

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 1

SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790

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NOTICE OF INCOMPLETE APPLICATION

November 19, 2020

Frank A. Isler
456 Griffing Ave.
Riverhead, NY 11901

Re: DEC #: 1-4730-00013/00056
EPCAL 8-Lot Subdivision
4062 Grumman Rd.
Calverton, NY 11933
SCTM# 600-135-01-7.1, 7.2, 7.33, 7.4

Dear Mr. Isler:

Thank you very much for your recent resubmission of updates to the Town of Riverhead's SEQR Consistency Analysis and Comprehensive Habitat Protection Plan (CHPP). We appreciate the efforts that have been made to provide the Department with the necessary additional information required for our review of your application for a Part 666 (Wild, Scenic & Recreational Rivers System) approval for the subdivision of 2,107 acres into 8 Lots for future development.

The Department's review of your resubmission is ongoing, but as we are committed to working with the Town on the development of an application that provides the information necessary for DEC to make both the Findings required pursuant to the State Environmental Quality Review Regulations (Part 617) and the determinations required by the applicable permit regulations (Part 666), we wanted to provide you with as much feedback as we could as soon as possible.

Necessary additional information and / or clarifications include the following:

Comprehensive Habitat Protection Plan

A new stand-alone CHPP must be provided. The CHPP must detail the ecological communities of concern and must discuss how these communities are likely to be impacted by the full build out proposal for the currently proposed 8-Lot subdivision. Many of the descriptions of the impacts to ecological communities of concern provided in the 10/12/20 revision of the CHPP refer to the 50-Lot subdivision proposed in the FSGEIS. For example, the CHPP refers to "rear and side yards of the proposed lot" (P. 8), "proposed open space areas to the north and south of these lots" (p. 9), and "Limit forest clearing on individual house lots within the developed section of the vernal pool management zones to no more than 50% of lots that are two or more acres in size" (p. 15). The descriptions of the impacts to ecological communities of concern must examine the impacts of the currently proposed 8-Lot subdivision, not the previously proposed 50-Lot subdivision. The CHPP must describe



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the mitigation strategies which would be employed to achieve a net conservation benefit in light of the full build out proposal associated with the 8-Lot subdivision. The CHPP should not reference previous revisions of the CHPP. The Exhibits included in the CHPP must be labeled with the Exhibit number, and an Index of Exhibits must be provided. All Exhibits must show the ecological communities consistently and must include a revision date.

The CHPP must include a map of the existing ecological communities of concern similar to Exhibit Q. Any such map must include a table specifying the acreage of each ecological community of concern which occurs on each of the proposed lots. The 593.2 developable acres on Lots 6, 7 & 8 (as specified on p. 20 of the SEQR Consistency Analysis) must be shown on the CHPP map. The acreage of ecological communities to be preserved, removed or created on each of the proposed lots must be identified on the CHPP map. For example, both the SEQR Consistency Analysis and the CHPP specify that 512 acres of existing grassland will remain, 70.6 acres will be created, and the total 583 acres will be maintained in accordance with NY Audubon / NYSDEC Best Management Practices (BMP). The map must delineate where these acreages occur on each proposed lot and must specify that they will be managed as grasslands in perpetuity in accordance with the noted BMPs. Similarly, this level of detail for each of the proposed lots must be shown on the map for other ecological communities to be maintained / preserved as provided in the SEQR Consistency Analysis and CHPP including Pitch Pine-Oak Forest, Pitch Pine-Oak-Heath Woodland, Pine / Spruce / Conifer Plantation, and Successional Shrubland.

SEQR Consistency Analysis

The SEQR Consistency Analysis must be revised to refer to the new stand-alone CHPP and its associated exhibits rather than to previous versions of the CHPP.

Please provide the date of the "correspondence from NYNHP" that "indicates that no agency records currently exist for northern long-eared bat hibernacula or roost trees in the vicinity of the EPCAL site." (as stated on p. 53 of the SEQR Consistency Analysis updated on 10/12/2020). If this information is not current, it should be updated in the revised SEQR Consistency Analysis.

If the full build out proposal to be examined for the purposes of the SEQR Consistency Analysis will be the EPCAL Reuse and Revitalization Plan, supporting exhibits must be provided, including:

- A Reuse and Revitalization Plan Map
- A map showing the proposed 8-Lot subdivision and delineating the acreages specified in the CHPP and / or SEQR Consistency Analysis to be preserved or developed, such as 787.3 acres of existing woodland to remain, 512.4 acres of existing grassland to remain, and 593.2 acres of developable land on Lots 6, 7 & 8.
- A map of the "Potential Maximum Development Full Build Out" proposal as described on pp. 21- 22 of the revised SEQR Consistency Analysis. The map must also include the location of the ecological communities of concern identified in the CHPP.

Exhibits for both SEQR Consistency Analysis and CHPP

An index / table of contents of all Exhibits in both the SEQR Consistency Analysis and the CHPP must be provided. The index should provide a description of what each Exhibit

represents and should indicate the section and page number of the revised SEQR Consistency Analysis or CHPP where a more detailed description of the Exhibit can be found. Each Exhibit must be labeled with its Exhibit number.

Please note that all hard copy 8 ½" x 11" map exhibits are illegible. Any reduced sized maps included in the hard copy of the documents must be printed with a legible font. Any maps to be stamped approved with an issued permit must be full sized maps printed to scale. All maps must include a revision date.

While we recognize that the following comments may not be applicable to the Exhibits chosen for inclusion in the new stand-alone CHPP or revised SEQR Consistency Analysis, they are provided for your reference in creating the new Exhibits.

1. The stippling on Exhibit C (CHPP) must be changed to be visible on the printout of the full-sized map. Currently the "Grasslands Under Supervision of Habitat" is not visible, and "Grasslands to be Created / Maintained Under Supervision of Habitat" is very faint on the full-sized paper map.
2. A note must be added to the map which states that if development is proposed in the area(s) identified as Cultural Resource Areas and any cultural resources are encountered during demolition and / or construction as part of individual lot development, the developer must notify the Town of Riverhead CDA, who will then notify OPRHP.

Water Supply

The Updated October 12, 2020 SEQR Consistency Analysis: EPCAL 8-lot Major Subdivision incorrectly states that it is "undisputed that the 8-lot subdivision is within the Town of Riverhead and within the Riverhead Water District" (RWD). EPCAL is not located within the authorized boundary of the RWD. Further it is incorrect to cite the public authorities law Section 1078 that states, "SCWA shall not sell water in any area which is served by a water system owned or operated by a municipality ..." because RWD is not legally serving this area as no permit granting such authority has been issued by the Department. The updated document also states that per an October 5, 2020 meeting between RWD and SCWA, that there is no claim of right or desire by SCWA to service EPCAL. Should SCWA no longer wish to serve this property, they must formally rescind their objection to RWD serving the EPCAL property which in part states that SCWA is "ready, willing and able to serve this area".

Please provide two hard copies and an electronic copy of revised documents and maps.

Sincerely,



Sherri Aicher
Deputy Permit Administrator

cc: Yvette Aguiar, Supervisor, Town of Riverhead