



Central Pine Barrens Joint Planning and Policy Commission
April 15, 2026
Adopted Decision to Approve
Hampton West Park Core Preservation Area
Compelling Public Need Waiver Application
700 Stewart Avenue, Westhampton, Town of Southampton
SCTM Number 900-308-4-1.3

I. The Project and Project Site

The Town of Southampton (the Applicant) has submitted an application to the Central Pine Barrens Joint Planning and Policy Commission (the Commission) to clear natural vegetation to expand the parking lot at a town park, construct a restroom building and rehabilitate sports courts (the Project) in the Core Preservation Area of the Central Pine Barrens.

Ryan P. McGarry
Chairman

Jerome Halpin
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

The Applicant seeks to clear 4,356 square feet of natural vegetation to expand the parking lot for 70 parking spaces. Construction of the restroom building, which measures 336 square feet, and an innovative/alternative on-site wastewater treatment system are proposed in a currently maintained and mowed grass area. Existing sports courts including pickleball, tennis and basketball will be reconfigured, resurfaced and restriped. The Project includes native plant revegetation on 17,860 square feet in the rear of the sports courts that is presently denuded and contains asphalt and mowed grass.

The Project is “development,” as defined by Article 57 of the Environmental Conservation Law (ECL), and the Applicant requires a compelling public need waiver of the Long Island Pine Barrens Protection Act’s prohibition on new development in the Core Preservation Area from the Commission to proceed.

Hampton West Park (the Project Site) is located at 700 Stewart Avenue, in the hamlet of Westhampton, in the Town of Southampton. The Project Site is 17.7 acres and is in the Country Residence 200 zoning district. According to the Application, a pre-existing, non-conforming park use has been present since the late 1970s. The park dedication occurred in 1983.

Approximately 7.7 acres of the Project Site is developed with facilities including an informal parking lot, active recreational facilities including a baseball field and soccer field, fenced sports courts including tennis, pickleball and basketball and a playground. Approximately 10 acres of the park is an intact pine barrens ecological community.

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 development activities within the specially designated Central Pine Barrens area.

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Section §57-0107(13) of the ECL defines development to be the “performance of any building activity, . . . , the making of any material change in the use or intensity of use of any . . . land and the creation . . . of rights of access.”

On June 28, 1995, the Commission, in furtherance of its mission and in compliance with the directives set forth in the Act, adopted the Central Pine Barrens Comprehensive Land Use Plan (the “Plan”). Section 4.5.1 of the Plan, states, “[t]he Act requires the prohibition or redirection of development in the Core Preservation Area and sets forth the jurisdiction of the Commission over, and certain requirements for processing, hardship exemptions. The Act authorizes the Commission, by majority vote, to waive strict compliance with this Plan upon finding that such waiver is necessary to alleviate hardship according to the conditions and finding of extraordinary hardship” pursuant to subdivision of Section 57-0121(10) of the Act.

The Project constitutes development as defined by the Act and to proceed, the Applicant must demonstrate a hardship exists pursuant to ECL §57-0121(10) of the Act and receive a hardship exemption from the Commission due to an extraordinary hardship or a compelling public need. The Applicant as a public corporation is required to apply under the latter criteria.

To establish a compelling public need the Applicant must demonstrate under ECL §57-0121(10)(a), based on specific facts, one of the following exists:

- (i) The proposed development will serve an essential health or safety need of the municipality or, in the case of an application serving more than one municipality, that the public health and safety require the requested waiver; that the public benefits from the proposed use are of a character that override the importance of the protection of the Core Preservation Area as established in this article; that the proposed use is required to serve existing needs of the residents; and that no feasible alternatives exist outside the Core Preservation Area to meet the established public need and that no better alternatives exist within the county; or
- (ii) The proposed development constitutes an adaptive reuse of a historic resource designated by the Commission and said reuse is the minimum relief necessary to ensure the integrity and continued protection of the designated historic resource and further that the designated historic resource's integrity and continued protection cannot be maintained without the granting of a permit.

With regard to the showing, the Application may only be approved if it is determined that the following additional standards also are met:

- (i) The granting of the permit will not be materially detrimental or injurious to other property or improvements in the area in which the subject property is located, increase the danger of fire, endanger public safety or result in substantial impairment of the resources of the Core Preservation Area;
- (ii) The waiver will not be inconsistent with the purposes, objectives or the general spirit and intent of this title; or
- (iii) The waiver is the minimum relief necessary to relieve the extraordinary hardship, which may include the granting of a residential development right to other lands in the Compatible Growth Area that may be transferred or clustered to those lands to satisfy the compelling public need.

III. The Application, SEQRA, Public Hearing, Public Process and Supplemental Materials

Application

On January 12, 2026, the Applicant submitted to the Commission the Application including: Part I of the State Environmental Quality Review Act (SEQRA) Full Environmental Assessment Form, a cover letter from the Town Parks Director, a letter from the Department of Land Management addressing the compelling public need waiver criteria, a Demolition Plan and Site Plan package, dated December 2025, prepared by LiRo Engineers, Inc. and a Revegetation Plan, dated February 4, 2026, prepared by the Town Parks and Recreation Department.

State Environmental Quality Review Act (SEQRA)

The Project is classified as an Unlisted Action under the SEQRA regulations. An uncoordinated review was performed.

Public Hearing, Public Process and Supplemental Materials

On February 18, 2026, the Commission scheduled a public hearing for March 18, 2026. A public hearing was held by the Commission on that date. During the hearing, a Commission Staff Report with six Exhibits (A through E) was presented. The Staff Report, among other things, described land use and environmental features located in a concentric area expanding one half mile from the Project Site (the “Study Area”).

During the hearing, the Applicant provided a presentation on the Application. The presentations summarized the materials contained in the Application. A stenographic transcript was taken at the hearing and made available to Commission members. No members of the public commented on the Project, and the hearing and comment period were closed.

IV. The Project Site, Immediate Vicinity and the Study Area

The Project Site is located at the west end of Stewart Avenue, approximately 0.8 mile west of Old Riverhead Road (County Road 31). The Study Area is defined to be all of the land within one-half mile radius around the Project Site.

North and west of the Project Site lies more than 1,500 acres of natural open space characterized ecological communities including the dwarf pine plains, a globally rare ecosystem, and pitch pine-oak heath woodland in the Core Preservation Area. Suffolk County is the majority landowner of this open space. To the east and south of the Project Site in the Study Area is residential development including a housing community that was formerly occupied by military families in the United States Coast Guard. Outside of the Study Area and approximately 0.8 mile east of the park, is the boundary of the Compatible Growth Area and the 1,400-acre Gabreski Airport complex.

The Project Site is in Southampton Town’s Country Residence 200 zoning district. This zoning district provides for, among other things, residential development on parcels containing a minimum of 200,000 square feet.

The Project is in an area identified as habitat for the Northern Long-eared Bat, a New York State and Federal-listed Endangered Species. The Applicant must seek authorization through a permit or jurisdictional determination from the New York State Department of Environmental Conservation (NYSDEC) Region 1 if tree cutting occurs in the impermissible period of March 1 to November 30 of any given year.

To determine the Project's potential impact on historic and cultural resources in the immediate area of the Project Site, the Commission requested a review of the Project from New York State Parks, Recreation and Historic Preservation Office (SHPO). By letter dated February 17, 2026, the SHPO noted that, "It 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."

V. Potential Environmental Impacts

In reviewing the material contained in the Application and the testimony adduced at the public hearing, the Commission finds the Project would not result in significant adverse environmental impacts on the resources of the Central Pine Barrens including adverse impacts on the natural or cultural resources, character and scenic views in the Core Preservation Area and from public open spaces.

VI. Applicant Statements in Support of the Application

The analysis contained a review of the waiver criteria and statements supporting the Project. Assertions made by the Applicant included:

- The site is the only town recreational park in the western part of town used by the town population in western hamlets;
- The parking lot is presently informal and requires infrastructure upgrades for safety purposes and accessibility;
- Recreational park demand warrants the need for a restroom to service the population.

To address whether the extant park provides the Applicant a beneficial use, the Applicant submitted that:

The requested relief relates to circumstances unique to the Subject Property and thus do not apply to or affect other property in the immediate vicinity, in accordance with criteria (i) The requested relief is intended to address a service deficiency of an informal parking lot and a lack of a restroom facility in a public park and does not arise out of the characteristics of the subject property or personal situation of the applicant in accordance with criterion; (ii) The present use and condition of the site have existed prior to the date of June 1, 1993 referenced in criterion; (iii) and are not the result of action or inaction by the applicant or the landowner. According to the Application, the Project addresses the needs of recreational opportunities in a manner that capitalizes on existing infrastructure rather than expanding into pristine areas.

The Project Site is the only active recreational town park in proximity to the hamlets of Westhampton, Speonk and Remsenburg. The Town's Recreational Plan indicates the ratio of 1.85 acres of active

parkland per 1,000 people is well below the recommended 10 acres per 1,000 people recommended by the National Park Service. The hamlets served by this park require an additional 45 to 123 acres of parking to meet the national recommendations. The town experienced a 21% increase in population between 2010 and 2020.

The Town received a grant for the Project from the New York State Office of Parks, Recreation and Historic Preservation Environment Protection Fund. The Town coordinated with and received support for the Project from the Village of Westhampton Beach, not for profits and the surrounding residential community.

VII. Commission Review of the Application and Findings

In reviewing a Core Preservation Area waiver application, the Commission must consider the criteria set forth in ECL §57-0121(10)(b) and (c) and determine whether or not the request is consistent with the purposes and provisions of the Act and if granted, would not result in a substantial impairment of the resources of the Central Pine Barrens. The Commission has considered the Application, the Staff Report and Exhibits, and the hearing transcripts to determine whether the Applicant satisfied the elements.

The Commission has considered the Application, the staff report and exhibits, transcript of the hearing, and its prior decision and finds that the Applicant has demonstrated that Compelling Public Need exists.

A. ECL §57-0121(10)(b) Compelling Public Need Criteria

In order to establish a compelling public need, the Applicant must demonstrate that, pursuant to ECL §57-0121(10)(b)(i), the Project will serve an essential health or safety need of the municipalities in the Central Pine Barrens such that the public health and safety require the requested waiver, that the public benefits from the proposed use are of a character that overrides the importance of the protection of the Core Preservation Area, that the proposed use is required to serve existing needs of the residents, and that no feasible alternatives exist outside the Core Preservation Area to meet the established public need and that no better alternatives exist within the County.

The Commission finds the Applicant has satisfied the element in ECL §57-0121(10)(b)(i) because it has been demonstrated that the Project is required for public health and safety, the public benefit overrides the importance of the protection of the Core Preservation Area, or that no feasible alternative exists outside of the Core Preservation Area within the County. The recreational park use is a pre-existing, non-conforming use in the Core Preservation Area, and it cannot be moved.

The maintenance, formalization and expansion of the parking lot is for safety and accessibility to offer functional and efficient facilities with updated stormwater and drainage infrastructure, and to serve the needs of the community and current user population with a comfort station.

The innovative alternative onsite sanitary system will be placed in a mowed grass area, avoiding removal of trees and other natural vegetation, and is the most advanced type of wastewater treatment system available to protect groundwater resources in the region. Mitigation for the Project is active revegetation at a ratio of 4:1. Implementation of the Revegetation Plan offsets adverse impacts of the Project. The Applicant commits to not applying fertilizer on the Project Site.

ECL §57-0121(10)(b)(i) pertains to the adaptive reuse of an historic resource. While the park use pre-dates the Act, it is not an historic resource, therefore, this section is not applicable.

B. ECL §57-0121(10)(c) Hardship Criteria

In order to establish a hardship, the Applicant must also demonstrate that, pursuant to ECL §57-0121(10)(c)(i), the Project will meet the standard that the granting of a permit will not be materially detrimental or injurious to other property or improvements in the area in which the subject property is located, increase the danger of fire, endanger public safety or result in substantial impairment of the resources of the Core Preservation Area.

The Commission finds the Applicant has satisfied the element in ECL §57-0121(10)(c)(i) because the Project would not increase the danger of fire in the Core Preservation Area because it is a bathroom restroom building and increases paved area.

In order to establish a hardship, the Applicant must also demonstrate that pursuant to ECL §57-0121(10)(c)(ii) the Project will be consistent with the purposes, objectives or general spirit and intent of this title. The Plan prohibits development in the Core Preservation Area and requires that development be redirected for the protection of ecologic and hydrologic functions of the Central Pine Barrens.

The Commission finds that the Project is consistent with the goals and objectives of the Act or the Plan for the Core. While the Project would cause development in the Core, no significant adverse impacts on the goals and objectives are expected to maintain an existing park with upgrades to infrastructure to conform with accessibility requirements and meet community needs. Therefore, the Commission finds the Applicant has satisfied the element in ECL §57-0121(10)(c)(ii).

In order to establish a hardship, the Applicant must also demonstrate that, pursuant to ECL §57-0121(10)(c)(iii), the Project is the minimum relief necessary to relieve the extraordinary hardship. The infrastructure improvements and restroom will serve the park users and constitute the minimum relief necessary to relieve the hardship while providing native plant revegetation as mitigation to offset adverse impacts caused by the Project's removal of pitch pine-oak heath woodland habitat.

Mitigation in the form of native plant revegetation will occur to offset adverse impacts of habitat removal. The mitigation ratio is 4:1. As per the Revegetation Plan, revegetation will occur in a cleared area in the rear of the sports courts, covering 17,860 square feet. The Revegetation Plan lists specifications including the quantity, species and sizes of plants including 82 pitch pine trees, 57 northern bayberry, 159 lowbush blueberry and 4,250 Pennsylvania sedge. A row of 57 northern bayberry will be planted along the fence on the east side of the sports courts. A natural revegetation area of native trees and shrubs will occur in the rear of the sports courts. Benefits of revegetation include habitat restoration and natural visual and noise buffers to the adjacent residential community. Where feasible, the Applicant commits to transplant and reuse native trees and shrubs from the cleared area in the revegetated and landscaped areas.

To protect the Northern Long-eared Bat, a listed endangered species, and its habitat, the Applicant should avoid tree clearing in the impermissible period of March through November of any given year, or the Applicant must seek a permit or determination from the NYSDEC.

The “Site Demo Plan” indicates light poles on the parking lot perimeter to be removed and replaced. Dark skies friendly fixtures should be utilized to protect the ecology of flora and fauna on the Project Site. Nighttime lighting should be avoided outside of the parking lot and where it is not necessary.

VIII. Precedent

The Commission finds the approval of the Hardship Exemption Waiver would be consistent with its prior Commission decisions. The Commission granted a waiver on a comparable project to the Town of Southampton on September 4, 2002 that is also in the Core Preservation Area but outside of the Study Area at Wildwood Park in Northampton, to repair and renovate a parking lot and construct a restroom facility.

IX. SEQRA

The Commission has prepared a Part 2 of the Full Environmental Assessment Form (EAF) to analyze the potential adverse environmental impacts of approving the Application. The Commission conducted an uncoordinated review of the application as an Unlisted Action. No significant adverse environmental impacts were identified. The Commission determines that the proposed action will not have a significant impact on the environment pursuant to SEQRA, and the Commission has issued a negative declaration for this action through the EAF.

X. Conclusion

The Commission finds that the Applicant has established a demonstration of Hardship for the reasons set forth above.

The Hampton West Park Core Preservation Area Compelling Public Need Waiver is approved, as per the Site Demo Plan, Site Layout Plan and Site Plan package prepared by LiRo Engineers, Inc. dated December 2025, subject to conditions including:

1. Expiration: The Waiver shall be valid for a period of five (5) years from the date of approval, and a new application will be required after five years even for the same project.
2. Other permits: The Applicant must obtain additional permits and approvals, as required by law, prior to commencement of development activity related to the Project including Suffolk County Department of Health Services (SCDHS) review and approval, NYSDEC for the protection of endangered species and their habitat and any other approvals and permit requirements that apply to the Project.
3. Clearing, Revegetation and Monitoring:
 - a. Prior to clearing, stake the limits of clearing to avoid disturbance outside of the area depicted in the Site Plan
 - b. Implement the Revegetation Plan.
 - c. Monitor the revegetated area for three years.
 - d. Replace dead plants observed during the three year post-planting period. Three years from planting the revegetated area is expected to be established and no longer require maintenance and will be unmaintained and protected as natural habitat.

- e. Transplant native vegetation removed for the Project to reuse native plants on the Project Site either to supplement the Revegetation Plan or in landscaping.
 - f. No fertilizer use is permitted.
4. Where lighting is necessary, minimize nighttime lighting; utilize and install dark skies friendly lighting fixtures.
 5. The Waiver is granted only for this specific Project. Implement the Project as depicted in the referenced site plan.
 6. Submit any updates in the Project if they occur. No substantial changes may occur without Commission approval. If any changes occur in the Project, the Applicant must notify the Commission and submit an amended application, subject to review and approval.

Date: April 15, 2026

Application: Hampton West Park, Westhampton, Town of Southampton
Core Preservation Area Compelling Public Need Waiver
SCTM # 900-308-4-1.3

Present:

Ryan McGarry, New York State Governor's Representative
Sarah Lansdale, for the Suffolk County Executive
Michelle DiBrita, for the Brookhaven Town Supervisor
Matt Charters, for the Riverhead Town Supervisor
Maria Moore, Southampton Town Supervisor

Record of Motion:

Motion by: Sarah Lansdale
Seconded by: Michelle DiBrita
In Favor: 5
Opposed: 0
Absent: 0
Abstain: 0