

**Central Pine Barrens Advisory Committee**

**2045 Route 112  
Coram, New York**

**Tuesday, June 8, 2004 at 8:00 a.m.**

**Subcommittee  
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, excerpt of Northville Settlement agreement, proposed by-laws, an information packet from the Commission, and a copy of a decision of the NYSDEC regarding sand mining were given to each attendee.

Opening Comments:

Mr. Jones called the meeting was called to order at 8:10 a.m., without a quorum present.

He noted that he would be taking the items from the agenda out of the order presented.

Northville Funds Settlement Agreement

Mr. Jones read from an excerpt (pages 17-19) of the agreement relating to the options available to the Credit Clearinghouse. He noted that there were some pieces of land available in the Setauket Woods area, but questioned whether they would be considered available for purchase. He said he had spoken with Jim Burke of the Suffolk County Real Estate Department regarding solicitations to land owners. He also noted that the "trustee" or the Commissioner of the NYSDEC solely determines if lands are available for purchase. If it is determined by the trustee that there are no additional private lands available for purchase then the funds may be reallocated and used for the purchase of lands in the Core. Once again, this agreement appears to be immutable.

Mr. Amper suggested that the AC make specific suggestions to the NYSDEC as to what it should do with the \$5 Million. Mr. Jones responded that the first question to be answered is whether there are lands available for purchase in Setauket. Suffolk County still has \$1.5 Million remaining from its portion of the settlement which has been authorized by the legislature but has not been spent. Andrew Freleng of the County Planning Department recommended that the Clearinghouse still be considered a "purchaser of last resort" if the money comes back once again.

Zoning Changes – (3-page chart)

Mr. Jones asked Ken Born to review the chart and its sources of information. Mr. Born noted that the data was obtained during the last year and was provided by the Suffolk County Planning Department. Most zoning changes have occurred in the CGA, not many in the Core, and most are "down zones" to more intensive use. A total of 3,417-acres changed from 1995

- 2003. The data has been broken down by towns. The Town of Riverhead changed the largest parcel (Calverton) from Defense to Recreation. Mr. Jones asked if there would be any research done as to the amount of units created in the CGA due to zoning changes and were any pine barrens credits used. Jim Rigano asked for a definition of upzone and downzone. Steve Jones stated that planners typically use a pyramid style of up or down with the top being the least intensive use. John Milazzo said that the chart itself is neutral— you'd have to look at what was on the property before and what has been built since then and it's impact on the land. Upzoning usually has less impact on natural resources and infrastructure.

Mr. Amper spoke about the law and its intent. Initially when the plan was put into place, the towns conformed their zoning to the plan. Mr. Milazzo said that when the towns adopted the plan, their zoning could be no more stringent than the plan. The Towns have jurisdiction of the CGA and if a project does not conform to the town's zoning, the application would have to go before the Commission for a hardship hearing. Mr. Amper stated that he thought that zoning changes had been done without the Commission's knowledge. Mr. Jones noted that one of the features of the update is to look at the plan to see what was contemplated in CGA and see how that matches up with what was actually built. Will there be an update to the original EIS or a new GEIS? Mr. Born answered in the affirmative.

Mr. Milazzo said that on the Commission website, all pine barrens credits are listed, the reason for them and where they eventually were redeemed. Mr. Milazzo believes that SEQRA will have to be done on the Plan update and the Plan update could review what has happened in the past 10 years and if the goals have been achieved.

Mr. DeTurk asked about the Defense Industrial Park— is it a good zoning change for the Pine Barrens? Mr. Jones said that Calverton and North Shore properties had their own section in the plan and were considered as to what portions of each should be in the Core. Mr. Amper believes the zoning for this parcel will change again to more office/industrial. He also stated that the Town of Riverhead allows clearing and has never been before the Commission for a hardship hearing, and perhaps a letter from the Commission is in order.

The North Shore properties – the mall piece was allowed to proceed; all other parcels lost their exemptions due to time passage and lawsuits, etc. Mr. Milazzo noted that 2 parcels have already been protected, a 100-acre site (Greenbelt) and a 34-acre site (w/s of Yaphank Road). Mr. Jones noted that the Fox Lair parcel is ready to go to contract with the SCWA purchasing a portion of that property for a well field and the County and Town preserving the bulk of the acreage, arranged by The Nature Conservancy.

#### Sand Mining

Mr. Amper handed out a decision from the NYS Deputy Commissioner of DEC regarding Marando Nurseries, that they could not grant approval for sand mining due to the Pine Barrens Act. At the present time there are 2 sand mining operations in the Core, 4 in the Core/CGA area and 6 or more in the CGA. Mr. Amper believes that if they ask for new permits and for renewals if they change the conditions of the permit, they are subject to the Pine Barrens Act.

Mr. Jones gave a brief background of the Marando Nurseries located in Manorville. Mr. Rigano stated that the Commission decided the hill could be removed, that decision was appealed by the Pine Barrens Society and the Commission decision was overturned by the court.

## GIS Analysis

Mr. Jones questioned Mr. Born if the staff was going to do research on land use using more recent aerial photography, which was supposed to be available in the fall. Mr. Born responded that once the broader aerials with GIS coverages are obtained it would be easier to take a look at land use changes. Mr. Jones noted that tremendous strides have been made with GIS information, but there are still people guarding their information and there is not a seamless interchange. He has been working on the preparation of a map noting acquisitions that have been made in the Core and CGA, but has not been able to get all the information required. A point had been made in a prior meeting by Bob Weiboldt regarding the properties that have been acquired and if there are no other properties to be acquired, then can the money be used elsewhere? The GIS piece must be accurate and is very important to the update of the Plan.

Mr. Amper stated that we must satisfy ourselves that density is not “over” what was anticipated in the CGA. Mr. Freleng stated that the ratio of receiving sites is 2½ to 1. Brookhaven was the first one to adopt that ratio. Mr. Amper’s recollection was that the GEIS contained a projection as to the number of units of residential development there would be in the CGA at build-out, and he believes it’s been exceeded.

Another point made by Mr. Amper was that at the time of the plan, the role of the government was to protect the core, but as the government has become the owner of the lands, they’re now able to develop those sites. Brookhaven has stated that they would not ask for hardships on any of the parcels. So perhaps an AC opinion to the Commission on this point could be useful.

Kim Darrow put together proposed By-Laws for the AC – changing the quorum to “9”, since all the members are not participating. It was noted that “28” is the maximum number of representatives on the AC – we currently have 26 representatives. Mr. Jones will send out these by-laws in the mailing for the next meeting, which has been scheduled for July 13, 2004 at 8:00 a.m. in Coram.

The meeting was adjourned at 9:20 a.m.

### Attachments:

1. Agenda
2. Excerpt of Northville Settlement Agreement
3. Proposed By-Laws for Advisory Committee
4. Information packet from Pine Barrens Commission
5. Decision of Deputy Commissioner of NYSDEC dated 12/29/97
5. Sign-in Sheet