

Central Pine Barrens Joint Planning and Policy Commission

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Commission Meeting Summary (FINAL) for September 6, 1995 (Approved 9/20/95) Riverhead Town Hall / 2:00 pm

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

The meeting was called to order by Mr. Proios at approximately 2:20 pm.

Administrative

! Public comment period

Summary: Mr. Greg Good, representing the Cobbleridge Condominiums in Manorville, read a letter from Mr. Peter Maniscalco to Mr. Pavacic of the Brookhaven Town Planning Department. The letter supports the classification of the Manorville Nursery Expansion project, currently before the town for review, as containing a "mining" component, and not a regrading of land. A copy of the letter is attached.

Mr. Amper of the L.I. Pine Barrens Society reported that the Consensus Group wrote to the Governor requesting a meeting on the state acquisition funding and to ask for an expedited state appointment to the Pine Barrens Credit Program's Board of Advisors. A copy of the letter is attached.

! Draft summary for 8/23 meeting: corrections & approval (Previously faxed)

Summary: Suggested changes to the draft 8/23/95 summary included: (1) on page 2, under the Gazza summary, the phrase "only that portion of the site" should be replaced with "a portion of the site"; (2) on page 3, also under the Gazza summary, the phrase "ought to be held" should be replaced with "ought to be held pursuant to ECL 57-0121(10)"; (3) on page 3, under the Manorville Post Office summary, the phrase "letter will be forwarded to the Postal Service stating" should be changed to "letter will be forwarded to the Postal Service asserting jurisdiction and stating"; (4) on page 3, under the Toussie summary, the phrase "to 10/23/95" at the end of the first sentence should be changed to "to 10/23/95 due to the need for additional time to refine the proposed covenants with the Suffolk County Health Department"; and (5) on page 5, under the Amendments of Town Laws summary, a sentence should be added at the end noting that a letter should be forwarded to the towns regarding the statutory deadlines.

A motion was made by Ms. Filmanski and seconded by Mr. Duffy to approve the summary of the 8/23/95 meeting as per these modifications. The motion was approved unanimously.

! November planning seminars: scheduling

Summary: Ms. Plunkett discussed the content of, and intended audiences for three education seminars in November. The seminars would be held on two dates, and would be for local government officials, consultants, organizations, and other interested

individuals. The dates of 11/10/95 and 11/14/95 were discussed. It was noted that 11/10/95 was a holiday, and a new date will be sought.

- ! Acknowledgement of Tom Morris' impending retirement (not on the original agenda)
Summary: Mr. Proios noted that Mr. Morris, a reporter for Newsday who is a faithful attendee at Commission meetings as well as other planning meetings in Suffolk County, will be retiring soon. Mr. Proios thanked him for his efforts over the years, and invited him to make a statement.

Mr. Morris spoke briefly about his approximately 30 years of experience covering regional planning topics. He mentioned the various efforts he has covered, and culminating with the Commission's work. He expressed his pleasure at being able to witness so many significant events unfold. A round of applause followed his remarks.

Core Preservation Area

- ! L.I. Compost Corp. / Manorville: development status update
Summary: Mr. Rigano has received copies of decisions on the legal status of composting, both within and outside of New York State, and copies of these were provided to the Commissioners. In the discussion which followed, it was noted that new county legislation regarding composting is pending, and Mr. Proios read a joint letter on the current project from the L.I. Pine Barrens Society and the Nature Conservancy. It was noted that the L.I. Waste Management Institute at the State University of NY at Stony Brook is interested in possibly organizing a composting seminar. Ms. Wiplush asked for a copy of the pending county law, which Mr. Proios will obtain. The distributed decisions may be discussed at the next meeting.
- ! Schmelzer / Calverton (Brookhaven Town): subdivision development status
Summary: Ms. Plunkett summarized this project, known as George's Manor. It is a proposed 21 lot subdivision on 42.6 acres, located between River Road and SR 24 in Brookhaven Town's portion of Calverton. The discussion centered upon what approvals had been received, including the 2/10/92 Planning Board resolution regarding the cluster proposal. It was decided that copies of the yield map and any negative declaration would be sought from the town. It was noted that, upon receipt of these documents, counsel's advice would be sought on the issue of whether or not the project is nondevelopment pursuant to ECL 57-0107(13)(ix).
- ! Eagle's Nest Homes / Riverhead: new hardship application
Summary: Ms. Plunkett summarized this application for a single residence on a one half acre lot on the south side of Wading River Manor Road. The lot is in an area which is partially built at a one half acre density, but is currently within Riverhead's Natural Resources Protection zone, where 4 acre lots are generally required.

A motion was made by Ms. Filmanski and seconded by Mr. Duffy to hold a core area hardship hearing on this application on 9/20/95 at the Riverhead Town Hall at 5:00 pm. The motion was approved unanimously.

Compatible Growth Area

- ! Manorville Nursery expansion site plan / Manorville: status
Summary: This discussion addressed the status of this application within Brookhaven Town, the application of the clearance standard if this project should arrive before the Commission, a possible site visit, and the possibility of the Commission asserting

jurisdiction over this project pursuant to ECL 57-0123(2).

Mr. Spitz stated that the first question was whether the Commission has jurisdiction. Mr. Rigano noted that there is currently no application before the Commission. Mr. Cowen asked whether the clearing is within the current standards, and Ms. Plunkett observed that the answer depends upon the definition of the project site. The discussion also touched upon the jurisdiction of the NYS DEC.

- ! Center Manor Plaza site plan / Manorville: revised plan and status

Summary: Mr. Rigano reported that the site plan has been revised to conform with the Commission's clearing limits, and that the revised plan has been approved by the town. He stated that this is a new application, but that there has already been a hearing on the original application. The new application only differs from the old one in the amount of vegetation being cleared. He stated that a new hearing is unnecessary, and that this application is ripe for a decision today.

A motion was made by Mr. Cowen and seconded by Mr. Duffy to approve the new Center Manor Plaza application. The motion was approved unanimously.

- ! Bagatelle Nursery / Manorville: decision (9/7 deadline)

Summary: Ms. Roth summarized the hardship data presented by Mr. Frederick Wood at the public hearing on 8/23/95. She stated that the project does meet all hardship criteria except number 4 which states that the "alleged hardship is not self-created". A discussion ensued regarding whether it was possible for the applicant to know about the slope condition prior to making a formal petition to the town for a major subdivision. Ms. Roth further stated that the Commission does have some discretion in its review of the hardship criteria and would be able to approve the project.

Mr. Cowen asked about the mitigation plans that were presented at the hearing. Ms. Plunkett stated that she had reviewed those plans and had written a letter to the applicant's surveyor asking for more information and detail. The Commission reviewed the letter and stated that the information in the letter should form the basis for a conditional approval.

A motion was made by Ms. Wiplush and seconded by Mr. Cowen to approve the application with conditions as stated in the staff letter dated August 30, 1995. The motion was approved unanimously.

Pine Barrens Credit (PBC) Program

- ! PBC Board of Advisors: new appointment and corresponding change in treasurer designation

Summary: **A motion was made by Ms. Filmanski and seconded by Mr. Cowen to remove Mr. Robert Dick as a treasurer of the Commission, due to his resignation from the Board of Advisors, and to name Mr. John Hanley, the new Riverhead representative to the Board of Advisors, as a treasurer of the Commission. The motion was approved unanimously.**

- ! PBC Clearinghouse: rules and procedures
- ! PBC Clearinghouse: capitalization fund contract status

Summary: Mr. Hopkins distributed and discussed a draft of rules and regulations for the Pine Barrens Credit Program Clearinghouse. He stated that the rules would formalize the conventions already identified in the Plan and provide additional administrative guidance. It was agreed that the naming of a Chair of the Board of Advisors and the

approval of the final version of the Pine Barrens Credit Program Handbook (including the preapproved conservation easement and other attachments) would be placed on the 9/20/95 agenda. A brief discussion was then held regarding the availability and possible distribution of lists of title companies in Suffolk County.

Other Plan Items

! Amendment of town laws: status

Summary: The three hearings scheduled by the towns on their proposed code amendments were confirmed. The dates are 9/12/95 for Southampton (at the Town Hall at 1:00 pm), 9/19/95 for Brookhaven (at the Medford office complex, Building 4, at 7:00 pm) and 10/3/95 for Riverhead (at the Town Hall at 7:00 pm). Copies of all three proposals should be available soon, and will be distributed immediately to Commission members.

! Chap. 7 Public Lands Management - Sections 7.6.9 and 7.6.10: Completion of fire management and response plan

Summary: Mr. Proios stated that there should be follow-up studies to the recent fires, and broached the possibility of a group being organized with an appropriate charge. He noted that certain scientific studies could be performed to provide base information for future prescribed burns.

Mr. Cowen stated that a different orientation was needed for any post-fire work. Specifically, he suggested that there needs to be an examination of the overall fire management plan, that the volunteer firefighters need to be a central part of that work, that life and property protection must be the primary concerns, and that emergency, land management, and other organizations ought to be involved as well. He noted that any prescribed burn efforts, and their ecological importance or impact, would be specified as a small part of that overall plan.

Mr. Corwin noted that there are several pages in the current Plan which address fire, both prescribed burning and wildfire response, and that there are several sources of imagery available. The discussion concluded with the agreement that Mr. Cowen would put together a suggested structure of a fire plan development group for the 9/20/95 Commission meeting.

! Law Enforcement Committee: preview of upcoming presentation (not on the original agenda)

Summary: Mr. Corwin noted that the Law Enforcement Committee is hoping to meet with the Commission at the 9/20/95 meeting. He noted several of the tasks currently being pursued by the committee members: production of the Law Enforcement Handbook, compilation into a personal computer-based data base of all laws (state, county, town, etc.) applicable to the central pine barrens, listings produced from the data base which will be part of the Handbook, updates of the protected lands map (which will also be in the Handbook), and the pursuit of a grant from the management portion of the county's Drinking Water Protection Program funds.

The grant would be used for the purchase of digital radios for interagency field communication, two different types of global positioning units (for both field enforcement and cartography), and the purchase of one or more off-road patrol vehicles.

Executive Session and Adjournment

Summary: A motion was made by Mr. Duffy and seconded by Ms. Filmanski to

enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously. The Commission entered into executive session at approximately 4:35 pm. A motion to exit executive session and to adjourn was made by Mr. Cowen and seconded by Ms. Filmanski. It was approved unanimously. The meeting ended at approximately 5:03 pm.

Attachments:

- ! Letters from: (1) Mr. Maniscalco re Manorville Nursery Expansion, (2) Consensus Group re acquisition and the PBC Board, and (3) L.I. Pine Barrens Society and the Nature Conservancy re L.I. Compost
- ! Speaker and attendance sheets.