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PINE
BARRENS**

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**Commission Meeting Summary (FINAL)
for Wednesday, January 5, 2000 (Approved 1/26/00)
Riverhead Town Hall
East Main Street and Howell Avenue, Riverhead, NY
2:00 pm**

Commission members present: Mr. Dragotta (for Suffolk County), Mr. Girandola (for Brookhaven), Mr. Kozakiewicz (for Riverhead), Mr. Murphree (for Southampton) and Mr. Cowen (for New York State).

Others present: General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Ms. Jakobsen, Ms. Carter and Mr. Rizzo (from the Commission), 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 2:11 pm by Mr. Dragotta, with a five member quorum.

Public Comment

Summary: The only speaker was Mr. John Turner, representing the Long Island Pine Barrens Society and the New York State Assembly's Water Resources Commission. He explained that he had traversed the proposed route of the Long Island Power Authority (LIPA) and KeySpan Energy electric transmission line with LIPA and KeySpan representatives. He described the route from Nugent Drive (County Road 94) through County Road 51, Speonk Riverhead Road, and Sunrise Highway to the crossing of Bellow Pond Road. He stated that he understands that clearing of trees is most likely at two locations: the intersections of Sunrise Highway with Speonk Riverhead Road, and further east where Sunrise crosses Bellows Pond Road. He stated that transplanting of many of the trees, rather than cutting of them, was feasible, in his opinion, and should be required as part of any approval.

He also observed that underground boring is proposed to pass by a wetland area on the existing LIPA right of way between Nugent Drive and CR 51, and that no reference to that section is made in the written documentation. He stated that this area should be checked for tiger salamanders.

Mr. Richard Amper, Executive Director of the Long Island Pine Barrens Society, was also present and asked how the exact

specifications of the project could be spelled out so as to be completely clear as to what is being applied for and/or approved. Mr. Cowen stated that this is exactly what the project sponsor has been requested to do.

Administrative

- ! Summaries of 10/13, 12/8 meetings: review, approval

Summary: **A motion was made by Mr. Girandola and seconded by Mr. Cowen to approve the 10/13/99 meeting summary as final as drafted. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Mr. Kozakiewicz.**

The following correction to the 12/8/99 minutes was suggested: under "U.S. Dept. Of Energy / communications tower", the last paragraph's last sentence should read, in part: "... counsel will draft a letter to the US DOE ...". **A motion was then made by Mr. Cowen and seconded by Mr. Girandola to approve the 12/8/99 meeting summary as final with this correction. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Mr. Kozakiewicz.**

Pine Barrens Credit (PBC) Program

- ! Program totals to date (not on the original agenda)

Summary: Mr. Rizzo distributed the attached summary of Pine Barrens Credit Program acreage and credit totals as of 1/3/00. He noted that the total acreage protected by PBC easements to date has passed the 200 acre mark.

- ! Brookhaven Credit initiative: status

Summary: Mr. Rizzo reported that the bids have been received from holders of Credits originating within Brookhaven Town, as part of the Clearinghouse's effort to spend up to \$1 million dollars to purchase such credits. He noted that this will be discussed by the Clearinghouse at its meeting of 1/10/00 at 10:00 am at the Commission office.

- ! Southampton reverse auction: status

Summary: Mr. Rizzo reported that the necessary contracts have been sent to Mr. James Zizzi to sign, which enables him to purchase Credits from Southampton Town core area landowners as part of this first Southampton reverse auction. He noted that the "strike price", the purchase price for all of the Credits that Mr. Zizzi will purchase, has turned out to be \$20,000 per Credit.

Compatible Growth Area

- ! American Tissue / Yaphank (Brookhaven) / industrial site plan / Development of Regional Significance: new application; schedule hearing

Summary: Ms. Jakobsen summarized the status of this Development of Regional Significance, consisting of a 584,000 square foot manufacturing facility for the repackaging of bulk roll paper. The process involved is dry, without the generation of wastewater. The site is on the north side of the Long Island Expressway, west of Sills Road, and is in a Light Industrial zone.

She reported that there are several problems with the application submitted to the Commission, which has been forwarded to the Commission members: the application is not deemed complete until the State Environmental Quality Review Act (SEQRA) requirements are completed; the tax map numbers on the submitted materials are inconsistent or incomplete; there is no landscaping plan; and a Draft Environmental Impact Statement is being prepared since the project has received a positive determination under SEQRA. It was agreed that a letter will be sent to the applicant noting the requirements for completing the application to the Commission.

Core Preservation Area

- ! Hampton Hills Golf and Country Club / Northampton (Southampton) / site plan / approved hardship: report on final project's adherence to approval conditions
Summary: Ms. Plunkett explained that the Commission previously issued a core hardship permit for the addition of a small building and a golf cart storage area, and that replanting with native vegetation was required as part of that permit. She reported that on a recent site visit, she noted that grass had apparently been planted instead. She also explained that the Commission has since received the attached letter from Mr. Richard Van de Kieft explaining how that Commission permit requirement is going to be satisfied.

Pine Barrens Credit (PBC) Program

- ! Andersen / Manorville (Brookhaven) / appeal: hearing
Summary: A separate stenographic transcript exists for this. The hearing was postponed until the 2/16/00 Commission meeting at 3:00 pm, due to the applicant's absence due to illness.

Plan Implementation

- ! Overview of wireless tower guidelines and ordinances from various jurisdictions: information item
Summary: Ms. Carter distributed five items (see attached cover sheets) regarding communications towers and local ordinances covering them. The materials include a Wireless Ordinance Checklist and a document entitled "Four Easy Steps That Your Local Community Can Take", both from the Appalachian Trail Conference; a copy of Brookhaven Town Code Section 85; a copy of Southampton Town's Cell Tower Ordinance, and an article entitled

“Communications Towers Raise Concerns” from the US Fish and Wildlife News. She summarized some of the aspects of communications towers that these materials and ordinances highlight, including color, size, visibility, setbacks, fall zones, colocation, and removal upon obsolescence.

A discussion ensued regarding how the Commission could approach this type of land use, including possible future Plan amendments and possible regulations promulgated by the Commission. Mr. Rigano discussed sections of the pine barrens statute which may be most relevant to this efforts, as well as the possibility of future Commission regulations. It was agreed that the Commission staff will continue looking at other jurisdictions’ efforts regarding communications towers, and begin compiling the elements of a possible future Commission standard or regulation.

Core Preservation Area

- ! Long Island Power Authority (LIPA) / Southampton Town / transmission line corridor: current plans and new materials; discussion

Summary: Ms. Jakobsen reported that the Commission has received a letter from the project sponsor identifying two areas where clearing will occur, along with two copies of the Environmental Management and Construction Plan (EMCP) produced for the Public Service Commission. The latter item describes the necessary excavation, traffic control, and related issues involved in this project. The two areas are the intersections of Speonk Riverhead Road and the Sunrise Highway, and Bellows Pond Road and Sunrise Highway. The documents do not mention wetlands. The EMCP does talk about restoration of these sites.

Mr. Rigano stated that it is important to determine whether there is a material alteration of grade or vegetation, as part of the determination of this project’s status under the pine barrens law. Mr. Amper stated that the Long Island Pine Barrens Society is concerned about establishing a precedent regarding the Commission’s jurisdiction over future projects. Mr. Adam Yablonsky, representing the project sponsor, spoke regarding the EMCP and its contents. A long discussion then ensued regarding the EMCP, the presence or absence of details of the excavation locations on the construction plans, the status of the Public Service Commission proceedings regarding this, and the possible discrepancy between what is in the EMCP, what is on the construction and excavation plans, and what actually occurs in the field. Mr. Cowen emphasized that the Commission needs to see an official set of plans for the project in order to know exactly what the project is that they are reviewing.

*It was agreed that the project sponsor should file an application with the Commission, and that a public hearing will be held. **A motion was then made by Mr. Cowen and seconded by Mr. Dragotta to hold a public hearing on the LIPA transmission line project at the Commission meeting on 1/26/00 at 3:00 pm, pending receipt of the formal LIPA application prior to that time.***

The motion was approved by a 4-0 vote (Mr. Kozakiewicz was briefly out of the room when the vote was taken).

A brief discussion then ensued regarding the application of SEQRA if this is to be a core hardship application.

Compatible Growth Area

! Gazza / Westhampton (Southampton) / new clearing for agriculture / determination of jurisdiction

Summary: *Ms. Jakobsen reported that Mr. Joseph Gazza has requested an opinion from the Commission regarding the status of a proposal to clear certain land of native vegetation within the Compatible Growth Area for the growing of nursery stock using best management practices. There are four parcels involved, totaling approx 10.9 acres, located west of County Road 31 and on the north side of Old Country Road in Westhampton, Southampton Town. It was agreed that Commission counsel will speak with staff re this matter.*

Closed Advisory / Executive Session

Summary: ***A motion was made by Mr. Cowen and seconded by Mr. Girandola to enter into a closed advisory session for the purposes of (1) discussing contract matters, and (2) receiving legal advice from counsel. The motion was approved by a 5-0 vote, and the Commission entered into closed session from approximately 4:00 pm to 5:02 pm.***

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Easement Protected Lands and Pine Barrens Credits as of 1/3/00 (1 page)
4. Letter from Mr. Van de Kieft re Hampton Hills permit requirement (1/5/00; 3 pages)
5. Cover pages from communications towers handouts (undated; 5 pages)