

# Gosselin Property (SCTM #: 900-164-4-11 and 12, now 12.1)



8/21/2025, 4:41:15 PM

1:1,000  
0 45 90 180 ft  
0 12.5 25 50 m

Pine Barren Core

Street Labels

Tax Parcels



August 12, 2025

Judy Jakobsen  
The Central Pine Barrens Commission Office  
624 Old Riverhead Road (CR 31)  
Westhampton Beach, NY 11978

**RE: Gosselin Property (49 Old Westhampton Road); Request for Modification to  
Core Preservation Area (CPA) Hardship Waiver, dated January 2024  
NPV#23247**

Dear Ms. Jakobsen,

At the December 20, 2023 regular meeting of the Central Pine Barrens Joint Planning and Policy Commission ("the Commission"), the Commission, by unanimous decision, issued a final resolution approving the Core Preservation Area Hardship Waiver Permit for the proposed action at the 49 Old Westhampton Road property. The property (more specifically identified as Suffolk County Tax Map numbers 900-164-4-11 & 12) is located within the Core Preservation Area as defined in Article 57 of the Environmental Conservation Law, in the Hamlet of Northampton, Town of Southampton New York. The Commission granted Jason and Nancy Gosselin (collectively "the Applicant") approval to demolish all of the existing structures on the property except for one cottage that will remain and be used for storage use, and to construct a new 3,600 SF single-family two-story seven-bedroom residence. Details and specifications for the approved action were depicted on the Building Permit Survey prepared by Young Associates last dated October 25, 2023. The Commission's resolution was amended at the January 17, 2024, to provide clarification regarding Condition #4, correcting that "No clearing or disturbance to trees or other natural vegetation present on the Project Site other than that which is shown in the referenced October 25 plan" may occur.

The Applicant is requesting a modification to the approved action to include the proposed construction of a 175 square-foot covered porch on the street-front of the residence, located approximately 80 feet from wetlands. The application materials related to the above referenced modification request are included herewith. This submission includes the "Jason P. Gosselin & Nancy Gosselin Building Permit Survey", sheets 1-2, the "Jason P. Gosselin & Nancy Gosselin Stormwater Management Control Plan", sheet 3, and the "Jason P. Gosselin & Nancy Gosselin Map of Covenanted Wetland Preservation Area & Non-Disturbance Non-Fertilization Buffer", sheet 4, last revised by Howard W. Young and Thomas Wolpert, on May 22, 2025.

The proposed modification will not result in an increase to the area of disturbance, nor will it require the removal of any additional trees within the Core Preservation Area of the Central Pine Barrens. Furthermore, the modification solely involves the construction of a deck, which as an accessory structure incidental to the approved residential use. If the Commission finds that the modification to the approved project is considered to be "Non-Development" under Article 57, then we request administrative approval of the request for modification to the CPA Hardship Waiver.

Please review this modification request and if necessary, please include this in the September 17<sup>th</sup> calendar to schedule the review of this matter.

Should you have any questions please don't hesitate to reach out. I can be reached via phone at (631) 427-5665 or by email at [james@nelsonpope.com](mailto:james@nelsonpope.com).

Very Truly Yours,

**NELSON, POPE & VOORHIS, LLC**



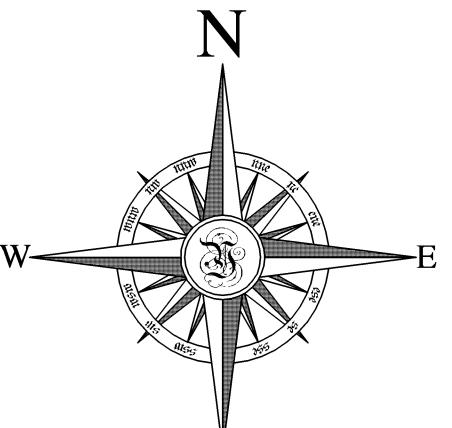
Justin Ames  
Environmental Planner (III)

cc: Julie Hargrave (CPBJPPC) (via email only)  
John Milazzo (CPBJPPC) (via email only)  
Jason Gosselin (via email only)  
Brianna Sadoski (NPV) (via email only)  
Brant Reiner (NPV) (via email only)

## NOTES FOR ABANDONMENT OF SANITARY STRUCTURES

### ABANDONMENT BY REMOVAL

EXISTING SYSTEMS MAY ALSO BE ABANDONED BY REMOVING ALL RESIDUAL SEWAGE WASTES BY A LICENSED HAULER, REMOVING THE ENTIRE STRUCTURE(S), BACKFILLING WITH SUITABLE SAND AND GRAVEL MATERIAL, AND PROPERLY COMPACTING.



### DRAINAGE DESIGN CRITERIA & CALCULATIONS

V = ARC  
A = AREA OF TRIBUTARY (S.F.)  
R = RAINFALL (FT.)  
C = COEFFICIENT OF RUNOFF

**PDW#1 REQUIRED**  
ROOF = 1,014 SF x 2/12 x 1.0 = 169 CF  
8' DIA. DRYWELL WITH A CAPACITY OF 42.24 CF/VF  
147 CF / 42.24 CF/VF = 3.5 VF REQUIRED  
**PROVIDED**  
USE (1) - 8' DIA. x 4' DEEP DRYWELL = 169 CF

**PDW#2 REQUIRED**  
ROOF = 1,014 SF x 2/12 x 1.0 = 169 CF  
8' DIA. DRYWELL WITH A CAPACITY OF 42.24 CF/VF  
147 CF / 42.24 CF/VF = 3.5 VF REQUIRED  
**PROVIDED**  
USE (1) - 8' DIA. x 4' DEEP DRYWELL = 169 CF

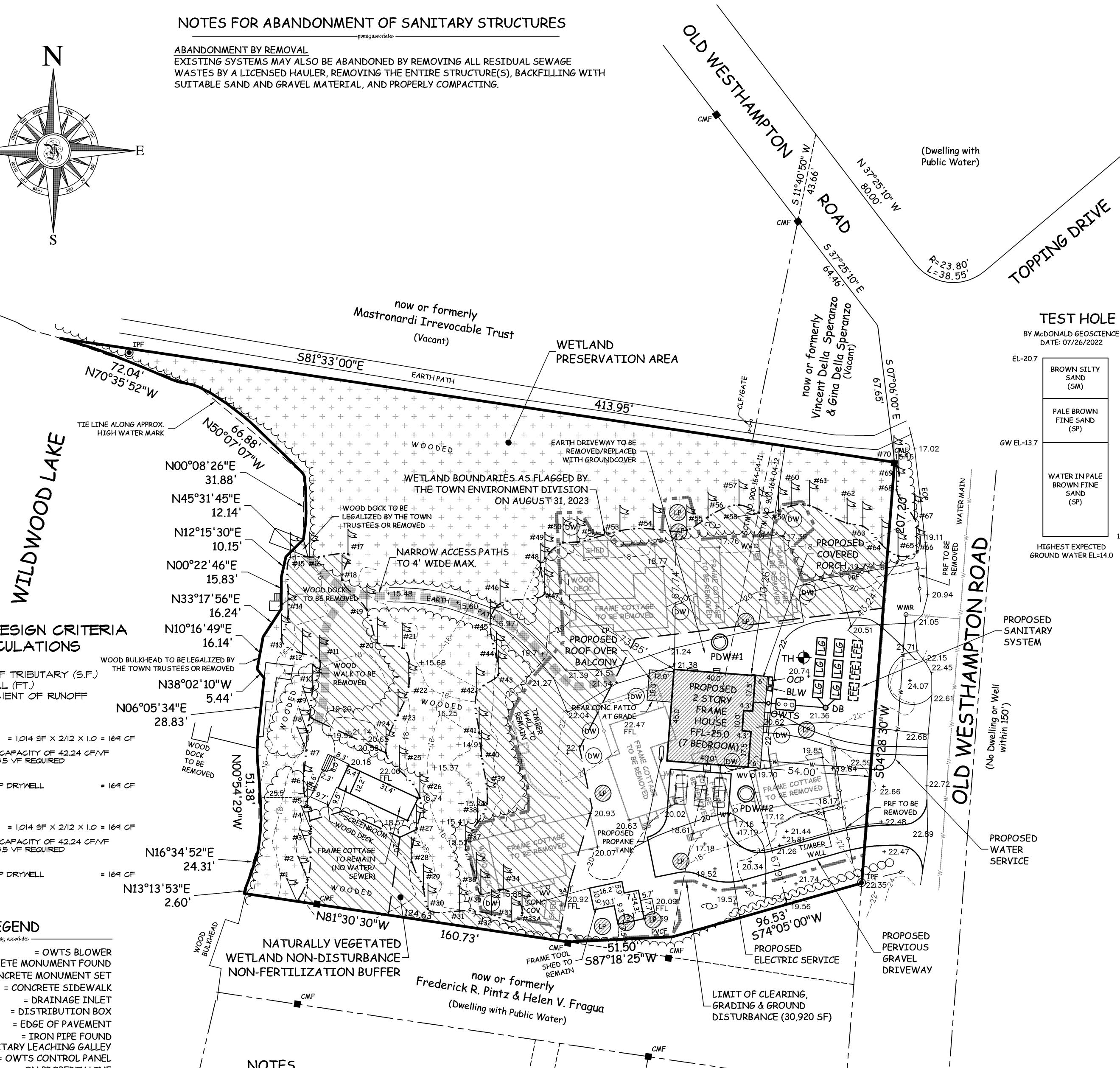
### LEGEND

BLW	= OWTS BLOWER
CMF	= CONCRETE MONUMENT FOUND
CMS	= CONCRETE MONUMENT SET
CSW	= CONCRETE SIDEWALK
DI	= DRAINAGE INLET
DB	= DISTRIBUTION BOX
EOP	= EDGE OF PAVEMENT
IPF	= IRON PIPE FOUND
LG	= SANITARY LEACHING GALLEY
OCP	= OWTS CONTROL PANEL
OL	= ON PROPERTY LINE
OWTS	= ON SITE WASTEWATER TREATMENT SYSTEM
PDW	= PROPOSED DRYWELL
PRF	= POST & RAIL FENCE
PVC	= PVC FENCE
RO	= ROOF OVER
WIF	= WIRE FENCE
WMR	= WATER METER
WSF	= WOOD STAKE FOUND
WSS	= WOOD STAKE SET
WV	= WATER VALVE
●	= END OF DIRECTION/DISTANCE
(LP)	= SANITARY STRUCTURE TO BE ABANDONED *
(DW)	= EXISTING DRYWELL TO BE REMOVED *
(PDW)	= PROPOSED DRYWELL

\* LOCATIONS PROVIDED BY OWNER

### NOTES

1. THE OWTS SHALL BE MODEL CEN-10 MANUFACTURED BY FUJICLEAN USA.
2. THE DESIGN ENGINEER, FUJICLEAN USA REPRESENTATIVE, AND SCDHS REPRESENTATIVES SHALL OBSERVE THE INSTALLATION OF THE OWTS AND LEACHING SYSTEM. APPROVAL FROM ALL THREE PRIOR TO BACKFILL.
3. THE SYSTEM START UP WILL BE COMPLETED UNDER THE DIRECT SUPERVISION OF A FUJICLEAN USA REPRESENTATIVE.
4. AN EXECUTED OPERATION AND MAINTENANCE CONTRACT BETWEEN THE MAINTENANCE PROVIDER AND PROPERTY OWNER MUST BE SUBMITTED TO THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES (SCDHS) PRIOR TO APPROVAL OF THE I/A OWTS REGISTRATION BY THE SCDHS IN ACCORDANCE WITH ARTICLE 19 OF THE SUFFOLK COUNTY SANITARY CODE.
5. FINISHED FLOOR ELEVATION(S) TO BE VERIFIED BY ARCHITECT.
6. EXISTING WATER SERVICES NOT SHOWN HEREON ARE TO BE ABANDONED.



### SITE DATA

AREA = 1.7256 ACRES

- \* SUBJECT PARCEL IS IN ZONE X - SEE FLOOD INSURANCE RATE MAP PANEL NO. 36103C0468 H LAST DATED SEPT. 25, 2009.
- \* VERTICAL DATUM = NAVD (1988)
- \* DEPTH TO GROUNDWATER = 7 FT
- \* NUMBER OF BEDROOMS (DESIGN EQUIVALENT) = 7
- \* MINIMUM REQUIRED I/A OWTS CAPACITY = 770 GAL
- \* PROVIDED I/A OWTS CAPACITY = 1,000 GAL
- \* LEACHING SYSTEM REQUIRED = 475 SFSWA
- \* LEACHING SYSTEM PROVIDED = 477 SFSWA

400 Ostrander Avenue, Riverhead, New York 11901  
tel. 631.727.2303 fax. 631.727.0144  
admin@youngengineering.com



Young associates

Howard W. Young, Land Surveyor  
Thomas C. Wolpert, Professional Engineer  
Douglas E. Adams, Professional Engineer  
Daniel A. Weaver, Land Surveyor

### HEALTH DEPARTMENT USE

### ENGINEER'S CERTIFICATION

"I HEREBY CERTIFY THAT THE WATER SUPPLY(S) AND/OR SEWAGE DISPOSAL SYSTEM(S) FOR THIS PROJECT WERE DESIGNED BY ME OR UNDER MY DIRECTION. BASED UPON A CAREFUL AND THOROUGH STUDY OF THE SOIL, SITE AND GROUNDWATER CONDITIONS, ALL FACILITIES, AS PROPOSED, CONFORM TO THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES CONSTRUCTION STANDARDS IN EFFECT AS OF THIS DATE."

HOWARD W. YOUNG, N.Y.S. L.S. NO. 45893n  
THOMAS C. WOLPERT, N.Y.S. P.E. NO. 61483  
DOUGLAS E. ADAMS, N.Y.S. P.E. NO. 80897

### SURVEYOR'S CERTIFICATION

\* WE HEREBY CERTIFY TO JASON P. GOSSELIN & NANCY GOSSELIN THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.

HOWARD W. YOUNG, N.Y.S. L.S. NO. 45893

### SURVEY FOR JASON P. GOSSELIN & NANCY GOSSELIN

at Northampton, Town of Southampton  
Suffolk County, New York

### BUILDING PERMIT SURVEY

900	164	04	11	
County Tax Map	900	Section 164	Block 04	Lot 12

FIELD SURVEY COMPLETED  
MAP PREPARED

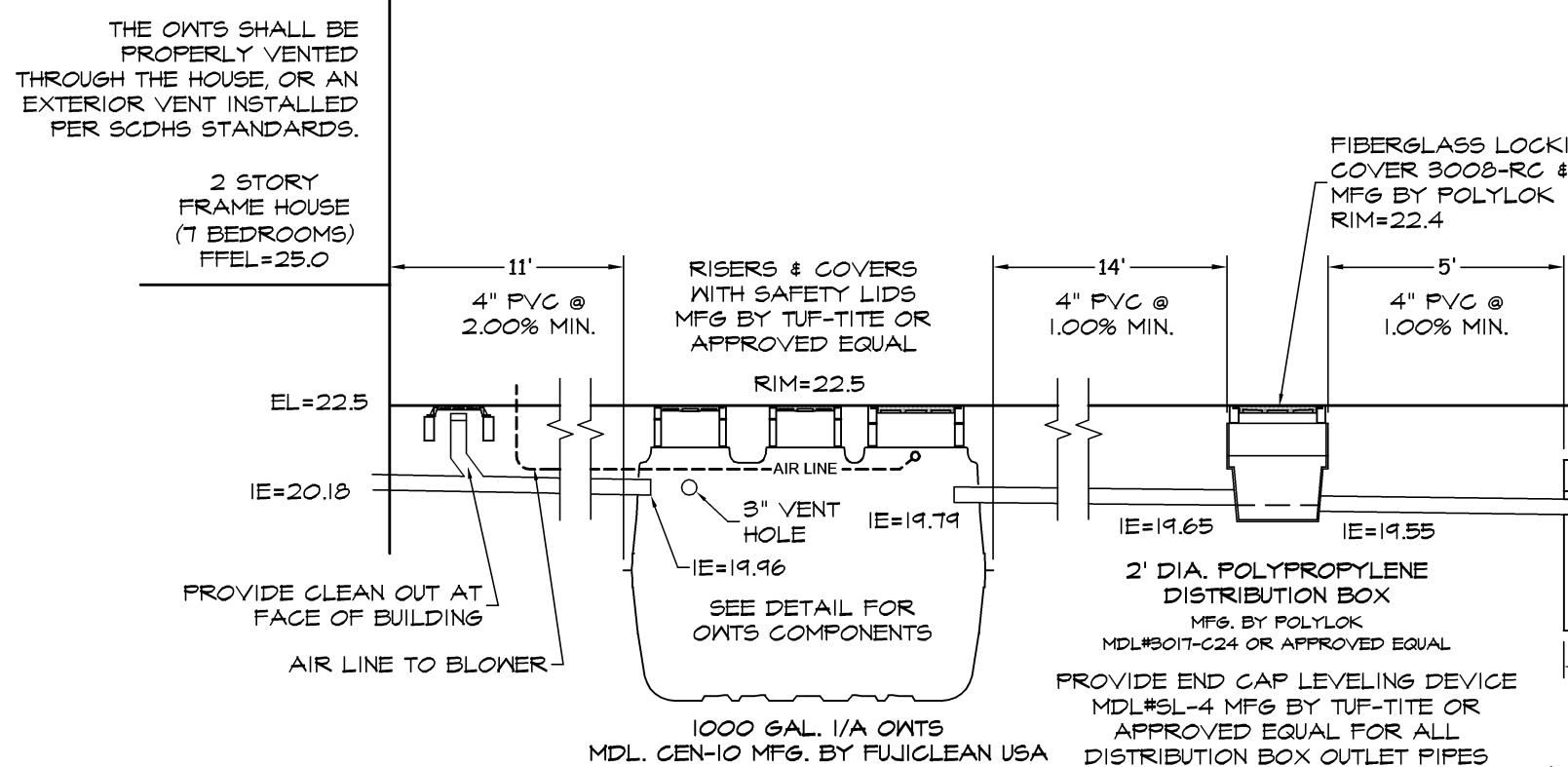
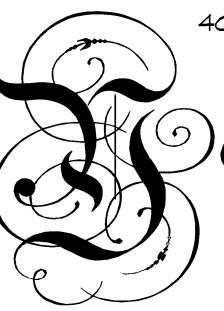
JULY 21, 2022  
JULY 22, 2022

### Record of Revisions

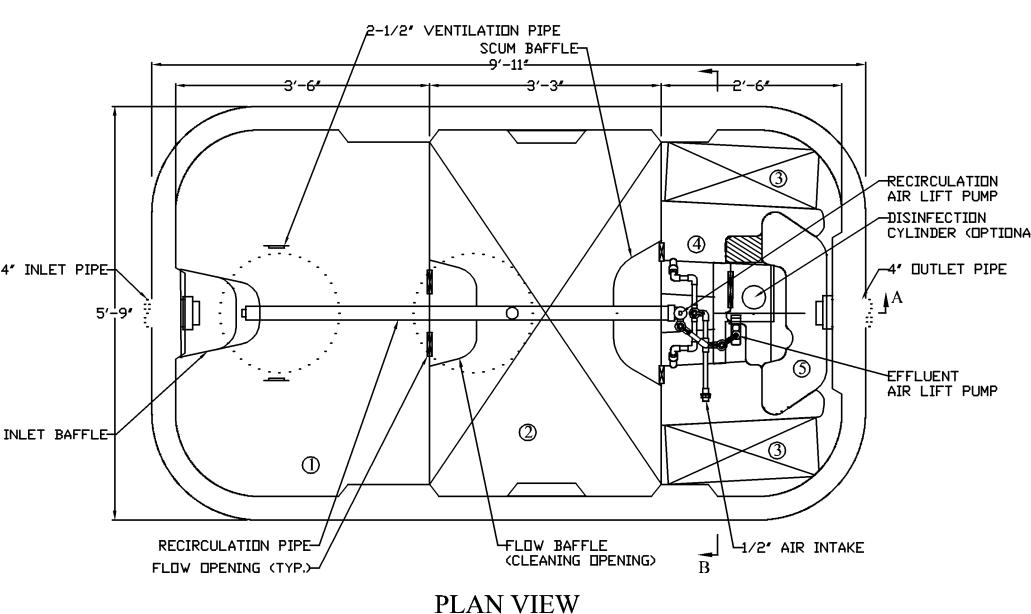
REVISION	DATE
ADDED BUILDING PERMIT DATA	MAR. 29, 2023
GENERAL AMENDMENTS	AUG. 03, 2023
WETLANDS & TOPO	SEPT. 26, 2023
GENERAL AMENDMENTS	OCT. 05, 2023
NYSDEC	OCT. 25, 2023
MULTIPLE	NOV. 10, 2023
GENERAL AMENDMENTS	MAR. 22, 2024
BLKHD & DOCK NOTES	JUN. 04, 2024
ADD COVERED PORCH	MAY 22, 2025

40 0 20 40 80 120  
Scale: 1" = 40'

JOB NO. 2022-0133  
DWG. 2022\_0133\_bp\_r3



### HYDRAULIC PROFILE

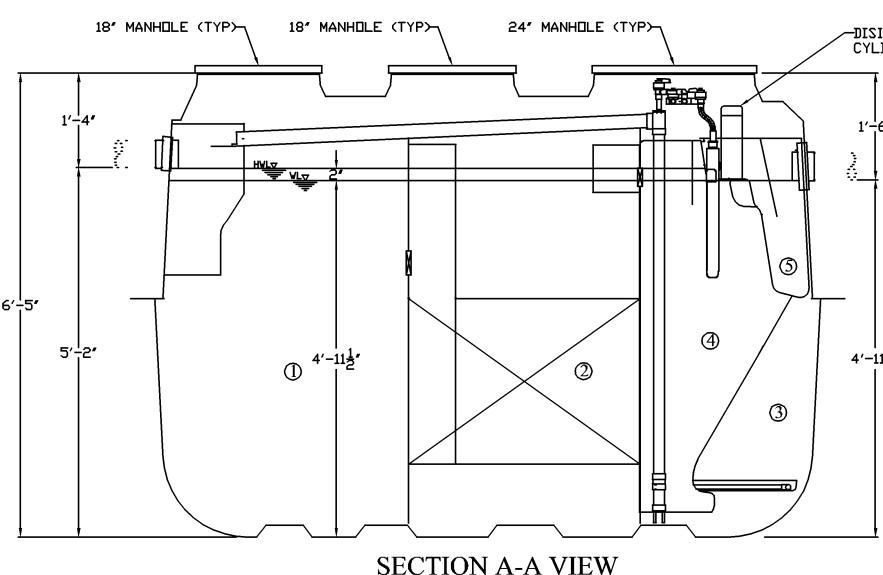
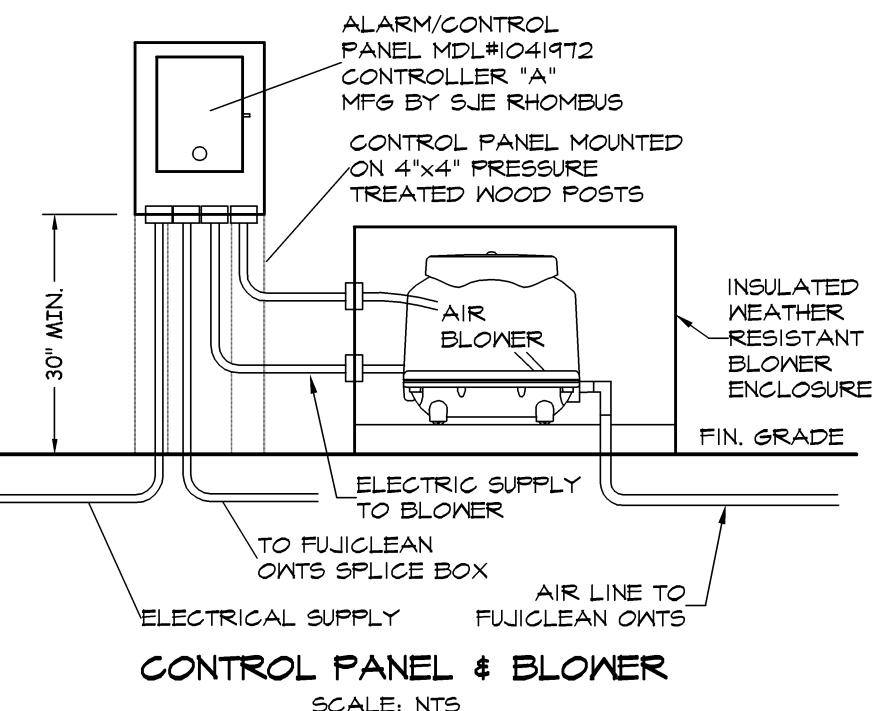


CHAMBER	Volume (gal)
① Sedimentation Chamber	558
② Anoxic Filtration Chamber	556
③ Aerobic Contact Filtration Chamber	248
④ Storage Chamber	125
⑤ Disinfection Chamber	11
Total Volume	1,498

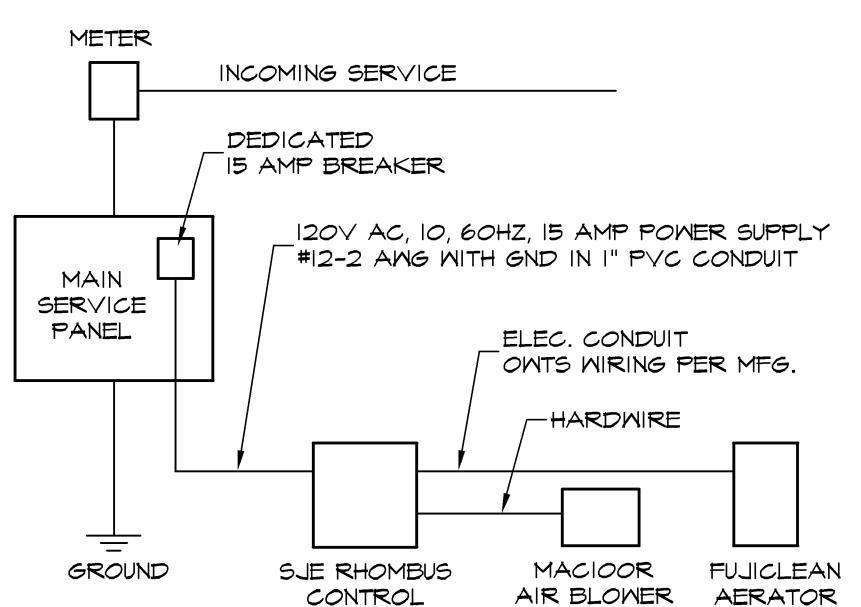
SPECIFICATIONS			
Anoxic Media	PP / PE	Filling Rate	46%
Board Type Aerobic Media	PVC / PP / PE	Filling Rate	17%
Aerobic Media	PP / PE	Filling Rate	54%
Blower	3.0 cfm		
Tank	FRP		
Piping	PVC / PP / PE		
Access Covers	Plastic / Cast Iron		
Disinfectant (Optional)	Chlorine Tablets		

NOTE: ALL CONDUITS BETWEEN PANEL AND TREATMENT TANK MUST BE SEALED TO PREVENT GAS LEAKAGE INTO PANEL.

FOR WIFI COMMUNICATION DEVICE;  
USE ALARM/CONTROL PANEL MDL#1045040  
CONTROLLER "C" MFG BY SJE RHOMBUS



I/A OANTS MDL. CEN-10 MFG. BY FUJICLEAN USA



Scale: 1" = N.T.S.

### JASON P. GOSSELIN & NANCY GOSSELIN

at Northampton, Town of Southampton  
Suffolk County, New York

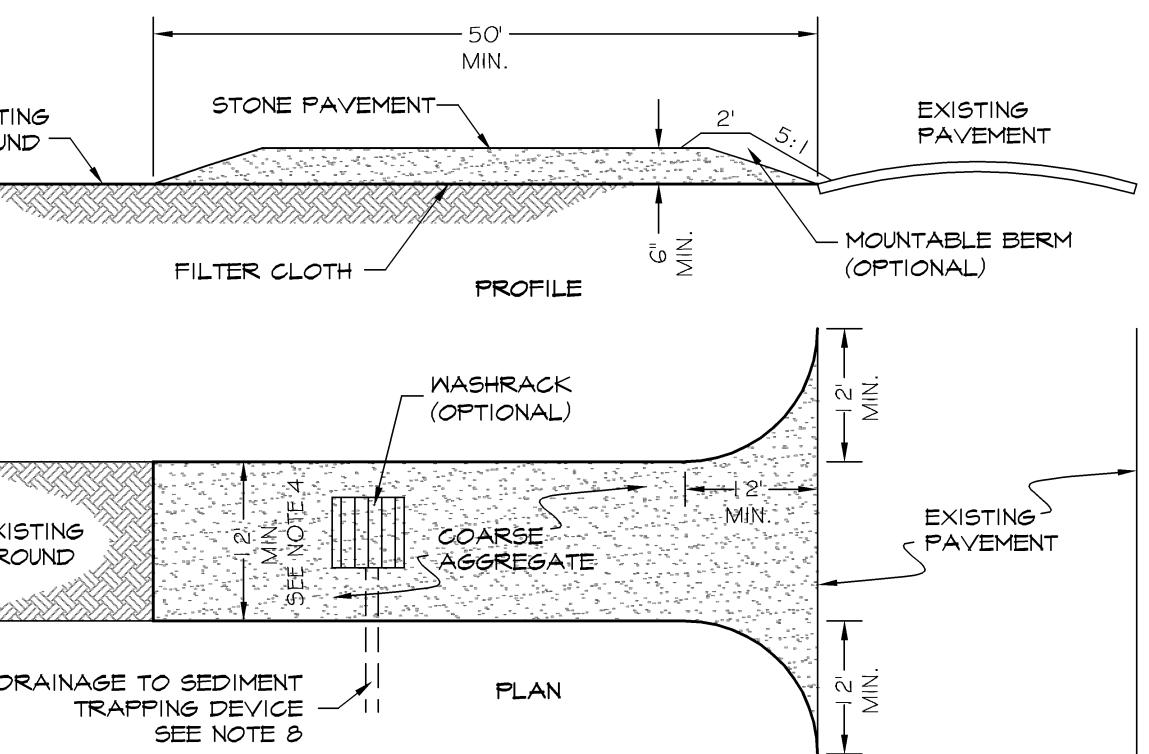
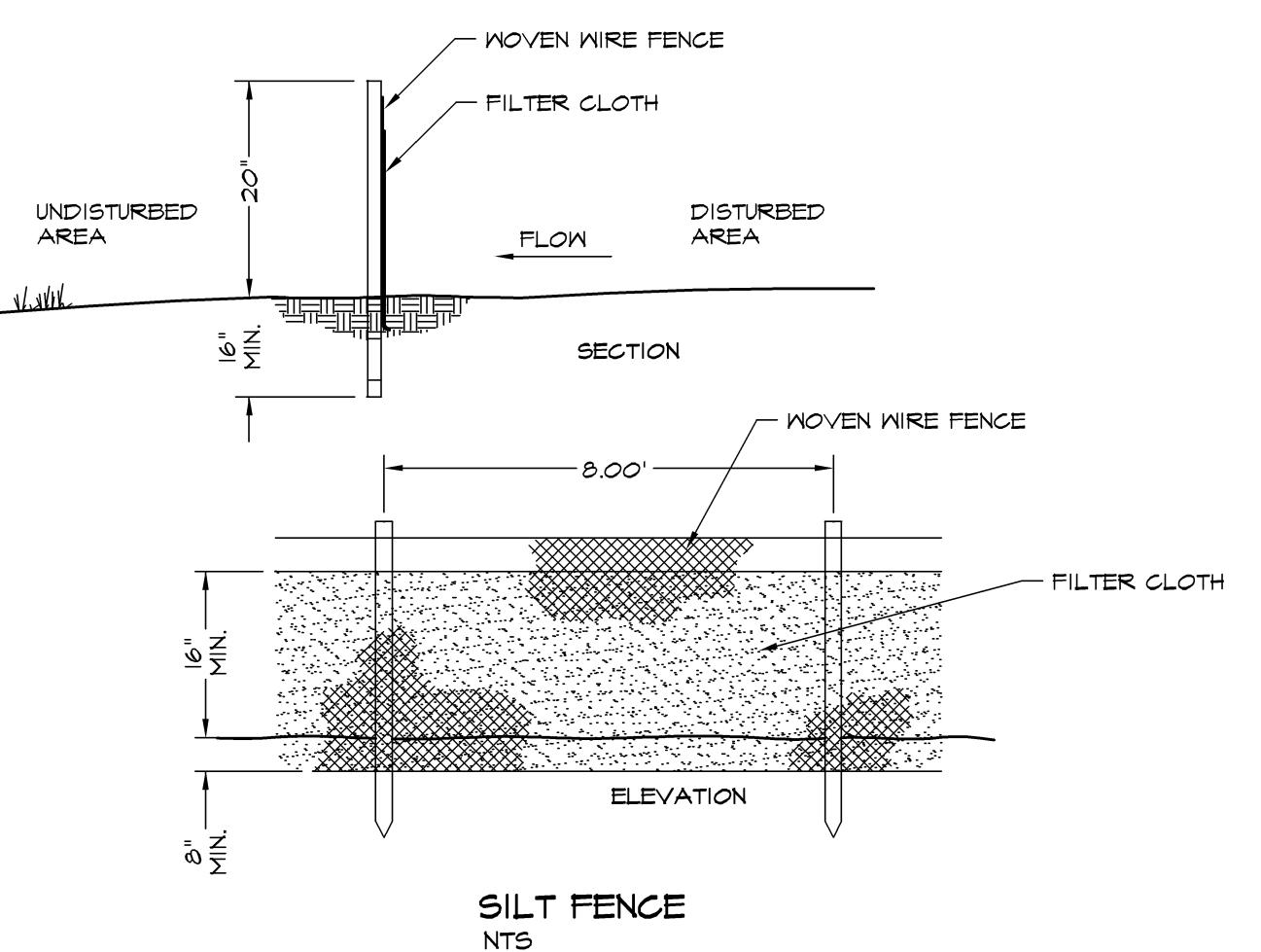
### BUILDING PERMIT SURVEY

900 164 01 11  
County Tax Map District Section Block Lot  
900 164 01 12

JULY 21, 2022  
JULY 22, 2022

### Record of Revisions

REVISION	DATE
ADDED BUILDING PERMIT DATA	MAR. 29, 2023
GENERAL AMENDMENTS	AUG. 03, 2023
WETLANDS & TOPO	SEPT. 26, 2023
GENERAL AMENDMENTS	OCT. 05, 2023
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GENERAL AMENDMENTS	MAR. 22, 2024
NO CHANGES THIS SHEET	JUN. 04, 2024
ADD COVERED PORCH	MAY 22, 2025



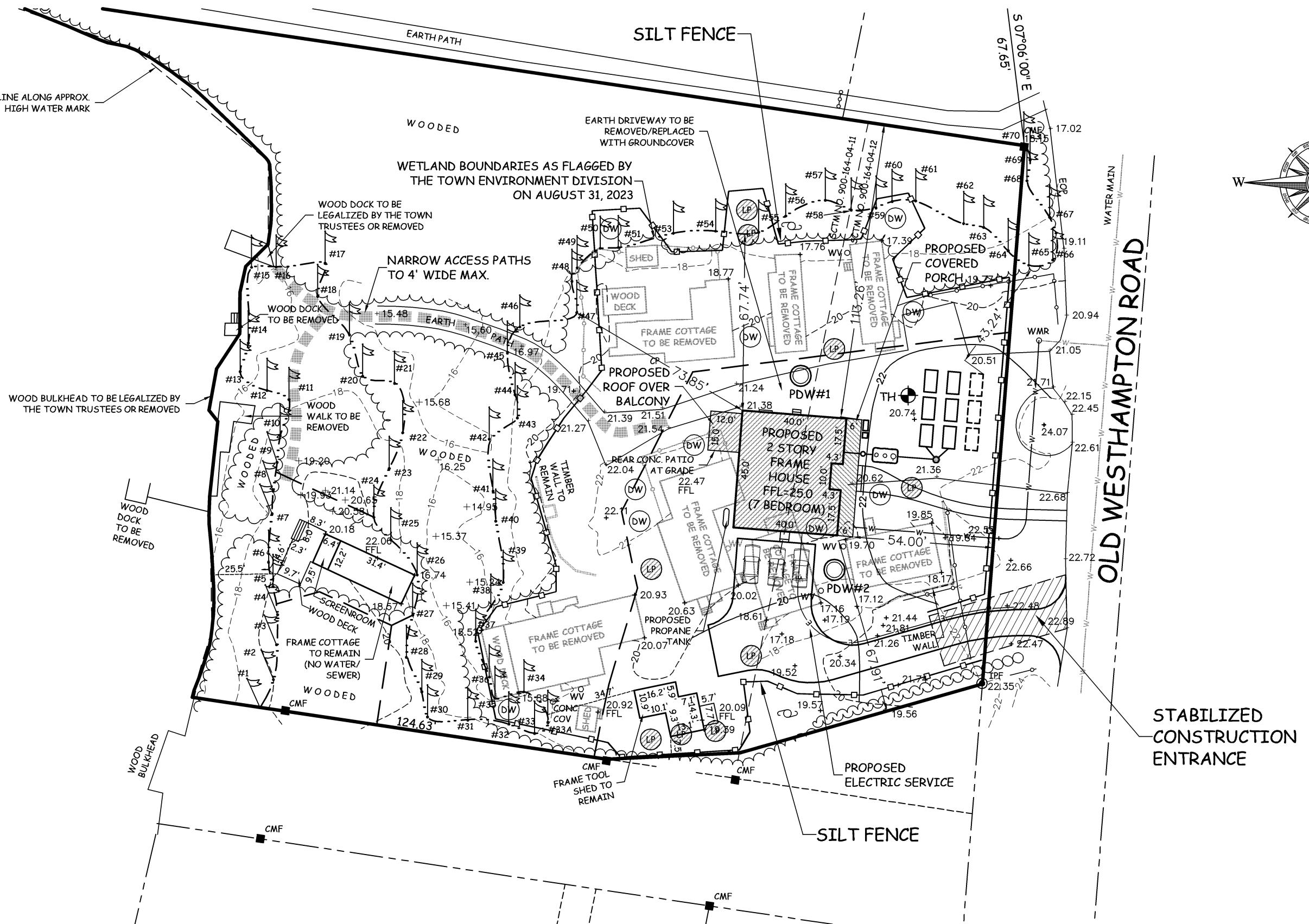
#### CONSTRUCTION NOTES

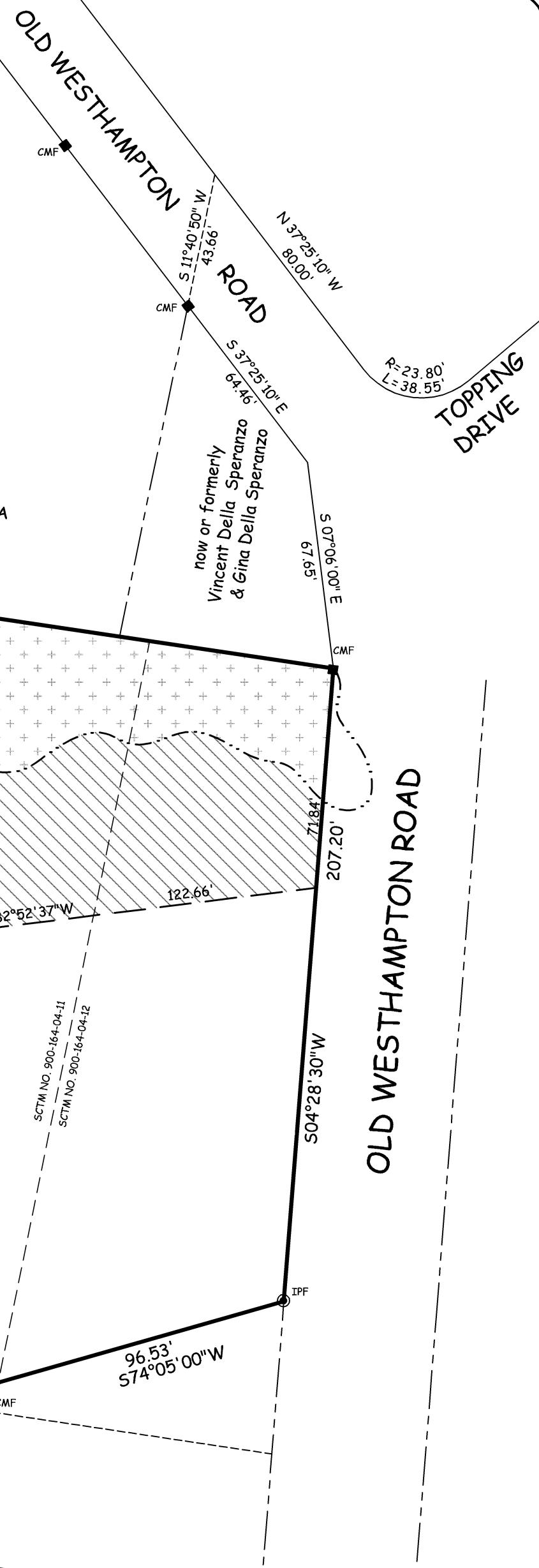
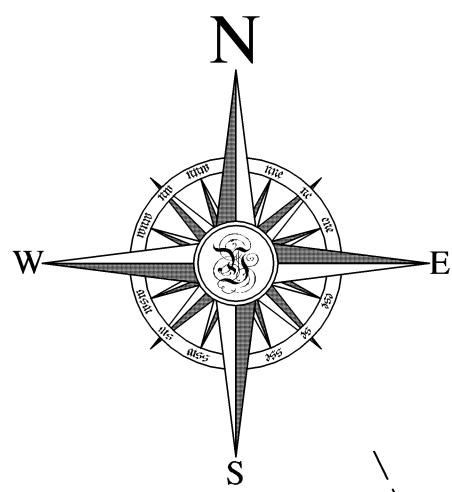
1. STONE SIZE - USE 2" STONE, OR A RECYCLED CONCRETE EQUIVALENT.
2. LENGTH - NOT LESS THAN 50 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FOOT MINIMUM LENGTH WOULD APPLY).
3. THICKNESS - NOT LESS THAN 8".
4. WIDTH - 12 MINIMUM BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS.
5. FILTER CLOTH - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
6. SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
7. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. ALL SEDIMENT SPILLED, DROPPED, WASHED, OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
8. PERIODIC INSPECTION AND MAINTENANCE SHALL BE PROVIDED EVERY SEVEN (7) CALENDAR DAYS.

#### STABILIZED CONSTRUCTION ENTRANCE

NTS

WILDWOOD LAKE





#### SURVEYOR'S DESCRIPTION

ALL that certain plot, piece, or parcel of land situate, lying and being at Northampton, Town of Southampton, County of Suffolk and State of New York, bounded and described as follows:

BEGINNING at a concrete monument on the Westerly side of Old Westhampton Road which said point is the following five (5) courses and distances from the terminus of a curve designating the intersection of the Westerly side of Topping Drive with the Northerly side of Old Westhampton Road:

1. Along a curve to the right with a Radius of 23.80 feet and a Length of 38.55 feet;
2. N 37 deg. 25 min. 10 sec. W 80.00 feet;
3. S 11 deg. 40 min. 50 sec. W 43.66 feet;
4. S 37 deg. 25 min. 10 sec. E 64.46 feet;
5. S 07 deg. 06 min. 00 sec. E 67.65 feet;

RUNNING thence from said point of beginning South 4 deg. 28 min. 30 sec. West along the Westerly side of Old Westhampton Road 71.84 feet;

RUNNING thence through the land of Jason P. Gosselin & Nancy Gosselin the following five (5) courses and distances to the land now or formerly Frederick R. Pintz & Helen V. Frauga:

1. S 82 deg. 52 min. 37 sec. W 122.66 feet;
2. S 27 deg. 03 min. 32 sec. W 60.10 feet;
3. S 11 deg. 42 min. 18 sec. E 30.09 feet;
4. S 16 deg. 33 min. 34 sec. W 28.62 feet;
5. S 11 deg. 24 min. 48 sec. W 28.48 feet;

RUNNING thence North 81 deg. 30 min. 30 sec. West along land now or formerly Frederick R. Pintz & Helen V. Frauga, 155.92 feet to Wildwood Lake;

RUNNING thence along Wildwood Lake the following thirteen (13) courses and distances:

1. N 13 deg. 13 min. 53 sec. E 2.60 feet;
2. N 16 deg. 34 min. 52 sec. E 24.31 feet;
3. N 00 deg. 54 min. 29 sec. W 51.38 feet;
4. N 06 deg. 05 min. 34 sec. W 28.83 feet;
5. N 38 deg. 02 min. 10 sec. W 5.44 feet;
6. N 10 deg. 16 min. 49 sec. E 16.14 feet;
7. N 33 deg. 17 min. 56 sec. E 16.24 feet;
8. N 00 deg. 22 min. 46 sec. E 15.83 feet;
9. N 12 deg. 15 min. 30 sec. E 10.15 feet;
10. N 45 deg. 31 min. 49 sec. E 12.14 feet;
11. N 20 deg. 08 min. 26 sec. E 21.81 feet;
12. N 90 deg. 07 min. 07 sec. W 66.88 feet;
13. N 70 deg. 52 sec. W 23.80 feet to the land now or formerly Mastronardi Irrevocable Trust & land now or formerly Vincent Della Speranzo & Gina Della Speranzo;

RUNNING thence along land now or formerly Mastronardi Irrevocable Trust & land now or formerly Vincent Della Speranzo & Gina Della Speranzo, S 81 deg. 33 min. 00 sec. E, 413.95 feet to the point or place of BEGINNING;

EXCEPTING therefrom the following parcel:

BEGINNING at a point, which said point is the following ten (10) courses and distances from the terminus of a curve designating the intersection of the Westerly side of Topping Drive with the Northerly side of Old Westhampton Road:

1. Along a curve to the right with a Radius of 23.80 feet and a Length of 38.55 feet;
2. N 37 deg. 25 min. 10 sec. W 80.00 feet;
3. S 11 deg. 40 min. 50 sec. W 43.66 feet;
4. S 37 deg. 25 min. 10 sec. E 64.46 feet;
5. S 07 deg. 06 min. 00 sec. E 67.65 feet;
6. S 04 deg. 28 min. 30 sec. W 20.27 feet to the land now or formerly Frederick R. Pintz & Helen V. Frauga;
7. S 74 deg. 02 min. 32 sec. W 17.21 feet;
8. S 10 deg. 39 min. 13 sec. W 16.06 feet;
9. N 04 deg. 30 min. 55 sec. E 35.03 feet;
10. N 81 deg. 30 min. 30 sec. W 89.10 feet;

RUNNING thence from said point of beginning, through the land of Jason P. Gosselin & Nancy Gosselin the following seven (7) courses and distances:

1. N 64 deg. 57 min. 15 sec. W 30.58 feet;
2. S 74 deg. 02 min. 32 sec. W 17.21 feet;
3. N 10 deg. 39 min. 13 sec. W 16.06 feet;
4. N 04 deg. 30 min. 55 sec. E 35.03 feet;
5. S 65 deg. 07 min. 17 sec. E 71.10 feet;
6. S 25 deg. 09 min. 22 sec. W 27.65 feet;
7. S 64 deg. 18 min. 44 sec. W 9.19 feet, to the point or place of BEGINNING.

Containing 1.2145 Acres.

400 Ostrander Avenue, Riverhead, New York 11901  
tel. 631.727.2303 fax. 631.727.0144  
admin@youngengineering.com



Young associates  
Howard W. Young, Land Surveyor  
Thomas C. Wolpert, Professional Engineer  
Douglas E. Adams, Professional Engineer  
Daniel A. Weaver, Land Surveyor

#### SITE DATA

AREA = 1.7256 ACRES

#### SURVEYOR'S CERTIFICATION

\* WE HEREBY CERTIFY TO JASON P. GOSSELIN & NANCY GOSSELIN THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.

HOWARD W. YOUNG, N.Y.S. L.S. NO. 45893

#### SURVEY FOR

## JASON P. GOSSELIN & NANCY GOSSELIN

at Northampton, Town of Southampton  
Suffolk County, New York

#### MAP OF CONVENANTED WETLAND PRESERVATION AREA & NATURALLY VEGETATED WETLAND NON-DISTURBANCE/NON-FERTILIZATION BUFFER

900	164	04	11	
County Tax Map	900	Section 164	Block 04	Lot 12

FIELD SURVEY COMPLETED  
MAP PREPARED

JULY 21, 2022  
MAR. 22, 2024

#### Record of Revisions

REVISION  
NO CHANGES THIS SHEET  
NO CHANGES THIS SHEET

DATE  
JUN. 04, 2024  
MAY 22, 2025

#### LEGEND

CMF = CONCRETE MONUMENT FOUND  
CMS = CONCRETE MONUMENT SET  
IPF = IRON PIPE FOUND  
WSF = WOOD STAKE FOUND  
WSS = WOOD STAKE SET  
● = END OF DIRECTION/DISTANCE

40 0 20 40 80 120  
Scale: 1" = 40'

JOB NO. 2022-0133  
DWG. 2022\_0133\_bp\_wetlandpres



Central Pine Barrens Commission  
Meeting of December 20, 2023  
Adopted Resolution  
**Gosselin Property**

Core Preservation Area Hardship Waiver  
49 Old Westhampton Road, Wildwood Lake, Riverside, Town of Southampton  
SCTM # 900-164-4-11 and 12

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  
*Member*

624 Old Riverhead Road  
Westhampton Beach, NY  
11978

Phone (631) 288-1079  
Fax (631) 288-1367  
[www.pb.state.ny.us](http://www.pb.state.ny.us)

## I. The Project

Jason and Nancy Gosselin (collectively the Applicant) own property located at 49 Old Westhampton Road in Riverside, in the Town of Southampton. The Gosselin family's maternal in-laws have owned the property since the 1930s. The property fronts Wildwood Lake, and contains 1.73 acres of area. It is developed with eight cottages that total 6,500 square feet in area. The total area of existing disturbance on the property covers 0.88 acres and natural area covers approximately 0.85 acres.

The Gosselin's seek to demolish all of the existing structures on the property except for one cottage that will remain and be used for storage use. Gosselin seeks to construct a new single-family two-story residence seven bedroom house containing 3,600 square feet of area (the Project). Their project will not require clearing and if authorized will leave approximately 0.98 acres of natural area on the property including freshwater wetland habitat and revegetated area where structures will be removed.

Gosselin requires the Commission's approval for this project because the property is in the Core Preservation Area as defined in Article 57 of the Environmental Conservation Law and the project constitutes development. Details and specifications concerning the Gosselin's proposal are depicted on the Building Permit Survey prepared by Young Associates last dated October 25, 2023. The Gosselins are represented before the Commission by their attorneys Wayne D. Bruyn and Robert E. Marcincuk of O'Shea, Marcincuk and Bruyn, LLP.

## II. The Act and the Commission

The New York State Legislature passed the Long Island Pine Barrens Protection Act (Act) and codified it in Article 57 of the Environmental Conservation Law (ECL), which was signed into law on July 13, 1993. The Act, among other things, created the Central Pine Barrens Joint Planning and Policy Commission (Commission), to, among other things, oversee land use activities within the specially designated Central Pine Barrens Area. In furtherance of its mission and in compliance with the directives set

forth in the Act, the Commission drafted the Central Pine Barrens Comprehensive Land Use Plan (the Plan), which was adopted on June 28, 1995.

ECL §57-0107 defines development to be the “performance of any building activity, . . . , the making of any material change in use or intensity of use of any structure or land. Without limitation the following uses shall be taken for the purposes of this article to involve development . . . (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.” ECL §57-0123 provides that “no application for development within the Central Pine Barrens area shall be approved by any municipality, or county or agency thereof or the [C]ommission . . . unless such approval or grant conforms to the provisions” of the Plan and Environmental Conservation Law Section. The Project constitutes development as defined in the Act.

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

On October 12, 2023, the Applicant submitted a core hardship waiver application prepared by Nelson and Pope, dated October 6, 2023, with an Environmental Assessment Form Part I, a Building Permit survey of the property prepared by Young Associates dated September 26, 2023 and an interpretation request dated October 5, 2023 prepared by Wayne D. Bruyn, O’Shea Marcincuk and Bruyn.

On November 14, 2023, the Applicant submitted an updated Building Permit Survey prepared by Young Associates last dated October 25, 2023.

### **IV. Public Process**

On November 15, 2023, the Commission held a public hearing on the Project at which the Commission reviewed the Staff Report and Exhibits prepared for the hearing and heard testimony from the Applicant. A presentation was made and submitted by Nelson and Pope and Robert Marcincuk. The hearing was closed and a two week written comment period held open. A transcript of the hearing was received and distributed to the Commission and posted on the Commission website.

### **V. The Study Area and State Historic Resources Determination**

The Staff Report defined a Study Area which analyzed, in general, the land use and ownership of property within a one-half mile radius of the property. The Study Area contains the communities on the waterfront of Wildwood Lake, surrounded by a significant amount of natural public open space owned by Suffolk County, New York State and Southampton Town.

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 by letter dated July 18, 2023 that, “[i]t is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.” Thus, the Project will not impact such resources.

## **VI. Other Required Approvals**

The Project is a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA).

The Applicant proposes an Innovative Alternative (IA) On Site Wastewater Treatment System for wastewater treatment on the Project Site. Suffolk County Health Department approval of the IA system will be required.

The Project requires permits and/or approvals from other involved agencies including, but not limited to the Town of Southampton Conservation Board for wetland habitat protection and building permits.

## **VII. History of the Project Site and Prior Commission Decisions**

The property was acquired by the owner's relatives in the 1930s and developed with multiple seasonal cottages for use by family and friends. Recently, upon the death of the maternal grandmother, the property was transferred to the Applicant.

The Applicant asserts that the proposal is consistent with past Commission decisions to allow the replacement of a dwelling as non-development activity pursuant to the definitions in ECL §57-0107(iii). Despite this assertion, the Applicant also submitted a core hardship waiver application.

In their application, Applicant cited prior Commission decisions including, 71 Lakeview Drive (2016) and Starbucks Manorville (2017). In reviewing the materials, the Commission finds that its decisions cited by the Applicant as precedential have been distinguished. The matter of 71 Lakeview developed a naturally vegetated site, unlike the subject Project, and it was similar to the Project by being surrounded by a developed residential community. The nonresidential project, Starbucks, reused a developed site, which is similar to the Project, but it was a commercial land use rather than residential.

The matter of David Bruhns, Ridge, was raised as a precedent matter by the Applicant. It was a core hardship application that was ultimately determined by the Commission in 2006 to constitute "non-development." It allowed the replacement of a dwelling where a dilapidated one previously existed. Notwithstanding Bruhn's, the Commission subsequently has not followed this holding.

The Commission has in the recent past required core hardships for the complete demolition and removal and development of new structures such as in the 2023 decision Taco Bell Mangogna. In cases where demolition did not occur, such as in the non-residential property of Starbucks Manorville and JCJC, core hardships were required for development and changes in use.

Other matters requiring core hardships that were approved and denied involved the development of structures on naturally vegetated properties where no prior development or disturbance existed. Estate of Constance DiPeri (2010), and similarly 71 Lakeview, was also situated in a developed residential community of at least 40 other developed lots surrounding it. And the subject matter is unlike disapprovals of Gustave, Manorville (2016), Trocchio, Manorville (2016) and Dittmer,

Yaphank (2018) that were undeveloped lots, naturally wooded and in more sparsely developed communities.

### **VIII. Commission Review of the Act's Extraordinary Hardship Waiver Criteria and Applicant's Materials**

In reviewing a Core Preservation Area Extraordinary Hardship Waiver application, the Commission is required to consider the criteria set forth in ECL §57-0121(10)(a), (c)(i), (ii), and (iii) to determine whether an applicant has established the existence of extraordinary hardship as distinguished from a mere inconvenience, whether the requested relief is consistent with the purposes, provisions of the Act, and if granted, would not result in a substantial impairment of the resources of the Central Pine Barrens area. An applicant demonstrates, based on specific facts, that the subject property does not have any beneficial use if used for its present use or developed as authorized by the provisions of this article, and that this inability to have a beneficial use results from unique circumstances peculiar to the subject property under certain conditions.

The Commission has considered the application, the Staff Report and Exhibits, transcripts of the hearings, and its prior decisions and finds that Gosselin has demonstrated that an extraordinary hardship exists.

The property and project are unique because it is developed with eight dwellings that will be replaced with one and commensurate outdated cesspools that will be removed and updated with an innovative alternative sanitary treatment system. A larger area of the site will be protected including wetland buffers than currently exists. The upgrading of the septic system is expected to protect surface and groundwater water resources including Wildwood Lake and adjacent freshwater wetland habitat and the pine barrens ecosystem.

The amount of building area will be reduced by approximately half, from 6,500 to 3,600 square feet and the footprint of the structures on the property will be reduced from 6,200 to 1,800 square foot footprint. Additionally, 0.98 acre (42,689 square feet) of natural open space will be protected in covenants with non-disturbance, non-fertilization buffer requirements by the Southampton Town Conservation Board. As a result, the Project provides more area of the site in its natural condition and permanently protected than the amount of area developed, 0.98 acre and 0.75 acre, respectively.

The Applicant asserts that the seasonal nature of cottages, except for two winterized structures, do not suit their needs. The Applicant seeks modern features and energy and water efficiency in lieu of the existing separate, small and outdated structures that presently occupy the property. The cottages, according to the Applicant, do not meet the needs of modern families including lack of insulation, inefficient heating in winter, insufficient cooling in summer, lack of laundry facilities, small kitchens and bathrooms. According to the Applicant, the cottages require significant and costly maintenance and have exceeded their life span.

The characteristics of the site were created by Applicant's ancestors and predate the Act. The Applicant has not taken or failed to take an action with respect to the property. The needs of "modern families" as the testimony suggests have changed since the property was developed. The property will be rebuilt without disturbance or removal of trees or other natural vegetation.

Additionally, the Applicant will restore areas that are left cleared when structures are demolished and removed.

The Applicant is not currently present year round on the property to utilize the cottages either by their own use or for lease. The cottages require maintenance and improvements that the Applicant is not willing to undertake.

The change in use of the property will be reduced from the number of individuals and substantial use down to one family. {Is this the number of people that can use it because of all of the cottages] The Applicant may have sought to lease all the cottages causing substantial material use of the property and instead has chosen to reduce the intensity of use and use the property for one single family. This use is consistent with the single-family residential community that surrounds the property.

The Project maintains the site's essential character and will not result in an increase in development in the Central Pine Barrens.

In considering the application, the Commission finds that granting the waiver will not be materially detrimental to other properties due to the unique nature of the Project which involves removing a pre-existing non-conforming use, multiple dwellings on one residential property, and increasing the amount of natural vegetation onsite through the revegetation of cleared areas on the property. The property is unique because it benefits from development prior to the Act. The Applicant reuses a developed property in the Core, in a different manner and with a different structure than the present condition, rather than clearing an undeveloped naturally vegetated property.

The Applicant has demonstrated the property is currently not beneficial for their use. The Applicant seeks to retire in the coming years and eventually relocate full time to reside on the property. Having a dwelling that meets the needs of the family is the purpose of this application. The Applicant has committed to no clearing of trees or other disturbance to natural vegetation in the Project.

The Project will not increase danger of fire or endanger public safety when compared the risks posed by the present use. The Applicant's willingness to protect 0.98 acre of the property is reduces the potential significant use that may presently occur and also potentially could occur if each existing cottage were updated, expanded, winterized and used year-round.

The Waiver is not inconsistent with the purposes, objectives or the general spirit and intent of the Act because it permits the continuation of the residential use of a developed property while reducing the footprint and total square footage of structures and protects natural vegetation and revegetates cleared areas on the property.

The Project reuses a developed site and by doing so avoids new clearing in the Central Pine Barrens. By replacing an antique septic system with a modern system, groundwater impacts from the use on the property are anticipated to improve as compared to the use of the property's existing system. This benefits the quality of groundwater and surface water resources including Wildwood Lake.

## IX. Commission Determinations

Based on the foregoing and upon review of the application, the Commission hereby grants the waiver requested by Gosselin. The Waiver is granted only for this specific project, a 3,600 square foot dwelling as per the survey prepared by Young Associates dated October 25, 2023. No other uses or development of the site in the R15 zoning category is permitted.

This Waiver does not allow development or redevelopment for another use or project.

The Commission finds that Gosselin has demonstrated that the property and its proposal is unique for the reasons set forth above. It has further demonstrated that it suffers an extraordinary hardship due to conditions unique to the property. The Commission grants a Waiver to Gosselin authorizing the development a 3,600 square foot dwelling on the Project Site with conditions.

The Project is situated on a site where there is presently development. The Project is expected to generate fewer trips, reduced use and fewer impacts due to the presence of a year round dwelling for one single-family consistent with the Study Area.

The Commission finds the Project will not result in substantial impairment to the resources of the Core Preservation Area. An alternative innovative treatment system will be installed in the Project, replacing an outdated septic system, for wastewater treatment and expected reduced nitrogen concentration discharge to groundwater.

The present use does not suit the needs of the Applicant. The Applicant stated to the Commission that it will not subdivide and lease the cottages through the rental market or on AirBnB or other platforms for vacation use or year round residency. The Applicant seeks to consolidate activities on site and use it for their own single use, significantly reducing the intensity of use of the property and the structural footprint on the property.

The Commission finds that the Project is not inconsistent with the purposes and provisions of the Act, including but not limited to, the goals and objectives to “[p]reserve the functional integrity of the Pine Barrens ecosystem, protect the quality of surface water and groundwater, discourage piecemeal and scattered development, [to] accommodate development in a manner consistent with the long-term integrity of the Pine Barrens ecosystem and to ensure that the pattern of development is compact, efficient, and orderly.”

The Commission hereby determines the Hardship Waiver application, as submitted, satisfies the criteria for a Core Preservation Area Extraordinary Hardship Waiver pursuant to New York State ECL Article 57 §57-0121(10) for the reasons set forth in this resolution.

A condition of approval requires the Applicant to record a Declaration of Covenants and Restrictions (C&Rs) on the property to protect 0.98 acre of the property and barring the construction of any other structure(s) and uses on the property. The C&Rs will reflect that the two existing tax lots will be merged and no further subdivision will be allowed.

This Waiver expires if the Project is not built in five (5) years and a new application will be required even for the same project and survey.

The Gosselin Property Core Preservation Area Extraordinary Hardship Waiver is approved, as per the survey prepared by Young Associates, last dated October 25, 2023, subject to conditions including:

1. The Waiver shall be valid for a period of five years from the date of approval.
2. Implement the building plan survey depicted in the plan prepared by Young Associates last dated October 25, 2023. Submit any updates if they occur. No substantial changes may occur without Commission approval.
3. The Applicant must obtain additional permits and approvals, as required by law, prior to commencement of activity related to the Project including Town of Southampton and Suffolk County Department of Health Services review and approval, NYSDEC, and any other approvals and permit requirements that apply to the Project.
4. No clearing or disturbance to trees or other natural vegetation present on the Project Site.
5. Utilize dark skies light fixtures.
6. Install native plants in the revegetation plan.
7. Minimize disturbance to the site and adjacent roadways and community when demolition and removal of existing structures occurs.
8. Install erosion control measures and manage stormwater on the project site.
9. Submit a copy of the Declaration of Covenants and Restrictions granted to the Town including:
  - a. Protect 0.98 acre of natural area of the site. Ensure it includes no disturbance to natural vegetation for the Project and does not permit the construction of any other structures and uses on the property.
  - b. Merge tax lots 11 and 12.
  - c. No future subdivision.
10. Within six months of completion of the Project and issuance of a Certificate of Occupancy, the Applicant shall submit an As-Built Survey for the Commission's file record.
11. The Waiver is granted only for this specific project, a 3,600 square foot dwelling as shown on the Young Associates last dated October 25, 2023.
12. If any changes occur in the Project the Applicant must notify the Commission and submit an amended application, subject to review and approval.

Gosselin Property at Wildwood Lake Core Preservation Area Hardship

Town of Southampton, SCTM # 900-164-4-11 and 12

Decision to Approve

Record of Motion:

Motion by: Mr. Dale

Seconded by: Mr. Schneiderman

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

Opposed: 0

Abstention: 0

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

cc: Town of Southampton Department of Land Management and Building Department

Suffolk County Department of Health Services

New York State Department of Environmental Conservation Region 1

