

CENTRAL PINE BARRENS ADVISORY COMMITTEE

Stephen M. Jones, Chair

Richard L. Amper, Vice Chair

Comprehensive Management Plan Update Work Session

Meeting of Wednesday, December 6, 2006

(FINAL Minutes - Approved 8/2/07)

Central Pine Barrens Commission, 3525 Sunrise Highway,

Great River, NY 11739-0587

10:00 AM - 12:00 PM

Advisory Committee Members present:

- Open Space Council: Mr. Daniel Morris,
- Brookhaven National Laboratory: Dr. Timothy Green,
- Long Island Board of Realtors: Mr. Robert Herrick,
- Long Island Builders Institute: Mr. Robert Wieboldt
- Long Island Greenbelt Trail Conference: Mr. Kim Darrow
- Long Island Pine Barrens Society: Ms. Susie Husted, Mr. Richard Amper
- Long Island Farm Bureau: Mr Robert Nolan
- Regional Plan Association: Mr. Richard DeTurk
- Suffolk Alliance of Sportsmen, Inc.: John Meringolo
- State University of New York at Stony Brook: Dr. Henry Bokuniewicz
- Suffolk County Water Authority: Mr. Stephen Jones, Chair
- The Nature Conservancy: Ms. Patricia Pelkowski

Others Present:

- Commission / SCWA Staff: Ray Corwin, Judy Jakobsen, Carol Sholl, John Milazzo, Tony Limoli, Ann Carter
- NYS DEC Staff: John Pavacic, Bill Spitz

Mr. Jones called the meeting to order at 8:30 a.m. with a quorum present.

Welcome and Introduction:

Stephen Jones opened the work session at 10:20. He gave a brief description of the process involved in the work session. The Commission is interested in the Advisory Committee's recommendations as a group, but he encouraged each representative to make comments on behalf of his or her own organization during the future public review process. He suggested that each topic be discussed on a broad level without finalizing changes and revisions to specific wording at this meeting. Mr. Limoli provided each member with a copy of the 1995 - 2004 Plan with the proposed revisions.

Overview of Plan:

Ray Corwin explained the composition of the Plan in terms of where most of the revisions will be which is Volume 1, Chapters 4 and 5. Volume II is a description of what exists in the Central Pine Barrens and not policies. There will be some minor changes to Chapter 6 which deals with the Credit Clearinghouse program. He explained that 1995 Plan terminology would not be altered. Volume III, the GEIS will have an amendment to it as part of the Plan revision, but has not yet been addressed. The focus of the discussion by the Advisory Committee involves material in chapters 4 and 5 of Volume I. This overview was given by Mr. Corwin in response to Mr. Wieboldt's concern about how changes in Land Use Statute could have an adverse impact on Long Island Builders. He is reluctant to make comments based only on what has been presented without knowing the full picture of a total Volume I document.

Stephen Jones stated that the hand out written by Mr. Limoli depicts the changes in more detail than provided at the last AC meeting. Members can now see the effect the changes, both additions and deletions, have on the subject matter more specifically and in greater depth. Mr. Milazzo added that a "very strategic approach" has been taken with the revisions to clearly show what has been added by underlining and what has been deleted by striking out.

Chapter 4 - Review Procedures and Jurisdiction:

The first proposed change is an acknowledgment that the Commission supports interagency coordination to provide efficient application review. One specific concern is how the Zoning Board of Appeals in each Town was handling approvals without properly taking Article 57 into consideration. The goal is to make sure that all the agencies are aware of the rules and regulations pursuant to Article 57 and are addressing them each time a project comes before the Zoning Board. A discussion ensued in response to Mr. Wieboldt's concerns regarding how the Commission might be able to monitor compliance without slowing down the process of approval of development projects. Ray Corwin stated that the goal is to inform the towns that they should not issue inconsistent permits so the Commission doesn't have to oversee each project before the Zoning Board.

John Milazzo suggested the last sentence in paragraph 3 of 4.2 Intent, page 45 be stricken because it is redundant to the first sentence in the paragraph. Tony explained the addition of the 4th paragraph and how GIS data can be used to encourage interagency cooperation and adherence to Article 57 of The Plan.

Mr Limoli went on to discuss the changes to Section 4.3.1 Complete application. He stated that word changes are necessary to clarify the application process and the time limits placed on the start date of a

complete application. A discussion ensued regarding whether this section should be in the review section or the definition section. All agreed that this is a process and not a definition and it was decided that the Completeness of Application section should be placed in the review section since it is a process. A further discussion ensued about verbiage in section 4.3.6., specifically the definitions of applicant, developer, development and project sites. The time frames for the submission of Complete Applications were discussed regarding original verbiage in the 1995 version of The Plan as compared to the proposed Plan update. The rights of an applicant in the process were also discussed.

Mr. Limoli explained an added sentence to section 4.5.3.3 Review standards, and after a discussion it was agreed that the words “and the Plan” should be eliminated from the sentence due to an objection by Bob Wieboldt of the added language. At the end of the discussion on Review standards Dick Amper asked if it could be noted in the minutes that the Advisory Committee was in agreement on the revisions to this section.

The next discussion was regarding the Developments of Regional Significance. Dick Deturk discussed his understanding of their significance in the Review standards section. Mr. Limoli stated that they may be incorporated into Chapter 6 “The Pine Barrens Credit Program” and may be referred to as Hamlet Centers. A discussion ensued regarding TDR’s and Hamlet Centers.

Dick Amper stated that the Pine Barrens Society does not agree with how Developments of Regional Significance have been treated with respect to the limited amount of land that can be developed in recent years compared to the greater amount of developable Pine Barrens land in 1995. His premise is that the impact on the landscape is greater today because less land is available to develop. Threshold standards and when the Commission should exert its jurisdiction was discussed.

Mr. Limoli explained the purpose for the guidelines illustrated in the Developments of Regional Significance and why the Commission should exert jurisdiction on them. He went on to describe the additional definitions of DRS. There are 11 total. Mr. Wieboldt stated that he has an issue with number 4 relating to impervious surfaces. A discussion ensued regarding the types of non development exemptions which the Commission would not need to review. Mr. Wieboldt suggested that square footage be the terminology used when talking about units of measure for all projects such as hospitals and schools.

Dan Morris made the point that gray water should be included in number 9 “On any project site greater than 10 acres ...”. Mr. Limoli summed up this section stating that the added descriptions of DRS were based on the Commission’s experiences with these types of projects.

Mr. Jones asked Mr. Amper what adjustments in verbiage he is requesting on the proposed additions to the section on Developments of Regional Significance. Mr. Wieboldt made recommendations on changes to the impervious surfaces addition and technical wording was discussed by the group.

Mr. Limoli went on to discuss 5.3.3.1 Sanitary Waste, Nitrate - Nitrogen and other chemicals of concern. He stated that changes to this section were made in format rather than in content. Related topics were put together to be more consistent in language. The point was made that sanitary waste products in the Central Pine Barrens are held to the same standards as the rest of Suffolk County. Mr. Amper interjected that the Pine Barrens Society's stance is that the current standards for the overall area of Suffolk County may not be appropriate for the Central Pine Barrens. Mr. Spitz referred to 5.3.3.1.2 sewage treatment plant discharge and verbiage was discussed in relation to keeping the word denitrification in the paragraph. Mr. Limoli explained his rationale in making the change. Mr. Weiboldt took issue with the wording of 5.3.3.1.3 Suffolk County Sanitary Code Articles 7 and 12 compliance. A discussion ensued regarding this issue and the Source Water Assessment Program. Mr. Limoli added new language to section 5.3.3.3.1 Significant discharges and public supply well locations. A discussion ensued.

Mr. Limoli continued to explain the relocation of material in 5.3.3.4. Wetlands and surface waters. A discussion ensued regarding 5.3.3.4.4 Reduction of Impervious Surfaces. Mr. Limoli clarified that new construction to existing impervious surface would require the applicant to follow the new standards. Pre-existing uses and construction would be exempt from the new standards. Mr. Spitz added that the 1995 version of the Plan only requires the towns to consider the standards, and he made the suggestion that the revision of the Plan should be less ambiguous.

The next section 5.3.3.4.5 Natural recharge, topography and drainage was discussed in terms of making it a standard rather than a guideline. Mr. Weiboldt asked that this section remain as a guideline. A discussion ensued regarding standards versus guidelines in effective implementation of the Plan in the towns.

At this point in the meeting Mr. Limoli summed up the additions and relocations of language in Chapter 5. A discussion ensued regarding the changes in 5.3.3.6.1 Vegetation Clearance Limits to Open Space Standard. Ray Corwin made the point that we need both Clearing Standards and Open Space Standards to guard against applicants finding loopholes in one standard or the other. Mr. Amper emphasized that the standards provide clarification to the land owner of what he can reasonably do relative to the condition the property was in upon his ownership. The language of the section was further discussed. Mr. Corwin spoke about the addition of 5.3.3.6.6 Buffer delineations, covenants and conservation easements. A discussion ensued regarding buffer zones, open space and fragmented clearing space. It was agreed that this section needs further discussion at a future date. Mr. Limoli went on to explain the relocation of language in the remaining sections of chapter 5.

Mr. Jones adjourned the meeting at 12:30 pm. There was no formal adjournment resolution.