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April 24, 2019

Mayor Paul Pontieri  
Incorporated Village of Patchogue  
14 Baker Street  
Patchogue, New York 11772

***RE: Cornerstone Waterfront at Patchogue***

Dear Mayor Pontieri:

We have been asked by our client, Terwilliger & Bartone Properties, to respond to the letter sent to you by the Citizens Advisory Committee (“CAC”) to the South Shore Estuary Reserve Council (“SSER Council” or “Council”) dated April 8, 2019. For the reasons outlined below, we believe that the concerns expressed by the CAC are misplaced.

First, we believe that the CAC may have been commenting on an earlier version of the development plan, as it discusses a lack of public access to the waterfront. As you know, the latest plan presented to the Planning Board eliminated the purchase of Mulford Street from the plan and provides for a new publicly-accessible riverfront promenade which will provide much improved access to the waterfront in this area. In addition, the plan includes the addition of sidewalks along the north side of Mulford Street which will be a vast improvement over the current access along the roadway.

Furthermore, the CAC letter urges consideration of a reduction of fertilizer, herbicide and pesticide use for the project. It should be noted that the most recent planting plan for the project includes native plantings which are naturally drought- and pest-resistant, therefore dramatically reducing the need for irrigation and pesticides use for the project.

The CAC letter also requests that the Board encourage a “Clean Marina Program” with “Best Management Practices” as identified by the US EPA. It must be noted that the plan provides for 55 marina boat slips and a small private clubhouse with parking, however, no other marina facilities or boatyard functions will occur on the site. Accordingly, there will not be any boat bottom pressure washing, fuel storage or dispensing, marine or other repairs, boat maintenance, etc. occurring on site. Consequently, the “marina” that is proposed will be much less intensive than that which the CAC anticipates.

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While the SSER Comprehensive Management Plan (CMP) encourages preservation of undeveloped lands along the shoreline and tributary watershed, it must be noted that this property is a previously developed and excessively disturbed site, which is merely currently vacant. It is not an "undeveloped land" as contemplated in the SSER CMP. In addition, this property is privately owned, and not within the public domain, therefore, it is not practical to expect that this vacant property will be preserved as open space.

The plans submitted to the Planning Board and which are under consideration, provide for on-site stormwater retention and connection to sanitary sewers; therefore the concerns regarding non-point source pollution, stormwater run-off and discharge of treated sewerage at this site are misplaced.

As an aside, we note that the letter is from the CAC and not from the Council itself, which seems to be a departure from normal procedures for the SSER Council. It may be fair to assume that the Council may not be aware of this letter and is not necessarily supportive of its content, as the purpose of the CAC is to advise *the Council* on the integration of stakeholder concerns. If the Council shared the CAC's concerns, it would seem more appropriate that such a letter would emanate directly from the Council rather than from their advisory committee.

The developers of this site will continue to work with the community and interested groups to ensure that the project built here will be a credit to the community and will have no detrimental effects on the neighborhood or the environmental conditions in the area.

Terwilliger & Bartone Properties, and the members of their development team, remain ready to provide additional information and respond to any questions that either you or the Planning Board may have regarding this project.

Very truly yours,

FORCHELLI DEEGAN TERRANA, LLP

By:   
AARON GERSHONOWITZ, CHAIR  
ENVIRONMENTAL PRACTICE GROUP

cc: Patchogue Planning Board

# CITIZENS ADVISORY COMMITTEE

## TO THE SOUTH SHORE ESTUARY RESERVE COUNCIL

c/o South Shore Estuary Reserve Office  
Office: 516 470-2297 Fax: 631-952-7902

Website: [www.dos.ny.gov/opd/sser](http://www.dos.ny.gov/opd/sser)

Maureen Dolan Murphy, Chair  
Rob Weltner, Vice-Chair

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April 8, 2019

Mayor Paul Ponteri  
Patchogue Village Trustees  
Village of Patchogue

### **RE: CAC Concerns on Proposed Cornerstone Development in Village of Patchogue**

Dear Mayor Ponteri,

The Long Island South Shore Estuary Reserve (SSER) Citizens Advisory Committee (CAC) is comprised of key estuary stakeholder groups, including citizens and civic groups, environmental groups, user groups, academic/educational institutions, and business organizations. The purpose of the committee is to advise the SSER Council on the integration of stakeholder concerns and observations in the planning and decision-making process and to encourage public education and stewardship of the SSER. The SSER Council is a group of representatives from the South Shore that include Nassau and Suffolk County, towns, villages, and business, recreation, academic, and environmental stakeholders.

In 2001 the Long Island South Shore Estuary Reserve Comprehensive Management Plan (SSER CMP) was completed. This guiding document is an important tool for protecting and restoring the many rivers, bays, and estuaries throughout the Reserve. The document is currently being updated, but still highlights the importance of protecting critical habitats along important tributaries to support restoration of shellfish, finfish, and coastal bird populations, and other ecosystem goods and services.

### **The CAC is concerned that the proposed Cornerstone Development in the Village of Patchogue is contradictory to the goals of SSER CMP.**

The proposed waterfront development would be a 50 unit luxury apartment complex, 4 stories high with a 55 slip private yacht Marina. The SSER CMP identifies Patchogue River as a key tributary entering into Patchogue Bay. The plan encourages municipalities to preserve open space in this critical area to “help reduce non-point source pollution to the tributaries and resultant shellfish closures in the Bay” (SSER CMP page 86). While this parcel is not pristine open space, its location is critical to protecting the bay. The plan states, “Open Space preservation is the foremost mechanism to sustain community character, prevent further

degradation of water quality from potential new development and protect living resource values” The plan further states, “preservation of undeveloped lands along the shoreline and tributary watersheds will reduce the land available for new development and hence limit the potential for pollution from run-off entering the system” (page 84).

The development is proposed to be located on the north and south side of a small area that provides important public access to the waterfront. Developing this area into housing will further restrict public access along the river. The plan identifies the protection of lands that “enhance physical and visual public access to the water” (Page 46). The plan recommends, “Expand public shoreline access opportunities by increasing the amount of land dedicated to physical and visual access.” (Page 45)

There are several other recommendations that the SSER CMP identifies that we would request the board to consider while reviewing this proposal.

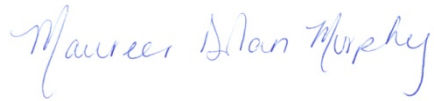
1. **Reduction of fertilizer, herbicide, and pesticide use (page 75).** The Village of Patchogue should ensure any development along the river corridor is using native landscaping with little to no pesticides and fertilizer.
2. **Reduction of pollutants associated with new and redeveloping marinas and recreational boating (page 75).** The proposed development includes a 55 slip marina. The Village of Patchogue should ensure that this marina is a model “Clean Marina”. A “Clean Marina Program” implements “Best Management Practices” for Marinas. Practices include boat bottom pressure washing run off disposal, proper fuel management, stormwater practices, minimizing need for dredging, energy efficiency, water efficiency, green products, and proper landscaping practices. In February of 2012, the EPA released the [Best Management Practices for Marinas](#) guidance document. The purpose of this important document was to give marina’s guidelines on how to minimize their impact to sensitive environments given their locations. It has been proven in other states that marina’s that follow BMP’s have greatly reduced their potential for negatively impacting the environment.

The entire South Shore Estuary has been declared an impaired waterway by the NYS Department of Environmental Conservation. Excessive nutrients, from storm water run-off, groundwater infiltration, and treated sewage effluent, have been linked to harmful out-breaks of Brown Tide, excessive seaweed growth, and the loss of economically important finfish, such as winter flounder.

***The CAC strongly encourages the Village of Patchogue to re-evaluate the proposed Cornerstone Development located on the Patchogue River.*** This development could negatively impact the South Shore Estuary Reserve and restrict public access to the riverfront.

Thank you for taking our comments into consideration. We look forward to working with you to protect and restore the SSER. If you have any questions please feel free to contact me at 516-390-7150.

Sincerely,



Maureen Dolan Murphy  
Chair, SSER

cc: SSER Council Members

**CAC member organizations include:**

*Atlantic Marine Conservation Society, Assoc. of Marine Industries, Brookhaven Baymen's Association, Brookhaven League of Women Voters, Citizens Campaign for the Environment, Coastal Research and Education Society of Long Island, Fire Island Association, Fire Island National Seashore, Great South Bay Audubon Society, Islip Town Leaseholders Association, Kayak Fishing Association of New York, Long Island Sierra Club, Mastic Beach Property Owners Association, N.Y. Seafood Council, Pattersquash Creek Civic Assoc., Peconic Baykeeper, Save the Great South Bay, Seatuck Environmental, South Shore Audubon Society, Suffolk Alliance of Sportsmen, South Shore Waterfowlers Association, South Shore Bayhouse Owners Association, South Bay Cruising Club, Trout Unlimited, Operation SPLASH.*