

Central Pine Barrens Joint Planning and Policy Commission

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Commission Meeting Summary (FINAL) for November 8, 1995 (Approved 12/6/95) Brookhaven Town offices, Medford / 2:00 pm

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

The meeting was called to order by Mr. Proios at approximately 2:05 pm.

Administrative

! Public comment period

Summary: *There were no speakers.*

! Administrative funds via DEC and The Natural Heritage Trust: status

Summary: *Mr. Corwin stated that an application packet was received from the Natural Heritage Trust, a NY State public benefit corporation which will provide \$300,000 of the 1995-96 operating funds. Mr. Rigano described the procurement procedures for the remaining funds, which will come from the NY State Department of Environmental Conservation. A contract will be needed for each, and the NYS DEC contract is being drafted. Mr. Rigano also summarized the legal issues which have arisen in the drafting of both the administrative and Pine Barrens Credit Program capitalization contracts, including the classification of the Commission under state law.*

Mr. Proios then discussed the current use of the county's Drinking Water Protection Program funds, including land acquisition money, management funds (encompassing the law enforcement grant), and other categories under county law. He expressed the opinion that the Commission should allocate funds for ecological studies, in order to address ecological management issues and Plan recommendations.

! Public comment period

Summary: *Mr. Corwin noted that the Second Annual Report of Activities of the Commission, covering the period from July 1994 through July 1995, has been distributed to the State Legislature, County Legislature, towns, villages, and other groups and individuals. Additional copies were available at the meeting.*

Core Preservation Area

! David Kepner (also Clancy St Food Ct) site plan / Manorville: hearing transcript (to be distributed) and status

Summary: *Ms. Plunkett distributed the 10/25/95 hearing transcript for the Clancy Street Food Court (David Kepner) application for the site located at the southeast corner of the Long Island Expressway South Service Road (at Exit 70) and CR 111. In a letter dated 11/1/95 (attached), Mr. Sanderman, attorney for the applicant, suggested several conditions of approval. Ms. Plunkett noted that the Commission's core hardship*

decision deadline is 12/12/95, and that the Environmental Assessment Form Part 2 has been completed. The Commission must next make a SEQRA determination of significance.

A motion was made by Mr. Cowen and seconded by Mr. Duffy to issue a determination of nonsignificance under the State Environmental Quality Review Act for the David Kepner application. The motion was approved unanimously.

A second motion was then made by Mr. Cowen and seconded by Mr. Duffy to approve the Core Preservation Area hardship exemption permit application of David Kepner subject to the conditions expressed in the 11/1/95 letter from Mr. Sanderman, with the modification that condition number 3 of that letter be modified to require that the height of the sign to be erected shall be no higher than the height of the existing sign at the gasoline filling station, located within the southwest quadrant of that intersection, as of 11/8/95. The motion was approved unanimously.

- ! L.I. Compost / Eastport: decision deadline extension (currently 11/17) and hearing modification request

Summary: Mr. Proios discussed the prior week's sequence of events regarding this project, including the scheduling of a presentation and the hearing sessions. Mr. Corwin stated that a request has been received from the Eastport School District to have a hearing on this application at the Eastport High School.

It was determined that tomorrow evening's hearing session should proceed as scheduled at the Riverhead County Center, that tomorrow's hearing session would be extended to a third date acceptable to all parties, and that this third and final session would be held at the Eastport High School.

- ! Dolores Blake / Ridge

Summary: Ms. Plunkett summarized correspondence received from Ms. Blake regarding her property in Ridge. The parcel contains 5.23 acres and is located on the east side of William Floyd Parkway, south of the Suffolk County Pine Trail Nature Preserve. The site is zoned A2 Residence by Brookhaven Town. It was agreed that the letter does not specifically state what project is being proposed, and the Commission instructed the staff to forward a letter to Ms. Blake explaining that a more detailed proposal is needed in order to constitute an application.

Plan Implementation

- ! Protected Lands Council: status, results of 11/2/95 meeting

Summary: Mr. Corwin summarized the results of the 11/2/95 meeting of the Protected Lands Council. The Suffolk County Parks Department hosted the meeting at their West Sayville headquarters, offered to host future meetings, and provided staff to take minutes for that meeting. The Commission will provide future administrative staff support for this task. The Council agreed to have both voting and nonvoting members, and the tentative membership in each category was reviewed. The next meeting will be 12/5/95 at Suffolk County Parks' headquarters in West Sayville at 9:30 am.

- ! Legislative amendments from Plan: bill draft (to be distributed)

Summary: Mr. Corwin distributed a draft bill containing the legislative changes to ECL Article 57 recommended in the Plan. Assemblyman DiNapoli's office is requesting that the text be reviewed prior to the introduction of the bill. No discussion was held.

Plan amendments

- ! Proposed amendments: discussion (*distributed at 10/25 meeting*)
Summary: Mr. Rigano summarized the proposed Plan changes which will be the subject of the 11/15/95 hearing at 9:00 am at the Riverhead Town Hall.

Pine Barrens Credit Program

- ! 11/6 Plan and Pine Barrens Credit Program seminar: summary
Summary: Mr. Corwin reported that approximately 50 persons attended the seminar for title companies. Issues raised there included the availability of maps defining the pine barrens region and the inclusion of the title companies in the ongoing work of the Clearinghouse. The latter issue will be addressed by the title companies collectively, through a small, informal group of representatives which they will choose to attend the Clearinghouse meetings.
- ! PBC Handbook: distribution status
Summary: Mr. Corwin reported that the Pine Barrens Credit Program Handbook has been mailed to core property owners in Riverhead Town and to all others who have requested it. It will next be mailed to core property owners in Brookhaven and Southampton Towns. Copies will also be mailed to all interested real estate professionals, appraisers, attorneys, etc.
- ! Synopsis of initial Clearinghouse applications (*to be distributed*)
Summary: Mr. Milazzo distributed the attached summary of current applications to the Clearinghouse for Letters of Interpretation. No further discussion occurred.
- ! PBC Clearinghouse: capitalization contract and fund status
Summary: Mr. Corwin reported that the contract is awaiting final signatures, and Mr. Rigano described the agreement with the County Treasurer for managing the fund.

Plan Implementation

- ! Wildfire Task Force: proposed modifications to resolution (*previously faxed*), status of first meeting
Summary: Mr. Corwin noted that the previously faxed memo of 11/3/95 contains suggested changes to the 10/25/95 resolution establishing the Central Pine Barrens Wildfire Task Force. These changes include those suggested by fire department officials through the Suffolk County Department of Fire, Rescue and Emergency Services. Several members of the fire fighting community were present (see the sign-in sheet). Mr. Searing, of the Rocky Point Fire Department, went through the changes individually. The following modified resolution was then agreed upon for a vote:

***WHEREAS** the Central Pine Barrens Joint Planning and Policy Commission (the "Commission"), having its principal offices at P.O. Box 587, 3525 Sunrise Highway, 2nd Floor, Great River, NY, was created pursuant to the Long Island Pine Barrens Protection Act of 1993 (the "Act") codified in New York Environmental Conservation Law (the "ECL") Article 57; and*

***WHEREAS**, pursuant to the Act, the Commission adopted the Central Pine Barrens Comprehensive Land Use Plan (the "Plan") designed to protect, preserve and enhance the functional integrity of the Pine Barrens ecosystem and its significant natural resources, including plant and animal populations and communities, to*

protect the quality of surface water and groundwater, discourage piecemeal and scattered development, to promote recreational and environmental educational uses that are consistent with the Plan, to accommodate development in a manner consistent with the long term integrity of the pine barrens ecosystem, and to ensure that the pattern of development is compact, orderly and efficient; and

WHEREAS *the Act required, as set forth in ECL 57-0121(6)(t), that the Plan provide for fire management for responses to unanticipated fires ("wildfires") in coordination with local volunteer fire departments; and*

WHEREAS *the Plan states "The threat to human lives and property justifies the suppression and control of these wildfires", and "Aggressive fire suppression must remain an essential cornerstone of the pine barrens under these conditions", as delineated in Volume I, section 7.6.10 of the Plan, (the "wildfire section of the Plan"); and*

WHEREAS *the wildfire section of the Plan recognized the success that the well established structure, which includes local volunteer fire companies employing the Incident Command System (ICS) and depending upon Mutual Aid Assistance, has had in suppressing wildfires in the pine barrens; and*

WHEREAS *the wildfire section of the Plan provides that full wildfire suppression should remain the standard for areas where wildland and developed areas meet, when fires threaten residential areas, or when human life or property are in immediate danger; and*

WHEREAS *the wildfire section of the Plan recognizes that for certain relatively remote areas, modified suppression strategies that use confinement and containment methods, with indirect attack, should be considered, and that such modified suppression tactics would reduce firefighters' exposure to risk; and*

WHEREAS *the wildfire section of the Plan states that guidelines for utilizing modified suppression tactics need to be developed; and*

WHEREAS *the wildfire section of the Plan states that prefire planning will be an important part of directing appropriate suppression response due to the short duration of most fire events in the pine barrens; and*

WHEREAS *the Commission may convene conferences, seminars, meetings, or technical sessions as set forth in ECL 57-0119(6)(n);*

Now therefore be it

RESOLVED *that the Commission hereby establishes a "Central Pine Barrens Wildfire Task Force" to undertake prefire planning for wildfire suppression response, as called for in the Plan, and to formulate guidelines for the use, where appropriate, of modified wildfire suppression strategies, as called for in the Plan; and be it further*

RESOLVED *that the Central Pine Barrens Wildfire Task Force shall, within one year of its first meeting, prepare or cause to be prepared a Central Pine Barrens Wildfire Management Strategy; and be it further*

RESOLVED *that the Central Pine Barrens Wildfire Management Strategy shall include,*

but not be limited to, the following:

- (1) a prefire plan for incident response, mobilization, and resource deployment,
- (2) a determination of the wildfire suppression techniques appropriate for use in the Core Preservation Area of the Central Pine Barrens,
- (3) a list of criteria and guidelines for the selection and use of each wildfire suppression technique,
- (4) fire prevention programs or techniques appropriate for the Core Preservation Area of the Central Pine Barrens,
- (5) a standard system of record keeping for fire incidents in the Core Preservation Area of the Central Pine Barrens, and
- (6) such other components as the Central Pine Barrens Wildfire Task Force shall determine to be essential;

and be it further

RESOLVED that the Commission hereby proposes that membership on the Central Pine Barrens Wildfire Task Force include representatives from the following entities:

- ! All volunteer fire departments with jurisdiction in the Core Preservation Area of the Central Pine Barrens, with each individual volunteer fire department constituting a separate, single and distinct entity,¹
- ! New York State Department of Environmental Conservation (NYS DEC),
- ! New York State Office of Parks, Recreation, and Historic Preservation (NYS OPRHP),
- ! New York State Fire Prevention and Control Office,
- ! Suffolk County Department of Parks, Recreation and Conservation,
- ! Suffolk County Fire, Rescue and Emergency Services (SC FRES) Department,
- ! Town of Brookhaven Fire Marshal's Office,
- ! Town of Riverhead Fire Marshal's Office,
- ! Town of Southampton Fire Marshal's Office,
- ! Law Enforcement Council (of the Central Pine Barrens Joint Planning and Policy Commission, CPBJPPC),
- ! Protected Lands Council (of the CPBJPPC),
- ! U.S. Air National Guard (USANG),
- ! U.S. Forest Service (USFS),
- ! Suffolk County Water Authority (SCWA),
- ! The Nature Conservancy (TNC), and
- ! any other entities as may be recommended by the Central Pine Barrens Wildfire Task

¹ An initial examination of the fire district maps available to us shows 16 fire departments whose jurisdictions cover a portion of the Core Preservation Area. We will request the fire department representatives to bring maps of their jurisdictions to the initial Wildfire Task Force meeting in order to verify this. The current list includes:

- | | | |
|-------------------|------------------|-----------------------|
| 1. Brookhaven | 7. Manorville | 12. Riverhead |
| 2. East Quogue | 8. Middle Island | 13. Rocky Point |
| 3. Eastport | 9. Miller Place | 14. Wading River |
| 4. Flanders | 10. Quogue | 15. Westhampton Beach |
| 5. Gordon Heights | 11. Ridge | 16. Yaphank |
| 6. Hampton Bays | | |

Force and approved by the Commission;²

and be it further

RESOLVED that each of the entities comprising the Central Pine Barrens Wildfire Task Force, shall have one vote each on all matters which the task force addresses; and be it further

RESOLVED that each meeting of the Central Pine Barrens Wildfire Task Force shall require a quorum defined as the presence of a minimum of one half of the entities comprising the task force, and that all decisions and votes of the Central Pine Barrens Wildfire Task Force shall require an affirmative vote of at least two thirds of the entities present; and be it further

RESOLVED that the Chair of the Central Pine Barrens Wildfire Task Force shall be a member of a local volunteer fire department with jurisdiction in the Core Preservation Area of the Central Pine Barrens, who shall be appointed by the Commission taking into consideration the recommendation of the Central Pine Barrens Wildfire Task Force; and be it further

RESOLVED that the Members of the Central Pine Barrens Wildfire Task Force shall serve without compensation; and be it further

RESOLVED that the Commission shall solicit the advice of the Central Pine Barrens Wildfire Task Force in matters related to future planning for prevention of, and responding to, wildfires in the Central Pine Barrens, and specifically, the Commission shall consider modifications or amendments to the Central Pine Barrens Comprehensive Land Use Plan if and as proposed by the Central Pine Barrens Wildfire Task Force following its deliberations; and be it further

RESOLVED that the Commission shall not delegate any of its decision making or statutory authority to the Central Pine Barrens Wildfire Task Force; and be it further

RESOLVED that the Commission recognizes that some of the aforementioned individual entities already possess the independent authority to implement practices to suppress wildfires within their jurisdiction which may include portions of the Core Preservation Area of the Central Pine Barrens, and that any activity, conduct and/or implementation of any such practices, whether existing or new, taken on behalf of one or more of the aforementioned individual entities, shall not be construed as having obtained the approval or consent of the Commission, unless the express approval of the Commission is obtained; and be it further

RESOLVED that the Commission staff shall provide logistical support to the Central Pine Barrens Wildfire Task Force, including providing notification to involved volunteer fire departments, federal, state, county, and town agencies, private entities, and all other entities comprising the Central Pine Barrens Wildfire Task Force; and be it further

RESOLVED that the first meeting of the Central Pine Barrens Wildfire Task Force shall

²Pending verification of the fire district boundaries with respect to the Core Preservation Area, the total number of **initial** voting entities on the Wildfire Task Force is thus 30 (16 fire departments plus 14 other entities).

take place on or before December 1, 1995.³

A motion was made by Mr. Cowen and seconded by Mr. Duffy to modify the Central Pine Barrens Wildfire Task Force resolution of 10/25/95 to read as described above. The motion was approved unanimously.

Core Preservation Area

- ! Drinking Water Protection Program: funding (not on the original agenda)
Summary: Mr. Proios returned to the topic of how the county's Drinking Water Protection Program funds are allocated according to Suffolk County law, and the current legislative actions regarding the new county budget.
- ! L.I. Compost / Eastport: organization of tonight's hearing (not on the original agenda)
Summary: A discussion occurred regarding the organization of tonight's hearing on the L.I. Compost Corp. core hardship application.

Adjournment

Summary: A motion to adjourn was made by Ms. Filmanski and seconded by Mr. Cowen. It was approved unanimously. The meeting ended at approximately 4:20 pm.

- Attachments:**
1. Speaker Sign-in and Attendance Sheets.
 2. 11/1/95 letter from Mr. Sanderman re Kepner core hardship application
 3. Summary of Pine Barrens Credit Letter of Interpretation Applications

³The first meeting is scheduled for Thursday, 11/30/95 at 7:30 pm at the Commission's office in Great River.