater quality and the ecological resources of the Central Pine Barrens.

Standard 5.3.3.6.1 Vegetation clearance limits

- The project must demonstrate conformance with this standard and the clearing limit must be applied to the whole parcel. The area of the site that is presently cleared from prior use must be factored into the clearing limit. The project site is subject to a maximum clearing limit of 60% (0.86 acres) and 40% natural area (0.58 acres).
- The EAF characterizes the project site as 100% cleared with development and landscaping. Aside from landscaped islands with trees and mowed grass, the project site contains no natural vegetation or open space. No revegetation details are provided. The project seeks to reuse 100% of the cleared site without providing open space. At the present time, the project exceeds clearing standards.
- Please have the applicant revise the site plan to reflect the existing and proposed clearing amounts,

and the existing and proposed amount of natural areas. If clearing exceeds the limit of 60% of 1.44 acres, or 0.86 acres, please have the applicant revise plans to conform or apply for a CGA Hardship to permit non-conforming development.

Standard 5.3.3.6.2 Open space standard requirement, unfragmented open space and habitat

- The project must demonstrate conformance with this standard which states, “Development project sites must meet at a minimum the percentages of open space specified in Figure 5-1 regardless of existing physical site conditions.” It continues, “Project sites that do not have sufficient existing natural areas to meet the open space requirement specified in Figure 5-1 due to prior development or use, will be required to revegetate areas to satisfy this standard. This will include sites that do not meet the open space requirement due to pre-existing clearing or disturbance, formalized landscaped and turf areas and/or impervious surfaces.”
- The project is required to provide a minimum 40% natural open space area (0.58 acres). No revegetation is proposed, and the project utilizes 100% of the site without setting aside an area of open space. This may include self-heal or active restoration. At the present time, the project does not conform with this standard.
- If the open space requirement of 40% is not satisfied, please have the applicant submit revised plans that demonstrate conformance paired with a restoration plan or have the applicant apply for a CGA Hardship.

Standard 5.3.3.6.3 Fertilizer-dependent vegetation limit and Standard 5.3.3.6.4 Native plantings

- The maximum amount of fertilizer-dependent vegetation is 15% and where planting is required for landscaping or open space, only native species should be installed. The use of native plant species in these areas support ecological communities, vegetation and wildlife including mammals, birds and pollinating insects indigenous to the region. Please refer to Figure 5-2 in the Plan for plant species suggestions. Additional guidance on plantings can be provided by the Town and Commission staff if necessary.
- Retaining existing native vegetation on the project site including pitch pine trees, oak trees, and other natural species, avoids the importation of non-native species, and reduces the need for irrigation, fertilizer and maintenance.

Standard 5.3.3.6.5 Receiving entity and protection for open space areas

The area to be set aside as natural open space should be protected in a covenant recorded with the Suffolk County Clerk to ensure open space protection.

Standard 5.3.3.7.1 Special species and ecological communities

- The project site is in a designated significant natural community within the vicinity of Federal and State-listed endangered species, Northern Long-eared Bat (NLEB). Please coordinate the application with the NYSDEC to demonstrate conformance with the protection of listed species and their habitats. Clearing in Suffolk County may only occur from December 1 through February 28 of a given year, per NYSDEC guidance (<https://dec.ny.gov/nature/animals-fish-plants/northern-long-eared-bat>).

- Any other regulated plant or wildlife species should be protected as required by Federal, State and local agencies.

The proposal must conform with all other involved agency jurisdictions and permit requirements in effect on the project site. Thank you for your attention, and if you have any questions, please do not hesitate to contact me at (631) 563-0307.

Sincerely,


Tara Murphy
Environmental Planner

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