

CENTRAL PINE BARRENS COMMISSION

COUNTY OF SUFFOLK: STATE OF NEW YORK

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In the Matter of the Application of
SILVER CORPORATE PARK, LLC,

For a Development of Regional Significance (DRS),
and Compatible Growth Area Hardship Waiver, Pursuant
to Environmental Conservation Law Article 57

One Independence Hill
Farmingville, New York

January 23, 2019
3:00 p.m.

PUBLIC HEARING

RECEIVED

FEB 7 2019

*Central Pine Barrens
Joint Planning & Policy Commission*

2 APPEARANCES:

3
4 Kyle Collins Town Planning and
5 Development Administrator
6 Andrew P. Freleng Chief Planner
7 Carrie Meek Gallagher Regional Director, Chair
8 Julie Hargrave Education and Outreach,
9 SCWA

10 Laura Jens-Smith Supervisor, Town of
11 Riverhead

12 Janet Longo Acquisition Supervisor
13 Daniel McCormick Deputy Town Attorney,
14 Riverhead

15 John C. Milazzo Staff Attorney, SCWA

16 John W. Pavacic Executive Director, CPBC

17 Edward P. Romaine Supervisor,
18 Town of Brookhaven

19 Martin E. Shea Chief Environmental Analyst

20 Philip Butler, Esq. Farrell Fritz, Esqs.
21 on behalf of Applicant,
22 Silver Corporate Park, LLC

23 Richard Amper Executive Director,
24 Long Island Pine Barrens
25 Society

2 MS. GALLAGHER: Welcome back. This
3 is a notice of public hearing pursuant
4 to New York State Environmental
5 Conservation Law Article 57. Notice is
6 hereby given that the Central Pine
7 Barrens Joint Planning and Policy
8 Commission will hold a public hearing on
9 January 23, 2019 on the matter of an
10 application for a Development of
11 Regional Significance.

12 The name of the project is Silver
13 Corporate Park, LLC Compatible Growth Area
14 Hardship Waiver and Development of
15 Regional Significance Application.

16 MR. MILAZZO: Julie, would you like
17 to give a quick summary and introduce
18 the exhibits which you have?

19 MS. HARGRAVE: Just to summarize,
20 this is the Hardship Waiver and
21 Development of Regional Significance for
22 Silver Corporate Park.

23 It was received December 10, 2018 and
24 amended information was received January
25 8, 2019. The Commission scheduled a

2 public hearing on December 19, 2018, and
3 coordinated the application for the
4 agency.

5 The project is a Type 1 Action
6 pursuant to SEQRA. The staffers have
7 prepared a review of the time line of this
8 project site which has been reviewed by
9 the Town since 2003, so over 15 years now.

10 MR. ROMAINE: For a different
11 project?

12 MS. HARGRAVE: For different
13 projects, yes.

14 The history of this site -- different
15 projects have been proposed on this site,
16 or part of this site for over 15 years.
17 The applications that have been reviewed
18 by the Town and then have been subject to
19 environmental impact statements have been
20 included in an exhibit in the Staff
21 Report. I will call your attention to
22 that in a minute.

23 The site was 192 acres at one point
24 in early 2003. After a 2005 decision by
25 the Town, a change of zone was approved

2 that included the development of over 600
3 units of senior housing and commercial
4 development on this site.

5 The Town rescinded that approval and
6 in 2005 the Town was sued. There was a
7 litigation and the Stipulate was prepared.
8 As a result of that Stipulation, the Town
9 has acquired or is in the process of
10 acquiring 120 acres of that 192 acres.

11 Presently we are seeing the proposed
12 development of the remaining 72 acres of
13 this project site. The proposal is to
14 develop a 12 lot commercial/industrial
15 subdivision with 550,000 square feet of
16 commercial/industrial land uses.

17 I will just quickly go through the
18 exhibits because you have them. You will
19 see in the Staff Report it outlines a
20 number of issues that are needed in the
21 SEQRA process. SEQRA allows, under
22 617.6(b)(3)(ii), additional information to
23 be received so the time frame stops sort
24 of for an amount of time to receive
25 additional information in this process.

2 You will see that we are seeking some
3 additional information because the
4 application, the Environmental Assessment
5 Form, was not complete in terms of full
6 build-out of this project site.

7 MR. ROMAINE: So it can't be
8 submitted in small parts?

9 MS. HARGRAVE: Right.

10 MR. ROMAINE: It has to be
11 submitted in totality?

12 MS. HARGRAVE: Yes, to avoid
13 segmentation on the SEQRA. At this
14 point, even if the whole project isn't
15 built in one phase, even if it is
16 multiple phases the Commission needs to
17 look at the full build-out of this
18 project site.

19 The applicant recognizes this. The
20 maximum build-out is 550,000 square feet.
21 That is acknowledged through the
22 Development of Regional Significance
23 Application.

24 Therefore, all of the information
25 needs to align with that full build-out

2 potential, including a road and
3 development of the 12 lots and the
4 clearing that is involved, the sanitary
5 flow, and all the traffic and other issues
6 that are related to the development of
7 this site.

8 The project, as a Development of
9 Regional Significance, has to conform to
10 all of the standards and guidelines in the
11 land use plan, the Pine Barrens' Land Use
12 Plan. The applicant has addressed some of
13 them. Some of them have been deferred to
14 a later time, and that again is why we are
15 asking for more information at this time.
16 We need to insure that the project
17 conforms and it is all examined now, so
18 nobody in the future will come back for
19 piecemeal hardships. We can avoid that by
20 looking at the whole site now.

21 I won't go through all the details.
22 You can review this and the Commission has
23 received the Staff Report in their packet,
24 but this packet contains all the exhibits
25 also.

2 The exhibits show that -- starting
3 with Exhibit B, the project site. The
4 parcel was recently carved out of other
5 lots, so it is not even up to date in
6 terms of the boundary lines of this
7 parcel.

8 MR. ROMAINE: So the metes and
9 bounds aren't accurately reflected
10 there?

11 MS. HARGRAVE: They have prepared
12 surveys showing them, but the update of
13 the parcel number -- because through the
14 County of Real Property Information it
15 isn't even up to date yet.

16 MR. ROMAINE: So they have not been
17 given tax identifications for the
18 separate lots they would like to create?

19 MS. HARGRAVE: They have a new tax
20 map number, but we don't have that
21 information in terms of our data.

22 MR. ROMAINE: So they have to go to
23 Real Property Tax Service Agency and get
24 a tax map number for each of the lots
25 involved?

2 MS. HARGRAVE: Yes, that will need
3 to be done.

4 MR. ROMAINE: I should say at this
5 point Town of Brookhaven is going to
6 coordinate very closely with the Pine
7 Barrens Commission, but the Town will be
8 accepting and undertaking lead agency
9 status.

10 MS. HARGRAVE: You will see in
11 Exhibit B also a Study Area Map. It
12 just shows you the boundaries of the
13 Pine Barrens, which is to the east of
14 Sills Road, north of the Long Island
15 Expressway. It is off of the North
16 Service Road.

17 East of Sills Road is the Core
18 Preservation Area and to the west is the
19 Compatible Growth Area.

20 South of the LIE in this Study Area,
21 the Pine Barrens does not extend south of
22 the LIE.

23 Exhibit C just shows you the state of
24 the project site. It is an existing
25 naturally wooded site and has not been

2 disturbed as far back as 1947. For more
3 than 70 years it has been a naturally
4 wooded site, pine barrens, pitch pine, oak
5 forest.

6 MR. ROMAINE: And it has slopes.

7 MS. HARGRAVE: It contains steep
8 slopes of up to 60 percent on the site.
9 Much of the steep slopes you will see in
10 Exhibit F, which is the slopes map that
11 the applicant submitted. You will see
12 in the northerly portion of the site is
13 where most of the steep slopes exist.

14 There are three lots that are
15 proposed where it is going to disturb some
16 steep slopes to develop those lots. It is
17 not clear if they could do some additional
18 -- reexamine those parcels to maybe stay
19 away from those steep slopes. Right now
20 it is proposed to disturb portions of the
21 steep slopes on lots 3, 6 and 7.

22 Exhibit D contains the Stipulation of
23 Settlement, which is quite a large
24 document. It basically says that the
25 applicant should submit a conforming or

2 mostly conforming application. When the
3 Town prepared this Settlement it was
4 really designed to avoid hardships and the
5 need to ask for a lot of waivers. So this
6 has been closely examined to avoid the
7 need for multiple waivers. Now they are
8 down to requiring disturbances of the
9 steep slopes. So there may not be any
10 other waivers necessary. It is not clear
11 yet.

12 Exhibit E contains the subdivision
13 plan. It is showing you the layout of the
14 lots. There is one ingress, one access
15 point of focus off the North Service Road.
16 So you can go westbound and go into the
17 project site, and you have to continue
18 westbound. There is no emergency access
19 shown.

20 That in one other question that we
21 had. If this is generally safe, that
22 there is no emergency access to get in and
23 out of the site.

24 There was, in former versions of the
25 development of this site, there was

2 emergency access up to Sills Road.
3 Because a lot of land has been sold to the
4 Town, that access to Sills Road has been
5 cut off. They don't have access to Sills
6 Road to propose emergency access.

7 Exhibit F contains the applicant's
8 additional information that was received
9 early this month. It includes the revised
10 slope map. There were originally only two
11 lots that they needed waivers on, but they
12 had done some reengineering and they
13 needed to do it on three.

14 Exhibit G contains the grading plan
15 or part of the grading plan that is
16 proposed to develop the road, but not for
17 development of all of the lots.

18 Exhibit H contains a timeline of the
19 information in the Commission's record of
20 the applications that have been received
21 and reviewed and coordinated with the
22 Commission over time, environmental impact
23 statements, letters and comments and
24 referrals. That is all for your review.

25 Exhibit I contains a list of the

2 potential bird species in the project site
3 or in the vicinity or it.

4 Exhibit J contains the Zoning
5 District Map which is in the L1 Industrial
6 Zoning District in the Town.

7 Exhibit K contains the applicant's
8 review of the hardship criteria for their
9 disturbance to steep slopes.

10 Exhibit L contains an example of a
11 project where all of the standards were
12 applied at the onset, the way that it is
13 being requested now, in the Town of
14 Southampton another industrial park
15 subdivision.

16 Each lot was allocated variance
17 limits and it was all established at the
18 time of subdivision. The housing project
19 would conform to the Pine Barrens' plans
20 standards.

21 Exhibit M is just a copy of the
22 letter that was received a few days ago
23 from the Natural Heritage Program that
24 indicates this is a summer location of the
25 Northern long-eared bat, and that is a

2 state and federally listed threatened
3 species. They will need to address
4 concern for the removal of trees that may
5 be the habitat of that bat species.

6 That is all that I have.

7 MS. GALLAGHER: Thank you.

8 MR. MILAZZO: Okay, shall we hear
9 from the applicant?

10 MR. BUTLER: Thank you. Good
11 afternoon. My name is Phil Butler. I
12 am with Farrell Fritz. I represent the
13 applicant. Thank you for hearing the
14 application.

15 Originally we were coming with our
16 engineer and our client to put on a
17 presentation for the Board, but we found
18 out that there was going to be a staff
19 report with some substantive comments.

20 So rather than putting you through a
21 presentation, after discussing with your
22 Counsel, we thought it might be a better
23 use of everyone's time for us to take the
24 report and do our homework and come back
25 to you with an application that hopefully

2 addresses to the maximum extent possible
3 the comments from staff.

4 So with that, we just request that
5 this be adjourned and we can place it back
6 on the record when we are ready to come
7 forward with a complete application that
8 the Board is ready to hear.

9 MR. COLLINS: I would just like to
10 make a comment. Having just been handed
11 the report, what I would be looking for
12 to make that determination as related to
13 the steep slopes is some type of
14 conceptual site plan for each of the
15 three lots that are going to be affected
16 by the steep slopes.

17 Obviously, we know that you do not
18 have a final tenant or who they are going
19 to be, but this is about the development
20 of a lot not being used already.

21 So utilizing the standards under the
22 Town of Brookhaven's Development
23 Standards, show a conceptual layout and
24 how the site will be developed, and how
25 you're addressing these -- because some of

2 these seem like they are small.

3 Lot 7, I mean the steep slope is
4 right in the middle of the site. But
5 these other two sites, it looks like it is
6 a very small portion that is within the
7 required setback areas.

8 So me, personally, I would like to
9 see some type of conceptual site plan for
10 those three lots in particular as it
11 relates to the steep slopes.

12 MS. GALLAGHER: John, do we have to
13 affirmatively accept?

14 MR. MILAZZO: We accept the request
15 for adjournment. We will leave it open
16 ended, and we may need to have an
17 extension just given the timeline.

18 MR. BUTLER: Okay.

19 MR. MILAZZO: So that may be some
20 where along the lines of June or July.
21 If you're prepared to give that today,
22 that would be great. If not, we will
23 come back to you depending on where we
24 are in the process.

25 In the event that the Commission does

2 not have all of the information it needs
3 to make a decision, what it has done in
4 the past is denied without prejudice.

5 MR. BUTLER: That is fine. I
6 understand.

7 MR. MILAZZO: Are you prepared to
8 give that extension today for the
9 Commission deadline?

10 MR. BUTLER: If we have to, we are
11 glad to do that. Let me review this
12 with my client. We will look it over
13 and see how extensive it is, and see if
14 it is feasible for us to come back
15 within 120 days. We will be in touch
16 with you.

17 MR. MILAZZO: Okay, that is fair
18 enough.

19 MR. ROMAINE: So now we should
20 adjourn the Public Hearing.

21 MR. COLLINS: Second.

22 MS. GALLAGHER: All in favor?
23 (Chorus of ayes.)

24 MS. GALLAGHER: Any opposed?
25 (No verbal responses.)

2 MS. GALLAGHER: Any abstentions?
3 Dick, before we vote do you have a
4 comment?

5 MR. AMPER: We would like to
6 receive copies of all of the materials
7 pertaining to this particular project.
8 We have been involved with the
9 Supervisor in preserving some of that
10 land and this is sort of an unusual
11 application.

12 So, if we can be put on a list. We
13 will file a formal request that we would
14 like to be a party of interest on this
15 case.

16 MS. GALLAGHER: Okay, I think we
17 have covered everything. We can move on
18 to the next one.

19 MR. MILAZZO: So we have to make
20 the motion, take a second and take a
21 vote to adjourn.

22 MS. GALLAGHER: Well, we got the
23 motion and we got the second. We kind
24 of voted. We will just vote again.

25 All in favor?

2 (Chorus of ayes.)

3 MS. GALLAGHER: Any opposed?

4 (No verbal responses.)

5 MS. GALLAGHER: Any abstentions?

6 (No verbal responses.)

7 MS. GALLAGHER: Public hearing is
8 adjourned.

9 (TIME NOTED: 3:24 p.m.)

10 ---oOo---

11
12
13 I, LOVILLA E. FOOTE, a Notary Public
14 for and within the State of New York, do hereby
15 certify that the above is a correct transcription of
16 my stenographic notes.

17
18 -----
19 LOVILLA E. FOOTE
20
21
22
23
24
25

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