

Pine Barrens Credit Clearinghouse

James T.B. Tripp, Esq., Chairman
Andrew P. Freleng, AICP, Vice Chairman
Richard W. Hanley, Member
Mitchell H. Pally, Esq., Member
Robert Anrig, Member

Pine Barrens Credit Clearinghouse Board of Advisors Meeting Summary for July 17, 2007 (FINAL –Approved 9/6/07) Commission Office, Great River, New York 9:00 A.M.

Board Members Present: Mr. Jim Tripp (representing the Town of Brookhaven); Mr. Andrew Freleng (representing Suffolk County); and Mr. Robert Anrig (representing the Town of Southampton).

Other Attendees: Mr. John Milazzo (Staff Counsel to the Commission); Ms. Judy Jakobsen, Mr. Ray Corwin (all from the Commission); Mr. William Spitz (representing the NYS DEC); and Mr. Dominick Nicolazzi (representing himself).

The meeting began at 9:30 am. No quorum was present.

1. Public Comments

There were no public comments.

2. County Treasurer's Report

Faxed copies of the Pine Barrens Credit Program financial report were distributed for the months of December, January, February, March, April, May and June of 2007. The ending balance as of June 30th, 2007 was \$3,199,881.52. Interest earned during that period is \$96,812.86.

Mr. Tripp commented that \$3.2 million is a substantial amount to work with in order to proceed with a program designed to buy credits back from Brookhaven Town credit owners. He further stated that the board should be prepared to spend up to 1 million to purchase the credits.

3. Meeting summaries for 9/11/06 and 12/18/06

Without a quorum present Mr. Anrig made the motion to approve both meeting minutes. Mr. Freleng seconded and the minutes were unofficially approved (due to the lack of a quorum).

4. Tall Grass Development Project

Mr. Tripp stated the Clearinghouse board should discuss the Tall Grass project prior to the next Commission meeting. Mr. Milazzo talked about how the hearing would be conducted during

the Commission meeting. The Commission will be holding a hearing tomorrow on the Tall Grass Planned Development District proposal for mixed commercial, residential and other uses. This project is a Development of Regional Significance.

A timetable for a Commission decision on this project may be influenced by the fact that a SEQRA review needs to be provided by the town since the town is the Lead agency. The Commission will wait to render its decision until the town makes the final review of the environmental impact of this development.

The Clearinghouse Board members will be able to give their individual comments to the Commission and the comments will become part of the record. Mr. Tripp asked if the project is going to require the redemption of credits and if so how many. Mr. Milazzo discussed the Town's PDD ordinance and the requirements for Credits contained therein. There was a discussion as to the formula that would be utilized to calculate the number of Credits that this project should redeem. The town has the authority to require credits for PDD's. In lieu of redeeming Credits, public benefit must be established.

Mr. Freleng observed that changes in zoning such as this project will affect the ratio of receiving capacity to sending potential in the Town, by developing a large Credit receiving area with or without Credits being required. If receiving areas are being reduced due to changes in zoning it should be mandatory to require the redemption of credits. The number of credits retired, based on the existing formula, may make the project cost prohibitive. There are also town TDR programs competing for the use of credit transfers. Ray Corwin explained that a formal request was made to the towns asking them to provide the ratios of sending areas to receiving areas. A discussion ensued.

Mr. Freleng suggested a formula that could be used to calculate the amount of credits the Tall Grass project should retire for it's additional density requirements. As of right yields a certain amount of wastewater, the proposed yield without a sewage treatment plant yields a different amount of wastewater. The difference would be used to calculate amount of credits to be retired.

Another concern that needs to be addressed is that Pine Barrens Credits are becoming more valuable, especially for these large projects that may require many credits. This may affect the ability to create affordable housing. The project includes a proposed sewage treatment plant. The issue for the Commission would be to decide how many credits to require this project to retire based on the environmental impact verses public benefit as well as an additional requirement for the project to comply with the criteria for a "Green" golf course. A discussion ensued.

Mr. Tripp summarized by stating that the Board's recommendations be based on a range of factors, which would include habitat and ground water issues, catering and commercial issues, sewage treatment output and changes in zoning. All of these issues would enter into the formula ultimately used to determine the amount of credits the project would require. He stated that he would ask the Commission to allow the Clearinghouse 60 days after the final site plans are submitted to establish the number of credits that should be retired.

Mr. Corwin asked the board to submit a written statement that would be placed on the record at the Commission's hearing on this project scheduled for tomorrow. Mr. Tripp will draft the statement. A short discussion ensued.

Mr. Spitz stated that granting the PDD is impacting the Credit program negatively. The project site has the potential of retiring 60 or more credits under the current zoning. It was agreed that it is important to let the town know the quantitative impact of retiring significantly less credits than originally anticipated at the site.

5. Status Report – Boy Scouts – Camp Wauwepex

Mr. Corwin stated that he and Mr. Milazzo are working out the details of the conservation easement. They spent time going over the photographs and survey with a Boy Scouts executive and one of their board members. Agreement was reached that there will be a revised survey and a new aerial photograph. Each structure will be identified along with where access points are, improved roads, and boundary issues

The property will generate about 99 credits, which hopefully will stimulate the credit program in Riverhead. A site visit will be made to confirm the actual changes reflected in the new map. A discussion ensued.

6. Plan Amendments

The Plan amendments process, which was placed on hold when Tony Limoli left the Commission, has been started again. Mr. Freleng is reviewing the draft of the revised version of Chapter 6. The Pine Barrens Advisory Committee will review the draft amendments. The revisions to the Pine Barrens Credit program chapter will be partly based upon the various Commission and Clearinghouse resolutions passed since the original 1995 Plan version.

The Town of Brookhaven has proposed additional sending areas in the CGA. The town was asked to define the areas. The two major planning initiatives in the town of Brookhaven would be the Middle Country Road Land use Plan and the Overton Preserve Preservation Plan. Each of them contemplates the issuance of Pine Barrens Credits. A discussion ensued.

7. Future meeting topics

Mr. Freleng asked that a discussion about the possible leasing of credits be placed on the agenda for the next Clearinghouse meeting. There was some discussion about the Bide-A-Wee property's credit allocation.

8. Next Meeting and Adjournment

The next meeting is scheduled for Thursday September 6th at 9:30. The meeting was adjourned at 11:30.

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Pine Barrens Credit Clearinghouse Board of Advisors Meeting Summary for August 29, 2007 (Final – Approved 6/27/08) Commission Office, Great River, New York 8:30 A.M.

Present: Board members: Mr. Jim Tripp (representing the Brookhaven Town); Mr. Andrew Freleng (representing the County of Suffolk); Mr. Mitch Pally (representing the State of New York), also in attendance were Ms. Judy Jakobsen, Mr. Ray Corwin and Ms. Julie Hargrave (all from the Commission)

Administrative

The meeting began without a quorum present at 8.45 am

1. Public Comment

There were no public comments.

2. County Treasurer's Report

There was no treasurer's report at this meeting.

3. Tall Grass Development Project

Mr. Tripp spoke about the scope of the project and broke it down into 2 categories, which include commercial uses and a golf course. A discussion ensued regarding past projects that required Commission review and the rationale used in determining whether Pine Barrens Credits should be required. Projects, which exceed the density and sewage flow zoning limits, should use credits regardless of prior use on similar projects.

If projects such as these do not require Pine Barrens Credits then the ratio of receiving capacity to sending potential areas becomes smaller and there may be negative impacts on the credit program. The towns should be providing data to the Commission or the Clearinghouse that proves there are substantial receiving areas that can absorb credits. This has not been provided in general, and, as a result, it is not possible to determine the impact upon the Credit Clearinghouse if no credits are redeemed at the Tall Grass site, which is currently an eligible as of right credit receiving area. The point was made that Pine Barrens credits are required on any as of right project up to a 20% sewage intensity increase, so it makes no sense not to require the retiring of credits on PDD's that have higher intensity yields. The Board's analysis to the Commission should include these rationales.

One way of tracking how zoning changes affect the redemption of credits is to check how often redemptions are required on the town level. To date this data shows that town level credit redemptions have not occurred at a rate that help to preserve the original 1995 ratio of receiving capacity to sending potential. A discussion ensued.

The Towns are also recommending new sending areas for Pine Barrens credits within the CGA. When the Plan is updated the Overton Preserve will be a sending area. A discussion

ensued regarding how Pine Barrens Credits will be generated in the future after the Plan revision. Mr. Corwin mentioned Brookhaven Town's proposed Community Preservation Fund program, which has the potential of affecting the current as of right receiving areas for the Credit Program.

Mr. Freleng spoke about how the analysis of the commercial component of Tall Grass affects the formula to determine the amount of credits to require on the project. A discussion ensued regarding the concepts used to determine the values used in the formula. How the sewage treatment plant enters into the equation was also discussed.

Mr. Trip suggested that the discussion be summarized in a letter to the Commission.

A motion to approve the attached Tall Grass recommendation letter to the Commission was made by Mr. Freleng, and seconded by Mr. Pally. The motion was approved, with Mr. Tripp noting that Mr. Anrig had also approved the letter by a previous e-mail message.

4. Credit Leasing Concept

The Health Department is considering leasing of Pine barren Credits in situations where a short-term sewage flow intensity increase has occurred on a commercial project that has not yet built a sewage treatment plant, but intends to do so. The status of the one rented Credit that has repeatedly occurred should be determined before the next meeting. Mr. Freleng suggested devising a future policy in regards to this issue at the next Clearinghouse Board meeting.

The meeting was adjourned at 10:45.

The next meeting will be 9/6/07 at 9:30 am at the Commission office.

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Pine Barrens Credit Clearinghouse Board of Advisors Meeting Summary for September 6, 2007 (Final – Approved 6/27/08) Commission Office, Great River, New York 9:00 A.M.

Present: Board members: Mr. Jim Tripp (representing Brookhaven Town); Mr. Andrew Freleng (representing the County of Suffolk); Mr. Mitch Pally (representing the State of New York), Mr. Richard Hanley (representing Riverhead Town), also in attendance were Ms. Judy Jakobsen, Mr. Ray Corwin and Ms. Julie Hargrave (all from the Commission), Mr. William Spitz (representing NYS DEC) and Mr. Martin Trent (representing Suffolk County Dept. of Health Services)

Administrative

The meeting began without a quorum present at 8.40 am

Ratification of meeting summary of 9/11/06, 12/18/06, and 7/17/07

Without a quorum present Mr. Pally made the motion to approve minutes, Mr. Freleng seconded and the minutes were unofficially approved.

Public Comment

There were no public comments.

County Treasurer's Report

The Pine Barrens Credit Program's financial reports were distributed for the months of July and August 2007. The ending balance as of August 31 is \$3,227,962.41. Interest earned during that period is \$28,080.89.

Mr. Tripp made the statement that these funds could be used for a reverse auction. Mr. Milazzo has asked the County Assessors office to provide data on credit and land ownership in the Core and CGA, which will help determine if it is feasible to hold a second reverse auction. It will also provide an assessment of the ratio of the current receiving capacity to sending potential.

An additional analysis on redemptions at the Health Department level has been initiated. Data will be collected to determine how the redemptions were used, and what was the result of the redemption in quantifiable data.

3. Tall Grass Planned Development District Development Project

Mr. Tripp stated that he spoke with representatives at the Town of Brookhaven Supervisor's office about the methodology used by the Clearinghouse Board in determining the amount of credits the project should retire. The actual numbers should be contingent on

the definitive description of the project, but the credits retired should not be reduced if the number of units is changed. The Commission has not made any decisions on this project. Mr. Hanley arrived at this point in the meeting and a quorum was present.

Mr. Freleng made the motion to forward a letter to the Commission with the Clearinghouse Board recommendations regarding the Tall Grass Project, Mr. Pally seconded and the motion was officially approved unanimously.

Mr. Milazzo stated that the letter should include the statement that this is not a policy determination, but rather that it is a project specific recommendation. The Clearinghouse should reserve the right to review future projects on a case-by-case analysis. A discussion ensued regarding the differences in the formulas used by the Clearinghouse and the SCDHS in determining the amount of credits to retire on this type of PPD.

4. Credit Leasing Concept

Mr. Trent stated that there have been a couple instances where the SCDHS allowed the temporary holding of a credit in the case of a commercial or industrial project when a sewage treatment plant expansion is pending. The credit is returned to the applicant once the plant is in operation. A discussion ensued regarding the temporary use of credits and the leasing of credits.

Mr. Tripp stated that if leasing occurs it should be time limited and depreciation should occur. Mr. Corwin discussed how the leasing of credits might support the principle goals of the Plan. A discussion ensued.

Mr. Milazzo suggested that the members pass a resolution to place the issue of the temporary use of credits before the Commission for its review and recommendation. A formal resolution was postponed.

5. Central Pine Barrens Plan amendments for Chapters 4, 5 and 6: status

Mr. Corwin gave an overview of how the revision has been accomplished that include the Advisory Committee's recommendations and past Clearinghouse resolutions dating back to 1995. He reviewed some of the conceptual changes that have been made to the Plan.

Mr. Corwin spoke about the Town of Brookhaven's proposal involving the Community Preservation Fund and the creation of new sending areas in the CGA. A discussion ensued.

Mr. Freleng made the motion, seconded by Mr. Hanley that the Plan amendments not be adopted until all municipalities demonstrate that they are maintaining the 1 to 1 ratio of receiving areas to sending areas, the resolution was officially approved unanimously.

The meeting was adjourned at 10:30.

The next meeting will be Friday November 30th as 9:00 am at the Commission office.