



Pine Barrens Commission Meeting Summary
For Wednesday, January 18, 2017 (Final Approved-2/15/17)
Riverhead Town Hall
Riverhead, NY
2:00 pm

Commission members present: Mr. Romaine and Ms. Prusinowski (for Brookhaven), Mr. Walter and Mr. McCormick (for Riverhead), Mr. Schneiderman and Mr. Shea (for Southampton), Mr. Freleng (for Suffolk County)

Others present: Commission and other agency staff members included Mr. Milazzo, Mr. Pavacic, Ms. Hargrave, Ms. Weigand, Mr. Hynes, Ms. Parrott, Mr. Tverdy and Ms. Ostrowski (from the Commission). Additional attendees are indicated on the attached sign-in sheet.

Ms. Gallagher called the meeting to order at approximately 2:05 p.m. with four members present, which constitutes a quorum.

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Sean M. Walter
Member

1. Administrative and Public Comment

a. Public Comment

Summary: There were no public comments.

b. Minutes for 12/21/16 review, approval

Summary: **The motion was made by Mr. Schneiderman and seconded by Mr. McCormick to approve the 12/21/16 meeting summary. The motion was approved by a 4:0 vote.**

c. Compliance & Enforcement Coordinator Replacement

Summary: Mr. Pavacic reported that at the December meeting the Commission voted to hire three part time Compliance and Enforcement Coordinators that will be starting at the Commission office the third week in February. Mr. Pavacic discussed the three candidates including Major Timothy Huss who is retiring from the NYS ENCON police and will be leading the Compliance and Enforcement Division, retired Detective James Mazzeo from the Town of Southampton Police Department and retired N.Y. State Trooper Michael Lewis.

2. Science and Stewardship

a. Education and Outreach

Summary: Ms. Parrott discussed highlights from the previously distributed Education and Outreach December – January 2017 Update (attached) and she noted that in 2016 approximately 5,800 youths and adults participated in outreach events, speaking engagements, and school programs on Pine Barrens ecology and biodiversity on Long Island. Ms. Parrott mentioned that between December and January 379 students were involved in school outreach programs. The 2017 “Day in the Life programs” will include 11 different locations such as the Carman’s River, Greens Creek, Gardiner County Park, and Peconic Estuary. The programs are scheduled on several dates in September, October and November. Ms. Parrott noted that as in past years, the Peconic Estuary Program donated approximately \$2,000 to the “Day in the Life” program. She mentioned that she is on the steering committee for the Long Island Natural History Conference that will be held at Brookhaven National Laboratory on March 24th and 25th, with related field trips planned for March 26, 2017. Ms. Parrott mentioned a few of the topics and presenters confirmed for this year’s conference including, “Buck moths of the Pine Barrens” by Mr. John Cryan, “The ecology of Long Island’s Dwarf Pines” by Ms. Jessica Gurevitch and “The

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natural history of vernal ponds” by Mr. Matt Burne. Mr. Schneiderman noted that he visited the “Day in the Life” program at the Southampton High School location and Ms. Parrott thanked him for attending.

Ms. Prusinowski arrived at the meeting at 2:13 pm and Mr. Romaine arrived at 2:15 pm.

b. Science and Stewardship Division

Summary: Ms. Weigand discussed the previously distributed Science and Stewardship Division Update for January (attached). Items from the report that she highlighted included that Ms. Kate Abazis and Mr. Michael Ferrara, the Commission’s Southern Pine Beetle (SPB) response interns, have been working on SPB surveying, identification and monitoring. Ms. Weigand discussed the status of the recipients that were awarded N.Y. State’s SPB Community Recovery Grants and that over \$500,000 in funds have been awarded. The interns continue to monitor the three SPB traps in East Quogue, Hampton Bays, and Eastport. Ms. Weigand stated that the program for the Southern Pine Beetle in the Northeast Research and Management Forum has been finalized and was included in her report that she distributed.

Additional items that Ms. Weigand reported on included, her work with the Town of Southampton SPB Task Force, the training for identifying SPB will be rescheduled, the NYSDEC has plans to create safe zones for the problem of “Oak Wilt” and the Commission is assembling a sawyer crew. Volunteers from the L.I. Greenbelt Trail Conference (LIGTC) continue blazing the northern portion of the Ray Corwin Rocky Point to Yaphank Trail, the NYSDEC has opened the trailhead at Route 25, boundary signs have been erected by the N.Y. State Parks Department, ATV mitigation work continues and a gate has been installed to block illegal vehicles access from Smith Road. Mr. Romaine thanked Ms. Weigand for assisting the Town with applying for a \$60,000 grant for SPB management.

3. Land Use

Planning and Land Use

a. Compliance and Enforcement Division

Summary: Mr. Hynes reiterated points that Mr. Pavacic previously discussed concerning hiring three Compliance and Enforcement Coordinators. He stated that he and Mr. Pavacic met with Major Huss to familiarize him with the duties and responsibilities of the Compliance and Enforcement Division Coordinator. He noted that Major Huss, Town of Southampton Detective Mazzeo and NY State Trooper Lewis together possess a great deal of knowledge and expertise in law enforcement. Mr. Hynes stated that this level of expertise will help expand the work capacity of the Compliance and Enforcement Division and the LEC in all areas including surveillance technology and equipment, and computer technology and will help promote the sharing of data collection between the Towns’ law enforcement agencies.

Mr. Hynes discussed the previously distributed Summary of Compliance and Enforcement Incidents, dated December 31, 2016 and he noted that he would be updating the report with new information he’s received from the Towns on open cases. Mr. Hynes thanked the Commission Members and Representatives for their support over the years that he has served the Commission.

b. Land Use Division

Summary: Ms. Hargrave discussed the previously distributed Land Use Division Bi-Monthly Update for the meeting of January 18, 2017 and she

reported that currently there are no pending applications awaiting a Commission decision. Ms. Hargrave stated that she reviews town referrals on a weekly basis which includes Middle Island Apartments that proposes to retire approximately 48 Pine Barrens Credits (PBCs). She stated that applications have not been submitted by the applicants for the two determination of jurisdiction requests that were presented at the December Commission meeting, North Shore Towers at Swan Lake Golf Course in Calverton and Starbucks in Manorville. A discussion ensued on the status of the North Shore Towers project that is located in the Core Area and Mr. Walters noted that the Town intends to issue a positive declaration for the project.

4. Pine Barrens Credit Program

a. Credit Program

Summary: Mr. Tverdyy discussed the previously distributed 2016 Pine Barrens Credit Clearinghouse Report and he highlighted program statistics including that last year 1.71 PBCs were generated, four new parcels were added and five conservation easements are underway. Last year three commercial projects retired 10 PBCs each and in 2016 there were 42 PBCs sold with the average sale price of \$74,000 in Brookhaven and Riverhead and \$56,000 in Southampton. Mr. Tverdyy noted that since the beginning of the program the total amount of PBCs that have been sold is equivalent to \$44 million and the Clearinghouse currently has approximately \$2.5 million in available funds.

The motion was made by Mr. Romaine and seconded by Mr. McCormick to adjourn the meeting and to move into a closed Advisory Session with no further Commission business to be conducted. The motion was approved by a 5:0 vote.

The meeting ended at approximately 2:42 pm.

Attachments (in order of discussion)

1. January 18, 2017 Commission Meeting Sign in Sheet (1 pages).
2. Draft Commission meeting summary for December 21, 2016 (5 pages)
3. Education and Outreach December – January 2017 Update (2 pages)
4. Science and Stewardship Division Update for January, dated January 18, 2017 (7 pages)
5. Summary of Compliance and Enforcement Incidents, dated December 31, 2016 (7 pages)
6. Land Use Division Bi-Monthly Update for the meeting of January 18, 2017 (1 page)
7. 2016 Pine Barrens Credit Clearinghouse Report (6 pages)
8. Pine Barrens Credit Program Financial Report for the month of January 2017 (2 pages)



**Pine Barrens Commission Meeting Summary
For Wednesday, February 15, 2017 (Final Approved-3/15/17)
Riverhead Town Hall
Riverhead, NY
2:00 pm**

Commission members present: Ms. Gallagher (for New York State), Mr. Romaine and Ms. Prusinowski (for Brookhaven), Mr. Walter and Mr. McCormick (for Riverhead), Mr. Shea (for Southampton), Mr. Frelleng (for Suffolk County)

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

Ms. Gallagher called the meeting to order at approximately 2:00 p.m. with five members present, which constitutes a quorum.

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Sean M. Walter
Member

1. Administrative and Public Comment

a. Public Comment

Summary: There were no public comments.

b. Minutes for 1/18/17 review, approval

Summary: **The motion was made by Mr. Shea and seconded by Mr. Romaine to approve the 1/18/17 meeting summary. The motion was approved by a 5:0 vote.**

2. Science and Stewardship

a. Amendment to the Wildfire Task Force authorizing resolution

Summary: Mr. Pavacic discussed the previously distributed memo, dated February 10, 2017 related to the proposed changes to the NYWIMA and Wildfire Task Force (WTF) authorizing resolutions. He explained that changes to the authorizing resolutions are necessary due to the recent resignations of Mr. John Bancroft, the chair of the WTF and the NYWIMA and Mr. Bill Fonda, the Academy Coordinator and member of the Academy board. He discussed the proposed amendments that included changing the number of members required to be present to establish a quorum, relaxing the requirements for the WTF Chair position by not requiring this position to be filled by a representative from the volunteer fire service, removing the Academy coordinator position from membership on the NYWIMA board, adding Commission authority to appoint the NYWIMA board Chair, establishing NYWIMA Board Vice Chair position and adding the Executive Director to the NYWIMA board.

The motion was made by Mr. Romaine and seconded by Mr. Walter to approve the amended Resolution establishing a "Wildfire and Incident Management Academy" and establishing reporting requirements and Policies and Procedures for the Academy, dated 2/15/17 (attached). The motion was approved by a 5:0 vote.

b. Amendment to the New York Wildfire and Incident Management Academy Resolution

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Shea to approve the amended Resolution establishing a "Central Pine Barrens Wildfire Task Force" to Undertake Wildfire Response Planning, dated 2/15/17. The motion was approved by a 5:0 vote.**

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3. Land Use

Planning and Land Use

Project Review

Core Preservation Area

- a. Paul DiLandro Request for Determination of Jurisdiction / East Quogue / SCTM # 900-220-1-90 / garage addition to existing dwelling

Summary: Ms. Hargrave discussed the previously distributed letter from Mr. Paul DiLandro dated February 7, 2017 that requested a determination of jurisdiction for the construction of a garage addition to an existing dwelling. Mr. Shea reported that he had visited the site and that the project is clearly non-development and added that no further clearing would be necessary.

The motion was made by Mr. Shea and seconded by Mr. Romaine to deem the proposed garage addition for the dwelling located at the site of SCTM # 900-22-1-90 as non-development. The motion was approved by a 5:0 vote.

Ms. Gallagher mentioned a decision was made at last month's Commission meeting to have a spreadsheet distributed by email to the Commission members that contains projects received by the Commission office. She noted that the information was emailed prior to today's meeting.

Compatible Growth Area

- b. Shwonik / Guyder Farm (Finks Farm) CGA Hardship Waiver application / Wading River / SCTM # 600-115-1-9

Summary: Ms. Hargrave discussed a plan she displayed for the Shwonik / Guyder Farm project that is located on the northeast corner of Wading River Road and Middle Country Road and she explained that the project involves clearing up to ninety percent of the site. The parcel was in the Riverhead Residence A zoning district in 1995 which allows for a fifty-three percent clearing limit. The Applicant is asking for permission to exceed the limit. The Applicant wishes to clear the property for farming and sell the development rights to Suffolk County.

The motion was made by Mr. Walter and seconded by Mr. Romaine to schedule a public hearing for the Shwonick / Guyder Farm CGA hardship waiver application for the March 15, 2017 Commission meeting at 3:00 pm. The motion was approved by a 5:0 vote.

The Applicant was advised to speak to Mr. Al Krupski who is their Suffolk County elected representative in order to verify the status of Suffolk County's program to purchase development rights.

5. Advisory Session

The motion was made by Mr. Romaine and seconded by Mr. McCormick to adjourn the meeting and to move into a closed Advisory Session with no further Commission business to be conducted. The motion was approved by a 5:0 vote.

The motion was made by Mr. Romaine and seconded by Mr. Walter to close the Advisory Session and re-open the public session. The motion was approved by a 5:0 vote.

6. Administrative and Public Comment

a. Recommendation of Academy Coordinator Appointment

A motion was made by Mr. Walter and seconded by Mr. Shea to recommend to the Suffolk County Water Authority Board that Katherine Delligatti be promoted and appointed to the position of Academy Coordinator. The motion was approved by a 5:0 vote.

The motion was made by Mr. Romaine and seconded by Mr. Walter to adjourn the meeting. The motion was approved by a 5:0 vote.

The meeting ended at approximately 2:40 pm.

Attachments (in order of discussion)

1. February 15, 2017 Commission Meeting Sign in Sheet (1 page).
2. Draft Commission meeting summary for January 18, 2017 (3 pages)
3. Final Commission meeting summary for January 18, 2017 (3 pages)
3. Memo to the Commission from Mr. Pavacic, Executive Director related to: Proposed Changes to NYWIMA and Wildfire Task Force Authorizing Resolutions, dated February 10, 2017 (2 pages)
4. Draft Commission Resolution Establishing a "Central Pine Barrens Wildfire Task Force" to Undertake Wildfire Response Planning, dated February 15, 2017 (7 pages)
5. Final Commission Resolution Establishing a "Central Pine Barrens Wildfire Task Force" to Undertake Wildfire Response Planning, dated February 15, 2017 (7 pages)
6. Draft Commission Resolution establishing a "Wildfire and Incident Management Academy" and establishing reporting requirements and Policies and Procedures for the Academy, dated February, 15, 2017 (9 pages)
7. Final Commission Resolution establishing a "Wildfire and Incident Management Academy" and establishing reporting requirements and Policies and Procedures for the Academy, dated February, 15, 2017 (9 pages)
8. Letter from Mr. Phil DiLandro requesting a determination of jurisdiction, dated February 7, 2017 (1 page)
9. Draft Resolution to Schedule a Public Hearing for Shwonik / Guyder Farm (Finks Country Farm, Inc.) and Compatible Growth Area Hardship Waiver Application, dated February 15, 2017 (25 pages)



Pine Barrens Commission Meeting Summary
For Wednesday, March 15, 2017 (Final-Approved 4/19/17)
Southampton Town Hall
Southampton, NY
2:00 pm

Commission members present: Ms. Gallagher (for New York State), Ms. Prusinowski (for Brookhaven), Mr. Walter and Mr. McCormick (for Riverhead), Mr. Schneiderman and Mr. Shea (for Southampton), Ms. Lansdale and Mr. Freleng (for Suffolk County)

Others present: Commission and other agency staff members included Mr. Milazzo, Mr. Pavacic, Ms. Hargrave, Ms. Carter, Ms. Parrott, Ms. Jakobsen, Mr. Huss, Mr. Lewis, Mr. Mazziro and Ms. Ostrowski (from the Commission). Additional attendees are indicated on the attached sign-in sheet.

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Ms. Gallagher called the meeting to order at approximately 2:00 p.m. with five members present, which constitutes a quorum.

Edward P. Romaine
Member

1. Administrative and Public Comment

a. Public Comment

Summary: There were no public comments.

Jay H. Schneiderman
Member

b. Minutes for 2/15/17 review, approval

Summary: **The motion was made by Mr. Schneiderman and seconded by Ms. Prusinowski to approve the 2/15/17 meeting summary. The motion was approved by a 5:0 vote.**

Sean M. Walter
Member

c. Introduction of new Compliance and Enforcement Coordinators

Summary: Mr. Pavacic welcomed the new Compliance and Enforcement Officers, Mr. Timothy Huss, Mr. James Mazziro and Mr. Michael Lewis to the Commission meeting and he reported that they have begun familiarizing themselves with the current list of violations that need following up as well as bringing newly discovered violations to the attention of the three Towns.

Mr. Huss reiterated the points made by Mr. Pavacic and he stated that there are 22 pending open cases and there are three new violations that they are currently working on with the Towns. Mr. Huss explained that Mr. Mazziro and Mr. Lewis have been making site visits and have had meetings with the Brookhaven Town Planning Department and other meetings are being scheduled with the staff at the Town of Southampton and the N.Y. State Department of Environmental Conservation. He mentioned that ATV training is scheduled for April 18th for law enforcement personnel that will focus on driving ATVs and transporting them with trailers.

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NY 11978

Mr. Huss reported that the Commission vehicles are frequently in use by other staff and he requested the Commission to purchase a 4 X 4 pickup truck specifically to meet the needs of the Compliance and Enforcement Division. A discussion ensued about financing the purchase and Mr. Pavacic stated that a proposal for the Commission to purchase a pickup truck would be submitted at the next Commission meeting in April. He also noted that Mr. Tim Motz, the Commission's Communication Director, would send out a press release on the expanding role of the Compliance and Enforcement Division. Options for code enforcement and future possibilities for staff were also discussed.

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Ms. Lansdale arrived at the meeting at approximately 2:10 p.m.

2. Pine Barrens Credit Program

a. Discussion with Pine Barrens Credit Clearinghouse Board

Summary: Mr. Milazzo reported that today the Clearinghouse Board held a meeting at the Commission office and Mr. Tripp, the Clearinghouse Board's Chair was attending today's Commission meeting to discuss the status of the Credit Clearinghouse and the Board's desire to continue meeting to oversee the work of the program. Mr. Tripp discussed background information pertaining to the Pine Barrens Transfer Development Rights Program and the origins of the Credit Clearinghouse, which he noted was formed by the Commission in 1995 to oversee the Pine Barrens Credit (PBC) program. He then discussed items from the previously distributed 2015 and 2016 Pine Barrens Credit Clearinghouse Year End Reports (attached). Mr. Tripp discussed statistical information from the reports such as, since the start of the PBC program in 1995, 2,000 acres of Core Area land has been preserved and that there are approximately 1,900 acres of Core land which remains unprotected by conservation easements. He explained that parcel owners in each of the three towns have been issued PBCs that have not yet been redeemed and that it is a major concern of the Clearinghouse Board that Credit redemptions occur for these Credits in order to ensure the economic viability of the PBC program. He explained that the primary task for the Clearinghouse since 1995 has been to recommend changes to the Credit program to strengthen its economic viability.

Additional points were made related to issues affecting Credit redemptions such as, early in the program the Board determined that commercial redemptions would be the best use for PBCs, Brookhaven Town established the multi family code (MF) that can absorb a single credit per four or five housing units, Southampton Town's school district restrictions for Credit redemptions and the need for additional receiving areas. Changes to the Brookhaven Town zoning code allowed for more opportunities to redeem Credits and Mr. Schneiderman discussed issues in Southampton that restrict uses for PBCs such as the affordable housing program and that the Town has its own TDR program.

Mr. Milazzo explained that the viability of the Credit program and the value of Credits depend on receiving area capacity. Mr. Tripp expressed his concerns about development projects that have received density increases based on public benefits other than the redemption of PBCs. Ms. Gallagher explained that the purpose of today's discussion about the status of the Pine Barrens Credit program is for the Commission to decide if there is a need to continue with the Clearinghouse Board as the entity that advises the Commission on the Credit program.

Mr. Tripp made a recommendation that the Commission should evaluate the economic viability of the Pine Barrens Credit program and ascertain the exact number of outstanding PBCs and determine current receiving area capacity. He noted that the analysis would be complicated and time consuming and he recommended that the Commission use the technical and economic expertise of the Clearinghouse Board members. Mr. Tripp discussed other outstanding issues with the PBC program that should be addressed such as unresolved problems caused by parcel overlaps, using the \$2.5 million in Clearinghouse funds to purchase Credits from parcel owners and performing an auction to sell off the Credits owned by the Clearinghouse to developers who need Credits for their projects.

Mr. Walter expressed his concern about where the responsibility lies for determining the cost of a PBC and Mr. Milazzo noted that the Comprehensive Land Use Plan (CLUP) outlines the role of the Clearinghouse Board and that the Board advises the Commission on issues related to Credits and price. It was noted that previously held reverse auctions were authorized by resolutions passed by the Commission. Additional points included, the Commission should continue to use the expertise and advise of the Clearinghouse Board, the timeline for evaluating the viability of Credits in relation to receiving area analysis

should coincide with the CLUP Amendment update and SEQRA, and the \$2.5 million in Clearinghouse funds is important to the viability of the Credit program.

3. Science and Stewardship

a. *Renewal of Agreement with Civil Air Patrol:*

Summary: It was noted that no changes were made to the Memorandum of Understanding by and between the Civil Air Patrol by and through its New York Wing and the Commission, dated March 2017 (attached).

The motion was made by Ms. Prusinowski and seconded by Ms. Lansdale to approve the Draft Resolution of the Commission to Authorize Renewal of the Memorandum of Understanding with the Civil Air Patrol (attached). The motion was approved by a 5:0 vote.

b. *Renewal of MOU with USFWS/Wertheim National Wildlife Refuge*

Summary: Mr. Pavacic reported that the Memorandum of Understanding with the U.S. Fish and Wildlife Service (USFWS) has not been received yet therefore, the renewal of the MOU will be postponed to the next Commission meeting.

c. *Draft Resolution to approve Ms. Delligatti as the NYWIMA Academy Coordinator*

Summary: **The motion was made by Mr. Schneiderman and seconded by Ms. Prusinowski to approve the attached Draft Resolution to Ratify and Affirm Promotion and Appointment by Suffolk County Water Authority of Katherine Delligatti to Position of Academy Coordinator. The motion was approved by a 5:0 vote.**

d. *NYWIMA first quarter report*

Summary: Mr. Pavacic discussed the previously distributed N.Y. Wildfire and Incident Management Academy Current Status and Review of the 2016 Activities for 3/15/17 CPB Commission Meeting (attached) and he explained that over the last year the NYWIMA has undergone significant changes including, the resignations of both the Academy Board Chair and the Academy Coordinator and in anticipation of retiring personnel from supporting agencies expected successors will be shadowing incumbents. Additional points from the report that Mr. Pavacic made included, this year the Academy will be celebrating its 20th anniversary with a possible celebration, local and regional staff are continuing to participate by taking courses at the Academy and unique courses were offered at the 2016 Academy such as, Intelligence and Investigations.

Mr. Pavacic noted that this year there were 242 students that attended the Academy, which is less than the 300 that attended last year. He noted that firefighters were out of state due to wildfires elsewhere in the country at that time. Mr. Pavacic noted that the Academy Board added a vice chair position and that he was appointed by an Academy Board resolution to that position. He further noted that planning is underway for a Spring Brush Truck Course at the Suffolk County Brush Truck Training Facility in Yaphank with several fire departments already registered.

e. *Education and Outreach*

Summary: Ms. Parrott discussed the previously distributed Education and Outreach Division February – March 2017 update (attached) and items that she highlighted included, 398 students and teachers participated in school outreach programs and the 2017 Barrens to Bay Summer Camp at Wertheim National Wildlife Refuge begins on June 28th and participant registration is 90 percent complete. The L.I. Natural History Conference, which Ms. Parrott participates on the steering committee, is scheduled for Friday and Saturday March 24th and 25th with a field trip on Sunday, March 26th.

f. Science and Stewardship

Summary: Ms. Carter discussed the previously distributed Science and Stewardship Division Update, dated March 15, 2017 (18 pages). Items that she highlighted from the report included the status of Ms. Abazis and Mr. Ferrara, the SPB response interns, who will be leaving at the end of March. She also discussed Suffolk County Water Authority (SCWA) is currently advertising for new interns to start in May, the status of the Community Recovery Grants that will provide funds to the Town of Brookhaven, S.C. Parks Department and the Town of Southampton and that the Southern Pine Beetle in the Northeast Research and Management Forum was held on Wednesday, March 8th with a field trip on Thursday, March 9th that was very successful.

4. Land Use

Project Review

Core Preservation Area

- 3b. Kent Animal Shelter Core Area Hardship Waiver application (SCTM# 600-138-1-6.2 and 7.1) request for 3 month extension

Summary: **The motion was made by Mr. Walter and seconded by Mr. Schneiderman to approve an extension of the decision deadline for the Kent Animal Shelter Core Area Hardship Application. The motion was approved by 5:0 vote.**

5. Public Hearing

- a. Shwonick/Guyder Farm (Fink's Farm) Compatible Growth Area Hardship Waiver Application / Wading River/ (SCTM#600-115-1-9)

Summary: A separate stenographic transcript exists for this hearing.

The motion was made by Mr. Schneiderman and seconded by Mr. Walter to close the hearing and leave open the public record for comments for a period of 30 days. The motion was approved by a 5:0 vote.

The Commission then returned to the rest of the meeting agenda to discuss the remaining items under Land Use.

- 4c. Quogue Wildlife Refuge Request for Determination of Jurisdiction / Quogue (SCTM#902-3-1-5)

Summary: Ms. Hargrave discussed the previously distributed letter from Mr. Michael Nelson, Director of Quogue Wildlife Refuge, dated February 10, 2017 that requests a determination of jurisdiction from the Commission for the construction of an outdoor classroom and workspace deck. Ms. Hargrave discussed the proposed deck project including that it would require clearing in a wetland area, which could constitute development.

Mr. Michael Nelson explained that the proposed deck project meets the criteria for nondevelopment since the proposed plan would limit clearing to trees that are diseased or encroaching on healthier older trees, no upgrading of the property would be required and the project should be considered an expanded recreational use, which is a criteria considered for nondevelopment under the Pine Barrens Act.

Mr. Milazzo noted that the zoning of the Quogue Wildlife Refuge is A-9 residential in the Village of Quogue, and he discussed the definitions from ECL Article 57 pertaining to development and nondevelopment as they relate to the proposed deck project. Mr. Milazzo stated that Commission staff's interpretation of the proposed project is that it falls under the criteria of development and he mentioned previous similar projects that fell under Commission jurisdiction that were deemed to be development. Mr. Nelson stated that Quogue Wildlife Refuge sees the proposed deck project as an improvement of the current

recreational use and is associated with scouting activities that according to Article 57, Section 107, are considered nondevelopment.

Mr. Amper expressed his concerns about the Refuge's proposed construction of a deck and whether the deck project meets the Pine Barrens Act's criteria for nondevelopment. He noted that previous Core area projects were litigated because they did not meet the criteria for nondevelopment. It was decided that Mr. Milazzo would draft a resolution and the Commission would review it at the April meeting.

Compatible Growth Area

4d. Island Water Park CGA Hardship Waiver application / request for extension on approved permit/ Request for three-year extension of decision deadline

Summary: The motion was made by Mr. Walter and seconded by Mr. Schneiderman to approve Island Water Park Applicant's request for a three year extension on the approved permit and decision deadline. The motion was approved by a 5:0 vote.

6. Advisory Session

The motion was made by Mr. Walter and seconded by Mr. Schneiderman to adjourn the meeting and to move into a closed Advisory Session with no further Commission business to be conducted. The motion was approved by a 5:0 vote.

The meeting ended at approximately 4:50 pm.

Attachments (in order of discussion)

1. March 15, 2017 Commission Meeting Sign in Sheet (1 page).
2. Draft Commission meeting summary for February 15, 2017 (3 pages)
3. Final Commission meeting summary for February 15, 2017 (3 pages)
4. 2015 and 2016 Pine Barrens Credit Clearinghouse Year End Reports (11 pages)
5. Investment Policy for the Commission's Pine Barrens Credit Clearinghouse Funding version approved 1/3/96 (6 pages)
6. Suffolk County Comptroller's Office Pine Barrens Credit Program financial report for January 2017 (1 pages)
7. MOU By and Between the Civil Air Patrol By and Through its N.Y. Wing and the Commission, updated March 2017 (15 pages)
8. Draft Resolution of the Commission to Authorize Renewal of the Memorandum of Understanding with the Civil Air Patrol, dated March 15, 2017 (1 page)
9. Final Approved Resolution of the Commission to Authorize Renewal of the Memorandum of Understanding with the Civil Air Patrol, dated March 15, 2017 (1 page)
10. Education and Outreach Division February – March 2017 update (3 pages)
11. Science and Stewardship Division Update, dated March 15, 2017 (18 pages).
12. Letter from Mr. Glenn Gruder, Kent Animal Shelter Applicant's Representative Re: Request for three month extension of decision deadline, dated March 7, 2017 (1 page)
13. Land Use Division Bi-Monthly Update for the Meeting of March 15, 2017 (1 page)
14. Commission staff report for Shwonik/Guyder Farm, dated March 15, 2017 (7 pages)
15. Letter from Mr. Michael Nelson, Director of Quogue Wildlife Refuge, dated February 10, 2017 Re: Request for the Commission's determination of jurisdiction (6 pages)
16. Letter from Thomas Cramer Island Water Park Applicant's Representative Re: request for three year extension, dated March 7, 2017 (1 page)



**Pine Barrens Commission Meeting Summary
For Wednesday, April 19, 2017 (Final-Approved 5/17/17)
Brookhaven Town Hall
One Independence Hill
Farmingville, NY
2:00 pm**

Commission members present: Mr. Romaine and Ms. Prusinowski (for Brookhaven), Mr. McCormick (for Riverhead), Mr. Collins and Mr. Shea (for Southampton), Mr. Freleng (for Suffolk County)

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

Mr. Pavacic reported that Ms. Gallagher, the Commission Chair, was not able to attend the meeting this afternoon.

The motion was made by Mr. McCormick and seconded by Mr. Collins to approve Mr. Pavacic as the acting Chair nonvoting for today's meeting. The motion was approved by a 4:0 vote.

The meeting was called to order at approximately 2:00 p.m. with five members present, which constitutes a quorum.

1. Administrative and Public Comment

a. Public Comment

Summary: There were no public comments.

b. Minutes for 3/15/17 review, approval

Summary: **The motion was made by Mr. Freleng and seconded by Ms. Prusinowski to approve the 3/15/17 meeting summary. The motion was approved by a 4:0 vote.**

c. New Website Demonstration

Summary: Ms. Jakobsen provided a presentation on the Commission's new website that she mentioned is much easier to navigate than the old site.

Due to a technical issue with the equipment, Mr. Pavacic skipped to item 1d. while Ms. Jakobsen addressed the problem.

d. Draft Resolution to authorize the purchase of a pickup truck

Summary: Mr. Pavacic reported that due to the increased number of Commission staff including, Ms. Weigand, Ecologist and Mr. Lewis, Mr. Huss and Mr. Mazzio, the new Compliance and Enforcement Division Coordinators, there is a need for an additional vehicle to help carry out field enforcement and other Commission work.

The motion was made by Mr. Collins and seconded by Mr. McCormick to approve the attached Draft Resolution to Purchase a Truck. The motion was approved by a 4:0 vote.

Ms. Jakobsen continued with the website demonstration that highlighted key areas and functionality of the website.

Mr. Pavacic mentioned that the website is in a beta phase and that the Commission members will be sent a link view website before it is launched, possibly in May.

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Sean M. Walter
Member

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**2. Land Use
Planning & Land Use**

**Project Review
Core Preservation Area**

a. Quogue Wildlife Refuge Request for Determination of Jurisdiction

Summary: Ms. Hargrave distributed and discussed aerial photographs related to the Quogue Wildlife Refuge request for determination of jurisdiction and she noted that the outdoor classroom deck was discussed at the March 19th Commission meeting. She discussed the attached Draft Resolution and explained that the construction of an outdoor classroom and workspace deck was consistent with the criteria included in the Act for recreational nondevelopment. Additional discussion points included, the three entities that own the Quogue Wildlife Refuge including, Town of Southampton, the Village of Quogue and the Wildfowl Association, and the history of scouting programs at the site. She noted that last year the NYSDEC submitted a referral to the Commission for a freshwater wetlands permit for the deck which was resubmitted recently.

Other discussion points included previous similar projects before the Commission that were deemed to be nondevelopment such as the Boy Scout dining hall. It was decided that the classroom deck extension resolution would be amended to include a resolve that the deck could never be used for storing boats or kayaks.

Mr. Romaine arrived at the meeting at approximately 2:35 p.m.

The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve the amended draft resolution for the Quogue Wildlife Refuge's request to construct a classroom deck (attached). The motion was approved by a 4:0 vote.

b. Starbucks Core Hardship Waiver / Manorville / change of zone from J2 to J5 for a drive through major restaurant, interior alterations and parking lot modifications for restaurant expansion (SCTM#200-423-2-6)

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Freleng to schedule a public hearing for Starbucks Core Area Hardship Waiver Application for the May 17, 2017 Commission meeting at 3:00 p.m. The motion was approved by 4:0 vote.**

c. Paul DiLandro Determination of Jurisdiction / East Quogue / two-story addition to residence (SCTM# 200-462-2-6)

Summary: Ms. Hargrave discussed the Paul DiLandro request for determination of jurisdiction for the construction of a two-story addition to a residence and she noted that at the February 15th Commission meeting the project was discussed and it was determined to be nondevelopment. It was noted that the S.C. Department of Health Services contacted the Commission in March when they noticed there was a living space included on the site plan. Mr. Shea reported that Southampton Town visited the location and considers this project to be nondevelopment.

The motion was made by Mr. Collins and seconded by Mr. McCormick to adopt a resolution that the Paul DiLandro application for construction of a two-story addition is nondevelopment. The motion was approved by a 4:0 vote.

d. SAS Industries Determination of Jurisdiction / Calverton / Add second-story on existing industrial building (SCTM#600-134-1-14.1)

Summary: Ms. Hargrave described the SAS Industries building site as being a one-story building located on one acre of land. Mr. Milazzo explained that the original plan included an increase in sewage flow and since that time, the applicant revised the plans to instead raise the roof of the building in order to accommodate manufacturing equipment space needs which eliminated the need to increase sewage flow. Additional points were discussed related to whether additional parking would be required or other modifications.

The motion was made by Mr. McCormick and seconded by Mr. Romaine to adopt a resolution that the SAS Industries proposed second-story extension is nondevelopment. The motion was approved by a 4:0 vote.

- e. 1370 Quogue-Riverhead Road Determination of Jurisdiction / Flanders / Request to replace existing lattice wireless tower to accommodate additional carriers and install new related ground-based equipment (SCTM#900-195-3-2)

Summary: Ms. Hargrave discussed the request for a Determination of Jurisdiction for a replacement of a 140-foot lattice wireless tower, submitted by the Applicant associated with 1370 Quogue-Riverhead Road. Additional points were discussed including, no additional clearing is necessary at the location for the new tower, the replacement cell tower is 30 feet away from the current cell tower site and the Rockwell Collins cell tower project that met criteria for a compelling public need. Ms. Janine Brino, who is the Applicant's Representative, explained that under the current request for a determination there are no plans to install new equipment. Ms. Hargrave explained that the cell tower replacement application originally included a request for new equipment but that request was withdrawn.

At this time no other equipment or clearing is necessary and since the current tower has structural issues, it needs replacement. Additional points were discussed such as accommodations for additional infrastructure at the replacement cell tower location, the criteria for a determination of nondevelopment to be consistent with the Act and the criteria for compelling public need that was applicable to Rockwell Collins cell tower project. Mr. Milazzo discussed past Core projects requesting replacement structures and co-location projects that the Commission deemed nondevelopment.

The motion was made by Mr. McCormick and seconded by Mr. Romaine to adopt a resolution that the 1370 Quogue-Riverhead Road replacement cell tower is nondevelopment. The motion as approved by a 4:0 vote.

- f. IGHL Core Preservation Area Hardship Waiver / Construct a one story group home (SCTM#200-410-2-1.1)

Summary: Ms. Hargrave reported that the attached IGHL Core Preservation Hardship Waiver application, dated April 7, 2017 was received from Mr. Brian Egan of Egan & Golden, Attorneys at Law. The project involves the construction of a one story seven bedroom group home on a four acre site that is half wooded and half farmland which needs a public hearing scheduled.

The motion was made by Mr. Romaine and seconded by Mr. Collins to schedule a public hearing for the IGHL Core Preservation Area Hardship Waiver application for May 17th at 3:00 pm. The motion was approved by a 4:0 vote.

Compatible Growth Area

- g. Shwonik/Guyder Farm (Fink's Farm) Compatible Growth Area Hardship Waiver Application / Wading River clear to 90% for agricultural use decision deadline 5/31/17 (SCTM#600-115-1-9)

Summary: Ms. Hargrave reported that the Commission received a copy of the Shwonik/Guyder Farm Applicants Farm lease, dated February 1, 2016 (attached) and she noted that at the March public hearing the record was left open. Ms. Hargrave discussed previous applications that were requests for

agricultural clearing including, the Metz application which was approved to clear up to 47 percent and another project that requested to clear property at exit 63 on Sunrise Highway in Westhampton Beach which was denied. A discussion ensued about the Finks Farm property including that the site was farmed before the adoption of the Act. Ms. Michelle Fink, who is the Applicant for Finks Farm, displayed aerial photographs from the year 1983 and she explained the property was cleared for farming and since that time is vacant.

A motion was made by Mr. Romaine and seconded by Mr. Collins to close the record for Shwonik/Guyder Farm public hearing. The motion was approved by a 5:0 vote.

h. 6 Anthony Drive CGA Hardship Application / Rocky Point / Compliance (SCTM#200-78.1-1-3.8)

Summary: Mr. Pavacic explained that summonses were issued to the owner of the property at 6 Anthony Drive for building structures without permits that are in violation and that the owner submitted a hardship waiver application to the Commission after the violation was committed. The Commission's Enforcement Coordinators were in contact with Town of Brookhaven officials who confirmed that the court imposed a fine, required the owner to obtain a building permit and they were advised that if a permit is not issued the structure must be removed. Mr. Pavacic stated that the Commission does not move forward with hardship waiver applications that are a result of violations and he discussed the Draft Resolution to Suspend Review of the CGA Hardship Application of 6 Anthony Drive, Rocky Point in Regard to Alleged Violations, dated April 19, 2017 (attached).

Mr. Milazzo recommended that the last resolve, "the Commission authorizes Commission staff to prepare and send a letter to Mr. Kucharczyt requesting that he withdraw his Hardship Waiver application and resolve the Violations with the Town of Brookhaven", should be removed from the final approved resolution.

The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve the Draft Resolution for 6 Anthony Drive as amended. The motion was approved with a 4:0 vote.

i. NYSDOT Roadway Hazardous Tree Removal

Summary: Ms. Hargrave discussed the letter from the N.Y. State Department of Transportation dated April 10, 2017 (attached) advising the Commission of the project that will be conducted in phases to cut down hazardous trees affected by the Southern Pine Beetle (SPB). Mr. John Green, a representative from NYSDOT, explained that hundreds of trees will be cut down and removed along the service road and ramp of NY27 from County Road 111 to County Road 29 and along NY24 in the Town of Southampton. Mr. Shea reported that the Town is aware of the plans for the hazardous tree removal and agrees with the plans.

3. Credit Program

a. NUTOP LLC Credit Allocation and Conservation Easement / easement and existing structure / Calverton (SCTM#200-357-1-1.4)

Summary: Mr. Tverdyy discussed the NUTOP Credit Allocation Appeal that was approved by the Commission in November 2016. Mr. Milazzo explained that a letter received from Mr. Michael Amoroso, the NUTOP Applicant's representative (attached) stated that there is pending litigation for an encroachment that is on less than .5 acres of the property. The letter states that the NUTOP Applicant would like to remove the encroached area from the description included in the Commission's Conservation Easement. This will leave the encroachment out of the area encumbered by the conservation easement.

Mr. Amaroso discussed the pending litigation related to the encroached area of the NUTOP property including the aspects of the encroachment that interfered with the Commission's Conservation Easement on the NUTOP Applicant's property. Mr. Milazzo provided two courses of action for Commission to take including removing the encroached area from the conservation easement and obtaining an affidavit from the NUTOP Applicant.

The motion was made by Mr. Romaine and seconded by Mr. McCormick to amend the NUTOP Credit Allocation Appeal that was approved by the Commission in November 2016, pending the NUTOP Applicant's affidavit to be submitted by the May 17th Commission meeting . The motion was approved by a 4:0 vote.

- b. Tuccio Mini Storage Conservation Easement/Westhampton (SCTM#900-248-1-110.4)
Summary: Mr. Tverdyy discussed the conservation easement and latest survey for the 52.3 acre Tuccio Mini Storage parcel and he described the types of storage and structures on the property. He explained that in 2010 the Clearinghouse had issues with the Credit allocation because it was a commercial use without sewage flow. Subsequently, the Commission passed a resolution to allocate 18.46 PBC for the parcel. He noted that at today's meeting the Commission has been asked to review the covenants section of the Conservation Easement as well as the reserved rights section and also to consider if the easement should be placed on the entire site, including the buildings.

Mr. Milazzo explained that the conservation easement was previously approved and the owner wants to retain the use on the property. The easement allows for the continuation of the use of the buildings with no increase in the sewage flow for the property and prevents the owner from applying for a hardship waiver in the future, maintaining the current use perpetually. Mr. Milazzo provided additional history of the parcel related to the previous Credit allocations and explained that the last issue of concern for the Commission is to determine the terms of the conservation easement.

Mr. Milazzo explained that going forward the property can be monitored by the Commission's Enforcement Coordinators for encroachments or other violations to the easement. A discussion ensued pertaining to the accuracy of the property survey to reflect the structures and configuration of the site. It was decided that Commission staff would revisit the site one last time to compare what is on the property now, before the PBCs are issued for the property.

The motion was made by Mr. Collins and seconded by Mr. Freleng to approve the conservation easement pending a final visit by Commission staff to the Tuccio property site in order to verify the contents of the survey. The motion was approved by a 4:0 vote.

- c. Resolution to send a bid request to hire a real estate appraiser to appraise the value of Credits owned by the Credit Clearinghouse.

Summary: Mr. Tverdyy explained that at the last Credit Clearinghouse meeting on March 15, 2017 the Members discussed the process for selling the 10 Credits that the Clearinghouse owns and he noted that the first step would be for the Commission to hire an appraiser to determine the value of a Credit in today's market.

The motion was made by Mr. Romaine and seconded by Mr. Freleng to send out a bid request to hire an appraiser to estimate the value of a Pine Barrens Credit. The motion was approved by a 4:0 vote.

Mr. Pavacic noted that the press has been reporting on illegal dumping and ATV activity. He explained that in December 2015 the Commission adopted a

sense resolution to send to the N.Y. State Legislature requesting them to adopt the Enforcement Amendments and he noted that recently the Amendments have been reintroduced to the N.Y. State Legislature.

Mr. Pavacic distributed and discussed that Draft Resolution of the Commission in Support of Amendments to New York State Environmental Conservation Law Article 57 Regarding Enforcement, dated April 19, 2017 (attached). Then Mr. Romaine reported that he wrote a letter to the N.Y. State Legislature requesting them to consider giving the Commission's Enforcement Coordinators, peace officer status. Mr. Pavacic noted that in order to grant peace officer status to the Enforcement Coordinators it would require an amendment to the N.Y. State Criminal Procedure Law.

The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve the Draft Resolution of the Commission in Support of Amendments to New York State Environmental Conservation Law Article 57 Regarding Enforcement. The motion was approved by a 4:0 vote.

Adjournment

The motion was made by Mr. Romaine and seconded by Mr. Collins to adjourn the meeting. The motion was approved by a 5:0 vote.

The meeting ended at approximately 3:55 pm.

Attachments (in order of discussion)

1. April 19, 2017 Commission Meeting Sign in Sheet (1 page)
2. Draft Commission meeting summary for March 15, 2017 (5 pages)
3. Final Commission meeting summary for March 15, 2017 (5 pages)
4. Resolution to Purchase a Truck, dated April 19, 2017 (2 pages)
5. Ford Preview Order 1234-W1E-4x4 Crew Cab truck dated April 4, 2017 (1 page)
6. IGHLE Core Preservation Hardship Waiver application, dated April 7, 2017 (52 pages)
6. Copy of the Shwonik/Guyder Farm Applicants Farm lease, dated February 1, 2016 (1 page)
7. NYSDEC, Division of NY Natural Heritage Program report of rare or state-listed animals and plants, dated March 24, 2017 (4 pages)
8. Draft Resolution to Suspend Review of the CGA Hardship Application of 6 Anthony Drive, Rocky Point in Regard to Alleged Violations, dated April 19, 2017 (1 page)
9. Letter and maps from the NYSDOT re: hazardous tree removal in the Pine Barrens Region due to SPB infestation, dated April 10, 2017 (8 pages)
10. NUTOP LLC letter and survey, dated April 10, 2017 (3 pages)
11. Tuccio Mini Storage memo dated April 19, 2017 with the attached survey by Mr. Tverdyy, and conservation easement attached (11 pages)
12. Draft Resolution of the Commission in Support of Amendments to New York State Environmental Conservation Law Article 57 Regarding Enforcement, dated April 19, 2017 (2 pages)
13. Final Resolution of the Commission in Support of Amendments to New York State Environmental Conservation Law Article 57 Regarding Enforcement, dated April 19, 2017 (2 pages)



Pine Barrens Commission Meeting Summary
For Wednesday, May 17, 2017 (Final Approved 6/21/17)
Wertheim National Wildlife Refuge
340 Smith Road
Shirley, NY
2:00 pm

Commission members present: Ms. Gallagher (for New York State) Mr. Romaine and Ms. Prusinowski (for Brookhaven), Mr. Walter and Mr. McCormick (for Riverhead), Mr. Collins and Mr. Shea (for Southampton), Mr. Freleng (for Suffolk County)

Others present: Commission and other agency staff members included Mr. Milazzo, Mr. Pavacic, Ms. Hargrave, Ms. Jakobsen, Ms. Carter, Ms. Weigand, Mr. Tverdy, Mr. Lewis, Mr. Mazzio, Mr. Huss and Ms. Ostrowski (from the Commission). Additional attendees are indicated on the attached sign-in sheet.

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Ms. Gallagher called the meeting to order at approximately 2:00 p.m. with four members present, which constitutes a quorum.

Edward P. Romaine
Member

1. Administrative and Public Comment

Jay H. Schneiderman
Member

a. Public Comment

Summary: Mr. Richard Amper from the L.I. Pine Barrens Society introduced Mr. Ryan Wolf, who is a new member of the Society's staff.

Sean M. Walter
Member

b. Minutes for 3/15/17 review, approval

Summary: The motion was made by Mr. McCormick and seconded by Mr. Collins to approve the 4/19/17 meeting summary. The motion was approved by a 4:0 vote.

c. Memorandum of Understanding between USFWS Wertheim Wildlife Refuge and the Commission

Summary: Mr. Pavacic discussed the previously distributed revised version of the MOU between the USFWS Wertheim Wildlife Refuge and the Commission (attached) and he noted that there were a few minor word changes to the MOU. He discussed the purpose and history of the relationship between the two entities including the Commission's Education and Outreach Division events such as Pine Barrens Discovery Day, the summer camp program and the Day in the Life of the Carmans River and he noted that the MOU agreement is for five years.

The motion was made by Ms. Prusinowski and seconded by Mr. Collins to approve the Draft Resolution of the Central Pine Barrens Joint Planning and Policy Commission ("Commission") Authorizing the Renewal of a Memorandum of Understanding with the U.S. Fish and Wildlife Service, dated May 17, 2017 (attached). The motion was approved by 4:0 vote.

d. Website activation

Summary: Ms. Jakobsen discussed the status of the Commission's new website and she expects that by mid-June the website should be live.

e. Draft Resolution authorizing the Renewal of the Commission's Package of Insurance Policies that includes the Umbrella Policy, Directors and Officers (Errors and Omissions) Policy and Automobile Policy and Payment on any Associated Premiums

Summary: Mr. Pavacic reported that the Commission's insurance policies are due for renewal including, the umbrella policy, Directors and Officers (Errors

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and Omissions) policy and the automobile policy. He noted that certain deductibles have increased.

Mr. Romaine and Mr. Freleng arrived approximately at 2:20 pm.

The motion was made by Mr. Collins and seconded by Ms. Prusinowski to approve the Draft Resolution of the Central Pine Barrens Joint Planning and Policy Commission (“Commission”) Authorizing Renewal of the Commission’s Package of Insurance Policies that includes General Liability, Inland Marine, Automobile and Umbrella (Excess) Coverages; and Directors and Officers (Errors and Omissions) Policy and Payment of Any Associated Premiums, dated May 17, 2017 (attached). The motion was approved by a 4:0 vote.

2. Science and Stewardship

a. Science and Stewardship

Summary: Ms. Carter discussed the previously distributed Science and Stewardship Division Update for May 17, 2017 (attached). Items from the report that she highlighted included, the Protected Lands Council (PLC) and NYSDEC, in cooperation with Suffolk County Department of Parks organized a pitch pine tree planting event which was held at Sears Bellows County Park on April 20, 2017. The pitch pine seedlings came from seeds that volunteers collected in the fall. Ms. Carter discussed the PLC meeting held on May 2nd that was well attended by representatives from Federal, State, County and town land management agencies and not-for-profit groups. She mentioned that on May 9th Commission staff and the Civil Air Patrol (CAP) staff conducted an aerial reconnaissance of ground conditions over the Pine Barrens region under a recently renewed Memorandum of Understanding (MOU) between the two agencies. Work included photo documentation of existing vegetation, forest health including southern pine beetle infestations, dumping sites, ATV damage, and other land cover conditions.

Ms. Weigand discussed other topics from the Science and Stewardship report including, the three newly hired interns who will be continuing with the SPB trapping and survey work, the upcoming oak wilt training session, staff’s participation in monthly meetings with NYSDEC Region 1 staff and Town of Southampton SPB Task Force meetings. She noted that staff continues to provide technical assistance to grant recipients related to SPB suppression and removal of affected trees in the Pine Barrens. Ms. Weigand discussed the successful North Atlantic Fire Science Exchange (NAFSE) Fire Management Workshop “Keeping the Pine in the Pine Barrens” that was hosted on May 3rd and 4th by Brookhaven National Lab (BNL) in partnership with the Commission and the NYSDEC. Mr. Pavacic discussed plans and locations for prescribed burns including at BNL in the northeast quadrant, on NYSDEC property in Rocky Point and possibly on property owned by the USFWS at Wertheim National Wildlife Refuge.

b. U.S. Forest Service Northeastern Area Cohesive fire Strategy Grant preliminary Award for Wildfire Risk Reduction to support implementation projects related to Ridge-Manorville-Calverton CWPP and for Wildfire Response to support NYWIMA

Summary: Mr. Pavacic discussed the previously distributed Draft Resolution of Commission Accepting U.S. Forest Service Northeastern Area State and Private Forestry Cohesive Fire Strategy Grants for the Ridge-Manorville-Calverton CWPP and NYWIMA, dated May 17th (attached) and he explained that two applications were filed, one for the CWPP and the other for the Fire Academy. Mr. Pavacic noted that the USFWS approved the grants in the amount of \$48,000 and \$58,000 respectively.

The motion was made by Mr. Romaine and seconded by Mr. Collins to approve the draft resolution accepting the USFWS grant funds for the Ridge-Manorville-Calverton CWPP and the NY Wildfire Academy. The motion was approved by a 5:0 vote.

3. Land Use

Planning and Land Use

a. Compliance and Enforcement

Summary: Mr. Huss discussed the previously distributed Compliance and Enforcement reports. Mr. Huss provided highlights from the reports which included, that staff is in the process of updating the compliance site visit report format to include an annual report on site visits and that staff is working with the LEC on new violations and complaints. Mr. Huss discussed the status of a clearing encroachment in Brookhaven Town and mentioned that staff has met with the Town Attorney and Town staff to pursue courses of action to take in these cases that will include prosecution and other penalties. A discussion ensued related to the status of the Law Enforcement Amendments to ECL Article 57 and the likelihood of peace officer status for the Compliance and Enforcement Division staff.

b. Land Use

Summary: Ms. Hargrave discussed the previously distributed Land Use Division Bi-Monthly Update for the Meeting of May 17, 2017 (attached) and items she highlighted from her report included the status of pending applications and requests for determination of jurisdiction which included the IGH Core Hardship Waiver and Finks Farm CGA Hardship Waiver applications. She mentioned that the division continues to review, analyze, and respond to development project applications, referrals and information requests in addition to SEQRA coordination materials.

Mr. Walter arrived at the meeting at approximately 2:40 p.m.

Project Review

Core Preservation Area

c. Request for Determination of Jurisdiction to allow Tough Mudder event in July 2018 at Southaven County Park

Summary: Ms. Hargrave discussed the attached previously distributed staff report for the Tough Mudder request for determination of jurisdiction to hold a Tough Mudder event at Southaven County Park on July 20, 2018, which was submitted to the Commission on May 5th. She discussed items that were included in the application such as an example map of the proposed 10-12 mile obstacle course and reference materials related to prior Tough Mudder events that were held elsewhere including at Old Bethpage Village. Ms. Hargrave also distributed a handout with information pertaining to Southaven County Park's natural and cultural resources. She explained that the park consists of 13,000 acres which includes wetland areas and that the park is located in the Core Preservation Area and has significant natural, archeological and cultural resources. She noted that the course requires installation of mud pits that require some clearing and disturbance of vegetation and that existing trails would be used as well.

Mr. Andrew Sigal, who is the Representative for Tough Mudder, reiterated points that were made by Ms. Hargrave. Other points that were discussed included the status of the event with Suffolk County Parks and that an official course map would be submitted within a timeframe which would accommodate all changes to eliminate identified sensitive areas from the final course design. Mr. Sigal discussed the timeline leading up to the event and details related to the venue such as the location for "Mudder Village" and

signage. He noted that the event is held on a weekend and immediately after the event the obstacle course and Mudder Village is dismantled and then restoration of the disturbed areas would begin. Other items from the application that Mr. Sigal discussed included that the attendance at the event is typically between five and seven thousand people, possible locations for offsite parking and that they would be coordinating with local law enforcement agencies.

Mr. Amper expressed his concerns that Suffolk County has considered supporting the Tough Mudder proposal for Southaven County Park for their July 2018 event since the location is in the Core Preservation area. Mr. Milazzo stated that the proposal, because of the intensity of use that includes, building activity, making material changes and excavation, appears to fall under the ECL Article 57 criteria for development.

The motion was made by Mr. Walter and seconded by Mr. Romaine to assert the Commission's jurisdiction over the Tough Mudder project and that the project was deemed to be development. The motion was approved by a 4:0:1 vote with Suffolk County abstaining.

Compatible Growth Area

d. Shwonik/Guyder Farm (Fink's Farm) compatible Growth Area Hardship Waiver Application / Wading River/ clear to 90% (SCTM# 600-115-1-9)

Summary: Ms. Hargrave explained that since the time of the public hearing for Fink's farm in April, additional information was received in the form of a letter dated, March 24th from the NYSDEC Natural Heritage Program (attached) pertaining to possible bat habitat in the area of the farm. Although this information was not discussed at the Fink's Farm public hearing, it is significant to the outcome of the Commission's decision for the application. Mr. Walter noted that a Commission decision in the case of Fink's farm and issues related to rare and endangered species could be significant to future applications coming from the EPCAL property.

Ms. Michelle Fink, the Fink's Farm Applicant, stated that her attorney advised her to request the extension of the decision deadline. She has learned that there are maps that exist which depict the locations of bat habitat that are available on the Natural Heritage Program website and she noted that if it is necessary, the farm can delay clearing until November. Ms. Fink mentioned that she was not informed prior to the public hearing that the issues related to endangered species and bat habitat would affect the hardship waiver application.

Mr. Milazzo explained that for hardship waivers the Applicant has the responsibility to present evidence to the effect that the standards of the CLUP were identified and met in order for the Commission to make an informed decision, which includes evidence of conditions related to endangered species at the site.

Ms. Hargrave explained that the March 24th letter from the Natural Heritage Program was received at the Commission office after the public hearing. Ms. Fink noted that she received an email from Ms. Hargrave with the NYSDEC letter attached and that she did not know at that time that she needed to follow up with materials to present to the Commission. Mr. Walter suggested that the Applicant contact the NYSDEC and speak to staff there about the status of bat habitat existing on the Fink's parcel. Mr. Amper expressed his concerns related to providing advice to an Applicant and the role of Commission members concerning hardship waiver applications.

Mr. Milazzo explained that regardless of timeframes related to information received from outside sources, an applicant must present supporting evidence that a CLUP standard is met. A discussion ensued on an expedient method of

assessing whether the bat habitat is a factor to be considered in the Fink's farm application.

The motion was made by Mr. Romaine and seconded by Mr. Walter to approve the Fink's Farm Applicant's request for a one month extension of the decision deadline. The motion was approved by a 5:0 vote.

- e. R.N. Middle Island, LLC Compatible Growth Area Hardship Waiver Application / Middle Island/ change of zone to construct a gas station and convenience store (SCTM # 200-378-2-37.2 and 403-1-2.1 and 2.3)

Summary:

The motion was made by Mr. Romaine and seconded by Mr. Collins to schedule a public hearing for R.N. Middle Island, LLC CGA Hardship Waiver Application for June 21st at 3:00 p.m. The motion was approved by a 5:0 vote.

Public Hearing at 3:00 pm

- a. Starbucks Core Hardship Waiver / Manorville / SCTM # 200-462-2-6 / change of zone from J2 to J5 for a drive through major restaurant, interior alterations and parking lot modifications for restaurant expansion / Decision deadline 7/25/17

Summary: A separate stenographic transcript exists for this hearing.

The motion was made by Mr. Romaine and seconded by Mr. Collins to close the hearing. The motion was approved by a 5:0 vote.

- b. IGHIL Core Preservation Area Hardship Waiver / SCTM# 200-410-2-1.1 / Manorville / Construct a one-story, 4,295 square foot group residence

Summary: A separate stenographic transcript exists for this hearing.

The motion was made by Mr. Walter and seconded by Mr. Romaine to close the hearing and leave the public comment period open for 30 days and provide responses within 2 weeks. The motion was approved by a 5:0 vote.

4. Pine Barrens Credit Program

- a. Credit Program:

Summary: Mr. Tverdy discussed the previously distributed Pine Barrens Credit Clearinghouse Report for May 17, 2017 and he highlighted program statistics including that no Credits have been generated yet in 2017, 2.33 Credits were redeemed at the Health Department, 2.35 Credits have been sold, there is a balance of \$2.5 million in Credit Clearinghouse funds and that the Clearinghouse owns 10.19 Credits.

Adjournment

The motion was made by Mr. Romaine and seconded by Mr. Collins to move into a closed Advisory Session afterwards no further Commission business would be conducted and the meeting was adjourned. The motion was approved by a 5:0 vote.

The meeting ended at approximately 3:55 pm.

Attachments (in order of discussion)

1. May17, 2015 Commission Meeting Sign in Sheet (2 pages).
2. Draft Commission meeting summary for April 19, 2017 (6 pages)
3. Final Commission meeting summary for April 19, 2017 (6 pages)
4. Revised version of the MOU between the USFWS Wertheim Wildlife Refuge and the Commission, dated May 17, 2017 (8 pages)

5. Draft Resolution of the Central Pine Barrens Joint Planning and Policy Commission ("Commission") Authorizing the Renewal of a Memorandum of Understanding with the U.S. Fish and Wildlife Service, dated May 17, 2017 (1 page)
6. Final Approved Resolution of the Central Pine Barrens Joint Planning and Policy Commission ("Commission") Authorizing the Renewal of a Memorandum of Understanding with the U.S. Fish and Wildlife Service, dated May 17, 2017 (1 page)
7. Draft Resolution authorizing the Renewal of the Commission's Package of Insurance Policies that includes the Umbrella Policy, Directors and Officers (Errors and Omissions) Policy and Automobile Policy and Payment on any Associated Premiums, dated May 17, 2017 (1 page)
8. Final Approved Resolution authorizing the Renewal of the Commission's Package of Insurance Policies that includes the Umbrella Policy, Directors and Officers (Errors and Omissions) Policy and Automobile Policy and Payment on any Associated Premiums, dated May 17, 2017 (1 page)
9. Science and Stewardship Division Update for May 17, 2017 (6 pages)
10. Draft Resolution of the Central Pine Barrens Joint Planning and Policy Commission ("Commission") Accepting US Forest Service Grant Funding
11. Final Resolution of the Central Pine Barrens Joint Planning and Policy Commission ("Commission") Accepting US Forest Service Grant Funding
12. Northeastern Area State and Private Forestry Cohesive Fire Strategy Grants for the Ridge-Manorville-Calverton CWPP and NYWIMA for Fiscal Year 2017 (31 pages)
13. Education and Outreach Division Update for May 17, 2017 (2 pages)
14. Staff report for the Tough Mudder request for jurisdiction application
15. Compliance and Enforcement Division update for May 17, 2017 (4 pages)
16. Land Use Division Bi-Monthly Update for the Meeting of May 17, 2017 (1 page)
17. R.N. Middle Island (7-11 Middle Island) CGA Hardship Waiver application to schedule public hearing (56 pages)
18. Credit Clearinghouse update for May 17, 2017 (2 pages)
19. Draft Staff Report: Starbucks at Manorville Core Preservation Area Hardship Waiver, dated May 17, 2017 (8 pages)
20. Draft Staff Report: Independent Group Home Living (IGHL) Core Hardship Waiver Application, dated May 17, 2017 (9 pages)



**Pine Barrens Commission Meeting Summary
For Wednesday, June 21, 2017 (Final-Approved 7/21/17)
Riverhead Town Hall
200 Howell Avenue
Riverhead, NY
2:00 pm**

Commission members present: Ms. Gallagher (for New York State) Mr. Romaine and Ms. Prusinowski (for Brookhaven), Mr. Walter and Mr. McCormick (for Riverhead), Mr. Schneiderman and Mr. Shea (for Southampton), Mr. Freleng (for Suffolk County)

Others present: Commission and other agency staff members included Mr. Milazzo, Mr. Pavacic, Ms. Hargrave, Mr. Huss, Mr. Lewis, Mr. Mazziio and Ms. Ostrowski (from the Commission) and Mr. Dale (from Suffolk County). Additional attendees are indicated on the attached sign-in sheet.

Ms. Gallagher called the meeting to order at approximately 2:00 p.m. with five members present, which constitutes a quorum.

1. Administrative and Public Comment

Ms. Gallagher skipped to item 1d. on the agenda in order to approve the Draft Resolution Commission Rules of Conduct prior to commencing with additional Commission business.

1d. Draft Commission Rules of Conduct

Summary: Ms. Gallagher discussed the previously distributed Draft Resolution Approving Policies and Procedures Regarding Commission Rules of Conduct and she noted that public comments should be limited to no more than three minutes and items that are not on the meeting agenda.

The motion was made by Mr. Schneiderman and seconded by Mr. Walter to approve the Draft Resolution Commission Rules of Conduct, dated June 21, 2017 (attached). The motion was approved by a 5:0 vote.

a. Public Comments:

Summary: Mr. Richard Amper, Director of the L.I. Pine Barrens Society, congratulated the Commission for the passing of legislation related to the annexation of more than 1,000 acres of additional woodlands to the Core of the Pine Barrens. Mr. Romaine acknowledged and thanked the Brookhaven Town Board and Affiliated Brookhaven Civic Association (ABCO) for supporting the new legislation to add an additional 1,100 acres of privately owned land to the Core Preservation Area. Ms. MaryAnn Johnston, representing ABCO, thanked the Commission for the legislation adding 327 acres of land in the Forge River area to the greenbelt corridor.

Mr. Fred Havemeyer, a Southampton Town resident, expressed his concerns pertaining to the Commission exerting jurisdiction over the Hills project. He urged the Commission to move forward with the final environmental impact statement (EIS) and a determination that the proposed Hills project would not be in conformance with ECL Article 57.

b. Minutes for 5/17/17 review, approval

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Walter to approve the 5/17/17 meeting summary. The motion was approved by a 5:0 vote.**

c. Commission budget for 2017-2018

Summary: Mr. Pavacic discussed the previously distributed materials related to the Commission budget for 2017-2018 which including, Central Pine Barrens Commission Allocations State Fiscal Years 1996-97 through Present, Draft

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Sean M. Walter
Member

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Resolution Approving Attachment B-1 Budget Plan for State Fiscal Year 2017-2018 Pursuant to Agreement C304989 with the New York State Department of Environmental Conservation, 2017-2018 Central Pine Barrens Commission Budget Highlights, Expenditure Based Budget Summary, Expenditure Based Budget Comparison 4/1/13 to Present and his memo to the Commission pertaining to the Commission budget, dated June 14, 2017. He explained that each year, as part of the five year contract with the NYSDEC, the annual budget is renewed and related documents are prepared and then presented to the Commission for approval.

Mr. Walter expressed his concerns about the percentage of the Commission's funds that SCWA accumulated and held in previous years for other post employment benefits (OPEB). Mr. Romaine and Mr. Schneiderman agreed that the Commission should hire an outside auditor annually and that approving the budget is a separate issue. Mr. Milazzo made the suggestion that the Commission meet with the SCWA Chief Financial Officer (CFO) to discuss the status of the OPEB funds. The decision was made to go ahead with approving the 2017-2018 Commission budget.

The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to approve the budget plan for State Fiscal Year 2017-2018. The motion was approved by a 5:0 vote.

2. Science and Stewardship

- a. US Geological Survey proposed surface water and groundwater monitoring
Summary: Mr. Pavacic discussed the previously distributed handouts related to the US Geological Survey's recent proposal produced as a result of discussions on ground and surface water quality when the Carmans River Water Management Plan was adopted by Brookhaven Town. Mr. Pavacic noted the proposal has the potential for interagency cost sharing and he suggested inviting the USGS to the next Commission meeting to provide greater detail of the proposal and to answer any questions after the Commission reviews the proposal.

Additional points Mr. Pavacic made about the USGS proposal included, hydrology is closely linked to ecological health and implementation of the proposal would be initiated through an agreement between the Commission and the USGS. Mr. Romaine and Mr. Walter offered the support of their respective towns for the proposal.

Ms. Gallagher noted that item 2b, Ridge-Manorville-Calverton CWPP will be added to the July Commission meeting agenda, since Ms. Jakobsen was not present at today's meeting to provide the update.

3. Land Use Planning and Land Use

Project Review Compatible Growth Area

- a. Shwonik/Guyder Farm (Fink's Farm) Compatible Growth Area Hardship Waiver Application / Wading River / SCTM # 600-115-1-9 / clear to 90% for agricultural use
Summary: Ms. Hargrave discussed the previously distributed Draft Resolution to Approve Shwonik/Guyder Farm (Finks Country Farm, Inc.) Compatible Growth Area Hardship Waiver Application, dated June 21, 2017 (attached). It was noted that Suffolk County has chosen to recuse itself from voting on the Finks Farm CGA hardship waiver. Ms. Hargrave discussed background information related to the Commission's approval for the Finks Farm application that is a request to clear the property up to a limit of 90%. She discussed the conditions of the approval including that the resolution authorizes clearing between November 1st and March 31st only, 10% of the site is to remain natural and if agricultural

farming does not continue at the site, 47% must be returned to a natural state. It was noted that the 10% remaining natural growth would be on the east side of the property. Additional points of discussion included, the approval was based on the site as being historically farmed, the Commission is not restricted in granting approvals for economic hardship and what the status of the property might be if Suffolk County was to purchase it. Ms. Theresa Southworth, who is part owner of the property, expressed her concerns about the financial distress she has experienced as a result of delays in the Fink's Farm hardship application process, habitat restrictions and how over the years zone changes have affected her ability to sell the property.

Mr. Schneiderman expressed his concerns pertaining to the hardship criteria being used to approve the Fink's farm application and he emphasized that the Commission's approval resolution needs clearly worded language. Mr. Amper expressed his concerns pertaining to the criteria being used by the Commission for the Fink's farm hardship approval and the potential for setting a precedent.

Ms. Johnston, representing ABCO, expressed her concerns related to nitrogen levels at the Fink's farm site and monitoring and the approval resolution. She also requested clarification about the changes in the public comment portion of Commission meetings. Ms. Gallagher explained that the changes occurred as a result of a discussion about the Commission's Draft Rules of Conduct and that public comments will be heard at the beginning and at the end of the Commission meeting. Ms. Johnston expressed the opinion that public comments should be heard on a per topic basis and Mr. Amper agreed with that statement.

Ms. Fink mentioned that Fink's farm worked closely with Cornell Cooperative on issues related to nitrogen and chemicals used at the site. Mr. Fink expressed his concerns about the hardship application process and a discussion ensued pertaining to the rules of conduct. Mr. Milazzo emphasized that the rules of conduct were reviewed to determine how best to avoid conflicts and maintain order at Commission meetings.

The motion was made by Mr. Walter and seconded by Mr. Romaine to approve the Draft Resolution to Approve Shwonik/Guyder Farm (Finks Country Farm, Inc.) Compatible Growth Area Hardship Waiver Application dated June 21, 2017 (attached). The motion was approved by a 4:0:1 vote with Suffolk County abstaining.

- b. Luitpold Pharmaceuticals Inc. / Ridge / SCTM # 200-584-1-4.3 and 4.5 / Determination of Jurisdiction to connect site plan in Brookhaven R&D Plaza to existing Town of Brookhaven Sewer District No. 2 and abandon existing onsite septic system / determination

Summary: Ms. Hargrave provided background information on the Luitpold Pharmaceuticals determination of jurisdiction and request to connect the site to existing Town of Brookhaven Sewer District No. 2. The property has existed for over 25 years in the industrial park and it is located on the east side of William Floyd Parkway, south of the LIE. Mr. Romaine discussed background information related to Sewer District No. 2 and he noted that it is one of two sewer districts the Town oversees.

The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to deem the Luipold Applicant's request to connect to the Sewer District as a nonmaterial increase and that the request is nondevelopment. The motion was approved by a 5:0 vote.

Public Hearing at 3:00 pm

- a. R.N. Middle Island, LLC (7-Eleven Middle Island) Compatible Growth Area Hardship Waiver Application / Middle Island / SCTM # 200-378-2-37.2 and 403-1-2.1 and 2.3 / FINAL 6/21/17 COMMISSION MEETING SUMMARY (approved-7/21/17)

change of zone to develop gas station and convenience store / decision deadline 8/30/17

Summary: A separate stenographic transcript exists for this hearing. The motion was made by Mr. Romaine and seconded by Mr. Walter to close the hearing. The motion was approved by a 5:0 vote.

**Project Review
Core Preservation Area**

- 3c. Starbucks Core Preservation Area Hardship Waiver Application / Manorville / SCTM # 200-462-2-6 / change of zone from J2 to J5 for a drive through major restaurant, interior alterations and parking lot modifications for restaurant expansion / decision deadline 7/25/17/ decision

Summary: Ms. Hargrave discussed the previously distributed Draft Resolution Starbucks of Manorville (CA 485 County Road LLC), SCTM#200-462-2-6 Core Preservation Area Hardship Waiver Manorville, Town of Brookhaven, June 21, 2017 (attached) and she explained that the approval is related to a zone change with no material disturbances.

The motion was made by Mr. Romaine and seconded by Mr. Walter to approve Starbucks of Manorville Core Hardship Waiver Application. The motion was approved by a 5:0 vote.

- d. Dittmer Core Preservation Area Hardship Waiver Application / Ridge / SCTM # 200-326-3-3 / Withdraw application

Summary: The Dittmer Core Area Hardship Waiver Application will be moved to the July meeting.

- e. Kent Animal Shelter Core Preservation Area Hardship Waiver Application / Calverton / SCTM #s 600-138-1-6.2 and 7.1 / expand and redevelop an existing animal shelter on 2.138 acres / decision deadline today 6/21/17 / (hearings were held on 3/18/15, 8/19/15) / Request for extension of decision deadline

Summary: Mr. Amper expressed his concerns related to the decision deadline extensions that have been granted to the Kent Animal Shelter and the potential for future applicants to request extensions when a denial is imminent due to the application not meeting the requirements of the law. Additional discussion points included, the Kent applicant is still looking for a more suitable location in lieu of a denial and Mr. Milazzo mentioned that the ECL Article 57 allows for extensions of decision deadlines.

The motion was made by Mr. Walter and seconded by Mr. Romaine to extend the decision deadline 8 months for the Kent Animal Shelter Core Hardship Application. The motion was approved by a 5:0 vote.

Ms. Johnston expressed her concerns about the search for another location for the Kent Animal Shelter and the standards of the CLUP not being met by the Kent applicant.

- f. Town of Brookhaven Proposed Restoration of Lily Lake (aka Lower Lake) in Yaphank
Summary: Mr. Anthony Graves, Chief Environmental Analyst from Brookhaven Town provided a presentation on the proposed removal of invasive aquatic plants and soft sediment from Lily Lake. He reported that the hydraulic dredging that was proposed by the Town in 2012 was approved as nondevelopment by the Commission. He provided background information on Lower and Upper Yaphank Lake and he noted that hydraulic dredging was performed at Upper Lake that was cancelled at Lower Lake due to costs and other issues related to the dredging machinery and noise impacts. He discussed the status of SEQRA and that his recommendation was that the Brookhaven Town Board should remain as lead agency and adopt a negative declaration on changes to the project.

Additional points were discussed including, installation of a fish ladder similar to the fish ladder installed at Upper Lake, Suffolk County owns the dam at Lily Pond, the Town owns most of the property at the lake and removing the dam to slowly lower the level of the lake. Other points of discussion related to the potential impact to wildlife habitat and to native plant life if the lake was drained, the status of the lake and the community if the lake was left untouched and the affect on the community if the dam was removed allowing the lake to revert to its original status as a freshwater river.

Mr. Doug Swesty, representing Sea Run Brook Trout Coalition, expressed his concerns related to the proposed dredging plan and he noted that he is against the recommendations made by Mr. Graves. He stated that the plan is not a restoration of the water body, instead that it recreates an artificial water body, which has done substantial damage to the river. He provided information pertaining to an alternative plan for the lake that the Town had received negative feedback on, from the surrounding community. He discussed the Town's plans for dredging the lake in relation to the statute for compelling public need in ECL Article 57 and he strongly recommended that the Town consider removing the dam instead of dredging. Ms. Johnston expressed her concerns about the Town's plans for dredging the lake and suggested that the Town should meet with local residents to discuss their issues related to maintaining a view shed.

Mr. Kevin McAllister, representing Defend H2O provided additional information related to the problems of thermal pollution and its negative impacts to the habitat of the trout and the natural ecology of the lakes. He noted that the Upper Lake provides the recreation that the residents are interested in maintaining and removing the dam at lower lake would not have an impact.

Adjournment

The motion was made by Mr. Walter and seconded by Mr. Schneiderman to move into a closed Advisory Session to discuss two litigation matters and afterwards no further Commission business would be conducted and therefore, the meeting was adjourned. The motion was approved by a 5:0 vote.

The meeting ended at approximately 4:50 pm.

Attachments (in order of discussion)

1. June 21st Commission Meeting Sign in Sheet (2 pages).
2. Draft Commission meeting summary for May17, 2017 (6 pages)
3. Final Approved meeting summary for May 17, 2017 (6 pages)
4. Commission Policies and Procedures Regarding the Conduct of Commission Meetings June 14, 2017
5. Draft Resolution Approving Policies and Procedures Regarding Commission Rules of Conduct, dated June 21, 2017 (3 pages)
6. Final Approved Resolution Approving Policies and Procedures Regarding Commission Rules of Conduct, dated June 21, 2017 (3 pages)
7. Central Pine Barrens Commission Allocations State Fiscal Years 1996-97 through Present (1 page)
8. Draft Resolution Approving Attachment B-1 Budget Plan for State Fiscal Year 2017-2018 Pursuant to Agreement C304989 with the New York State Department of Environmental Conservation (1 page)
9. Final Approved Resolution Approving Attachment B-1 Budget Plan for State Fiscal Year 2017-2018 Pursuant to Agreement C304989 with the New York State Department of Environmental Conservation (1 page)
10. 2017-2018 Central Pine Barrens Commission Budget Highlights, dated June 14, 2017 (3 pages)
11. Attachment B-1 Expenditure Based Budget Summary (1 page)
12. Attachment B-1 Expenditure Based Budget Comparison 4/1/13 to Present (1 page)
13. Memo to the Commission from Mr. Pavacic re: State Fiscal Year 2017-2018 CPB Commission Budget Overview & Highlights, dated June 14, 2014 (2 pages)
14. Draft Resolution Starbucks of Manorville (CA 485 County Road LLC), SCTM # 200-462-2-6

Core Preservation Area Hardship Waiver Manorville, Town of Brookhaven, dated June 21, 2017 (7 pages)

15. Final Approved Resolution Starbucks of Manorville (CA 485 County Road LLC), SCTM # 200-462-2-6 Core Preservation Area Hardship Waiver Manorville, Town of Brookhaven, dated June 21, 2017 (7 pages)
16. Draft Staff Report for R.N. Middle Island LLC (7-Eleven Middle Island) Compatible Growth Area (CGA) Hardship Waiver Application, dated June 21, 2017 (7 pages)
17. Amendment to the SEQR Negative Declaration For the Dredging of Lower Lake, dated May 25, 2017 (5 pages)
18. Anthony Graves memo to Mr. Pavacic RE: Presentation on proposed removal of invasive aquatic plants and soft sediment from Lily Lake, dated June 14, 2017 (1 page)



**Central Pine Barrens Commission Meeting Summary
For Wednesday, July 19, 2017(Final-Approved 8/16/17)
Riverhead Town Hall
200 Howell Avenue
Riverhead, NY
2:00 pm**

Commission members present: Ms. Gallagher (for New York State) Mr. Romaine and Ms. Prusinowski (for Brookhaven), Mr. McCormick (for Riverhead), Mr. Schneiderman, Mr. Shea and Mr. Collins (for Southampton), Mr. Dale and Mr. Freleng (for Suffolk County)

Others present: Commission and other agency staff members included Mr. Milazzo, Ms. Jakobsen, Mr. Pavacic, Ms. Hargrave, Mr. Tverdyy, Mr. Huss, Mr. Lewis, Ms. Weigand, and Ms. Ostrowski (from the Commission). Additional attendees are indicated on the attached sign-in sheet.

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Ms. Gallagher called the meeting to order at approximately 2:00 p.m. with five members present, which constitutes a quorum.

Edward P. Romaine
Member

1. Administrative and Public Comment

Jay H. Schneiderman
Member

a. Public Comments:

Summary: Mr. Armand Eagan, owner of Armand Gustave LLC, distributed a handout and he expressed his concerns about the Credit allocation formula used to determine Central Pine Barrens Credits and wanted to know why the Credit program uses 43,560 sf for an acre whereas Town code uses 40,000 sf for an acre. Mr. Tverdyy and Mr. Milazzo discussed the difference between the acre used by the towns and the Comprehensive Land Use Plan for the Credit Program. Mr. Eagan decided that he would appeal the Credit allocation. Mr. Eagan then expressed his concerns pertaining to the Commission's title insurance policy requirements for conservation easements and Ms. Gallagher advised Mr. Eagan to send the Commission a letter stating his concerns.

Mr. Richard Amper, Executive Director of the Central Pine Barrens Society, expressed his concerns pertaining to Commission asserting its jurisdiction over The Hills at Southampton without declaring lead agency status. He further explained that the Commission should review the project independently of the SEQRA process.

Mr. Romaine arrived at the meeting at 2:08 p.m.

b. Minutes for 6/19/17 review, approval

Summary: **The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve the 6/19/17 meeting summary. The motion was approved by a 5:0 vote.**

c. Amended Commission Rules of Conduct

Summary: **The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve the Draft Resolution Approving Amended policies and Procedures Regarding Commission Meeting Guidelines, dated July 19, 2017 (attached). The motion was approved by a 5:0 vote.**

d. Commission Personnel Fringe Benefits

Summary: Mr. Pavacic explained that at the June Commission meeting a discussion occurred pertaining to other post employment benefits or OPEB reserved funds and Suffolk County Water Authority's (SCWA) management of those funds and he introduced Mr. Douglas Celiberti, Chief Financial Officer of the SCWA. Mr. Celiberti discussed criteria related to the OPEB funds including,

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general utility accounting and reporting requirements, GASB reporting requirements and that staff benefits can be as high as 50% of staff salaries. He noted that the funds being set aside for OPEB would allow the Authority to have these funds available for when staff retire. Mr. Celiberti accepted Mr. McCormick's request to participate in a conference call with Riverhead's controller to discuss OPEB funding.

e. Commission website launch

Summary: Ms. Jakobsen reported that the new Commission website is live and the Commission member portal is now available where epacket documents can be downloaded by the Commission members prior to Commission meetings.

2. Science and Stewardship

a. US Geological Survey proposed surface water and groundwater monitoring

Summary: Ms. Amy Simonson and Ms. Irene Fischer, Hydrologists from the USGS provided a presentation on the proposed surface water and groundwater-monitoring program for the Central Pine Barrens. Ms. Simonson explained that the USGS monitors water conditions throughout the United States with over 100 monitoring sites on Long Island. Ms. Fischer discussed there are sites on Long Island that are currently being monitored for their water level, spatial information and aspects of real time data including, the Peconic and Carmans Rivers. She also discussed that there are two sites on the Peconic and five sites on the Carmans where collection is proposed to monitor water quality.

Ms. Fischer mentioned that additional testing would include, alkalinity, pesticides and pharmaceuticals and she noted the purpose is to compare the data from these rivers on Long Island to other water bodies nationwide. There were other points Ms. Fischer discussed such as certain testing will be conducted on a year to year rotating basis, data that is collected will be available for the land managers to use in decision making and it will help provide a better understanding of the sustainability of the aquifer levels. She further discussed that all of the testing results will be available to the public, testing of the water samples is actually performed at a special laboratory in Denver, while the local USGS office is responsible for the collection of the water samples from the selected sites in the Central Pine Barrens. Mr. Chris Schubert, from the USGS mentioned that the ground water levels that are associated with surface water resources such as, ponds and supply wells also reflect on the health of the water system. He further mentioned the studies would allow conclusions to be made about where the Central Pine Barrens water runoff flows, either to the surface water features or to wells. Ms. Fischer provided additional information on proposed sampling locations.

Mr. Pavacic discussed the project in terms of possible funding sources and the possibility of the Commission seeking an additional appropriation from the N.Y. State Legislature to help fund the proposed monitoring program. He noted that in the next couple of months a proposal would be submitted for Commission approval.

b & c. Ecological Services Project at Rocky Point Central Pine Barrens State Forest and at

NYSDEC Eastport Conservation Area & County Pine Meadows County Park.

Summary: Mr. Will Bowman, representing Land Use Ecological Services, distributed copies of today's PowerPoint presentation and he stated that Land Use Planning, Sustainable Solutions, the land managers including S.C. Parks and the NYSDEC are moving forward with plans for ecological restoration and fuel reduction activities. He reported that approximately 40 locations have been identified for work with current plans focused on two of the four locations selected where the restoration work would be most beneficial. These locations

include, Rocky Point and Eastport Pine Meadows. Mr. Bowman mentioned SEQRA has commenced for both projects, stakeholders including Rocky Point, Ridge and Eastport fire departments have been notified about the projects and he noted that mechanical work and prescribed fire plans should be ready to be implemented in the late summer.

Mr. Bowman discussed the goals for the ecological restoration project which included, at the Rocky Point State Forest, restoring woodland and animal habitat consistent with the NYSDEC Unit One Management Plan for 2007, reducing hazardous fuels and implementing prescribed fire in areas identified as high risk and mechanical mowing as a first step in reducing hazardous fuel levels. He discussed old fire breaks that would benefit from mechanical treatment during the growing season. He explained that the work being planned at the Eastport Pine Meadow site is focused on restoring grasslands, removing woody components and restoring fire lines and existing trails. He discussed the timeline associated with herbicide treatment and mechanical work that is planned at approximately 150 acres of grasslands in Eastport and he noted the goal for the grasslands is to restore not only the openness of the lands, but also the associated animal habitat.

The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve the adoption of a negative declaration for and to authorize the implementation of the ecological services project for the NYSDEC Rocky Point Central Pine Barrens State Forest. The motion was approved by a 5:0 vote.

The motion was made by Mr. Schneiderman and seconded by Mr. Dale to approve the adoption of a negative declaration for and to authorize the implementation of the ecological services project for Eastport Pine Meadows. The motion was approved by a 5:0 vote.

d. NY Wildfire and Incident Management Academy-fall training program and financial Summary: Mr. Pavacic distributed and discussed the 20th Annual Academy brochure for the fall training that will take place from Thursday, October 19th to Sunday, October 29th. Mr. Pavacic reported that there are 24 proposed classes and that incident management teams will be formed. Brush truck training classes are scheduled for early October, prior to the Academy and Mr. Pavacic noted that there are activities planned to acknowledge the 20 year anniversary of the Fire Academy. He reported that the balance in the Fire Academy bank account is \$42,000 and he mentioned that all of the information related to the Academy is now on the new Commission website.

e. Education and Outreach Division

Summary: The Education and Outreach division report will be provided in September.

f. Science and Stewardship

Summary: Ms. Weigand introduced the summer interns, Mr. Colin Benitt, Mr. Michael Tarquinio and Ms. Carriann Wood and she discussed the previously distributed Science and Stewardship Division update for July 19, 2017. Highlights that Ms. Weigand reported on included the interns are continuing the work related to Southern Pine Beetle (SPB) and Oak Wilt surveying, invasive species monitoring and trail work at several locations including Hubbard's County Park and the Sarnoff Preserve. Ms. Weigand discussed SPB and its management such as, outbreaks run in cycles and that forest management, water resources and density of trees are all factors that affect the level of infestation.

Other topics Ms. Weigand highlighted included the interns work to reduce the Phragmites population, the LIISMA first Invasive Species Conference on June

22, 2017 and the Oak Wilt identification training that was provided on June 29, 2017. She mentioned there are plans for an oak wilt forum to be held in the fall of 2017. She discussed that volunteers have blazed at least 10 miles of the Ray Corwin Rocky Point to Yaphank Trail, that she attended the North Atlantic Fire Science Exchange workshop and a fuel monitoring workshop at Albany Pine Bush. She mentioned that the Science and Stewardship division has provided support to the Compliance and Enforcement division for activities connected to ATV damage and dumping mitigation.

g. Commission Authorization of the Purchase of an All Terrain Vehicle by the LEC for the SC Sheriff's Office

Summary: Mr. Romaine expressed his concerns about Suffolk County's policy to demolish confiscated ATVs and he noted that the vehicles may still be usable for law enforcement agencies that patrol the Central Pine Barrens. He made the suggestion that the Commission should inform Suffolk County about the Commission's and Sheriff's Office's need for usable ATVs and that it should be requested that instead of the ATVs being demolished, they should be donated for use to patrol the Central Pine Barrens.

The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve the Draft Resolution for the Commission to authorize the Purchase of One All-Terrain Vehicle by the LEC for the Suffolk County Sheriff's Office (attached). The motion was approved by a 5:0 vote.

**3. Land Use
Planning and Land Use**

a. Proposed amendments to Town of Brookhaven Residential Overlay district and redemption and Use of Central Pine Barrens Credits therein:

Summary: Ms. Prusinowski discussed the status of the Town's proposal related to the residential overlay district or ROD that would increase density through the use of Credits. The proposal would give builders more density per acre and Mr. Romaine stated that under these terms builders might be more inclined to purchase Credits. He noted that if the legislation to expand the Core of the Central Pine Barrens passes that new Credits would be in circulation.

Mr. Pavacic reported that the referral from Brookhaven Town is a lead agency coordination letter related to the proposal. There is no proposed change to the Commission Comprehensive Land Use Plan (CLUP) at this time. Mr. Freleng mentioned that Suffolk County has concerns about the proposal. Mr. Romaine explained the proposal would provide Core landowners with a mechanism to use their Credits.

Mr. Milazzo explained that the proposal as it stands would be a Town code amendment affecting only the CGA. The Commission has no reason to seek lead agency since the change would not affect Core property and the Commission has always encouraged more receiving areas.

The motion was made by Mr. Schneiderman and seconded by Mr. McCormick to defer lead agency status to the Town on the proposed Town Code amendment to the ROD. The motion was approved by a 5:0 vote.

b. Compliance and Enforcement

Summary: Mr. Huss discussed the previously distributed Compliance and Enforcement Report for January-June 2017 (attached) and it was noted that since February 2017, there have been 28 new cases investigated and 10 cases have been closed. Mr. Huss discussed violation cases at several locations including a farm in Northampton with multiple violations. There was

excess clearing found at a site in Flanders and at East Bartlett Road in Brookhaven Town. Illegal disposal of solid waste was found along Sunrise Highway near Speonk Riverhead Road and at another site on Toppings Path in Ridge. Other violations included unlawful effluent at a recycling facility that was found during an inspection of a development project on an adjacent parcel on Route 112 in Coram.

Other items Mr. Huss reported on included a recent truck enforcement detail conducted by LEC agencies on County Road 51 on May 23, 2017 which resulted in 16 trucks being removed from service for safety violations and 52 summonses issued. He mentioned ATV enforcement details were held in March and April that were organized by S.C. Parks Ranger Deputy Director, Mr. Arthur Pendzick. The Enforcement and Compliance division staff participated in training which included SPB and fire management seminars in the spring as well as ATV and chainsaw training in June. Mr. Huss discussed the possibilities of using drones for surveillance activities.

c. Land Use

Summary: Ms. Hargrave discussed the previously distributed Land Use Division Bi-Monthly Update for the Meeting of July 19, 2017 (attached). Items she highlighted from her report included the status of pending applications and determinations of jurisdiction which include the 7-11 CGA Hardship Waiver in Ridge, Independent Group Home Living (IGHL) Core Hardship Waiver in Manorville, the Kent Animal Shelter extension of the decision deadline until February 2018 and The Hills at Southampton pending Final Environmental Impact Statement (FEIS). She discussed that referrals and inquiries are received from the towns and recent inquiries included Town of Brookhaven Code Amendments Special Permit Criteria and the Suffolk County Septic Improvement program in the Central Pine Barrens that may include a presentation at a future meeting.

Project Review

Core Preservation Area

- d. IGHL Core Preservation Area hardship Waiver / Manorville Construct a one-story, 4,295 square foot group residence on 4.12 acres decision deadline 8/4/17 (SCTM#200-410-2-1.1)

Summary: Ms. Hargrave reported that the IGHL Core Preservation Area Hardship Waiver decision deadline is August 4, 2017 and that a draft resolution was previously distributed.

The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to approve the Draft Resolution for the Independent Group Home Living Program, Inc. SCTM # 200-410-2-1.1 Core Preservation Area Hardship Waiver Manorville, Town of Brookhaven (attached). The motion was approved by a 5:0 vote.

- e. New Cingular Wireless PCS LLC (AT&T) Request for Determination of Jurisdiction / Manorville / Replace antennas on existing cell tower (SCTM# 200-461-3-30.2)

Summary: Ms. Hargrave discussed the New Cingular Wireless request for a determination of jurisdiction for a project that involves the replacement of antennas on an existing cell tower and to install an equipment cabinet on the ground with no clearing involved in the application.

The motion was made by Mr. Romaine and seconded by Mr. McCormick to deem the New Cingular Wireless request for determination as nondevelopment. The motion was approved by a 5:0 vote.

4. Central Pine Barrens Credit Program

a. Credit Program

Summary: Mr. Tverdyy discussed the previously distributed Credit program statistics update and financial report for July 2017. Items that he highlighted included, since January 2017 until today one Credit was generated, 14 conservation easements are being finalized, 6.45 Credits were redeemed mostly for commercial projects and 6.89 Credits were sold at an average price of \$80,000. Mr. Tverdyy noted that the in the Credit Clearinghouse account balance on June 30, 2017 was over \$2.5 million and the total interest earned was \$3,376.

b. Draft Resolution to Select an Appraiser to Determine the Value of Credits owned by the Credit Clearinghouse

Summary: Mr. Milazzo discussed that the recommendation to award the appraisal work to Mr. Glen Gabberty who will perform the work for \$1,800. He noted that the reason for obtaining an appraisal of the Credits owned by the Clearinghouse was to make the process of buying Credits more efficient.

The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to approve the attached Draft Resolution to Select an Appraiser to Determine the Value of Credits Owned by the Credit Clearinghouse. The motion was approved by a 5:0 vote.

Final Public Comments

Summary: Mr. Amper discussed several issues that included, how public comments are useful to the Commission and he suggested a time limit for comments during the meeting rather than having public comments at the beginning and end of a Commission meeting, funding needs for the USGS water quality study and for SPB management, media reporting as a useful deterrent for illegal activities, volunteer fire departments support of prescribed fire and the status of The Hills at Southampton Final Environmental Impact Statement (FEIS).

Mr. Kevin McAlister, representing Defend H2O expressed his concerns related to Brookhaven Town's proposed dredging of Lower Lake in Yaphank and the negative declaration it received. Mr. Romaine advised Mr. McAlister to send him a written letter about his concerns regarding the dredging proposal and he stated that he would forward it to the Town's Environmental Planning Department.

Adjournment

The motion was made by Mr. McCormick and seconded by Mr. Schneiderman to move into a closed advisory session with no further Commission business to be conducted, therefore the meeting was adjourned. The motion was approved by a 5:0 vote.

The meeting ended at approximately 4:50 pm.

Attachments (in order of discussion)

1. July 19, 2017 Commission Meeting Sign in Sheet (2 pages).
2. Draft Commission meeting summary for June 21, 2016 (5 pages)
3. Final Approved Commission meeting summary for June 21, 2017 (5 pages)
4. Draft Resolution Approving Amended Policies and Procedures Regarding Commission Meeting Guidelines, dated July 17, 2017 (1 page)
5. Final Approved Resolution Approving Amended Policies and Procedures Regarding Commission Meeting Guidelines, dated July 17, 2017 (1 page)

6. Central Pine Barrens Joint Planning and Policy Commission Public Meeting Guidelines Revised July 5, 2017 (2 pages)
7. A Comprehensive Water Resources Monitoring program for the Central Pine Barrens Region, Suffolk County, New York, provided by the USGS, dated June 17, 2017 (15 pages)
8. Commission Science and Stewardship Division Update, dated July 19, 2017 (5 pages)
9. Draft Resolution for the Commission to Authorize the Purchase of One All-Terrain Vehicle by the Law Enforcement Council for the Suffolk County Sheriff's Office, dated July 19, 2017 (1 page)
10. Final Approved Resolution for the Commission to Authorize the Purchase of One All-Terrain Vehicle by the Law Enforcement Council for the Suffolk County Sheriff's Office, dated July 19, 2017 (1 page)
11. Documents related to the Town of Brookhaven ROD Code Amendment, dated June 27, 2017 (16 pages)
12. Report from the Compliance and Enforcement Division January –June 2017 (12 pages)
13. Commission Land Use Division Bi-Monthly Update for the Meeting of July 19, 2017 (1 page)
14. Draft Resolution Independent Group Home Living Program, Inc. SCTM # 200-410-2-1.1 Core Preservation Area Hardship Waiver Manorville, Town of Brookhaven, dated July 19, 2017 (8 pages)
15. Final Approved Resolution Independent Group Home Living Program, Inc. SCTM # 200-410-2-1.1 Core Preservation Area Hardship Waiver Manorville, Town of Brookhaven, dated July 19, 2017 (8 pages)
16. Email from Ms. Janine Brino regarding request for determination of no jurisdiction for New Cingular Wireless, dated June 28, 2017 (7 pages)
17. The Central Pine Barrens Credit Program Suffolk County Comptroller's Office financial report for June 30, 2017 (1 page)
18. Easement Protected Lands and Central Pine Barrens Credits As of July 13, 2017 (1 page)
19. Request for Proposals for Appraisal Services dated June 19, 2017 (8 pages)
20. Draft Resolution to Select an Appraiser to Determine the Value of Credits Owned by the Credit Clearinghouse, dated July 19, 2017 (1 page)
21. Final Approved Resolution to Select an Appraiser to Determine the Value of Credits Owned by the Credit Clearinghouse, dated July 19, 2017 (1 page)



**Central Pine Barrens Commission Meeting Summary
For Wednesday, August 16, 2017 (Final-Approved 9/20/17)
Brookhaven Town Hall
One Independence Hill
Farmingville, NY
2:00 pm**

Commission members present: Mr. Romaine (for Brookhaven), Mr. Walter and Mr. McCormick (for Riverhead), Mr. Shea (for Southampton), Mr. Freleng (for Suffolk County)

Others present: Commission and other agency staff members included Mr. Pavacic, Ms. Jakobsen, Ms. Hargrave, Mr. Tverdyy, Mr. Huss, Ms. Ostrowski (from the Commission). Additional attendees are indicated on the attached sign-in sheet.

Mr. Pavacic reported that Ms. Gallagher, the Commission Chair, was not able to attend the meeting this afternoon.

The motion was made by Mr. Romaine and seconded by Mr. Shea to approve Mr. Pavacic as the acting Chair, nonvoting, for today's meeting. The motion was approved by a 4:0 vote.

1. Administrative and Public Comment

a. Public Comments:

Summary: Mr. Richard Amper, Director of the Long Island Pine Barrens Society (LIPBS), discussed the status of the proposed legislation to expand the Core of the Pine Barrens into areas in Shoreham and Mastic and Mr. Romaine's letter to the Governor that he wrote in support of the legislation. Mr. Amper suggested that the other Commission members write similar letters to the Governor to show that they also support the legislation for expanding the Core Preservation Area and the Commission members agreed to write the letters.

Mr. Amper expressed his concerns related to the JSC subdivision referral from Southampton Town and the clearance standard for projects using Pine Barrens Credits (PBCs) in RODs in the CGA. Mr. Amper stated that the Commission should review the issue further before it makes a possible precedent setting decision and allow developers to circumvent the clearing standards in the CLUP. Mr. Pavacic explained that today's proposed amendment to the 2001 approved resolution, which at that time pertained only to Brookhaven Town, would now apply to all three towns and he noted the revision is also included in the Chapter 5 CLUP amendments that are in the SEQRA process. Mr. Amper further expressed his concerns about ECL Article 57 and Commission decisions that modify the intent of the legislation.

Mr. Armand Eagan, Armand Gustave LLC property owner, distributed and discussed documents related to his Letter of Interpretation for the parcel SCTM# 900-279-4-13. Mr. Eagan provided information related to his Credit allocation and asked the Commission to make a decision today because he needs the Credits to satisfy a pending S.C. Board of Health requirement for a property he owns in Islip. Mr. Romaine advised Mr. Eagan to reach out to his local representative at the S.C. Legislature and ask that they contact the Board of Health on his behalf, to request a postponement on the decision related to the Credit redemption.

Mr. Amper discussed the decision that was made by the Commission last year to assert its jurisdiction over The Hills at Southampton project and he expressed his concerns about when the Commission will begin its review of the project.

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Sean M. Walter
Member

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b. Minutes for 7/19/17 review, approval

Summary: The motion was made by Mr. Romaine and seconded by Mr. Freleng to approve the 7/19/17 meeting summary. The motion was approved by a 3-0-1 vote with Mr. Walter abstaining.

2. Science and Stewardship

a. Resolution to approve the Wildfire Task Force chair

Summary: Mr. Pavacic explained that the Wildfire Task Force has elected a new Wildfire Task Force chair, Mr. Chris Lindberg, First Assistant Chief of the Manorville Fire Department.

The motion was made by Shea and seconded by Mr. Romaine to approve the Draft Resolution of the Commission to Appoint a New Chair of the Central Pine Barrens Wildfire Task Force (attached). The motion was approved by a 4:0 vote.

b. Resolution to approve the new Law Enforcement Council chair

Summary: Mr. Pavacic discussed the status of the Law Enforcement Council (LEC) chair position and that Captain Dallas Bengel, the current chair, will be retiring from the NYSDEC ENCON Police in August. He reported that the LEC voted unanimously to recommend that Lt. Michael Smith from the S.C. Sheriff's Office be approved by the Commission as the new LEC chair.

The motion was made by Mr. Romaine and seconded by Mr. Shea to approve the Draft Resolution of the Commission to appoint Lt. Michael Smith from the S.C. Sheriff's Office as the new chair of the Central Pine Barrens Law Enforcement Council. The motion was approved by a 4:0 vote.

c. Ridge-Manorville-Calverton CWPP implementation

Summary:

Ms. Jakobsen noted that the Commission's 2016 Annual Report was distributed to the Members and Representatives at the beginning of the meeting and then Mr. Walter mentioned that his staff was experiencing difficulties organizing the epacket and he made suggestions on alternatives to the current method of distribution of these materials prior to Commission meetings.

Ms. Jakobsen reported on the status of the performance of wildfire prevention home assessments in the CWPP area and she noted that there are two assessments scheduled that resulted from advertising in social media and that with the appointment of the new Wildfire Task Force Chair from the Manorville Fire Department could result in additional interest. She noted that a new Smokey Fire Danger rating sign was purchased with the United States Forest Service (USFS) grant funds that will be installed at the Lustgarten trailhead and planning is underway for media coverage of the sign's installation. Additional points Mr. Jakobsen discussed included, upcoming projects under the new USFS Northeast Cohesive Strategy grant such as home assessments and assessing hazards in the wildfire home ignition zone training workshops for the public in wildfire prone areas.

3. Land Use

Planning and Land Use

Project Review Core Preservation Area

- a. Henry Dittmer Core Preservation area Hardship Waiver application /Ridge/SCTM#200-326-3-3

Summary: The motion was made by Mr. Romaine and seconded by Mr. Mr. Walter to approve the Draft Resolution to Deny without Prejudice Henry Dittmer Core Preservation Area Hardship Waiver Ridge, Town of Brookhaven, SCTM#200-326-3-3 (attached). The motion was approved by a 4:0 vote.

- b. NYSDEC Linus Pond in Otis Pike Preserve / Phragmites removal /Riverhead/ SCTM# 600-135-1-3/Lead Agency Coordination

Summary: Mr. Pavacic discussed the previously distributed letter dated July 31, 2017, from the NYSDEC and he noted that the letter is a request for a determination of jurisdiction on their application for the removal of Phragmites at Linus Pond in the Otis Pike Preserve which is related to a restoration project.

The motion was made by Mr. Shea and seconded by Mr. Walter that since the Linus Pond project is a restoration project that it be considered non-development and the Commission does not seek lead agency status. The motion was approved by a 4:0 vote.

Compatible Growth Area

- c. Coram Materials / Miller Place / sand mine lake expansion from 138 acres to 182.5 acres and deepening from 150 feet to 160 feet on a 352 acre project site

Summary: Mr. Pavacic discussed the previously distributed materials associated with the Coram Materials application for expansion and deepening of the sand mine including a letter dated June 8, 2017 from the NYSDEC and request for lead agency coordination (attached) and the draft letter from the Commission staff to the NYSDEC, dated August 16, 2017 (attached). It was noted that the letter needs to be revised to include the request for information related to ownership of the parcels involved in the application. Mr. Romaine mentioned that the land involved in the request for expansion includes property owned by Suffolk County and a park preserve.

The decision was made to revise the letter to include a request for additional information pertaining to parcel ownership and potential other information to be provided by the Commission members. The letter will be mailed out one week from today's meeting.

- d. JSC Resources / Westhampton / SCTM#900-330-2-16.11 three lot subdivision of 3.1 acres in the CR 200 Zoning district

Summary:

Mr. Pavacic discussed the previously distributed materials related to the JSC Resources three lot subdivision (attached). Mr. Shea discussed the proposed JSC Resources three lot subdivision as it relates to the draft Amended Resolution on the clearance standard for projects using PBCs in residential overlay districts in the CGA and he noted that Southampton Town supports the amended resolution that applies to all three towns and replaces the 2001 resolution which only applied to residential overlay districts in Brookhaven. He mentioned that the town does not agree with the draft comment letter and that the applicant should not have to submit a hardship waiver application when the amended resolution on the clearance standard is approved.

The motion was made by Mr. Shea and seconded by Mr. Walter to approve the Draft Amended Resolution on the Clearance Standard for Projects Using Pine Barrens Credits in Residential Overlay districts in the CGA (attached) and that it is not necessary to send the draft letter requesting the submission of a hardship waiver application. The vote was tabled since it was noted that

the JSC application may be a part of a larger ROD and that the Commission should seek advice from Counsel on how the Commission should proceed with the JSC application.

The motion was made by Mr. Shea and seconded by Mr. Romaine to delay sending the draft letter, dated August 16, 2017 to the JCS Applicant until after the September Commission meeting. The motion was approved by a 4:0 vote.

e. R.N. Middle Island, LLC (7-Eleven Middle Island) CGA Hardship Waiver Application / Middle Island (SCTM# 200-378-2-37.2 and 403-1-2.1 and 2.3) Change of zone to develop gas station and convenience store

Summary: The motion was made by Mr. Romaine and seconded by Mr. Shea to approve Draft Resolution Compatible Growth Area Hardship Waiver Application of R.N. Middle Island LLC (7-Eleven Middle Island) 910 Middle Country Road, Middle Island, Town of Brookhaven Suffolk County Tax Map Numbers 200-378-2-37.2; 200-403-1-2.1 and 2.3 (attached). The motion was approved by a 3:0:1 vote with Mr. Walter abstaining.

f. Town of Brookhaven Special Permit criteria code amendments/ lead agency coordination letter/ discussion and response.

Summary: Mr. Pavacic discussed the draft letter from the Commission dated August 16, 2017 to the Town in response to the Town's letter dated July 6, 2017 requesting lead agency status on the proposed amendment to Chapter 85, Article XX Section 85-467 Special Permit Criteria of the Town Code of the Town of Brookhaven and a discussion ensued pertaining to its status. Ms. Prusinowski will be providing additional information on the Town code amendment at the September Commission meeting and the decision was made to amend the draft letter to the Town that defers lead agency status to them and includes wording that indicates the Commission reserves the right to provide additional comment at the appropriate time.

4. Credit Program

a. Armand Gustave LLC & James Eagan Letter of Interpretation Credit Appeal /Westhampton Beach/ SCTM 900-279-4-13.1 / schedule public hearing

Summary: The motion was made by Mr. Romaine and seconded by Mr. She to schedule a public hearing for Armand Gustave LLC at the September 20th Commission meeting. The motion was approved by a 4:0 vote.

5. Final Public Comments

Summary: Ms. Gail Lynch Bailey, President of the Miller Place Civic Association thanked the Commission for approving the 7-Eleven Core Area Hardship project and expressed her concern about the truck traffic in Middle Island.

The motion was made by Mr. Romaine and seconded by Mr. Shea to adjourn the meeting. The motion was approved by a 4:0 vote.

The meeting ended at approximately 3:20 pm.

Attachments (in order of discussion)

1. August 16, 2017 Commission Meeting Sign in Sheet (1 pages)
2. Draft Commission meeting summary for July 19, 2017 (7 pages)
3. Final Approved Commission meeting summary for July 19, 2017 (7 pages)
4. Draft Resolution of the Central Pine Barrens Joint Planning & Policy Commission (the "Commission")

- to Appoint a New Chair of the Central Pine Barrens Wildfire Task Force, dated August 16, 2017 (1 page)
5. Final Approved Resolution of the Central Pine Barrens Joint Planning & Policy Commission (the "Commission") to Appoint a New Chair of the Central Pine Barrens Wildfire Task Force, dated August 16, 2017 (1 page)
 6. Resume of Captain Christopher Lindberg, Wildfire Task Force appointed Chair (2 pages)
 7. Draft Resolution of the Central Pine Barrens Joint Planning and Policy Commission (the "Commission") to Appoint a New Chair of the Central Pine Barrens Law Enforcement Council, dated August 16, 2017 (1 page)
 8. Final Approved Resolution of the Central Pine Barrens Joint Planning and Policy Commission (the "Commission") to Appoint a New Chair of the Central Pine Barrens Law Enforcement Council, dated August 16, 2017 (1 page)
 9. Draft Resolution to Deny without Prejudice Henry Dittmer Core Preservation Area Hardship Waiver Ridge, Town of Brookhaven, SCTM # 200-326-3-3
 10. Final Approved Resolution to Deny without Prejudice Henry Dittmer Core Preservation Area Hardship Waiver Ridge, Town of Brookhaven, SCTM # 200-326-3-3
 11. Letter from the NYSDEC to the Commission, Re: lead agency coordination request, dated July 31, 2017 (2 pages)
 12. Letter from Commission to Mr. Wieland, re: Coram materials sand mining permit modification request NYSDEC Application ID:1-4722-00795/00005 416 Miller Place-Yaphank Road, Miller Place CGA of the Central Pine Barrens, dated August 16, 2017 (2 pages)
 13. Letter from NYSDEC to Town of Brookhaven Re: lead agency coordination request Coram Materials sand mine expansion
 14. 9-26-01 Meeting Minutes Excerpt - Clearing and Use of PBCs in RODs (1 page)
 15. Resolution on the clearance standard for projects using PBCs in RODs in CGA, dated September 26, 2017 (1 page)
 16. Current Figure 5-1, Chapter 5 Ministerial amendments (1 page)
 17. Current Section 6.4.2.2.2_pg 6_Chapter 6 Ministerial amendments (1 page)
 18. Resolution on the Graystone Estates Compatible Growth Area Hardship Application East of Chapman Blvd, north side of Hot Water Street, Manorville Town of Brookhaven Tax Map#: 200-509-7-1.2, dated July 18, 2001 (1 page)
 19. JSC Residential Subdivision Map (1 page)
 20. JSC Resources final draft Commission response letter, date August 16, 2017 (6 pages)
 21. Section 5.3.3.6.1.3 pages 14-15 final draft version 3-18-2015, chapter 5 proposed amendments (2 pages)
 22. Sophia Place subdivision map (2 pages)
 23. Draft Resolution Compatible Growth Area Hardship Waiver Application of R.N. Middle Island LLC (7-Eleven Middle Island) 910 Middle Country Road, Middle Island, Town of Brookhaven Suffolk County Tax Map Numbers 200-378-2-37.2; 200-403-1-2.1 and 2.3, dated August 16, 2017 (8 pages)
 24. Final Approved Resolution Compatible Growth Area Hardship Waiver Application of R.N. Middle Island LLC (7-Eleven Middle Island) 910 Middle Country Road, Middle Island, Town of Brookhaven Suffolk County Tax Map Numbers 200-378-2-37.2; 200-403-1-2.1 and 2.3, dated August 16, 2017 (8 pages)
 25. Draft letter to Brookhaven Town Clerk Re: Lead Agency Coordination referral Special Permit Criteria Code Amendment, dated August 16, 2017 (1 page)
 26. Letter from Brookhaven Town regarding: The Town Code of the Brookhaven code amendment, dated July 6, 2017 (16 pages)



Central Pine Barrens Commission Meeting Summary
For Wednesday, September 20, 2017 (Final Approved – 10/19/17)
Brookhaven Town Hall
One Independence Hill
Farmingville, NY
2:00 pm

Commission members present: Ms. Prusinowski and Ms. Pines (for Brookhaven), Mr. Walter and Mr. McCormick (for Riverhead), Mr. Schneiderman and Mr. Collins (for Southampton), Mr. Freleng, Mr. Dale and Ms. Longo (for Suffolk County)

Others present: Commission and other agency staff members included Mr. Pavacic, Ms. Jakobsen, Ms. Hargrave, Mr. Tverdyy, Mr. Huss, Mr. Lewis, Mr. Motz and Ms. Ostrowski (from the Commission). Additional attendees are indicated on the attached sign-in sheet.

Ms. Gallagher called the meeting to order at approximately 2:00 p.m. with four members present, which constitutes a quorum.

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Edward P. Romaine
Member

1. Administrative and Public Comment

Jay H. Schneiderman
Member

a. Public Comments:

Summary: There were no public comments

Ms. Prusinowski and Ms. Pines arrived at the meeting at approximately 2:10 p.m.

Sean M. Walter
Member

b. Minutes for 8/16/17 review, approval

Summary: **The motion was made by Mr. Walter and seconded by Mr. Schneiderman to approve the 8/16/17 meeting summary. The motion was approved by a 5:0 vote.**

c. Renewal of Commission-SCWA Agreement Expiring on March 31, 2018

Summary: Mr. Pavacic explained that the Commission's management agreement with the Suffolk County Water Authority (SCWA) requires renewal by its expiration date of March 31, 2018. He discussed the provisions included in the agreement such as, hiring of staff, office space, back office functions, the Water Authority administrative fee as well as costs associated with personal services. He mentioned that it is necessary to begin planning for the renewal of the agreement to provide enough time for any updates or changes. Mr. Walter felt that there should be an audit of the Commission's management of its funds and expenses before the Commission renews the agreement with SCWA.

Mr. Milazzo noted that there is an audit of the Pine Barrens accounts that is included in the SCWA audit that is performed by a third party auditor. Mr. Walter expressed concerns related to the amount of yearly funds the Commission oversees and spends and the requirements for an internal audit. Additional discussion points included, possibly requesting the State Comptroller's office to perform an audit, the NYSDEC's oversight of the Commission's budget, and conditions for the renewal of the SCWA agreement and the requirements for an appropriate request for proposal to hire an outside auditor.

It was decided that Mr. Pavacic would circulate a draft RFP for an auditor to the Commission Members to review and the Commission will proceed with drafting a new SCWA-Commission agreement that will be circulated for review as well.

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2. Science and Stewardship

- a. *Draft Resolution to approve the Proposal for the US Geological Survey to Conduct a Comprehensive Water Resources Monitoring program in the Central Pine Barrens and to authorize the Executive Director to execute the agreement between the US Geological Survey and the Central Pine Barrens Commission*

Summary: Ms. Gallagher discussed the Draft Resolution of the Commission Authorizing an Agreement with the U.S. Geological Survey (“USGS”) to Undertake a Comprehensive Water Resources Monitoring Program in the Central Pine Barrens (attached). Mr. Pavacic noted that the agreement was just received at the Commission office and he requested an amendment to the draft resolution to add “subject to review by counsel”. Mr. Milazzo recommended that the agreement be brought back to the Commission at its next meeting to approve.

- b. *Access Agreement with town of Brookhaven to allow Ray Corwin Hiking Trail to traverse the Longwood Estate*

Summary: Mr. Milazzo explained that there are some minor technical changes needed to the agreement and he suggested that the Commission approve the resolution subject to counsel’s review and approval.

The motion was made by Ms. Longo and seconded by Ms. Pines to approve the Brookhaven Town Longwood Estate Access agreement subject to Counsel’s review and approval. The motion was approved by a 5:0 vote.

- c. *Science and Stewardship*

Summary: Mr. Pavacic noted that the Science and Stewardship update was previously distributed in the epacket for Commission review. He then provided an update on the status of recent prescribed fires which included 8.5 acres of forest area that was burned in the northeast quadrant of Brookhaven National Laboratory, which is also an area within the CWPP and helps to reduce fuel loads in the area. Commission staff also participated in the burn.

3. Land Use

Planning and Land Use

- a. *Compliance and Enforcement*

Summary: Mr. Huss distributed and discussed the Compliance and Enforcement Division report for September 2017 (attached) and he noted that there are 37 incident reports to date since the beginning of 2017 with most of them still open, 17 conservation easement inspections are in progress and the most significant case is an encroachment on Suffolk County parkland. Mr. Huss reported that the Compliance and Enforcement Division staff continues to meet with the Town of Brookhaven (TOB) on referrals and violations and performing inspections at various sites as well as implementing camera surveillance at dumping sites. The next LEC meeting is scheduled for September 21, 2017.

- b. *Land Use Division*

Summary: Ms. Hargrave discussed the previously distributed Land Use Division Bi-Monthly Update for the Meeting of September 20, 2017 (attached) and she noted there are two pending hardship applications, Kent Animal Shelter Core Hardship Waiver and the Bluewater Development CGA Hardship Waiver.

**Project Review
Core Preservation Area**

- c. NYSDEC SEQRA Lead Agency Coordination Carmans River Fish / Eel Passage / construction of fish passage

Summary: Ms. Hargrave discussed the Carmans River Lower Lake Fish Passage Project that the NYSDEC sent as a referral to the Commission as part of SEQRA lead agency coordination for the project. She noted that the NYSDEC will provide a presentation at a future Commission meeting on the fish ladder project. It was noted by Mr. Milazzo that since this project appears to be environmental restoration, it would be considered nondevelopment and a response to the lead agency coordination letter is not necessary.

The motion was made by Mr. Walter and seconded by Mr. Schneiderman that the Camans River Lower Lake fish Passage project is environmental restoration and is therefore nondevelopment. The motion was approved by a 5:0 vote.

- d. Stony Brook Center for Clean Water Technology at Robert Cushman Murphy County Park and Southaven County Park / SCTM# 600-146-3-17 and 200-745-1-1 / installation of experimental sanitary systems at County residences

Summary: Ms. Hargrave reported that a letter was received from P.W. Grosser Consulting dated September 7, 2017 regarding the N.Y. State Center for Clean Water Technology (PWGC) proposed nitrogen reducing biofilter installation within the Pine Barrens Core Preservation Area. The letter from Mr. Bryan Grogan, Co-Director at PWGC was sent to inform the Commission about this project that involves the installations of these experimental sanitary systems at Robert Cushman Murphy Park and Southaven County Park. Mr. Milazzo explained that this is a request to update a sanitary system and is also considered nondevelopment according to the criteria in the Pine Barrens Law. A discussion ensued about what is considered replacement in kind and therefore nondevelopment. The decision was made that since the proposed activity is nondevelopment a Commission vote would not be appropriate since it does not have jurisdiction.

- e. Jenny Kreiger Request for Determination of Jurisdiction / 5 Oakwood Drive / Manorville / SCTM # 600-146-1-22.7 / replacement of single family residence /Determination

Summary: Ms. Hargrave explained that the request is to replace a mobile home with a single family residence and she noted that in 1998 the same request was made and the Commission agreed at that time that the request was nondevelopment. Mr. Milazzo read the nondevelopment provision from the law that identified this replacement of a home as nondevelopment and the proposed project is consistent with the 1998 ruling. A discussion ensued pertaining to different sizes of single family residences, Type 2 actions and the criteria for nondevelopment.

- f. William Ebert Request for Determination of Jurisdiction /Manorville/SCTM#600-146-3-16.4 construction of accessory structure to existing residence

Summary: Mr. Milazzo explained that William Ebert's request to construct a shed, falls under the same provisions of nondevelopment as did the previous item and therefore no action is necessary.

Compatible Growth Area

- g. US Golf Open Parking and Access Request for Determination of Jurisdiction / Gabreski Airport/ Westhampton

Summary: Mr. Milazzo stated that the US Golf Open parking and access request has been asked to be tabled by Suffolk County.

- h. Bluewater Development CGA Hardship Waiver /Calverton /SCTM# 600-117-1-8.2
Development of one-story, 7,500 square foot warehouse and office building /
schedule public hearing

Summary: The motion was made by Mr. Walter and seconded by Mr. Schneiderman to schedule a public hearing for the Bluewater Development CGA Hardship Waiver for October 18, 2017. The motion was approved by a 5:0 vote.

- i. NYSDEC SEQRA Lead Agency Coordination Huntington Ready Mix Sand Mine Expansion

Summary: A SEQRA lead agency coordination letter, dated August 23, 2017 from NYSDEC was received by the Commission regarding a permit request for the expansion of the Huntington Ready Mixed Concrete Mine Site on Speonk Riverhead Road in Speonk. Mr. Milazzo explained that since the project is in the CGA, the Commission does not need to seek lead agency. It was noted that a draft comment letter to the NYSDEC was included in the epacket on the proposed land mine expansion and the Commission should vote on whether it should be sent.

The motion was made by Mr. Walter and seconded by Mr. Schneiderman to send the attached draft comment letter pertaining to the Huntington Ready Mix Sand Mine Expansion request to the NYSDEC. The motion was approved by a 5:0 vote.

- j. JSC Resouces / Westhampton /SCTM#900-33-2-16. / three lot subdivision of 3.1 acres in the CR 200 Zoning District

Summary: Ms. Hargrave discussed how in 2001 the Commission passed a resolution that when PBCs were used for a project in the CGA it would allow for modifications to the clearing standard to the new lot size when the Credits were landed. Mr. Milazzo discussed the attached draft letter to the Town of Southampton Planning Board and the amended resolution on the clearance standard for projects using Pine Barrens Credits in residential overlay districts in the Compatible Growth Area (attached). He explained that the intent of the resolution is for the Town of Southampton to be consistent with the Town of Brookhaven in allowing for modifications to the clearing standards when Credits are landed in as-of-right receiving areas.

- k. 7-Eleven Coram Request for Determination of Jurisdiction / 33 Middle country Road, Coram / SCTM# 200-430-2-26 Proposal to clear vegetation in the rear of commercial business

Summary: Ms. Hargrave explained that the 7-Eleven in Coram on Middle Country Road has been experiencing security issues and the application is to clear shrubs and other understory and to install perimeter fencing. Mr. Greg Alvarez from the Amato Law Group discussed the issues faced by the Coram 7-Eleven and he distributed pictures depicting the area. He noted that in April of 2017 squatters were observed living behind the current fence line of the property, debris left from the squatters has been removed twice and the purpose of the 7-Eleven application is to extend the current fence line to the edge of the property, approximated 100 feet. The request to clear would be to allow for visibility throughout the property. Additional points that were discussed included, CLUP Standards that relate to the application, the applicant should decide whether to pursue the approval for the fence alone or move forward with the hardship application as it stands.

The motion was made by Ms. Longo that was seconded by Mr. Walter to schedule a public hearing for the 7-Eleven Coram to clear vegetation in the rear of the commercial business. The motion was approved by a 5:0 vote.

Mr. Milazzo noted that the Commission has not determined whether the installation of fencing is development or not.

Ms. Gallagher returned to Item 3j on the agenda.

j. JSC Resources continued.

Summary: The amended Draft Resolution for JSC Recourses was distributed and reviewed by the Commission members.

The motion was made by Mr. Schneiderman and seconded by Mr. Walter to adopt the Draft Amended Resolution for JSC Resources as written. The motion was approved by a 5:0 vote.

i. Town of Brookhaven Special Permit criteria code amendments lead agency coordination letter

Summary: Ms. Prusinowski discussed the code amendment for Special Permit Criteria for convenience stores and stated that an applicant that is seeking to build a convenience store that exceeds 1,500 square feet would have to retire one and a half PBCs and for every additional 750 square foot, another half credit, with a cap at 3000 square feet. Also, a quarter of a credit would need to be redeemed when an applicant seeks to reduce the required landscaping. This requirement includes areas townwide. Mr. Milazzo suggested that the Commission make a request to the town to provide additional information related to the proposal and that no action should be taken on this proposal today.

Public Hearing at 3:00 p.m.

5a. Armand Gustave LLC & James Eagan Letter of Interpretation Credit Appeal / Westhampton Beach SCTM# 900-279-4-13.1

Summary: A separate stenographic transcript exists for this hearing.

The motion was made by Mr. Walter and seconded by Mr. Schneiderman to close the public hearing and reserve a decision for the November Commission meeting.

4a. Credit Clearinghouse

Summary: Mr. Tverdy discussed the previously distributed Pine Barrens Credit Program update for September 2017 (attached). He reported statistical data that included, in 2017 eleven conservation easements have been recorded, 8.55 Credits were redeemed, 7.19 Credits were sold and the average price was approximated \$80,000. He noted that the appraisal of the Clearinghouse owned Credits was performed and a Clearinghouse meeting will be scheduled in October.

6. Public Comments

Summary: Mr. Paul Sharlow, Attorney Representing Huntington Ready Mix discussed the NYSDEC and its jurisdiction over mining activities and then he expressed his concerns related to today's decision made by the Commission to send a letter with comments to the NYSDEC which may be interpreted to say that the proposed activity may constitute development. Mr. Milazzo stated that the Commission could reexamine the content of the letter before it is sent. Mr. Sharlow expressed additional concerns about a previous letter from the Commission pertaining to Coram Materials with a similar issue of conflicting language.

The motion was made by Mr. Schneiderman and seconded by Mr. Walter to add wording to the Huntington Ready Mix comment letter, "the Commission has not made a determination of development or nondevelopment". The motion was approved by a 5:0 vote.

The motion was made by Mr. Schneiderman and seconded by Mr. Walter to send a follow up letter for Coram Materials to NYSDEC stating that “the Commission has not made a determination of development or nondevelopment”. The motion was approved by a 5:0 vote.

The motion was made by Mr. Walter and seconded by Ms. Gallagher to enter into Executive Session and afterwards no further Commission business would be conducted and therefore, the meeting was adjourned. The motion was approved by a 5:0 vote.

The meeting ended at approximately 4:30 pm.

Attachments (in order of discussion)

1. September 20th Commission Meeting Sign in Sheet (1 pages).
2. Draft Commission meeting summary for August 16, 2017 (5 pages)
3. Final Approved Commission meeting summary for August 16, 2017 (5 pages)
4. Draft Resolution of the Commission Authorizing an Agreement with the U.S. Geological Survey (“USGS”) to Undertake a Comprehensive Water Resources Monitoring Program in the Central Pine Barrens, dated September 20, 2017 (2 pages)
5. Draft Resolution of the Commission to Enter into an Access agreement with the Town of Brookhaven for Access to the Longwood Estate for the Completion of the Ray Corwin Trail, dated September 20, 2017 (2 pages)
6. Final Adopted Resolution of the Commission to Enter into an Access agreement with the Town of Brookhaven for Access to the Longwood Estate for the Completion of the Ray Corwin Trail, dated September 20, 2017 (1 page)
7. Ray Corwin Trail Access Agreement with Brookhaven Town (8 pages)
8. Science and Stewardship Division Update for September 20, 2017 (5 pages)
9. Land Use Division Bi-Monthly Update for the meeting of September 20, 2017 (2 pages)
10. P.W. Grosser Consulting letter dated September 7, 2017 regarding NY State Center for Clean Water Technology Proposed Nitrogen Reducing Biofilter Installation within the Pine Barrens Core Preservation Area (18 pages)
11. Jenny Kreiger letter dated September 7, 2017 regarding request for permission to build a single family home (5 pages)
12. William Ebert letter dated September 11, 2017 regarding request to erect a 16 foot X 30 foot accessory building for storage (4 pages)
13. Bluewater Development CGA Hardship Waiver /Calverton /SCTM#600-117-1-8.2 Development of one-story, 7,500 square foot warehouse and office building application (24 pages)
14. Draft Comment Letter to Mr. Wieland, Deputy Regional Permit Administrator NYSDEC concerning Huntington Ready Mix Concrete, dated September 20, 2017 (7 pages)
15. Draft Amended Resolution on the Clearance Standard for Projects Using Pine Barrens Credits in Residential Overlay Districts in the Compatible Growth Area, dated September 20, 2017 (2 pages)
16. Final Amended Resolution on the Clearance Standard for Projects Using Pine Barrens Credits in Residential Overlay Districts in the Compatible Growth Area, dated September 20, 2017 (2 pages)
17. Credit Clearinghouse Update, dated September 20, 2017



**Central Pine Barrens Commission Meeting Summary
For Wednesday, October 18, 2017
Brookhaven Town Hall (Final-Approved 11/15/17)
One Independence Hill
Farmingville, NY
2:00 pm**

Commission members present: Mr. Romaine and Ms. Prusinowski (for Brookhaven), Mr. Walter and Mr. McCormick (for Riverhead), Mr. Shea and Mr. Collins (for Southampton) and Mr. Dale (for Suffolk County)

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

Ms. Gallagher called the meeting to order at approximately 2:00 p.m. with four members present, which constitutes a quorum.

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Sean M. Walter
Member

1. Administrative and Public Comment

a. Public Comments:

Summary: Mr. Richard Amper, Executive Director of the L.I. Pine Barrens Society (LIPBS), expressed his concerns related to the Hills at Southampton, stating that it is a Development of Regional Significance. Since the Commission asserted jurisdiction last year over the project he stated that several times he has requested to have a meeting between the LIPBS and the Commission to discuss the Society's concerns that the project is not receiving the review that it warrants under the Pine Barrens Act. Ms. Gallagher stated that a meeting could be arranged within the next two weeks.

Mr. Romaine arrived at the meeting approximately at 2:10 p.m.

Ms. Andrea Spilka, President of the Southampton Town Civic Coalition discussed why she is against the Hills at Southampton project including that she has questions about the Town's review process.

Mr. Larry Lexman a resident of Southampton Town expressed his support for the Hills at Southampton project including that he feels the developer has provided public benefits.

Ms. Joan Hughs a resident of East Quogue expressed her concerns against the Hills at Southampton and stated the project will destroy over 300 acres of the Pine Barrens that is located in East Quogue at Spinney Hills and she noted that the project is sure to affect the quality of Quogue's drinking water.

b. Minutes for 9/20/17 review, approval

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Dale to approve the 9/20/17 meeting summary. The motion was approved by a 5:0 vote.**

2. Science and Stewardship

- a. Draft resolution to approve the agreement between the US Geological Survey and the Central Pine Barrens Commission to conduct a Comprehensive Water Monitoring program in the Central Pine Barrens and to authorize the Executive Director to execute the agreement.

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Summary: Mr. Pavacic noted that there were some minor changes made to the USGS agreement with the Commission and the associated draft resolution is ready for the Commission's approval.

The motion was made by Mr. Romaine and seconded by Mr. Collins to approve the Draft resolution to approve the agreement between the US Geological Survey and the Central Pine Barrens Commission to conduct a Comprehensive Water Monitoring program in the Central Pine Barrens and to authorize the Executive Director to execute the agreement (attached). The motion was approved by a 5:0 vote.

3. Land Use Planning and Land Use

Project Review Core Preservation Area

- a. Robert Seifert ZBA special permit to have sheep at a residence / 146 Halsey Manor road / Manorville / SCTM# 200-462-4-4.1

Summary: Ms. Hargrave discussed the previously distributed Robert Seifert ZBA Application and referral from the Brookhaven Town ZBA for a special permit to have sheep at the premises (attached). Mr. Milazzo discussed how this application should be considered nondevelopment by the Commission and therefore they would have no jurisdiction. Mr. Milazzo noted that this application is another example of the type of referrals that the towns tend to submit to the Commission for review that may not be necessary to bring before the Commission.

Compatible Growth Area

- b. Town of Brookhaven Special Permit criteria code amendments / Lead Agency coordination letter and determination whether the amendment is consistent with the Comprehensive Land Use Plan

Summary: Mr. Romaine noted that the Brookhaven Town Board is not prepared to make a decision on the Special Permit criteria code amendment and therefore he asked that this item be tabled until after the Town Board makes a decision.

- c. Wellington Bar & Grill / Middle Island / SCTM# 200-430-3-10 Development of 2,400 square foot restaurant and bar

Summary: Ms. Hargrave discussed the previously distributed materials related to the Wellington Bar & Grill that was a referral from Brookhaven Town and she noted that a letter was drafted by staff to inform the Town and Applicant that the project is development and needs to comply with the Plan Standards. The Commission authorized staff to send the letter.

Core Preservation Area and CGA

- d. The Hills at Southampton – referral by town of Southampton of Proposed Local Law to Enact the Hills at Southampton Mixed Use Planned Development District

Summary: Mr. Milazzo advised the Commission to send a letter to the Town of Southampton to acknowledge the receipt of proposed local law to enact the Hills at Southampton Mixed Use Planned Development District, that was referred from the Town, to state that the Applicant has not yet submitted their application and to note that the Commission has already asserted jurisdiction over this project.

Ms. Gallagher skipped to Item 5a on the agenda.

5a. Armand Gustave LLC & James Eagan Letter of Interpretation Credit Appeal /
Westhampton Beach SCTM# 900-279-4-13.1

Summary: The Armand Gustave and James Eagan LOI Credit Appeal was
tabled until the November Commission meeting.

4. Public Hearing at 3:00 p.m.

a. 7-Eleven Coram CGA Hardship Waiver /33 Middle Country Road, Coram / SCTM#
200-430-2-26 / Proposal to clear vegetation in the rear of commercial business

Summary: **The motion was made by Mr. Dale and seconded by Mr. Romaine to accept the Applicant's hearing adjournment request and there were no requests from the public to speak on the matter. The motion was approved by a 5:0 vote.**

b. Bluewater Development CGA Hardship Waiver /Calverton SCTM# 600-117-1-8.2
Development of one-story, 7,500 square foot warehouse and office building

Summary: A separate stenographic transcript exists for this hearing.

6. Public Comments

Summary: Mr. Mark Carlson, neighbor of Robert Seifert expressed his concerns pertaining to allowing sheep on the property and the tree clearing that has occurred on the property. It was noted that Mr. Seifert's property is under two acres which does not require a tree clearing permit from the town and that the Commission does not have jurisdiction over the activity.

The motion was made by Mr. Romaine and seconded by Mr. Collins to adjourn the meeting. The motion was approved by a 5:0 vote.

The meeting ended at approximately 3:30 pm.

Attachments (in order of discussion)

1. October 18th Commission Meeting Sign in Sheet (1 pages)
2. Draft Commission meeting summary for September 20th (6 pages)
3. Final Approved Commission meeting summary for September 20th (6 pages)
4. Draft resolution to approve the agreement between the US Geological Survey and the Central Pine barrens Commission to conduct a Comprehensive Water Monitoring program in the Central Pine Barrens and to authorize the Executive Director to execute the agreement, dated 10/18/17 (2 pages)
5. Final Approved resolution to approve the agreement between the US Geological Survey and the Central Pine barrens Commission to conduct a Comprehensive Water Monitoring program in the Central Pine Barrens and to authorize the Executive Director to execute the agreement, dated 10/18/17 (2 pages)
6. A Comprehensive Water Resources Monitoring Program for the Central Pine Barrens Region, Suffolk County, NY agreement# 18ENNY24570022, dated September 2017 (16 pages)
7. Robert Seifert ZBA application and referral from Brookhaven Town for a special permit request to keep sheep at the premises, dated 9/12/17 (14 pages)
8. Draft letter to Town of Brookhaven re: Referral of the Site Plan for Wellington Bar and Grill, Middle Island, dated 10/18/17 (4 pages)



Central Pine Barrens Commission Meeting Summary
For Wednesday, November 15, 2017 (Final Approved-12/20/17)
Brookhaven Town Hall
One Independence Hill
Farmingville, NY
2:00 pm

Commission members present: Mr. Romaine and Ms. Prusinowski (for Brookhaven), Mr. McCormick (for Riverhead), Mr. Shea and Mr. Collins (for Southampton) and Ms. Longo and Mr. Dale (for Suffolk County)

Others present: Commission and other agency staff members included Mr. Pavacic, Mr. Milazzo, Ms. Hargrave, Mr. Huss, Ms. Parrott, Mr. Tverdy and Ms. Ostrowski (from the Commission). Additional attendees are indicated on the attached sign-in sheet.

The motion was made by Mr. Prusinowski and seconded by Mr. Dale to approve Mr. Pavacic as the temporary acting Chair, non-voting, member for today's meeting. The motion was approved by a 4:0 vote.

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Sean M. Walter
Member

1. Administrative and Public Comment

a. Public Comments:

Summary: There were no public comments.

b. Minutes for 10/18/17 review, approval

Summary: **The motion was made by Mr. Collins and seconded by Mr. Dale to approve the 10/18/17 meeting summary. The motion was approved by a 4:0 vote.**

2. Science and Stewardship

a. Education and Outreach

Summary: Ms. Parrott discussed the previously distributed Education and Outreach Division report for November 2017 (attached). Items that she highlighted included, the sixth year of the Barrens to Bay Summer Camp program at Wertheim National Wildlife Refuge with 20 campers each week for six weeks and she noted that many of the campers return when they are older to be counselors, the 10th Annual Pine Barrens Discovery Day at Wertheim Wildlife Refuge with over 500 attendees and funshops that included, topics on bald eagles, climate change, the Cold Spring Harbor DNA Lab Bar Code Long Island project and seining the Carmans River. Ms. Parrott discussed the success of the sixth annual "Day in the Life" programs with 11 ecosystems tested at several Long Island water bodies which included, the Peconic Estuary, Connetquot River, the Forge River (added this year) and several other water bodies. Ms. Parrot noted that 2,256 students participated in the program this year and she mentioned how the partner agencies such as, Peconic Bay Keeper, Cold Spring Harbor DNA Lab and Seatuck Environmental Association help to make the program successful each year.

Ms. Parrott discussed other items from her report which included that she attended the Climate Reality Leadership Corp Training three day conference for up to date climate science that is hosted by the Climate Reality Project established by Al Gore. Ms. Parrott noted that she was invited to the "2018 Winter Youth Assembly" at the United Nations in New York on February 15th to be the presenter for a workshop entitled, "Our Planet's Future: How Youth Can Take Action Now to Tackle Climate Change". Ms. Parrott discussed how the students who are participating in "Youth for Climate Change Action" are

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encouraged to work with their elected officials as well as the utility companies to facilitate solutions to climate change such as the transition to solar, wind and other environmentally sound sources of energy and she discussed plans to incorporate sea level rise monitoring data collection into the “Day in the Life” programs.

b. Science and Stewardship

Summary: Ms. Carter was not present at today’s meeting to provide the Science and Stewardship report that was previously distributed. There were no questions regarding the report.

Ms. Gallagher arrived at the meeting at approximated 2:30 p.m. and took over as Chair, with a five member quorum now present.

**3. Land Use
Planning and Land Use**

a. Compliance and Enforcement

Summary: Mr. Huss discussed items from the previously distributed Compliance and Enforcement report dated, November 15, 2017. Highlights he discussed included, 45 incident reports have been made this year to date, the staff has been meeting with the towns and staff at Suffolk County to discuss incidents, camera surveillance of dumpsites resulted in two apprehensions and Department of Transportation cleanups. Mr. Romaine mentioned the new town policy that encourages the public to report incidents of dumping they have witnessed. Mr. Huss noted that he thinks barricades and gates that have recently been installed in areas where dumping occurs have been an effective deterrent. Other items he reported on included that the Enforcement Division has acquired a new vehicle which is being outfitted for field work and staff have participated in recent classes at the Wildfire Academy.

b. Land Use

Summary: Ms. Hargrave discussed the previously distributed Land Use Division Bi-Monthly report for November 15, 2017. She mentioned that the towns are advising applicants, especially those in the Core, to seek jurisdictional determinations and that referrals are frequently received at the Commission office with applicants interested in receiving letters to confirm they can proceed with their proposed activity. She reported there is one Compatible Growth Area (CGA) pending application on today’s agenda and the applicant is Maggie King from Manorville and that the Kent Animal Shelter Core hardship is still pending.

**Project Review
Core Preservation Area**

c. Maggie King Request for Determination of Jurisdiction to construct a garage accessory to a residence / Calverton

Summary: Ms. Hargrave discussed the Maggie King request for determination of jurisdiction to build a garage on property located in the Town of Riverhead and she noted that the use is considered to be nondevelopment and in accordance with the Town Code.

d. Nancy Roesler Request for Determination of Jurisdiction to clear for horse barn 16X22 and corral 50x50 / Ridge /SCTM# 200-351-2-18

Summary: Ms. Hargrave discussed the Nancy Roesler request for a determination of jurisdiction on property that is for sale and located in Ridge. She explained that the buyer wants to clear for a horse barn and a coral. It was noted that since the property is more than an acre that the activity would be considered an accessory use and therefore, nondevelopment.

- e. 60 Old River Road Request for Determination of Jurisdiction to remove deck and install stairs on existing residence / Manorville / SCTM#600-146-2-8.4
Summary: Ms. Hargrave explained that the owner of the property at 60 Old River Road is asking for permission to remove a deck and install stairs at the residence and it was noted that the activity is considered nondevelopment.

Compatible Growth Area

- f. 7-Eleven Coram Request for Determination of Jurisdiction to install a fence on existing commercial Property / Coram / SCTM# 200-430-2-26
Summary: Ms. Hargrave explained that Mr. Greg Alvarez, the Applicant's representative, is present at today's meeting concerning the installation of a fence and she noted that they would not be clearing. Mr. Alvarez provided a plan indicating where the fence would be installed on the north side of the property and it was discussed that this activity would be considered nondevelopment.
- g. Bluewater Development CGA Hardship Waiver /Calverton SCTM# 600-117-1-8.2
Development of one-story, 7,500 square foot warehouse and office building
Summary: Mr. Milazzo discussed the Draft Resolution for the CGA Hardship Waiver Application of Bluewater Development 313 Edwards Avenue, Calverton, Town of Riverhead SCTM # 600-117-1-8.2 (attached) and he suggested a word change under the third condition and to remove condition number 4, an alteration to condition number 5 and a modification to the expiration of the Commission's approval deadline.

The motion was made by Mr. Collins and seconded by Mr. McCormick to approve the Bluewater Development draft resolution as amended. The motion was approved by a 5:0 vote.

4. Pine Barrens Credit Program

- a. Armand Gustave Credit Appeal
Summary: Mr. Milazzo noted that no action will be taken on the Armand Gustave Credit Appeal at today's meeting.
- b. Credit Program
Summary: Mr. Tverdyy discussed the previously distributed Credit Program report dated November 15, 2017 and items he highlighted included, the Credit program's statistical summary with 12 new parcels protected under conservation easements and 7.84 PBCs generated, 9.94 PBCs redeemed at the health department and 8.82 PBCs were sold in 2017. Mr. Tverdyy discussed the Suffolk County Treasurers financial report and that the balance of funds in the Clearinghouse account as of October 31, 2017 was \$2.5 million and interest earned was \$6,772.
6. Public Comments
Summary: There were no public comments.

The motion was made by Mr. Romaine and seconded by Mr. McCormick to enter into a closed advisory session and afterwards no further Commission business would be conducted and therefore the meeting was adjourned. The motion was approved by a 5:0 vote.

The meeting ended at approximately 3:05 pm.

Attachments (in order of discussion)

1. November 15, 2017 Commission Meeting Sign in Sheet (1 pages).
2. Draft Commission meeting summary for October 18, 2017 (6 pages)
3. Final Approved Commission meeting summary for October 18, 2017 (6 pages)
4. Education and Outreach Division Report for November 15, 2017 (5 pages)
5. Science and Stewardship Division Report for November 15, 2017 (2 pages)
6. Compliance and Enforcement Division Report for November 15, 2017 (5 pages)
7. Land Use Division Report for November 15, 2017 (1 page)
8. Maggie King Letter and materials related to application to construct a garage dated, November 2, 2017 (6 pages)
9. Nancy Roesler letter and site plan related to request to construct a horse barn dated, October 26, 2017 (3 pages)
10. Kathryn Dalli letter and survey for Applicant at 60 Old River Road, Manorville, New York, dated October 27, 2017 (7 pages)
11. Gregory Alvarez letter and aerial maps related to 7-Eleven request to install fencing dated, October 31, 2017 (11 pages)
12. Draft Resolution Bluewater Development 313 Edwards Avenue, Calverton, Town of Riverhead SCTM# 600-117-1-8.2 dated, November 15, 2017 (8 pages)
13. Final Approved Resolution Bluewater Development 313 Edwards Avenue, Calverton, Town of Riverhead SCTM# 600-117-1-8.2 dated, November 15, 2017 (8 pages)
14. Credit Clearinghouse Report dated, November 15, 2017 (2 pages)



**Central Pine Barrens Commission Meeting Summary
For Wednesday, December 20, 2017 (Final-Approved 1/17/18)
Brookhaven Town Hall
One Independence Hill
Farmingville, NY
2:00 pm**

Commission members present: Ms. Prusinowski and Ms. Pines (for Brookhaven), Mr. McCormick (for Riverhead), Mr. Shea and Mr. Collins (for Southampton) and Ms. Longo, Mr. Dale and Mr. Freleng (for Suffolk County)

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

Ms. Gallagher called the meeting to order at approximately 2:00 p.m. with five members present, which constitutes a quorum.

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Laura Jens-Smith
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

1. Administrative and Public Comment

a. Public Comments:

Summary: There were no public comments.

b. Minutes for 11/15/17 review, approval

Summary: **The motion was made by Mr. McCormick and seconded by Mr. Collins to approve the 11/15/17 meeting summary. The motion was approved by a 5:0 vote.**

c. February 2018 Commission Meeting schedule and date change, approval

Summary: It was noted that the February 2018 Commission meeting would be held on February 28th instead of the 21st due to public school vacation schedules.

The motion was made by Mr. Dale and seconded by Ms. Pines to adopt the 2018 Commission meeting schedule with the February meeting date change to February 28th. The motion was approved by a 5:0 vote.

2. Science and Stewardship

a. Draft resolution to approve the selection of chair and vice-chair for the Protected Lands Council for 2018:

Summary: **The motion was made by Mr. Collins and seconded by Mr. McCormick to approve the Draft Resolution of the Commission to appoint Tom Casey, LI Greenbelt Trail Conference, as PLC Chair and John Wernet, NYSDEC, as the Vice Chair for Calendar Year 2018. The motion was approved by a 5:0 vote.**

b. Draft resolution to approve the appointment of Lt. Thomas Gadomski, NYSDEC Environmental Conservation Police, as Co-Vice Chair of the Law Enforcement Council

Summary: **The motion was made by Mr. Collins and seconded by Ms. Pines to approve the Draft Resolution of the Commission to appoint Lt. Thomas Gadomski as the New Co-Vice Chair of the Central Pine Barrens Law Enforcement Council. The motion was approved by a 5:0 vote.**

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c. Ridge-Manorville-Calverton Community Wildfire Protection Plan - 2017
Accomplishments

Summary: Ms. Jakobsen discussed the previously distributed Wildfire Prevention Accomplishments for 2017 related to the Ridge-Manorville-Calverton Community Wildfire Protection Plan (attached). Highlights from the handout that Ms. Jakobsen discussed included, nine Wildfire Prevention Home Assessments were completed in 2017, with four of them at homes in Manorville and five of them in Ridge. A new fire danger rating sign was purchased and installed at the NYSDEC Lustgarten trailhead, the "Understanding Fire Danger and Wildfire Potential" brochure was created and copies printed for distribution to the public, staff had a wildfire prevention display at the Brookhaven National Laboratory "Safety and Health Expo" on June 13th and at the Manorville Fire Department Fire Prevention Open House on October 15th. It was noted that insurance companies offer discounts for communities that implement wildfire protection measures primarily out west and that staff would look into whether the insurance companies that cover the New York area are doing this as well.

**3. Land Use
Planning and Land Use**

**Project Review
Core Preservation Area**

- a. Kent Animal Shelter Core Preservation Area Hardship Application / Calverton SCTM# 600-138-1-6.2 and 7.1

Summary: Ms. Hargrave reported that a letter dated November 22nd from Mr. Glen Gruder, Kent Animal Shelter representative, was received at the Commission office that requested the Kent Animal Shelter hardship waiver application to be withdrawn without prejudice.

The motion was made by Mr. McCormick and seconded by Mr. Collins to accept the withdrawal of the Kent Animal Shelter application without prejudice. The motion was approved by a 5:0 vote.

- b. Klug Corporation Site Plan/Special Exception for agricultural barn and agricultural labor housing / Northampton / SCTM # 900-235-1-47.1

Summary: Ms. Hargrave discussed the previously distributed Town of Southampton referral letter, dated December 4, 2017 regarding the Klug Corporation Application for a barn to store agricultural equipment and for agricultural labor housing at the property. Mr. Collins explained that the property has been farmed for over 50 years, it has an agricultural conservation easement and since it is located in the Core he explained that the request to build a barn and agricultural housing would require that the request be referred to the Commission for comments. It was noted that there are potential compliance issues associated with the property that may require a discussion in a closed advisory session.

Compatible Growth Area

Ms. Gallagher skipped to Item 3d due to a technical problem with the audio visual equipment needed for the presentation on using the Gabreski Airport for parking for the U.S Golf Open.

- d. PSEG Long Island West Bartlett Substation / Middle Island / SCTM # 200-527-5-3 / Review and consider amendment to CGA Hardship Waiver

Summary: Ms. Hargrave discussed the site plans and letter dated December 5, 2017 received from Ed Aldrich who is the Licensing and Permitting Manger for PSEG. The letter pertains to the prior approval of the 2016 PSEG hardship waiver application for the construction of a new substation that was approved

by the Commission. In his letter Mr. Aldrich requests a clarification on the approval resolution to determine if there is a need to amend it now that there are three tree stumps that need to be removed from the right of way before the transmission poles can be erected. In the letter it was noted that the Applicant plans to reseed the area after the removal of the stumps and maintain the area as required.

Ms. Laura Urvat, representing PSEG Long Island, answered questions pertaining to the conditions at the PSEG right of way, residential homes nearby, PSEG plans related to the poles at the right of way and their request to remove the three tree stumps. The decision was made to table the motion to approve the PSEG Applicant's request until additional information is received from the applicant.

The motion was made by Ms. Pines and seconded by Mr. McCormick to table the approval of the PSEG request until additional information is received from the Applicant. The motion was approved by a 5:0 vote.

4. Credit Program

- a. Peconic River Sportsman's Club / Manorville / SCTM#s 200-298-1-1 and 600-242 2-1.1 Removal of old Release tower and construction of replacement tower in a new location / Determination of consistency with conservation easement

Summary: Mr. Tverdyy explained that the Peconic River Sportsman's Club in Manorville has a Pine Barrens conservation easement on the property and the current request is to construct a replacement release tower. He explained that he and other staff that included Mr. Lewis and Ms. Hargrave had visited the site where they observed the old tower that was in poor condition and the new tower location where there were cement footings installed. Mr. Joseph Hocker President of the Peconic River Sportsman's Club met Commission staff at the site and explained the Club's desire to build a new tower in a previously cleared location that is slightly higher than the old tower by approximately a foot to allow for tree height and would be located within 45 feet of the old tower. It was also noted that both footprints of the towers are equivalent and using the same building materials. Mr. Milazzo discussed the conditions of the conservation easement as they relate to the proposed new tower and he discussed similarities to the Boy Scout request to construct a new dining hall.

The motion was made by Ms. Pines and seconded by Mr. Collins to approve the Picnic River Sportsman's Club request to construct a new tower subject to an amendment to the conservation easement and updated survey. The motion was approved by a 5:0 vote.

Ms. Gallagher referred back to agenda Item 3c, US Golf Open parking at Gabreski Airport.

- 3c. Gabreski Airport parking for U.S. Golf Open / Westhampton / Brief Presentation by USGA

Summary: Mr. Hank Thompson, representing the USGA, explained that the 5th Annual U.S. Golf Open will be held at Shinnecock Hills, June 11 - 17, 2018. He discussed the role that the USGA has in overseeing the US Golf Open, the many benefits, including temporary jobs and positive financial impact to the community that accompanies hosting the golf open. Additional points he discussed included the public safety elements and that the Town of Southampton Police Department will be the lead law enforcement agency for the event and he noted that in the past Suffolk County and Gabreski Airport have been a great supporter of the Golf Open when it was held at Shinnecock Hills. Mr. Thompson mentioned that parking for the weeklong event will be

held at Gabreski Airport and shuttles will be provided to transport the spectators to and from the event. It was noted that mowing will be performed at Gabreski Airport and that restoration of the area will be provided if necessary.

Mr. Richard Amper, Director of the LIPBS, asked if remediation would be necessary after the use of Gabreski Airport for parking by the US Open and who would be responsible for it. Mr. Thompson noted any necessary remediation would be performed by the USGA.

5. Public Comments

Summary; Mr. James Eagan, expressed his concerns pertaining to the the Commission's interpretation of the CLUP as it relates to ECL Article 57 and hardship waiver applications from different applicants. Mr. Amper noted he agreed with the point that all applicants for hardships should be required to come before the Commission at some point in the process.

Mr. McCormick noted that Mr. Walter was unable to attend today's meeting and this would have been his last meeting as a Commission member. Mr. McCormick acknowledged Mr. Walter's contributions as a Commission member and to the Central Pine Barrens and expressed his appreciation for Mr. Walter's many years of dedicated service.

Mr. Millazzo noted that there is a need today to hold a closed advisory session on a matter of litigation between Armand Gustave LLC and James Eagan and the Commission.

The motion was made by Ms. Gallagher and seconded by Mr. Collins to enter into a closed advisory session with the possibility of returning to a public session. The motion was approved by a 5:0 vote.

The motion was made by Ms. Pines and seconded by Mr. McCormick to end the closed advisory session and return to public session. The motion was approved by a 5:0 vote.

The motion was made by Mr. McCormick and seconded by Ms. Pines to authorize a NOV to Henpecked Husband Farms Corp, 1212 Speonk Riverhead Road, Remsenburg/Speonk. The motion was approved by a 5:0 vote.

The motion was made by Ms. Pines and seconded by Mr. Collins to authorize a stipulation of discontinuance in the matter of Armand Gustave, LLC and James Eagan versus the Commission. The motion was approved by a 5:0 vote.

The motion was made by Mr. Dale and seconded by Mr. Collins to adjourn the meeting. The motion was approved by a 5:0 vote.

The meeting ended at approximately 3:45 pm.

Attachments (in order of discussion)

1. December 20, 2017 Commission Meeting Sign in Sheet (1 pages).
2. Draft Commission meeting summary for November 15, 2017 (4 pages)
3. Final Approved Commission meeting summary for November 15, 2017 (4 pages)
4. Central Pine Barrens Commission 2018 Draft Meeting Schedule
5. Draft Resolution of the Commission to appoint the Protected Lands Council Chair and Vice Chair for Calendar Year 2018 dated, December 20, 2017 (1 page)
6. Final Approved Resolution of the Commission to appoint the Protected Lands Council Chair and Vice Chair for Calendar Year 2018, dated December 20, 2017 (1 page)
7. Draft Resolution of the Commission to Appoint a New Co Vice Chair of the Central Pine Barrens Law Enforcement Council, dated December 20, 2017 (1 page)
8. Final Approved Resolution of the Commission to Appoint a New Co-Vice Chair of the Central Pine Barrens Law Enforcement Council, dated December 20, 2017 (1 page)
9. Central Pine Barrens Wildfire Prevention Accomplishments for 2017, dated December 20, 2017 (1 page)
10. Withdrawal of Application request, Letter from Mr. Glenn Gruder, dated November 22, 2017 (1 page)
11. Klug Corporation Site Plan Special Exception Application, dated December 4, 2017 (49 pages)
12. Letter from USGA requesting a temporary utilization of Gabreski Airport during the 2018 U.S Open Championship, received on December 8, 2017 (1 page)
13. Letter from PSEC West Bartlett Substation Request for Hardship Waiver Clarifications, dated December 5, 2017 (125 pages)
14. Letter from Peconic River Sportsman's Club, request to replace structure, dated December 7, 2017 (7 pages)