

CENTRAL PINE BARRENS ADVISORY COMMITTEE

Stephen M. Jones, Chair
Richard L. Amper, Vice Chair

Meeting of Tuesday, October 11th, 2005

(Final Minutes - approved 3/9/06)

Suffolk County Water Authority Coram Training Center
2045 Route 112, Building 5, Coram, New York
8:00 am

Advisory Committee Members present:

- Association for a Better Long Island: Mr. James Rigano,
- Brookhaven National Laboratory: Dr. Timothy Green
- Civic Representative for the Town of Brookhaven: Mr. Thomas Muller,
- Long Island Association: Mr. Mitchell Pally,
- Long Island Board of Realtors: Mr. Robert Herrick,
- Long Island Builders Institute: Mr. Robert Wieboldt,
- Long Island Drinking Water Coalition: Mr. Matthew Meng,
- Long Island Greenbelt Trail Conference: Mr. Thomas Casey
- Long Island Pine Barrens Society: Mr. Richard Amper, Vice Chair
- Long Island Regional Planning Board: Dr. Lee Koppelman and Dr. Seth Forman,
- Regional Plan Association: Mr. Richard DeTurk
- Suffolk County Water Authority: Mr. Stephen Jones, Chair

Others Present:

- Commission / SCWA Staff: Ken Born, Ray Corwin, Judy Jakobsen, John McNally, John Milazzo, Carol Scholl
- SCWA staff: Jim Touchet, Tom Withers
- NYS DEC Staff: John Pavacic, Bill Spitz

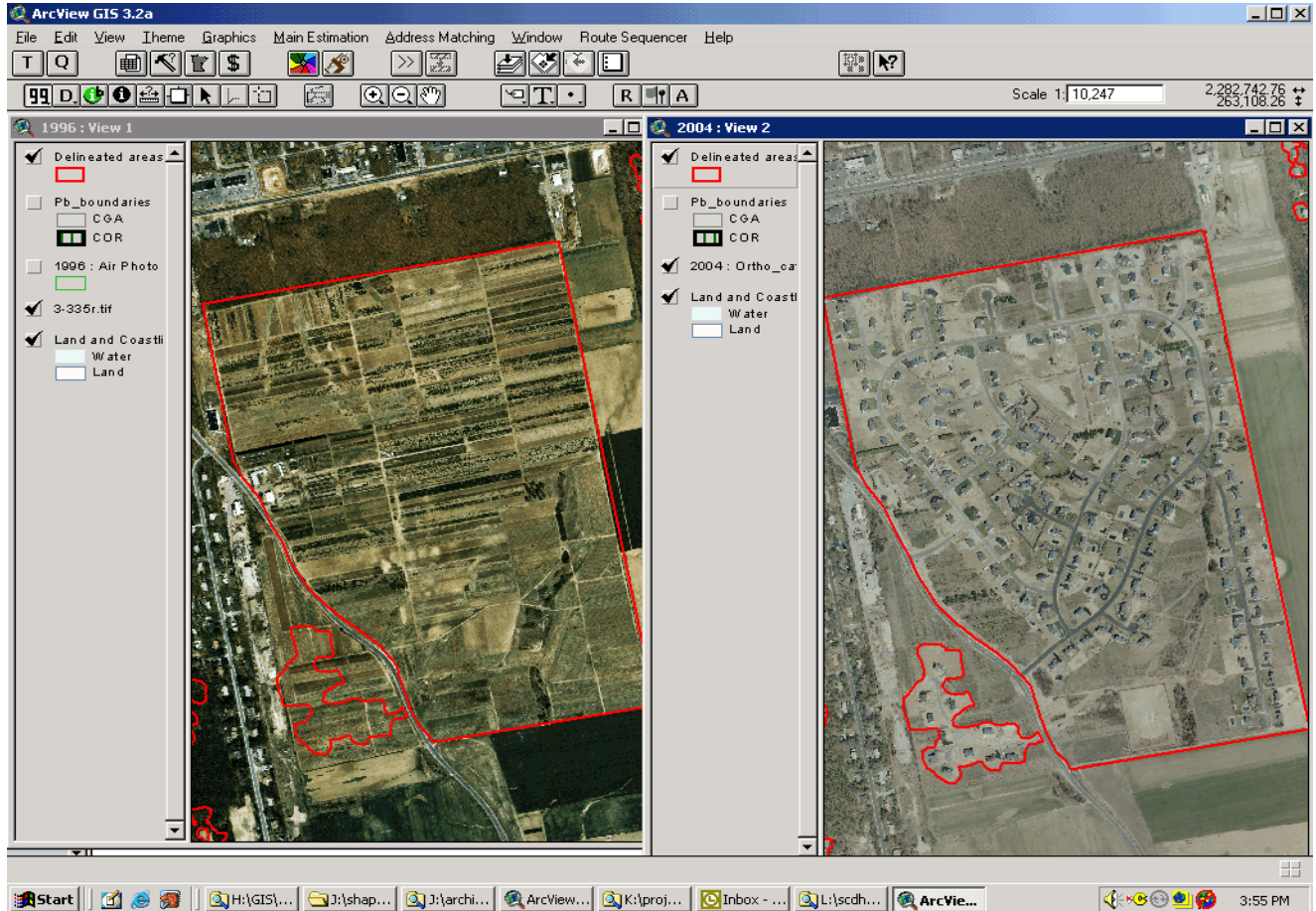
Mr. Jones called the meeting to order at 8:10 a.m. with a quorum present.

1996 - 2004 Aerial Survey Land Use and Disturbance Study:

Mr. Jones discussed the aerial photography that was flown in 1996 and 2004 of Suffolk County, including the Central Pine Barrens, and the SCWA's recent effort to compare the portions of those two photo sets covering the Central Pine Barrens to determine what changes have occurred on the ground during that interval. This primarily captures new clearing and construction, although in some cases you can also determine whether the new land uses are residential or commercial. Mr. Jones introduced Mr. Jim Touchet, The SCWA's Geographic Information Systems (GIS) Manager.

Mr. Touchet introduced SCWA GIS analyst Mr. Tom Withers, who performed this work under his direction. The example shown was an area within Brookhaven Town near Coram - Mount Sinai Road. This area was primarily agricultural. Mr. Withers set up a methodology to examine the

Core and the CGA to look for all types of disturbance. In this area, he determined that a new subdivision had been constructed and he delineated it with a polygon. Overall, he delineated more than a thousand areas (polygons) of disturbance. The area used as an example, with the 1996 and 2004 aerial views and the “disturbance polygons” is shown here:



A set of codes (i.e., polygon attributes) was then defined to indicate the “category” or “type” of each disturbance. Examples include clearing, clearing with a residence or building, parking lot, roads, etc. Categories were defined, but are subject to revision. Mr. Touchet noted that Mr. Withers had no prior knowledge of the area, so his delineation was very objective. The results to date were:

SUMMARY (includes numeric code)	DESCRIPTION (for numeric code):	SUM_ ACREAGE	COUNT
Disturbed area intersects			
CGA ONLY:			
CGA 1	Land cleared	288.3	53
CGA 10	Golf Course	360.1	6
CGA 11	Parking lots	0.2	1
CGA 2	Land cleared and structure(s) built	599.4	535
CGA 3	Land cleared, structure(s) built with road(s)	1259.0	164
CGA 4	Clearing expanded	67.5	47
CGA 5	Structure(s) built	105.8	41
CGA 6	Structure(s) built and clearing expanded	10.4	14
CGA 7	Structure(s) built with road(s)	112.0	3
CGA 8	Road(s)	15.4	9
CGA 9	Schools	132.8	3
		2950.9	
Disturbed area intersects			
CGA & Core:			
CGA_Core_inter 1	Land cleared	0.4	1
CGA_Core_inter 2	Land cleared and structure(s) built	8.4	8
CGA_Core_inter 3	Land cleared, structure(s) built with road(s)	10.4	3
CGA_Core_inter 4	Clearing expanded	0.8	1
		20.0	
Disturbed area intersects			
CGA & "outside world":			
CGA_intersect 1	Land cleared	1.0	1
CGA_intersect 2	Land cleared and structure(s) built	15.6	6
CGA_intersect 3	Land cleared, structure(s) built with road(s)	19.7	8
CGA_intersect 4	Clearing expanded	0.8	1
CGA_intersect 5	Structure(s) built	14.6	2
CGA_intersect 6	Structure(s) built and clearing expanded	0.9	1
		52.6	
Disturbed area intersects			
Core ONLY:			
Core 1	Land cleared	7.4	8
Core 2	Land cleared and structure(s) built	26.8	62
Core 4	Clearing expanded	35.8	8
Core 5	Structure(s) built	0.6	2
Core 6	Structure(s) built and clearing expanded	3.6	3
		74.2	
Disturbed area intersects			
Core & "outside world":			
Core_intersect 2	Land cleared and structure(s) built	0.3	1
		0.3	

A discussion followed regarding the acreage figures above. Mr. Pally raised a concern regarding the possible placement of further restrictions on development in the CGA in light of this data. A discussion ensued as to which disturbances occurred in the CGA or the Core, and when. Mr. Jones asked Mr. Touchet if the GIS could be used to determine differences in the zoning at the time of the Plan implementation and current zoning. Mr. Touchet spoke briefly about the technical feasibility of using existing GIS data layers (zoning, assessors data, etc) to determine whether the overall clearing standards have been effective.

Mr. Amper posed the questions “what do we want to do with this GIS information?” and “now that we have this capacity, what do we want to do with it”? Mr. Jones addressed tax parcel information and how it relates to ownership. Mr. Amper asked what the purposes of the GIS survey would be over the long run and a discussion ensued regarding possible goals. Dr. Koppelman asked about the 72 acres that may have been disturbed in the Core. A discussion ensued regarding the percentage of disturbed acres in the Core and the various possible legitimate reasons for disturbances such as hardship permits.

Dr. Koppelman complimented the staff that did a great job on the project.

Approval of Minutes for 7/12/05 and 8/9/05:

Mr. Jones asked for a motion to approve the committee meeting minutes of July 12th and the August 9th work session minutes. A motion was made by Dr. Koppelman and seconded by Dick DeTurk, and approved unanimously.

Central Pine Barrens Land Use Plan Revision - General Update:

Ken Born spoke about the recently produced Plan Reference Transition Matrix, identifying changes from the 1995 Plan to the present Administrative Plan Draft. He noted that this will be helpful with respect to tracing changes to the original Chapters 4 and 5 of the Plan.

Ken Born referred to the handout “1995 Comprehensive Land Use Plan – Problem Statement Summary”, and summarized the major topics covered there. This list categorizes the issues that have arisen during day to day implementation of the 1995 Plan. These include efficiency improvements, refinement of policies that have required many hours of discussion at past Commission meetings, and topics that were not addressed in the 1995 Plan but which have become significant to pine barrens land use or management decisions and actions during the past decade.

The Administrative Plan Draft has been out for a couple of months we are still waiting for comments from several branches of government on both Volumes 1 and 2. Chapters 4 and 5 of the 1995 Plan’s Volume 1 are the most heavily used chapters, and feedback to date has been principally revolving around those topics. With respect to Volume 2, John McNally mentioned that he would appreciate comments upon all sections, but especially economic data.

Central Pine Barrens Land Use Plan Revision - Critical Resource Areas (CRAs):

Mr. Jones asked if we could have a quick discussion on CRAs, and asked Mr. Corwin to review the significance of an area being designated as such. Mr. Corwin explained the pine barrens law provision that authorizes the inclusion of CRAs in the Plan, and noted that they could also be thought of as “Commission Review Areas” since the Commission has automatic jurisdiction over any development in such areas, regardless of whether the CGA Plan provisions are met or not by a proposed project. He described the various types of resources for which a CRA designation might be made.

A discussion ensued regarding CRAs and the origin of the current CRAs. Mr. Corwin explained that the CRAs are designated by the Commission as part of the Plan adoption or amendment process, but that the Towns actually supply the nominations to the Commission. Currently, there have not yet been any suggestions by the Towns for CRAs for the Plan revision.

Dr. Koppelman asked whether a decision by the Commission regarding a development project within a CRA is final. Mr. Corwin explained that a CRA development project that is disapproved by the Commission would have to be redesigned and it can't move forward until then. If the Commission approves a development project, then the project must still obtain all Town or other approvals in order to proceed.

Mr. Jones referred to an insert in the Committee's mailing regarding a point system that he and Mr. John Turner had previously devised for a Suffolk County land acquisition program to determine if a parcel was eligible for acquisition. He raised the question of whether the Committee might wish to suggest that the Commission utilize such a system for evaluating new CRA proposals during the Plan revision process. Mr. Amper stated that, in addition to whatever nominations the Towns had in regards to additional CRAs, the Pine Barrens Society would supply a list of recommended CRAs as well.

A discussion ensued regarding whether the current CRAs have met the requirements of the pine barrens law. Mr. Weiboldt discussed the problems that might be faced by the building industry if the Towns and the Suffolk County Health Department were to approve projects that the Commission might disapprove due to the presence of a project within a CRA.

Mr. Pally stated that he agrees with Mr. Jones that there have to be standards for accepting CRA nominations. Mr. Amper made observed that the criteria for designating a CRA might be broader than the criteria used for acquiring land, and that the process for designating a CRA should focus upon assuring that a regionally significant resource is contained within the CRA.

Following a brief discussion, the following resolution was adopted:

**Resolution recommending to the Commission criteria for the review
of proposed new Critical Resource Areas in the Comprehensive Plan Update**

WHEREAS, the Central Pine Barrens Advisory Committee wishes to go on record with the Central Pine Barrens Commission with respect to proposing a set of criteria that this Committee believes should be applied to the identification and review of proposed new Critical Resource Areas (CRAs) for the pending Central Pine Barrens Comprehensive Land Use Plan amendment, in fulfillment of the Advisory Committee's statutory duty to advise the Commission on matters pertaining to the implementation of the Central Pine Barrens Plan, and

WHEREAS, this Committee has considered the New York Environmental Conservation Law (ECL) Article 57 provisions for CRAs which are found in ECL Section 57-0121(6)(e),

NOW, THEREFORE, be it

RESOLVED, that the Advisory Committee urges the Commission to apply the following three criteria to the review of all new proposed CRAs, and to only accept as new CRAs in the amended

Plan those proposed designations which satisfy all three:

1. The specific resource to be protected through the CRA designation is clearly and accurately identified;
2. The rationale for the designation is fully and completely explained; and
3. The designation is fully in accord with the pine barrens statute, specifically ECL 57-0121(6)(e).

Motion by: Dr. Dr. Koppelman

Seconded by: Mr. Thomas Casey

Ayes: Unanimous

Nayes: None

Dr. Tim Green, who also serves as Chair of the Pine Barrens Protected Lands Council's (PLC) Technical Subcommittee, suggested that the Commission could refer new nominations for CRAs to the PLC Technical Subcommittee for review and determination of their significance. It was agreed that the staff will relay that offer to the Commission.

Boards of Zoning Appeal discussion:

Mr. Jones discussed the issue of the zoning appeal boards approving land use projects and changes which may not be compatible with the Central Pine Barrens Plan. He posed the question of whether we are fully aware of the zoning appeals changes that were made over the years and what their effect has been. A discussion ensued regarding zoning appeals and the right of owners to claim hardship. Mr. Jones will look further into this matter for possible additional discussion at the next Committee meeting.

Next Meeting and Adjournment:

Mr. Jones proposed that the next meeting be held on Tuesday, 12/13/05 at 8:00 am at the SCWA Coram facility. That was agreed upon without a formal vote.

A motion was then made by Dr. Koppelman and seconded by Mr. Amper to adjourn. The motion was approved unanimously, and the meeting ended at 9:35 am.

Attachments:

1. Attendance Check Off and Sign In Sheets
2. Suffolk County Open Space Rating System
3. 1995 Land Use Plan Problem Statement Summary