



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

Present: Mr. Andrew Fre leng (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

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

Vacant
Chair

Steven Bellone
Member

Edward P. Romaine
Member

Anna E. Throne-Holst
Member

Sean M. Walter
Member

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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