

# **CENTRAL PINE BARRENS ADVISORY COMMITTEE**

2045 Route 112  
Coram, New York

**Tuesday, April 12, 2005**

**8:00 a.m.**

**(Approved 7/12/05)**

## **MEETING SUMMARY**

Advisory Committee Members present: Stephen M. Jones, Chairman, Marilyn England and Dan Morris representing Open Space Council, John Halsey representing Peconic Land Trust, Bob Wieboldt representing Long Island Builder's Institute, Dick Amper and Susie Husted representing Long Island Pine Barrens Society, Tom Muller, civic representative for Town of Brookhaven, Lee Koppelman and Seth Forman representing Long Island Regional Planning Board, Tim Green representing Brookhaven National Laboratory, Dick DeTurk representing Regional Plan Association, Joe Gergela representing Long Island Farm Bureau, Dr. Henry Bokuniewicz representing SUNY at Stony Brook, and Jim Zizzi representing Southampton Business Alliance.

Others present: As per attached sign-in sheet.

Copies of the mailing of April 4, 2005, minutes of January 11, 2005 meeting, letters from Long Island Association and Hamptons' Visitors Council, and updated committee member listing were given to each attendee.

### Opening Comments:

At 8:05 a.m., Stephen Jones called the meeting to order with a quorum present. He welcomed everyone. He gave some background on the handouts that had been mailed in advance regarding the Pine Barrens Commission being involved with an extensive review of plan amendments and having the Advisory Committee take on other aspects not related to what other groups are already handling. He noted that 3 separate issues had been forwarded to each member on Compatible Growth Area, Developments of Regional Significance, and Critical Resource Areas for discussion and possible recommendations.

He began with the issue of Critical Resource Areas. He noted that these areas have to do with planning for Smart Growth and planning for compact orderly development – coupling preservation and development. He asked if anyone had comments on this issue.

Dick Amper reminded everyone that at the time of the plan the Critical Resource Areas were envisioned as those areas that did not fit into the Core but would be determined in the future to be of value to be preserved. He noted that we now had the benefit of 10-years hindsight in figuring out what land needed to be preserved and we need to find out if that had happened, and if not, how can we plan for the future. He noted again that the Commission would be advising us as to how the CGA was built or saved in accordance with the original plan's intent.

Joe Gergela has no problem with preserving those areas determined to be a "critical resource". He asked about the county initiative regarding sanitary flow credits and how

does the ecology of the special significance areas tie in to that. In addition, is there an opportunity to use the TDR's elsewhere? Mr. Jones responded that ecology drove the critical resource areas at the time of the plan, but we know more now about the groundwater due to the modeling that can be done, and information regarding STP's and how that can affect groundwater. Mr. Wieboldt added that the government bought pieces in the CGA and is holding the development rights.

Dick DeTurk questioned how development in the CGA differs from development elsewhere and do the standards affect the density. Bob Wieboldt responded that developers are held to much higher standards – zoning, open space, clearing standards, nitrates, stormwater runoff, etc. in the CGA but does not really affect the density. Mr. DeTurk then continued noting there were design standards suggested when the plan was developed – is there any evidence of those being in use? Ray Corwin responded no; the design standards are not in common use.

Lee Koppelman questioned how many TDR's were effectuated – what has come out of Core and actually been used. Ray Corwin responded approximately 500. He continued, in the Critical Resource Areas section there is not a discussion of the aquifer. Why is that not listed? In addition, there are conflicts between the 1993 law and the Special Groundwater Conservation Law – there is no distinction between the Core and CGA. The real threat is that we are not going with 5-acre zoning in the CGA and that would get groundwater contamination close to “0”. This is contrary to the environmental objectives of any of the Acts.

Bob Wieboldt – in the original DEIS before the plan - the assumption was that the CGA would be developed at the current standards. The Pine Barrens area has the highest level of development standards in the state with the exception of the Adirondack Park or Southampton. If the development had happened in accordance with those standards in effect at the time of the plan, we would have had septic systems – what we have presently is better with clustering development.

Dick Amper – back to the original question, how much development has been allowed in the CGA as to what was planned? Ray Corwin responded that the staff is in the process of making the determinations – getting the demographics from the towns. Mr. Amper feels that it would be important to know this in order to keep the spirit of the plan. He never anticipated the down zoning. Why are the development rights not being used for affordable housing? Mr. Wieboldt responded that TDR's cost close to \$100K – they cannot be used for affordable housing. The CGA was not supposed to be preserved, it was supposed to be developed according to the current laws. There is a need now for senior housing – a need that has grown from 5% to 40%. Lee Koppelman stated that there is no measure of the cumulative impact of development.

Dick Amper suggested a subset of the AC to look at the plan for debate and discussion– is there any need for this exercise? Lee Koppelman suggested a mini-plan for the CGA. Mr. Jones responded to what Mr. Koppelman stated before, in that drinking water was not mentioned as a Critical Resource Area and drinking water was one of the most important reasons for the Act in the first place. That's why he put in the section entitled “discussion points” – is a fragile land a drinking water supply? Mr. Wieboldt responded that we must go back to the original plan – there is not a word in the EIS (upon which the plan was approved), to decrease the CGA, it was assumed. Mr. Jones stated that in the plan there was a dot with a circle around it to designate possible

groundwater contamination – we now know that it doesn't usually happen that way. The development standards should be reviewed to see if they affect the groundwater – perhaps we didn't know about certain things 10 years ago, technology has changed. The hydrological flow and its effect on the groundwater, this should be looked again.

**Mr. Koppelman made a motion, seconded by Kim Darrow, that it is**

***RESOLVED, To form a subcommittee of the Advisory Committee to take a detailed look at the Compatible Growth Area both retrospectively and into the future.***

***This detailed look will focus on:***

- ***Impact of growth in CGA***
- ***Impact of government acquisitions in the CGA***
- ***Core preservation area***
- ***Municipal planning and restrictions on development in CGA that were not anticipated***
- ***Changes since plan enacted***
- ***Zoning Changes***
- ***Development in accordance with the plan***

Jim Zizzi of Southampton Business Alliance questioned municipal planning and restrictions placed on his project. The Town of Southampton is using it as ammunition against his project. They did their SEQRA program 10 years ago. The towns don't understand the plan. His project is designated as a receiving area and the development is not being allowed to happen. Mr. Amper responded that when the plan was enacted there was nothing that said that the towns would not have any input as to what was planned. The towns would not have signed on to the Plan– home rule was going to continue – their land use zoning could go up or down. Mr. Zizzi responded that there are landing areas in Southampton and they are not being able to use them. Mr. Amper said there was no guarantee of the number of units, and he believes there is more yield than anticipated. Mr. Jones remembers there were designated receiving areas that were assessed environmentally.

Bob Wieboldt said the Plan was a compromise by the environmentalists and the developers. But now the CGA is being looked at as a preservation area – it was supposed to be a developed area. Mr. Amper wants to take a look and find out, that's what the detailed look is supposed to do. Mr. Koppelman said the plan never prohibited saving acreage in the CGA.

Marilyn England of Open Space Council said that the word “compatible” has no meaning as far as development goes. The density is coming in – there is more development than anticipated – especially the wildlife protection and plant habitats. The CGA was never anticipated as a “dumping ground”.

**Mr. Koppelman asked the Chairman to call the question and vote on it. The motion passed with 2 opposed (Mr. Wieboldt and Mr. Zizzi).**

Mr. Gergela noted that the County developed a task force report to reduce fertilizers and nitrates. They are working with New York State to develop a fertilizer and pesticide reduction program. He said that the Pine Barrens area should be given funding priority

in that program.

Kim Darrow followed up to the resolution previously passed – who will be involved with the committee – volunteers? Mr. Jones responded that it will be voluntary with monthly or semi-monthly tasks. Mr. Wieboldt questioned whether there would be recommendations from the committee or just fact gathering? What was intended by the resolution? Mr. Koppelman said the intent of the resolution was to gather facts initially, and then the phase 2 would be to get a consensus on the facts. But the first step would be to work out a study plan – the facts must be laid before the entire Advisory Committee before recommendations are made.

**Mr. Wieboldt changed his vote to “yes”.**

The Members moved on to “Developments of Regional Significance”. The Pine Barrens Commission should be looking at these more. Regional Significance means regional areas that go beyond town boundaries. What about Calverton and the North Shore Properties? Is nothing happening? Is it grandfathered even after all this time? What’s happening there?

Mr. Wieboldt responded that both Calverton and the Breslin properties were outside of the purview of the CGA. Ray Corwin stated that the properties are either under the jurisdiction of the Commission or are not – it is not a DRS. There must be a quantitative threshold for the DRS to come before the Commission’s review. There were 3 before the Commission– one has been withdrawn, the other 2 are pending. Dan Morris remembers that the Calverton facility was defined as redevelopment and therefore it was exempted from review. Riverhead wouldn’t have endorsed the plan otherwise.

Mr. Amper suggested lowering the threshold during the “look back” to see if other properties or development would have been included in review. The other distinction to be made with Calverton is that only projects associated with economic development are grandfathered. There was a specific set of uses agreed to at the time of the plan. These uses were prescribed in the plan. Section 9.2 of the plan attempts to decide what economic development is. Bill Spitz noted that the economic development uses are listed in the Environmental Impact Statement. Mr. Koppelman said that the Town of Riverhead is looking at Calverton today – what are we going to do about it?

**Steve Jones made a motion, seconded by Lee Koppelman that it is,**

***RESOLVED, That the CPJPPC should examine recent proposals and plans for the former Calverton Airfield (Calverton) and measure these plans as to whether they constitute “Economic Development”, as defined in the Central Pine Barrens Plan, the Final Environmental Impact Statement and Finding Statement; economic development forms the sole basis for exemption of Calverton from the definition of development and designation of Calverton as a development of regional significance (DRS); and be it***

***FURTHER RESOLVED, That the Commission should exercise its jurisdiction in reviewing any proposals for Calverton***

***which do not constitute economic development as detailed in the Central Pine Barrens Plan.***

**The motion was carried, with Mr. Wieboldt abstaining.**

A housekeeping issue regarding membership was brought up by Mr. Amper. Could Article 57 be amended by legislation to add or delete memberships? Mr. Jones stated that he thought it was unnecessary at this time to bring this issue before the legislature.

Mr. Jones raised the subject of the addition of the Drinking Water Coalition as a member as a substitute for South Fork Groundwater Task Force. There was discussion as to whether the organization has Suffolk County members.

**A motion was made by Mr. Amper, seconded by Mr. Koppelman, that it is**

***RESOLVED, To accept Long Island Drinking Water Coalition as a member of the Advisory Committee.***

**It was unanimously carried.**

***Lee Koppelman made a motion, seconded by Dick Amper, to accept the minutes of the January 11, 2005 meeting as submitted.***

**The motion was unanimously approved.**

The next meeting was scheduled for Tuesday, July 12, 2005, at 5:30 p.m.

A motion was made by Mr. Koppelman to adjourn at 9:35 a.m.

Attachments:

1. Agenda
2. Draft Minutes of January 11, 2005 meeting
3. Advisory Committee Member Listing (4/2005)
4. Mailing of 4/4/05 with attached worksheets
5. Letter of Hamptons' Visitors Council
6. Letter of Long Island Association
7. Sign in Sheet