

In the Matter Of:  
LEWIS ROAD PLANNED RESIDENTIAL DEVELOPMENT  
ASSERTION of JURISDICTION APPLICATION  
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TOWN OF RIVERHEAD PUBLIC HEARING  
November 18th, 2020

RECEIVED  
DEC 04 2020  
Central Pine Barrens Joint  
Planning & Policy Commission

CENTRAL PINE BARRENS  
PLANNING & POLICY  
COMMISSION  
VIA ZOOM VIDEO CONFERENCE  
November 18, 2020  
3:00 p.m.

A P P E A R A N C E S:

CARRIE MEEK GALLAGHER, Chairwoman  
EDWARD P. ROMAIN, Member, Supervisor  
JAY H. SCHNEIDERMAN, Member, Supervisor  
YVETTE AGUIOR, Member, Supervisor  
JOHN MILAZZO, ESQ., Legal Counsel  
JOHN PAVACIC, Executive Director  
DANIEL P. MCCORMICK, Deputy Town Attorney

A L S O P R E S E N T:

JULIE HARGRAVE, Principal Environmental Planner  
CHARLES VOORHIS, ESQ., Nelson, Pope and Voorhis  
WAYNE D. BRUYN, ESQ., O'Shea, Marcincuk & Bruyn, LLP  
ASSEMBLYMAN FRED THIELE  
RICHARD AMPER, Long Island Pine Barrens Society  
ROBERT DELUCA, Group for the East End  
WILLIAM KEARNS, Resident  
MARISSA BRIDGE, East Quogue Civic Association  
MITCH PALLY, Long Island Builders Institute  
ANDREA SPILKA, Southampton Civic Coalition  
GEORGE LYNCH, Resident  
MICHAEL ALESTRA, Resident  
ELIZABETH JACKSON, Resident  
MICHAEL MIRINO, Resident

(Whereupon, this portion of the  
proceedings began at 3:00 p.m., after  
which the following transpired.)

MR. PAVACIC: Welcome folks.

My name is John Pavacic.

I am the Executive Director of the  
Central Pine Barrens Commission.

And I am going to read the notice  
of public hearing for the record.

Pursuant to New York State  
Environmental Conservation Law, notice is  
hereby given that the Central Pine Barrens  
Joint Planning and Policy Commission will  
hold a public hearing on November 18th,  
2020 on the following application.

The name of the project is: Lewis  
Road Planned Residential Development  
Assertion of Jurisdiction Application.

The Applicant: Mark Hissey, Senior  
Vice President for Discovery Land Company  
for DLV Quogue, LLC; DLV Quogue Owner,  
LLC; DLV Parlato Parcel 1, LLC; DLV  
Parlato Parcel 2, LLC; DLV Parlato Parcel  
3, LLC; DLV Parlato Parcel 4, LLC; DLV

<p>5</p> <p>1</p> <p>2 Parlato Parcel 5, LLC; DLV Parlato Parcel</p> <p>3 6, LLC.</p> <p>4 Applicant's Representative:</p> <p>5 Charles J. Voorhis of Nelson Pope and</p> <p>6 Voorhis and Wayne D. Bruyn of O'Shea,</p> <p>7 Marcincuk and Bruyn, LLP, Attorney.</p> <p>8 The Project Site Suffolk County Tax</p> <p>9 Map Numbers: Include 608.45 acres on</p> <p>10 approximately 176 tax map parcels in the</p> <p>11 Town of Southampton in District 900</p> <p>12 Sections 203, 219, 220, 250, 251, 288,</p> <p>13 289, 314.</p> <p>14 The Location of the project is: In</p> <p>15 the unincorporated hamlet of East Quogue,</p> <p>16 in the Town of Southampton, and is east of</p> <p>17 Lewis Road, north and south of Sunrise</p> <p>18 Highway, west of Malloy Drive. The</p> <p>19 project is in the Compatible Growth Area</p> <p>20 and Core Preservation Area of the Central</p> <p>21 Pine Barrens and contains a portion in the</p> <p>22 Critical Resource Area.</p> <p>23 The project description: The</p> <p>24 Applicant proposes the development of a</p> <p>25 subdivision with a 118 seasonal</p>	<p>7</p> <p>1</p> <p>2 well as Unfragmented Open Space."</p> <p>3 To submit comments to the</p> <p>4 Commission in advance of the meeting you</p> <p>5 may submit comments via e-mail to</p> <p>6 info@PB.state.ny.us or regular mail to the</p> <p>7 Commission office.</p> <p>8 The hearing will be held remotely</p> <p>9 at 3:00 p.m. on Wednesday, November 18th,</p> <p>10 2020, via Zoom format. The Zoom Meeting</p> <p>11 link will be provided on the Commission's</p> <p>12 website, and project materials are posted</p> <p>13 at <a href="https://pb.state.ny.us">https://pb.state.ny.us</a>.</p> <p>14 MR. MILAZZO: Good afternoon</p> <p>15 everybody.</p> <p>16 I am John Milazzo. I am Commission</p> <p>17 counsel.</p> <p>18 And I just wanted to establish some</p> <p>19 rules for today's hearing and also just to</p> <p>20 go over what the Commission is</p> <p>21 considering.</p> <p>22 We will hear a presentation from</p> <p>23 staff Julie Hargrave on a Staff Report and</p> <p>24 a summary of the project. And Chick</p> <p>25 Voorhis will be invited to make a brief</p>
<p>6</p> <p>1</p> <p>2 single-family and 12 year-round workforce</p> <p>3 housing residences, a private 18-hole golf</p> <p>4 course, a sewage treatment plant and other</p> <p>5 infrastructure, a clubhouse and other</p> <p>6 recreational uses, ponds and public and</p> <p>7 private open space.</p> <p>8 The project is a Type 1 Action</p> <p>9 pursuant to the State Environmental</p> <p>10 Quality Review Act. The Central Pine</p> <p>11 Barrens Commission is an Involved Agency</p> <p>12 and asserted review jurisdiction over the</p> <p>13 project on May 15th, 2019. Two hearings</p> <p>14 have occurred on the project on</p> <p>15 February 19th, 2020 and August 19th, 2020.</p> <p>16 The November 18th, 2020 hearing is focused</p> <p>17 on and comments should be directed to the</p> <p>18 review of the most recent October 9th,</p> <p>19 2020 submission by the Applicant. In its</p> <p>20 October 9th, 2020 cover letter the</p> <p>21 Applicant states, "These plans have been</p> <p>22 revised in coordination with the Town of</p> <p>23 Southampton to address primarily</p> <p>24 Vegetation Clearance Limits and Slope</p> <p>25 Analysis related to Standards/Guideline as</p>	<p>8</p> <p>1</p> <p>2 presentation by Chick. How are you?</p> <p>3 MR. VOORHIS: Hello, John.</p> <p>4 MR. MILAZZO: Hi, Chick.</p> <p>5 He will share his screen with some</p> <p>6 of the information that is relevant to</p> <p>7 their presentation. At that time, the</p> <p>8 Commission will receive questions from</p> <p>9 Commission members and representatives.</p> <p>10 After those questions and answers are</p> <p>11 provided, we will then open it up to</p> <p>12 people that have submitted a request to</p> <p>13 speak. We will start with Fred Thiele,</p> <p>14 Assemblyman Fred Thiele, and then go down</p> <p>15 the list. The process for being heard</p> <p>16 will be to raise your hand in the Chat bar</p> <p>17 and then we will invite you in. We</p> <p>18 encourage comments be less than -- what's</p> <p>19 that time limit? Three minutes, John?</p> <p>20 MR. PAVACIC: Five minutes.</p> <p>21 MR. MILAZZO: Five minutes. Or</p> <p>22 three. Three is better than five.</p> <p>23 And then the -- there will not be a</p> <p>24 decision today. The matter will then be</p> <p>25 closed and the Commission will decide to</p>

<p>9</p> <p>1</p> <p>2 whether to keep the hearing open or keep</p> <p>3 the hearing closed, keep the record open,</p> <p>4 close the record, et cetera.</p> <p>5 The other item is that the</p> <p>6 Commission is only reviewing this</p> <p>7 project -- and I use the word only and</p> <p>8 people try as a descriptive -- to</p> <p>9 determine whether it conforms to Standards</p> <p>10 and Guidelines of the plan. That's the</p> <p>11 review. If it conforms to Standards and</p> <p>12 Guidelines. The project is determined by</p> <p>13 the Commission to conform. It is done</p> <p>14 with its Commission review, it proceeds to</p> <p>15 whatever steps are next for the Applicant</p> <p>16 and the Commission is not part of that</p> <p>17 process. If the Commission finds that it</p> <p>18 does not conform to all of the Standards</p> <p>19 and Guidelines, the Applicant will have a</p> <p>20 choice. The Applicant can modify the</p> <p>21 project to make it conform or they can</p> <p>22 submit a Hardship request at which point</p> <p>23 the Commission would be empowered to grant</p> <p>24 a waiver from strict compliance with that</p> <p>25 Standard or Guideline that it did not</p>	<p>11</p> <p>1</p> <p>2 Steep Slopes. And I will summarize that</p> <p>3 material a little more in a moment.</p> <p>4 The report also contains a timeline</p> <p>5 for the application when materials were</p> <p>6 received -- or have been received since</p> <p>7 December of 2019 and the February and</p> <p>8 August hearings that occurred on this</p> <p>9 application.</p> <p>10 The report also identifies the</p> <p>11 Commission has transmitted five letters,</p> <p>12 Staff Reports and resolutions on the Lewis</p> <p>13 Road project since 2019 addressing the</p> <p>14 project's conformance with the</p> <p>15 Comprehensive Land Use plan. The report</p> <p>16 lists the Standards and Guidelines covered</p> <p>17 in the October 9th submission.</p> <p>18 And this morning, the Applicant</p> <p>19 submitted material including responses to</p> <p>20 the questions of space in the Staff</p> <p>21 Report. The material was forwarded to the</p> <p>22 Commission and also posted on the website</p> <p>23 this morning. We will need additional</p> <p>24 time after this hearing to review and</p> <p>25 incorporate that material into the review.</p>
<p>10</p> <p>1</p> <p>2 conform to. That decision would be up to</p> <p>3 the Applicant, and the Commission will</p> <p>4 start a new review process with a new</p> <p>5 submission and another public hearing.</p> <p>6 That's the scope of the</p> <p>7 Commission's decision making process in</p> <p>8 this application. And with that, I turn</p> <p>9 it to John or Julie Hargrave for the next</p> <p>10 presentation.</p> <p>11 MR. PAVACIC: At this point, we</p> <p>12 will ask Julie Hargrave our Principle and</p> <p>13 Environmental Planner to make a</p> <p>14 presentation.</p> <p>15 MS. HARGRAVE: Thank you.</p> <p>16 Good afternoon.</p> <p>17 I will try to go to the Staff</p> <p>18 Report that was provided to the Commission</p> <p>19 and posted on the website for the public</p> <p>20 and for the Applicant. It reviews the</p> <p>21 October 9th submission that contains</p> <p>22 changes to the June plans that were</p> <p>23 submitted by the Applicant.</p> <p>24 The October 9th submissions focuses</p> <p>25 on clearing of unfragmented Open Space and</p>	<p>12</p> <p>1</p> <p>2 So the Staff Report reviews the</p> <p>3 Standards and Guidelines that pertain to</p> <p>4 natural recharge and drainage, including</p> <p>5 drainage reserve areas, pond areas,</p> <p>6 Unfragmented Open Space, including</p> <p>7 identifying the different areas of Open</p> <p>8 Space in the project. Areas that will be</p> <p>9 dedicated and areas that are distributed</p> <p>10 to be Open Space north of Sunrise Highway,</p> <p>11 south of Sunrise Highway and within the</p> <p>12 different larger areas that were defined</p> <p>13 by the Applicant; The Hills north, The</p> <p>14 Hills south, Parlato and Kracke. And</p> <p>15 those are all made up of many parcels</p> <p>16 within each defined area.</p> <p>17 We covered asking for quantifying</p> <p>18 the areas of buffers and corridors of</p> <p>19 trees that were between developed uses and</p> <p>20 areas such as the golf course and</p> <p>21 residential parts of the project.</p> <p>22 Clearing Envelopes, Erosion and</p> <p>23 Sediment Control Plans and the placement</p> <p>24 of roadways, the Guidelines identify that</p> <p>25 approximately 6.7 acres of the development</p>

<p>13</p> <p>1 will be -- will occur on slopes greater</p> <p>2 than ten percent grade. And that's</p> <p>3 approximately 1.1 percent of the 608 acre</p> <p>4 project site, or approximately 309 percent</p> <p>5 -- I'm sorry -- 3.9 percent of the 171</p> <p>6 acre cleared area to be developed in this</p> <p>7 project.</p> <p>8 The Applicant has distinguished</p> <p>9 Steep Slopes in this project from</p> <p>10 vegetated Steep Slopes and unvegetated</p> <p>11 Steep Slopes to further refine where</p> <p>12 slopes will be disturbed and what the</p> <p>13 condition of the existing slopes is at</p> <p>14 this time.</p> <p>15 So, again, after the hearing today,</p> <p>16 there will be essentially a written</p> <p>17 comment period, and the hearing would be</p> <p>18 made closed to December 19th and there</p> <p>19 will be a discussion for having</p> <p>20 deliberation for early January over this</p> <p>21 project and then the current deadline is</p> <p>22 January 20th.</p> <p>23 So I think that's -- you have the</p> <p>24 report if you have any questions. I think</p> <p>25</p>	<p>15</p> <p>1 acres, it has always involved 118 units.</p> <p>2 The density is about less than</p> <p>3 (inaudible)per acre. It always had</p> <p>4 recreational amenities. John mentioned</p> <p>5 this. And also it includes a donation of</p> <p>6 four acres to the Suffolk County Water</p> <p>7 Authority (inaudible). Twelve workforce</p> <p>8 housing units which was requested to be</p> <p>9 placed on site by the Town. And as John</p> <p>10 has mentioned, it has a sewage treatment</p> <p>11 plant (inaudible) to treatment levels. We</p> <p>12 have --</p> <p>13 MR. PAVACIC: (Interjecting) Chick,</p> <p>14 excuse me.</p> <p>15 Could you increase the volume</p> <p>16 somehow? It's a little hard to hear you.</p> <p>17 MR. VOORHIS: Let me see what I can</p> <p>18 do.</p> <p>19 I will get a little closer, I will</p> <p>20 speak up and I increased the volume.</p> <p>21 MR. PAVACIC: Thank you.</p> <p>22 MR. VOORHIS: Thanks, John.</p> <p>23 So we have identified the areas of</p> <p>24 Open Space which are outside of what we</p> <p>25</p>
<p>14</p> <p>1 after the Applicant make their</p> <p>2 presentation, I'm happy to answer our</p> <p>3 Staff Report -- any questions on our Staff</p> <p>4 Report summary at that time.</p> <p>5 MR. PAVACIC: So at this point, I</p> <p>6 would like to ask the Applicant to please</p> <p>7 make their presentation and they are</p> <p>8 represented by Chick Voorhis.</p> <p>9 MR. VOORHIS: Good afternoon,</p> <p>10 everyone.</p> <p>11 Chick Voorhis for Discovery Land</p> <p>12 Company.</p> <p>13 I am with Nelson, Pope, Voorhis at</p> <p>14 70 Maxess Road in Melville.</p> <p>15 Can you see the screen?</p> <p>16 MR. MCCORMICK: Yes.</p> <p>17 MR. VOORHIS: Good. All right. I</p> <p>18 am just going to summarize the changes in</p> <p>19 the plan from the June 30th, 2020 plan for</p> <p>20 the October 9th plan, and provide other</p> <p>21 remarks as appropriate. Restrictive of</p> <p>22 the topic of today's hearing.</p> <p>23 The basic project components for</p> <p>24 this have not changed. The site it 608.45</p> <p>25</p>	<p>16</p> <p>1 call the development envelope. I'll show</p> <p>2 this on the plans, but basically there's</p> <p>3 402.88 acres of Open Space and that</p> <p>4 includes two parcels that are supposed to</p> <p>5 be dedicated totaling 207.32 acres. And</p> <p>6 the remainder of the Open Space is all</p> <p>7 outside of the development area and it</p> <p>8 includes 195.56 acres. That's a total of</p> <p>9 66.21 acres in the continuous Open Space</p> <p>10 outside of the development area.</p> <p>11 We previously had submitted</p> <p>12 materials for the record that we conform</p> <p>13 to the CLUP, the Town's CLUP and the</p> <p>14 protection overlay that was a year ago.</p> <p>15 So as I mentioned there was a</p> <p>16 June 30th plan and there was an October --</p> <p>17 that should be the 9th -- revised master</p> <p>18 plan. The only changes involved is</p> <p>19 consolidating the development to avoid</p> <p>20 Steep Slope areas, and we were working</p> <p>21 with the Town to really refine the areas</p> <p>22 within the previously acknowledged areas</p> <p>23 of disturbance.</p> <p>24 In other words, this does not</p> <p>25</p>

<p>17</p> <p>1</p> <p>2 relate to the Pine Barrens Standards</p> <p>3 except as regards to Slopes. And it does</p> <p>4 provide additional retention of natural</p> <p>5 grades as well as retention of natural</p> <p>6 vegetation. The layout was establish to</p> <p>7 conform to the CLUP. And as I said, we</p> <p>8 are looking to improve conformance with</p> <p>9 topography, retain natural ground cover</p> <p>10 and also reduce and consolidate reserve</p> <p>11 areas. Those are really the only changes</p> <p>12 between the June plan and the October</p> <p>13 plan.</p> <p>14 So the potential impacts have been</p> <p>15 reduced by over 40 percent. The Steep</p> <p>16 Slope impact is now less than 4 percent of</p> <p>17 all Steep Slope ares on the property.</p> <p>18 Julie mentioned this. And the development</p> <p>19 of Steep Slopes is less than one percent</p> <p>20 of the overall site. The grading is</p> <p>21 reduced by approximately 30 percent.</p> <p>22 Again, all of the areas that were</p> <p>23 always intended to be disturbed, this will</p> <p>24 be balanced in terms of cut and fill. We</p> <p>25 stated that on the record. But these</p>	<p>19</p> <p>1</p> <p>2 went over them at a prior hearing. This</p> <p>3 is the plan from June. I've covered this</p> <p>4 sufficiently. So I am just going to point</p> <p>5 out that the main changes really had to do</p> <p>6 with this area that is in the red circle</p> <p>7 where we refined the retention of natural</p> <p>8 ground cover and we also reduced</p> <p>9 disturbance in the area of the ellipse in</p> <p>10 order to further reduce any potential</p> <p>11 residential lots within Steep Slope areas,</p> <p>12 and the graphics will show this rather</p> <p>13 well.</p> <p>14 This is an example of what</p> <p>15 treatments were used. This pink area is</p> <p>16 what we are referring to as Carry Area.</p> <p>17 And those are areas where the existing</p> <p>18 topography will remain. Trees will be</p> <p>19 removed and natural ground cover will be</p> <p>20 retained. And those refinements carry</p> <p>21 through the entire golf course. It's</p> <p>22 really as just an example. And this shows</p> <p>23 that there are some Steep Slopes within</p> <p>24 these areas that will now be retained as a</p> <p>25 result of these modifications of the plan.</p>
<p>18</p> <p>1</p> <p>2 changes have also resulted about half of</p> <p>3 the original grading of what was</p> <p>4 originally estimated. We are using more</p> <p>5 natural drainage areas, we have decreased</p> <p>6 the number of drainage reserve areas and</p> <p>7 interconnected them to consolidate the</p> <p>8 drainage.</p> <p>9 And as I said, we also are</p> <p>10 retaining topography to what we are</p> <p>11 calling carry areas. That's the area</p> <p>12 between a tee and a landing area on a golf</p> <p>13 course. And this results in a reduction</p> <p>14 in disturbance in a Steep Slope areas.</p> <p>15 You're all familiar with property.</p> <p>16 When I refer to the Parlato</p> <p>17 property, this entire area will be</p> <p>18 dedicated (inaudible) one field area will</p> <p>19 be located here and the northern property</p> <p>20 will be 100 percent buffered for</p> <p>21 dedication and northern part as well many</p> <p>22 other parts of The Hills South will be</p> <p>23 maintained in Open Space.</p> <p>24 This just briefly shows you the</p> <p>25 changes that led to the June plan. And we</p>	<p>20</p> <p>1</p> <p>2 So it refines the golf alignment, it</p> <p>3 reduces grading and it avoids sloped areas</p> <p>4 and improves drainage and retains natural</p> <p>5 ground cover.</p> <p>6 This is the overall plan. Again,</p> <p>7 that was the example for this northeast</p> <p>8 part of the development area. It clearly</p> <p>9 shows the demarcation of the natural Open</p> <p>10 Space that is turned outside of the</p> <p>11 development area.</p> <p>12 There are significant natural areas</p> <p>13 that are also this lighter green. It will</p> <p>14 be retained as permanent natural Open</p> <p>15 Space preserved by (inaudible)</p> <p>16 restrictions for conservation easements.</p> <p>17 And it's a little difficult to see, but</p> <p>18 there's a pond here, much of which is</p> <p>19 already graded. But this whole outline is</p> <p>20 the proposed pond, the residential lots</p> <p>21 are shown in white, the roads are self</p> <p>22 evident, there is a recreation area here,</p> <p>23 in addition to the golf area. And there</p> <p>24 are components of the project including</p> <p>25 workforce housing, (inaudible) offices and</p>

<p>21</p> <p>1 the wastewater treatment facility in the</p> <p>2 south portion of the property.</p> <p>3 The basic configuration is very</p> <p>4 much like the June plan, but those</p> <p>5 significant refinements within the</p> <p>6 previously recognized disturbed areas have</p> <p>7 reduced grading between natural vegetation</p> <p>8 and reduced impacts to Steep Slopes.</p> <p>9 This is the Slope Map showing the</p> <p>10 overall plan and those refinements and how</p> <p>11 there's really no residential development</p> <p>12 in this area of Steep Slopes. Minimal</p> <p>13 disturbance in these areas of Steep Slopes</p> <p>14 and everything else is in the flat</p> <p>15 portions of the property. There is one</p> <p>16 minor area where roads (inaudible) Steep</p> <p>17 Slope area in the southern portion of the</p> <p>18 property. And again, this shows the</p> <p>19 contiguous natural Open Space.</p> <p>20 I will point out that this existing</p> <p>21 cleared area is not counted in the natural</p> <p>22 area, but it is revegetating and it will</p> <p>23 become natural which is in addition to</p> <p>24 meeting the requirements of natural</p> <p>25</p>	<p>23</p> <p>1 Report were really looking for different</p> <p>2 ways to present the information, and we</p> <p>3 also received similar comments from the</p> <p>4 Town of Southampton. So this table just</p> <p>5 shows that the June plan in that area</p> <p>6 needed to be found as part of the Open</p> <p>7 Space. As well as areas what will be</p> <p>8 administered by the HOA. And that</p> <p>9 tabulation on the current plan is now</p> <p>10 207.32 acres to be dedicated or offered as</p> <p>11 such. And 195.56 acres which will be</p> <p>12 administered by conservation easement.</p> <p>13 The Town has requested a very</p> <p>14 simplified table to really present the</p> <p>15 portion of the cleared surfaces outside</p> <p>16 the development envelope. Clearing of</p> <p>17 that is existing in proposed clearing</p> <p>18 outside the development, existing cleared</p> <p>19 surfaces within the development area and</p> <p>20 proposed new clearing within the</p> <p>21 development area. And there is a</p> <p>22 comparison between the June 30th and the</p> <p>23 October 6th plan. This shows the Slope</p> <p>24 area calculations of natural existing</p> <p>25</p>
<p>22</p> <p>1 vegetation.</p> <p>2 I want to point out that the legend</p> <p>3 on the maps was changed to a minor extent</p> <p>4 since the October 9th plan. And this was</p> <p>5 primarily for the purpose of giving very</p> <p>6 accurate quantity and a breakdown of each</p> <p>7 of the areas that we are talking about.</p> <p>8 This is a summary of the plan</p> <p>9 improvements. We know the density and the</p> <p>10 acreage and the number of units, we know</p> <p>11 the Open Space outside of the development</p> <p>12 area which I mentioned before. The</p> <p>13 development envelope area is 205.57 acres</p> <p>14 in total. That includes 161.1 acres of</p> <p>15 development area which includes 21.47</p> <p>16 acres of areas that were previously</p> <p>17 cleared. 43.76 acres is the lake, the</p> <p>18 light green area, will be preserved by</p> <p>19 conservation easement and that total is</p> <p>20 7.19 percent of Open Space within that</p> <p>21 development area. And the total protected</p> <p>22 Open Space is tabulated here consisting of</p> <p>23 436.71 acres. That's 71.76 percent.</p> <p>24 Some of the comments from the Staff</p> <p>25</p>	<p>24</p> <p>1 vegetative slope and the existing</p> <p>2 disturbed slopes both from 10 to 15</p> <p>3 percent, as well as a breakdown of natural</p> <p>4 and existing slopes that is greater than</p> <p>5 15 percent and again a detailed</p> <p>6 tabulation.</p> <p>7 And the disturbance summary at the</p> <p>8 bottom just shows the June 30th plan on</p> <p>9 the left and the October -- that should be</p> <p>10 the October 6th plan on the right. So</p> <p>11 there's minimum area of disturbance in</p> <p>12 Slopes and that has been improved.</p> <p>13 The vegetation clearance limits</p> <p>14 remain fairly unchanged. The allowable</p> <p>15 clearing for this property 28.26 percent</p> <p>16 of the site. That proposed clearing is</p> <p>17 28.24 percent of the site which is less</p> <p>18 than the allowable clearing and therefore</p> <p>19 conforms. And the converse of that were</p> <p>20 the required natural vegetation is 71.74</p> <p>21 percent. Our proposal is for natural area</p> <p>22 of 71.76 percent which is greater than the</p> <p>23 required natural. We conform with the</p> <p>24 Vegetation Clearance Limits. I don't</p> <p>25</p>

<p>25</p> <p>1 think that has been disputed.</p> <p>2 And there have been requests to</p> <p>3 ensure that we conform with the Protection</p> <p>4 Overlay District with the Town</p> <p>5 specifically asking that we would restrict</p> <p>6 additional areas within the individual</p> <p>7 lots, to not clear more than 25 percent of</p> <p>8 the site. The Applicant does commit to do</p> <p>9 that. No relief from the Natural Overlay</p> <p>10 District needed and we will conform.</p> <p>11 So again this reduces Steep Slopes</p> <p>12 by over 40 percent, it reduces grading by</p> <p>13 over 40 percent, it reduces the cut and</p> <p>14 fill material within the property which is</p> <p>15 balanced, but it reduces that quantity of</p> <p>16 internal activity by 50 percent. The</p> <p>17 limit meets the yield of two units from</p> <p>18 the Timperman parcel that had been</p> <p>19 purchased previously.</p> <p>20 And the plan that we are proposing</p> <p>21 improves the conformance with the clearing</p> <p>22 contiguous Open Space and avoidance of</p> <p>23 Steep Slope areas. It also improves</p> <p>24 drainage design in that it retains the</p> <p>25</p>	<p>27</p> <p>1 will ensure that protection --</p> <p>2 (The five minute timer went off.)</p> <p>3 MR. VOORHIS: -- (inaudible) of</p> <p>4 wildlife.</p> <p>5 And I see that my time is up. And</p> <p>6 therefore, I thank you for the opportunity</p> <p>7 to present. And I look forward to</p> <p>8 receiving comments.</p> <p>9 Thank you so much.</p> <p>10 MR. PAVACIC: Thank you, Chick.</p> <p>11 Are there any questions for Julie</p> <p>12 or for Chick from the Commission members?</p> <p>13 CHAIRWOMAN GALLAGHER: John, it's</p> <p>14 Carrie. Can you guys hear me? I just</p> <p>15 want to have a chance to run through some</p> <p>16 of the items brought up in Staff Report.</p> <p>17 I just wanted to highlight them and just</p> <p>18 make sure no one had -- that everyone felt</p> <p>19 comfortable with the information that we</p> <p>20 have in front of us since I anticipate</p> <p>21 that we will close the hearing today, but</p> <p>22 keep the record open. So we are getting</p> <p>23 close to time in terms of the ability to</p> <p>24 have questions answered. So I know that</p> <p>25</p>
<p>26</p> <p>1 additional natural area within the</p> <p>2 development area and it ensures natural</p> <p>3 restoration. It will be continued. And I</p> <p>4 talked about that at the last hearing with</p> <p>5 photographs showing the ongoing efforts to</p> <p>6 retain natural vegetation.</p> <p>7 The Staff Report makes reference to</p> <p>8 several other Guidelines. We provided</p> <p>9 information regarding the letter today,</p> <p>10 with today's date, as well as the prior</p> <p>11 October 9th letter. And we have indicated</p> <p>12 that the proposed buffers do provide</p> <p>13 sufficient protection of trails. And I</p> <p>14 would like to note that the property east</p> <p>15 coming up is not a recognized trail area.</p> <p>16 It's a piece of property that was bought</p> <p>17 by the Town in the '50s, and it was used</p> <p>18 as a dump for a period of time. And the</p> <p>19 trails on that side have not be recognized</p> <p>20 as part of the record.</p> <p>21 And we do adequately buffer and</p> <p>22 screen recreational resources, and</p> <p>23 roadside management will be addressed. We</p> <p>24 set back architectural landscaping that</p> <p>25</p>	<p>28</p> <p>1 some of the Guidelines that were still</p> <p>2 potentially up to -- up to our discretion</p> <p>3 in terms of whether they conform or not</p> <p>4 which we had discussed the last time.</p> <p>5 The Guidelines 5.3.3.1.3 the</p> <p>6 nitrate/nitrogen goal. I just want to</p> <p>7 make sure, I want to throw it out there</p> <p>8 for the Commission members to make sure</p> <p>9 there are no other questions on</p> <p>10 conformance to this Guideline and that we</p> <p>11 don't feel like we need any additional</p> <p>12 information at this time to determine</p> <p>13 conformance. I just kind of throwing out,</p> <p>14 again, just raising the question since it</p> <p>15 was brought up. I know we have had some</p> <p>16 extensive discussions on it in the past.</p> <p>17 COUNCILMAN SCHNEIDERMAN: I think</p> <p>18 we have adequate information on that to</p> <p>19 make a decision on that Guideline.</p> <p>20 CHAIRWOMAN GALLAGHER: Okay. The</p> <p>21 Natural Recharge and Drainage Guideline,</p> <p>22 Guideline 5.3.3.5.2. I know that that was</p> <p>23 brought up as they have been reduced and</p> <p>24 consolidated. So, again, just because</p> <p>25</p>

<p>29</p> <p>1 that's something that has gone back and</p> <p>2 forth in the application and the revision.</p> <p>3 I just want to make sure folks feel</p> <p>4 comfortable with that as well.</p> <p>5 (Whereupon, there was no response</p> <p>6 amongst the Board members.)</p> <p>7 CHAIRWOMAN GALLAGHER: Okay.</p> <p>8 Sounds like we are good on that.</p> <p>9 MR. VOORHIS: I will just indicate</p> <p>10 that all of the documents have addressed</p> <p>11 these. There really are no changes from</p> <p>12 the last plan. We affirmatively addressed</p> <p>13 (inaudible)and that is part of the record.</p> <p>14 It's certainly important for the</p> <p>15 Commissioners to be comfortable with that</p> <p>16 information. And we are here to answer</p> <p>17 any questions.</p> <p>18 CHAIRWOMAN GALLAGHER: Right. The</p> <p>19 question on the area of each pond and the</p> <p>20 total areas of the ponds.</p> <p>21 (Whereupon, there was inaudible,</p> <p>22 indecipherable cross-talk among the</p> <p>23 parties present.)</p> <p>24 CHAIRWOMAN GALLAGHER: Could you</p> <p>25</p>	<p>31</p> <p>1 comments. We know that a SWPPP can be</p> <p>2 approved for this project site. We have</p> <p>3 not revised the SWPPP because there have</p> <p>4 been, as I have said, a number of changes.</p> <p>5 And we will be going back to the Town of</p> <p>6 Southampton for final subdivision approval</p> <p>7 at which time we will complete the updated</p> <p>8 SWPPP to ensure conformance to the</p> <p>9 satisfaction of the Town engineer. As you</p> <p>10 know, a SWPPP is basically intended for</p> <p>11 pre-construction to ensure that pre and</p> <p>12 post construction (inaudible) -- we know</p> <p>13 the we will able to do that. That's the</p> <p>14 best information I can offer at this time.</p> <p>15 MR. MCCORMICK: Thank you on that,</p> <p>16 Chick.</p> <p>17 And can you elaborate on the</p> <p>18 consolidation of the drainage areas?</p> <p>19 MR. VOORHIS: Certainly. Some of</p> <p>20 the drainage reserve areas were within</p> <p>21 areas that were always intended to be</p> <p>22 disturbed. The northern end of the</p> <p>23 property. Some of them also traverse into</p> <p>24 Steep Slope areas. So the consolidation</p> <p>25</p>
<p>30</p> <p>1 turn the volume down on Dan's computer?</p> <p>2 The feedback is being --</p> <p>3 Okay. Dan or Yvette, do you want</p> <p>4 to comment at all?</p> <p>5 MR. MCCORMICK: Yes. Thank you.</p> <p>6 Question for Chick and to</p> <p>7 Southampton.</p> <p>8 Has Southampton provided the</p> <p>9 preliminary approval or final approval on</p> <p>10 the SWPPP? If not, why? What else has to</p> <p>11 be done.</p> <p>12 And secondly, regarding the</p> <p>13 consolidation of the drainage reserve</p> <p>14 areas. Can Chick kindly elaborate on what</p> <p>15 exactly is being done as an amendment?</p> <p>16 MR. VOORHIS: The Town granted</p> <p>17 preliminary subdivision approval for this</p> <p>18 project back to Pine Barrens Commission.</p> <p>19 And there have been a number of changes as</p> <p>20 a result of the Commission review. We did</p> <p>21 prepare SWPPP at the time of the</p> <p>22 preliminary subdivision approval. We went</p> <p>23 through two rounds of review with the</p> <p>24 Town's engineer and addressed all of their</p> <p>25</p>	<p>32</p> <p>1 was primarily to remove the drainage</p> <p>2 reserve areas from those Steep Slope areas</p> <p>3 and shift them farther south. The DRAs</p> <p>4 are basically depressions in the disturbed</p> <p>5 areas that will be revegetated with native</p> <p>6 vegetations to uptake pollutants in a very</p> <p>7 natural type system. Now that we have</p> <p>8 removed those areas, we are piping some of</p> <p>9 that drainage into slightly larger DRAs</p> <p>10 outside of Steep Slope areas and farther</p> <p>11 south. And the consolidation was really</p> <p>12 with the intent of increasing those carry</p> <p>13 areas -- the pink that I showed on the</p> <p>14 plan -- trees will be removed but natural</p> <p>15 ground cover will be retained. And it</p> <p>16 resulted in a fairly significant reduction</p> <p>17 of those disturbed areas in favor of</p> <p>18 retaining natural vegetation as I showed</p> <p>19 you in the pink areas.</p> <p>20 I hope that answers it, Dan.</p> <p>21 MR. MCCORMICK: Thank you, Chick.</p> <p>22 Thank you.</p> <p>23 CHAIRWOMAN GALLAGHER: Before I can</p> <p>24 continue, was there any other questions?</p> <p>25</p>



<p>33</p> <p>1</p> <p>2 Ed, did you have any questions to</p> <p>3 this point? Or Dorian?</p> <p>4 MR. ROMAINE: No. I read all the</p> <p>5 Staff Reports and I appreciate the</p> <p>6 thoroughness of the staff.</p> <p>7 COUNCILMAN SCHNEIDERMAN: I have</p> <p>8 questions but they pertain to other</p> <p>9 Standards, Carrie.</p> <p>10 CHAIRWOMAN GALLAGHER: Okay. Going</p> <p>11 down the list -- I was just kind of going</p> <p>12 down the list. Anywhere there has been</p> <p>13 highlights in the Staff Report, I just</p> <p>14 wanted bring those up. We already got</p> <p>15 through the SWPPP. Vegetation clearance</p> <p>16 does conform. So the Unfragmented Open</p> <p>17 Space, I know there was some discussion</p> <p>18 and information provided about that. And</p> <p>19 I guess that is -- so I guess I raise the</p> <p>20 question, does everyone feel -- do all the</p> <p>21 Commission members feel comfortable that</p> <p>22 those areas of Open Space have all been</p> <p>23 properly distinguished and identified and</p> <p>24 quantified?</p> <p>25 MR. DALE: I certainly do, but I</p>	<p>35</p> <p>1</p> <p>2 Did anyone have any questions on</p> <p>3 that Guideline at all?</p> <p>4 (Whereupon, there was no response</p> <p>5 amongst the Board members.)</p> <p>6 CHAIRWOMAN GALLAGHER: Right. Next</p> <p>7 one, Stabilization Erosion Control. We</p> <p>8 are waiting on that final one. The Slope</p> <p>9 Analysis was updated. Erosion and</p> <p>10 Settlement Control Plan, again we are</p> <p>11 waiting on final approval on the SWPPP as</p> <p>12 well as looking on the development of</p> <p>13 Slopes. So the development of Slopes on</p> <p>14 10 percent grade or greater has been</p> <p>15 reduced, right? The total number of acres</p> <p>16 have been reduced.</p> <p>17 COUNCILMAN SCHNEIDERMAN: I do have</p> <p>18 a question on that issue.</p> <p>19 CHAIRWOMAN GALLAGHER: Go ahead,</p> <p>20 Jay.</p> <p>21 COUNCILMAN SCHNEIDERMAN: It's</p> <p>22 really a question for Mr. Voorhis. I know</p> <p>23 you distinguished certain Slopes. Those</p> <p>24 that are naturally vegetated and those</p> <p>25 that aren't. I know there are some Steep</p>
<p>34</p> <p>1</p> <p>2 would also appreciate just the review of</p> <p>3 the timeline moving forward.</p> <p>4 CHAIRWOMAN GALLAGHER: The timeline</p> <p>5 from the Commission, from the Town, from</p> <p>6 the Applicant?</p> <p>7 MR. DALE: The Commission.</p> <p>8 CHAIRWOMAN GALLAGHER: Do you</p> <p>9 want --</p> <p>10 COUNCILMAN SCHNEIDERMAN: Should we</p> <p>11 go back to that?</p> <p>12 CHAIRWOMAN GALLAGHER: Yeah. At</p> <p>13 the end of the Staff Report -- so I think,</p> <p>14 Dorian, if we get through all this and the</p> <p>15 comments -- we'll get to that at the end.</p> <p>16 We will definitely discuss that before the</p> <p>17 end of the meeting today.</p> <p>18 Okay. So folks are comfortable on</p> <p>19 Open Space. Let's see. Fertilizer is</p> <p>20 fine. Native planting, we suggested they</p> <p>21 should include them. The Clearing</p> <p>22 Envelopes -- the Guideline for Clearing</p> <p>23 Envelopes that looks like that also has</p> <p>24 been modified and addressed. There's now</p> <p>25 fewer impacts.</p>	<p>36</p> <p>1</p> <p>2 Slopes that are artificial on this property</p> <p>3 as well. But in terms of the actual</p> <p>4 development construction on -- not</p> <p>5 necessarily the carry over or a road</p> <p>6 crossing over a Steep Slope -- there were</p> <p>7 -- if I recall, some of the house lots</p> <p>8 that were impacting Steep Slopes too. And</p> <p>9 I wasn't sure to those house lots could be</p> <p>10 developed in a way to avoid those Steep</p> <p>11 Slopes? Or is -- now as we analyze this,</p> <p>12 we are looking to see if you have met the</p> <p>13 Standard of trying your best to minimize</p> <p>14 the impact to these Steep Slope areas. I</p> <p>15 want to -- as I try to make my decision on</p> <p>16 this, I want to know if more can be done?</p> <p>17 And even with the consideration of</p> <p>18 repositioning a lot or moving a lot, could</p> <p>19 you get to less disturbance on Steep</p> <p>20 Slopes?</p> <p>21 MR. VOORHIS: Thank you, Jay.</p> <p>22 This is the plan that I had shown</p> <p>23 before. And there are no home development</p> <p>24 areas within Steep Slope areas. The only</p> <p>25 road that traverses a Steep Slope area are</p>

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2 here. And it was indicated that there was

3 a preference to utilize this portion of

4 the property for this cluster of

5 residential lots because avoidance of

6 Steep Slopes. The other areas, I can tell

7 you were extensively walked by members of

8 our team and members of the Town of

9 Southampton including Marty Shea and Janet

10 Scherer to look at the alignment of all of

11 the activity in this area. And everything

12 has been done that can be done to align

13 these golf holes in a way avoid Steep

14 Slopes and essentially retains the natural

15 vegetation. This latest refinement of the

16 plan which is a subject of today's hearing

17 further achieves that. That's why we are

18 here, is really because we made those

19 adjustments in order -- (inaudible).

20 COUNCILMAN SCHNEIDERMAN: You're

21 breaking up a little bit. But the -- so

22 there's no actual building being

23 constructed on Steep Slopes?

24 MR. VOORHIS: Correct.

25 COUNCILMAN SCHNEIDERMAN: Because

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2 the Carry Areas through those -- that's

3 how the Steep Slopes are being impact?

4 MR. VOORHIS: Carry Areas and very

5 minor disturbance areas that are shown in

6 this detailed plan which the Commission

7 has. But again, you can see that

8 (inaudible) the grading has been reduced

9 and Steep Slope area is being retained.

10 Some of the minor areas might involve some

11 type of disturbance such as this. So it

12 again has been minimized to the maximum

13 that it can be.

14 COUNCILMAN SCHNEIDERMAN: Okay.

15 Thank you.

16 CHAIRWOMAN GALLAGHER: All right.

17 Any other questions on that one?

18 If not -- and Julie, did you have anything

19 to clarify? I mean it was pretty straight

20 forward in what you laid out and the

21 answers that were given.

22 MS. HARGRAVE: Yes. I was just

23 curious when Chick explained the Carry

24 Areas and he said the trees would be

25 removed, but ground cover will be

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2 retained. Do they mean just the soil and

3 the leaf cover or shrubs as well or

4 anything that is not -- is not a tree?

5 Because the trees will be removed but the

6 understory will remain? Or just the soil

7 existing -- like the soil will not be

8 disturbed or excavated?

9 MR. VOORHIS: The soil will not be

10 disturbed or excavated. The Carry Areas

11 in pink that I described before will

12 retain the ground cover shrubs, blueberry,

13 huckleberry, whatever it may be within

14 those areas as natural.

15 MS. HARGRAVE: Okay. Thank you.

16 CHAIRWOMAN GALLAGHER: And so some

17 of these other ones -- retaining walls and

18 control structures is very identified

19 until the SWPPP is approved. We can't

20 necessarily know whether certain things

21 will be required, whether additional

22 controls will be required --

23 MS. HARGRAVE: (Interjecting) --

24 it's our understanding that the Town has

25 not approved the SWPPP yet. But like

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2 Chick stated, they will probably be

3 revising their submission and trying to

4 achieve those comments that the Town

5 engineer had made and so similarly the

6 Health Department's approval. So that has

7 not been -- that has not occurred yet

8 either. That has items that are pending

9 that the Applicant needs to work with the

10 Health Department to obtain approval

11 there.

12 CHAIRWOMAN GALLAGHER: Right.

13 Question on clustering, which this

14 is really -- is the project cluster to the

15 maximum extent. That's just kind of a

16 question that we are thinking about as we

17 make our decision once the hearing is

18 closed and received all the additional

19 comments. No agricultural uses, so that

20 one is not applicable. That question on

21 cultural resource consideration, do the

22 minimum buffers provide sufficient

23 protection of the trails? I know there

24 was some discussion about this during our

25 last public hearing.

<p>41</p> <p>1</p> <p>2 (Whereupon, there was inaudible,</p> <p>3 indecipherable cross-talk among the</p> <p>4 parties present.)</p> <p>5 CHAIRWOMAN GALLAGHER: If there are</p> <p>6 any side conversations going on, mute</p> <p>7 yourselves.</p> <p>8 But for the cultural resource</p> <p>9 consideration, do the minimum buffers</p> <p>10 provide sufficient protection of the</p> <p>11 trails? I'm sure we may hear some --</p> <p>12 we've heard comments about that before --</p> <p>13 we may hear more comments. I know that</p> <p>14 the Southampton Town finds impact on the</p> <p>15 inclusion of natural resources in</p> <p>16 application. And again protection of</p> <p>17 scenic and recreational resources. Do the</p> <p>18 minimal buffers adequately screen the</p> <p>19 project? Roadside design and management,</p> <p>20 the project will be visible for public</p> <p>21 view. The applicant states the project is</p> <p>22 consistent with the character of the area.</p> <p>23 So I don't know if there were any</p> <p>24 questions or comments on any of those last</p> <p>25 couple. We did already address the</p>	<p>43</p> <p>1</p> <p>2 and endangered species concerned. We</p> <p>3 identified the conservation management</p> <p>4 methods. They were listed as mitigation</p> <p>5 measures and they were incorporated into</p> <p>6 the Town finding. Those matters have been</p> <p>7 part of the record. We will abide by any</p> <p>8 and all requirements for protection of the</p> <p>9 Northern Long-Eared Bat. And we do not</p> <p>10 believe that any other habitat or species</p> <p>11 are adversely impacted. But we have</p> <p>12 committed to various conservation methods</p> <p>13 and planting plant materials and ensuring</p> <p>14 the minimum disturbance areas as well as</p> <p>15 the maximizing retention of natural</p> <p>16 vegetation.</p> <p>17 I think all of that has been</p> <p>18 covered and it is part of the Pine Barrens</p> <p>19 Commission record.</p> <p>20 COUNCILMAN SCHNEIDERMAN:</p> <p>21 Specifically to the Whip-Poor-Will. Did</p> <p>22 you put in a conservation plan for</p> <p>23 Whip-Poor-Will protection?</p> <p>24 MR. VOORHIS: I would have to</p> <p>25 check, Jay, the exact documentation that</p>
<p>42</p> <p>1</p> <p>2 Suffolk County Department of Health</p> <p>3 Services that they provided a checklist of</p> <p>4 things that they still need to --</p> <p>5 COUNCILMAN SCHNEIDERMAN:</p> <p>6 (Interjecting) I have a question.</p> <p>7 CHAIRWOMAN GALLAGHER: Yep.</p> <p>8 COUNCILMAN SCHNEIDERMAN: About</p> <p>9 wildlife conservation that's related to</p> <p>10 those Standards.</p> <p>11 There have been identified habitat</p> <p>12 on this property or potential habitat for</p> <p>13 both the Northern Long-Eared Bat as well</p> <p>14 as the Whip-Pool-Will. I don't know that</p> <p>15 the Applicant has submitted any</p> <p>16 conservation plans for those two species</p> <p>17 or any other threatened or endangered</p> <p>18 species that exist or could exist on this</p> <p>19 property. If that could be responded too,</p> <p>20 I would appreciate it.</p> <p>21 MR. VOORHIS: Sure, Jay.</p> <p>22 First we did prepare a full Draft</p> <p>23 and Final Impact Statement. Those</p> <p>24 documents did characterize ecological</p> <p>25 resources and did include all threatened</p>	<p>44</p> <p>1</p> <p>2 was included in the environmental impact</p> <p>3 statement. Maybe I can get back to you</p> <p>4 later in the week.</p> <p>5 COUNCILMAN SCHNEIDERMAN: And I</p> <p>6 think there's some emerging information on</p> <p>7 the Northern Long-Eared Bat and its</p> <p>8 potential to hibernate in trees in our</p> <p>9 area. So you might want to update that to</p> <p>10 make sure your conservation plan includes</p> <p>11 protection of that species.</p> <p>12 MR. VOORHIS: Yes. The DEC</p> <p>13 recently expanded the window of restricted</p> <p>14 time periods for clearing for Suffolk</p> <p>15 County, and we are aware of that. And</p> <p>16 will, like I said, abide by all DEC's</p> <p>17 requirement to ensure protection.</p> <p>18 CHAIRWOMAN GALLAGHER: Great. So</p> <p>19 that brings me to the end of the list of</p> <p>20 the Guidelines and Standards that were at</p> <p>21 the back of the Staff Report. I just</p> <p>22 wanted to make sure we had a chance to</p> <p>23 kind of run through those.</p> <p>24 Is there anything else that</p> <p>25 Commission members at this time wanted to</p>

<p>45</p> <p>1</p> <p>2 ask or had questions or comment about</p> <p>3 before we move to the public speaking</p> <p>4 portion?</p> <p>5 (Whereupon, there was no response</p> <p>6 amongst the members of the Board.)</p> <p>7 CHAIRWOMAN GALLAGHER: Hearing</p> <p>8 none, John, I'll turn it back over to you</p> <p>9 to moderate since you are in the control</p> <p>10 room there.</p> <p>11 MR. PAVACIC: Thank you very much,</p> <p>12 Carrie.</p> <p>13 All right. At this time the</p> <p>14 Commission will now turn to the public</p> <p>15 comment portion.</p> <p>16 So just for those folks who have</p> <p>17 already signed up to speak, you will be</p> <p>18 called on in the order in which your</p> <p>19 request was received by the Commission.</p> <p>20 Once your microphone has been unmuted and</p> <p>21 your video has been enabled, you will be</p> <p>22 invited to provide comments for five</p> <p>23 minutes. The timekeeper will indicate the</p> <p>24 time you have remaining so that you can</p> <p>25 wrap up your allotted time. And for all</p>	<p>47</p> <p>1</p> <p>2 members of the Pine Barrens Commission</p> <p>3 when it was created back in 1993.</p> <p>4 I have submitted written testimony</p> <p>5 I think twice in opposition to this</p> <p>6 application. I'm certainly not going to</p> <p>7 repeat that. And today I'm not going to</p> <p>8 focus on Slopes or where the lots are or</p> <p>9 drainage or Whip-Pool-Wills or any of --</p> <p>10 even if there are too many par-5s and not</p> <p>11 enough par-3s.</p> <p>12 But what I do want to focus on is</p> <p>13 the broad policy issues with this and what</p> <p>14 really what I think the Central Pine</p> <p>15 Barrens Commission is all about.</p> <p>16 For at least the last 50 years, the</p> <p>17 State and the County and the local towns</p> <p>18 have recognized the importance of what the</p> <p>19 Pine Barrens is all about. And that's</p> <p>20 Open Space preservation, rural character,</p> <p>21 habitat and of course the groundwater.</p> <p>22 And if you look for the last 50 years,</p> <p>23 whether it's State, County or local</p> <p>24 government, there's been a theme that goes</p> <p>25 throughout that. And that is this is an</p>
<p>46</p> <p>1</p> <p>2 individuals providing public comment, I</p> <p>3 ask that you please begin your testimony</p> <p>4 by introducing yourself. And if</p> <p>5 appropriate, please provide your</p> <p>6 affiliation.</p> <p>7 So without further adieu, we will</p> <p>8 start with our first speaker. And that is</p> <p>9 New York State Assemblyman Fred Thiele.</p> <p>10 And I'll just unmute Assemblyman Thiele.</p> <p>11 ASSEMBLYMAN THIELE: Thank you,</p> <p>12 John.</p> <p>13 And thank you to the members of the</p> <p>14 Commission.</p> <p>15 I appreciate the opportunity to be</p> <p>16 able to testify this afternoon and also</p> <p>17 the courtesy to be able to go first here</p> <p>18 at the beginning of the public portion.</p> <p>19 It is greatly appreciated.</p> <p>20 I am the New York State Assemblyman</p> <p>21 for the First Assembly District. That</p> <p>22 District includes East Hampton, Shelter</p> <p>23 Island, Southampton and Southeastern</p> <p>24 Brookhaven.</p> <p>25 And I was one of the original</p>	<p>48</p> <p>1</p> <p>2 important resource. Protect as much of</p> <p>3 it, preserve as much of it as you possibly</p> <p>4 can. And where there is going to be</p> <p>5 development, make sure it is consistence</p> <p>6 with the environmental constraints and</p> <p>7 mitigate any adverse impacts that may come</p> <p>8 from that development. And that is what</p> <p>9 we've seen through the years. Whether</p> <p>10 it's the towns that have gone from the</p> <p>11 period when this was all zoned industrial</p> <p>12 to 2-acre zoning then 3-acre zoning,</p> <p>13 5-acre zoning, Open Space zoning, the</p> <p>14 community preservation fund, the County</p> <p>15 with its water protection program to</p> <p>16 preserve land in the Pine Barrens. The</p> <p>17 State with special groundwater protection</p> <p>18 areas. That's what we've been attempting</p> <p>19 to do all of those years.</p> <p>20 And what we found was, in spite of</p> <p>21 the best efforts of all those different</p> <p>22 levels of government acting independently,</p> <p>23 this was a regional resource. And without</p> <p>24 regional action, we couldn't really</p> <p>25 protect the Pine Barrens the way that we</p>

<p>49</p> <p>1</p> <p>2 wanted to. The Pine Barrens going into</p> <p>3 the 1990s was dying a death of a thousand</p> <p>4 cuts. And that's why this Commission was</p> <p>5 created. And that's why a comprehensive</p> <p>6 management plan was put together. A State</p> <p>7 Legislation was passed. And the idea here</p> <p>8 was to make sure that the Pine Barrens</p> <p>9 didn't die. It was an overall plan and</p> <p>10 that the Pine Barrens were not going to be</p> <p>11 destroyed by individual actions that were</p> <p>12 inconsistent with trying to protect the</p> <p>13 natural resource.</p> <p>14 Throughout the history of this</p> <p>15 Commission now, which is more than 25</p> <p>16 years old, that's exactly what you have</p> <p>17 done. And I worry about this application</p> <p>18 because I think it flies exactly in the</p> <p>19 face in the opposite direction of all of</p> <p>20 those efforts over 50 years and the</p> <p>21 efforts of this Commission over the last</p> <p>22 25. Because this project, unlike any</p> <p>23 others that I have seen during that</p> <p>24 period, is designed to substantially</p> <p>25 increase the intensity of land use over</p>	<p>51</p> <p>1</p> <p>2 1990s with this Act, allowing this</p> <p>3 intensity of use simply flies in the face</p> <p>4 of 50 years of good planning strategy and</p> <p>5 25 years of good stewardship by the Pine</p> <p>6 Barrens Commission.</p> <p>7 And it's for that reason that I</p> <p>8 think that this application is</p> <p>9 inconsistent with the Central Pine Barrens</p> <p>10 Act, inconsistent with the Comprehensive</p> <p>11 Management Plan, inconsistent with the</p> <p>12 efforts and all the work that were put</p> <p>13 into protecting the Pine Barrens in the</p> <p>14 first place.</p> <p>15 And as I have in my written</p> <p>16 testimony, I would urge the Commission to</p> <p>17 reject this application.</p> <p>18 Thank you very much. I appreciate</p> <p>19 it.</p> <p>20 MR. PAVACIC: Thank you very much,</p> <p>21 Assemblyman Thiele.</p> <p>22 Our next second speaker is</p> <p>23 Mr. Richard Amper of the Long Island Pine</p> <p>24 Barrens Society.</p> <p>25 MR. AMPER: Good afternoon,</p>
<p>50</p> <p>1</p> <p>2 what was anticipated and what was in</p> <p>3 place, what the zoning was in place when</p> <p>4 the comprehensive management plan was</p> <p>5 first put together.</p> <p>6 It was intended to build this major</p> <p>7 subdivision with a golf course first with</p> <p>8 a change of zone. And that failed. And</p> <p>9 then the attempt now is to torture the</p> <p>10 Town of Southampton zoning code with a</p> <p>11 variance interpretation where something</p> <p>12 that is not permitted as a principle use</p> <p>13 with a golf course. Somehow -- even</p> <p>14 thought it's not a permitted principle use</p> <p>15 -- can somehow be an accessory use to a</p> <p>16 residential subdivision. It just doesn't</p> <p>17 pass the smell test.</p> <p>18 But the bottom line for you is when</p> <p>19 you look at all the Standards, the basic</p> <p>20 thrust is, protect the Pine Barrens and</p> <p>21 any development that occurs should be</p> <p>22 consistent with what the resources that we</p> <p>23 are trying to protect. And a substantial</p> <p>24 increase in the intensity of land use over</p> <p>25 what was originally projected, starting in</p>	<p>52</p> <p>1</p> <p>2 Commissioners.</p> <p>3 My name is Richard Amper.</p> <p>4 I am the executive director of Long</p> <p>5 Island Pine Barrens Society. I had a</p> <p>6 little bit to do with the creation of the</p> <p>7 Pine Barrens Act.</p> <p>8 And I want to chat you up a little</p> <p>9 bit about where -- we want to satisfy</p> <p>10 ourselves with the Pine Barrens Commission</p> <p>11 is ensuring that the Standards and</p> <p>12 Guidelines that were created by this</p> <p>13 historic statute will be continued to be</p> <p>14 followed.</p> <p>15 This is not really about a project,</p> <p>16 it's about potential damage to the Pine</p> <p>17 Barrens Act.</p> <p>18 I've had the great pleasure of</p> <p>19 being one of the great leaders in this</p> <p>20 creation of the Pine Barrens Act and this</p> <p>21 very Commission. I've attended every</p> <p>22 meeting of it since its inception. I've</p> <p>23 seen many projects come before the body</p> <p>24 over the years, but never one in size and</p> <p>25 magnitude of Lewis Road.</p>

<p>53</p> <p>1</p> <p>2 The Commission has a very concrete</p> <p>3 purpose. It is set up by the Pine Barrens</p> <p>4 Act. And it outlines your roles as</p> <p>5 follows:</p> <p>6 To protect, preserve and enhance</p> <p>7 the integrity of the Pine Barrens</p> <p>8 ecosystem.</p> <p>9 To protect the quality of the</p> <p>10 surface water and the groundwater.</p> <p>11 To discourage piecemeal and</p> <p>12 scattered development and promote</p> <p>13 recreational and educational uses</p> <p>14 consistent with the Land Use Plan.</p> <p>15 And to accommodate development in a</p> <p>16 manner consistent with the long-term</p> <p>17 integrity of the Pine Barrens ecosystem.</p> <p>18 To ensure that the pattern of</p> <p>19 development is compact, efficient and</p> <p>20 orderly.</p> <p>21 Your role as Commissioners is to</p> <p>22 determine whether or not a development</p> <p>23 meets the Standards and Guidelines of the</p> <p>24 Pine Barrens Act and its comprehensive</p> <p>25 Land Use Plan that are guided by a set of</p>	<p>55</p> <p>1</p> <p>2 Pine Barrens Commission before. Because</p> <p>3 it is asking for too much. 118 mansions</p> <p>4 and 18-hole golf course, hundreds of</p> <p>5 thousands of square feet of development is</p> <p>6 absolutely inconsistent with the goals and</p> <p>7 objectives of the Pine Barrens Act.</p> <p>8 They have submitted extensive</p> <p>9 documents over the course of this review</p> <p>10 period outlining the many ways that this</p> <p>11 project does not conform to the Pine</p> <p>12 Barrens Act or the Land Use Plan. I</p> <p>13 encourage you to review these documents</p> <p>14 carefully. Even with the latest set of</p> <p>15 changes brought by the developer, the plan</p> <p>16 still fails to meet requirements of the</p> <p>17 Pine Barrens Act. This project still</p> <p>18 fails to meet the nitrate/nitrogen goal,</p> <p>19 it is still missing required permits to</p> <p>20 demonstrate compliance. This project is</p> <p>21 not consistent with other developed area</p> <p>22 or a development within the Pine Barrens,</p> <p>23 the project does not maintain adequate</p> <p>24 buffers and will be seen from nearby</p> <p>25 roadways, trails and neighbors. This</p>
<p>54</p> <p>1</p> <p>2 laws and regulations. You are not to be</p> <p>3 gutted by what another fellow Commissioner</p> <p>4 thinks this is a good project and is</p> <p>5 asking for your support or not. You must</p> <p>6 be guided by the law.</p> <p>7 Since Discovery Land Company</p> <p>8 submitted their application in December of</p> <p>9 2019, it has been incomplete. They have</p> <p>10 tried to cover inconsistencies, dodge</p> <p>11 questions to the best of their ability.</p> <p>12 But the hard fact is that there is still</p> <p>13 so many questions left unanswered. In</p> <p>14 many cases the Commission staff has not be</p> <p>15 been provided with the appropriate</p> <p>16 information to determine conformance</p> <p>17 despite for asking for more information</p> <p>18 time and time again.</p> <p>19 Discovery Land has insisted since</p> <p>20 the beginning that their project conforms</p> <p>21 with the Pine Barrens Act and yet they</p> <p>22 have asked to extend the decision deadline</p> <p>23 six times in order to address conformance</p> <p>24 issues. There's a reason why a project of</p> <p>25 this magnitude has never come before the</p>	<p>56</p> <p>1</p> <p>2 project fragments Open Space. The</p> <p>3 development is now being placed in the</p> <p>4 critical resource area and more.</p> <p>5 This is a shell game. The</p> <p>6 Applicant is making little inconsequential</p> <p>7 changes in hopes of distracting us from</p> <p>8 the larger issues at hand. Do not be</p> <p>9 fooled. The Pine Barrens Act was created</p> <p>10 to prevent this type of extensive</p> <p>11 development from being placed in this</p> <p>12 sensitive and critical environment that is</p> <p>13 our Central Pine Barrens. The review of</p> <p>14 this project, one of the biggest and most</p> <p>15 consequential to ever come before the</p> <p>16 Commission, will set a powerful precedence</p> <p>17 for other projects that are proposed for</p> <p>18 sensitive areas of the Pine Barrens in the</p> <p>19 future.</p> <p>20 Since the Applicant has</p> <p>21 consistently failed to meet the Standards</p> <p>22 and Guidelines of the Pine Barrens Act,</p> <p>23 Article 57, the Comprehensive Land Use</p> <p>24 Plan, we are urge you to please protect</p> <p>25 the integrity of the Pine Barrens of the</p>

<p>57</p> <p>1</p> <p>2 Pine Barrens Act and vote down this</p> <p>3 project once and for all.</p> <p>4 MR. PAVACIC: Thank you very much,</p> <p>5 Mr. Amper.</p> <p>6 All right. Our next speaker is</p> <p>7 Mr. Robert DeLuca of the Group for the</p> <p>8 East End.</p> <p>9 MR. DELUCA: Good afternoon,</p> <p>10 Commission members.</p> <p>11 My name is Bob DeLuca.</p> <p>12 And I serve as President of the</p> <p>13 Group for the East End. I am also a</p> <p>14 statutorily designated member of the Pine</p> <p>15 Barrens Advisory Committee. I am a</p> <p>16 professional biologist and land use</p> <p>17 practitioner for 35 years and I am here to</p> <p>18 speak in opposition to this project.</p> <p>19 Justice aside, I think it's kind of</p> <p>20 ridiculous to have the Applicant's final</p> <p>21 report arrive a few hours before the final</p> <p>22 hearing, and expect any comments or</p> <p>23 members of the Commission to have a</p> <p>24 reasonable opportunity to review and</p> <p>25 comment on this material. I don't know</p>	<p>59</p> <p>1</p> <p>2 the review process, the Applicant has not</p> <p>3 demonstrated that the project conforms to</p> <p>4 the Standards and Guidelines of the</p> <p>5 Comprehensive Land Use Plan. If they had,</p> <p>6 your staff would have been obligated to</p> <p>7 inform you, but instead in every Staff</p> <p>8 Report concludes with more and more</p> <p>9 unanswered questions about the project and</p> <p>10 whether it conforms to the Standards and</p> <p>11 Guidelines that the Commission is</p> <p>12 obligated to act upon. Specifically in</p> <p>13 the last report. We still don't know if</p> <p>14 the Applicant is using the same definition</p> <p>15 for Open Space as the Commission requires,</p> <p>16 if there's sufficient evidence to</p> <p>17 determine that if the nitrate/nitrogen</p> <p>18 goal can be met, if the revised drainage</p> <p>19 in pond areas are an improvement over</p> <p>20 prior submissions. If so, how? Whether</p> <p>21 minimal buffers are sufficient to protect</p> <p>22 trails, whether minimal buffers are</p> <p>23 adequately screening the project and</p> <p>24 whether the project visibility is</p> <p>25 consistent with the community character.</p>
<p>58</p> <p>1</p> <p>2 how that happened, but it's not healthy</p> <p>3 for the process.</p> <p>4 Anyway, what I'm really here to</p> <p>5 talk about is this lack of a Staff Report</p> <p>6 that you have because we've been at this</p> <p>7 for a very long time. And what's clear on</p> <p>8 this Staff Report is a few things:</p> <p>9 One, this project has been the</p> <p>10 subject of review and numerous decision</p> <p>11 deadline extensions since last December.</p> <p>12 Two, the Staff Report says</p> <p>13 according to the Applicant, no substantive</p> <p>14 changes to plans other than minor</p> <p>15 adjustments requested by Southampton Town</p> <p>16 are part of the current application.</p> <p>17 I just heard a lot from Chick which</p> <p>18 sounds like maybe there are significant</p> <p>19 changes. But at the end of the day, most</p> <p>20 of that is sub planned work that should</p> <p>21 have been at the local level anyway. I</p> <p>22 don't know why we spent two months looking</p> <p>23 at this project again only to end up in</p> <p>24 the same place.</p> <p>25 Nonetheless, despite the length of</p>	<p>60</p> <p>1</p> <p>2 At the end of the day, the</p> <p>3 Applicant has not met the Standards and</p> <p>4 Guidelines required by the Comprehensive</p> <p>5 Land Use Plan. Because the desired</p> <p>6 project is simply too intensive to meet the</p> <p>7 strict Standards necessary to preserve the</p> <p>8 Pine Barrens and the broad regional</p> <p>9 planning objectives of the Pine Barrens</p> <p>10 Protection Act and Comprehensive Land Use</p> <p>11 Plan.</p> <p>12 And you're never going to get there</p> <p>13 by endlessly noodling over the width of</p> <p>14 the cart paths or carving Steep Slopes out</p> <p>15 of lots. It misses the regional planning</p> <p>16 purposes to why the Commission was created</p> <p>17 in the first place.</p> <p>18 In closing, I just have to mention</p> <p>19 as I have before, the Commission is</p> <p>20 legally obligated to follow the SEQRA</p> <p>21 review process for this Type 1 action, but</p> <p>22 today this project has not been</p> <p>23 coordinated for review, has not been the</p> <p>24 subject of Lead Agency determination, has</p> <p>25 not had a determination of significance</p>

<p>61</p> <p>1</p> <p>2 and remains no viable designated Lead</p> <p>3 Agency with permanent authority over the</p> <p>4 action. I suspect a lack of attention to</p> <p>5 this issue will prove a fatal and reckless</p> <p>6 mistake in meeting the legal requirements</p> <p>7 in governing environmental review. All I</p> <p>8 can do is point it out to you, and I have.</p> <p>9 For all these reasons and those</p> <p>10 previously stated, the Commission should</p> <p>11 end this review, deny the application</p> <p>12 because it's simply antithetical to the</p> <p>13 regional planning and conservation goals</p> <p>14 embodied in the Long Island Pine Barrens</p> <p>15 Act and its Comprehensive Land Use Plan</p> <p>16 that so many of us has worked for decades</p> <p>17 to responsibly implement. The Applicant</p> <p>18 can always come back.</p> <p>19 I thank you very much for your time</p> <p>20 and attention.</p> <p>21 MR. PAVACIC: Thank you very much,</p> <p>22 Bob.</p> <p>23 All right. Our next speaker is</p> <p>24 Mr. Bill Kearns. Mr. Bill Kearns.</p> <p>25 MR. KEARNS: Good afternoon, Madam</p>	<p>63</p> <p>1</p> <p>2 to this project. Those ten years point</p> <p>3 out to me that both the critical</p> <p>4 importance of preserving the Pine Barrens</p> <p>5 and the inherent problems with this</p> <p>6 project since its proponents, despite</p> <p>7 their best efforts, have not been able to</p> <p>8 push it over the finish line. This</p> <p>9 project was rejected by the elected</p> <p>10 Southampton Town Board. If that vote</p> <p>11 would have been held today, another Town</p> <p>12 Board member would vote against it as he</p> <p>13 made his opposition vocal during his</p> <p>14 campaign. Elected officials, not</p> <p>15 politically appointed Planning Boards and</p> <p>16 Zoning Boards of Appeal have reviewed this</p> <p>17 project for five years before voting it</p> <p>18 down.</p> <p>19 It has been 12 years since the DEC</p> <p>20 declared Shinnecock Bay an impaired body.</p> <p>21 And since that declaration, the Bay as</p> <p>22 worsened and has become toxic. The</p> <p>23 surrounding areas in Riverhead and</p> <p>24 Southampton, areas adjacent to this</p> <p>25 project have been declared Superfund</p>
<p>62</p> <p>1</p> <p>2 Chair, Commissioners, staff members,</p> <p>3 valued staff members.</p> <p>4 Thank you for your diligence and</p> <p>5 professionalism relative to this matter.</p> <p>6 The June plan, the July plan, the</p> <p>7 August plan, the September plan, the</p> <p>8 October plan; when does it end? When does</p> <p>9 it end? We as citizens and residents of</p> <p>10 this Town are supposed to be reading</p> <p>11 weekly new introductions, new</p> <p>12 modifications to the plan?</p> <p>13 Last month Supervisor Schneideman</p> <p>14 said he was taking his environmental</p> <p>15 expert out into The Hills and</p> <p>16 investigating the Slope, and evidently</p> <p>17 that was done. He said it this afternoon.</p> <p>18 What more can be done? When does it end?</p> <p>19 When does it end?</p> <p>20 My name is William Kearns. I live</p> <p>21 adjacent to the Pine Barrens property.</p> <p>22 And this February, ten years will have</p> <p>23 passed since a group of Spinney Road</p> <p>24 residents gathered in the East Quogue</p> <p>25 school to unite and voice their opposition</p>	<p>64</p> <p>1</p> <p>2 sites. And I'm sorry for being redundant</p> <p>3 here. Peconic Bay Scallop no longer</p> <p>4 exists. And the water in the aquifer</p> <p>5 underneath my home is undrinkable due to</p> <p>6 the nitrogen. As such, the dated</p> <p>7 Comprehensive Plan the developer uses to</p> <p>8 site a golf course, a business entity not</p> <p>9 allowed in the Pine Barrens, as</p> <p>10 potentially permissible is no longer</p> <p>11 applicable. The past five years have</p> <p>12 brought environmental havoc that the</p> <p>13 Comprehensive Plans developers had no way</p> <p>14 of foreseeing. The Southampton Town Board</p> <p>15 voted this project down because it feared</p> <p>16 accumulative effect on the environment.</p> <p>17 The day has arrived. There is no denying,</p> <p>18 just in Southampton, but in the</p> <p>19 surrounding towns. It is a regional</p> <p>20 issue, it is a regional problem.</p> <p>21 I have been waiting for the day</p> <p>22 when a developer does not have to ask for</p> <p>23 an extension or a delay of any Pine</p> <p>24 Barrens Commission decision on this</p> <p>25 project. To date, as Mr. Amper pointed</p>



<p>65</p> <p>1 out, there have been six requests by the</p> <p>2 Applicant, despite that their assertion</p> <p>3 that this project is shovel ready.</p> <p>4 Why do inherent design flaws</p> <p>5 continue to resurface? Will we as</p> <p>6 residents and citizens be able to comment</p> <p>7 and review their final proposal if an</p> <p>8 acceptable one is ever put forward?</p> <p>9 The word compatible is defined as</p> <p>10 the ability to exist or occur together</p> <p>11 without conflict. The assertion that this</p> <p>12 application is compatible to anything,</p> <p>13 that it is in the Compatible Growth Area</p> <p>14 of the Pine Barrens is ludicrous. If</p> <p>15 allowed to proceed, this will become the</p> <p>16 benchmark for future destruction as a</p> <p>17 precedent will be set for development.</p> <p>18 Compatible Growth here is not possible.</p> <p>19 As there is simply too much conflict, and</p> <p>20 the danger of further destruction of this</p> <p>21 pine forest and our drinking water</p> <p>22 increases.</p> <p>23 I ask you that you vote this</p> <p>24 project down. I believe your stewardship</p> <p>25</p>	<p>67</p> <p>1 administrator of the East Quogue News</p> <p>2 Facebook page.</p> <p>3 The East Quogue Civic and I feel</p> <p>4 the Lewis Road PRD is flawed in many ways.</p> <p>5 Building a golf course and 118 houses over</p> <p>6 Long Island soil source water aquifer will</p> <p>7 be one of the worst environmental</p> <p>8 decisions made in the history of Long</p> <p>9 Island.</p> <p>10 There is nothing that Discovery</p> <p>11 Land has produced so far that will change</p> <p>12 that fact. And the influx of hundreds of</p> <p>13 new owners, who no one can stop from</p> <p>14 becoming full-residents if they choose,</p> <p>15 will overwhelm the community of East</p> <p>16 Quogue, its roads and its school, and</p> <p>17 change the character of the hamlet</p> <p>18 forever. Allowing this project to</p> <p>19 continue is contradictory to everything</p> <p>20 that the Pine Barrens Commission was</p> <p>21 created to protect. Please don't let</p> <p>22 approval of this project be your lasting</p> <p>23 legacy. History will not look kindly on</p> <p>24 this. Put aside your political</p> <p>25</p>
<p>66</p> <p>1 of the Pine Barrens relative to anything</p> <p>2 this monumental in size calls for this</p> <p>3 vote. The risk/reward scenarios here is</p> <p>4 that the present day residents and the</p> <p>5 future generations are asked to assume all</p> <p>6 the environmental and health risks and the</p> <p>7 beauty that this forest manifests will be</p> <p>8 torn away tree by tree. The reward side</p> <p>9 of the equation will manifest itself to a</p> <p>10 few, the developers, in a form of</p> <p>11 financial gain at the expense of the Pine</p> <p>12 Barrens.</p> <p>13 Thank you.</p> <p>14 MR. PAVACIC: Thank you,</p> <p>15 Mr. Kearns.</p> <p>16 Our next speaker is Ms. Marissa</p> <p>17 Bridge of the East Quogue Civic</p> <p>18 Association.</p> <p>19 MS. BRIDGE: Thank you for this</p> <p>20 opportunity to speak.</p> <p>21 My name is Marissa Bridge.</p> <p>22 I have been a resident of East</p> <p>23 Quogue for 16 years. I'm on the Board of</p> <p>24 the East Quogue Civic Association and the</p> <p>25</p>	<p>68</p> <p>1 aspirations and affiliations and make what</p> <p>2 is the responsible decision for the future</p> <p>3 generations of Long Island residence and</p> <p>4 deny the current application for the Lewis</p> <p>5 Road PRD.</p> <p>6 Our goal is to have this area be</p> <p>7 preserved in perpetuity for the sake of</p> <p>8 clean water and land for all Long</p> <p>9 Islanders.</p> <p>10 Thank you.</p> <p>11 MR. PAVACIC: Thank you very much,</p> <p>12 Ms. Bridge.</p> <p>13 Our next speaker is Mitch Pally of</p> <p>14 the Long Island Builders Institute.</p> <p>15 Mr. Pally.</p> <p>16 MR. PALLY: Thank you, John. Thank</p> <p>17 you, members of the Commission.</p> <p>18 It feels like déjà vu all over</p> <p>19 again. Except it's not. Déjà vu means</p> <p>20 you do the same thing over and over. But</p> <p>21 this is not the same thing over and over.</p> <p>22 This project which meets all the</p> <p>23 Standards of the Pine Barrens Commission</p> <p>24 and is in the Compatible Growth Area is</p> <p>25</p>

<p>69</p> <p>1</p> <p>2 being made better and better and better by</p> <p>3 the developer's insistence that a variety</p> <p>4 of new environmental benefits be prepared</p> <p>5 for this Commission to review regarding</p> <p>6 grading options, consolidated Open Space</p> <p>7 and Steep Slopes.</p> <p>8 But more important than that, over</p> <p>9 the last 50 years -- and some of us have</p> <p>10 been around the last 50 years including my</p> <p>11 other graduate of Albany Law School</p> <p>12 Assemblyman Thiele -- we realize that the</p> <p>13 Pine Barrens Commission was created not to</p> <p>14 stop developments. If the Pine Barrens</p> <p>15 Commission and State legislature had</p> <p>16 wanted to stop development in these areas,</p> <p>17 it would not have created the Compatible</p> <p>18 Growth Area. But it did. It also, as I</p> <p>19 have pointed out, could have bought this</p> <p>20 property 20 times over the last 45 years,</p> <p>21 and never did.</p> <p>22 So therefore, the State legislature</p> <p>23 is telling you that number one, we believe</p> <p>24 the compatible areas can be developed in</p> <p>25 the Pine Barrens because it could have</p>	<p>71</p> <p>1</p> <p>2 know, along with Mr. Amper, I was there.</p> <p>3 And we made sure that growth in certain</p> <p>4 areas of the Pine Barrens could occur and</p> <p>5 how it would occur. And it was not</p> <p>6 related to the size of the project, it was</p> <p>7 not related to what the project was. It</p> <p>8 was related to whether or not the project</p> <p>9 met the Standards of the Land Use Plan</p> <p>10 created by the Commission.</p> <p>11 And so once again, Long Island</p> <p>12 Builders Institute indicates clearly --</p> <p>13 and even more so today after the revisions</p> <p>14 which have just been made -- that this</p> <p>15 meets plan all of those Standards in the</p> <p>16 Land Use Plan, is exactly where the State</p> <p>17 Legislature wanted it to be in the</p> <p>18 Compatible Growth Area and is on property</p> <p>19 which is the State Legislature believes</p> <p>20 should be developed otherwise it would</p> <p>21 have bought it over the last 40 years.</p> <p>22 As a result, we firmly believe that</p> <p>23 this project meets the criteria of being</p> <p>24 good for the Pine Barrens, good for Long</p> <p>25 Island and is environmentally sensitive to</p>
<p>70</p> <p>1</p> <p>2 been prohibited it, but it did not.</p> <p>3 And number two, that this property</p> <p>4 is available for development because it's</p> <p>5 in the Compatible Growth Area and it has</p> <p>6 not be purchased by any level of</p> <p>7 government.</p> <p>8 Once you eliminate those two</p> <p>9 options you are left with one objective</p> <p>10 standard only. Does the development meet</p> <p>11 the Standards of the Land Use requirement</p> <p>12 to the Pine Barrens Commission? That is</p> <p>13 the only question there is. Not whether</p> <p>14 it should or should not be available. But</p> <p>15 that is the law in the State of New York.</p> <p>16 And clearly on all of the revisions that</p> <p>17 have occurred. And even these last ones</p> <p>18 which have made the environmental</p> <p>19 sensitivity of the project even better.</p> <p>20 This project now meets all of those</p> <p>21 Standards. And once it meets all of those</p> <p>22 Standards, it must be allowed to proceed</p> <p>23 with approval from the Pine Barrens</p> <p>24 Commission. That is what that Pine</p> <p>25 Barrens Commission was created to do. I</p>	<p>72</p> <p>1</p> <p>2 all of the requirements of the Standards.</p> <p>3 And as such, we request its approval by</p> <p>4 this Commission.</p> <p>5 Thank you very much.</p> <p>6 MR. PAVACIC: Thank you very much,</p> <p>7 Mitch.</p> <p>8 Our next speaker is Ms. Andrea</p> <p>9 Spilka of the Southampton Town Civic</p> <p>10 Coalition. Ms. Spilka.</p> <p>11 We can hear you.</p> <p>12 MS. SPILKA: Can you put the video</p> <p>13 on? There it is. Great. Just put a face</p> <p>14 to the voice.</p> <p>15 I'm Andrea Spilka.</p> <p>16 I am the president of Southampton</p> <p>17 Civic Coalition.</p> <p>18 I appreciate the opportunity to</p> <p>19 speak.</p> <p>20 Discovery's proposed golf resort in</p> <p>21 East Quogue is really a square peg in a</p> <p>22 round hole. From day one, the problem</p> <p>23 with their proposal has been the desire to</p> <p>24 create a high-end golf resort in this most</p> <p>25 important sensitive location above our</p>

1  
2 aquifer adjacent to the already impaired  
3 Weesuck Creek and Shinnecock Bay. No  
4 matter how many times they shave the edges  
5 of their impactful dual-use proposal, it  
6 doesn't fit.

7 Discovery has tried several times  
8 to meet the minimum standards. But even  
9 with their tiny adjustments, the big issue  
10 that makes this project noncompliant still  
11 have not been addressed.

12 Once again, they have asked us --  
13 more importantly you the Commission -- to  
14 focus on their latest tweaks without  
15 answering the many questions that were  
16 raised at the previous hearings.  
17 Questions like the concern that the  
18 fertilizers and pesticides used on the  
19 golf course will impact the STP and any  
20 private wells on Spinney Road. The change  
21 in occupancy rate from 60 days to 183 days  
22 which will have a substantial impact on  
23 nitrogen and traffic. How will you  
24 evaluate the impact of those changes? How  
25 much nitrogen will really be dumped into

1  
2 the aquifer and Weesuck Creek? Dr. Chris  
3 Gobbler's recent testimony highlighted his  
4 very real concerns.

5 In addition, how will this  
6 development contribute to flooding in the  
7 area with climate change causing such a  
8 dramatic increase in impactful hurricanes?  
9 In moving the golf to the south, the  
10 developers have subsumed the Spinney Road  
11 homes inside the resort and they have  
12 reduced the size of the buffers. They  
13 placed the STP close to their homes as  
14 well the homes of the affordable housing  
15 renters. How will these existing  
16 homeowners be protected?

17 In addition, the Staff Report  
18 indicates important concerns that the  
19 minimal buffers don't adequately screen  
20 the project. I've taken a quick look to  
21 today's submission, and to my mind, their  
22 responses are still inadequate.

23 The safety problems with the  
24 narrower 40-foot roads have not been  
25 answered. The impact on traffic flow and

1  
2 emergency vehicle access is an ongoing  
3 very real issue.

4 The last iteration of the golf  
5 course didn't seem playable. This latest  
6 tweaking has done nothing to improve the  
7 layout. In trying to meet the  
8 Standards -- at least on paper --  
9 Discovery plans to leave existing ground  
10 cover in locations that will frustrate the  
11 average player. Most likely that ground  
12 cover will be removed and therefore can no  
13 longer be considered -- should no longer  
14 be considered Open Space. It's unlikely  
15 that the plan presented on paper will be  
16 workable.

17 How will the Commission and/or the  
18 Town monitor changes during and after  
19 construction? What's the impact of a  
20 proposed world class golf course on water  
21 usage?

22 The owners of the neighboring East  
23 Coast mine have requested an expansion.  
24 We still haven't seen any information on  
25 the impact of this expansion on the

1  
2 development. Especially when you consider  
3 Suffolk County Health Department's very  
4 real concerns about that.

5 Basically, there are no real  
6 benefits to the community, other than  
7 benefits to the developer.

8 On behalf of the Coalition and its  
9 members, I respectfully ask you to examine  
10 both the small changes that Discovery has  
11 just submitted. The answers to all of  
12 these unanswered questions along with the  
13 very large impact of approving this  
14 proposal and the precedent it will set.

15 We ask you to vote this project  
16 down. Frankly, we don't have the luxury  
17 of a do-over if our concerns are realized.

18 The future of the entire South Fork  
19 depends on it.

20 Thank you very much.

21 MR. PAVACIC: Thank you Ms. Spilka.

22 Our next speaker is Mr. George  
23 Lynch.

24 Mr. Lynch, you need to unmute I  
25 think from your end.

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2 MR. MILAZZO: John, why don't you

3 skip and go to next person? We can come

4 back to him.

5 MR. LYNCH: Can you hear me now?

6 MR. PAVACIC: Yes. We can hear

7 you.

8 MR. LYNCH: I'm sorry to have

9 delayed you.

10 Good afternoon.

11 My name is George Lynch.

12 And I live in Quogue.

13 I thought we were done with this.

14 A long time ago the Town unequivocally

15 turned down this project. I thought that

16 was it. But here it is almost 2021 and

17 we're still at it.

18 I'm going to adopt Assemblyman

19 Thiele's approach and just look at broad

20 policy considerations. I say this is

21 basically the same proposal that

22 Southampton rejected. I say none of us

23 can look ourselves in the mirror and claim

24 this development has changed in any

25 important respect. In any respect that

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2 should make the final decision different

3 from Southampton's clear no. There isn't

4 anything. It should still be no.

5 I had the good luck to grow up on

6 Long Island. And it was a wonderful place

7 back then. People did stupid and greedy

8 things. We've learned a great deal in my

9 lifetime. We've learned to protect our

10 wonderful place. To keep the land and the

11 water in good shape, open and clean as

12 much as we can. It hasn't been perfect,

13 but we've made good progress. Decent

14 progress. Two maybe three steps forward,

15 one step back. That's not bad in this

16 life. Those steps aren't all the same.

17 Some of those forward steps, like

18 establishing the Central Pine Barrens

19 Commission have been terrific. Great

20 advances. Some of the backward steps have

21 been really disastrous. Like say, the

22 Shoreham Nuclear Plant or tolerating

23 ancient septic systems. They have really

24 set us back. This Lewis Road development

25 would be the same thing. A giant step

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1

2 back.

3 And what would we get out of it?

4 What would do the people who would spoil

5 our forest and foul our waters offer us in

6 return? A golf course. Really? We have

7 lots of golf courses in Southampton. We

8 don't need another one.

9 What else? Luxury housing? We

10 have plenty of luxury housing. More than

11 enough. We don't need that either.

12 Just as I was preparing these

13 remarks, right in the middle of it, my

14 son-in-law came along, and we went out to

15 our dock on Areskonk Creek. I can see him

16 through the window, and he released a

17 cooler full of young eels into the water.

18 He told me he wants to populate this part

19 of the creek with the eels, so later my

20 grandsons can come (inaudible) or make all

21 skins rigs for catching bass and blue

22 fish. This is what it's about. This is

23 what it is to have healthy waters and

24 clean air. This is our Long Island and

25 we're blessed. Let's not screw it up.

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2 In the last ten years, we have

3 changed the face of government in

4 Southampton Town. Changed it completely.

5 Root and branch. Turned it right around.

6 We have done similar things throughout

7 Suffolk County. We didn't do all this by

8 just sitting back and letting bad things

9 happen to the people. We took action. We

10 worked hard and we were successful. All

11 but one of you on this Commission are

12 elected officials. Your decisions here

13 have consequences, not only in the Pine

14 Barrens, but in the polling places on

15 Election Day. Many of you have long

16 records of doing good things, but you know

17 that doesn't count. You know elections

18 are all about current issues. What you

19 have done for me lately?

20 This current issue -- this Lewis

21 Road development will be big. Maybe the

22 biggest item next November. Especially if

23 we have the good fortune to get on top of

24 the COVID crisis by then. Then it will be

25 all about Lewis Road, and then there will

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2 be consequences. The people will learn

3 what a travesty this project is because we

4 are will tell them. Loudly and often.

5 Then those office seekers who oppose the

6 travesty will be rewarded. But those who

7 supported it, who gave it their okay, they

8 will suffer. They will suffer and they

9 will go down.

10 I'll say it again, they will go

11 down. Don't fool around with this.

12 Thank you.

13 MR. PAVACIC: Thank you, Mr. Lynch.

14 Next speaker is Mr. Mike Alestra.

15 MR. ALESTRA: Good afternoon.

16 My name is Michael Alestra.

17 And I am a resident of East Quogue

18 for 22 years.

19 I would like to thank the Pine

20 Barrens Commission for the opportunity to

21 speak about the Lewis Road FRD.

22 If you would kindly indulge me for

23 a short synopsis of the last decade, I

24 will try to distinctly describe what has

25 transpired.

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2 Discovery Land began acquiring

3 large lots of land in East Quogue with a

4 master plan to build over 100 luxury homes

5 and an 18-hole golf course. The

6 overriding problem with that plan is that

7 the development would be in the Pine

8 Barrens. As a result, there have been

9 numerous machinations on their part to

10 move the project forward. The Pine

11 Barrens, as you well know, is a very

12 sensitive ecological area designated to

13 remain unfettered by such developments.

14 Discovery Land understood the risk

15 going into this project and that it might

16 very well not be approved. But with

17 hundreds of millions of dollars as a

18 potential reward, they were willing to

19 take the chance. Discovery Land has

20 winded their way through numerous hurdles.

21 They were able to get the Town to rezone

22 the land as a FDP, now FRD. When some

23 members of the Town Board voted no, those

24 members were served with multimillion

25 dollar lawsuits. It's quite clear that

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2 the intent of Discovery Land with these

3 lawsuits was to bully the Town Board

4 members who disagree with them in order to

5 create fear and intimidate any other

6 individual or individuals or agencies that

7 might get in their way. That appears to

8 be part of the methodology of Discovery

9 Land.

10 Today we are here because Discovery

11 Land must feel they have reached the

12 promised land. Just one more hurdle.

13 You, the Pine Barrens Commission, are the

14 bulwark. The last line of defense. Many

15 intelligent people who have already

16 spoken, has the foresight to prepare for

17 this moment -- this very moment. They

18 created the Pine Barrens Commission with a

19 mandate to prevent the destruction of the

20 Pine Barrens. The moment is now upon you.

21 I have no vested interest, and I don't

22 stand to gain anything with my efforts to

23 stop Discovery, other than to protect our

24 drinking water and the health of our

25 tributaries and bays. You will hear over

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2 the course of this discussion, numerous

3 individuals extolling the virtues of this

4 Discovery Land. Yet the only important

5 question must be asked, what do they have

6 to gain?

7 Ironically, some have argued that

8 my home will increase in value if

9 Discovery's project is successful. And

10 perhaps that is true. But you see, this

11 is not about me, it is about us and the

12 future out of eastern Long Island.

13 I feel it is morally wrong to put

14 profit over destruction. The destruction

15 of the idyllic pristine Pine Barrens to

16 further jeopardize our drinking water and

17 further compromise our bays. For what?

18 For profit?

19 In my heart, I know that Discovery

20 Land must be told no once again. I hope

21 in your heart, you feel the same way.

22 Again, one must remember that

23 Discovery Land knew that they were taking

24 a giant risk to get this project approved

25 in the Pine Barrens. They rolled the dice

1  
2 hoping for a giant payday. Ultimately,  
3 they will not lose if the project is  
4 rejected, but the inhabitation of the  
5 southern -- southeastern Long Island will  
6 forever be saddled with a great loss if  
7 the project is approved.

8 Please vote no and stop Discovery  
9 Land.

10 Thank you.

11 MR. PAVACIC: Thank you,  
12 Mr. Alestra.

13 Our next speaker is Liz Jackson.  
14 Liz Jackson.

15 MS. JACKSON: My name is Elizabeth  
16 Jackson.

17 And I just arrived home in my car  
18 after driving back from Riverhead,  
19 listening on my hands free to all of the  
20 comments which ironically was at the same  
21 time the setting sun was falling on the  
22 edge of all of this property that we have  
23 been discussing as I am driving along  
24 Lewis Road.

25 My comments -- I agree with

1  
2 everything that has been said. Except I  
3 would also like to add that in the newest  
4 layout -- well most of the time they keep  
5 telling us every time -- but the --  
6 everything complies, it's all great.  
7 We've seen that every time and we've made  
8 our comments. And then every time, still  
9 everything complies and even though  
10 nothing changes. Which have been stated  
11 by others as well.

12 However, I would also like to note  
13 this time that the project has changed  
14 significantly. Maybe innocently.  
15 Probably not. But if you look closely  
16 now, you will see -- or what you can't see  
17 because it's never labeled because these  
18 are drawings and surveys with professional  
19 renderings and notations, they are clear  
20 cutting of what is the headlands Spinney  
21 -- of Weesuck Creek. If you look at the  
22 original plans back when it was going  
23 before the Town, much of the land south of  
24 Spinney Road was being set aside for  
25 conservation. Now as it has changed and

1  
2 consolidated as an option, now the golf  
3 course and the housing development is  
4 expanding up along that area. And I had  
5 one picture -- because it's very hard and  
6 challenging to connect with it -- but it  
7 was listed as pink in the Clearing as part  
8 of the water management areas for the  
9 stormwater management. Pink was supposed  
10 to mean that the trees are going to be  
11 eliminated and the ground cover left  
12 behind. That is in the area that was  
13 Weesuck Creek. Ten years ago, our initial  
14 problem was this headlands of Weesuck  
15 Creek. This is not a minor detail. This  
16 is not a matter of we just happened to use  
17 this area. These are the tributary  
18 locations that feed into the cold water  
19 fed creek that then helps to purify the  
20 resources that goes into the base and is  
21 part of our multibillion dollar industry  
22 in the area.

23 You also can see there's a  
24 secondary lower branch that is also going  
25 to be severely now cleared and

1  
2 revegetated. It's not part of the major  
3 protected areas. As this project has  
4 mutated, they've added space for Open  
5 Space, but it's not in this highest of  
6 demand areas. Some, in fact, they've  
7 added space elsewhere, but intensified  
8 their use right here. And that is what  
9 was most concerning. We are also  
10 concerned because every time we have had  
11 high rains with the farm fields, Lewis  
12 Road has been known to flood. We have  
13 huge gaping empty stormwater recharge  
14 areas, they become flooded to the top when  
15 those events happen. I don't see how with  
16 all of the construction in this one  
17 specific area that any kind of mitigation  
18 is being provided from all the land that  
19 you have north of Sunrise Highway or up at  
20 the Parlato property. I think this a lot  
21 of intensive use in one very, very  
22 important location.

23 Also, they're talking about I  
24 believe it's a residential subdivision.  
25 And yet the new plans that were given to

<p>89</p> <p>1 us -- which aren't surveys, they're just</p> <p>2 drawings -- don't even show the houses.</p> <p>3 They don't even show that the clubhouse</p> <p>4 also has a pool house, also has a swimming</p> <p>5 pool. They list on their keys that blue</p> <p>6 represents ponds. And yet blue is also</p> <p>7 being used to represent a pool. These are</p> <p>8 not insignificant details for a group of</p> <p>9 people that are very intelligent and do</p> <p>10 this all the time in a lot of capacities.</p> <p>11 There's also miss-locating of other</p> <p>12 details. Like they don't describe where</p> <p>13 their data comes from on these drawings.</p> <p>14 What is the Slope analysis? We see a</p> <p>15 bunch of red and yellow colorings. They</p> <p>16 don't tell us if there's positive or</p> <p>17 negative slopes. They have a bunch of</p> <p>18 blue isolines that don't get described on</p> <p>19 the keys or the maps. What are those?</p> <p>20 Are those increases in elevation or</p> <p>21 decreases? They are excavating for an</p> <p>22 underground parking garage and your</p> <p>23 excavating for all these properties, where</p> <p>24 is that soil going to go? Are they going</p> <p>25</p>	<p>91</p> <p>1</p> <p>2 are maximizing their clearing, that's</p> <p>3 significant. They put it there for a</p> <p>4 reason.</p> <p>5 Also they have other things that</p> <p>6 will need to be addressed. And then we</p> <p>7 are coming back in circles. How are you</p> <p>8 going to get emergency vehicles in here?</p> <p>9 We don't even see roads properly labeled,</p> <p>10 we don't see properties. There are five</p> <p>11 houses, six lots that don't have road</p> <p>12 frontage. These aren't insignificant</p> <p>13 details because this isn't a sports</p> <p>14 complex application, it's a residential</p> <p>15 application.</p> <p>16 MR. PAVACIC: (Interjecting)</p> <p>17 Ms. Jackson, I'm sorry. You're running</p> <p>18 out of time. So you'll need to wrap it up</p> <p>19 please.</p> <p>20 MS. JACKSON: I'm good. That's</p> <p>21 good.</p> <p>22 Thank you.</p> <p>23 MR. PAVACIC: You're welcome.</p> <p>24 Okay. Thank you, Ms. Jackson.</p> <p>25 Our next speaker is Michael Mirino.</p>
<p>90</p> <p>1</p> <p>2 to take the soil and put it onto all the</p> <p>3 residential parcels to create a castle in</p> <p>4 Spinney Hills? Or what are they going to</p> <p>5 do with it? Are they going to level it</p> <p>6 into areas that were otherwise used as</p> <p>7 natural recharge areas? All of what they</p> <p>8 have said along was we are in compliance,</p> <p>9 we are compliant.</p> <p>10 At the very beginning, their</p> <p>11 application looks from last December</p> <p>12 extremely different than it does today.</p> <p>13 That alone is a problem. You can't just</p> <p>14 keep passing the buck in how we are</p> <p>15 reviewing things. These impacts to</p> <p>16 Weesuck Creek are significantly greater</p> <p>17 than they were when they were presented to</p> <p>18 you last December.</p> <p>19 Additionally, I would say that</p> <p>20 there's concerns with the Open Space that</p> <p>21 is designated between the end of Spinney</p> <p>22 Road and the south part for the play</p> <p>23 fields. That area is listed as Open</p> <p>24 Space. It's already highly disturbed, and</p> <p>25 it's a very small sliver. But when they</p>	<p>92</p> <p>1</p> <p>2 Michael Mirino.</p> <p>3 MR. MIRINO: My name is Michael</p> <p>4 Mirino. I'm a resident of East Quogue.</p> <p>5 Can you hear me well?</p> <p>6 MR. PAVACIC: Yes.</p> <p>7 MR. MARINO: Okay. Thank you,</p> <p>8 Commissioners for the opportunity to</p> <p>9 speak.</p> <p>10 Thank you also to the strong</p> <p>11 factual opposition brought here today by</p> <p>12 ungainful people which demonstrates</p> <p>13 clearly that this golf course is a bad</p> <p>14 idea.</p> <p>15 At the beginning during the</p> <p>16 exchange today between your Commission and</p> <p>17 the developer's representative, I felt</p> <p>18 like I missed something. When did we go</p> <p>19 from if your allowing this project to</p> <p>20 minute details on how it's being done? I</p> <p>21 missed that. But it seems like the skies</p> <p>22 the limit if you have the money to burn.</p> <p>23 Money makes money so they say. An average</p> <p>24 person wants a pool variance or a</p> <p>25 second-story addition, and the rules must</p>

<p>93</p> <p>1</p> <p>2 be followed. But a deep pocket company</p> <p>3 can consider building a separate golf</p> <p>4 course neighborhood above our reservoir</p> <p>5 and upstream from our aquatic paradise</p> <p>6 Weesuck Creek, which by the way has a</p> <p>7 surface source right up in that</p> <p>8 development area. Check Google Maps.</p> <p>9 This creek is an incubator for sea, land</p> <p>10 and bird life. The human interest in</p> <p>11 Shinnecock Bay drives our local economy.</p> <p>12 The economy is feeding the planned</p> <p>13 pesticide soaked golf course, are not</p> <p>14 local. This golf course is proposed --</p> <p>15 this golf course is proposed only to</p> <p>16 generate interest in the building lots</p> <p>17 where no interest exists.</p> <p>18 Permission would be a gift to a</p> <p>19 developer at East Quogue's risk and</p> <p>20 expense. Our elected Town Board</p> <p>21 disapproved this. The citizens of East</p> <p>22 Quogue voted down a zoning village. Only</p> <p>23 appointed Boards have moved this forward.</p> <p>24 And I might add with strong resistance</p> <p>25 within those Boards. In politics</p>	<p>95</p> <p>1</p> <p>2 of that and call on you in alphabetical</p> <p>3 order. So just take a few moments if</p> <p>4 there's anybody who is listening on the</p> <p>5 Zoom or participating on the Zoom would</p> <p>6 like to speak who has not already done so.</p> <p>7 Anybody?</p> <p>8 (Whereupon, there was no response</p> <p>9 amongst the public.)</p> <p>10 MR. PAVACIC: Nope.</p> <p>11 Okay. So there's no one on the</p> <p>12 Zoom.</p> <p>13 UNKNOWN SPEAKER: Wayne Bruyn wants</p> <p>14 to speak.</p> <p>15 MR. PAVACIC: We have already</p> <p>16 covered the -- we've already covered --</p> <p>17 the Applicant has already had an</p> <p>18 opportunity. We are looking for other</p> <p>19 folks at this point in time.</p> <p>20 So are there any other folks?</p> <p>21 Should we go to the phones? Has anybody</p> <p>22 called in at this point?</p> <p>23 UNKNOWN SPEAKER: Yes. These are</p> <p>24 the numbers.</p> <p>25 MR. PAVACIC: What do we do? Just</p>
<p>94</p> <p>1</p> <p>2 recently, I heard of truth decay. Well</p> <p>3 here we have tooth decay because these</p> <p>4 Boards seem to have no teeth.</p> <p>5 Your mission statement, to manage</p> <p>6 land use within the Central Pine Barrens</p> <p>7 to protect it's vital groundwater and</p> <p>8 surface water. Current Long Island</p> <p>9 residents will not benefit from this golf</p> <p>10 community because private community is an</p> <p>11 oxymoron.</p> <p>12 Please do not allow a golf course</p> <p>13 development in this area.</p> <p>14 Thank you.</p> <p>15 MR. PAVACIC: Thank you,</p> <p>16 Mr. Mirino.</p> <p>17 Also at this time, if you have not</p> <p>18 had an opportunity to speak and you did</p> <p>19 not preregister to speak but you're logged</p> <p>20 in as a Zoom participant and would like to</p> <p>21 speak, please indicate your interest in</p> <p>22 the Chat window. We'll take a few moments</p> <p>23 to provide you this opportunity if you</p> <p>24 would like to speak. And if there are</p> <p>25 multiple folks, we will create a list out</p>	<p>96</p> <p>1</p> <p>2 one by one? I am just going to ask folks</p> <p>3 on the phone numbers.</p> <p>4 So phone number beginning with area</p> <p>5 code 516 and ending with 217. We are</p> <p>6 asking if you are interested in speaking.</p> <p>7 Please identify yourself.</p> <p>8 (Whereupon, there was no response</p> <p>9 given by the public.)</p> <p>10 MR. PAVACIC: No. Okay.</p> <p>11 Is there any folks on the phone who</p> <p>12 would like to speak?</p> <p>13 Which one?</p> <p>14 Number -- phone number beginning</p> <p>15 are code 631 and ending in the number</p> <p>16 471 -- 471.</p> <p>17 (Whereupon, there was no response</p> <p>18 given by the public.)</p> <p>19 MR. PAVACIC: Going once, going</p> <p>20 twice.</p> <p>21 (Whereupon, there was no response</p> <p>22 given by the public.)</p> <p>23 MR. PAVACIC: Okay. Next phone</p> <p>24 number beginning area code 631 and ending</p> <p>25 703. Are you interested in speaking?</p>



<p>97</p> <p>1</p> <p>2 (Whereupon, there was no response</p> <p>3 given by the public.)</p> <p>4 MR. PAVACIC: Okay. Number</p> <p>5 beginning with area code 631 and ending in</p> <p>6 907. Are you interested in speaking?</p> <p>7 (Whereupon, there was no response</p> <p>8 given by the public.)</p> <p>9 MR. PAVACIC: Okay. Finally, phone</p> <p>10 number beginning with area code 917 and</p> <p>11 ending in 113. Are you interested in</p> <p>12 speaking?</p> <p>13 (Whereupon, there was no response</p> <p>14 given by the public.)</p> <p>15 MR. PAVACIC: Okay. So I think</p> <p>16 that's it in regard to public testimony.</p> <p>17 We have not -- we have gone through all</p> <p>18 the speakers and all the participants.</p> <p>19 MR. ROMAINE: Okay.</p> <p>20 MR. PAVACIC: Mr. Bruyn has asked</p> <p>21 to speak. I don't know if that's</p> <p>22 appropriate because the Applicant has been</p> <p>23 given an opportunity to speak.</p> <p>24 MR. ROMAINE: You don't get two</p> <p>25 bites of the apple.</p>	<p>99</p> <p>1</p> <p>2 hearing but keep the public record open</p> <p>3 until our December meeting, December 16th,</p> <p>4 and allow for the Applicant to submit</p> <p>5 comments two weeks today by close of</p> <p>6 business which I believe will bring us to</p> <p>7 Wednesday, December 2nd. That will then</p> <p>8 allow for the public to review any</p> <p>9 additional submissions by the Applicant</p> <p>10 and provide their comments to the</p> <p>11 Commission before our Commission meeting</p> <p>12 on the 16th or by the Commission on the</p> <p>13 16th.</p> <p>14 MR. MILAZZO: Carrie, I think you</p> <p>15 should close the public portion close by</p> <p>16 the end of business on the 15th of</p> <p>17 December.</p> <p>18 CHAIRWOMAN GALLAGHER: Okay. So</p> <p>19 close of business on the 15th, so that it</p> <p>20 would be available to us at our meeting on</p> <p>21 the 16th?</p> <p>22 MR. MILAZZO: Yes.</p> <p>23 MR. ROMAINE: I second that motion.</p> <p>24 CHAIRWOMAN GALLAGHER: All in</p> <p>25 favor?</p>
<p>98</p> <p>1</p> <p>2 MR. PAVACIC: All right. So we are</p> <p>3 at the end of the hearing at this point.</p> <p>4 We have heard all the testimony from the</p> <p>5 Applicant and the public. And at this</p> <p>6 point I guess the question to the</p> <p>7 Commission is, do you wish to close the</p> <p>8 hearing at this point and leave the public</p> <p>9 comment period open for a period of time?</p> <p>10 And also there's some questions that</p> <p>11 sounds like at the -- that were asked of</p> <p>12 the Applicant. Do you want to give an</p> <p>13 opportunity to the Applicant to respond to</p> <p>14 some of the those questions? Some</p> <p>15 regarding wildlife I believe that were</p> <p>16 asked by Southampton, and I think perhaps</p> <p>17 two weeks to allow the Applicant to</p> <p>18 respond. So respond by the close of</p> <p>19 business Wednesday, December 2nd and then</p> <p>20 leaving the public comment period open --</p> <p>21 the record open -- until the Commission's</p> <p>22 next meeting on December 16th.</p> <p>23 CHAIRWOMAN GALLAGHER: This is</p> <p>24 Carrie.</p> <p>25 I'll make the motion to close the</p>	<p>100</p> <p>1</p> <p>2 (Whereupon, there was a unanimous,</p> <p>3 affirmative vote of the Board.)</p> <p>4 CHAIRWOMAN GALLAGHER: Opposed?</p> <p>5 Any extensions?</p> <p>6 (Whereupon, there was no response</p> <p>7 amongst the Board members.)</p> <p>8 CHAIRWOMAN GALLAGHER: Great we</p> <p>9 have a plan of action then.</p> <p>10 Dorian, does that answer your</p> <p>11 question? Or do you need more clarity on</p> <p>12 how we are moving forward?</p> <p>13 MR. DALE: I believe to a certain</p> <p>14 degree. So we got 15th close of business,</p> <p>15 we have the next Pine Barrens Commission</p> <p>16 meeting December what?</p> <p>17 CHAIRWOMAN GALLAGHER: Sixteen.</p> <p>18 MR. MILAZZO: Sixteen.</p> <p>19 CHAIRWOMAN GALLAGHER: And then</p> <p>20 what we may need, Dorian -- and we can</p> <p>21 discuss it at our meeting on the 16th --</p> <p>22 we may need to schedule a date for a</p> <p>23 deliberation session so that the</p> <p>24 Commission members have time to review any</p> <p>25 additional information that has come in,</p>

1  
2 and then have a deliberation session prior  
3 to our meeting in January which is the  
4 decision deadline at this point in time.

5 MR. DALE: One point. Okay. So  
6 the key dates are 12/16 subsequent -- well  
7 12/15, 12/16 and then 1/20 is what we are  
8 looking at; is that correct?

9 CHAIRWOMAN GALLAGHER: And also  
10 remember December 2nd for the Applicant to  
11 provide responses to any questions that  
12 were raised today and clarifications that  
13 were needed.

14 MR. DALE: Okay. Very good.  
15 Thank you.

16 MR. MILAZZO: The meeting is now  
17 closed. Thank you, Ms. Stenographer.

18 (Whereupon, this hearing was  
19 concluded at 4:46 p.m.)  
20  
21  
22  
23  
24  
25

1  
2 C E R T I F I C A T I O N  
3 S T A T E O F N E W Y O R K  
4 S S :  
5 C O U N T Y O F S U F F O L K  
6

7 I, DOMENICA RAYNOR, Court Reporter  
8 and Notary Public of the State of New York, do  
9 hereby certify:

10 That the within transcript was  
11 prepared by me and is a true and accurate  
12 record of this hearing to the best of my  
13 ability.

14 I further certify that I am not  
15 related to any of the parties to this matter by  
16 blood or by marriage and that I am in no way  
17 interested in the outcome of any of these  
18 matters.

19 IN WITNESS WHEREOF, I have  
20 hereunto set my hand this 18th day of November,  
21 2020.  
22  
23

24 DOMENICA RAYNOR  
25

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