

*Second Annual Report of Activities*

*of the Central Pine Barrens Joint Planning and Policy Commission*

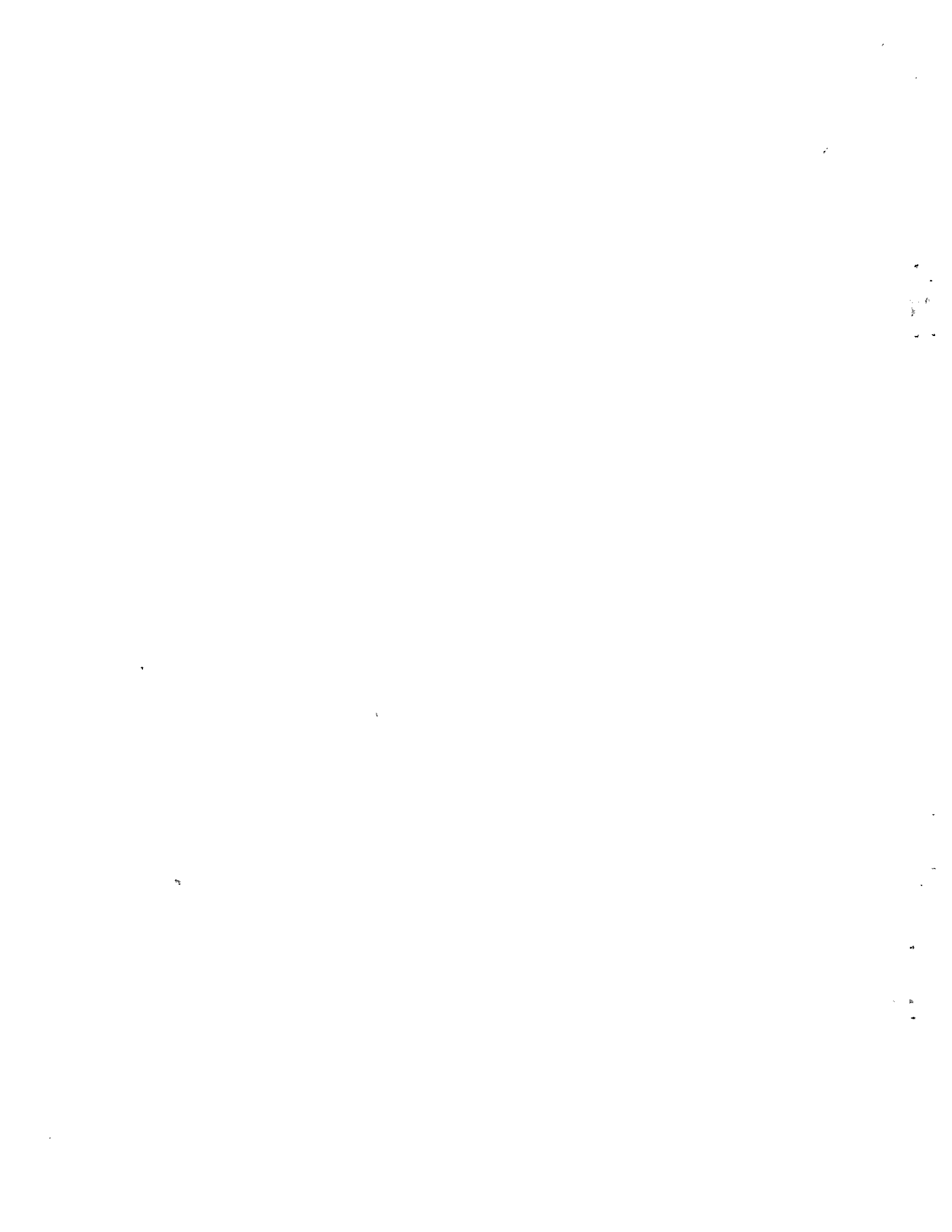
*For the period July 1994 through July 1995*

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## *Mapping the Future of Long Island's Pine Barrens: A Final Plan is Adopted*

With the signatures of Governor George Pataki, County Executive and Commission Chair Robert Gaffney, Brookhaven Supervisor and Commission Vice-chair John LaMura, Governor's Commission Appointee Ray Cowen, Riverhead Deputy Supervisor James Stark, and Southampton Deputy Supervisor Richard Blowes, the Central Pine Barrens Comprehensive Land Use Plan became law on June 28, 1995. Following approval by the Town Boards of Brookhaven, Riverhead, and Southampton in the preceding days, the formal adoption and signing of the final Central Pine Barrens Plan occurred at Suffolk County's Gabreski Airport in Westhampton, steps away from the pine barrens forest, at a ceremony hosted by the Suffolk County Water Authority.

These signatories were joined on this occasion by State Senator Kenneth LaValle and State Assemblyman Thomas DiNapoli (prime sponsors of the Long Island Pine Barrens Protection Act of 1993), State Environmental Conservation Commissioner Michael Zagata, former Central Pine Barrens Commissioners Joseph Janoski of Riverhead and Fred Thiele (currently a State Assemblyman) of Southampton, Assemblyman Steven Engelbright, Suffolk County Water Authority Chair and Central Pine Barrens Advisory Committee Chair Michael LoGrande, Suffolk County Legislature Presiding Officer Donald Blydenburgh, designated representatives for the Pine Barrens Commissioners, numerous members of the three Town Boards, the professional staff of the Commission, members of the pine barrens working committees, and many interested citizens.

In remarks to the assembled officials and citizens, speakers noted the historic nature of the event, citing both the birth of the state's newest forest preservation area and the remarkable consensus building process that led, often excruciatingly, to it. Speakers also noted that the process provided an excellent example of the preferred method for solving regional disputes, a method that requires patience, resilience and determination.

*"In government and in life there is a very fine and important balance that you have to reach ... today, with the adoption of the Comprehensive Land Use Plan, we are putting in place a critical element of that balance..."*

*Gov. George Pataki, upon the signing of the Plan...*

Governor Pataki noted the role of local officials and citizens in settling the long-standing pine barrens issues, while County Executive Gaffney reminded the attendees that the day's event was not the termination of the process, but rather a significant milestone in an ongoing commitment to protect an irreplaceable area.

Adoption and signing of the final Central Pine Barrens Plan was the culmination of the Commission's second year of existence, and the work of literally hundreds of individual contributors. The many facets of this work are outlined in this Second Annual Report.

## *Long Island's Central Pine Barrens*

Located within the southeast corner of New York State, and specifically within the interior portions of east-central Suffolk County, Long Island's pine barrens region is a remnant of an area which once stretched approximately one quarter of a million acres.

*"As we all realize, the adoption of this Plan is not the end of a process, but merely one of several milestones that we've set for ourselves throughout this process, this process to protect this unique, irreplaceable resource."*

*County Executive Robert Gaffney, upon the signing of the Plan.*

Reduced over the past centuries to several discrete patches, the pine barrens of Long Island present a contemporary challenge in managing its mix of natural areas, human communities, and ongoing land use pressures.

The largest of these surviving patches, the **Central Pine Barrens**, covers approximately 100,000 acres at the juncture of the towns of **Brookhaven, Riverhead and Southampton**.

Within the heart of the Central Pine Barrens lies a composite of pitch pine and oak forests, streams and rivers (including the Peconic and Carmans Rivers, with the former being the longest groundwater-fed river in the state), glacial moraines and outwash plains, habitat for high concentrations of rare, threatened and endangered species, a deep flow groundwater recharge area, a scientific field laboratory for hydrological and ecological investigations, several existing, low-density residential communities and a significant hunting, fishing, hiking and passive use recreation area.

Along the outer portions of this relatively undeveloped and mostly publicly held region is a transitional, partly developed area, with existing residential and commercial land uses and associated infrastructure.

## *The Long Island Pine Barrens Protection Act*

Under the **Long Island Pine Barrens Protection Act of 1993**, an amendment to Article 57 of the New York Environmental Conservation Law sponsored by State Senator Kenneth LaValle and State Assemblyman Thomas DiNapoli, the **Central Pine Barrens Joint Planning and Policy Commission** was created.

The Commission is comprised of the Suffolk

County Executive and the supervisors of the towns of Brookhaven, Riverhead and Southampton as ex officio members, and a fifth member who is an appointee of the Governor of New York.

The Commission was instructed to produce and implement a **master plan** for this region, and an associated calendar of **statutory milestones** was explicitly stated in the Act.

*"Finding the right balance between protecting the pine barrens and allowing development within its borders is an issue that transcends the individuals who have been working on it."*

*Senator Kenneth LaValle,  
upon the signing of the Plan.*

A twenty four member Central Pine Barrens Advisory Committee was also created by the

Act, and given the responsibility to provide assistance to the Commission in the production and implementation of that comprehensive plan.

Under the Pine Barrens Protection Act, this overall 100,000 acre zone is divided into two statutory areas: the 47,500 acre **Compatible Growth Area (CGA)**, where development patterns consistent with certain performance standards are encouraged, and the 52,500 acre **Core Preservation Area**, where resource protection is emphasized through an acquisition program and a transfer of development rights program.

### *From Draft to Final Plan: The Second Year*

Since the enactment of that legislation, two very full years of planning, including several statutory milestones, have produced a remarkable document, the Central Pine Barrens Comprehensive Land Use Plan. Adopted in its final form on June 28, 1995, this document guides land use decisions and management activities within this area by all involved parties.

*"...we said so many months ago that this was shaping up to be Long Island's biggest success story ... that is in fact the case..."*

*Assemblyman Thomas DiNapoli,  
upon the signing  
of the Plan.*

Production of this Plan was a principal focus of the Commission's work during the July 1994 through July 1995 period. This time

interval began with the adoption of the Draft Comprehensive Land Use Plan in July, 1994. In the intervening twelve months, the Commission conducted a series of public hearings, community seminars, and a workshop for core landowners. It produced the Draft and Final Supplemental Generic Environmental Impact Statements. Adoption of the June 1995 Central Pine Barrens Plan was also preceded by incremental versions of the proposed final Plan in January and April of 1995.

The intensity of the planning process is reflected in the meeting schedule which the Commission has followed. During its second year (7/14/94 through 7/14/95), the Commission met 46 times, for a total during the overall two year period (7/14/93 through 7/14/95) of 75 formal Commission meetings.

These meetings are in addition to the Commission's hearings on the Generic Environmental Impact Statement, the Interim Goals and Standards for development in the

Compatible Growth Area, information seminars, community workshops, hearings on development applications in both the core and the CGA, and the accompanying hearings held by the Town Boards of the three towns.

The Advisory Committee convened formally as a body for 10 meetings during the reporting period. Three standing subcommittees of the Advisory Committee - dealing with Transfer of Development Rights, Land Management, and Ecology - participated in the plan development and authorship, and met independently of the full Committee in those pursuits. In addition to these efforts, members of the Advisory Committee formed two special purpose, limited term subcommittees to focus upon particularly difficult issues and then forward reports to the full Committee and the Commission.

The Commission is housed at the Suffolk County Water Authority's Great River offices, and the Authority's Policy and Planning Department provides the Commission's professional staff under contract with the Commission. The Commission staff convened several topical, limited term working groups to produce consensus policies and plan text on cultural resources, hunting and fishing, trails, hydrology, and fire management.

Exploratory meetings which eventually led to the formation of the Law Enforcement and Protected Lands Councils were also held.

*"Take a look down at the pine barrens because the scene that you will see, on the basis of what you are about to sign today, will be there in the year 2195 and, God willing, for a long time beyond that as well."*

*Advisory Committee Chair  
Michael LoGrande, upon the  
signing of the Plan.*

The Suffolk County Departments of Planning, Health, Public Works, Parks and Recreation, Law, and Real Estate, as well as the County Executive's office, participated. The New York State Department of Environmental Conservation's Region 1 and Albany staff also participated, along with the Planning and other Departments of the three towns, and the professional staff of the Nature Conservancy, the Suffolk County Water Authority and the Harriman School at the State University of New York at Stony Brook.

### *The final Plan contents*

The Central Pine Barrens Comprehensive Land Use Plan is a three volume work. Volume 1: Policies, Programs and Standards includes major sections on:

- An overview of the Act, including

- milestones to date
- Land acquisition policies
- Development project review procedures and jurisdiction of the Commission over such projects
- Development project standards and



- guidelines
- The Pine Barrens Credit program for transferring development rights
- Public lands management policies, including natural resources, recreation, law enforcement, fire management, and other topics
- Water resource and hydrology research recommendations, both immediate and long term
- Recommendations for legislative changes to fully implement the Central Pine Barrens Plan

- Special topic policies important to Plan implementation

Volume 2: Existing Conditions and the Central Pine Barrens Generic Environmental Impact Statement round out the Plan document. The former contains detailed summaries of demographic, ecological, geological, hydrological, and other pine barrens resources. All of these are available from the Commission office.

### ***Entering the third year: Activities in progress as of July 1995***

Following the adoption of the final Plan, the local municipalities began the required process of **modifying their local codes and ordinances** (e.g., zoning codes) to implement, and conform with, the land use standards and procedures contained within it.

At the completion of the period covered by this Second Annual Report of Activities, the local ordinance review and modification process has begun, Suffolk County and New York State are continuing their land acquisition programs, startup of the transfer

of development rights program is underway, development projects continue to be reviewed as per the Act, and several of the public lands management initiatives outlined in the final Plan are underway.

The **Pine Barrens Protection Act Milestones** contained in the appendices, updated through 7/14/95, detail the Commission's work as defined by the specific timetables of the Act. The sections which follow here detail several significant topical areas of broad interest.

### ***Land Acquisition***

At the heart of the overall Plan goal of protecting the bulk of the Core Preservation Area is the land acquisition policy. At the start of the planning process, it was estimated that **approximately 14,000 acres of the overall 52,500 acres** contained within the Core Preservation Area were undeveloped and privately held. Emphasizing the importance of acquisition as the land protection tool of preference within the

Central Pine Barrens core, the Plan sets a **long term goal of acquiring approximately 75% of that 14,000 acres, or approximately 10,000 acres.**

As noted in the Central Pine Barrens Plan, achievement of this goal depends crucially upon the complementary acquisition programs of Suffolk County and New York State. **Suffolk County**, through the strong

and steady support of the Suffolk County Legislature and the Suffolk County Executive's office, has a long-established record of protecting environmentally significant and open space lands through both its older **Open Space Program** and its newer **Drinking Water Protection Program**.

*The Plan sets a long term goal of acquiring approximately 75% of the undeveloped, privately held acreage within the Core Preservation Area.*

These programs, while not geographically restricted to the Central Pine Barrens core area, have greatly benefitted and presaged the Central Pine Barrens core protection effort.

Under the latter program, financed through a one quarter of one percent sales tax surcharge, the County of Suffolk has, in the period from 6/1/94 through 7/31/95 (roughly the same as the reporting period) closed title on approximately 755.4 acres of Central Pine Barrens core lands, with approved contracts on an additional, approximately 746.1 acres.

Together these purchases represent approximately 1500 acres and approximately

\$12.3 million of County funds, out of a total commitment of approximately \$20 million.

New York State has provided the second half of the Core Preservation Area land protection momentum through the commitment of both the New York State Legislature and the Governor to a total of \$20 million in direct acquisition funds.

The second largest public landowner within the core area, New York State will build its new acquisition efforts upon an already strong landholding. This base includes the Rocky Point Natural Resources Management Area, the David Sarnoff Preserve, and the purchases made this past year.

Within the 7/94 through 7/95 reporting period alone, New York State, through the Region 1 office of the Department of Environmental Conservation, has purchased and closed title on approximately 450.2 acres and is in contract to purchase an additional, approximately 102 acres, for a total of approximately 552 acres.

In addition to New York State's acquisition program funding, a total of \$5 million in Pine Barrens Credit Program capitalization funding has been dedicated from the State's Natural Resources Damages Account, complementing the acquisition funding.

<i>Land Acquisition Activity</i>				
Organization	Title closed	Contract approved	Total	Total funding
Suffolk County	755.4 ac	746.1 ac	1501.5 ac	\$12,300,000
NY State	450.2 ac	102 ac	552.2 ac	\$4,700,000
Total	1205.6 ac	848.1 ac	2053.7 ac	\$17,000,000

## *The Pine Barrens Credit Program*

The Pine Barrens Credit Program establishes a system for transferring development rights, provides an innovative use of land located in the Core Preservation Area and supplements the other pine barrens compatible uses of environmentally significant lands.

Under the Program, environmentally significant lands are designated as **sending areas**, and are allocated transferable development rights called **Pine Barrens Credits (PBCs)**. These rights or credits allow increased development in certain designated areas, outside of the sending areas, called **receiving areas**. A **Pine Barrens Credit Clearinghouse** has been established under the *Plan* to facilitate the transfer of the development rights from the sending areas and to purchase those rights under certain circumstances from property owners who wish to sell them.

During the reporting period, a **sending area allocation formula** was established based on lot area and existing zoning. **Receiving areas** capable of accommodating at least the estimated total number of Pine Barrens Credits have been identified in the *Plan*.

Additional receiving areas capable of accommodating **two and one half times** the estimated total number of Pine Barrens Credits capable of being allocated will have

to be identified by each Town in the coming months.

*The Clearinghouse will administer the Pine Barrens Credit Program by issuing, monitoring, purchasing and selling credits, utilizing a revolving fund from a local natural resources damages settlement.*

The potential economic impacts of the Pine Barrens Credit Program were also analyzed this year, and that analysis is part of the *Final Generic Environmental Impact Statement*.

Finally, the Pine Barrens Credit Clearinghouse was established and a source of funding was identified. The Clearinghouse is responsible for administering the Pine Barrens Credit Program by issuing, monitoring, purchasing and selling Pine Barrens Credits.

The \$5 million from the State Natural Resources Damages Account, which contains funds derived from a local natural resources damages settlement, will be utilized to set up a revolving fund for purchases of Pine Barrens Credits by the Clearinghouse.

## *Development Activity and Project Reviews*

During the first two years of its work, the Commission has administered a **limited moratorium** on development within the Central Pine Barrens. Under the Long

Island Pine Barrens Protection Act, and the March 1995 amendments which altered the final plan development deadline, approval of a final comprehensive plan was required by

**June 30, 1995.** This is to be followed by a **three month period** during which the local municipalities must modify their zoning and development ordinances. During this plan development and early implementation period, applications for development are processed under specific provisions of the pine barrens act which apply to the two geographic areas defined within the Act.

Within the **Compatible Growth Area (CGA)**, such applications have been processed by the Commission only after a project has received all other local approvals. In addition, the Commission's review of such development projects is guided by the **Interim Goals and Standards for Development in the CGA**, which were adopted in early 1994.

These interim standards remain in effect within each municipality until that municipality's ordinances have been revised. ECL 57-0121(8) and (9) contain the relevant Compatible Growth Area provisions for this work, and also define several exemptions to the limited moratorium.

Within the **Core Preservation Area**, applications for development are processed according to the statutory provisions for Core Preservation Area **hardship exemption permits** contained in ECL 57-0121(10). Under this provision, there are two types of Core Preservation Area hardship exemptions, namely **extraordinary hardship** and **compelling public need**.

*During this reporting period, 16 Compatible Growth Area applications and 12 Core Preservation Area applications were before the Commission.*

Additionally, the Commission sometimes must determine whether a project meets the definition of development within the pine barrens statute, as stated in ECL 57-0107(13), and, therefore, whether it falls under the review jurisdiction of the Commission. Such "**determinations of development or nondevelopment**" may be precursors to project reviews.

Category	First Year 7/14/93 - 7/14/94	Second Year 7/14/94 - 7/14/95	Two Year Total 7/14/93 - 7/14/95
<b><i>Compatible Growth Area (CGA) projects</i></b>			
Applications under the Interim Goals and Standards	3 approved 0 denied	9 approvals 2 denials 5 pending	12 approvals 2 denials 5 pending
Hardship applications within the CGA	None filed	None filed	None filed
Development status determinations	11	6	17
SEQRA coordinations	19	50	69

<i>Core Preservation Area projects</i>			
Hardship exemption permit applications	1 approved 2 denied	9 approved 3 denied	10 approved 5 denied (*)
Development status determinations	1	8 completed 1 pending	9 completed 1 pending
Core boundary change requests received	3 received None acted upon	2 received None acted upon	5 received None acted upon (**)
SEQRA coordinations	2	7	9
<p>(*) <i>The breakdown of this group is noteworthy. 2 of these 5 denials involved different projects on the same site, and that site has since been purchased by Suffolk County. 1 denial involved an unresolved ECL violation, for which a resolution has since been agreed upon. 1 denied application lacked a specific project proposal but involved a site which is now included on the <u>Plan's</u> proposed core roadfront exemption list. 1 other denied application was for a site upon which a revised application is pending.</i></p>			
<p>(**) <i>Since the close of this reporting period (July 1995), 1 of these requests has been withdrawn, 2 were determined to involve parcels which are parts of "nondevelopment" residential subdivisions and thus exempt from the law, 1 was determined to be for a parcel where reconstruction of a home was allowed, and 1 has been the subject of a hearing and is pending.</i></p>			

The *Plan* contains explicit definitions of the jurisdiction of the Commission over future Central Pine Barrens development projects, procedures for their review, and a set of performance standards and guidelines for such projects.

The jurisdiction component also defines those projects which qualify as **Developments of Regional Significance**, and therefore subject to Commission review.

Further, it maps those land areas within the Compatible Growth Area which are **Critical Resource Areas** under the pine barrens statute, and within which certain projects are subject to Commission review.

The standards and guidelines address such issues as nitrate loading, wellhead protection, surface and ground waters, native vegetation, coordinated design, etc.

### ***Public Lands Management***

The Public Lands Management portion identifies several interagency issues in the management of the Central Pine Barrens protected lands. Issues in the areas of ecosystem protection and management, surface water and groundwater protection, surveying and mapping, interagency communication, citizen involvement,

recreation activities such as hunting, fishing, and trail use, law enforcement issues, natural areas management, fire management (both wildfire response and prescribed burning), and other topics are identified and specific, achievable goals are set.

Written by a cooperative coalition of

scientists, land managers, recreation representatives, law enforcement professionals, and a number of special committees and topical "working groups" (identified in the preface to the *Plan*), this policy section is crucial to the long term fulfillment of the protected lands management goals of the Act. Implicit in this section is the resolve of all concerned parties to work together on a task by task basis on management issues.

Of special note here is the creation of two "working associations" of existing professionals: the **Protected Lands Council** and the **Law Enforcement Council**. Each has convened to assist in the authorship of this policy component.

The Law Enforcement Council, starting prior to the adoption of the final *Plan*, has actually begun implementation of their portion of the *Plan's* policies, by initiating the production of an interagency, field officer's *Central Pine Barrens Law Enforcement Handbook*,

through the execution of multiagency field enforcement operations starting in the spring of 1995, and through the formulation of grant proposals for necessary equipment.

*Ecosystem management, compatible recreation, interagency working associations, and specific field management challenges along with possible strategies, are emphasized in the public lands management chapter of the final Plan.*

These field operations have been successful in both their specific results (summonses, off road vehicle enforcement, etc.) as well as in defining technical problems which require addressing (e.g., common radio capabilities, mapping needs, etc.). This component helps to coordinate the activities of the thirteen agencies which comprise the Council.

### *Water resources and hydrology*

The final *Plan* introduces three categories of water resource recommendations, and is based upon the cumulative results of numerous prior studies of Suffolk County's water resources.

**Immediate management recommendations** address issues for which opportunity, need and technical skills are available now, and include such topics as stormwater runoff control, wetlands management, well siting, hydrological data compilation, etc.

**Intermediate term management recommendations** are also proposed, with an emphasis upon hydrological modeling.

Finally, **long term management recommendations** identify topics where research or technological innovation are needed, and include wetlands sensitivity analyses, regional scale modeling, and delineation of surface water contributing areas for selected regions.

## *Other Plan topics*

Rounding out the Central Pine Barrens Plan, recommendations have been proposed by the Commission for selected legislative changes to the pine barrens law which the Commission maintains are essential to a full implementation of the Plan and achievement of the goals of the statute.

The Plan also includes a description of the Commission's future structure and operations, several explicit policy statements on select planning areas, and technical appendices.

## *Legal Issues*

At the close of this reporting period, four legal actions have been recorded.

The first instance is the Long Island Pine Barrens Society, et al. v. Central Pine Barrens Joint Planning and Policy Commission (Supreme Court, Suffolk County). The Society is challenging the Commission's interpretation of Article 57 concerning a proposal of the Longwood Youth Sports Association to create athletic fields for recreational purposes.

The Commission determined that the proposal was "nondevelopmental" as such term is defined in Article 57. The Commission has moved to dismiss the lawsuit and the Society has requested and received several adjournments, the latest of which is still in effect.

A second action is W.J.F. Realty Corp., et al. v. Central Pine Barrens Joint Planning and Policy Commission (Supreme Court, Suffolk County). Petitioner sought to compel the Commission to comply with Article 57 by (a) preparing an inventory of all private parcels in the Core Preservation Area and (b) notifying each property owner and assigning and calculating the development yield for each such parcel.

W.J.F. has withdrawn this action since the Commission has performed these tasks.

A third action is W.J.F. Realty Corp., et al. v. State of New York, et al. (Supreme Court, Suffolk County). This is a constitutional challenge against Article 57 including a taking claim. The respondents moved to dismiss on the grounds that the petitioner has failed to exhaust its administrative remedies by seeking a hardship permit to develop property in the Core Preservation Area. The motion was converted by the judge to a summary judgement motion and is pending before the court.

The fourth and final legal action is Long Island Builders Institute v. Central Pine Barrens Joint Planning and Policy Commission (Supreme Court, Suffolk County). This is a challenge to the Commission's denial of a Freedom of Information Law (FOIL) request. The Commission released the requested records. However, the court issued an order directing the Commission to release the records requested, stating that no appearance or response was made on behalf of the Commission. The Commission has notified the court of this error which will be duly corrected.

## *Planning Period and Early Implementation Funding*

Commission activities during the two year planning period have been financed through a New York State Department of State grant for \$500,000 covering the two state fiscal years ending on March 31, 1995, and augmented by grants from several institutional members of the Central Pine Barrens Advisory Committee, including the Brookhaven National Laboratory, the Suffolk County Water Authority, the Long Island Board of Realtors, and the Long Island Greenbelt Trail Conference.

The Suffolk County Water Authority, in addition to its contractual role in providing

professional staff and financial accounting services, has provided a **matching grant program** for these donations. The Commission wishes to publicly acknowledge and thank the Suffolk County Water Authority's Board of Directors for its generous commitment of resources, personnel and office space.

During the current state fiscal year, the Commission's work is financed through a \$300,000 **Aid to Localities appropriation** and a \$350,000 **Capital Projects Budget appropriation**.

## *To Inquire Further*

The Commission has established a library at its Great River office which contains a wide range of pine barrens and Commission reference materials. It is accessible to the public from 8:30 am to 5:00 pm, Monday through Friday. A sampling of information located there includes:

- The Pine Barrens Act (New York State Environmental Conservation Law Article 57).
- The Central Pine Barrens Handbook (February, 1994).
- The Final Central Pine Barrens Comprehensive Land Use Plan (June 1995), consisting of three volumes:
  - Volume 1: Policies, Programs and Standards,
  - Volume 2: Existing Conditions,
  - Generic Environmental Impact Statement.
- Central Pine Barrens SEORA Findings

### Statement (June 1995)

- Commission roster and meeting minutes from 1993 through the present.
- Advisory Committee roster and meeting minutes from 1993 through the present.
- Biweekly Pine Barrens Events Schedule  
(*Note: This is available by fax or mail on a regular basis to any individual or organization.*)
- Committee reports.
- Selected maps (also available at the Suffolk County Planning Department).
- Interim Goals and Standards for Compatible Growth Area Development.
- Compatible Growth Area Application Packet.
- Core Preservation Area Hardship Application Checklist.
- Transcripts from all public hearings held by the Commission



- Newspaper and other pine barrens articles from 1993 through the present.
- Core area parcel inventory
- Articles and manuscripts on a variety of pine barrens issues and topics.

In addition to the Final Central Pine Barrens Comprehensive Land Use Plan, two other publications are particularly noteworthy.

The Central Pine Barrens Handbook, first printed in February 1994, has proven to be a valuable introduction to the Pine Barrens Protection Act and associated facts. It is a useful reference for all participants in the planning and implementation process.

In progress, the Pine Barrens Credit Program Handbook is intended as an easily used guide for participants in the Pine Barrens Credit Program.

The Commission also strives to reach groups and community members who are interested in any pine barrens topic.

Staff members have spoken with a variety of stakeholder groups. Early pine barrens education is being advanced through participation in local events and lectures at area schools. **Design workshops** have been held, involving members of the community in planning and determining future development, a crucial factor in implementing the Plan.

The Commission staff is available to speak with individual landowners, design and planning consultants, real estate and title company professionals, attorneys, government agency representatives and other individuals.

As a follow up to an early planning seminar hosted by the Commission in November 1993, the Commission is planning three additional **technical planning seminars** for December 1995. These will be targeted to specific groups who need to know how the Plan will affect future development and real estate trends within the three town region.

## *Epilogue*

As this Second Annual Report is completed, it is October 1995 and several noteworthy events continue to unfold within the Central Pine Barrens. While occurring after the close of this reporting period, this Second Annual Report would be incomplete without noting them. They will be covered in further detail in the July 1996 report.

All three towns - Brookhaven, Riverhead and Southampton - have produced draft revisions of their zoning amendments following final Plan adoption in June of 1995, and have held, or will hold, hearings

on those changes.

The Commission continues to review development applications, and the acquisition and development transfer programs also are continuing.

The Pine Barrens Credit Program's Board of Advisors, established under the Plan, has held its first meetings, the Pine Barrens Credit Program Handbook is now ready for distribution, and the capitalization fund is under establishment.

Finally, only one and one half months following adoption of the final *Plan*, the Central Pine Barrens of Long Island became the focus of national, and even international, news coverage as the most extensive wildfires within local or state memory this century swept across thousands of acres in both Rocky Point and Westhampton, following a month-long drought.

Approximately 2000+ volunteer firefighters, emergency personnel, town, county, state and federal personnel, as well as individual citizens responded to the emergency, avoiding the loss of even a single life. The Commission can only echo the already expressed sentiments of local residents, and profoundly thank each and every one who responded.

Central Pine Barrens Joint Planning and  
Policy Commission  
Meeting of October 11, 1995  
Medford, NY

## ***Appendix 1: Commission, Advisory Committee and Staff Rosters***

### ***Commissioners and Representatives***

The Commission's five members represent the State, Suffolk County, and the Towns of Brookhaven, Riverhead, and Southampton. The State member is appointed by the Governor and the other four Commissioners are ex officio members.

**The Governor's appointee is Ray E. Cowen, P.E.** Mr. Cowen also serves as the Region 1 Director of the NY State Dept. of Environmental Conservation.

**The Suffolk County member is County Executive Robert J. Gaffney, Esq.,** who also serves as Chair of the Commission. Mr. Gaffney's designated representatives are:

Eric A. Kopp, Deputy County Executive,  
George Gatta, Deputy County Executive,  
George Proios, Assistant County Executive, and  
Roy S. Dragotta, Esq., Municipal Law Bureau Chief,  
Dept. of Law.

**The Brookhaven Town member is Supervisor John J. LaMura, Esq.** who also serves as Vice-chair of the Commission. Mr. LaMura's designated representatives are:

Jesse Garcia, Executive Assistant,  
Emily Pines, Esq., Town Attorney,  
Thomas W. Cramer, Commissioner of Planning,  
Environment and Development,  
John Girandola, Administrative Head, Planning  
Division, Department of Planning,  
Environment and Development, and  
Barbara M. Wiplush, Esq., Assistant Town Attorney.

**The Riverhead Town member is Deputy Supervisor James R. Stark.** Mr. Stark's designated representative is Brenda A. Filmanski, A.I.C.P., Planner.

**The Southampton Town member is Deputy Supervisor Richard J. Blowes.** Mr. Blowes' designated representatives are:

Robert J. Duffy, A.I.C.P., Town Planning and  
Development Administrator,  
Martin E. Shea, Chief Environmental Analyst, and  
Andrew Freleng, A.I.C.P., Chief Planner.

### ***Advisory Committee***

The Advisory Committee's twenty four organizational members are defined in the law, and two additional organizations have been recommended for membership.

The Chair of the Advisory Committee is **Mr. Michael A. LoGrande, A.I.C.P.,** who represents the Suffolk County Water Authority. Mr. LoGrande is the Chairman and Chief Executive Officer of the Authority.

The Vice-chair is **Mr. Michael J. Deering,** who represents the Assembly Office of the NYS Legislative Commission on the Water Resource Needs of Long Island. Mr. Deering is the Legislative Director for the Water Commission, and his alternate is Mr. Matthew Hickerson, Legislative and Communications Coordinator.

The other organizations and their representatives are:

**Long Island Association:** Mitchell H. Pally, Esq., Vice-president for Legislative and Economic Affairs.

**Long Island Builders Institute:** Edwin M. Schwenk, Executive Director. Alternate: David W. Zere, Operations Coordinator.

**Association for a Better Long Island:** Herbert M. Balin, Esq., Executive Board Member. Alternate: Peter Bergner.

**Long Island Board of Realtors:** Robert Herrick, President. Alternate: Jeanne Garant, Board Member.

**Long Island Farm Bureau:** Joseph M. Gergela, III, Executive Director. Alternate: Henry Talmage.

**State Univ. of NY at Stony Brook:** Dr. Henry Bokuniewicz, Prof. of Marine Sciences and Dir. of the LI Groundwater Institute. Alternate: Dr. Martin Schoonen, Prof. of Earth & Space Sciences and Assistant Dir. of the LI Groundwater Institute.

**Regional Plan Association:** Robert D. Yaro,

Executive Director. Alternate: Robert J. Pirani, Director of Environmental Projects.

**Long Island Pine Barrens Society:** Richard Amper, Executive Director. Alternate: Jennifer Miller.

**Group For The South Fork:** Kevin McDonald, Vice-president. Alternates: Robert S. DeLuca, Executive Director; Carolyn Zenk, Esq., Staff Attorney.

**The Nature Conservancy:** Sara E. Davison, Executive Director. Alternate: Dr. Stuart R. Lowrie, Peconic Bioserve Director.

**North Fork Environmental Council:** Anne Lowry, President. Alternate: Louis Passantino.

**Open Space Council:** Marilyn England, President. Alternate: Daniel Morris, Treasurer.

**Long Island Greenbelt Trail Conference:** Kim L. Darrow, Esq., Cofounder. Alternate: Thomas Casey, Board Member.

**Environmental Defense Fund:** James T.B. Tripp, Esq., Counsel. Alternate: Arthur Cooley, Cofounder and Trustee.

**Eastern Suffolk Board of Realtors:** Barbara McCaffery, President. Alternate: Dorothea Green.

**Southampton Alliance:** James Zizzi, Vice-president. Alternate: Ann LaWall.

**South Fork Promotion Committee:** John H. Scheetz, President.

**Long Island Regional Planning Board:** Dr. Lee E. Koppelman, Executive Director.

**NYS Legislative Commission on the Water Resource Needs of Long Island Senate Office:** Brian Culhane, Senate Executive Director.

**Brookhaven Civic Representative:** Connie Kepert, President, Affiliated Brookhaven Civic Organizations.

**Riverhead Civic Representative:** Desiree Passantino, Codirector, ACT NOW. Alternate: Mark Lembo.

**Southampton Civic Representative:** Joseph Colao, Pres., Wildwood Lake Association. Alternate: Kevin McCrudden.

**Brookhaven National Laboratory / Associated Universities, Inc.:** Dr. Jannakiram Naidu, Ecologist, Safety and Environmental Protection Division.

**Suffolk Alliance of Sports men, Inc.:** William Shaber, President. Alternate: John Meringolo, Esq.

### *Commission Staff*

The Commission's professional staff are drawn from the Suffolk County Water Authority, under contract with the Commission. They include the following principal and supporting staff:

Raymond P. Corwin, Commission Director  
Jeffrey W. Altorfer, Cartography  
Jamie S. Greene, Administrative Support  
Kumar Grandhi, Database Support  
Timothy J. Hopkins, Esq., Plan and Pine Barrens Credit Program Development  
Judith E. Jakobsen, Plan Development  
Vincent L. Lautato, Cartography  
John C. Milazzo, Esq., Plan and Pine Barrens Credit Program Development  
Donna J. Plunkett, R.L.A., Plan Development and Project Reviews  
Lorraine A. Trezza, Administrative Support

The Commission also gratefully acknowledges the assistance provided by the Suffolk County Planning Department, under the directorship of Stephen Jones, A.I.C.P., as well as the assistance provided by all New York State, Suffolk County, and Town agencies in the ongoing implementation of the pine barrens law and the Plan.

**Appendix 2: Pine Barrens Protection Act Milestones as of 7/14/95**

Statutory Date	Event or Requirement	Notes
July 14, 1993 (Effective date)	Long Island Pine Barrens Protection Act signed into law by Governor Mario Cuomo at Southaven County Park	Start of statutory calendar.
August 13, 1993 (Within 30 days of effective date)	Initial meeting of Commission must be held, following public notice by County Executive.	Public notice given 7/30/93. Held 8/6/93 at Riverhead County Center.
August 28, 1993 (within 45 days of effective date)	<p>A map of the Central Pine Barrens area classifying and depicting the Core Preservation Area and the Compatible Growth Area must be filed with the Secretary of State, the Suffolk County clerk and the clerk of each town or village whose boundaries are included within the Central Pine Barrens area.</p> <p>Notice of the filing and availability of the map must be published at least twice in a paper of general circulation in Suffolk County.</p>	<p>Filed with:</p> <ul style="list-style-type: none"> <li>• NYS Secretary of State on 8/24/93</li> <li>• Suffolk County clerk on 8/27/93</li> <li>• Town clerks on 8/26/93</li> <li>• Village clerks on 8/27/93.</li> </ul> <p>Notice published in <i>Newsday</i> on 8/28/93 and 8/29/93.</p>
October 12, 1993 (within 90 days of effective date)	Expiration of the ninety day period following enactment during which a lead agency can allow an active project to qualify under Section 57-0121(8)(c) for a planning period exemption from Interim Goals and Standards.	Ninety day period expired without extension by Commission.
October 14, 1993 (within 3 months of effective date)	Interim Goals and Standards for hardship cases and for Compatible Growth Area developments must be published.	<p>Adopted on 10/13/93 as emergency rules. Published in NYS Register 11/17/93. State Administrative Procedure Act hearing held 1/3/94. Readopted as emergency rules on 1/12/94. Adopted as final rules on 2/23/94, and published in NYS Register on 3/23/94.</p>

<p>February 6, 1994 (within 6 months of first meeting)</p>	<p>All private parcels within the Core Preservation Area must be inventoried.</p> <p>Upon completion of inventory, those property owners must be notified.</p> <p>Upon completion of inventory, development yield for each property within the Core Preservation Area must be calculated and assigned.</p>	<p>Inventory was completed by 2/4/94. Inventory was approved at 2/7/94 meeting.</p> <p>Letter was approved at 2/9/94 Commission meeting. Approx. 3500 letters were mailed by 3/2/94.</p> <p>Development yield calculation and assignment was completed by 6/28/94. The Commission accepted the calculations at its 7/11/94 meeting.</p>
<p>July 14, 1994 (Within 12 months of effective date)</p>	<p>Draft Land Use Plan must be prepared and published, following consultation with Advisory Committee.</p> <p>Draft GEIS must be prepared and published.</p>	<p>Preliminary versions of the draft plan were published on 2/23/94 and 4/20/94.</p> <p>The Draft Plan was published and accepted by the Commission at its 7/13/94 meeting.</p> <p>A positive declaration for the plan was issued by the Commission at its 4/13/94 meeting, and published in the <u>Environmental Notice Bulletin</u> on 4/27/94.</p> <p>A scoping session for the GEIS was held 4/27/94 at Longwood Junior High School in Middle Island. Comment period was kept open through 5/11/94.</p> <p>Draft GEIS was published and accepted by the Commission at its 7/13/94 meeting.</p>

<p>August 6, 1994 (Within 12 months of first meeting)</p>	<p>Receiving districts within and without the Central Pine Barrens sufficient to receive transferred development rights and/or values of the core area, and sufficient for the continuation of an adequate transfer of rights and/or values program, must be identified.</p> <p>Fiscal impacts of the established transfer of development rights and values system must be considered.</p>	<p>This was contained in the Draft Plan published and accepted at the Commission's 7/13/94 meeting.</p> <p>An initial report on existing conditions was issued by the Harriman School on 8/1/94 and considered by the Commission.</p>
<p>October 13, 1994 (Within 3 months of publication of the Draft Land Use Plan)</p>	<p>Public informational meetings must be held in the towns of Brookhaven, Riverhead and Southampton.</p> <p>At least one public hearing within the Central Pine Barrens area must be held.</p>	<p>The Riverhead session was held 9/7/94 at Riverhead Town Hall, the Brookhaven session was held 9/13/94 at the Brookhaven Town offices, and the Southampton session was held on 9/21/94 at Remsenburg-Speonk school in Remsenburg.</p> <p>Public hearing was held on 9/28/94 at the Brookhaven Town offices. The comment period was kept open through 11/7/94.</p>
<p>January 13, 1995 (Within 3 months of last public hearing)</p>	<p>Revised comprehensive land use plan/final generic environmental impact statement must be completed and recommended to the town boards for ratification and adoption of the statement of findings pursuant to ECL Art. 8.</p>	<p>Revised Plan (Volumes 1 and 2) was completed and recommended to towns by Commission at its 1/13/95 meeting in Riverhead.</p>
<p>March 13, 1995 (Within 20 months of the effective date of the 1993 Act)</p>	<p>Original expiration date of Pine Barrens Act in 1993 legislation.</p>	<p>A legislative extension to 6/30/95 was signed by Governor Pataki on 3/13/95.</p>

<p>March 13, 1995</p> <p>(Within 2 months of the recommendation of a final Plan to the towns by the Commission)</p>	<p>Provision of comments on the Plan to the Commission by the towns.</p>	<p>Written comments on the proposed final Plan of 1/13/95 were received from the Town of Brookhaven on 2/21/95, 2/24/95 and 3/28/95.</p> <p>Resolutions of conditional support were passed by Southampton on 3/3/95 (Town res. no. 339), Riverhead on 3/16/95 (res. no. 177), and Brookhaven on 3/21/95 (sense res. no. 14A).</p>
<p>After March 13, 1995, and on or before June 30, 1995</p>	<p>The Commission at its discretion may modify the Plan as requested by the town representatives.</p>	<p>The Commission modified the 1/13/95 Plan at its meetings of 4/12/95 and 4/26/95.</p>
<p>After March 13, 1995, and on or before June 30, 1995</p>	<p>After modifying the Plan as necessary, the Commission shall prepare a draft supplemental generic environmental impact statement and a final generic environmental impact statement. The Commission shall adopt a statement of findings.</p>	<p>A supplemental draft GEIS was adopted at the 4/26/95 meeting. A Notice of Completion was filed on 4/27/95 and published in the <u>Environmental Notice Bulletin</u> on 5/10/95.</p> <p>Public hearings were held on 5/15/95 at the Brookhaven Town offices, on 5/16/95 at the Riverhead County Center, and on 5/18/95 at the Hampton Bays Community Center. The comment period was open through 5/30/95, and later extended to 6/7/95.</p> <p>The Final GEIS and Notice of Completion were adopted and filed 6/12/95, and announced in the <u>Environmental Notice Bulletin</u> on 6/21/95. The Commission adopted a statement of findings on 6/12/95.</p>



<p>After March 13, 1995, and on or before June 30, 1995</p>	<p>The towns shall adopt statements of findings. Ratification and adoption of the Plan by the town boards shall represent commitment to implementation of the Plan.</p>	<p>Town hearings held 6/15/95 in Brookhaven, 6/19/95 in Riverhead, and 6/20/95 in Southampton.</p> <p>Votes approving and adopting Plan and statements of findings held by the Brookhaven Town Board on 6/23/95 by a 5-1 vote with 1 member absent, the Southampton Town Board on 6/27/95 by a 4-0 vote, and the Riverhead Town Board on 6/28/95 by a 4-0 vote.</p>
<p>After March 13, 1995, and on or before June 30, 1995</p>	<p>Upon ratification and adoption by the towns, the Commission will formally adopt the Plan-GEIS and its provisions will be in force.</p> <p>Adoption by the Commission shall only be upon the signature of the Governor, County Executive, and supervisors of the three towns.</p>	<p>The final adoption and signing of the Plan occurred at the 6/28/95 Commission meeting, held at Gabreski Airport in Southampton.</p> <p>The Plan was signed by Governor George Pataki, County Executive Robert Gaffney, Brookhaven Supervisor John LaMura, Riverhead Deputy Supervisor James Stark, and Southampton Deputy Supervisor Richard Blowes.</p>
<p>September 28, 1995  (Within three months of adoption of final Plan.)</p>	<p>Each town and village shall adopt and amend regulations to conform to the plan.</p> <p>At least thirty days before adoption, the town or village shall submit proposed regulations for review and approval. Within ten days of receipt, the Commission shall review and approve the regulations, or return comments.</p> <p>The plan is implemented upon adoption by town or village board of approved land use regulations.</p>	<p><i>Pending.</i></p>
<p>Once per year</p>	<p>Report to governor and state legislature, with copies to town and village legislative bodies.</p>	<p><i>First Annual Report</i> approved 8/10/94; <i>Second Annual Report</i> approved 10/11/95.</p>
<p>At least once every 5 years</p>	<p>Review and possibly amend the land use plan, following a public hearing</p>	<p>No reviews or amendments have been made to date.</p>

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