

Central Pine Barrens Joint Planning and Policy Commission

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Vincent Cannuscio, *Member*
Ray E. Cowen, *Member*
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Commission Meeting Summary (DRAFT) for April 17, 1996 (Approved 5/1/96) Southaven County Park, Yaphank / 2:00 pm

Present: Mr. Proios and Mr. Dragotta (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven), Mr. Kratoville (for Riverhead), Mr. Cannuscio (at the point indicated) and Mr. Freleng (for Southampton) and Mr. Cowen (for New York State). General counsel was Ms. Roth. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Hopkins, Mr. Milazzo (from the Commission), and Mr. Spitz (from the NYS Department of Environmental Conservation). Clearinghouse Board of Advisors members present included Mr. Tripp and Mr. Grecco. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:22 pm. A five member quorum was present throughout the meeting.

Compatible Growth Area

- ! Aliperti / Shoreham: counsel's determination re standards
- ! Tomforde / Yaphank: counsel's determination re standards
- ! Clemens / Middle Island: counsel's determination re standards

Summary: Ms. Roth reported that these projects do not need to be processed according to the Interim Goals and Standards for Development, since Brookhaven Town has now adopted (on 4/2/96) its revised code to comply with the Plan. Consequently, projects which conform to those new code provisions and which do not trigger the Commission's jurisdiction as per the Plan do not need Commission review.

A motion was made by Mr. Freleng and seconded by Mr. Girandola to cancel the scheduled hearing at 5:00 pm today for the Clemens / Middle Island application. In the discussion which followed, it was agreed that Commission review of all three of these projects was unnecessary due to the Brookhaven Town code revisions. Mr. Freleng motioned to amend the original motion to also declare that no further review of these projects was necessary; the amendment was seconded by Mr. Girandola. The motion to amend was approved by a vote of 5-0, and the amended original motion was approved by a vote of 5-0.

Administrative

- ! Public comments

Summary: Ms. Jordan, representing The Nature Conservancy, presented the attached proposal. It involves the Commission paying approximately \$570 to \$624 for enlargements of color aerial photographs taken by the NYS Department of

Environmental Conservation's Aviation Division during the 1995 wildfires in Rocky Point and Westhampton. The enlargements will be digitized and rectified by a commercial firm which has volunteered its services. Mr. Freleng asked whether the product would be available to all interested parties, and it was agreed that it would. Mr. Girandola asked why the Nature Conservancy did not pay for the cost, and Ms. Jordan noted that their research budget did not have enough funds. It was also noted that the enlargements would be made available to the Wildfire Task Force as well. It was then informally agreed that this expenditure is approved.

Mr. Proios then introduced Mr. Kratoville, Riverhead Town Deputy Supervisor, who is representing Supervisor Stark.

The second speaker was Mr. Amper of the Long Island Pine Barrens Society, who spoke on:

(1) the various bills pending in the Suffolk County Legislature which would affect the Drinking Water Protection Program land acquisition funds, and the current petition drive for a ballot referendum; he urged the Commission to look closely at these bills very soon, and it was agreed that copies of those bills would be distributed to the Commission before the 5/1/96 meeting;

(2) the effort by various parties to find a legislative amendment to the pine barrens statute which would address the concerns of the Villages of Quogue and Westhampton Beach without changing boundaries. He noted that one such approach has been worked out and will be combined with the previously agreed amendments by the sponsors in the next week.

(3) the Manorville Nursery Expansion project. He urged the Commission to review the project and stated that it is a mining proposal with great physical impact. It was noted that the Commission has already stated its intent to consider asserting jurisdiction over this project at the 5/1/96 meeting.

- ! Draft summaries for 3/20 and 4/3 meetings: corrections and approval (faxed)
Summary: Suggested changes to the 3/20/96 meeting summary included: (1) under "Plan amendments", the new text for Section 6.6.2.1 should begin: "To advise and make recommendations ..."; (2) under "Executive Session", a statement should be added to clearly state that no executive session was held. No changes were suggested to the 4/3/96 summary.

A motion was then made by Mr. Cowen and seconded by Mr. Freleng to approve the 3/20/96 and 4/3/96 draft meeting summaries with the above corrections to the 3/20/96 summary. The motion was approved by a vote of 5-0.

Core Preservation Area

- ! Hampton Tennis and Fitness Club / East Quogue: easement, settlement stipulation
Summary: Ms. Roth stated there was an issue regarding this project which should be discussed in closed session. No further discussion was held at this time.
- ! Mazarakis / Manorville: development status
Summary: Ms. Plunkett distributed the attached request by Mr. and Mrs. Mazarakis for clarification of the Commission's jurisdiction over a J2 Commercial parcel that they own in Manorville hamlet. The Mazarakis' described the property, its past use, and the surrounding area. After questions by the Commissioners, it was agreed to discuss this

at the 5/1/96 meeting, after the Commission, staff, and counsel have examined it.

Plan Implementation

! Plan amendments (not on the original agenda)

Summary: It was briefly noted that the vote on the Plan amendments is scheduled for the 5/1/96 meeting. No further discussion was held.

Mr. Cannuscio arrived during the following discussion.

Pine Barrens Credit Program

! Clearinghouse recommendation regarding title policy: decision (faxed)

Summary: Mr. Milazzo summarized the attached draft Pine Barrens Credit Program title policy. Mr. Tripp, Chair of the Clearinghouse Board of Advisors, and Mr. Grecco, Vice Chair, were present and described the three policy categories. The first category includes cases where one credit or less is awarded. Here, no title report or insurance would normally be required, but an informational search would be completed by staff in the County Real Estate staff. The Board of Advisors felt that the cost (currently \$350, but due for a 6% increase as of 5/1/96) of title reports and insurance would be too great for owners of these parcels, estimated to number approximately 3000 parcels. Instead, the County informational search would extend back as far as 1977, the year in which the tax maps were introduced. This would cull out major title defects.

The second category includes cases where more than one, but less than or equal to five credits, would be awarded, estimated to include approximately 200 parcels. Here, a title report with insurance would be required, but a guaranteed survey would not. The Board of Advisors recommends that the Commission consider paying the cost of the cost of those requirements. Title reports with insurance currently cost \$350 (to rise by 6% on 5/1/96) which includes a minimum level of \$35,000 insurance. Higher insurance would cost incrementally more.

The third category includes those situations where more than five credits would be awarded. Here, a guaranteed survey, title report, and insurance would be required, with the credit recipient bearing the costs of those items.

Mr. Cowen asked Mr. Grecco how extensive he thought the title conflicts or questions were, and Mr. Grecco replied that, in his experience, title problems would be more frequent in the sending areas than in the remainder of the county.

Mr. Girandola raised the issue of persons fraudulently posing as the owners of sending area properties. A brief discussion ensued regarding possible means of eliminating or reducing the likelihood of those occurrences, including, but not limited to various proofs of identity. Ms. Roth asked about the possibility of using a dollar threshold, rather than credit levels, and it was agreed that credit values are more pragmatic.

Mr. Spitz noted that the possibility of the Clearinghouse inadvertently issuing a credit incorrectly would not mean that the credit is invalid, or that the Clearinghouse or the Commission would someday be purchasing invalid credits. He noted that once a credit is issued, it is valid by definition, regardless of any underlying errors or problems with property titles. Thus, there are no invalid credits. It was agreed that the Commissioners would review the Clearinghouse's recommendation and adopt a policy at the

Commission meeting of 5/1/96.

Executive Session

Summary: **A motion was made by Mr. Girandola and seconded by Mr. Cannuscio 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 3:45 pm and returned to open session at approximately 5:08 pm.

Adjournment

Summary: **A motion to adjourn was made by Mr. Kratoville and seconded by Mr. Cannuscio. The motion was approved by a vote of 5-0.** The meeting ended at approximately 5:08 pm.

Attachments:

1. Speaker Sign-in and Attendance Sheets.
2. Memo from Ms. Jordan re aerial photos (4/15/96)
4. Letter from Mr. and Mrs. Mazarakis (4/10/96) and nearby parcel listing
3. Clearinghouse Title Policy Recommendations (4/10/96)