

**Central Pine Barrens Advisory Committee**

**2045 Route 112  
Coram, New York**

**Monday, May 10, 2004 at 6:00 p.m.**

**MEETING SUMMARY**

Advisory Committee Members present: Stephen M. Jones, Chairman and other members as per attached attendance sheet.

Others present: As per attached sign-in sheet.

Copies of the Agenda, minutes of the last meeting, an updated roster of representatives, and an information packet from the Commission were given to each attendee.

Opening Comments:

Mr. Jones called the meeting to order at 6:35 p.m., without a quorum present. He welcomed everyone and stated that some "housekeeping" issues needed to be addressed. He asked for a motion for the approval of the minutes of the September 25, 2002 meeting.

***Mr. Koppelman made a motion to accept the minutes of the meeting of September 25, 2002 as submitted, seconded by Mr. Amper, and the motion was unanimously approved by those present.***

Mr. Jones noted that an updated list of representatives and alternates was distributed to each person present and if there were any corrections, to please note them. He then stated that members of the Advisory Committee needed to renew their commitment to being a participant, especially as the Pine Barrens Commission is undertaking a 10-year review of the Plan. He mentioned that he had received a suggestion to form an executive committee as it has been so difficult to get people to attend the meetings and that item was up for discussion later on in the agenda.

Mr. Jones introduced members of the Pine Barrens staff that were present. He then asked Ray Corwin, Executive Director to briefly review the Commission's efforts on the Central Pine Barrens Comprehensive Land Use Plan Update.

Status Report from CPBJPPC Staff:

Mr. Corwin distributed handouts with regard to the Land Use Plan Update including a project schedule, parcel status, development applications, and the Pine Barrens Credit program. He stated that 5-year reviews were a requirement of the original plan. The first review was completed in 2000, a hearing was held with 5 comments received on the plan, minor in nature. There were 2 amendments at that time, in particular regarding the TDR program.

He asked Ken Born, who wasn't involved with the initial plan preparation, to take a new "look" at the readability of the plan and the review of the Commission decisions. He asked Ken to

summarize for the Committee his work so far. He noted that nothing had been drafted as yet; all items were still in the conceptual phase.

Mr. Born explained that he started working on Chapter 7: Public Lands Management. He's working with technical subcommittees and reformatting and reorganizing the plan. Recommendations from the subcommittees should be finalized within a few weeks. The process is moving along and he expects to have draft amendments in September with final approval in January 2005.

Mr. Corwin commented that the Pine Barrens Commission has overall statutory responsibility despite there being a diversity of responsibilities delegated among various subcommittees.

Mr. Jones questioned what the role of the Advisory Committee is with regard to the update, pertaining to recommendations. Mr. Corwin answered that he believes the Advisory Committee has an ongoing responsibility regarding the implementation of the plan.

Mr. Jones mentioned that there should be an effort to reconcile the records of the various public entities regarding land in the Core and CGA. Mr. Corwin responded that Ann Carter was sorting through the various databases in order to produce a map. Mr. Amper questioned when we could expect a map to be completed. Ms. Carter responded that was dependent upon the information that is available from other agencies.

Mr. Koppelman asked if information and recommendations from the staff would be presented first to the Advisory Committee or the Commission. Mr. Corwin suggested a compromise approach whereby both groups receive the information at the same time or at the same meeting. Mr. Koppelman sees a problem with that and stated that the Advisory Committee should see each document first, make its recommendations and then send it to the Commission.

Mr. Koppelman stated that in all newspaper accounts the number used for acres saved in the pine barrens was 50,000-acres, where realistically 20,000-acres had already developed, so that the correct number is closer to 30,000. He stated that the record should be perfectly clear on the correct amount of acreage. He also thought the public should understand that there are still parcels to be saved in the Compatible Growth Area.

Mr. Jones moved to Number 4 on the agenda regarding development and preservation in the CGA and the Core. Ray Corwin handed out a tabulation of estimated parcel status as of 1/1/04. He noted that the plan was silent on the subject of zoning changes in the CGA and the required use of Pine Barrens credits. Mr. Amper stated that there was a GEIS done which projected anticipated density. He thought that the prediction should be compared with what actually occurred. He suggested that it might be useful for a subcommittee to analyze data, especially considering the attendance at this meeting.

Mr. Jones responded that the staff is updating the plan and the SCWA continues to support the work of the Commission and the councils that came about as part of the plan.

A discussion was held regarding the amount of land that was required to be protected by use of TDR's; and whether any more money should be spent on acquiring lands in the Core area. It was recommended that if there was ambiguity that the Advisory Committee should provide an interpretation of what is actually stated in the plan. Mr. Amper recalled that the 75%

recommendation came about at the request of the supervisors of the 3 towns so that the majority of protection of the land would be by purchase in order to limit the potential for dumping density into certain communities. Mr. Koppleman agreed with that statement.

Mr. Jones then asked Mr. Corwin to go through the handout detailing parcel status for the Core Preservation Area. This list is updated twice per year and he explained the different categories that the parcels are divided into. Mr. Amper began a discussion on “grand fathering” and the towns’ involvement. It was suggested that it be communicated to the towns that if an application is made by a property owner, they should certify the “grand fathering” to the Commission. Mitch Pally asked a question regarding the zoning of the 3,800-acres that are unprotected. The vast majority is zoned residential. Mr. Corwin cautioned that many of the 3,800-acres have title issues and would be difficult to purchase. He stated that they rely on the DEC and the County Planning Department when they are updating their data. Mr. Jones noted the development applications and the approval or denial of same.

Mr. Corwin then gave an overview of the Credit Clearinghouse. He noted that the average parcel size has crept upwards through the years and that reason may be related to the value of the credits. The largest size parcel in the program is 120+ acres. He mentioned a recent controversy on inter-municipal redemptions. There has been only 1 true inter-town transfer - a Brookhaven credit went to Southampton through the SCDHS.

Mr. Jones moved on to the next item on the agenda, the Northville Funds and what will happen with the \$5 Million used to capitalize the Pine Barrens Credit Clearinghouse. Mr. Corwin stated that the current amount is \$7.4 Million, which amount has increased and decreased through the purchase and sale of credits. The deadline is November 2005, the end of the 10-year agreement. It is not clear if all the money goes back to the NYSDEC or if only the \$5 Million goes back. The staff has agreed that sending all the money back and leaving the Credit Clearinghouse without any funding would be a foolish idea.

Other items to be discussed – SCWA and SCDHS have been working together on an update of the Water Resources Plan and this work will be going on at the same time as the update of the Pine Barrens Plan. SCWA will be devoting significant staff time and resources beginning summer of 2004 and lasting for a 2-year period. Mitch Pally noted that the Plan amendments would be completed before the Water Resources Plan. Mr. Koppelman said there is an inherent conflict between the two, as the Pine Barrens will state that 2-acre zoning is preferred, but the SCDHS will only support 1-acre zoning.

It was noted that a quorum was still not present and that continues to be a problem, as resolutions could not be passed. Mr. Jones suggested that the Advisory Committee notify the Commission that the Members present want the Advisory Committee to be actively involved in the update of the Plan and that we are resolved to meet on a regular basis (quarterly). Since there are no rules and regulations established for the committee, perhaps the Advisory Committee could establish rules and designate a smaller number to establish a quorum. The only problem being that a true quorum must be present in order to enact the rules. He mentioned again the suggestion of an Executive Committee, but stated that he felt that could be exclusionary. Jim Rigano suggested that the time be changed from the evening to 8:30 a.m. Mr. Jones responded that he is open to any time change that would increase the number of attendees. Mr. Amper then suggested that Mr. Jones write a letter to those not attending and asking them their intentions as the Advisory Committee is going to be making

recommendations on plan updates and chapter amendments. It is a statutory responsibility and if they are unable to meet that responsibility and wish to “opt out”, perhaps the statute should be changed to reflect that, keeping in mind the balance of the group. Tom Muller agrees with the concept of quarterly meetings in order to set the calendar in advance and agrees with the concept of a letter but send it to all representatives. Mr. Jones reminded everyone that he already has sent 3 letters since December, but perhaps another stronger letter is called for.

Mr. Jones would like to send a letter to the Commission to ask that the Advisory Committee review everything (relating to amendments) first (as was done the first time around). Mr. Amper agreed and suggested that if the role of the Advisory Committee is going to be stronger and perhaps make recommendations for changes to the law that perhaps the attendance would increase. Mr. Jones also stated that he will follow-up on Jim Rigano’s suggestion to change the time of the meeting to see if that would help increase participation. The most powerful motivator for attendance is to notify the group that less people will be making the decisions and rendering advice to the Commission, possibly a Chapter Amendment to the law.

Kim Darrow agrees with the suggestion of sending a strong letter listing items to be on the agenda, and he reiterated that the Advisory Committee needs to meet its obligation to make contributions to the update of the plan. He asked that the Committee consider possibilities of lowering quorum and setting rules and regulations. In addition, to set a meeting for mid-September, in order to give advance notice and strongly emphasize that we need a quorum to be present at that meeting. He also noted that a summer meeting would most probably not generate a quorum, due to vacations.

Mr. Amper believes that due to the urgency of agenda the group should get started with meetings as soon as possible. He also proposed a working committee to evaluate the GEIS and the CGA zoning; municipalities obtaining hardship exemptions; sand mining and the use of the statute to control it; and disposition of Northville funds.

Tom Muller said that if we want to have on-going enthusiasm we should set structure of quarterly meetings, mid-January, mid-May, mid-September and mid-November. Mr. Jones stated that he would follow-up all these suggestions, and definitely set a working group meeting for June.

Mr. Amper referred to a presentation to the Legislature regarding the reform of acquisitions by the County. They will be addressing economic issues as well as environmental issues. He anticipated seeing draft legislation at that meeting and invited everyone to attend.

A question was raised by Mr. Muller regarding the TDR program and how it has been affected by the increase in real estate values. Mr. Jones stated that the value of the credits has risen dramatically. Ray Corwin noted that the goals of the TDR program were to preserve the natural resources and to maintain value in lands affected by the Core designation. He believes that’s exactly what has happened.

The meeting was adjourned at 8:05 p.m.

Attachments:

1. Agenda
2. Roster of Representatives (revised 5/2004)
3. Minutes of Meeting of September 25, 2002
4. Information packet from Pine Barrens Commission
5. Sign-in Sheet