

Central Pine Barrens Joint Planning and Policy Commission

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Commission Meeting Summary (FINAL) for June 24, 1997 (Approved 8/6/97) Brookhaven Town Hall, Building 4; 3233 Route 112, Medford 2:00 pm

Commission members present: Mr. Proios (for Suffolk County), Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Freleng (for Southampton) and Mr. Cowen (for New York State).

Others present: General counsel was Ms. Roth. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Milazzo, and Mr. Trezza (from the Commission; Mr. Trezza is a summer intern), Capt. Conklin (from the NYS Forest Rangers, the Law Enforcement Council, and Vice Chair of the Wildfire Task Force), and Mr. Spitz (from the NYS Department of Environmental Conservation). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:14 pm by Mr. Proios, with a four member quorum consisting of Mr. Proios, Ms. Wiplush, Mr. Freleng, and Mr. Cowen.

Administrative

! Public comments

Summary: The only speaker was Ms. Amber Levofsky, representing the Long Island Pine Barrens Society. She distributed and read the attached statement expressing the Society's concerns regarding the actions of Suffolk County Community College in implementing its master plan at the Eastern Campus.

Pine Barrens Credit (PBC) Program

! 6/23 Clearinghouse Board of Advisors meeting: summary

Summary: Mr. Milazzo noted that the Gartenbergs, owners of two parcels in the core area of Calverton and south of River Road in Riverhead Town, will soon request that their 8.18 PBC Certificate be purchased by the Clearinghouse. He reported that the Clearinghouse has authorized the County Treasurer to place in an immediately accessible account the \$81,800 that will be required to purchase those credits (8.18 PBCs will be purchased at the Riverhead purchase price of \$10,000 per PBC).

! Statistical tabulation of Pine Barrens Credit Program to date (not on the original agenda)

Summary: Mr. Trezza is working on a cumulative tabulation of Letters of Interpretation and Pine Barrens Credit Certificates issued by the Clearinghouse since its inception. That information will be used in the Commission's Report of Activities.

Ms. Filmanski arrived during the following discussion, and a five member quorum was then present.

! Marketing and outreach effort: update (from 6/4 meeting)

Summary: Mr. Milazzo reported that the Clearinghouse's professional outreach mailing by the Sandpiper Group has progressed, and he distributed the attached summary of

qualifications of that firm's participant's. The attached draft of the mailing piece was described by Mr. Milazzo, and Mr. Corwin then explained that the language to be used will be provided once the general design is approved.

The Commission's prior request that the cost be kept to \$2000 for the mailing was discussed, with Mr. Corwin explaining that the Sandpiper Group's price for the mailing was originally \$2900, but that included printing. Removing printing costs brought the cost to under \$2000, but the printing would still have to be done. It was informally agreed that the printing cost would be considered separately. Several technical corrections and suggestions were made on the draft, and they will be forwarded.

- ! Mapping of easement sites to date (not on the original agenda)
Summary: Mr. Milazzo and Mr. Trezza displayed and explained a copy of the Commission's Public Lands Within the Central Pine Barrens map with the conservation easements plotted manually. This work was completed by Mr. Trezza as part of his summer internship.
- ! PBC Program valuation analysis update: status of work (from 6/4 meeting)
Summary: Mr. Milazzo reported that the Commission has received a listing of all sales in the Riverhead receiving area for the period of 6/1/90 to 6/1/97, courtesy of Ms. Donna Waide of the Suffolk County Department of Law's Division of Real Estate. That information will be sent to Dr. Nicholas for preliminary analysis. Following that, Dr. Nicholas will notify the Commission if there is insufficient data, and, specifically, whether appraisals of any properties will be necessary.

Plan implementation

- ! Protected Lands Council: first access point cleanup work days (7/8, 7/9)
Summary: Mr. Corwin and Ms. Plunkett described the 7/8 and 7/9 field work days, which will focus upon cleaning debris from the public lands in the vicinity of County Route 111 and the unimproved portion of Hot Water Street, in Manorville in Brookhaven Town. The cleanup is an interagency operation, with organizations on the Council contributing equipment, personnel and other resources. Mr. Corwin noted that volunteers have also come forward, principally from local environmental organizations.

This area was selected from the previously compiled list of problem area access points. The Law Enforcement Council's vehicle removal project has also concentrated upon this area. The intent is to remove as much debris as possible during that two day period (with 7/10 serving as a rain date for either day), and to temporarily secure the illegal ingress points on the north side of Hot Water Street using telephone poles available from the Long Island Lighting Company.

*Ms. Roth stated that she believes that this cleanup action constitutes a Type II action under the State Environmental Quality Review Act (SEQRA), and recommended that the Commission assert this in a resolution. **A motion was then made by Mr. Cowen and seconded by Mr. Freleng to declare that the Commission finds that the proposed cleanup of the above described area is a Type II action under the SEQRA regulations. The motion was approved by a 5-0 vote.***
- ! Wildfire Task Force: summary of Wildfire Hazard Assessment course
Summary: Capt. Conklin described the three day course on fire protection assessment offered by the Northeast Fire Compact the prior week. He attended the course along with another Forest Ranger, Ms. Plunkett from the Commission staff, and participants from elsewhere in the northeastern United States. This assessment process has been

performed for areas such as the San Bernardino region of California, Colorado, and Hawaii. It uses local knowledge to define hazards (i.e., ambient landscape conditions prone to fire), risks (i.e., anthropogenic dangers), and values (i.e., features, specific sites or subareas which warrant customized fire management policies).

Values are inherently subjective, while risks and hazards are tangible, identifiable conditions such as volatile vegetation, fuel buildup, storage locations for hazardous or volatile materials, etc. These three components are mapped individually, then overlaid into a composite map, normally using a geographic information system. The composite map is then used to formulate fire policies and strategies such as full or modified suppression, prescription burning, forestry or clearance practices, locations of fire strike teams, etc. Capt. Conklin explained that the assessment methodology is also applicable to non-fire management planning, such as coastal areas protection.

He noted that exactly such a fire protection assessment of the Central Pine Barrens may be desirable, and will be addressed by the Task Force at its 7/25 meeting. If the Task Force agrees, then the details of the assessment will begin, and the upcoming fire management plan would include a requirement for it. He explained that such an assessment will be beneficial in determining where and why funds are needed.

- ! Law Enforcement Council: current work (not on the original agenda)
Summary: Capt. Conklin reported that a revised draft of the Suffolk County all terrain vehicle law, known as section 647, is being prepared, and will address impound policies and fines. Also underway is the next draft of the Central Pine Barrens Law Enforcement Handbook, and the possible use of prisoners from the Suffolk County jail in the Protected Lands Council's 7/8 and 7/9 cleanup days in Manorville. He also reported that member agencies of the Law Enforcement Council have received requests for assistance from organizations in East Hampton and Islip with the removal of derelict vehicles from public lands in those towns, as well as for the moving by helicopter of bridge materials within the state park at Montauk.
- ! Pine Barrens Discovery Day: status (not on the original agenda)
Summary: Mr. Corwin briefly explained the status of the 10/25 Pine Barrens Discovery Day to be held at the Eastern Campus of Suffolk County Community College, and principally sponsored by the College and The Nature Conservancy. The event will feature talks on botany, water resources, fauna of the pine barrens, and other topics. Field trips will also be sponsored, as will special events for children.

Core Preservation Area

- ! Suffolk Community College / Riverhead: College master plan status
Summary: Mr. Fred Strahs-Lorenc, the Associate Dean for Facilities for Suffolk Community College, was present and discussed both the College's new sewage treatment plant and its current construction work at the Eastern Campus south of Riverhead hamlet. He spoke first about the Eastern Campus' sewage treatment work, and the attached letter was distributed. He noted that the current treatment plant, located on a nearby, separate parcel from the campus, was designed for a 6000 student population, and a 10 building complex, in 1970. Currently, there are 2500 students and three academic buildings, and the plant is operating with a smaller inflow than its minimum design specifications call for. This has posed a hurdle for the plant to meet NYS Department of Environmental Conservation standards for the outflow. The College has retained a consulting firm to identify options regarding this problem.

He also noted that the College is undertaking an upgrade of the street lighting at the

entrance from Speonk-Riverhead Road. Further, he reported that a greenhouse is being replaced at the Eastern Campus, since one was destroyed by a 1995 storm.

Mr. Strahs-Lorenc also noted that the Phases 2 and 3 of the Eastern Campus' Master Plan will need to be substantially revised and updated. The focus would be upon infrastructure improvements rather than new infrastructure. Specifically, he noted that the Suffolk County Legislature and the County Executive, on 6/10/97, approved funding for several items: improvement of the exterior parking lot lighting, paving of approximately one mile of roadway from County Road 31 to the treatment plant, and installation of four tennis courts. He noted that since the College's funding is provided equally by Suffolk County and New York State, this approval is not sufficient to permit these projects to start; state approval of their portion of the funds is still required.

He stated that two basketball courts and two volleyball courts have been constructed, and tennis courts are still planned. He explained that the College has received comments from a regional accreditation body regarding the insufficiency of physical education facilities at the Eastern Campus. He reported that the County Executive has proposed a 20,000 square foot Cooperative Extension building, which could be located either in the Riverhead hamlet itself, or on the Eastern Campus. If that building is located on the campus, it would be placed in an already cleared area. The College's Eastern Campus Master Plan's Phase 1 work is essentially complete, with these specific items not yet done: the library and instructional resources building, the sprinkler system and fire alarm installations, and the hazardous materials and salt storage building. Although construction of the last item has not begun, the task of designing it has been sent out to a consultant.

Mr. Strahs-Lorenc explained that his office was unaware of the construction of the basketball and volleyball courts. This construction was the subject of prior communication from the Commission to the College since the courts are not included in the Phase 1 list which was the subject of the Commission's January 1995 core hardship permit approval. He explained that the Eastern Campus officials had looked at aerial photographs from a past date and saw a clearing in those photographs in the location where the courts were constructed. He stated that those officials had believed that this clearing, which regrew since the photograph was taken, justified the construction of the courts in that area. Mr. Strahs-Lorenc also stated that the Eastern Campus officials had also believed that any work conducted within the confines of the "ring road" on the campus was exempt. He stated that the College officials told him that approximately thirty trees were removed for construction of the new basketball courts.

Mr. Strahs-Lorenc stated that he has spoken with the College President regarding this incident, and was asked to apologize on behalf of the College for the mistake. A brief discussion ensued regarding the vegetation material piled up south of the courts and the steam plant. He explained that not all of this material had come from the area where the courts are now located, but did not specify the other source. That material is being mulched for use on the campus grounds.

A discussion then ensued regarding the revisions needed to Phases 2 and 3 of the Master Plan, and the various approaches which may be feasible for addressing the sewage treatment plant problem, including the applicable New York State and Suffolk County standards.

It was decided that Mr. Strahs-Lorenc will provide the Commission with a letter outlining the revisions to the Master Plan. Additionally, a revised plan illustrating the proposed facilities will also be submitted to the Commission. Mr. Strahs-Lorenc also said that he will forward a copy of the plan for the sewage treatment plant. Upon submittal of the

master plan documents, the Commission will review and discuss these items at a regularly scheduled meeting.

- ! We Got It Auto Parts / Flanders: site plan; determination of jurisdiction
Summary: Mr. Sendlewski, a consulting architect representing the owners of this site on the south side of NYS Route 24 in Flanders in Southampton Town, was present and discussed the attached material. The project consists of the demolition of existing buildings on the fully developed auto wrecking site and their replacement by a 60' by 60' masonry building. The project's site plan has received approval from the Southampton Zoning Board of Appeals, which had jurisdiction since the existing commercial facility is in a residential zone.

After a discussion regarding the nondevelopment provisions of the state pine barrens law, the Commission determined that the project is nondevelopment under NY Environmental Conservation Law Article 57, Section 57-0107(13)(iii).

- ! Westhampton Ministorage / Westhampton: new industrial site plan; set hearing
Summary: Ms. Plunkett summarized, and distributed copies of, this new application for a core hardship permit on this private parcel located on the northerly side of the Suffolk County Gabreski Airport, and accessible from the North Perimeter Road of the airport. The application is for the addition of four new industrial buildings with a total of 24,000 square feet to a site which currently has thirteen industrial buildings totalling 46,878 square feet on a 40 acre parcel. The site is in the dwarf pine barrens region. **A motion was made by Mr. Freleg and seconded by Ms. Filmanski to schedule a hearing on this application at the 7/16/97 Commission meeting at Brookhaven Town Hall in Medford at 5:00 pm. The motion was approved by a 5-0 vote.**

- ! Mahfar Associates / Ridge: minigolf course and restaurant; followup to 6/4 hearing (not on the original agenda)
Summary: Ms. Plunkett explained that Mr. Sanderman, attorney for the Mahfar Associates core hardship application which was the subject of a 6/4/97 hearing, has delivered a letter for inclusion in the hearing record. The letter addresses the issue of the existing covenants on this property on the north side of NYS Route 25, east of William Floyd Parkway, in Ridge in Brookhaven Town. She reported that Mr. Wood, an appraisal consultant for the same application, has also forwarded a letter for inclusion in the hearing record, which updates his testimony to reflect the incorporation of the values of Pine Barrens Credits from this property.

Ms. Plunkett also noted that the State Environmental Quality Review Act lead agency coordination is not yet complete for this application.

Compatible Growth Area

- ! Konak Garage Display / Rocky Point: site plan; determination of jurisdiction
Summary: Ms. Plunkett distributed and discussed the attached letter regarding a site plan known as Konak Garage Display for a parcel on the south side of the old NYS Route 25A, north of the new Route 25A bypass in Rocky Point in Brookhaven Town. The project is a site plan for a different business use than the restaurant and boutique use which was originally approved by Brookhaven Town in 1971. That approval was for a use which would have cleared the entire site; the new use involves clearing which would exceed the 65% clearance limit applicable to the Compatible Growth Area. The letter requests a waiver from that standard, based upon the 1971 approval.

Ms. Roth reviewed the nondevelopment provisions of the pine barrens law, and stated

that she believes that the current proposal does constitute development. She stated that she does not believe that the new project can be deemed nondevelopment based upon the 1971 site plan approval, since the new proposal is for a different use. Consequently, she stated that the applicant will need to obtain an exemption from the Central Pine Barrens Plan's standards. It was then determined by the Commission that the project will require a Compatible Growth Area hardship exemption from the Commission, and that the applicant will be so informed by the Commission staff.

Pine Barrens Credit Program

- ! Barkus / Manorville credit appeal: revision of Commission resolution (not on the original agenda)

Summary: Mr. Milazzo discussed the 3/12/97 decision by the Commission on the credit allocation appeal filed by Ms. Barkus for property on the south side of Mill Road, in Manorville in Brookhaven Town. The resolution passed by the Commission contained a typographical error, in that it included Suffolk County tax map parcel number 200-411-5-11, and should have included parcel number 200-411-5-23 in its place. The allocation and all other matters remain the same. He requested that the Commission formally revise its 3/12/97 resolution.

A motion was then made by Ms. Filmanski and seconded by Mr. Cowen to revise and amend the Commission's 3/12/97 Barkus credit appeal resolution to substitute Suffolk County tax map parcel number 200-411-5-23 for parcel number 200-411-5-11, without altering the credit allocation of 19.34 Pine Barrens Credits to the 54 parcels owned or controlled by Ms. Barkus. The motion was approved by a 5-0 vote.

Administrative

- ! Public comments

Summary: The only speaker at this time was Mr. Walter Olsen, representing Civil Property Rights Associates. First, he expressed interest in the proposed cleanup and securing of the illegal access points into public lands from Hot Water Street. Mr. Olsen explained that the Flanders Neighborhood Watch Group had performed a cleanup of parklands in their area, only to have debris reappear. He reported that they requested Southampton Town to block off the problem access locations after they were cleaned again, but were told that access had to be maintained for emergency vehicles.

He requested that the Commission be in contact with Southampton Town officials to explain how the Hot Water access points would be closed. Mr. Corwin commented that the Hot Water Street area currently has enough access points off it that the current planned closure of an initial few would not yet raise the same issue here. Mr. Freleng inquired about what department in Southampton Town the group had spoken with, and Mr. Olsen explained that it was another individual from the neighborhood group who had spoken with the Town officials.

Second, he commented upon Capt. Conklin's summary of the rewriting of the County's all terrain vehicle law. Mr. Olsen expressed the opinion that everyone ought to have a place to pursue their leisure time pursuits, and, although he is not an off road vehicle user or enthusiast, he would like to see an effort made to find a location where this activity can be practiced. He felt that it would be counterproductive to shut the activity down entirely, that healthy outdoor activities should be encouraged, and that he was confident that these groups would work with the affected agencies. He further noted

that this should apply to other uses as well, such as mountain biking.

Third, he noted that Southampton and Riverhead have a joint sewage treatment plant which is oversubscribed, and that the possibility of processing some of that excess wastewater input at the Eastern Campus' sewage treatment plant should be explored. He suggested that the College might even be able to receive the equivalent of a tipping fee for accepting the extra sewage that their plant needs to function properly. He noted that this would be preferable to dismantling the plan and constructing a new system for the campus.

Fourth, he requested that, in the future, maps for discussion by the Commission be posted on a wall or otherwise displayed so that all in attendance can view them easily.

Core Preservation Area

- ! Gazza / Westhampton: new core hardship for single family residence (not on the original agenda)

Summary: Mr. Gazza was present and submitted a new core hardship application for a site on the southwest corner of Sunrise Highway and County Road 31, in Westhampton in Southampton Town. This is the same site for which the Commission approved a core hardship permit for the Exact Technologies drinking water production well. Mr. Gazza stated that the Exact Technologies application remains pending before the Southampton Zoning Board of Appeals (ZBA), that it is headed for a seventh meeting on 7/17/97, and that approval of the application by that board appears very unlikely at this time.

He stated that the basis of his expectation is that the site is zoned for residential use, that the Exact Technologies proposal is a commercial use, and that the Southampton ZBA has informally stated that Mr. Gazza has not exhausted those uses already identified in the Town zoning code. He explained that agricultural use has been explored because a prior application to the Commission to clear the site for growing beach grass was denied by the Commission, that there has been no interest by any party in constructing an institutional use there, and that he does not wish to place a dwelling there because he does not believe that he can sell it. However, he stated that he is submitting a core hardship application for a single family home to the Commission today because he feels that he must explore this in order to address the Southampton ZBA's concerns. A brief discussion ensued regarding the testimony that was offered to the ZBA by Mr. Gazza regarding this issue, and the effect of the Commission counsel's letter to the ZBA.

A motion was then made by Mr. Cowen and seconded by Mr. Freleng to schedule a hearing on the new Gazza / single family home core hardship application at the Commission's 7/16/97 meeting at Brookhaven Town Hall in Medford at 5:00 pm. The motion was approved by a 5-0 vote.

Executive session

Summary: **A motion was made by Ms. Filmanski and seconded by Ms. Wiplush to enter into executive session for the purpose of discussing certain legal issues. The motion was approved by a vote of 5-0.** The Commission entered into executive session at approximately 4:39 pm and returned to open session at approximately 5:00 pm.

Public hearing

- ! Hampton Hills Golf and Country Club / Northampton / clubhouse and parking lot (core)
Summary: *A separate stenographic transcript exists for this.*

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Statement by L.I. Pine Barrens Society re Community College work (6/24/97; 1 page)
4. The Sandpiper Group Qualifications sheet (undated; 1 page)
5. Draft of PBC Program mailing to core owners (6/19/97; 2 pages)
6. Letter from F. Strahs-Lorenc re Community College's sewage plant (6/6/97; 1 page)
7. Materials re core hardship permit issued to Suf Comm College (Jan 95., Nov 94.; 4 pages)
8. Letter from M. Sendlewski re We Got It Auto Parts site plan (6/6/97; 9 pages)
9. Letter from Mr. Sanderman re Mahfar Associates parcel covenants (6/24/97; 2 pages)
10. Letter from Mr. Wood re Mahfar Associates appraisal testimony (6/24/97; 3 pages)
11. Letter from Mr. Jung re Konak Garage Display site plan (6/18/97; 1 page)