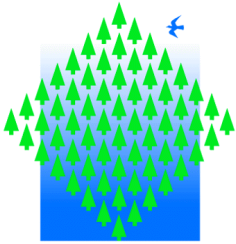


Commission Meeting Summary (FINAL)
for Wednesday, May 10, 2000 (Approved 5/31/00)
Suffolk County Park Police and Pine Barrens Center
Southaven County Park, Victory Avenue,
Yaphank, NY
2:00 pm



**CENTRAL
PINE
BARRENS**

**JOINT
PLANNING
&
POLICY
COMMISSION**

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Commission members present: Mr. Girandola and Ms. Wiplush (for Brookhaven; Mr. Girandola voting), Mr. Hanley (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), and Capt. Conklin (from the NYS Forest Rangers, Vice Chair of the Wildfire Task Force, and member of the Law Enforcement Council). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:03 pm by Mr. Cowen, with a four member quorum.

Public Comment

Summary: The only speaker was Mr. Herbert Balin, representing Breslin Realty. Mr. Balin spoke about the creation of the pine barrens act, the participants, the benefits of the Act, and Mr. Breslin's role in obtaining passage of it. He also spoke about the exemption of the Brookhaven Town Center and the portion of the Pine Barrens Plan which contains the exemption.

He then distributed the attached letter, which is a copy of a 1/20/00 letter from Mr. Rigano to Mr. Balin explaining that the Commission is not a party to the Open Space Council's lawsuit with Breslin Realty regarding the Brookhaven Town Center, but with a suggested change that Mr. Balin is requesting. The bottom of the letter contains the requested alteration to Mr. Rigano's letter. Mr. Balin also distributed the attached copy of pages 152-153 of the Pine Barrens Plan which contains the reference to the Brookhaven Town Center. It was agreed that this matter would be discussed further later in today's meeting.

Administrative

! Summary of 4/19 meeting: review, approval

Summary: **A motion was made by Mr. Murphree and**

seconded by Mr. Girandola to approve the 4/19/00 meeting summary as drafted. The motion was approved by a 4-0 vote.

- ! Results of 5/3/00 Advisory Committee meeting (information item)
Summary: Mr. Corwin reported that the Central Pine Barrens Advisory Committee met on 5/2/00 at the Eastern Campus of the Suffolk County Community College to discuss the status of their South Fork Pine Barrens work. He explained that the Committee, after a long discussion, passed a resolution with a split vote that resolved to terminate their deliberations on the matter and to also recommend to the Commission that the Commission offer assistance to the Towns of Southampton and East Hampton in their efforts to protect the South Fork watershed. A written version of the resolution will be prepared and distributed.

Pine Barrens Credit Program

- ! Program status
Summary: Mr. Rizzo distributed and briefly discussed the attached program summary chart through 5/1/00. He also noted that the next Clearinghouse meeting will be at 3:00 pm on 5/16/00 at the Commission office.

Plan Implementation

- ! Air Ground Helicopter Firefighting Awareness Day: 5/20/00 (information item)
Summary: Capt. Conklin described the second Air Ground Firefighting Awareness Day will be sponsored by the Wildfire Task Force on 5/20/00 at Gabreski Airport and the State Sarnoff Preserve, as described on the attached announcement which was distributed. He discussed the techniques that will be demonstrated that day, invited the Commission members to attend, spoke about the recent fires in the pine barrens area, and noted the recent retirement of Col. Intini of the NY Army National Guard.
- ! Wildfire Task Force Activities: summary (not on the original agenda)
Summary: Capt. Conklin reported that the prescribed burning window for the Spring has closed, and stated that 12 prescribed burns were completed this spring. He noted the participating agencies, and compared the current situation with that of several years ago when few prescribed burns were done. Mr. Cowen asked about the participation of volunteers in the burns, and Capt. Conklin reported that there has been increased attendance and participation of the volunteer firefighters.
- ! Firewise Communities Workshop: 6/5-7/00 (information item)
Summary: Mr. Corwin distributed and discussed the attached materials from Firewise, an organization cosponsored by several federal agencies and private nonprofit organizations. It describes a workshop to be held in early June 2000 for planners, officials, citizens, and others to incorporate fire considerations into

the design and buildout of communities.

He explained that the program may be of particular interest to planners and fire marshals in the three pine barrens towns, and noted that the Commission has been specifically requested by the Firewise Communities organizers to consider sending representatives to the workshop. He encouraged the Town planners to consider having a staff member attend, and stated that the three Town Fire Marshals would be contacted as well.

Compatible Growth Area (CGA)

- ! American Tissue Corp. / Yaphank / Development of Regional Significance (DRS):
review of DEIS staff comments

Summary: Ms. Jakobsen distributed and discussed the attached draft staff comments on the Draft Environmental Impact Statement (DEIS) for this proposed industrial project on the north side of the Long Island Expressway in Yaphank. She reviewed the specific topics covered in the draft comments, including landscaping, wastewater, water usage, site plan contents and calculations, parking, clearing, visual impacts, the DEIS references to the Pine Barrens Plan, alternatives in the DEIS, etc. She noted that the 584,000 square foot building would have an approximately 13.4 acre footprint.

Ms. Plunkett then stated that Ms. Jakobsen's review was extensive and thorough, and added that the project could pose a significant fire hazard, given both the nature of the operation and the extensive adjacent forested areas. She also commented that the same company has reportedly experienced a large fire at its Hauppauge facility which required considerable time and effort to bring under control. She further noted that the site should be planned for full build out as the applicant has indicated the need for expansion. She also noted that the alternatives section should be expanded so as not to have a piecemeal review of potential impacts.

Mr. Girandola noted that the lands to the west are industrially zoned. Ms. Plunkett explained that this project has not been evaluated with respect to the Pine Barrens Plan, since the application to the Commission is still incomplete, and the project may change as the Town completes its State Environmental Quality Review (which must be completed by the Town before the Commission can deem the DRS application to be complete).

Mr. Murphree asked whether comments would be made with respect to transportation, energy, or air impacts, and it was noted that these are topics not within the Commission's current expertise. Mr. Cowen asked about the difference between a normal CGA hardship application and a DRS application, and it was noted that a DRS must be reviewed for compliance with both the standards and the guidelines in the Pine Barrens Plan.

It was agreed that comments will be forwarded to the staff on or before 5/18/00

in order to permit their compilation for submittal to the Town.

Closed Advisory Session

***Summary:** A motion was made by Murphree and seconded by Mr. Girandola to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 4-0 vote, and the Commission entered into closed session from approximately 2:46 pm to 3:46 pm.*

Compatible Growth Area

- ! Brookhaven Town Center / Yaphank: exemption from Plan (not on the original agenda)
***Summary:** Mr. Rigano described the request made earlier in the meeting by Mr. Balin for a revised letter regarding the exemption of the Brookhaven Town Center from the Pine Barrens Plan. A motion was then made by Mr. Murphree and seconded by Mr. Hanley to act favorably upon the request for a revised version of the 1/20/00 letter from Mr. Rigano to Mr. Balin re the Brookhaven Town Center exemption, and to direct counsel to prepare an appropriate new letter. The motion was approved by a 4-0 vote.*

Core Preservation Area

- ! Westhampton Mini Storage / Westhampton (Southampton) / expansion: public hearing (from 3/29/00 meeting; a written request for withdrawal has been received)
***Summary:** A separate stenographic transcript exists for this. The application has been withdrawn by the sponsor without prejudice.*
- ! Hidden Pond Stables / Manorville (Brookhaven) / riding arena: public hearing (from 3/29/00 meeting)
***Summary:** A separate stenographic transcript exists for this hearing. During the hearing, the Commission briefly went off the stenographic record twice to discuss the issue of the Commission's jurisdiction over this project.*

Following the close of the hearing and the stenographic transcript, an extensive discussion was held regarding whether this project constitutes "development" under the pine barrens statute. Specifically, Mr. Rigano discussed the "nondevelopment" provision of the pine barrens statute that refers to recreational activities. Ms. Plunkett opined that this is a commercial facility for boarding of horses.

The discussion then touched upon the current locations where the owners of horses boarded at the existing stable ride. It was observed that this has included

both the private property with the current stable as well as the adjacent Suffolk County parklands (Robert Cushman Murphy County Park). It was also noted that horse use in this portion of the pine barrens (Stewardship Unit 6) is under review by the Protected Lands Council at this time. Ms. Jolly, one of the two partners and co-owners present today, explained that there are riding facilities on the property, and indicated them on the aerial photograph. Mr. Cowen then spoke briefly about the contents of Chapter 7 of the Pine Barrens Plan, and noted that it addresses horseback riding specifically as a recreational use.

Topics also discussed at this time included the nature of the horseback riding that occurs there; the type of building that is being proposed there, including its lack of heat; the grading that would occur; the lack of new clearing; the fact that the proposal would not result in additional rated sanitary flow; the representation that the proposed improvements were to serve existing customers, and not intensify use of the facility, or increase the number of horses boarded there; and estimates of how long the property has been used for its current purposes (including the time prior to the current ownership).

It was explained that the structure will be used for horseback riding, and that no clearing of vegetation will be required. The Commission received recent aerial photographs that showed the area of the proposed structure which is completely cleared of vegetation. There was also discussion regarding possible groundwater impacts. No sewage will be generated by this facility, and it was concluded that there would be no effects on groundwater.

*Mr. Rigano noted that the recreational “nondevelopment” provision in the law does not distinguish between public or private recreational activities. **A motion was then made by Mr. Hanley and seconded by Mr. Murphree to deem the proposed project as not constituting “development” under the pine barrens law, and specifically under Section 57-0107(13)(vii). The motion was approved by a 4-0 vote.***

Adjournment

*Summary: **A motion was made by Mr. Hanley and seconded by Mr. Murphree to adjourn the meeting. The motion was approved by a 4-0 vote, and the meeting ended at approximately 4:52 pm.***

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Suggested revision by Mr. Balin to Mr. Rigano’s 1/20/00 letter (undated; 1 page)
4. Copy of Brookhaven Town Center portion of Plan (undated; 2 pages)
5. Pine Barrens Credit Program summary (5/1/00; 1 page)
6. Air - Ground Firefighting Awareness Day announcement (5/20/00; 1 page)
7. Firewise Communities workshop materials (4/20/00; 4 pages)

8. American Tissue Corporation DEIS draft comments (undated; 13 pages)