

Annual Report of Activities

July 14, 1993 to July 14, 1994

Central Pine Barrens Joint Planning and Policy Commission
P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, NY 11739

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I. Introduction to the Pine Barrens Legislation of 1993

Geographic Focus: Long Island's 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. Reduced over the past centuries to several discrete patches, the pine barrens of Long Island present a contemporary challenge in managing the mix of natural areas, human communities, and ongoing pressures. The largest of these extant patches, the **Central Pine Barrens**, covers approximately 100,000 acres at the juncture of the towns of Brookhaven Riverhead and Southampton. This matrix of open space and preexisting communities has long been the subject of debate over its future.

The summer of 1993 brought a remarkable milestone in the determination of that future, with the passage by the New York State Legislature of the **Long Island Pine Barrens Protection Act**.

Startup of the Pine Barrens Act

With the July 14, 1993 signature by Governor Mario Cuomo of the Pine Barrens Protection Act (an amendment to the New York State Environmental Conservation Law's Article 57), two immediate events occurred.

The first was the creation of the **Central Pine Barrens Joint Planning and Policy Commission** and the **Central Pine Barrens**

Advisory Committee. The five member Commission consists of a gubernatorial appointment, the county executive of Suffolk County, and the supervisors of the towns of Brookhaven, Riverhead and Southampton. It is charged with the production and implementation of a **comprehensive plan** for the Central Pine Barrens of eastern Suffolk County, and area explicitly defined within the statute. That area is further refined into a **core preservation area** and a **compatible growth area**.

The Commission is further charged with the oversight of development applications within that region during the planning period, and beyond as specified in the plan.

The Advisory Committee consists of a statutorily-defined set of specific public and private organizations, and is charged with assisting the Commission with the production of the comprehensive plan.

Current membership of the Commission and Advisory Committee, including designated representatives and alternates, are summarized in the attachments to this document.

The second immediate effect of the new legislation was the commencement of a **strictly-defined twenty month timetable of events and work products**, leading ultimately to the final adoption of the comprehensive plan **no later than March of 1995**.

Requirements of the Act

Section 57-0105 of the Act establishes the legislative finding that:

"...the Central Pine Barrens area requires the preparation and implementation of a state supported regional comprehensive land use plan that will provide for the preservation of the core preservation area, protection of the Central Pine Barrens area and for the designation of compatible growth areas to accommodate appropriate patterns of development and regional growth with recognition of the rights of private land owners and the purpose of preservation of the core area."

Towards that end, Section 57-0119 of the statute establishes **distinct plan goals** for the overall area, the core area and the compatible growth area. These goals recognize the indispensable need for a consensus to be reached during the plan development period on synthesizing ecological, compatible development, water quality, recreational, cultural agricultural and scientific factors.

Additional structure was given to the Commission's and Committee's plan development efforts by enumerating over twenty detailed **plan topics** which must be addressed.

In parallel with plan development, the Act directs the Commission to oversee development activity within the Central Pine Barrens and to promulgate **interim goals and standards for development within the compatible growth area**. It further guides

Commission oversight of development during this period within the core preservation area by provisions within the Act itself.

Following production of the draft plan, the Act stipulates a customized sequence for review and approval of the **plan and generic environmental impact statement by the Commission, towns and villages and the modification of local land use laws and regulations to be in conformance with the adopted plan.**

Plan Contents

Among the many required components of the plan are:

- Objectives, policies and standards
- Mapping of required geographic subareas
- A transfer of development rights (TDR) program
- Sending and receiving areas for the TDR initiative
- Land acquisition component
- Easements, transfers, clustering, planned unit developments, and other resource protection tools
- Development criteria and performance standards
- Intergovernmental coordination strategies
- Fiscal impact analysis of the plan
- Ecological management policies and techniques
- Agricultural management
- Recreation planning
- Future role of the Commission and interaction with public and private entities.

II. Activities During the First Year

Introduction

Section 57-0119 of the Act requires the Commission

"To report periodically to the governor and the legislature on the conduct of its activities not less than once a year..."

In the first year of its existence, the Commission has addressed numerous statutory deadlines and undated mandates.

The statutory deadlines have included:

- Initial meeting of the Commission
- Production and filing of official maps with state, county and town clerks
- Adoption of interim goals and standards for compatible growth area development
- Inventory of core area private parcels
- Notification of core area owners
- Calculation of development yield for core properties
- Production of a draft plan and generic environmental impact statement.

Each of these tasks has been addressed and the details are summarized later in the section entitled **Pine Barrens Protection Act Milestones** later in this report. Some of these requirements, as well as the undated mandates, merit specific mention.

Draft Plan Production

Work on the Draft Plan began shortly after signing of the Pine Barrens act into law, and continued throughout the 1993-94 period. With the appointment of a staff director, the provision of interagency support, the assignment of numerous state, county, town, public authority, and private individuals to the task, and the establishment of topically-oriented working committees, plan draft production became a full-time pursuit.

This interorganizational effort coalesced around a staff nucleus drawn from the Suffolk County Water Authority, the Suffolk County Planning Department, the Regional Plan Association, the three towns' planning departments, the NYS Department of Environmental Conservation, the Nature Conservancy, the Suffolk County Department of Health Services, the Suffolk County Executive's office, the Harriman School at SUNY at Stony Brook, and the Commission's general counsel, McMillan, Rather, Bennett & Rigano.

Initial office and administrative support for the Commission was provided by the Suffolk County Water Authority at its Great River office. Authority staff, in concert with the Suffolk County Planning Department, were given principal responsibility for coordination of the above agencies in both production of the Draft Plan and GEIS, and in project reviews during this time.

Initial planning monies totalling \$500,000 were provided for this effort during the 1993-94 fiscal year by the New York State Legislature. Additional monies for the

completion of the plan development work during the 1994-95 fiscal year are also expected to be available from the Legislature.

Working committees have addressed topical areas crucial to the plan, including **Ecology, Land Management, Transfer of Development Rights** (including several subtopics), and **Hydrology**. **Community outreach** efforts and **specialized TDR analysis** are underway through the non-profit Regional Plan Association. **Economic impact assessment** is being conducted by the Harriman School at Stony Brook.

Over 100 work sessions have been conducted by staff and working groups (independent of the Commission and Advisory Committee, and excluding community outreach efforts) during this time.

To quickly promote a clearer understanding of the intended scope and content of the Draft Plan due in July, two Preliminary Draft Plan versions were produced, one in February and one in April. These documents served as frameworks for defining both the inventory and policy subjects which the official draft, and ultimately the final plan, must address.

Production of the Draft Plan also involved **State Environmental Quality Review procedures** (e.g., scoping session, interested and involved party notification and GEIS design). These are being conducted by Commission staff, drawing strongly upon the resources of the Suffolk County Water Authority, the Suffolk County Planning Department and general counsel.

The resulting Draft Plan responds to the statutory requirements by presenting an overview of the Central Pine Barrens' **history and evolution**, an **inventory of the pine barrens** today, a **plan component** with the

specific initiatives, an **economic analysis** section, and the **generic environmental impact statement**. The Draft Plan and Draft GEIS was adopted by the Commission at its July 13, 1994 meeting.

At the time of this writing, the Draft Plan and Draft GEIS is undergoing printing and distribution, in preparation for public informational sessions and public hearings in the late summer and early fall of 1994. Copies of the Draft Plan and GEIS will be made available to all participating entities and individuals, to all public libraries and at cost to all other interested parties.

Core Area Acquisition & Funding

At the start of this first year, considerable concern was expressed over the availability of acquisition funding for establishing the core preservation area as a forest preserve. This concern has been directly addressed by both New York State and the County of Suffolk, each of whom is a partner in the Commission's work.

Upon the close of the State Legislature's session in July 1994, a ten million dollar appropriation had been made for acquisition costs in the core area. Additionally, Suffolk County has committed ten million dollars from the County's already established Drinking Water Protection Program, a program known colloquially as the "quarter-cent program" after its sales-tax funding stream. These combined dollars will be expended by these two branches of government in a concerted effort to establish the core area as the state's third forest preserve.

Protection of the core area has not rested solely upon these dollars however. During this year, the Suffolk County Water Authority purchased 35 acres within the core

preservation area in Middle Island for water protection and supply purposes. The Nature Conservancy also reports the continuing protection of additional acreage within the core area through their work. The acquisition and protection of the core preservation area continues, therefore to be a multiorganizational effort.

Planning Period Development Review

Section 57-0121 of the Act requires the promulgation of standards for development projects while the plan undergoes refinement and adoption. Such **Interim Goals and Standards for Development in the Compatible Growth Area** were adopted in October 1993. They were readopted under the State Administrative Procedures Act (SAPA) in January and March 1994. A SAPA hearing was held in January 1994.

In November 1993, a **Compatible Growth Area Workshop** was held for public and private planners to explain the then-new statute and recently adopted standards.

Complementary to this, the Commission staff produced a working guide to the new law entitled the ***Central Pine Barrens Handbook***. This has served to assist the environmental, business, civic and governmental communities in understanding and following the new statute. In addition, the Commission staff generally spends several hours per week assisting individuals (homeowners, organizational representatives, citizens) with questions on the law and its provisions.

Since adoption of the interim standards, the Commission has received several applications for review or approval. These have included compatible growth area applications, core preservation area hardship requests, boundary change proposals, preliminary staff review requests and development status requests. The accompanying chart summarizes this activity.

Central Pine Barrens Commission: Development Review in First Year	
Type	Status as of 7/14/94
Compatible growth area applications	4 complete applications: 2 approved, 1 denied, 1 pending <i>(Incompletes and withdrawals not included.)</i>
Core area hardship applications	5 applications: 1 approved, 2 denied, 2 pending <i>(Incompletes and withdrawals not included.)</i>
Other requests (jurisdictional questions, status determinations, boundary change proposals, development yield inquiries, etc.)	100+ site-specific written inquiries have been received and processed, either at the staff or Commission level

Community Outreach

Immediately following passage of the new statute, numerous requests for information and presentations were received and answered. Several hundred written inquiries have been received, in addition to a regular stream of telephone inquiries. The most frequent written submittals or telephone topics have included

- Contents of the new law
- Geographic descriptions & maps
- Geographic locations of properties
- Pine barrens descriptions & references
- Status of pending development proposals
- Procedures for new proposals
- Information on plan development participation
- Meeting schedule requests
- Information requests from landowners
- Speaker requests
- Submittal of completed Compatible Growth Area applications
- Statutory work timetable

An **initial public outreach session concentrating upon core area property owners** was held in March 1994, with approximately 350 persons in attendance. The owners of core area property were notified of the session through a mailing following completion of the core area property inventory.

Following this session, 11 **additional public sessions** focusing upon specific neighborhoods or constituent groups were conducted by the Regional Plan Association staff through July 14th. These sessions have varied widely in attendance, with an average of 25 persons per session. The outreach program continues at this time with an increasing emphasis upon neighborhood

participation in community designs for TDR growth areas.

At this writing, three **public informational meetings describing the plan** (one in each town), a second **workshop specifically for core property owners**, and a combined State Environmental Quality Review Act (ECL Article 8) & pine barrens statute (ECL Article 57) **public hearing** have all been scheduled for the late summer and early fall of 1994.

Concurrently, **community design workshops** to address the detailed aspects of receiving area developments are also being scheduled.

In the course of its outreach work, **maps and publications** have been produced by the Commission's participating staff. Maps are available from the Suffolk County Planning Department, and the ***Central Pine Barrens Handbook*** describing the new statute in detail is available directly from the Commission office. A list of available documents may be obtained upon request to the Commission office.

Summary: Early Progress Toward Plan Goals

In this first year, significant progress towards the goals of the statute includes:

- Satisfaction of all statutory work delivery dates
- Establishment of an effective interagency staff
- Establishment of topical working groups
- Draft Plan and GEIS, following preliminary draft versions
- Commitment of acquisition monies by both Suffolk County and New York State
- Interim Goals and Standards for

- Development
- Processing of Compatible Growth and Core Area applications
 - Satisfaction of SEQRA and SAPA requirements

***Next Steps:
Plan Completion & Implementation***

The production of this annual report coincides with the adoption and circulation of the Draft Plan and GEIS. The State Environmental Quality Review Process is just now unfolding. Community outreach is increasing in magnitude and fine-tuning its focus. Specifications for detailed policies such as transfer of development rights and natural resource management are being refined.

The next several months contain several new statutory deadlines, as noted in the Pine Barrens Protection Act Milestones section. Achievement of these milestones requires greater and greater community consensus, in the truest sense of the word. Achieving that consensus is the Commission's umbrella task in the next eight months.

To Inquire Further

The Commission may be reached at the address on the front. Telephone inquiries of a general nature should be directed to (516)563-0385, with specific questions regarding community outreach programs directed to (516)563-0384.

Currently available materials include

- The Pine Barrens Law (ECL Article 57)
- The *Central Pine Barrens Handbook*
- Draft Plan and GEIS
- Biweekly Pine Barrens Events Schedule
- Selected maps (Also available through the Suffolk County Planning Dept.)
- Pine Barrens references & citations
- Commission and Advisory Committee rosters
- Commission and Advisory Committee meeting minutes
- Interim Goals and Standards for Compatible Growth Area Development
- Compatible Growth Area Application Packet

III. Pine Barrens Protection Act Milestones

As of 7/14/94

Certain goals are explicitly defined by the Pine Barrens Act and associated with particular dates.

The status of those calendar-based requirements is given here.

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	Started statutory timetable.
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 August 6, 1993 at Riverhead County Center
August 28, 1993 (within 45 days of effective date)	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. Notice of the filing and availability of the map must be published at least twice in a paper of general circulation in Suffolk County.	Filed with: <ul style="list-style-type: none"> • NYS Secretary of State on 8/24/93 • Suffolk County clerk on 8/27/93 • Town clerks on 8/26/93 • Village clerks on 8/27/93. Notice published in <i>Newsday</i> on 8/28/93 and 8/29/93.
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.

<p>October 14, 1993 (within 3 months of effective date)</p>	<p>Interim Goals and Standards for hardship cases and for compatible growth area developments must be published.</p>	<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 adopted 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.</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><i>Pending.</i></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><i>Pending.</i></p> <p><i>Scheduled for 9/28/94.</i></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 Article Eight.</p>	<p><i>Pending.</i></p>
<p>March 14, 1995 (Within 20 months of effective date)</p>	<p>Act will expire if all requirements are not met.</p>	
<p>Once per year</p>	<p>Report to governor and state legislature, with copies to town and village legislative bodies</p>	<p>This first report covers 7/14/93 to 7/14/94 period.</p>
<p>At least once every 5 years</p>	<p>Review and possibly amend the land use plan, following a public hearing</p>	

IV. Central Pine Barrens Commission and Advisory Committee

As of 7/14/94

Commissioners and Alternates

<u>Governor's Representative:</u>	Ulric S. Haynes, Dean, School of Business, Hofstra University Ray E. Cowen, P.E., Region 1 Director, NYS DEC
<u>County Executive:</u>	Hon. Robert J. Gaffney, Esq. (Chairperson) George Gatta, Deputy County Executive George Proios, Assistant County Executive
<u>Brookhaven Supervisor:</u>	Hon. John LaMura (Vice-chairperson) Jesse Garcia, Executive Assistant Emily Pines, Esq., Town Attorney Carole Swick, R.L.A., Comm'r. of Planning, Env't. and Development Barbara Wiplush, Esq., Assistant Town Attorney
<u>Riverhead Supervisor:</u>	Hon. Joseph F. Janoski Brenda A. Filmanski, Planner
<u>Southampton Supervisor:</u>	Hon. Fred W. Thiele, Jr., Esq. Linda Riley, Esq., Town Attorney

Committee Members and Alternates

1. **Long Island Association** Mitch Pally, Vice-pres. for Legis. & Econ. Affairs
2. **Long Island Builders Institute** Edwin Schwenk, Executive Director
Alternate: David W. Zere, Operations Coordinator
3. **Association for a Better Long Island** Balin, Esq., Executive Board Member
Alternate: Peter Bergner
4. **Long Island Board of Realtors** Robert Herrick, President
Alternate: Jeanne Garant, Board Member
5. **Long Island Farm Bureau** Joseph Gergela, Executive Director
Alternate: Henry Talmage
6. **Suffolk County Water Authority** Michael LoGrande, SCWA Chairman and Chief Executive Officer, *Advis. Committee Chairperson*
7. **State University of NY at Stony Brook** Dr. Henry Bokuniewicz, Dir. LI Groundwater Inst.
Alternate: Dr. Martin Schoonen, Assist. Dir.
8. **Regional Plan Association** Robert Yaro, Executive Director
Alternate: Robert Pirani, Dir. of Env'l Projects

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| 9. Long Island Pine Barrens Society | Richard Amper, Executive Director
<u>Alternate:</u> Jennifer Miller |
| 10. Group For The South Fork | Kevin McDonald, Vice-president
<u>Alternates:</u> Robt. DeLuca, Dir; Carolyn Zenk, Esq. |
| 11. The Nature Conservancy | Sara Davison, Executive Director
<u>Alternate:</u> Dr. Stuart Lowrie, Peconic Biores. Dir. |
| 12. North Fork Environmental Council | Anne Lowry, President
<u>Alternate:</u> Louis Passantino |
| 13. Open Space Council | Marilyn England, President
<u>Alternate:</u> Daniel Morris |
| 14. Long Island Greenbelt Trail Conference | Kim Darrow, Esq., Cofounder
<u>Alternate:</u> Thomas Casey, Board Member |
| 15. Environmental Defense Fund | James T.B. Tripp, Esq., Counsel
<u>Alternate:</u> Arthur Cooley, Cofounder and Trustee |
| 16. Eastern Suffolk Board of Realtors | Barbara McCaffery, President
<u>Alternate:</u> Dorothea Green |
| 17. Southampton Alliance | James Zizzi, Vice-president
<u>Alternate:</u> Ann LaWall |
| 18. South Fork Promotion Committee | John Scheetz, President |
| 19. Long Island Regional Planning Board | Dr. Lee Koppelman, Executive Director |
| 20. NYS Legis. Water Comm. - Senate Office | Maryellen Suhrhoff, Executive Director
<u>Alternate:</u> Brian Culhane, Assistant Director |
| 21. NYS Legis. Water Comm. - Assembly Office | Michael Deering, Leg. Dir., <i>Adv. Comm. Vice-chair</i> |
| 22. Brookhaven Civic Representative | Connie Kepert, Pres., Affil. Brkhvn. Civic Organiz. |
| 23. Riverhead Civic Representative | Desiree Passantino, Codirector, ACT NOW |
| 24. Southampton Civic Representative | Joseph Colao, Pres., Wildwood Lake Association
<u>Alternate:</u> Kevin McCrudden |

Additions Recommended by the Advisory Committee:

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| 25. Brookhaven National Laboratory | Dr. Jan Naidu, Ecologist |
| 26. Suffolk Alliance of Sportsmen, Inc. | William Shaber, President
<u>Alternate:</u> John Meringolo, Esq. |