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Our File No.  
31269-109

June 10, 2026

**BY FEDERAL EXPRESS**

Julie Hargrave  
Interim Executive Director/Pine Barrens Manager  
Central Pine Barrens Joint Planning & Policy Commission  
624 Old Riverhead Road  
Westhampton Beach, NY 11978

**Re: JUSTIFICATION FOR CONSERVATION EASEMENT MODIFICATION  
Elite LI Towers, LP  
1 Connecticut Avenue, Manorville, NY 11949  
SCTM No.: 0200-298.00-01.00-001.000**

Dear Ms. Hargrave:

We are submitting this letter on behalf of the Peconic River Sportsman's Club (the "PRSC") in furtherance of the May 20, 2026 meeting held before the Central Pine Barrens Joint Planning & Policy Commission (the "Commission") and in response to the "DRAFT" Commission letter dated May 20, 2026 (the "Draft Response Letter"), which is incorporated herein by reference.

While we have argued that the proposed installation of a new emergency services communications facility at the subject property (the "Project") does not constitute "development," we would like to reinforce our alternative request that the Commission consider amending the Conservation Easement dated March 10, 2005 (the "Easement") to permit PRSC to proceed with an application for a Core Preservation Area Hardship Waiver Compelling Public Need under ECL §57-0121(10) ("Hardship Waiver").

As discussed further herein, we respectfully submit that amending the Easement will not create a material change to the resources protected by the Easement and the Project will serve an essential health and safety need that justifies deviating from Commission precedent.

The Draft Response Letter acknowledges that the Commission previously modified a similar easement for property owned by the Nassau County Council of Boy Scouts (the "Boy Scouts") to allow "nonmaterial accommodations to facilitate a use permitted under the easement." According to the Draft Response Letter, the Boy Scouts were permitted to reconstruct a kitchen that was destroyed by fire. The footprint of the replacement structure was the same as the original kitchen at the Boy Scouts property.

In addressing the request to amend the Easement to permit the PRSC to submit a hardship application, the Draft Response Letter finds, "PRSC's application, if granted may create material change to the resources protected by the easement and is not consistent with the Commission precedents." The Draft Response Letter concludes, "The Commission elects not to exercise its authority to amend the easement to allow an [sic] hardship application because if granted it may cause a material change to the resources protected by the easement." No clearing of natural vegetation is proposed for the proposed project, thus there will be no adverse impact to the natural ecosystem and the habitats of endangered species.

**A. There will be No Material Change to the Resources Protected by Modification of the Easement**

The subject property has a total lot area of approximately 135.95 acres, which is mostly forested with trees and other pine barrens vegetation. A portion of the subject property was previously cleared in connection with the PRSC's historic and continued operation of a private shooting club.

As depicted on the site plan drawings prepared by WFC Architects dated May 2, 2025, the proposed improvements will be located in a secluded corner of the already cleared portion of the property. Accordingly, no trees will be removed as part of the Project.

The proposed location was selected to ensure minimal disturbance to the resources of the Core Preservation Area. As noted on the Zoning Table, the proposed pole will have a building area of 28 square feet (**0.000047%** of the total lot area) and the proposed compound will be 1,525 square feet (**0.00025%** of the total lot area).

The proposed pole features a design to minimize the visual impact to the neighboring vacant properties. This design, coupled with the surrounding mature trees and the lack of residential development in the area, ensures that views of the pole will be shielded from neighboring properties as well as the public.

Therefore, we submit that the Project's limited disturbance to the resources of the Core Preservation Area, the negligible visual impact from neighboring properties or to the public, and the lack of adverse impact on the protection and management of Core Preservation resources support the conclusion that the Project will not be materially detrimental to the resources of the Core Preservation Area.

**B. There is a Compelling Public Health Benefit to Deviate From the Commission's Precedent**

While the matter involving the Boy Scouts is similar to the instant application in that they both involved the modification of an easement granted in exchange for Pine Barrens Credits, we respectfully submit that the unique circumstances associated with the Project provide a compelling reason to deviate from the Commission's precedent.

The primary goal of the Project is to address a deficiency of emergency services and wireless coverage in the area surrounding the Property. As depicted on the Gradient Map previously submitted, large sections of the area surrounding the subject property experience unreliable coverage, including a large section that runs along the Long Island Expressway. Left unchecked,

this issue poses a direct threat to the health, safety, and welfare of the general public, especially motorists travelling in the area.

It is for this reason that the Project has attracted the interest of first responders such as the Manorville Fire District. In August of 2025, the Manorville Fire District entered into a sublease agreement to utilize the tower at a nominal rent.

The Manorville Fire District, along with the Riverhead Fire District and the Suffolk County Detectives Association have submitted letters in support of the Project. Additional letters received from the Ridge Volunteer Fire Department and the Retired Police Association of the State of New York, Inc., annexed hereto as **Exhibit 1**. The overwhelming support from the various first responders demonstrates that there exists a dire need to improve the wireless capabilities in the area. The Project will address this ongoing issue at no cost to the taxpayer.

We also note that the Commission has previously found that similar communication tower projects aimed at serving an essential health and safety need constitutes a compelling public need under the Environmental Conservation Law.

#### **C. The Matter of the Application of Rockwell Collins**

In 2015, the Commission approved the Matter of the Application of Rockwell Collins. There the applicant sought to construct two communication towers in the Core Preservation Area of the Central Pine Barrens. In its application for a Core Preservation Area Hardship Waiver, the applicant asserted that the project would provide a public health and safety need to the immediate area and to municipalities and emergency responders within 1,000 miles of the facility for communications in events of emergency and disaster.

In the resolution adopted by the Commission, it was found that the project:

...will serve an essential health and safety need because **without the project, the reliability and capacity of the existing local communications network serving emergency responders may not fulfill needs created during times of disaster or emergency**, which could **jeopardize the ability of officials in the region to communicate and address public health and safety needs** (emphasis added).

See, **Exhibit 2**, page 3.

Accordingly, the Commission has previously acknowledged that improving the reliability and capacity of existing local communications networks serving emergency responders serves an essential health and safety need of public entities and agencies in the Central Pine Barrens. In the Application of Rockwell Collins, this compelling public need warranted the granting of a Core Preservation Area Hardship Waiver.

#### **D. Modifying the Easement is Provided for in the Instrument and by State Law**

It is well-settled law in New York that ECL Article 49, Title 3, establishes the foundational rules for creating, holding, and *modifying conservation easements*. Under ECL § 49-0305, a conservation easement may be modified or extinguished only pursuant to the procedures set forth in ECL § 49-

0307. ECL § 49-0307 provides the exclusive means by which a conservation easement may be modified or extinguished.

Pursuant to ECL §49-0307(2), easements held by public bodies, such as the Commission, modification is permitted only: (a) *as provided in the instrument creating the easement*; (b) in a proceeding pursuant to RPAPL § 1951; or (c) exercising the power of eminent domain.

According to the Draft Response Letter, “the project may not proceed as currently proposed because it neither qualifies as a public improvement nor is it consistent with PRSC’s promise contained in the easement not to submit a hardship application.”

As noted in our prior correspondence dated May 4, 2026, Paragraph 5 on pages 6-7 of the Easement states, in relevant part:

This Conservation Easement may be modified only upon the written consent of both Grantor and Grantee, or their successors, heirs, representatives or assigns. Grantor and Grantee recognize that **circumstances could arise which would justify the modification of certain of the restrictions contained herein** (emphasis added).

Thus, the modification requested by PRSC is permissible by State Law and provided for in the Easement. When negotiating the terms of the Easement, the PRSC and the Commission agreed that future circumstances might arise that would justify modifying certain restrictions under the Easement. Based on the express language provided and its understanding of the same, the PRSC reasonably relied on the flexibility provided by this provision when it entered into the agreement.

In partnering with Elite, the PRSC seeks to realize an opportunity to improve communication capabilities for not just its members, but for emergency responders and the public at large. Such a change in circumstance, we argue, justifies the modification of the Easement. In keeping with the spirit and intent of the Easement, the PRSC seeks only to lift the Easement’s prohibition against the submission of a hardship application. All other restrictions and prohibitions will be unaffected.

Although the Commission maintains its authority to elect whether to amend the Easement, the Draft Response Letter’s dismissal of the PRSC’s request based on inconsistency with Commission precedent raises a question with respect to the implied covenant of good faith and fair dealing. The applicable provision under the Easement makes no mention of a modification needing to be consistent with Commission precedent. To arbitrarily impose such a requirement, and to penalize the PRSC for requesting a modification, effectively deprives the PRSC of realizing the benefits of the agreement.

### Conclusion

In the matter presently before the Commission, the Project directly addresses a compelling public need to enhance radio frequency coverage for emergency responders and the public at large in an area that is woefully underserved. If the current deficiency in coverage is allowed to continue, there is a viable concern that there will remain a cognizable threat to the health, safety, and

welfare of the community. Granting the PRSC's application to modify certain provisions of the Easement to allow for a Hardship Waiver application will ultimately protect public health and safety for years to come.

Therefore, we submit that the specific facts and circumstances regarding the instant matter is sufficiently distinguishable from the Boy Scouts application. Further, the Project's potential improvement to public health and safety in the Central Pine Barrens justifies deviating from the Commission's precedent to allow for a modification of the Easement. As noted during the May 20<sup>th</sup> meeting, the proposed modification would simply allow the PRSC to submit a hardship application. If approved, the burden remains with the PRSC to make the required evidentiary showing of a compelling public need.

Based on the foregoing, we respectfully submit that the Commission should consent to amending the Easement's prohibition against the submission of a hardship application as the Project will not create a material change to protected resources and serving such an essential health and safety need justifies deviating from Commission precedent. Accordingly, we request the opportunity to further demonstrate that a compelling public need exists.

Please contact our office if you have any questions or require additional information. Thank you very much for your time and consideration.

Respectfully submitted,



John C. Armentano

HAM  
Enclosures

cc: John C. Milazzo, Special Counsel to the Central Pine Barrens Commission  
Robert D. Gaudioso, Esq.

# **EXHIBIT 1**



# Ridge Volunteer Fire Department

P.O. Box 515 • Ridge, NY 11961

[www.ridgefiredistrict.org](http://www.ridgefiredistrict.org)

Headquarters: 631-924-3256 • Chiefs Fax: 631-924-3760



**Daniel Brooks**  
*First Assistant Chief*

**Kevin Leedham**  
*Chief of Department*

**Anthony Morabito**  
*Second Assistant Chief*

May 26, 2026

Central Pine Barrens Joint Planning & Policy Commission 624 Old Riverhead  
Road  
Westhampton Beach, NY 11978

Re: Elite LI Towers, LP / Peconic River Sportsman's Club  
1 Connecticut Avenue, Manorville, NY 11949  
SCTM No.: 0200-298.00-01.00-001.000

Dear Members of the Pine Barrens Joint Planning and Policy Commission:

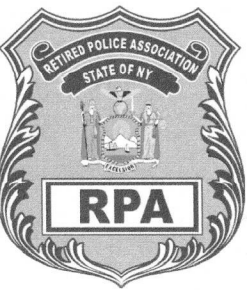
We are writing this letter to express our support for the proposed installation of a new radio transmitting and receiving tower at the above-referenced property.

We fully support the proposed development as we firmly believe that there is a need to install such a tower to provide a public safety quality of communications service in the area surrounding the property. The height of the proposed tower will enable it to provide additional service coverage at levels acceptable for public safety communications systems, which will provide a direct public benefit as it will ensure the ability for police, fire and emergency medical personnel to communicate during critical calls.

Accordingly, we submit that the project is a substantial public improvement that will enhance the health, safety and welfare of the public.

Please feel free to contact me if you have any questions or comments regarding the above.

Respectfully,  
Kevin J Leedham  
Chief of Department



# Retired Police Association of the State of New York, Inc.

1 Old Country Road • Suite 276 • Carle Place, New York 11514-1884

Phone: (516) 294-4488 • Fax (516) 294-5129

email: RPASNY@aol.com • website: <http://www.rpasny.com>

June 3, 2026

Central Pine Barrens Joint Planning & Policy Commission  
624 Old Riverhead Road  
Westhampton Beach, NY 11978

Re: Elite LI Towers, LLP / Peconic River Sportsman's Club

Dear Central Pine Barrens Commission:

I am a life member of the Peconic River Sportsman's Club, and for years we have never had reliable cell phone coverage during certain events held on the Club grounds. I'm told that it was always due to poor cell tower coverage for the area. It is imperative that anyone on the grounds has adequate cell coverage in the event of an emergency and be able to call out for help, and no less critical, to reach 911.

Firearms are continuously being used on the Peconic Sportsman's grounds and despite safety protocols and requirements practiced by every member; accidents can happen requiring immediate medical response which can only be achieved by reliable cell phone service.

The installation of an additional cell tower will also serve to protect the public who use the outer areas surrounding the Club and waterways. Communication is the key in all instances, and in today's world cell phone communications is the way we all communicate when not face to face.

Many of my members are retired police officers living in the area and several of them are also Peconic Sportsman's Club members. I am requesting your approval, in the interest of Public Safety, and our unfettered ability to make cell phone calls on Club grounds when needed. This letter of support is hereby submitted in hopes that your ultimate approval will end our long standing problem with deficient cell phone coverage.

We appreciate your Commission's considerations and ultimate approval to make this long overdue communications issue a thing of the past. The ability to get help when needed in an emergency is critical to all and this new cell tower can make that guaranteed.

Sincerely,

Kevin D. Hassett

President

*President*  
Kevin D. Hassett  
Port Authority Police Dept.

*1st Vice President*  
Flora D. Stern, NYPD

*2nd Vice President*  
Edward G. Carr, NYSP

*Financial Secretary*  
Robert L. Livoti, NCPD

*Beneficiary Secretary*  
Phil Passaro  
Port Authority Police Dept.

*Recording Secretary*  
John Rodriguez, SCPD

*Treasurer*  
Dan Saxe, NYPD

*Trustees*  
Paul Jurgens, Freeport  
Jerry Arico, NYPD  
Errol J. Ross, NCPD

*Sergeant-at-Arms*  
William F. Rochè, NYPD  
Michael Mulhall, Garden City  
Mary Anne Villardi, SCPD

*Albany Legislative Rep*  
Bryant Kolner, Amsterdam

*Chaplain*  
Fr. Anthony Cardone

*Attorneys*  
Ann Margaret Carrozza, Esq.  
Leo G. Callaghan, Esq.  
Richard W. Lerner, Esq.  
Lawrence B. McCarron, Esq.

*Member*

Alliance of Public Retirees' Organizations of New York  
Police Conference of New York, Inc.

# **EXHIBIT 2**



Commission Meeting of August 19, 2015  
Brookhaven Town Hall, Farmingville, NY

Present: Mr. Andrew Freleng (Suffolk County), Mr. Edward Romaine (Brookhaven),  
Mr. Sean Walter (Riverhead), Ms. Anna Throne Holst (Southampton)

**Adopted Resolution**

Core Preservation Area Compelling Public Need Hardship Waiver  
Application of Rockwell Collins  
Located at 1370 Quogue Riverhead Road (CR 104), Flanders  
SCTM #: 900-195-3-2

**Whereas**, Rockwell Collins (the Applicant), a private corporation, by letter dated June 9, 2015, submitted an application to the Central Pine Barrens Joint Planning and Policy Commission for a Core Preservation Area Hardship Waiver based on Compelling Public Need under Article 57 Section 57-0121(10) of the New York State Environmental Conservation Law (ECL) to construct two, 45-foot tall guyed communications towers in the Core Preservation Area of the Central Pine Barrens (the proposed project); and

Vacant  
*Chair*

Steven Bellone  
*Member*

Edward P. Romaine  
*Member*

Anna E. Throne-Holst  
*Member*

Sean M. Walter  
*Member*

**Whereas**, the Applicant is the owner of a 42.816-acre project site located on the east side of Quogue-Riverhead Road (County Route 104), north of the intersection with County Road 31 and north of Sunrise Highway (State Route 27), situated in the Country Residence 200 Zoning District, in the Town of Southampton, Suffolk County Tax Map Number 900-195-3-2; the project site contains aeronautical communications infrastructure including 23 existing communications towers, an equipment building and outdoor concrete equipment basin, and driveway; and

**Whereas**, the Applicant is the only FCC-authorized provider of the High Frequency (HF) radio spectrum for emergency backup communications which “assures mission-critical connectivity for dispatch and emergency operations, hospitals, first responders, critical infrastructure, and federal, state, and local agencies,” and

**Whereas**, “the HF radio spectrum is specifically dedicated for disasters and provides communications coverage inside the impacted area from a site outside of the disaster, which eliminates vulnerability of infrastructure impacted by an event” and the proposed project would be used to serve the eastern seaboard; and

**Whereas**, the Applicant manages UrgentLink, Rockwell Collins’ new disaster communication network that will function in times of calamity and which is a subscriber, fee-based service for public and quasi-public entities such as police and fire departments, hospitals and emergency service providers; and

**Whereas**, the proposed project involves the disturbance of approximately 160 square feet to install the two tower masts and a total of eight guyed wire anchors, four anchor points for each tower, in a 20-acre area of the site where natural groundcover and low-growing natural pine barrens vegetation exists and other communications facility development exists; and

**Whereas**, the remaining area of the site, approximately 22.8 acres, is forested with pitch pine trees and other pine barrens vegetation; and

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Westhampton Beach, NY  
11978

Phone (631) 288-1079  
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**Whereas**, the application is a request for a Core Preservation Area Hardship Waiver based on Compelling Public Need since the project will provide a public health and safety need to the immediate area and to municipalities and emergency responders within 1,000 miles of the facility for communications in events of emergency and disaster; and

**Whereas**, the project site is an existing transmitting site that works in tandem with a receiving site also owned by Rockwell Collins located approximately 13 miles to the east at 81 Edge of Woods Road in Southampton; and

**Whereas**, the proposed project is an Unlisted Action pursuant to Environmental Conservation Law Article 8 (State Environmental Quality Review Act (SEQRA)); and no coordinated review was performed; and

**Whereas**, the Commission held a public hearing on July 15, 2015 on the Core Preservation Area Compelling Public Need Waiver Application; the hearing was closed and a transcript was thereafter made available to the Commission; and

**Whereas**, the Applicant's testimony at the public hearing is incorporated by reference; and

**Whereas**, pursuant to the criteria contained in New York State Environmental Conservation Law (ECL) Article 57, Section §57-0121(10) (b)(i), the proposed development will serve an essential health and safety need of the public entities and agencies and public health care providers in the Central Pine Barrens and will protect public health and safety since the proposed project will serve public agencies and emergency service providers in the event of a disaster; and

**Whereas**, pursuant to the Applicant's demonstration of hardship as per ECL §57-0121(10)(b)(i), the proposed use is required to serve existing needs of the residents and no feasible alternatives exist outside the core preservation area to meet the established public need and that no better alternatives exist with the county; the applicant explored other potential sites and alternatives and determined the project site is located at an optimal distance for the proposed technology to function efficiently and work in tandem with the Edge of Woods Road site and to meet communication requirements in an area up to 1,000 miles from the facility; and

**Whereas**, pursuant to the criteria contained in ECL §57-0121(10) (c) (i) through (iii), the Applicant has satisfied the conditions for and has demonstrated hardship, as the Project strictly limits disturbance to the resources of the Core Preservation Area to 160 square feet, and the 45 foot tower height will not be visible from neighboring properties or to the public; therefore, pursuant to ECL §57-0121(c)(i), the project will not be materially detrimental or injurious to other property or increase the danger of fire or endanger public safety or result in the substantial impairment of the resources of the Core Preservation Area; and

**Whereas**, pursuant to the Applicant's demonstration of hardship as per ECL §57-0121(10)(c)(ii) and (iii), the waiver will not be inconsistent with the purpose, objectives, or the general spirit and intent of this title and is the minimum relief necessary to relieve extraordinary hardship as it preserves pine barrens ecology by minimizing disturbance for the project, restores disturbed areas where feasible, and utilizes an already existing disturbed site developed with existing communications infrastructure and facilities; and

**Whereas**, pursuant to the Applicant's demonstration of hardship as per ECL §57-0121(10)(c), the Applicant has satisfied the conditions for demonstrating hardship as the project will not have an adverse impact on the protection and management of Core Preservation Area resources and the proposed project will service as a disaster communication network of last resort

that provides service in a greater geographic range than that of local frequencies and will protect the public health and welfare of those disaster-affected persons within a 1,000 mile radius of the project site; and

**Whereas**, no significant adverse environmental impacts are expected as a result of the proposed project; and

**Whereas**, the Commission has considered all materials submitted in connection with the application.

Now therefore be it

**Resolved**, the above recitals are incorporated herein and made a part hereof; and be it further

**Resolved**, that pursuant to the New York State Environmental Conservation Law (ECL) Article 8 (State Environmental Quality Review Act (SEQRA)) 6 NYCRR Part 617, the Commission identified no significant adverse environmental impacts and hereby adopts a Negative Declaration pursuant to SEQRA; and be it further

**Resolved**, that the Commission hereby determines the application, as submitted, meets the criteria for Core Preservation Area hardship based on Compelling Public Need pursuant to New York State ECL §57-0121 (10)(b) and (c); and be it further

**Resolved**, that the Commission finds that Rockwell Collins has demonstrated the project will serve an essential health and safety need because without the project, the reliability and capacity of the existing local communications network serving emergency responders may not fulfill needs created during times of disaster or emergency, which could jeopardize the ability of officials in the region to communicate and address public health and safety needs; and be it further

**Resolved**, that Rockwell Collins proposes to minimize the impact on the resources of the Core Preservation Area to the maximum extent practicable through the development of the project in an area of existing disturbance that is subject to regular maintenance for communications infrastructure with disturbance strictly limited to approximately 160 square feet of the 42.8 acre (1,864,368 square foot) project site or 0.01% of the site; and be it further

**Resolved**, no disturbance will occur in the existing wooded area of the site encompassing approximately 22.8 acres of the project site; and be it further

**Resolved**, that Rockwell Collins has demonstrated that there is no feasible alternative outside the Core Preservation Area because the project site, a transmission site, is located at an optimal operating distance to work in tandem with a receiving site approximately 13 miles to the east at 81 Edge of Woods Road in Southampton and jointly extend coverage along the eastern seaboard with the capacity to communicate and send data up to 1,000 miles; and be it further

**Resolved**, that the existing disturbed area of the project site has been used as a communications facility prior to the adoption of the Long Island Pine Barrens Protection Act of 1993; and be it further

**Resolved**, that the Rockwell Collins application for a Core Preservation Area hardship exemption based on Compelling Public Need is approved by the Commission, on this day, August 19, 2015, in accordance with the Site Plan prepared by Eric Scott Kohl, P.E. last dated

January 14, 2015 date stamped received June 9, 2015, subject to the following specific conditions:

1. The applicant must obtain additional permits and approvals, as required by law, prior to commencement of activity related to the expansion on the project site.
2. No more than 160 square feet of disturbance on the project may occur for the project and must occur within the existing 20 acre disturbed area.
3. No lighting shall be installed on the proposed towers.
4. The applicant must naturally revegetate and restore, using existing natural vegetation displaced for construction and installation below grade, the approximately 128 square feet area of the eight guyed wire anchor points.
5. No other changes to the project shall occur including, but not limited to, the height of towers, additional facilities including lights, clearing, disturbance, or any related element, equipment, or services unless and until an application is submitted to that effect; in which case the project shall be considered a new project and subject to Commission review and discretionary decision.
6. Notify the Commission office for inspection when disturbance limits are staked.
7. Notify the Commission office for inspection within one week of project completion.

and be it further

**Resolved**, the Commission grants the Compelling Public Need Waiver for the Rockwell Collins project; and be it further

**Resolved**, the waiver granted under the provisions of ECL Section 57-0121(10) shall only be considered an exemption or waiver of the particular standard of this title for which the Commission approved the Hardship Waiver. It shall not constitute an approval of the entire development proposal. Nor shall it constitute a waiver from any requirements contained within any local, county or state law or ordinance; and be it further

**Resolved**, the instant conditionally approved Hardship Waiver shall be valid for a period of three years from the date of approval. All work or action required in the conditions, where applicable, shall be completed within three years from the date of approval unless a longer period was approved or the Applicant obtains an extension from the Commission; and be it further

**Resolved**, a copy of this resolution shall be filed with the Suffolk County Clerk and indexed against the property.

Record of Motion

Motion By: Mr. Romaine

Seconded by: Ms. Throne-Holst

Record of Vote:

Yea: 4

Nay: 0

cc: Town of Southampton Planning Board