

**Pine Barrens Commission Meeting Summary (Final)
for Wednesday October 19, 2011 (Approved-11/16/11)
SCWA Coram Training Center
Route 112, Coram, NY**

2:00 pm

Commission members present: Mr. Scully (for New York State), Ms. Lansdale and Mr. Culhane (for Suffolk County), Mr. Lesko (for Brookhaven), Mr. McCormick (for Riverhead), Mr. Murphree (for Southampton)

Others present: Staff counsel was Mr. Milazzo. Commission and other agency staff members included Mr. Pavacic, Ms. Jakobsen, Ms. Hargrave, Ms. Ostrowski, (from the Commission). Additional attendees are shown on the attached sign-in sheet.

Peter A. Scully
Chair

The meeting was called to order at approximately 2:15 pm by Mr. Scully, with a four member quorum present. The Pledge of Allegiance was recited.

Mark Lesko
Member

Public Comment and Administrative

Steve A. Levy
Member

Public Comment

Anna E. Throne-Holst
Member

Summary: Ms. Johan McConnell, representing the South Yaphank Civic Association, expressed her concerns regarding the recent court decision in favor of the County on litigation related to the site of the Trap and Skeet Range at Southaven County Park. She stated that the Civic Association was disappointed in the Commission's decision not to appeal, and she displayed a board containing photographs from 2001 and 2006 she felt supported the fact that the trap and skeet range was abandoned.

Sean M. Walter
Member

Minutes for 9/21/11

Summary: The motion was made by Mr. Murphree and seconded by Ms. Lansdale to approve the 9/21/11 meeting summary. The motion was approved by 4-0 vote.

NYS DEC contract with the Commission

Summary: Mr. Pavacic noted that at the July 20th Commission meeting, a resolution was approved by the Commission that authorized the Chair to sign the DEC and Central Pine Barrens Joint Planning and Policy Commission contract C304142 extension. Since then, the contract has been signed and the Commission has received its first reimbursement check from the State for the first quarter of the 2011-2012 fiscal year. At the same meeting the operating budget for \$1.1 million was approved by the Commission. There will be a work session scheduled with the Commission members to discuss a budget for the \$900,000 in carryover funds due to the Commission from the State.

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Mr. Pavacic noted that capitol projects and projects requiring management agreements will need RFPs. Materials related to the proposed budget items for the carryover funds will be provided to the Commission members for review prior to the work session.

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Science and Stewardship

Summary: Mr Pavacic mentioned that the 16th Annual Research Forum was held on October 6th and 7th at Brookhaven National Laboratory (BNL). He noted that the October 7th Twinings web conference between the students of Pisa Italy and local high schools was a successful event. Copies of the Research Forum program were distributed at the meeting to the Commission members.

New York Wildfire and Incident Management Academy

Summary: Mr. Pavacic mentioned that the 2011 NY Wildfire and Incident Management Academy (NYWIMA) at Brookhaven National Laboratory (BNL) will begin on October 21st and end on October 30th. He noted there are approximately 300 attendees expected from the northeast, the east coast, Canada, Colorado and other western states, and 10 attendees are coming from Spain. For the first time a Damage and Debris Cleanup course is being offered at the Academy that will focus on storm damage recovery such as what happened with Hurricane Irene in August of this year. The Academy's office has been moved from its location in Rocky Point to an office in the SCWA Training Center in Coram.

Commission FY 2010 Audit

Summary: Mr. Pavacic discussed the previously distributed KPMG Audit report (attached) and he stated, as in previous years, there were no adverse findings.

The motion was made by Mr. Murphree and seconded by Mr. Scully to accept and approve the KPMG Audit Report. The motion was approved by 4-0 vote.

Land Use**Planning and Land Use****Proposed Amendments to Chapter 5 and 6 - Mandatory Credit Redemption Requirement and Non-Residential Credit Allocation Formula**

Summary: Mr. Pavacic discussed the previously distributed Draft SEQRA documents (attached) related to the proposed CLUP Amendments for a Mandatory Credit Redemption Requirement and Credit allocation formula. He asked the Commission members to consider adopting the negative declaration proposed for these CLUP amendments adoption at the November meeting along with authorizing the issuance of public notice of the Commission's intent to vote on the Plan Amendments at the December meeting. He mentioned that a Plan Amendment Technical Work Session was held on September 27th to review the latter half of the Chapter 5 Amendments and a final work session will be scheduled to review all of the items that were placed in the parking lot at the previous work sessions. After the final work session with Commission representatives, a work session will be scheduled with the Commission members to review all of the proposed Amendments.

Pine Barrens Presentation to the Town of Brookhaven Parks and Recreation Department

Summary: Mr. Pavacic noted that on October 3rd, Commission staff provided a training seminar to the staff from the Town of Brookhaven Parks and Recreation Department. As part of the terms of the Order on Consent agreement between the Commission and Brookhaven Town, the Parks Department's staff was required to attend the seminar in order to prevent future over clearing incidents. The training session included a power point presentation, and maps and a letter was also sent to the Commissioner of Parks stating that if necessary additional training can be provided. According to the Order on Consent agreement, the next milestone for the Town to meet involves the submittal of a revegetation plan to the Commission.

Project Review

Compatible Growth Area (CGA)

The Meadows at Yaphank DRS / Yaphank (200-552-1-1.3 and 3, 200-584-2-1.3)

Summary: Ms Hargrave discussed the attached Draft Findings Statement and the attached Draft Resolution that was previously distributed for The Meadows at Yaphank DRS and she stated the project complies with the Standards and Guidelines of the Comprehensive Land Use Plan (CLUP). She noted that the conditions for approval include, redemption of 5 Pine Barrens Credits, a Conservation Easement to be placed on the area that will remain natural, and the filing of all maps and permits associated with the project from other agencies. Ms. Hargrave noted that the approval will expire in ten years and if all phases of the project are not fully constructed and completed, the applicant would need to come back to the Commission for reauthorization. Mr. Pavacic further highlighted the condition for approval that states that the Commission will review future site specific development projects that are not addressed in the project's GEIS to ensure their consistency with the Standards and Guidelines of the CLUP. A clarification to condition number 4 of the approval resolution was made by adding that the approval will expire in 10 years from the date of approval and the applicant will need to reapply.

The motion was made by Mr. Murphree and seconded by Ms. Lansdale to approve the Resolution as modified for the Meadows at Yaphank DRS project. The motion was approved by 4-0 vote.

Island Water Park CGA Hardship /Calverton (600-135-1-7.39) schedule public hearing

Summary: The motion was made by Mr. Scully and seconded by Mr. Murphree to schedule a public hearing for this application for the November 16th meeting at 3:00 p.m. The motion was approved by a 4-0 vote.

The motion was made by Mr. Scully and seconded by Mr. Murphree to go into advisory session to discuss an enforcement matter. The motion was approved by a 4-0 vote.

The Commission Board went into an advisory session approximately at 2:30 pm and returned to public session approximately at 2:45 pm. Mr. Lesko arrived at the meeting at approximately 2:45 p.m. He asked that the record reflect that if he had been present during the decision on the Meadows at Yaphank Project that he would have voted in favor of it.

Hearing 3:00 p.m.

Colgate Design Corp./ Franklin Johnson, Inc. (7-Eleven, Ridge) Core Preservation area CGA Extraordinary Hardship

Summary: Ms. Hargrave presented and discussed maps of the project site and during the hearing staff exhibits were distributed. A separate stenographic transcript exists for this hearing.

Adjournment

Summary: A motion was made by Mr. Murphree and seconded by Mr. Lesko to adjourn. The motion was approved by a 5-0 vote, and the meeting ended at approximately 3:35 pm.

Attachments (in order of discussion):

1. Attendance sheet (10/19/11; 1 page)
2. KPMG Auditors Report; dated 9/23/11
3. Colgate Design Corp. Draft Staff Report; dated 10/14/11
3. The Meadows At Yaphank PDD, Draft Findings Statement; dated 10/14/11
4. The Meadows At Yaphank; draft Resolution
5. The Meadows At Yaphank; final Resolution