

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for May 24, 1995 (Approved 5/31/95) Riverhead Town Hall / 2:00 pm

Present: Mr. Dragotta (for Suffolk County), Ms. Wiplush and Mr. Girandola (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Shea (for Southampton) and Mr. Cowen (for New York State). General counsel included Mr. Rigano and Ms. Roth. Staff members from the Commission and other cooperating agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Milazzo, Mr. Pavacic and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Cowen at approximately 2:23 pm. The following sequence varies from the original agenda.

Administrative

- ! Meeting summaries for 4/5, 4/10, 4/12, 4/19, 4/26 and 5/3: review and approval
Summary: Mr. Corwin noted that Ms. Filmanski had submitted an editorial correction to the 4/5/95 summary. Ms. Roth requested that the 4/26/95 summary be altered to state that a written resolution was adopted to accept the Supplemental Draft Generic Environmental Impact Statement, and that resolution be attached to the 4/26/95 summary.

A motion was made by Ms. Filmanski and seconded by Mr. Dragotta to approve the meeting summaries for the 4/5/95, 4/10/95, 4/12/95, 4/19/95, 4/26/95 and 5/3/95 meetings, with the corrections noted. The motion was approved unanimously.

Compatible Growth Area

- ! Bagatelle Nursery subdivision / Manorville: discussion
Summary: Ms. Plunkett summarized the details of this residential subdivision application. Mr. Lyon, representing the project sponsor, was also present and addressed the Commission. Issues discussed include the design of the layout with respect to the forested and nursery farming portions of the site, the location of the open space areas in existing and proposed development projects on adjacent parcels, the location and direction of drainage areas, the use of sumps versus natural drainage, the percentage of clearing on the overall site, the percentage of clearing of the area containing native vegetation, and the proper application of the interim goals and standards to this application.

Brookhaven Town has approved a 46% clearance limit for this project. Mr. Girandola explained the design review approach utilized by the town. Mr. Cowen stated that he thought that the design approach was the opposite of what the pine barrens standards require, in that the forested areas on the site should have been kept as open space instead.

Counsel was asked whether they need additional time to review this, and they answered affirmatively. An additional issue which arose was the question of reexamining the Plan's clearance standards prior to a final Plan being adopted.

It was decided to place this development application on the 5/31/95 agenda.

- ! Toussie (southern site) / Miller Place: acceptance of extension letter
Summary: *Ms. Plunkett summarized the status of this residential project. The covenants to be filed for this project have not yet been revised. The project sponsor has forwarded a letter requesting an extension of the decision deadline, but without a specific new deadline date.*

After a brief discussion, it was decided to extend the current decision deadline, which is 5/25/95, to the date of the first Commission meeting on or after 45 days from 5/25/95. Mr. Corwin noted that the Commission does not yet have a meeting schedule for July 1995 and beyond, and the exact new date cannot therefore be determined till a schedule is set.

A motion was made by Mr. Shea and seconded by Mr. Dragotta to extend the decision deadline for the Toussie southern project as described. The motion was approved unanimously.

- ! Center Manor Plaza revised site plan / Wading River Rd, Manorville
Summary: *Ms. Plunkett summarized the status of this project. The sponsor submitted a new site plan on 5/1/95. The clearance percentage on the new site plan was discussed, as was the application of the clearance standard to this project. After a brief discussion, it was decided to place this on the 5/31/95 agenda.*

Core Preservation Area

- ! Cox a.k.a. Greene / Calverton (Brookhaven Town): decision deadline 5/26/95
Summary: *Ms. Plunkett summarized this application for a single family residence. The decision deadline for this project is 5/26/95. The application is for a site which was originally two lots, with one of the lots containing a residence. The two lots have since been merged due to common ownership of the two parcels, and the current project also includes a split of the merged lots back into two separate lots. It was noted that the vacant lot of the original two lots is included on the Commission's suggested roadfront core lot exemption list in Chapter 9 of Plan Volume 1.*

The discussion also compared this application with other core hardship applications which the Commission has addressed, and noted the similarities and differences. The question arose as to what specific actions were part of this application: the lot split and the residence, or simply the residence. A detailed examination of the 4/26/95 hardship exemption hearing transcript was made, with the focus of the examination being to determine the applicant's attorney's responses to questions from the Commission regarding what action is being presented. A specific comparison was made to a prior application approved by the Commission which involved a lot split, the Bartlett Road Associates application, but it was also noted that the resulting lots in that case still met the town's zoning lot area requirements.

After a lengthy discussion, a motion was made by Mr. Cowen and seconded by Mr. Girandola to approve the construction of a single family residence on the lot which is currently vacant, Suffolk County Tax Map parcel number 200-350-1-9, subject to the clearing restrictions imposed by the Town of Brookhaven. The motion was approved unanimously.

- ! Gazza / CR 31, Westhampton: status
Summary: *This application was deferred to the 5/31/95 meeting.*

- ! Longwood Road / Middle Island - Yaphank: nondevelopment request
Summary: Mr. Balin, representing the sponsors of the North Shore Properties project, distributed copies of a 5/18/95 letter from him to Mr. Gaffney (as chair of the Commission) requesting that the Commission designate as nondevelopment any work on the north-south roadway which runs from roughly the North Service Road of the L.I. Expressway to the paved public road known as Longwood Road.

Mr. Balin stated that there is presently no specific need for the road, but that he wants to keep open the possibility of a roadway as a planning tool for the area. He stated that the roadway is not currently needed for the proposed mall project in that area. Mr. Amper of the L.I. Pine Barrens Society asked what the purpose of the road request was, and Mr. Balin repeated his explanation. Mr. Girandola commented briefly upon the town's position that the road is not currently needed.

The discussion terminated with an agreement to provide to the Commission copies of the Advisory Committee's written materials on this roadway, and to reschedule this subject for discussion at the 6/7/95 meeting.

- ! Hampton Athletic Club / East Quogue: new hardship exemption
Summary: Ms. Plunkett introduced this new core hardship application. Mr. DiPietro, the attorney for the applicant, was present, and briefly explained the history of this project and the reason for this core area hardship application. The project involves the addition of parking capacity to a preexisting recreational facility on the west side of CR 104 in East Quogue.

The additional parking is a requirement of Southampton Town, and resulted from an application to legalize certain interior renovations within one of the facility's buildings. The applicant has agreed to purchase and preserve approximately 5 acres within the dwarf pine plains portion of the Core Preservation Area, further to the west and not adjacent to the project site. After completion of the project, the project site would be approximately 31% wooded. Mr. Shea described the project briefly.

Mr. Amper of the L.I. Pine Barrens Society stated that the Commission should not establish a policy of permitting development of some core lands in exchange for preservation of other core lands. A brief discussion was also held regarding the applicability of certain nondevelopment provisions for safety reasons and as public improvements.

A motion was made by Mr. Cowen and seconded by Mr. Dragotta to hold a public hearing on this application on 5/31/95 at 5:00 pm at the Riverhead Town Hall. The motion was approved unanimously.

Plan development and implementation

- ! Amended Plan and Supplemental Draft GEIS: status
Summary: Mr. Corwin briefly summarized the results of the three public hearings held last week. No discussion was held.
- ! Economic analysis (not on the original agenda)
Summary: Mr. Schwenk of the L.I. Builders Institute asked whether the Institute had received from the Commission all materials regarding the Harriman School's economic analysis work. Mr. Rigano replied that since the Institute and the Commission were still involved in litigation, Mr. Schwenk should request that the Institute's attorney call Mr. Rigano. No further discussion was held.

- ! Request from Civil Property Rights for Commission financial data (not on the original agenda)
Summary: Mr. Dittmer of the Civil Property Rights organization referred to a letter dated 5/24/95 which he had distributed to the Commissioners at the start of this meeting. The letter requests certain financial data from the Commission, and Mr. Dittmer requested that it be made part of the meeting record. Ms. Roth recommended that the Commission treat the letter as a Freedom of Information Law request. No further discussion was held.
- ! Pine Barrens Credit Program: report on the progress of the Bank working group
Summary: Mr. Milazzo summarized the work to date of the Pine Barrens Credit Bank working group, which was formed as a result of the Commission's 5/3/94 meeting. The working group is looking at administrative and procedural issues for issuance of Pine Barrens Credit Certificates and processing of applications, as well as examining procedures utilized in the New Jersey program, issues pertinent to small property owners, and the production of a written handbook for the PBC program. The next meeting of the working group is tentatively set for 6/14/95 at 9:00 am at the Riverhead Town Hall.

Executive Session

Summary: A motion was made by Mr. Dragotta and seconded by Mr. Shea to enter into executive session for the purpose of discussing litigation. The motion was approved unanimously. The Commission entered into executive session at approximately 4:40 pm and returned to open session at approximately 6:15 pm.

Plan development and implementation

- ! Economic analysis (not on the original agenda)
Summary: A motion was made by Mr. Cowen and seconded by Ms. Filmanski to release the version of the economic impact analysis dated 5/23/95 with an accompanying resolution. During the discussion which followed, Ms. Wiplush requested that the text of the resolution state a general intent to examine portions of the report, with specific corrections to follow as needed to address factual mistakes which may be present. After a discussion, the following resolution text was proposed:

WHEREAS, the W. Averell Harriman School for Management and Policy ("Harriman School") has prepared an economic impact analysis dated May 23, 1995 of the April 1995 recommended Central Pine Barrens Comprehensive Land Use Plan, and

WHEREAS, the Central Pine Barrens Joint Planning and Policy Commission ("Commission") has received on this day the May 23, 1995 report from the Harriman School, and

WHEREAS, the Commission wishes to comment on the report it has received from the Harriman School, now, therefore, be it

RESOLVED, that the receipt of the Economic Impact Analysis prepared by the Harriman School and passage of this resolution should not be interpreted as agreement by this Commission with the recommendations and conclusions set forth in the Economic Impact Analysis. The Commission will seek to refine and correct

certain factually incorrect portions of the Economic Analysis pursuant to SEQRA.

The motion was approved unanimously.

Adjournment

Summary: *The meeting ended at approximately 6:41 pm without a formal resolution of adjournment.*