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C E N T R A L P I N E B A R R E N S
C O M M I S S I O N M E E T I N G

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KLEIN CORE PRESERVATION
AREA HARDSHIP APPLICATION

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September 17, 2025
3:00 p.m.

340 Smith Road
Shirley, New York

TRANSCRIPT OF PROCEEDINGS

A P P E A R A N C E S:

JUDITH E. JAKOBSEN, Executive Director

MATTHEW CHARTERS, Riverhead Town Representative

MICHELLE DiBRITA, Brookhaven Town Representative

JENNIFER JUENGST, Suffolk County Representative

JANICE SCHERER, Southampton Town Representative

JULIE HARGRAVE, Joint Planning and Policy Manager

TARA MURPHY, Environmental Planner

JOHN C. MILAZZO, Commission Counsel

ANGELA BROWN-WALTON, Administrative Assistant

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MS. JAKOBSEN: We will start with the Klein Core Preservation Area Hardship application. I will read the hearing notice into the record, and the stenographer has received a copy. We'll put that also into the transcript.

Pursuant to New York State Environmental Conservation Law Article 57, Section 57-0121(10) and the Central Pine Barrens Comprehensive Land Use Plan, notice is hereby given that the Central Pine Barrens Joint Planning Commission will hold a public hearing on Wednesday, September 17, 2025 on the matter of an application for Core Preservation Area Hardship.

The name of the project is Klein Core Preservation Area Hardship Application. The applicant/owner is Robert Klein. The applicant's consultant is -- I'm sorry if I pronounce this incorrectly -- Maciej Kazubowski, MJK Architect, PLLC. The correct spelling is on the hearing notice.

The project site Suffolk County Tax Map Number is 200-402-1-18.12. The project

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2 site location is 608 Middle Country Road,
3 Middle Island, Town of Brookhaven, Suffolk
4 County, New York.

5 The project description is a request
6 for Core Preservation Area Hardship Waiver
7 for the development of a 1,450 square foot
8 second-story commercial building expansion
9 and an addition of 12 parking spaces, one of
10 which is asphalt in the front of the
11 building, and the remaining 11 are located in
12 the rear yard and composed of crushed
13 limestone. The .044 acre project site is
14 developed with an estimated 1,796 square foot
15 one-story commercial building in the J
16 Business zoning district. The proposal is
17 classified as a Type II action pursuant to
18 the State Environmental Quality Review Act.

19 And the notice goes on to say that
20 the hearing may be adjourned from time to
21 time as necessary, and that it will be held
22 at Wertheim National Wildlife Refuge, the
23 location of the refuge and the time it will
24 begin. Copy of the application is available
25 for examination during regular business hours

September 17, 2025

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between 8:30 a.m. and 5:00 p.m. at the
Commission Office at 624 old Riverhead Road,
Westhampton Beach, New York.

I guess we'll start with putting
appearances on the record, starting with
Mr. Charters.

MR. CHARTERS: Matthew Charters, Town
of Riverhead Representative.

MS. DiBRITA: Michelle DiBrita,
designated representative from the Town of
Brookhaven.

MS. JUENGST: Jennifer Juengst,
Deputy County Executive representing the
County.

MS. SCHERER: Janice Scherer,
designated representative for the Town of
Southampton.

MS. MURPHY: Tara Murphy,
Environmental Planner for Central Pine
Barrens Commission.

Good afternoon. The staff report is
distributed and is also available on the
Commission's website. I will briefly go
through it.

The report describes the project, which is the development of 1,450 square foot second-story expansion of an existing commercial building for a total of 3,246 square feet and 12 additional spaces. The project site is located at 608 Middle Country Road, Middle Island, Town of Brookhaven on .44 acres in the Core Preservation Area in the J Business Zoning District. The northern boundary of the site is Middle Country Road, and to the immediate east and west of this project site are other commercial buildings. On the south side of the site is a 15 acre wooded parcel owned by Suffolk County that contributes to a larger block of contiguous open space.

The project site is developed with 1,796 square foot one-story commercial building with shared access parking and ten spots. It is currently cleared to 75 percent with 25 percent remaining natural. Exhibits A and B show the existing conditions and site ground photos.

The as of right sanitary flow for the

project site is 300 gallons per day per .44 acres, or 132 gallons per day. It is designed to flow for a non-medical office space of this type is .06 gallons per day per square, and they use 194.76 gallons per day.

The current and proposed change in wastewater discharge is unknown and unable to be determined, if the proposed action exceeds the sanitary flow. Based on the design, the sewage flow rate exceeds the as of right flow and requires mitigation.

Some site history. This project site was part of the Compatible Growth Area Application of Aroya and Brodbeck granted on February 7, 1996. That project consisted of two parcels identified as the subject parcel and the lot identified as 200-402-1-16.2, totalling 43,500 square feet with shared parking. That development was for, in addition to the existing building, a new 2,900 square foot medical office building.

Exhibit D is the resolution and site plan from that '96 approval.

Some surrounding land use and zoning,

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2 Exhibit E, demonstrates the study area, which
3 includes parcels in the Compatible Growth
4 Area and Core Preservation Area. There are
5 mixed land uses, including industrial,
6 institutional, commercial, and residential,
7 as well as some publically owned land.

8 There are a few prior commission
9 decisions listed in the staff report,
10 including the American Physical Society,
11 granted in July 21, 2010 as a Core
12 Preservation Area approval for the
13 development of a second story building
14 expansion that required restoration and
15 sterilization of sanitary wastewater credits
16 as mitigation for excessive sanitary flow.

17 Exhibit F is the applicant's petition
18 of the hardship and a couple of -- really,
19 just two discussion items for today is a
20 request to provide more information for the
21 current and proposed change in wastewater
22 discharge. Again, it's unclear if they are
23 exceeding that sanitary flow of 132 gallons
24 per day with this expansion. And as the
25 deadline for this decision is October 7th,

which falls before the next meeting on
October 15th, an extension would be required.

Exhibit G is also the rest of the
applicant's materials, just for reference.

MS. JAKOBSEN: Anything else?

MS. MURPHY: That's it.

MS. JAKOBSEN: Do any of the
Commission members have any questions for
Tara?

(No response was heard.)

MS. JAKOBSEN: So then at this point
we will hear from the applicant.

MR. KLEIN: Robert Klein. I'm the
building owner. So, from my understanding
from the architect, as far as the waste
removal, adding the square footage to the
second floor will still meet the Health Board
requirements for the septic system that's
already in place. He did the numbers and he
said it's good. The Health Board approved
that.

As far as, like, the parking lot in
back, it's not a vegetated area. It gets
landscaped. All we're doing is turning that

1
2 into a gravel parking lot. We're not cutting
3 down any trees, we're not messing with any
4 wildlife that's back there. We're basically
5 carving it out and putting a gravel parking
6 lot back there and putting a second floor.
7 We're not touching any more clearing.

8 MS. SCHERER: Mr. Klein, are you
9 going to have drainage to that area?

10 MR. KLEIN: Drainage? If it's
11 necessary, yes, underneath.

12 MS. SCHERER: Okay.

13 MR. KLEIN: But it does have a flow
14 off the back where probably if we did it on
15 an angle, if it rains it will just flow to
16 the back.

17 MS. SCHERER: Usually all drainage
18 has to be contained on your site. You might
19 need a dry well or something like that.

20 MR. KLEIN: This is my first time
21 doing this. I didn't know it was going to be
22 this much of an obstacle either.

23 MS. DiBRITA: We do not have an
24 application on this yet. We will look for
25 that.

MS. JAKOBSEN: Any other questions?

MS. SCHERER: The second story is dedicated for employees or different businesses?

MR. KLEIN: No, we have people that want to come and work, and we're kind of -- we rotate people too, because we can't fit everybody in there at the same time. So, I'd like to have dedicated office areas. Some people work from home. So, I'd like to be able to have everybody in the office if possible.

MS. SCHERER: Do you have any tenants?

MR. KLEIN: No, just my office and I have all my people that work for me.

MS. SCHERER: Your hardship is you can't accommodate your own?

MR. KLEIN: The current employees. And I'd like to hire a few more too, which would be beneficial for that too. If there needs to be a drain put in the back, we'll put a drain in.

MS. SCHERER: That has to be part of

1
2 it.

3 MR. KLEIN: That's fine. That could
4 be added to it.

5 MS. JAKOBSEN: If there are no
6 further questions. John, did you have
7 anything?

8 MR. MILAZZO: The architect submitted
9 a review of the criteria that we went through
10 earlier today. Extraordinary hardship
11 element in that application record and in
12 Exhibit G, as in golf.

13 MS. DiBRITA: You're proposing to
14 clear more in the back?

15 MR. KLEIN: No. There should be
16 pictures there already. It's just some flat
17 grass back there that gets landscaped
18 already. It's not a vegetation area. We're
19 just going to turn that into a gravel parking
20 lot.

21 MS. SCHERER: The subject property
22 itself is restricting. You don't have any
23 other room there?

24 MR. KLEIN: There is no more room. I
25 ran out of room.

MS. SCHERER: That's why you are going up.

MR. KLEIN: It's a blessing but also -- if you look in Exhibit B, in the top right, behind where the lot is, there is a bunch of flat land there. That will be turned into a gravel parking lot.

MS. SCHERER: The accessory container structures are yours?

MR. KLEIN: No, that's not mine. My parcel goes on an angle. That's actually the other people's stuff there.

MS. JAKOBSEN: Any other questions?

MS. SCHERER: No.

MS. JAKOBSEN: John, for practice, do we want to close the hearing and do we want to leave it open for public comment?

MR. MILAZZO: I would suggest is there any member of the public who wishes to address the Commission?

MS. JAKOBSEN: I apologize. Does anyone from the public wish to provide any comments on this project?

(No response was heard.)

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2 MS. JAKOBSEN: There's no comments,
3 we'll move on to closing the hearing record
4 and leaving it open for a week for public
5 comment.

6 MS. MURPHY: We need an extension.

7 MS. JAKOBSEN: We also need an
8 extension of the decision deadline. We need
9 to know if you would be willing to give us an
10 extension on the decision deadline until the
11 next meeting.

12 MR. KLEIN: If I would be willing to?

13 MS. JAKOBSEN: Yes.

14 MR. KLEIN: For what, the drainage in
15 the back?

16 MS. SCHERER: We can't make a
17 decision until the next meeting. There's a
18 deadline and it doesn't make it to the next
19 meeting. You consent to an extension, then
20 we can consider it.

21 MR. KLEIN: Yeah. I'd like to know a
22 decision. Like to extend it, then we will
23 get a decision?

24 MS. SCHERER: We'd like to have the
25 time to give you that decision.

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MR. KLEIN: That's fine.

MS. SCHERER: Great.

MR. KLEIN: I'm easy.

MS. JAKOBSEN: Our next meeting date
is October 15th in Southampton Town Hall.

Do we need to do a motion?

MR. MILAZZO: Motion to close the
hearing, motion to accept the extension, and
the extension to November 17th. We'll do it
to November, in case things don't get done.

MS. JAKOBSEN: November 19th.

MR. MILAZZO: Just in case.

MS. SCHERER: But we can plan to have
it?

MR. MILAZZO: Yes.

MS. JAKOBSEN: Can I have a motion to
close the public hearing, leave open the
public comments for one week, and also to
grant an extension of the decision deadline
to November 19th?

MS. JUENGST: So moved.

MS. SCHERER: Second.

MS. JAKOBSEN: Thank you. All in
favor.

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(WHEREUPON, there was a unanimous
affirmative vote of the Board.)

MS. JAKOBSEN: Any opposed?

(No response was heard.)

MS. JAKOBSEN: Motion carries
unanimously. Thank you.

(Time Ended: 3:19 p.m.)

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C E R T I F I C A T E

I, BETHANNE MENNONNA, a Notary Public
within and for the State of New York do
hereby certify that the foregoing is a true
and accurate transcript of the proceedings,
as taken stenographically by myself to the
best of my ability, at the time and place
aforementioned.

IN WITNESS WHEREOF, I have hereunto
set my hand this 20th day of September, 2025.

BethAnne Mennonna

BETHANNE MENNONNA