



**CENTRAL
PINE
BARRENS**
JOINT
PLANNING
&
POLICY
COMMISSION

**Commission Meeting Summary (FINAL)
for Wednesday, November 28, 2001 (Approved 12/19/01)
Suffolk County Park Police and Pine Barrens Center,
Southaven Park, Victory Avenue, Yaphank; 2:00 pm**

Commission members present: Mr. Proios (for Suffolk County), Ms. Prusinowski (for Brookhaven), Mr. Shea (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, and Ms. Carter (from the Commission), and Mr. Spitz (from the NYS Department of Environmental Conservation). Additional attendees are shown on the attached sign-in sheet.

Robert J. Gaffney
Chair

The meeting was called to order at approximately 1:11 pm by Mr. Proios, with a four member quorum.

Vincent Cannuscio
Member

Public Comment

Summary: There were no speakers.

Ray E. Cowen
Member

Robert F. Kozakiewicz
Member

Administrative

! Summary of 11/7 meeting: review, approval

Summary: **A motion was made by Ms. Prusinowski and seconded by Mr. Shea to approve the 11/7/01 Commission meeting summary as drafted. The motion was approved by a 4-0 vote.**

John Jay LaValle
Member

Plan Implementation

! Pine Barrens Credit Program: Credits redemptions in Town approvals of development projects (*not on the original agenda*)
Summary: Mr. Proios raised the question of whether the Towns are requiring Pine Barrens Credits as part of their development project approvals. No further discussion was held.

! Wildfire Task Force: Public Education Video report

Summary: Mr. Corwin explained that the filming of the video is complete, that the Public Education Committee has been working with the Production By Design staff on the editing, and that the Commissioners would be notified of an upcoming editing session to enable them to attend or send representatives.

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- ! Core Preservation Area Residential Roadfront Exemption List: status of legislation
Summary: Mr. Corwin reported that the State Legislation to approve the Commission's recommendations to expand the Core Area Residential Roadfront Exemption list has become law. He distributed the attached summary of the legislation (Chapter 443 of the laws of 2001) and the Commission's February 2001 Plan amendment which contains the additions to the list.

Core Preservation Area

- ! Michaelangelo's Restaurant / Manorville (Brookhaven): violation status (issued 9/25)
- ! Passanante / Manorville (Brookhaven): violation status (issued 11/6)
Summary: Mr. Rigano reported that he met with the attorney and the consultant for Michaelangelo's, but that there has not yet been any resolution. He also noted that the Notice of Violation was sent out for the Passanante property.

Compatible Growth Area (CGA)

- ! Brookhaven Town Center / Yaphank (Brookhaven) / regional shopping center / Development of Regional Significance (DRS): status; possible decision extension (hearing held 10/17; decision deadline is 11/28)
*Summary: Ms. Plunkett noted that there were representatives of this project's sponsors here today, and that a written request (attached) has been received from Mr. Voorhis, a consultant for this project, for an extension of the Commission's decision deadline beyond the current 11/28/01 date. She had distributed the additional information requested by the Commission at the public hearing prior to today's meeting via mail. A brief discussion ensued regarding errors in the 11/7/01 hearing transcript for this project, as well as the extension request and the date to which the extension should be made. All members were asked to send their transcript corrections to Ms. Trezza in writing. **A motion was then made by Mr. Shea and seconded by Mr. Cowen to grant the request and, specifically, to set the new decision deadline as 1/31/02. The motion was approved by a 4-0 vote.***

An extensive discussion then followed regarding the use of the existing Dorade sewage treatment plant north of the proposed mall site for treating the mall's sanitary waste. Specifically, the discussion touched upon the current and proposed additional input flows at the Dorade plant; the compliance of the plant with its State Pollutant Discharge Elimination System permit; the lack of any current pending application to the NYS DEC for a change in the permit; the applicant's representatives statement that they have contacted the Suffolk County Department of Health Services (SC DHS) regarding proposed changes to the Dorade plant; whether the County Health Department has conveyed any information or materials to the NYS DEC; the question of whether any additional clearing is required at the Dorade site to accommodate the proposed changes to the plant, and whether that has been taken into account in the clearing information submitted by the mall sponsor in its application to the Commission;

where the application for the Dorade plant changes should be filed; the question of segmentation under the State Environmental Quality Review Act with respect to the mall application and the sewage plant upgrade; the sponsors statement that applications are pending with both the SC DHS and the Suffolk County Department of Public Works; and the applicability and currency of a groundwater impact model whose outputs are cited in the application to the Commission. Mr. Spitz stated that he thought that the DRS application pending before the Commission would include the Dorade site and ancillary land areas as part of the project site.

Core Preservation Area

The following item is within both the Core and the CGA:

- ! Iroquois Gas Pipeline / Brookhaven Town): possible intervenor filing; request for meeting by sponsor (*application likely to be filed with FERC in late November.*)
Summary: Ms. Carter reported that no application has been filed with the Federal Energy Regulatory Commission for this project as yet. She noted that potential intervenors will have 21 days following the filing of an application with FERC to request intervenor status. She also reported that the project sponsors have requested an opportunity to appear before the Commission to discuss their project.

*Following a brief discussion, the Commission decided that it will file for intervenor status once the Iroquois application is filed. **A motion was made by Mr. Cowen and seconded by Ms. Prusinowski to authorize the filing of an intervenor status request with FERC following the filing of an application by Iroquois. The motion was approved by a 4-0 vote.***

Compatible Growth Area (CGA)

- ! Eastport Senior Living / Eastport (Brookhaven) / residential site plan / Assertion of Jurisdiction: request for decision extension to 3/1/02 (*assertion made on 5/16; current decision deadline is 12/19*)
Summary: Ms. Carter reported that a letter (attached) has been received from Mr. Eric Arnesen, a representative of the project sponsor, requesting an extension of the Commission's decision deadline on this project from 12/19/01 to 3/1/02. **A motion was made by Mr. Cowen and seconded by Mr. Shea to accept and approve the new decision deadline of 3/1/02 for the Eastport Senior Living project. The motion was approved by a 4-0 vote.**

Core Preservation Area

- ! Amerada Hess / Manorville (Brookhaven) / gasoline station and convenience store site plan / hardship (*hearing held 11/7/01; not on the original agenda*)

Summary: Ms. Plunkett noted that a SEQRA determination of significance will need to be made for this project at the next meeting, and that the traffic data requested by the Commission from the project sponsor has not yet been received.

Closed Advisory Session

Summary: **A motion was made by Mr. Shea and seconded by Mr. Cowen 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 3:08 pm to 3:55 pm.**

Core Preservation Area

- ! Gazza / Westhampton (Southampton) / home residence office site plan / hardship: status (*hearing held 9/5; decision deadline is 1/8/02*)
- ! Gazza / Westhampton (Southampton) / core boundary change request: status; possible decision (*hearing held 4/25; no decision deadline*)
- ! Gazza / Westhampton (Southampton) / clearing (for beach grass production) site plans / seven hardships: SEQRA determinations of significance (*hearings held 9/5; decision deadlines are all 1/8/02*)
- ! Gazza / Westhampton (Southampton) / agricultural building site plan / hardship: status (*hearing held 9/13/00*)

Summary: Ms. Plunkett distributed the two attached staff reports, one for the proposed clearing of portions of seven lots for growing beach grass, and one for the proposed home occupational office. These included recommendations for SEQRA determinations of significance. Mr. Gazza was present, distributed two letters regarding the proposed beach grass projects, and spoke with the Commission regarding his projects.

He stated that he is trying to be reasonable; that he has pursued a swap with Suffolk County involving his land on the west side of County Road 31, and has had many meetings regarding this; that he has pursued acquisition of his properties with the Town, County, and State, but without success; that he has considered moving development around on the parcels; that he has pursued a hotel as one possibility; and that the growing of beach grass was a final resort. He also noted some of the questions that have arisen regarding the agricultural nature of some of his proposals, and whether they are unlisted actions under the State Environmental Quality Review Act (SEQRA) or not; that he has received a long and detailed scoping list from the Commission for one of his projects; that he has spoken with SEQRA experts; that he believes that some of his projects are Type II actions under SEQRA; that clearing is a generally acceptable principle of farming, and that he feels that is has been for centuries; and that he will has a tax bill of approximately \$9000. He asked where these projects are headed.

Mr. Shea then briefly discussed the SEQRA process that is underway, and Mr.

Proios the issues relating to the County airport property in Westhampton. It was decided that the Commission would review the staff reports and make a decision with regard to SEQRA at the next meeting.

Adjournment

Summary: A motion was made by Ms. Prusinowski and seconded by Mr. Cowen to adjourn. The motion was approved by a 4-0 vote, and the meeting ended at approximately 4:37 pm.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Legislation and Plan amendment re the Core Exemption List (undated; 8 pages)
4. Letter requesting extension of Brookhaven Town Center decision (11/28/01; 1 page)
5. Letter requesting extension of Eastport Senior Living decision (11/20/01; 1 page)
6. Staff report re proposed clearing for beach grass growing (11/27/01; 12 pages)
7. Staff report re proposed home occupational office (11/27/01; 2 pages)
8. Letters distributed by Mr. Gazza re his projects (miscellaneous dates; 14 pages)