

# Central Pine Barrens Joint Planning and Policy Commission

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Robert J. Gaffney, *Chairman*  
John LaMura, *Vice Chairman*  
Ray E. Cowen, *Member*  
Joseph F. Janoski, *Member*  
Fred W. Thiele, Jr., *Member*

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## Commission Meeting Summary (FINAL) for January 3, 1995 (Approved 1/6/95) Brookhaven Town Offices / 2:00 pm

Present: Mr. Proios (for Suffolk County), Ms. Swick (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Thiele (for Southampton) and Mr. Cowen (for New York State). Additional attendees are shown on sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:17 pm. The following sequence varies from the original agenda.

### Compatible Growth Area

- ! TK Builders / Medford: nondevelopment status  
*Summary:* Ms. Plunkett noted that the application appears to qualify as non-development under ECL 57-0107(13)(xii). The application was before the Zoning Board of Appeals for variances other than lot area variances. **A motion was made by Mr. Cowen and seconded by Ms. Swick to deem the TK Builders project as nondevelopment pursuant to ECL 57-0107(13)(xii). The motion was approved unanimously.** The hearing scheduled for tomorrow evening for this project will not be necessary.

### Core Preservation Area

- ! Suffolk Community College / Riverhead-Eastport: scheduling of hearing  
(Not scheduled at 12/21/94 meeting.)  
*Summary:* After a brief discussion, it was decided to defer this topic until later in the meeting, in order to first consider the Calverton commission correspondence.

### Plan Development

- ! Law Enforcement Council  
*Summary:* Mr. Hynes, Director of Security for the Suffolk County Parks Department, and Captain Otterstedt, of the NYS Environmental Conservation Police, presented the report and proposed plan component regarding law enforcement issues in the Central Pine Barrens. They introduced the Law Enforcement Council concept, the members present, the goals of the council, the issues which the participating law enforcement agencies face, and several of the specific proposals which their report presents. Sgt. Mueller of the Suffolk County Park Police described the type of patrol duties which he undertakes.  
  
*Issues discussed included overlapping jurisdictions, tracking of similar offenses or the same offenders across different agencies records, following through with the court system personnel, field communications difficulties, the need for cross-agency training, etc. Approaches and proposals included development of an interagency computer system, development of a field patrol handbook with complete laws and maps,*

*establishment of a 24 hour hotline number, interagency training, coordination of field patrol routes, etc. Mr. Amper complimented the council members for their work. Mr. Scro inquired as to what budget would be required. Captain Otterstedt replied that the agencies were working within their existing budgets, and that many of the proposals were already being implemented.*

### **Administrative**

- ! Draft meeting summary for 12/21/94: distribution for approval on 1/6/95  
*Summary: Copies had been previously faxed to the Commissioners. **A motion was made by Mr. Cowen and seconded by Ms. Filmanski to approve the summary of the 12/21/94 meeting. The motion was approved unanimously.***
- ! Draft meeting summaries for 10/11/94 through 12/14/94: corrections and approval  
*Summary: Action on these was deferred to the 1/6/95 meeting.*
- ! Scheduling of February and March meetings  
*Summary: After a brief discussion, **a motion was made by Ms. Filmanski and seconded by Mr. Cowen to (1) reschedule the meeting of 1/11/95 for 1/13/95 at 2 pm in Riverhead, and (2) to schedule weekly Wednesday meetings from 1/25/95 through 3/15/95, each at 2 pm. The staff will arrange for the specific locations, with the meetings occurring at Riverhead and Medford. The motion was approved unanimously.***

### **Plan Development**

- ! Calverton Joint Planning and Redevelopment Commission: correspondence  
*Summary: Mr. Proios read the 12/13/94 letter from Mr. Goodale of the Calverton commission. Mr. Rigano discussed the question of whether the proposed activity at the Calverton site could be deemed as nondevelopment under the Pine Barrens statute. Such a determination would presumably rest upon the public welfare aspects of the redevelopment effort. A brief discussion of the possibility of federal preemption of the state statute was held, with the conclusion being that such preemption would need to be explicit in the federal legislation in order to be clearly in effect.*

*The schedule under which the Calverton commission is working was discussed. The pine barrens commission's schedule requires that this commission proceed without seeing the draft version of the Calverton plan. Mr. Rigano and Mr. Corwin will discuss possible language which the Commission can place in the pine barrens plan in order to address the concerns of the Calverton commission.*

### **Core Preservation Area**

- ! Suffolk Community College / Riverhead-Eastport: scheduling of hearing  
*(Not scheduled at 12/21/94 meeting.)*  
*Summary: The proposed hazardous waste management facility and child care center aspects of this larger project were first discussed, with particular regard to the public health and welfare nondevelopment provisions of the pine barrens statute. Mr. Rigano addressed these nondevelopment provisions. Ms. Plunkett reviewed the specific proposals contained within the College's Phase I list. The possibility of requesting additional information was raised, as was the possibility of holding a hardship hearing for this project. After some discussion on the approach to use in reviewing this project,*

there was agreement that the Commission should act today on the Phase I project list.

**A motion was made by Mr. Thiele and seconded by Mr. Cowen to deem the projects contained on the College's Phase I list as nondevelopment. During the discussion which followed, Mr. Thiele amended the motion to specify that the certification of nondevelopment be contingent upon the projects being implemented in a manner consistent with the goals and objectives of the statute. Mr. Cowen seconded the amendment. The amended motion was approved unanimously. No action was taken upon the Phase II list.**

## Plan Development

- ! Vacant, roadfront core parcels: delineations (per 12/21/94) and policy discussion  
Summary: Since the last Commission discussion of this topic, Mr. Proios had requested Ms. Plunkett to identify those vacant core area roadfront parcels which also abutted the core area boundary. The purpose of the inquiry was to determine whether those parcels would be amenable to a change of boundary by the Commission in order to release a portion of the properties from the core area restrictions. Ms. Plunkett reported that only a small fraction of the parcels qualified under this criteria.

Mr. Proios noted that the towns should identify which of the overall vacant core area roadfront parcels would be suitable for development. The town representatives reported that their staffs are working on this. A more general discussion then occurred over what mechanisms the Commission might be able to use to formulate a plan policy acceptable under the law. There was general agreement that the best approach would be to recommend in the plan that appropriate legislative changes be made to the pine barrens statute to permit the desired lots to be developed. Mr. Rigano and Mr. Corwin will discuss possible language for such a plan section. Until such time as the pine barrens legislation may be amended, the plan will need to utilize the core hardship provision for nonconforming projects.

- ! Land use standards and review procedures: revision from 12/21/94 discussion  
Summary: Mr. Rigano summarized the changes made to the Development Review Procedures since the last Commission meeting. He specifically identified the changes made due to the statute's requirement in ECL 57-0123(3) for applying the core area hardship provision during the plan implementation period. Within the Procedures section, Mr. Corwin discussed the critical resource areas table which appears as part of the definition of the Commission's jurisdiction. Mr. Corwin then went through the changes to the Land Use Standards section. During these discussions, several additional changes and specific guidance were formulated for the next set of changes.

- ! Pine Barrens Credit Program: latest draft  
Summary: Mr. Hopkins distributed the latest draft of the Pine Barrens Credit Program plan chapter, dated today. He went through the document in detail, with particular emphasis upon those portions which were new or changed from prior versions. Discussions occurred sporadically on both the changed concepts as well as the language used in specific sections. Some general discussion was held at the close of the presentation, with the conclusion being that the Commissioners would study the document carefully in the next several days.

## Adjournment

Summary: A motion to adjourn was made by Mr. Thiele and seconded by Ms.

**Filmanski.** *It was approved unanimously. The meeting ended at approximately 5:53 pm.*