



**CENTRAL  
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BARRENS**  
JOINT  
PLANNING  
&  
POLICY  
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**Commission Meeting Summary (FINAL)  
for Wednesday, October 2, 2002 (Approved 10/23/02)  
Riverhead Town Hall; 200 Howell Ave; Riverhead  
2:00 pm**

Commission members present: Mr. Proios (for Suffolk County), Ms. Prusinowski and Ms. Compitello (for Brookhaven), Mr. MacLellan (for Riverhead), Supervisor Heaney and 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. Jakobsen, and Ms. Carter (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation), Brookhaven Planning Commissioner Dan Gulizio, Southampton Town Attorney's Office staff member Ms. Kimberly Judd, and Suffolk County Water Authority Chief Executive Officer and Advisory Committee Chair Mr. Stephen Jones. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:10 pm by Mr. Proios, with a five member quorum present.

**Public Comment**

Summary: The first speaker was Mr. Doug Dittko, representing the Manorville - East Moriches Civic Association (MEMCA). He stated that the proposed Eastport Senior Living project is in the wrong area; that it is a case of spot zoning; and that MEMCA has collected signatures on petitions opposing the project (which he submitted and are attached here). He also submitted the attached editorial from The Press of Manorville and the Moriches.

The second speaker was Mr. Peter Rudin, President of the Manorville - East Moriches Civic Association. He stated that the proposed Eastport Senior Living project is a high density increase from the current one acre zoning; that the accompanying sewage treatment plant would be in a watershed area; that this is not the type of growth that citizens envision for the area; that this project will be a precedent; and that the Commission should disapprove the project.

The third speaker was Mr. Alan Stadler of the Ridge Civic Association. He stated that there is potential clearing proposed for the Ridge Elementary School property (part of the Longwood School District) in Ridge; that the property is flagged; that the site is adjacent to the County's Pine Trail Nature Preserve and the NYS DEC Ridge property; that the corridor is a game corridor; that it is his understanding that the site will be used for the construction of six soccer fields for the Longwood Youth Sports Association; and that he is requesting that the Commission investigate this matter to see that the proponents are abiding by applicable rules.

**Administrative**

! Meeting summary for 9/4: review, approval (faxed)

Summary: It was agreed that this will be held until the next meeting.

## **Pine Barrens Credit Program**

### **! Program status**

Summary: Mr. Corwin noted that a conservation easement for a parcel in the Pine Barrens Credit program is ready for Mr. Proios' signature today, and it was agreed that he will sign that later. Mr. Corwin also reported that Mr. Randolph of the Commission staff has assumed the bulk of the Credit program daily work that Mr. Rizzo formerly did, with Mr. Randolph receiving assistance from the other Commission staff with site specific reports and administrative tasks.

## **Plan Implementation**

### **! Advisory Committee: results of 9/25 meeting (Stephen Jones, Chair)**

Summary: Mr. Jones, CEO of the Suffolk County Water Authority and the Chair of the Central Pine Barrens Advisory Committee was present today and reported on the discussions that the Committee held at its 9/25/02 meeting. Mr. Richard Amper of the LI Pine Barrens Society and Vice Chair of the Advisory Committee was also present for today's discussion.

Mr. Jones reported that the Committee discussed several topics, including the proposed enforcement amendments to NY ECL Article 57; the natural gas pipeline projects partly within the pine barrens that are pending before the Federal Energy Regulatory Commission (FERC); the purpose of the Committee's work; the current and recent zone change proposals in the Compatible Growth Area (CGA); and the question of how the Committee members should communicate (i.e., in person or by other means) in the future.

With respect to the enforcement legislation, the Committee discussed various specific language changes to the text of the bill from the last State legislative session regarding the monetary penalties and the conditions under which they would apply, whether the penalties would be cumulative, what actions would start or stop the penalties, the possibility of language that reaffirms the Towns' authority in enforcing the pine barrens law, and the role of the NY State Attorney General in enforcement. Mr. Heaney asked about the disposition of any fines that might be levied and collected, and Mr. Jones stated that the Committee has looked only at the deterrent aspect of the penalties. Mr. Heaney stated that he believes that any fines should stay within the jurisdiction in which they are collected, and that they should be used for purposes such as protecting drinking water and preserving habitat.

With respect to the pending pipeline proposals, the Committee discussed the eastward branch, or "Calverton lateral" portion of the Islander East Pipeline, and passed a resolution to recommend that the Commission support the original, NYS Route 25A route for that lateral branch, as opposed to the NYS Route 25 path for that same lateral for which the FERC staff has recently expressed support. A brief discussion ensued regarding the specific version of the NYS Route 25A lateral (i.e., the utility corridor on the north side of Route 25A or the path along the south side of Route 25A) which the Committee supported. Mr. Jones explained that the Committee had not distinguished between those two versions of the Route 25A proposal. Mr. Jones also noted that the Committee has further recommended to the Commission that, if there is to be more than one pipeline in the same area, every effort should be made to minimize the disturbance and avoid duplicate clearing.

*With respect to the purpose of the Committee, Mr. Jones reported that there were two points of view on the Committee, one that the Committee should only advise the Commission and the other that other parties should be communicated with as well.*

*With respect to the CGA zone changes, Mr. Jones noted that some of the Committee members felt that this issue is simply not addressed in the pine barrens law or the Plan, while others felt that this goes to the heart of the purpose for having a plan for the pine barrens. He reported that topics discussed by the Committee include requiring that Pine Barrens Credits be redeemed when zone changes are granted; that the environmental reviews conducted at the inception of the Plan need to be updated; that the current growth patterns are not compact or smart growth compatible; and that the role of the Suffolk County Planning Commission could be strengthened by a County law change to give it more authority over zone changes in the pine barrens.*

*With respect to communications among the Committee members, Mr. Jones reported that the Committee has agreed to continue meeting in person. He also noted that the Committee may form a subcommittee to study zoning changes.*

*Mr. Amper then commented briefly upon these items, and noted that it might be useful to have the Commission staff look at the zone changes granted or proposed to date. He also asked whether there is a process for the Towns to notify the Commission when a zone change is contemplated.*

*The discussion then turned to the enforcement legislation, including the purpose of the legislation, the need to allow violators of the pine barrens law a chance to address problems, the question of daily fines, which existing agencies could enforce the pine barrens law, the question of a base level fine, how to determine whether a violator has made, or is making, an attempt to rectify violations, the approach used in enforcing other sections of the ECL, and a past violation in Southampton Town that was addressed by the Town and the Commission.*

Mr. Jones left at this point.

#### **Closed Advisory Session**

*Summary: A motion was made by Mr. Heaney 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 5-0 vote, and the Commission entered into closed session from approximately 2:51 pm to 3:33 pm.*

Supervisor Heaney and Ms. Judd left after the advisory session. A five member quorum remained.

#### **Compatible Growth Area (CGA)**

! Eastport Senior Living / Eastport (Brookhaven) / planned retirement community / Assertion of Jurisdiction: decision (*jurisdiction asserted 5/16/01; hearing held 9/4/02; decision deadline is today*)

*Summary: Mr. David Sloane, an attorney representing the project sponsor, was present for this discussion. He agreed to an extension of the Commission's decision deadline for this project, and a motion was then made by Mr. Shea and seconded by Mr. MacLellan to agree to the extension of the Commission's decision deadline for the Eastport Senior Living project to 10/23/02. The motion was approved by a 5-0 vote.*

### **Core Preservation Area**

- ! Long Island Live Steamers / Southaven County park, Yaphank (Brookhaven) / recreational train track: determination of jurisdiction

Summary: Ms. Jakobsen noted that the Commission has received a letter from the Suffolk County Parks Department on behalf of a current, private, not for profit organization which is a licensee at Southaven County Park in Yaphank. The organization is the Long Island Live Steamers, a recreational group which operates a scale model, working railroad in the park. She noted that this a determination of jurisdiction for a proposal to replace portions of the existing facility, including portions of the train track, and to extend the facility into a previously unused portion of the license area in the park.

Mr. Nicholas Gibbons, an environmental analyst with SC Parks, was present for today's discussion along with Mr. Robert Lindemann, a representative of the LI Live Steamers. Mr. Gibbons explained that the operation is on the west side of the park; that it has been there for approximately 30 years; and that, in 2001, an area approximately 7 or 8 acres in size was defined in a license agreement between the organization and the Parks Department. The attached materials were distributed and discussed. Mr. Gibbons described the proposed switching station, the train car storage area, the sample photos from another scale model train location (not Southaven Park), the route that the track expansion would take, the need to remove approximately 25 mature trees for the expansion, and the proposed work schedule.

Mr. Lindemann then described the "high line" portion of the current and proposed track layout; the origin of the facility under then Parks Commissioner Charles Dominy and the access from Gerard Road in approximately 1975; the construction of the original "high line" from untreated materials and its deterioration over time; the need for changing the track alignment; safety issues and other operational problems that currently exist; the fact that the "main line" of the layout is the principal attraction; the increase from approximately 800 feet of "high line" track presently to approximately 1400 feet; and the not for profit nature of the organization.

A long discussion ensued regarding, in part, the construction details; safety issues; levels of both current and projected usage; what the expected increase in visitors might be; and the educational aspects of the facility.

- ! Menechino / Calverton (Riverhead) / determination of jurisdiction: discussion

Summary: Ms. Jakobsen distributed the attached materials regarding this proposed project involving the construction of a shed for several horses on SCTM parcel 600-148-2-8 in the Calverton area of Riverhead Town. Ms. Alicia Menechino was present for the discussion. The proposed lean to would be on a 5.3 acre lot in an area zoned Natural Resource Protection which currently has an existing house. After a brief discussion, it was agreed that the project does not constitute development under the pine barrens law.

### **Core Preservation Area**

- ! Amerada Hess / Manorville (Brookhaven) / site plan, zone change / hardship: DEIS review status (hearing held 11/7/01; decision deadline is 10/23/02)

Summary: Ms. Carter distributed the revised Draft Environmental Impact Statement (DEIS) for this project, noted that it was determined to be complete, that copies have been sent to involved agencies, and that comments on it are due by 10/28/02. A discussion ensued regarding the pine barrens decision deadline, the SEQRA steps that are next, and the scheduling of a public hearing on the DEIS.

### **Core Preservation Area and Administrative**

- ! Amerada Hess / Manorville (Brookhaven) / site plan, zone change / hardship: DEIS review status (*hearing held 11/7/01; decision deadline is 10/23/02*)

**Summary: A motion was made by Mr. Cowen and seconded by Mr. Proios to (1) cancel the previously scheduled Commission meeting on 11/13/02; (2) to schedule a Commission meeting on 11/20/02 at 4:00 pm at a location to be determined by Commission staff; and (3) to schedule a public hearing on the Hess Draft EIS for 7:00 pm at the 11/20/02 Commission meeting. The motion was approved by a 5-0 vote.**

### **Core Preservation Area**

- ! Marshall / Middle Island (Brookhaven) / single family home / hardship: decision (*hearing held 7/10; from 9/4; decision deadline is today*)

**Summary: Today's discussion touched upon the aspects of this project covered at the last meeting, including the current Letter of Interpretation application for this parcel which is currently pending through the Pine Barrens Credit program. A motion was then made by Mr. Proios and seconded by Mr. MacLellan to approve the Marshall / Middle Island core hardship application with the conditions (1) that the development must be located in the southeast corner of the parcel, and (2) that the project comply with all appropriate Town conditions for clearing. The motion was approved by a 3-0-2 vote, with the abstaining votes cast by Mr. Cowen and Ms. Compitello.**

### **Plan Implementation**

- ! Clearing standard for zone change parcels: draft resolution (*from 9/4*)

**Summary: A brief discussion occurred regarding this previously discussed and distributed draft resolution regarding the application of the Pine Barrens Plan clearing standard to CGA parcels with a proposed zone change. Mr. Shea stated that he felt that the topic should be addressed on a site by site basis. It was agreed to hold this matter until the next meeting.**

### **Administrative**

- ! Discussion of next meeting's agenda (*not on the original agenda*)

**Summary: A brief discussion occurred regarding the possible topics for the next Commission meeting. It was agreed that the agenda will include the proposed enforcement legislation.**

### **Closed Advisory Session**

**Summary: A motion was made by Mr. Cowen and seconded by Mr. MacLellan to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 5-0 vote, and the Commission entered into closed session from approximately 5:20 pm to 6:00 pm.**

### **Core Preservation Area**

- ! Long Island Live Steamers / Southaven County park, Yaphank (Brookhaven) / recreational train track: determination of jurisdiction

**Summary: A motion was made by Mr. Proios and seconded by Ms. Compitello to deem the LI Live Steamers project to not be development under the pine barrens**

***law, and to note that the use is an existing recreational activity. A discussion ensued regarding the details of the project site and its history. It was noted as part of the motion that the activity has been there for approximately thirty years; that there is a need to upgrade the facility for the sake of public safety; that the project will involve the elimination of standing water; that the proposed expansion is limited and involves less than 0.1 acre of clearing; that the expansion is approximately 6 feet by 700 feet in size; and that there will be no material increase in the intensity of use. The motion was approved by a 3-1-1 vote, with the dissenting vote cast by Mr. Cowen, and the abstaining vote cast by Mr. Shea.***

#### **Adjournment**

*Summary: The meeting was then adjourned at approximately 6:23 pm without a formal adjournment resolution.*

#### **Attachments (in order of discussion):**

1. Attendance sheet (10/2/02; 2 pages)
2. Speaker sign in sheet (10/2/02; 1 page)
3. Petition regarding the Eastport Senior Living project (undated; 3 pages)
4. Press of Manorville and the Moriches editorial re Eastport Senior Living (9/20/02; 1 pages)
5. LI Live Steamers materials (undated; 14 pages)
6. Menechino determination of jurisdiction materials (9/16/02; 4 pages)