



**Central Pine Barrens Commission Meeting Summary
For Wednesday, January 17, 2018 (Final Approved 2/28/18)
Riverhead Town Hall
200 Howell Road
Riverhead, NY
2:00 pm**

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

Others present: Commission and other agency staff members included Mr. Pavacic, Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Ms. Carter, Ms. Weigand, Mr. Huss, Mr. Lewis, Mr. Tverdy, Ms. Parrott 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 12/20/17 review, approval

Summary: **The motion was made by Mr. Collins and seconded by Mr. Dale to approve the 12/20/17 meeting summary. The motion was approved by a 5:0 vote.**

c. Commission and Suffolk County Water Authority Contract Renewal

Summary: Mr. Pavacic discussed the previously distributed agreement between the Commission and the Suffolk County Water Authority (SCWA) that is renewed every five years. He noted that the Commission made a decision last year to renew its agreement with the SCWA for another five years commencing on April 1, 2018.

Mr. Pavacic explained that the new agreement includes a 10% administrative fee paid to SCWA which was unanimously approved by the Commission following two audits performed separately by the SCWA and the Commission in 2013. The new agreement also maintains the existing understanding that the benefits costs for SCWA staff who work full-time on Commission activities are included in the costs to be directly reimbursed by the Commission through payments received from New York State.

The motion was made by Mr. Romaine and seconded by Mr. Dale to approve the Draft Resolution of the Commission to Authorize a New Agreement with the Suffolk County Water Authority for the term of April 1, 2018 to March 31, 2023 to Provide Services to the Commission. The motion was approved by a 5:0 vote.

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2. Science and Stewardship

a. Education and Outreach Division

Summary: Ms. Parrott discussed the previously distributed Education and Outreach Division report for December – January 2018 (attached). Items that she highlighted included, program statistics such as the Day in the Life events and public programs that reached a total of 4,569 students, 55 schools, 120 teachers and 56 partner agencies and organizations. The A

Day in the Life Annual report was now available that highlights the programs that took place at 11 different sites including, Greens Creek, Connetquot River, Mill River, Carlls River, Forge River and other water bodies. Ms. Parrott reported that the 2018 Pine Barrens Discovery Day Event has been scheduled for Saturday, September 15th and she is once again on the steering committee for the Long Island Natural History Conference scheduled for March 23rd and 24th.

b. Science and Stewardship Division:

Summary: Ms. Carter discussed the Science and Stewardship Division report for January 17th and items that she highlighted included, The Protected Lands Council met on December 5th at the SCWA Coram Training Center and she noted that Mr. Tom Casey was re-elected as the 2018 PLC Chair and Mr. John Wernet has been re-elected as the PLC's Vice-Chair. Ms. Carter noted that a pitch pine cone collection event was held on December 21st at Indian Island County Park where cones were collected from SPB infested trees that were cut down. Seeds from the cones will be used to grow seedlings for ecological restoration projects in the pine barrens.

Ms. Carter discussed the progress that has been made with the monitoring and maintenance of the Southern Pine Beetle and Oak Wilt infestations that included, in Easthampton Town on 30 acres of land, 8,300 SPB infested trees were cut down and that pheromone trapping and research continues. She noted that in 2012 the decision was made to use the Incident Command Systems (ICS) to organize the SPB response effort and she mentioned that she was recently notified that the Chief of the Forest Service gave honorable mention to the Long Island SPB response team for the work they have accomplished. There were other items from her report that Ms. Carter discussed including, the status of the conservation easement to access Sarnoff Preserve for prescribed fire under the Ecological Services contract, the status of Invasive Species Management and a GIS conference on November 16th at Stony Brook she attended. She also mentioned that the Ray Corwin Trail opening is planned for this spring.

Mr. Pavacic mentioned this is the last Commission meeting for Ms. Carter since she will be retiring in February and she was presented with a plaque at the January New Years Staff and Cooperators meeting that commemorated her many years of devoted service. Mr. Pavacic thanked Ms. Carter on behalf of the Commission for her work and oversight of the Science and Stewardship Division and the many different programs and events undertaken including the annual Research Forum.

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

a. Compliance and Enforcement Division

Summary: Mr. Huss discussed the previously distributed Compliance and Enforcement Division (CAED) report for November 15th through December 31st (attached). Items that he highlighted from the report included that there have been 52 incident cases and investigations since the three new enforcement officers staff joined the Commission on February 28, 2017, the CAED works with the Attorney General on encroachment of public lands and with the State, County and Towns on unpermitted activity and there are plans to meet again soon with town and state agencies to discuss the status of open cases. He reported that the CAED continues camera surveillance at dumpsites. He feels that media exposure and surveillance activities have been an effective deterrent and that there have been three successful apprehensions related to dumping.

Mr. Huss explained that the Commission's enforcement officers do not have the authority to issue summonses. Mr. Pavacic discussed the status of the proposed amendment to ECL Article 57 that was endorsed by the Commission that would authorize the Enforcement Officers to issue summonses. The bill has not yet passed at the level of the Assembly Codes Committee and Mr. Pavacic stated that he and Mr. Huss met with the staff of the chair of the Codes Committee to provide additional information. He noted that the bill could be reintroduced at the Assembly and Senate levels. Additional discussion points included, the bill to expand the Core Preservation Area was also reintroduced at the Assembly level, the appropriate timing of a proposed bill to provide peace officer status to the enforcement staff and writing a second letter from the Commission in support of the amendment to ECL Article 57 to give staff the ability to issue summonses. Mr. Huss ended his report stating that the LEC continues to organize ATV details to combat the illegal activity and he noted that the CAED new pickup truck is in use by staff and he mentioned that drones are still being considered for use in surveillance by some agencies.

b. Land Use Division

Summary: Ms. Hargrave discussed the previously distributed Land Use Division Bi-Monthly Update for the meeting of January 17th (attached). Items from her report that she highlighted included, determinations of jurisdictions such as the PSEGLI West Bartlett Substation, she noted that currently there were no pending applications and she discussed that she reviews site plans including, The Meadows at Yaphank which is a 320 acre Development of Regional Significance (DRS), as each phase is proposed to be built. Ms. Hargrave stated that she also reviews conservation easements related to the same DRS as required under the covenants within the Commission's approval resolution and that she expects that the draft plan related to the Plan Amendments should be ready for the Commission's review in the Spring of 2018

Project Review

Core Preservation Area

c. LIPA Riverhead Substation Clearing in ROW Notice of Violation

Summary: Ms. Hargrave discussed the 2008 PSEG Core hardship waiver that was approved by the Commission and allowed PSEG to expand the LIPA substation in the Town of Southampton at a location north of Nugent Drive in the Riverhead area. The hardship waiver included clearing for the expansion of the substation and restoration was required for a total of 1.95 acres of the property with scrub oak. In a letter dated January 4th from PSEG it explains that the restoration area was disturbed during another PSEG project.

Ms. Lara Urvat explained that PSEG plans to restore the scrub oak that was disturbed during the installation of steel poles along County Road 51 which was the location of the previously restored area. Mr. Romaine asked Ms. Urvat for the details associated with the terms of the restoration noting that PSEG notified the Commission about the disturbance they made to the restored area. It was discussed that due to the disturbance that the Commission would need to issue a Notice of Violation to PSEG, which is consistent with ECL Article 57 since it violated the terms of the permit issued by the Commission.

Mr. Milazzo discussed the steps that the Commission could take to resolve the issue and he explained that staff could determine the mitigation that would be required by PSEG and then meet with LIPA to work out the conditions of the consent order. Ms. Hargrave noted that the original amount of scrub oak restoration was 1.95 acres and that the PSEG letter indicated that it was 2.11 acres that was to be restored with scrub oak. Mr. Pavacic

suggested adding a third resolve clause that would authorize staff to negotiate the terms of the consent order.

The motion was made by Mr. Romaine to authorize staff to draft an order of consent letter to PSEG to Mr. Sy Grusa who is the attorney for PSEG. It was noted that the 2008 restoration was completed according to the terms of the approval and that the current disturbance at the site was unintentional. Mr. Romaine explained that the Commission staff will work with PSEG on the order of consent to negotiate its terms.

The motion that was made by Mr. Romaine was seconded by Mr. Collins to issue a NOV, and to authorize staff to draft an order of consent letter to PSEG. The motion was approved by a 5:0 vote.

It was noted that the draft order of consent would be ready for the Commission's review at the February Commission meeting.

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

Summary: Mr. Milazzo discussed the draft letter to Southampton Town Planning, dated January 17th (attached) and he noted that additional wording would be added to the third paragraph to clarify that all of the proposed activity would be limited to the previously cleared agricultural area that was farmed prior to 1995.

The motion was made by Mr. Collins and seconded by Mr. Romaine to authorize staff to send the draft letter to the Town of Southampton Planning Department with the clarifying language. The motion was approved by a 5:0 vote.

Compatible Growth Area

- e. 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 Draft Amendment Compatible Growth Area Hardship Waiver application of PSEGLI West Bartlett Substation Middle Island, Town of Brookhaven Suffolk County Tax Map Number 200-527-5-3 (attached) and she explained that the amendment allows for the removal of tree stumps for the installation of six new towers and that the amendment needs a slight change in wording of the third paragraph fourth line to replace the phrase "will be replaced" with "to be replaced" and also on the sixth line substitute "will be" with "to be replaced". The Commission made a prior request for PSEG to submit the outreach information distributed to the nearby community to inform them about the proposal to install the poles and transmission lines and Ms. Hargrave reported that information was received.

Mr. Romaine expressed his concerns related to the application that was submitted in 2016 and that he was unaware of the fact that the poles were steel. Other points were made such as the distance of the steel poles in relation to County Road 51 and West Bartlett Road and possible dangers to drivers in the vicinity.

The motion was made by Mr. Collins and seconded by Ms. Smith to approve the draft amendment of the PSEGLI West Bartlett Substation hardship waiver application. The motion was approved by a 4:0:1 vote with Mr. Romaine abstaining.

4. Pine Barrens Credit Program

a. Credit Program

Summary: Mr. Tverdy discussed the previously distributed Credit Program report dated January 17, 2018 and items he highlighted included, the Credit program's statistical summary with 12 new parcels, 7.84 PBCs generated and 12 Credits were redeemed. He noted that 16.61 Credits were sold at an average price of \$77,000 per credit, the Clearinghouse owns 10.19 Credits and there is approximated \$2.5 million in funds that are maintained by the Suffolk County Treasurer in the Clearinghouse' account. Mr. Tverdy reported that there was a Clearinghouse meeting on December 1, 2017 and he highlighted items that were discussed including, the status of the sending and receiving areas in all three towns, the Brookhaven town code amendment being an incentive for credit redemptions for multi-family projects and for commercial use. Mr. Romaine discussed the amendment to the town code noting that the purpose was to provide landowners value for their properties if the Core expands. Mr. Tverdy explained that he discussed the need for a sending and receiving area analysis with staff at the Town of Southampton and Mr. Collins informed him that he would be able to provide that information.

The motion was made by Mr. McCormick and seconded by Mr. Collins to enter into a closed advisory session with plans to return to a public session. The motion was approved by a 5:0 vote.

The motion was made by Ms. Gallagher and seconded by Mr. Collins to return to public session. The motion was approved by a 5:0 vote.

4b. Armand Gustave LLC & James Eagan Letter of Interpretation Credit appeal Westhampton Beach SCTM# 900-279-4-13.1

Summary: Mr. Pavacic and Mr. Milazzo discussed the Armand Gustave LLC & James Eagan draft letter of interpretation (attached) and noted that the Commission's decision is to adopt a negative declaration and issue Credits to SCTM# 900-279-4-13.001.

The motion was made by Mr. Collins and seconded by Mr. Dale to approve the Draft Resolution on Accepting the Written Decision on the Letter of Interpretation Appeal of Armand Gustave LLC and James Eagan for Suffolk County Tax Map Number 900-279-4-13.001. The motion was approved by a 5:0 vote.

5. Public Comments

Summary: Mr. James Eagan, expressed his concerns pertaining to the the Commission's decision on the status of his Credit appeal on SCTM# 900-279-4-13.001 and also ECL Article 57 in relation to fair economic compensation for landowners in the Core.

Mr. Pavacic discussed the Commission's policy concerning the scheduling of hearings and placing them on the meeting agenda.

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

The meeting ended at approximately 3:15 pm.

Attachments (in order of discussion)

1. January 17, 2018 Commission Meeting Sign in Sheet (1 pages).
2. Draft Commission meeting summary for December 20, 2017 (5 pages)
3. Final Approved Commission meeting summary for December 20, 2017 (5 pages)
4. Draft Resolution of the Central Pine Barrens Joint Planning and Policy Commission to Authorize a New Agreement with the Suffolk County Water Authority for the term of April 1, 2018 to March 31, 2023 to Provide Services to the Commission, dated January 17, 2017 (10 page)
5. Final Approved of the Central Pine Barrens Joint Planning and Policy Commission to Authorize a New Agreement with the Suffolk County Water Authority for the term of April 1, 2018 to March 31, 2023 to Provide Services to the Commission, dated January 17, 2017 (10 page)
6. Education and Outreach Division December – January 2018 Update, dated January 17, 2018 (1 page)
7. Central Pine Barrens Commission Science and Stewardship Division Update, January 17, 2018 (2 pages)
8. CAED Highlights 11/15/17 – 12/31/17, dated January 17, 2018 (3 pages)
9. Central Pine Barrens Joint Planning and Policy Commission Land Use Division Bi-Monthly Update for the Meeting of January 17, 2018 (1 page)
10. Draft Resolution to Undertake Enforcement Action in Regard to Alleged Violation associated with the PSEG Long Island Riverhead Substation, dated January 17, 2018 (3 pages)
11. Final Adopted Resolution to Undertake Enforcement Action in Regard to Alleged Violation associated with the PSEG Long Island Riverhead Substation, dated January 17, 2018 (3 pages)
12. Letter to Southampton Planning Department, RE: Referral: Klug Corporation Site Plan/Special Exception SCTM # 900-235-1-47.1 Core Preservation Area of the Central Pine Barrens, dated January 17, 2018 (1 page)
13. Draft Amendment Compatible Growth Area Hardship Waiver Application of PSEGLI West Bartlett Substation Middle Island, Town of Brookhaven Suffolk County Tax Map Number: 200-527-5-3, dated January 17, 2018 (7 pages)
14. Final Approved Amendment Compatible Growth Area Hardship Waiver Application of PSEGLI West Bartlett Substation Middle Island, Town of Brookhaven Suffolk County Tax Map Number: 200-527-5-3, dated January 17, 2018 (7 pages)
15. Credit Program report dated January 17, 2018 (1 page)
16. Central Pine Barrens Joint Planning and Policy Commission Draft Resolution on Accepting the Written Decision on the Letter of Interpretation Appeal of Armand Gustave LLC and James Eagan for Suffolk County Tax Map Number 900-279-4-13.001, dated January 17, 2018 (1 page)
17. Central Pine Barrens Joint Planning and Policy Commission Final Adopted Resolution on Accepting the Written Decision on the Letter of Interpretation Appeal of Armand Gustave LLC and James Eagan for Suffolk County Tax Map Number 900-279-4-13.001, dated January 17, 2018 (1 page)



Central Pine Barrens Commission Meeting Summary
For Wednesday, February 28, 2018 (Final Approved-4/18/18)
Riverhead Town Hall
200 Howell Road
Riverhead, NY
2:00 pm

Commission members present: Ms. Carrie Meek Gallagher (for New York State) Ms. Emily Pines (for Brookhaven), Ms. Jens-Smith and Mr. McCormick (for Riverhead), Mr. Schneiderman, Mr. Shea and Mr. Collins (for Southampton) and Ms. Longo, Mr. Freleng and Mr. Dale (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. Tverdy, Ms. Parrott, Ms. Weigand 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.

1. Administrative and Public Comment

a. Public Comments:

Summary: Mr. Richard Amper, Executive Director of the L.I. Pine Barrens Society expressed his concerns pertaining to the recently proposed legislation by Senator Kenneth LaValle and Assemblyman Steven Engelbright that if it had been signed by the Governor would have expanded the Core of the Pine Barrens to include areas of Shoreham and Mastic. He expressed his disappointment because the Governor has vetoed the legislation for a variety of reasons including that he received letters from entities such as from Citizens Campaign for the Environment and from the N.Y. League of Conservation Voters requesting the Governor to veto the legislation.

Mr. Amper expressed his opinion that a failure in communication between the Commission's Executive Director, Brookhaven Town and the Governor's office has caused the owner of the property to have the freedom to move forward on bulldozing his property for a solar farm in Mastic. Mr. McCormick, on behalf of the Commission, in response to the comments made by Mr. Amper stated that Mr. Pavacic has always followed Commission protocols on disseminating information to both the Commission members and the Towns on the details necessary for them to make informed decisions in a timely manner.

Ms. Maryann Johnston, representing Affiliated Brookhaven Civic Association (ABCO) expressed her concerns about the bulldozing of the property in Mastic that she stated ABCO had fought fiercely to preserve.

Mr. Armand Eagan expressed his concerns related to the Commission's decision to deny a request for a Credit allocation appeal and it was noted by Mr. Pavacic that the denial was based on the fact that Mr. Eagan had previously appealed the 3.35 Credit allocation which was denied by the Commission. It was further noted that there is no provision in the CLUP that allows an applicant to make a second request for a Credit appeal on the same parcel.

Mr. James Eagan expressed his concerns related to his property located at Summit Blvd in Southampton Town and he mentioned that he is exploring his

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Member

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Member

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options to gain an approval from the Town of Southampton and the Commission for the installation of a road to his property.

b. Presentation of Commission Service Plaque to Kate Browning, former Suffolk County Legislator

Summary: Ms. Gallagher presented Ms. Kate Browning, former Suffolk County Legislator, with a service plaque in recognition of her many years of support and contribution to the work of the Commission and the environment. Ms. Browning thanked the Commission members for their recognition and she thanked Mr. Pavacic specifically for educating her on the wide range of environmental conservation issues affecting the local communities.

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

Summary: **The motion was made by Ms. Jens-Smith and seconded by Mr. Dale to approve the 1/17/18 meeting summary. The motion was approved by a 5:0 vote.**

d. Creation and Establishment of Central Pine Barrens Friends Organization (not-for-profit)

Summary: Mr. Pavacic discussed the previously distributed memo, "Exploring Potential for Creation of Not-for-Profit CPB Foundation" and supporting documents (attached) including information about other friends groups. He explained that the information is being presented at this time to explore the option for a friends group that would be associated with the Pine Barrens Commission. Mr. Pavacic explained that a friends group would support the Commission in various ways such as for educational purposes and for fund raising for projects, seminars, training and possible restoration projects. Mr. Pavacic provided examples of friends groups including, Friends of Wertheim, Friends of the Pine Bush and others associated with agencies that were established as a 501c3 not for profits. The members requested additional information on 501c3 non profits and friends groups and Mr. Pavacic noted that he will report back to the Commission over the next few months with additional information.

e. New York Climate Change Vulnerability Assessment Project – Incorporation of Climate Change Considerations in Agency Planning and Operations:

Summary: Mr. Pavacic discussed the two statewide Climate Change initiatives that were implemented last year including, the Climate Change Vulnerability Assessment program which required State agencies to report how climate change may affect their mission and for them to develop a plan of action and he noted that Commission staff is developing a draft vulnerability assessment for the Commission. The second initiative came from the Governor's Executive Order 166 for state agencies to review their potential sources for green house gas emissions. He mentioned that the final document related to the Commission's vehicles and other energy conservation measures to reduce green house gas emissions will be completed by the end of March.

2. Science and Stewardship

a. Ecological Services Contract: status

Summary: Mr. Pavacic explained that in 2012 a Request for Proposals (RFP) was issued by the Commission to undertake ecological restoration projects on public lands in the Central Pine Barrens. A 5 year contract was awarded and executed in March 2013 and he explained that the process for identifying properties to receive the work and for executing the work has been very time consuming and complicated. It was envisioned the work would be completed within the 5 years contract period and therefore no renewal provision was included in the contract. Due to these complications, modifications were required and other issues related to prescribed fire and smoke caused delays

in the implementation of the work involved. Mr. Pavacic discussed the previously distributed CPBC Ecological Services Contract Summary Table (attached) and he noted that the document indicates the tasks that have been accomplished and those that still need to be completed. He explained that the current contract will expire on March 4th and that a new RFP would be released for the remaining work.

- b. Resolutions for the Commission to Purchase ATVs, UTV and related trailers for the Commission's Compliance and Enforcement and Science and Stewardship Divisions:

Summary: Mr. Milazzo discussed the previously distributed Draft Resolution for the Commission to Authorize the Purchase of Two All-Terrain Vehicles for Use by Commission Enforcement Officers, dated 2/28/18 (attached) and the Draft Resolution for the Commission to Authorize the Purchase of Two Trailers for use by the Compliance and Enforcement and Stewardship Divisions. Mr. Schneiderman asked for staff to check if this equipment may be available through state contract at a lower price.

The motion was made by Mr. Schneiderman and seconded by Ms. Jens-Smith to approve the draft resolutions related to the purchase of two ATVs and two trailers. The motion was approved by a 5:0 vote.

3. Land Use

Planning and Land Use

Project Review

Core and Compatible Growth Area

- a. DASNY Referral - Vietnam Veterans Memorial Trail Project / construct portions of a bicycle and/or walking trail that would traverse the perimeter of the EPCAL property / Riverhead / Response

Summary: Mr. Milazzo discussed the referral for a proposal to construct six miles of bike and hiking path around the EPCAL property in the Town of Riverhead. He explained that Commission staff will be meeting at the site with Town staff to walk the site to determine if there are any clearing issues that may arise with the project. It was decided by the Commission to hold off sending the staff's response letter to the referral.

- b. Lewis Road Pre-application referral from the Town of Southampton / Development of 118 lot or 137 lot subdivision with amenities and open space on a 591 acre project site / East Quogue / 179 parcels / Referral response

Summary: Mr. Pavacic discussed the previously distributed draft letter by staff, dated February 28th (attached) in response to the Lewis Road pre-application referral sent to the Commission by the Town of Southampton. Mr. Milazzo explained that the response letter prepared by staff requests additional information on the project. Mr. Schneiderman expressed his concerns about the letter and a discussion ensued on how to edit the letter to clarify what information the Commission would need to evaluate the project in relation to the standards in the CLUP.

The motion was made by Ms. Jens-Smith and seconded by Mr. Dale to send the edited version of the letter to the Town of Southampton Planning Board. The motion was approved by a 5:0 vote.

Core Preservation Area

- c. Armand Eagan Request for Determination of Jurisdiction / Southampton / SCTM# 900-279-4-13.1

Summary: Ms. Hargrave discussed the previously distributed letter, dated January 22nd from Mr. Eagan, the applicant and she noted that the letter is a request for a determination of jurisdiction to subdivide the parcel. Ms.

Hargrave explained that since the property is in the Core the project would typically be considered development. Mr. Milazzo provided additional information related to a similar request and he recommended that the Commission handle this application in a similar manner, which is to deem the project to be development and to send a letter to the applicant stating that they have the option to submit a hardship waiver.

The motion was made by Ms. Jens-Smith and seconded by Mr. Dale to deem this application development and advise the Applicant of their option to submit a hardship waiver application. The motion was approved by a 5:0 vote.

- d. William Ebert change to prior Determination of Jurisdiction request for accessory use addition to be 580 square foot rather than 480 square feet/ Manorville / SCTM# 600-146-3-16.4

Summary: Mr. Milazzo discussed the previously distributed draft letter from Commission staff to Mr. Ebert and he explained that Mr. Ebert is requesting that his original request for a 480 square foot accessory use addition be increased by 100 square feet. His original request was deemed non development by the Commission. He recommended amending the original resolution to include the change of the addition's size to 580 square feet and for staff to send the draft letter, dated February 28th (attached).

The motion was made by Ms. Pines and seconded by Mr. Dale to send the draft letter to Mr. Ebert. The motion was approved by a 5:0 vote.

- e. National Grid Notification for replacement of 6" steel gas main with 8" plastic gas main for 2,020 linear feet on River Road and David Terry Road in the Towns of Riverhead and Brookhaven / Manorville

Summary: Ms. Milazzo explained that the request from National Grid is for the replacement of gas mains in Brookhaven and Manorville and he noted that this request is considered non development. No action was necessary.

- f. LIPA Riverhead Substation / clearing in ROW SCTM#s: 900-135-2-2

Summary: Mr. Milazzo noted that after the Notice of Violation (NOV) was issued to LIPA that the Commission staff met with PSEG representatives for LIPA to discuss resolution of the NOV and there may be a need to discuss the issue further in a closed advisory session.

- g. Simone Shams Request for Determination of Jurisdiction / Legalize accessory apartment built in 1991 SCTM# 900-221-1-3 / 55 Bellows Pond Road, Hampton Bays

Summary: Ms. Hargrave discussed the Simone Shams Request for Determination of Jurisdiction to legalize an accessory apartment built in 1991 in a letter, dated January 23rd (attached) and she noted that the request comes to the Commission because the property is located in the Core, although the apartment was built prior to the Pine Barrens Act. Ms. Hargrave explained that the owner is interested in acquiring a Certificate of Occupancy for the apartment. Mr. Milazzo explained that since there is no material change and the apartment was built prior to the Act that this request would be considered nondevelopment. Other points were discussed such as possible ramifications if the dates the owner provided are not accurate and Mr. Milazzo recommended that Commission staff send a letter to the owner and require them to submit an affidavit swearing to the date the apartment was built.

Compatible Growth Area

- h. NYSDEC Referral Barnett Property / Single-family residence / Ridge SCTM# 200-326-2-6

Summary: Mr. Milazzo discussed the previously distributed referral request from the NYSDEC pertaining to the Barnett Property Single family residence in a letter from the NYSDEC, dated January 23, 2018 (attached). Mr. Milazzo discussed the draft letter from Commission staff which explains that single and separate development in the Compatible Growth Area is considered nondevelopment and no further action was required by the Commission.

i. Coram Materials SCTM# 200-235-1-39 et al/ Miller Place referral

Summary: Mr. Pavacic provided background information related to Coram Materials and he explained that in August of 2017 the Commission received two referrals from the NYSDEC for two existing sand mines in Brookhaven and Southampton Towns. At that time, letters were drafted by Commission staff with comments provided by Southampton and Brookhaven Town Commission members. Lawyers representing the sand mine applicants sent responses to the DEC in November 2017 regarding the Commission letters and now the NYSDEC is requesting a final status from the Commission related to their prior comments.

It was noted that the Commission has not yet responded to the NYSDEC and the Commission has not made a determination of jurisdiction. Mr. Pavacic explained that the NYSDEC can make a determination without Commission input if a project meets the criteria for nondevelopment. Mr. Milazzo noted that sand mines are typically exempt because they predate the Pine Barrens Act and comments were provided by the Commission because the NYSDEC requested the Commission's input and that the NYSDEC can approve the projects regardless. This sand mining permit renewal request may be discussed further during a closed advisory session.

j. Huntington Ready Mix SCTM#:-900-276-3-1 et al / Westhampton

Summary: It was noted that the status of the Huntington Ready Mix application is the same as the Coram Materials application. Mr. Milazzo explained that sand mines are typically exempt since they predate the Pine Barrens Act and are considered a special permit, existing non conforming use. The decision was made to discuss this Huntington Ready Mix permit modification request during a closed advisory session.

k. Silver Corporate Park, LLC Preliminary Subdivision application referral SCTM # 200-662-2-5.16

Summary: Ms. Hargrave explained that Silver Corporate Park has a long history and that it appears to be a Development of Regional Significance (DRS) based on the materials sent to the Commission. She mentioned that the application proposes to develop up to a total of 550,000 square feet of industrial, warehouse and office space and a draft letter with comments was prepared by staff, dated February 28th (attached).

The motion was made by Ms. Pines and seconded by Mr. Dale to approve sending the draft letter to the Silver Corporate Park Applicant. The motion was approved by a 5:0 vote.

l. The Meadows at Yaphank CGA DRS PDD / Change in grantor of the Conservation Easement for the Lofts development phase.

Summary: Ms. Hargrave discussed The Meadows at Yaphank DRS/PDD that is in the CGA of the Pine Barrens and she explained that conservation easements are submitted incrementally as the project progresses. The latest phase of the project consists of a couple hundred apartments and the associated conservation easement covers 11 acres. She further explained that this particular conservation easement is under the name AVR Apartments and Lofts. Mr. Milazzo reiterated the point that this particular easement owner name under AVR Apartments and Lofts is different from

the original name in the Resolution approving the conservation easements which was AVR Realty.

The motion was made by Ms. Pines and seconded by Ms. Jens-Smith to accept The Meadows at Yaphank conservation easements under names other than AVR Realty. The motion was approved by a 5:0 vote.

4. Pine Barrens Credit Program

*a. Equine Facilities LLC / Letter of Interpretation Credit Appeal SCTM# 200-460-1-5
Summary: Mr. Milazzo discussed the previously distributed letter, dated January 14th from Mr. Eagan requesting an appeal of the LOI associated with the property under the name Equine Facilities LLC.*

The motion was made by Mr. McCormick and seconded by Ms. Pines to accept the applicant's delayed request for an appeal and schedule a hearing for the Equine Facilities LLC, LOI credit appeal for the March 21st Commission meeting at 3:00 p.m. The motion was approved by a 5:0 vote.

5. Public Comments

Summary: Mr. Amper reiterated his concerns expressed at the beginning of the meeting with respect to the bulldozing of the Mastic property for a solar farm with the additional request that the Commission direct staff to move on possible remediation or prevention of the project from moving forward.

The motion was made by Mr. Dale and seconded Mr. Schneiderman to enter into a closed advisory session and if necessary return to public business. The motion was approved by a 5:0 vote.

The motion was made by Ms. Jens-Smith and seconded by Ms. Pines to end the advisory session and adjourn the meeting. The motion was approved by a 5:0 vote.

The meeting ended at approximately 4:30 pm.

Attachments (in order of discussion)

1. February 28, 2018 Commission Meeting Sign in Sheet (1 pages).
2. Draft Commission meeting summary for January 17, 2018 (6 pages)
3. Final Approved Commission meeting summary for January 17, 2018 (6 pages)
4. Memo from Mr. Pavacic, Executive Director to Commission Members on "Exploring Potential for Creation of Not-for-Profit CPB Foundation" and supporting document, dated February 28, 2018 (110 pages)
5. Memo from Mr. Pavacic from Mr. Pavacic, Executive Director to Commission Members on regarding "New York State Climate Change Initiatives" and supporting documents, dated February 28, 2018 (267 pages)
6. Central Pine Barrens Ecological Services Agreement, dated February 28, 2018 (224 pages)
7. Draft Resolution for the Commission to Authorize the Purchase of Two All-Terrain Vehicles for Use by Commission Enforcement Officers, dated February 28, 2018 (13 pages)
8. Final Approved Resolution for the Commission to Authorize the Purchase of Two All-Terrain Vehicles for Use by Commission Enforcement Officers, dated February 28, 2018 (13 pages)
9. Draft letter to NYSDEC from Commission staff in response to Referral of the DASNY Vietnam Veterans Memorial Trail project and proposal to construct a bike/hiking path around the EPCAL property Town of Riverhead and supporting documents, dated February 28, 2018 (27 pages)
10. Draft letter from Commission staff to Town of Southampton in response to Referral of the Pre-Application for Lewis Road PRD subdivision 591-acre project site SCTM# 900-203, 219, 220, 250, 251, 288, 289 and 314 CGA, Core Preservation Area and CRA, dated February 28, 2018 (59 pages)

11. Letter from Armand Eagan to the Commission regarding a Determination of Jurisdiction on SCTM# 900-279-4-13.1, dated January 22, 2018 (6 pages)
12. Draft letter to William Ebert from Commission staff regarding Determination of Jurisdiction, Town of Riverhead, SCTM# 600-146-3-16.4 Core Preservation Area, dated February 28, 2018 (5 pages)
13. National Grid letter and documentation regarding the replacement of gas mains in Manorville, project notification, dated January 26, 2018 (30 pages)
14. Letter from Simone Shams regarding a request for determination of jurisdiction and supporting documents, dated January 23, 2018 (4 pages)
15. Draft Letter from Commission staff to the NYSDEC and supporting documents regarding Barnett Property referral SCTM# 200-326-2-6 CGA, dated February 28, 2018 (39 pages)
16. Letter from Commission staff to NYSDEC regarding Coram Materials mining permit modification request, dated August 24, 2017 (34 pages)
17. Letter from Commission staff to NYSDEC and supporting documents regarding Huntington Ready Mix mining lead agency coordination request, dated September 21, 2017 (26 pages)
18. Draft letter from Commission staff to Town of Brookhaven regarding, SEQRA Lead Agency Coordination preliminary subdivision Silver Corporate Park LLC, CGA, dated February 28, 2018 (29 pages)
19. Letter from James Eagan to the Commission regarding Equine Facilities for a Letter of Interpretation Credit Appeal request, dated January 14, 2018 (5 pages)



**Central Pine Barrens Commission Meeting Summary
For Wednesday, April 18, 2018 (Final Approved – 5/16/18)
Brookhaven Town Hall
One Independence Hill
Farmingville, NY
2:00 pm**

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

Others present: Commission and other agency staff members included Mr. Pavacic, Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Mr. Lewis, Mr. Mazzio, Mr. Tverdy, Ms. Parrott, 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: Mr. Richard Amper, Executive Director of the L.I. Pine Barrens Society expressed his concerns pertaining to the executive session at the February Commission meeting and the dissemination of information related to land in Mastic that was slated to be preserved.

Mr. Romaine mentioned that the Town is preparing a land use plan for the Forge River watershed.

Mr. Amper mentioned that he gave Ms. Hargrave materials related to a previous Core hardship waiver application that came before the Commission and he noted that the application is similar to the Equine Core Hardship Waiver.

b. Minutes for 2/28/18 review, approval

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Collins to approve the 2/28/18 meeting summary. The motion was approved by a 5:0 vote.**

2. Science and Stewardship

a. Education and Outreach

Summary: Ms. Parrot discussed the previously distributed Education and Outreach Division March 2018 update (attached) and items from the report that she highlighted included, in the last 3 months 480 students were reached as a result of winter education programs, registration has been filled for the 2018 Barrens to Bay six week summer camp beginning on June 25th and concluding on August 17th and at the summer camp Mary Lamont will be speaking on the subject of bald eagles. She noted that the March 23rd and 24th Long Island Natural History Conference had over 300 attendees and discussed the schedule for the 2018 “Day in the Life” programs that includes the Southshore Estuary added as a new testing site. Ms. Parrott noted that she attended the New Jersey Pinelands 29th Annual Pinelands Short Course. She mentioned that the highlight for her this year was her opportunity to present at the 2018 Winter Youth Assembly at the United Nations on the subject, “Our Planet’s Future, How Youth Can Take Action Now to Tackle Climate Change.”

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Mr. Romaine noted that as a result of the legislation that was passed by the Governor, on January 1, 2019 an additional 1,115 acres of land will be added to the Core Preservation Area.

b. Science and Stewardship

Summary: Mr. Pavacic discussed the previously distributed Science and Stewardship Division update for March 21, 2018 that was prepared by Ms. Weigand, Commission Ecologist and he noted that the dedication and trail opening for the Ray Corwin Hiking Trail is scheduled for April 28th at the NYSDEC property at the Lustgarten trail head in Ridge. He discussed the Igniting Exchange program promoted by the North Atlantic Fire Science Exchange (NAFSE) that provides opportunities for communication and the exchange of information between fire scientists and fire managers.

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

a. Compliance and Enforcement Division

Summary: Mr. Pavacic reported that Mr. Huss was not present to provide the previously distributed Compliance and Enforcement update from 1/1/18-3/21/18 (attached) and asked if there were any comments or questions on his report.

b. Land Use Division

Summary: Ms. Hargrave discussed the previously distributed Land Use Division Bi-Monthly Update for the Meeting of April 18, 2018 and she noted that the only pending application at this time is the Equine Facility LLC Core Hardship, Manorville, SCTM #200-460-1-5..

**Project Review
Core Preservation Area**

c. Dittmer decision on remittal for SCTM#200-529-5-35 /east side of CR 21/
Yaphank

Summary: Mr. Milazzo discussed the status of the Dittmer decision on remittal for the property located on the east side of CR21 in Yaphank and he stated that he anticipates the decision will likely be made at the May Commission meeting.

d. Caroline O'Connell Request for Determination of Jurisdiction for accessory use
of a horse barn and paddock / Manorville / SCTM#200-410-2-1.1

Summary: Ms. Hargrave discussed the Caroline O'Connell request for determination of jurisdiction and attached letter from Ms. O'Connell dated March 9, 2018. In the letter, Ms. O'Connell stated her intention to purchase the four acre IGHL property to merge with her own one acre parcel and to build a horse barn on the cleared area of the purchased parcel. Other points made by Ms. Hargrave included, prior to selling the property IGHL is applying for Pine Barrens Credits which would involve placing an easement on the property if IGHL decides to obtain Credits.

Mr. Milazzo explained the restrictions a conservation easement places on a parcel and the possible repercussions if the associated restrictions are not adhered to by the property owner. Mr. Romaine made the suggestion to the applicant for them to meet with the town attorney to discuss permissible uses for this property under town code.

e. William Ebert Request for Determination of Jurisdiction / River Road SCTM#
600-143-3-16.4 / Manorville / pool installation

Summary: Ms. Hargrave discussed the William Ebert request for determination of jurisdiction to install a 18 foot by 40 foot inground pool that

would not require the removal of any trees. It was noted that this request was nondevelopment.

f. Equine Facility LLC Core Hardship Waiver application/ Manorville /SCTM# 200-460-1-5 SEQRA coordination and schedule public hearing

Summary: The motion was made by Mr. Romaine and seconded by Mr. Collins to schedule a public hearing for the Equine Facility, LLC Core Hardship Waiver Application for May 16, 2018 at 3:00 p.m. The motion was approved by a 5:0 vote.

Compatible Growth Area

g. The Meadows at Yaphank PDD CGA-DRS / clarification of 10% increase in residential units and commercial space / Yaphank / Amend prior decision

Summary: The motion was made by Mr. Romaine and seconded by Mr. Dale to approve the Draft Resolution to Amend Approval of the Meadows at Yaphank Planned Development District CGA Development of Regional Significance Application. The motion was approved by a 5:0 vote.

4. Pine Barrens Credit Program

a. Credit Program

Summary: Mr. Tverdy discussed the previously distributed Credit Program statistics as of April 10, 2018 (attached). Items from the report that Mr. Tverdy highlighted included, seven new parcels have been protected, the average price per credit is \$75,000, 10 Credits were sold and 7.69 Credits were redeemed.

Mr. Romaine expressed his concerns related to the National Grid property in Shoreham that will be added to the Core Preservation Area and he stated that any associated Credits should be extinguished from the property.

Mr. Tverdy reported that the Clearinghouse owns 10.19 Pine Barrens Credits and has \$2.5 million in funds in the Clearinghouse bank account.

5. Public Hearing

a. Equine Facility LLC / Letter of Interpretation Credit appeal / Manorville/ SCTM# 200-460-1-5

Summary: A separate stenographic transcript exists for this hearing.

6. Public Comments

Summary: There were no public comments.

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

The meeting ended at approximately 4:40 pm.

Attachments (in order of discussion)

1. April 18, 2018 Commission Meeting Sign in Sheet (1 pages)
2. Draft Commission meeting summary for February 28, 2018 (6 pages)
3. Final Approved Commission meeting summary for February 28, 2018 (6 pages)
4. Education and Outreach Division Report March 2018 (4 pages)
5. Science and Stewardship Division update for March 21, 2018 (4 pages)
6. Compliance and Enforcement Division update for March 21, 2018 (3 pages)
7. Land Use Division Bi-Monthly Update for the Meeting of April 18, 2018 (1 page)

8. Letter dated March 9, 2018 from Caroline O'Connell: Request to the Commission for determination of jurisdiction (2 pages)
9. Letter date March 19, 2018 from William Ebert: Request to the Commission to install a semi inground pool (2 pages)
10. Equine Facility LLC SEQRA Coordination Draft Resolution Commence SEQRA Lead Agency Coordination and Schedule a Public Hearing for Equine Facility LLC Core Preservation Area Hardship Waiver Application Manorville, Town of Brookhaven, dated April 18, 2018 (18 pages)
11. Final Adopted Resolution Commence SEQRA Lead Agency Coordination and Schedule a Public Hearing for Equine Facility LLC Core Preservation Area Hardship Waiver Application Manorville, Town of Brookhaven (1 pages)
12. The Meadows at Yaphank PDD CGA-DRS Draft Resolution to Amend the Approval of The Meadows at Yaphank Planned Development District Compatible Growth Area Development of Regional Significance Application (42 pages)
13. Final Adopted Resolution Amend Approval The Meadows at Yaphank Planned Development District Compatible Growth Area Development of Regional Significance Application Hamlet of Yaphank, Town of Brookhaven, NY Suffolk County Tax Map #s 200-552-1-1.3 and 3 and SCTM # 200-584-2-1.3 (1 page)
14. Easement Protected Lands and Pine Barrens Credits As of April 10, 2018 (1 page)
15. Equine Facility LLC Staff report for the Commission Credit Appeal Hearing meeting of April 18, 2018 (12 pages)



**Central Pine Barrens Commission Meeting Summary
For Wednesday, May 16, 2018 (Final-Approved 6/20/18)
Riverhead Town Hall
200 Howell Avenue
Riverhead, NY
2:00 pm**

Commission members present: Ms. Meek Gallagher (for New York State) Mr. Romaine (for Brookhaven), Ms. Jens-Smith and Mr. McCormick (for Riverhead), Mr. Collins and Mr. Shea (for Southampton) and Ms. Longo, Mr. Freleng and Mr. Dale (for Suffolk County)

Others present: Commission and other agency staff members included Mr. Pavacic, Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Mr. Lewis, Mr. Huss, Mr. Tverdy, Ms. Parrott, 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.

1. Administrative and Public Comment

a. Public Comments:

Summary: Mr. Richard Amper, Executive Director of the Long Island Pine Barrens Society expressed his concerns related to a pending ATV bill and other environmental legislation specific to Long Island that lacks adequate funding to support for their passage by the NY State Legislature. He made a suggestion for the Commission and the towns to consider increasing the press coverage for environmental legislation that is lacking state funded support. Mr. Amper will be sending the current ATV bill to all three Towns.

Mr. James Eagan, Core property owner, expressed his concerns pertaining to the status of storage containers located on his neighbor, Mr. Kazel's property that is on the Commission's agenda today. He stated he has a similar situation on his property and in both cases they are used for agricultural purposes.

b. Minutes for 2/28/18 review, approval

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Dale to approve the 4/18/18 meeting summary. The motion was approved by a 5:0 vote.**

c. Credit Clearinghouse Board

Summary: Mr. James Tripp, Credit Clearinghouse Chair provided a report on today's earlier meeting of the Clearinghouse Board of Advisors. Items he discussed included, the Credit program statistics and that a total of 434 Credits are owned throughout all three towns, plans to send letters to Core property owners with information about their right to obtain a Letter of Interpretation (LOI) and to apply for Pine Barrens Credits (PBCs), the status of the Girl Scout property LOI application, the status of the 10 PBCs that the Clearinghouse owns and plans for holding an auction to sell these Credits to developers who need Credits for their projects. Other discussion points included, Southampton Town's policy for Credit sales and redemptions remaining within the same school district, future plans for additional reverse auctions to help facilitate Credit sales redemptions and to reduce the total number of unredeemed Credits in all three Towns and the lack of updated information on receiving areas capacity to absorb the Credits. Mr. Tripp also discussed the need to find a resolution to the problem of Core property owners who have difficulty in obtaining PBCs due to overlapped parcels with Suffolk County. Mr. Collins noted that written information about the town's sending and receiving area statistics will be provided to Clearinghouse staff.

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Laura Jens-Smith
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

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- d. *Draft Resolution Authorizing the Renewal of the Commission's Package of Insurance Policies that includes the Umbrella Policy, Directors and Officers Policy and Automobile Policy and Payment of any Associated Premiums:*

Summary: *Mr. Pavacic discussed the previously distributed Draft Resolution of the 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 Error's and Omission's Policy and the Payment of any Associated Premiums (attached). He explained that the policies are required under Environmental Conservation Law (ECL) Article 57.*

The motion was made by Mr. Romaine and seconded by Ms. Jens-Smith to approve the Draft Resolution related to the renewal of the Commission's insurance policies. The motion was approved by a 5:0 vote.

2. Science and Stewardship

- a. *Draft Resolution to Approve the Purchase of an ATV for Suffolk County Police Department, pursuant to recommendation of LEC using Environmental Benefit Funds*

Summary: ***The motion was made by Mr. Romaine and seconded by Mr. Collins to approve the Draft Resolution to Approve the Purchase of an ATV for Suffolk County Police Department, pursuant to recommendation of LEC using Environmental Benefit Funds (attached). The motion was approved by a 5:0 vote.***

- b. *Draft Resolution for the Commission to Authorize the Purchase of One All-Terrain Vehicle by the LEC for the New York State Police.*

Summary: ***The motion was made by Mr. Romaine and seconded by Mr. Collins to approve the Draft Resolution for the purchase of one ATV for the N.Y. State Police Department Using Environmental Benefit Funds (attached). The motion was approved by a 5:0 vote.***

- c. *Draft Resolution to approve the Purchase of an ATV Trailer for the New York State Environmental Conservation Police using Environmental Benefit Funds*

Summary: ***The motion was made by Mr. Romaine and seconded by Mr. Collins to approve the Draft Resolution to approve the Purchase of an ATV Trailer for the New York State Environmental Conservation Police using Environmental Benefit Funds (attached). The motion was approved by a 5:0 vote.***

3. Land Use

Planning and Land Use

Project Review

Core Preservation Area

- a. *Dittmer decision on remittal for SCTM # 200-529-5-35 east side of CR21*

Summary: *Mr. Pavacic discussed the previously distributed Central Pine Barrens Joint Planning and Policy Commission Draft Resolution on Accepting the Written Decision on Remittal for the Henry Dittmer Core Preservation Area Extraordinary Hardship Application Yaphank, Town of Brookhaven, SCTM #200-529-5-35 (attached) and he read the resolution that states the document supports the Commission's previous written decision for the Dittmer property and that it is a Type II action pursuant to Article Eight of the State Environmental Conservation Law.*

The motion was made by Ms. Gallagher and seconded by Mr. Collins to approve the Draft Resolution on accepting the written decision on remittal for the Henry Dittmer Core Hardship application. The motion was approved by a 5:0 vote.

b. Equine Facility LLC Core Preservation Area Hardship Waiver application / Manorville / SCTM # 200-460-1-5 / SEQRA Lead Agency Status and Determination of Significance

Summary: Ms. Hargrave discussed the previously distributed Draft Resolution Designation of Lead Agency, Adoption of a Positive Declaration and Conducting EIS Scoping for the Equine Facility, LLC Core Preservation Area Hardship Waiver Application SCTM #: 200-460-1-5 (attached). She explained that it is a Type I action, on a 34 acre site, within the Core Preservation Area and it was noted that today's action is for the Commission to declare lead agency and to adopt a positive declaration.

The motion was made by Mr. Dale and seconded by Ms. Jens-Smith to approve the Draft Resolution for the Equine Facility, LLC Core Preservation Area Hardship Waiver application SCTM # 200-460-1-5 (attached) and to adopt a positive declaration. The motion was approved by a 5:0 vote.

c. LIPA Riverhead Substation / SCTM#s 900-135-2-2 and 900-193-2-2 / Clearing in ROW

Summary: Ms. Hargrave provided background information related to the LIPA Riverhead Substation clearing in the ROW, noting that in 2017 PSEG had disturbed a previously restored two acre area in the LIPA ROW. The restoration occurred in 2008 as a result of a substation expansion. Ms. Lara Ubat, representing PSEG, stated she was present at today's meeting to answer any questions.

Ms. Hargrave explained that a Notice of Violation (NOV) was issued to PSEG, a settlement agreement was reached and that the terms of the agreement included that PSEG would place a conservation easement on a 1.2 acre parcel of LIPA property located in the Core and that they would submit a check to the Commission in the amount of \$25,000 that would be used to fund future ecological restoration projects.

Mr. Romaine stated that the disturbance was a result of metal poles being installed by LIPA and Mrs. Hargrave noted that PSEG submitted to the Commission information related to the new poles being installed.

The motion was made by Mr. Dale and seconded by Ms. Jens-Smith to approve the Draft Resolution to Resolve Violation associated with the PSEG Long Island Riverhead Substation (attached). The motion was approved by a 4:0:1 vote, with Mr. Romaine abstaining.

d. 1600 Middle Country Road (formerly McDonald's) Request for Determination of Jurisdiction for family style restaurant / Ridge /SCTM # 200-351-3-1.1

Summary: Ms. Hargrave discussed the request for a determination of jurisdiction for the property located at 1600 Middle Country Road. She noted that the proposed use is the same as it was for the prior tenant, which is a restaurant and that the request includes a few minor changes to an existing cleared area. The request was deemed nondevelopment and the owner will be notified in writing.

e. Ingrid Schmelzer Core Preservation Area Hardship Waiver application to build a single family home/ .27 acres / South River Road / Calverton /SCTM # 200-270-2-33.3

Summary: Ms. Gallagher noted that the Ingrid Schmelzer Core Preservation Hardship Waiver was on today's agenda to schedule a public hearing.

The motion was made by Mr. Collins and seconded by Mr. Romaine to schedule the Ingrid Schmelzer Core Hardship Waiver Application public hearing for June 20, 2018 at 3:00 p.m. at Riverhead Town Hall. The motion was approved by a 5:0 vote.

- f. *Mr. Kazel Request for Determination of Jurisdiction to Retain Two Storage Trailers on Property / Annie's Acres / Manorville / SCTM# 600-146-2-8.4*
Summary: Ms. Hargrave discussed the request for a determination of jurisdiction in a letter dated, May 4, 2018 from Ms. Keri Kazel (attached) and she noted that the request is for the Commission to allow Mr. Stanley Kazel, to keep two trailers on his property for agricultural use.

Mr. Kazel, owner of Annie's Acres explained that he was not aware that the two trailers on his property were illegal. He asked the Commission to allow the trailers to remain on his property under the condition that the contents be removed and the trailers would be used only for agricultural storage. Mr. Kazel noted that the trailers have been on the property site for approximately 18 years. It was noted that there is a history of litigation related to the parcel and that the Commission's written response to Mr. Kazel's request would be sent to his attorney soon after the next Commission meeting. This item was held over to the next Commission meeting

Compatible Growth Area

- g. *West Hills Town Homes at Manorville Cluster Plan / SEQRA Lead Agency Coordination / Manorville / SCTM #s: 200-590-1-4, 5, 6 & 200-590-5-7 & 200-676-1-44*

Summary: Ms. Hargrave discussed the Brookhaven Town request for lead agency status pertaining to the West Hills Town Homes at Manorville Cluster Plan and the attached draft response letter dated May 16, 2018. The letter states that the Commission does not object to the Brookhaven Town Board assuming Lead Agency and that the project site is in the CGA. It was noted by the Commission members that the response letter could be sent.

- h. *7 Eleven Middle Island Site Plan / Referral / Middle Island / SCTM #s: 200-378-2-37.2 & 200-403-1-2.1 & 2.3 / Draft response*

Summary: Ms. Hargrave explained that on August 16, 2017 the Commission granted a CGA Hardship Waiver for the 7 Eleven in Middle Island and that she received a referral and site plan pertaining to the project. It was noted by the Commission members that the response letter dated May 16, 2018 (attached) could be sent.

- i. *Suffolk County's Proposed Road Improvements to CR21 – Yaphank – Middle Island Road from Longwood Middle School to NYS Route 25, Town of Brookhaven*

Summary: Ms. Hargrave discussed the Suffolk County's proposed road improvements to CR 21- Yaphank – Middle Island Road from Longwood Middle School to NYS Route 25, Town of Brookhaven (attached) and she explained that the request requires a written response to be drafted. Mr. Romaine discussed the status of cleared property located on the west side of CR 21 and he noted that the trees removed as a result of the road improvements to CR 21 could be repopulated at the cleared property. A discussion ensued pertaining to restoration criteria that should be included in the Commission's comments and the specified time frame for comments to be made. This item was held over to the next Commission meeting.

At this point in the meeting Ms. Gallagher decided to enter into a closed advisory session since the stenographer for the public hearing was not yet present.

The motion was made by Mr. Dale and seconded by Ms. Jens-Smith to move into a closed advisory session. The motion was approved by a 5:0 vote.

The motion was made by Mr. Romaine and seconded by Ms. Jens-Smith to return to public session. The motion was approved by a 5:0 vote.

4. Public Hearing

- a. *Equine Facility LLC / Letter of Interpretation Credit appeal / Manorville/ SCTM# 200-460-1-5*

Summary: A separate stenographic transcript exists for this hearing.

The motion was made by Mr. Romaine and seconded by Mr. Dale to adopt, as a goal, a decision to be made by the July Commission meeting. The motion was approved by a 5:0 vote.

- b. *Equine Facility LLC Core Preservation Area Hardship Waiver application SCTM # 200-560-1-5*

Summary: A separate stenographic transcript exists for this hearing.

The motion was made by Mr. Romaine and seconded by Mr. Dale to hold the public meeting open until receipt of the final impact statement from the Applicant and to adjourn the hearing until the August Commission meeting, with a decision deadline extended until October. The motion was approved by a 5:0 vote.

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

The meeting ended at approximately 5:10 pm.

Attachments (in order of discussion)

1. May 16, 2018 Commission Meeting Sign in Sheet (1 pages).
2. Draft Commission meeting summary for April 18, 2018 (4 pages)
3. Final Approved Commission meeting summary for April 18, 2018 (4 pages)
4. 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 16, 2018 (1 page)
5. Final Approved 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 16, 2018 (1 page)
6. Draft Resolution for the Commission to Authorize the Purchase of One All-Terrain Vehicle by the Law Enforcement Council for the Suffolk County Police Department, dated May 16, 2018 (1 page)
7. Final Approved Draft Resolution for the Commission to Authorize the Purchase of One All-Terrain Vehicle by the Law Enforcement Council for the Suffolk County Police Department, dated May 16, 2018 (1 page)
8. Draft Resolution for the Commission to Authorize the Purchase of One All-Terrain Vehicle by the Law Enforcement Council for the New York State Police, dated May 16, 2018 (1 page)
9. Final Approved Resolution for the Commission to Authorize the Purchase of One All-Terrain Vehicle by the Law Enforcement Council for the New York State Police, dated May 16, 2018 (1 page)
10. Draft Resolution for the Commission to Authorize the Purchase of One All-Terrain Vehicle Trailer by the Law Enforcement Council for the New York State Environmental Conservation Police, date May 16, 2018 (1 page)
11. Final Approved Resolution for the Commission to Authorize the Purchase of One All-Terrain Vehicle Trailer by the Law Enforcement Council for the New York State Environmental Conservation Police, date May 16, 2018 (1 page)
12. Draft Resolution Designation of Lead Agency, Adoption of a Positive Declaration and Conducting EIS Scoping for the Equine Facility, LLC Core Preservation Area Hardship Waiver Application SCTM #: 200-460-1-5, dated May 16, 2018 (1 page)
13. Final Approved Designation of Lead Agency, Adoption of a Positive Declaration and Conducting EIS Scoping for the Equine Facility, LLC Core Preservation Area Hardship Waiver Application SCTM #: 200-460-1-5, dated May 16, 2018 (1 page)
14. Equine Facility, LLC Core Preservation Area Hardship Waiver Application May 16, 2018 (17 pages)
15. Draft Resolution to Resolve Violation associated with the PSEG Long Island Riverhead Substation, dated May 16, 2018 (2 pages)

16. Final Approved Resolution to Resolve Violation associated with the PSEG Long Island Riverhead Substation, dated May 16, 2018 (2 pages)
17. Draft Resolution Schedule a Public Hearing Ingrid Schmelzer Core Preservation Area Hardship Waiver Application SCTM # 200-270-2-33.3 South River Road, Calverton, Town of Brookhaven, dated May 16, 2018 (1 page)
18. Final Approved Resolution Schedule a Public Hearing Ingrid Schmelzer Core Preservation Area Hardship Waiver Application SCTM # 200-270-2-33.3 South River Road, Calverton, Town of Brookhaven, dated May 16, 2018 (1 page)
19. Letter dated from Ms. Keri Kazel Re: Request for the Commission to allow Mr. Stanley Kazel to keep two trailers on his property for agricultural use, dated May 4, 2018 (4 pages)
20. Staff response letter to Mr. Michael Albano, Town of Brookhaven Re: SEQRA Lead Agency Coordination at West Hills Town Homes, Manorville Town Log #2018-002-PS SCTM #s 200-590-1-4, 5, 6; 200-590-5-7 and 200-676-1-44 & 45 CGA, dated May 16, 2018 (35 pages)
21. Draft letter to Brookhaven Town, dated May 16, 2018 Re: Referral – 7-Eleven, Middle Island Site Plan R.N. Middle Island, LLC; Town Log # 18SP0021 SCTM # 200-378-2-37.2 and 200-403-1-2.1 and 2.3 Compatible Growth Area of the Central Pine Barrens (28 pages)



**Central Pine Barrens Commission Meeting Summary
For Wednesday, June 20, 2018 (Final Approved 7/18/18)
Riverhead Town Hall
200 Howell Avenue
Riverhead, NY
2:00 pm**

Commission members present: Ms. Meek Gallagher (for New York State) Mr. Romaine and Ms. Pines (for Brookhaven), Ms. Jens-Smith (for Riverhead), Mr. Collins and Mr. Shea (for Southampton) and Ms. Longo and Mr. Dale (for Suffolk County)

Others present: Commission and other agency staff members included Mr. Pavacic, Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Ms. Weigand, Mr. Mazzi, Mr. Lewis, Mr. Huss, Mr. Tverdyy, Ms. Parrott, 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 5/16/18 review, approval

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Dale to approve the 5/16/18 meeting summary. The motion was approved by a 5:0 vote.**

2. Science and Stewardship

a. Education and Outreach

Summary: Ms. Parrott discussed the Education and Outreach Division Update for June 20th (attached) and items from the report that she highlighted included, spring programs resulted in approximately 400 students and teachers being reached and the Barrens to Bay Summer Camp is in its seventh year and the program runs for eight weeks starting this week at Wertheim National Wildlife Refuge. Ms. Parrott stated that the 11th Annual Pine Barrens Discovery Day is scheduled for Saturday, September 15th at Wertheim National Wildlife Refuge with ten fun-shop presentations. She noted that she represented the Commission with opening remarks at the Brookhaven National Laboratory's Open Space Stewardship Program Student Science Celebration. Additional items that Ms. Parrott reported on included, on June 5th she attended the Cold Spring Harbor Barcode Long Island Student Symposium and she mentioned that four teacher training sessions were held in preparation for the 2018 "A Day in the Life programs".

b. Science and Stewardship

Summary: Ms. Weigand discussed the Science and Stewardship Division update, June 20, 2018 (attached). She discussed highlights from the report including, a candidate for the Ecologist position has been selected and recommended to the SCWA Board to hire, the status of summer interns with one being selected for hire and two candidates that are being considered, the recent N.Y. State Department of Environmental Conservation (NYSDEC) aerial recognizance flights and that the collected data is currently being analyzed. The Southern Pine Beetle (SPB) has spread further into areas such as Robert Cushman Murphy County Park and Manorville Hills. Ms. Weigand discussed the Pitch Pine planting restoration event that occurred at Hubbard County Park on May 3rd and she noted that at the event over 30 volunteers planted 300 pitch pine

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seedlings, there was extensive press coverage and there was also a demonstration of SPB suppression with a chain saw.

Other items from her report that Ms. Weigand discussed included, the status of the Ecological Services contract and prescribed burn plans for Pine Meadows County Park and Rocky Point State Forest, the Commission has been allocated \$250,000 per year for the next five years to create and implement a prescribed fire program for NYSDEC owned land, staff participated in a learning exchange program sponsored by the North Atlantic Fire Science Exchange (NAFSE) and in May staff traveled to New Jersey and in June participants from New Jersey visited Long Island.

Ms. Weigand discussed other science and stewardship activities including, staff attends the L.I. Invasive Species Management Area meetings and a current focus is on the threat of the Spotted Lantern fly originating from Pennsylvania. She mentioned the USGS Water Quality Monitoring program that the Commission is funding and water testing and monitoring that has occurred under this program. There was a two day tour of the Central Pine Barrens hosted by BNL and the Commission to explore potential future research projects with SUNY ESF. Ms. Weigand noted that the Sand Plain Grassland Network Management report was finalized and it is published on the network website which contains information compiled on current and established research to identify threats to grasslands from Long Island to Maine. Ms. Weigand noted that the Ray Corwin Trail Opening Celebration was held on April 28th at the NYSDEC Lustgarten Trailhead that was well attended with dignitaries, agencies, land managers and the press which made it a very successful event.

3. Land Use Planning and Land Use

a. Compliance and Enforcement Division

Summary: Mr. Huss discussed the previously distributed CAED Highlights for 1/1/18-6/12/18 (attached) and items he discussed included, 16 incidents have been reported to date, the clearing violation case located at Ashton Road has been settled and he noted there are plans for restoration. The Commission received \$10,000 penalty payment for the violation and it was noted that a report will be sent to Mr. Romaine with information pertaining to that restoration. Mr. Huss reported that the Division is working on six open dumping violations with the assistance of the LEC, the Commission has purchased two ATVs and a UTV which are now being utilized for patrols, the third phase of code enforcement training has been completed and that the Division assists with every event including the recent Ray Corwin Trail opening and the pitch pine planting event.

b. Land Use Division

Summary: Ms. Hargrave discussed the previously distributed Land Use Division Bi-Monthly Update for the Meeting of June 20, 2018 (attached) and highlights from the report that Ms. Hargrave reported on included, there are no pending hardship waiver requests, the last two hardship waiver requests were withdrawn which were for the Equine Facility, LLC and Ingrid Schmelzer. She mentioned that two referrals are on today's agenda. Ms. Hargrave then provided an overview of the successful removal of Phragmites along the shoreline of Deep Pond at Camp Wauwepex and explained the process involved in the hand removal of the Phragmites. She noted this was a Commission recommendation that was achieved over a two year period with excellent results and no return of the invasive plant. Ms. Hargrave mentioned the Lewis Road PRD that is a subdivision consisting of 519 acres in Southampton.

c. Peconic Estuary Program

Summary: Ms. Hargrave reported that Commission staff attended two Peconic Estuary Program (PEP) meetings on May 24th in Peconic and then on May 29th in Hampton Bays. She explained that PEP is in the process of updating

the Comprehensive Conservation and Management Plan that was written in 2001 and covers many thousands of acres overlapping with the Pine Barrens and other jurisdictions and she mentioned that this is the first update since the plan was written. The management plan update would be a collaborative effort and Ms. Hargrave discussed the draft letter to Dr. Joyce Novak, PEP Program Director, dated June 20, 2018 (attached) prepared by Commission staff. The management plan update would cover four main areas including water quality, habitat and living resources, climate change and resiliency and public engagement such as in financing, implementation, environmental justice and citizen science.

Project Review Core Preservation Area

- d. Equine Facility LLC Core Preservation Area Hardship Waiver application / Manorville / SCTM # 200-460-1-5 / public hearing held on 5/16/18
Summary: Ms. Hargrave reported that the Equine Facility LLC Core Area Hardship Waiver Applicant made a request to withdraw their application in the attached letter, dated May 24, 2018.

The motion was made by Mr. Romaine and seconded by Mr. Collins to approve the withdrawal of the Equine Facility LLC Core Hardship Waiver application. The motion was approved by a 5:0 vote.

- e. Ingrid Schmelzer Core Preservation Area Hardship Waiver application to build a single family home / 0.27 acres / South River Road / Calverton / SCTM # 200-270-2-33.3

Summary: Ms. Hargrave reported that the applicant, Ingrid Schmelzer has made a request to withdraw their application in the attached letter, dated June 4, 2018.

The motion was made by Mr. Romaine and seconded by Mr. Collins to approve the withdrawal of the Ingrid Schmelzer Core Hardship Waiver application. The motion was approved by a 5:0 vote.

- f. Mr. Kazel Request for Determination of Jurisdiction to Retain Two Storage Trailers on Property / Annie's Acres / Manorville / SCTM # 600-146-2-8.4

Summary: Ms. Hargrave discussed the letter dated, June 12, 2018 that was received from Ms. Keri Kazel, representing Mr. Stanley Kazel, explaining the status of the storage trailers on his property and that Mr. Kazel is working with the Town of Riverhead to legalize the two existing trailers on his property. Ms. Hargrave explained that Mr. Kazel is obtaining an updated survey of the 36 acre property and will go before the Town Zoning Board of Appeals (ZBA). It was noted that the process could take up to 10 weeks and once the process has been completed Mr. Kazel will notify the Commission.

- g. 30 South River Road Request for Determination of Jurisdiction for Septic OWTS Upgrade / Calverton / SCTM # 200-270-3-2

Summary: Ms. Hargrave discussed the 30 South River Road request for a determination of jurisdiction for a septic system upgrade as stated in a letter dated June 4, 2018, received from Mr. David Rhoades, representing TF Engineering. She explained the request is to replace the outdated septic system for an existing residence in the Core Preservation Area with an I/A OWTS Septic System. It was noted that the Commission considers the request nondevelopment and that staff will prepare a letter to inform Mr. Rhoades.

Compatible Growth Area

- h. Suffolk County's Proposed Road Improvements to CR21 - Yaphank-Middle Island Road from Longwood Middle School to NYS Route 25, Town of Brookhaven

Summary: Ms. Gallagher mentioned that staff drafted a letter to Mr. William Hillman at Suffolk County Department of Public Works, dated June 20, 2018 (attached) and she noted that at the May 16th Commission meeting the Commission decided to send additional comments on the proposed road improvement to CR21.

The motion was made by Mr. Romaine and seconded by Ms. Jens-Smith to approve sending the draft letter with the Commission's comments to the Department of Public Works. The motion was approved by a 5:0 vote.

- i. East End Day Care Site Plan / SEQRA Lead Agency Coordination / revegetation plan for over clearing / Weeks Avenue / Manorville / SCTM # 200-558-2-17 / approve draft response letter

Summary: Ms. Hargrave noted a draft letter, dated June 20, 2018 to the Town of Brookhaven Division of Environmental Protection (attached) was prepared in response to the Town's request for SEQRA Lead Agency Coordination for East End Day Care on Weeks Avenue in Manorville. The letter states the Commission does not object to the Town Planning Board acting as Lead Agency.

The motion was made by Mr. Romaine and seconded by Mr. Dale to approve sending the draft response letter. The motion was approved by a 5:0 vote.

- j. North Dunton Avenue Site Plan/SEQRA Lead Agency Coordination/ Medford / SCTM # 200-576-1-4, 200-608-1-1, 200-608-2-1

Summary: Ms. Hargrave discussed the previously distributed draft letter dated, June 20, 2018 to Brookhaven Town Planning Division and she noted that the letter is a response to a request for SEQRA Lead Agency Coordination. The draft letter states that the Commission does not object to the Town Board acting as Lead Agency for the North Dunton Avenue plan to develop a 6,000 square foot one-story industrial storage facility and parking. Ms. Hargrave noted that the project proposes to donate more than 11 acres to the Town.

The motion was made by Mr. Romaine and seconded by Mr. Collins to approve sending the draft response letter. The motion was approved by a 5:0 vote.

4. Pine Barrens Credit Program

- a. Credit Program

Summary: Mr. Tverdy discussed the previously distributed the table "Easement Protected Lands and Pine Barrens Credits As of June 12, 2018" (attached) and the items he highlighted included, 0.7 Credits were generated, 7 parcels were added, 34.44 Credits were redeemed and 18.89 Credits were sold. He noted that the average price of a Credit was \$80,000, the Clearinghouse bank account with the Suffolk County Comptroller contains \$2.5 million and the interest earned totaled \$4,232.41. There were no disbursements.

- b. Draft resolution to approve holding an auction to sell 10.19 PBCs purchased by the Clearinghouse and to set parameters for the sale of the Credits

Summary: Mr. Tverdy discussed the previously distributed letter to the Commission, dated May 16, 2018 (attached) regarding the Clearinghouse Board's intention to hold a reverse auction for selling the 10.19 Pine Barrens Credits (PBCs) the Clearinghouse owns. He noted that the 10.19 Credits were generated in the Town of Brookhaven and they were purchased in 2011 with \$903,300 from Clearinghouse funds. Mr. Tverdy discussed that the Clearinghouse Board Members established conditions for holding the auction that are included in the letter including, buyers must have an approved development project requiring Credits, Credits sold by the Clearinghouse must be redeemed by the buyer, a timeframe for accepting bids and closing must be set, and revenue from the sale must be deposited back into the Clearinghouse

fund held by the County Treasurer. Mr. Tverdy discussed the Draft Resolution of the Commission to Establish Parameters for and Authorize Sale of Pine Barrens Credits Held by the Commission, dated June 20, 2018 (attached) and he noted that the resolution contains the Clearinghouse Board parameters for holding the auction. Mr. Tverdy explained that the Buyer must redeem the purchased Credit within one year from the date it was purchased. Additional points Mr. Tverdy discussed included, the purpose of the auction is to promote the redemption of Credits and the minimum bid price would start at \$88,000 since this was the median price per Credit paid by the Clearinghouse in 2011.

The motion was made by Mr. Romaine to approve the Draft Resolution to establish parameters and to authorize sale of PBCs.

Ms. Jens-Smith noted that perhaps some Credits could be sold for less than \$88,000 since not all of the 2011 Credits purchase by the Clearinghouse cost \$88,000 and a discussion ensued pertaining to the current market value for Credits.

The motion made by Mr. Romaine was seconded by Mr. Dale to approve the Draft Resolution of the Commission to Establish Parameters for and authorize Sale of Pine Barrens Credits Held by the Commission. The motion was approved by a 5:0 vote.

5. Public Hearing

- a. *Ingrid Schmelzer Core Preservation Area Hardship Waiver application to build a single family home / 0.27 acres / South River Road / Calverton / SCTM # 200-270-2-33.3*
Summary: It was noted that the public hearing was cancelled.

6. Public Comment

Summary: There were no public comments.

The motion was made by Mr. Romaine and seconded by Mr. Collins 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 3:00 pm.

Attachments (in order of discussion)

1. June 20, 2018 Commission Meeting Sign in Sheet (3 pages)
2. Draft Commission meeting summary for May 16, 2018 (6 pages)
3. Final Approved Commission meeting summary for May 16, 2018 (6 pages)
3. Education and Outreach Division Update for June 20, 2018 (2 pages)
4. Science and Stewardship Division update dated, June 20, 2018 (23 pages)
5. CAED Highlights 1/1/18 – 6/12/18 (3 pages)
6. Land Use Division Bi-Monthly Update for the meeting of June 20, 2018 (1 page)
7. Draft letter from Commission staff to the Dr. Joyce Novak, PEP Program Director dated June 20, 2018 (12 pages)
8. Letter from Armand Eagan, Equine Facilities Applicant to the Commission re: request to withdraw the application, dated May 24, 2018 (1 page)
9. Letter from Ingrid Schmelzer to the Commission Re: request to withdraw Hardship Waiver Application, dated June 4, 2018 (1page)
10. Letter from Keri Kazel, Representing Stanley Kazel to the Commission Re: legalization of two trailer on his property, dated June 12, 2018 (4 pages)
11. Letter from David Rhoades, P.E. to the Commission re: request for a determination of jurisdiction to replace septic system at 30 South River Drive, Calverton, dated June 4, 2018 (3 pages)
12. Draft letter to Mr. William Hillman, P.E., from Commission staff, dated June 20, 2018 Re: Referral Proposed Road Improvements to CR21, Yaphank-Middle Island Road from Longwood Middle School to NYS Route 25, Town of Brookhaven (1 page)
13. Draft letter to the Town of Brookhaven Division of Environmental Protection from Commission staff,

- dated June 20, 2018 Re: SEQRA Lead Agency Coordination East End Day Care, Weeks Avenue, Manorville (26 pages)
14. Draft Letter to Town of Brookhaven Planning from Commission staff, dated June 20, 2018 Re: SEQRA Lead Agency Coordination North Dunton Avenue. (13 pages)
 15. Easement Protected Lands and Pine Barrens Credits As of June 12, 2018 and Suffolk County Comptroller's Office Credit Program statement for May 31, 2018 (2 pages)
 16. Letter to the Commission from the Credit Clearinghouse Board, dated May 16, 2018 Re: Reverse Auction for Selling Pine barrens Credits. (1page)
 17. Draft Resolution of the Commission to Establish Parameters for and Authorize Sale of Pine Barrens Credits Held by the Commission, dated June 20, 2018 (1 page)
 18. Final Approved Resolution of the Commission to Establish Parameters for and Authorize Sale of Pine Barrens Credits Held by the Commission, dated June 20, 2018 (1 page)



**Central Pine Barrens Commission Meeting Summary
For Wednesday, July 18, 2018 (Final Approved-8/15/18)
Riverhead Town Hall
200 Howell Avenue
Riverhead, NY
2:00 pm**

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

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

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

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 6/20/18 review, approval

Summary: **The motion was made by Mr. Romaine and seconded by Ms. Jens-Smith to approve the 6/20/18 meeting summary. The motion was approved by a 4:0 vote.**

c. 2018-2019 Commission Budget

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Collins to approve the Draft Resolution Authorizing New Agreement with New York State Department of Environmental Conservation and Approving Attachment B-1 Budget Plan for State Fiscal Year 2018-2019 Pursuant to Agreement with the New York State Department of Environmental Conservation. The motion was approved by a 4:0 vote.**

2. Science and Stewardship

a. Ridge-Manorville-Calverton Community Wildfire Protection Plan-implementation of Plan's action items.

Summary: Ms. Jakobsen reported on action items related to the CWPP work including, the upcoming Firewise workshop to be taught by an instructor from NFPA which is scheduled for Saturday, August 25th at the Ridge Fire Department. The workshop will be open to residents living within the CWPP area. She noted that the workshop is being funded through a wildfire hazard mitigation grant received from the USDA Forest Fire Service and that some of the funds from the same grant will be applied to performing wildfire prevention home assessments. Ms. Jakobsen stated that she has completed 18 wildfire prevention home assessments to date and she distributed copies of an assessment that was prepared for a residence in Ridge.

3. Land Use

Planning and Land Use

a. Coordination with the Suffolk County Department of Health Services on permitting onsite wastewater treatment systems

Summary: Ms. Hargrave explained that at the last Commission meeting the Commission instructed staff to prepare a draft letter to send to the S.C. Department of Health Services related to the installation of alternative septic

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systems that would be considered nondevelopment. A copy of the draft letter was provided to the Commission members for their approval.

The motion was made by Mr. Romaine and seconded by Mr. Dale to approve sending the draft letter related to the proposed septic system installation, considered by the Commission to be nondevelopment, The motion was approved by a 4:0 vote.

Project Review Core Preservation Area

- b. Mr. Kazel Request for Determination of Jurisdiction to Retain Two Storage Trailer on Property / Annie's Acres / Manorivelle / SCTM# 600-246-2-8.4 / draft response letter

Summary: Ms. Hargrave reported that the Commission received a letter dated July 26th from Ms. Keri Kazel, the property owner's representative concerning Mr. Kazel's request for a determination of jurisdiction for the two trailers located on the property to be deemed nondevelopment. She explained that staff prepared the attached draft letter dated, July 18th which requests the applicant to submit a detailed written description of the agricultural use on the property.

The motion was made by Mr. Romaine and seconded by Mr. Collins to approve sending the attached draft letter which requests the Applicant to submit a detailed written description of the agricultural use on the property. The motion was approved by a 4:0 vote.

Compatible Growth Area

- c. East End Country Kitchens Site Plan / Calverton /SCTM# 600-137-1-11 / referral
Summary: Ms. Hargrave discussed the referral letter, dated July 9, 2018 from the Town of Riverhead Planning Department related to East End Country Kitchens and she explained that the letter states a hardship application may need to be submitted to the Commission since the site plan indicates there are over cleared areas. Ms. Hargrave noted that if the Town resolves the over clearing issue there would be no need for further Commission review.

The motion was made by Mr. Romaine and seconded by Mr. Collins to approve sending a letter to the Town identifying the clearing issue and provided this issue could be resolved through the Site Plan process for this CGA standard, the application could then move forward. Otherwise, the applicant would need to come back to the Commission for relief. The motion was approved by a 4:0 vote.

- d. Sun River Town Homes at Manorville / Manorville / SCTM# 200-676-1-11 / referral
Summary: Ms Hargrave discussed the previously distributed draft letter, dated July 18th to the Town of Brookhaven Town Clerk (attached) and she explained that the draft letter prepared by staff contains comments about the project and conformance to the standards of the CLUP.

The motion was made by Mr. Romaine and seconded by Mr. Dale to approve sending the draft letter to the Town Clerk which includes the Commission's comments related to the proposed Sun River Town Homes project in Manorville. The motion was approved by a 4:0 vote.

- e. Simon Andriychuk and Viktoriya Andriychuk 74 Deck Street site plan / Flanders/ SCTM# 900-142-2-14 referral / draft response / approve sending draft response letter

Summary: Ms. Hargrave discussed the attached referral letter, dated June 28th from Southampton Town related to a proposed second story addition at 74 Deck Street in Flanders and she noted staff prepared the attached draft letter, dated

July 18th informing the Town that the site is within the CGA and the project is considered to be nondevelopment.

The motion was made by Mr. Romaine and seconded by Ms. Jens-Smith to approve sending the draft letter indicating that the proposed second story addition to the residence a 74 Deck Street is considered to be nondevelopment. The motion was approved by a 4:0 vote.

- f. 7 Eleven Middle Island Site Plan / Referral / Middle Island / SCTM#s: 200-378-2-37.2 & 200-403-1-2.1 & 2.3 / draft response letter

Summary: Ms. Hargrave discussed the 7 Eleven Middle Island hardship waiver that was approved in 2017 with conditions related to the installation of signage and she noted that a letter dated June 11, 2018 was received from High Point Engineering that included a site plan for the signs. Ms. Hargrave further noted that staff prepared a draft letter to Mr. Bittner at High Point Engineering, dated July 18th (attached) with suggestions on the signage proposed.

The motion was made by Mr. Romaine and seconded by Mr. Collins to approve sending the draft letter to Mr. Bittner with suggestions on how to proceed with plans for signs at the 7 Eleven located in Middle Island. The motion was approved by a 4:0 vote.

Compatible Growth Area and Critical Resource Area

- g. Peconic Baykeeper CGA / CRA hardship application for conversion of 1,865 sq. ft. residence into a headquarters with existing 377 sq ft garage for a storage area and to formalize parking / 167 Upper Red Creed Road / Hampton Bays / SCTM# 900-151-1-6.2

Summary: Ms. Hargrave discussed the previously distributed Peconic Baykeeper CGA / CRA hardship application, dated June 18, 2018 (attached). She identified issues related to the application including, the project site contains habitat for the Eastern mud turtle, an endangered species and the site plan indicates 0.1 percent clearing over the allowed site clearing limit for a parking lot which possibly could be avoided by reconfiguring the parking to alleviate the need for a hardship. Ms. Hargrave noted a public hearing needs to be scheduled since the project site is within a CRA.

The motion was made by Mr. Romaine and seconded by Mr. Collins to schedule a public hearing for the Peconic Baykeeper CGA / CRA hardship waiver application for 3:00 pm on Wednesday, August 15th. The motion was approved by a 4:0 vote.

Ms. Pat Perez who is representing the applicant reported that the surveyor is reworking the plans for the parking lot to avoid clearing of vegetation and it was noted that the applicant will appear for the public hearing.

4. Pine Barrens Credit Program

- a. Equine Facility LLC / Letter of Interpretation (LOI) Credit appeal / Manorville / SCTM# 200-460-1-5 / public hearing held on May 16, 2018 decision

Summary: Mr. Tverdyy distributed copies of the Central Pine Barrens Joint Planning and Policy Commission Draft Resolution on Accepting the Written Decision on the Letter of Interpretation Appeal of Equine Facility LLC for Suffolk County Tax Map Number 200-460-1-5 (attached).

The motion was made by Mr. Romaine and seconded by Mr. Dale to approve the Draft Resolution on Accepting the Written Decision on the LOI appeal of Equine Facility LLC for SCTM# 200-460-1-5. The motion was approved by a 4:0 vote.

- b. Edwin and Patricia Tuccio Mini Storage Facility Conservation Easement / Westhampton Beach / SCTM# 900-248-1-110.4 /approve easement

Summary: Mr. Tverdy distributed the Tuccio property Conservation Easement and Commission Draft Resolution on Approving the Conservation Easement for the Tuccio Property SCTM# 900-248-1-110.004 (attached).

The motion was made by Mr. Romaine to approve the Draft Resolution on approving the Conservation Easement for Tuccio Property SCTM# 900-248-1-110.004.

Mr. Milazzo explained that the Tuccio property conservation easement includes language allowing certain uses for buildings and other structures at the site with the condition that no expansions, increases or disturbances can occur. Other conditions of the conservation easement that Mr. Milazzo discussed included that fencing and signage would be installed to prevent any further encroachments.

The motion made by Mr. Romaine was seconded by Mr. Collins to approve the Commission Draft Resolution on Approving the Conservation Easement for the Tuccio Property SCTM# 900-248-1-110.004. The motion was approved by a 4:0 vote.

6. Public Comment

Summary: Ms. Hargrave introduced Mr. Rory Prentis who is a new intern working with the Planning and Land Use Division and she mentioned that Mr. Prentis has been working on mapping historic and scenic resources within the Pine Barrens and visiting development project sites along with other land use activities.

The motion was made by Mr. Romaine and seconded by Mr. Dale 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 4:0 vote.

The meeting ended at approximately 2:40 pm.

Attachments (in order of discussion)

1. July 18, 2018 Commission Meeting Sign in Sheet (1 pages).
2. Draft Commission meeting summary for June 20, 2018 (6 pages)
3. Final Approved Commission meeting summary for June 20, 2018 (6 pages)
4. Draft Resolution Authorizing New Agreement with New York State Department of Environmental Conservation and Approving Attachment B-1 Budget Plan for State Fiscal Year 2018-2019 Pursuant to Agreement with the New York State Department of Environmental Conservation, dated July 18, 2018 (1 page)
5. Final Approved Resolution Authorizing New Agreement with New York State Department of Environmental Conservation and Approving Attachment B-1 Budget Plan for State Fiscal Year 2018-2019 Pursuant to Agreement with the New York State Department of Environmental Conservation, dated July 18, 2018 (1 page)
6. Memo from Mr. Pavacic to the Commission members re: State Fiscal Year 2018-2019 CPB Commission Budget Overview & Highlights, dated July 12, 2018 (12 pages)
7. Draft letter from staff dated, July 18th to the S.C. Department of Health Services related to a proposed septic system installation (3 pages)
8. Draft letter from staff to Ms. Keri Kazel re: Annie's Acres, Manorville, Town of Riverhead SCTM # 600-146-2-8.4, Core Preservation Area of the Central Pine Barrens, dated July 18, 2018 (4 pages)
9. Referral letter from Riverhead Town to Ms. Hargrave re: East End Country Kitchens (SCTM#: 600-137-01-11), dated July 9, 2018 (17 pages)
10. Draft letter from staff to Ms. Donna Lent at Brookhaven Town Clerks office re: Sun River Town Homes, Manorville, Town Log # 2016-140-CZ SCTM # 200-676-1-9.9, 36, 37, 41.2; 200-715-2-2.1; 200-826-5-2, 3; 200-827-2-4.3, 4.5, 4.7, 11, 12.2, 13.2; 200-856-3-1; 200-752-1-2.5; 200-715-1-1 Compatible Growth Area of the Central Pine Barrens, dated July 18, 2018 (38 pages)

11. Draft letter from staff to Town of Southampton Zoning Board of Appeals Re: ZBA Referral: Simon Andriychuk and Viktoriya Andriychuk SCTM #: 900-142-2-14; Town Application # 1800072 74 Deck Street, Flanders, Town of Southampton Compatible Growth Area (CGA) of the Central Pine Barrens, dated July 18, 2018 (7 pages)
12. Draft letter from staff to Mr. David Bittner, High Point Engineering Re: Referral: R.N. Middle Island LLC (7- Eleven Middle Island) SCTM #s 200-403-1-2.1, 2.3 and 200-378-2-37.2 Compatible Growth Area of the Central Pine Barrens, dated July 18, 2018 (8 pages)
13. Draft Resolution on Accepting the Written Decision on the LOI appeal of Equine Facility LLC for SCTM# 200-460-1-5, dated July 18, 2018 (1 page)
14. Final Approved Resolution on Accepting the Written Decision on the LOI appeal of Equine Facility LLC for SCTM# 200-460-1-5, dated July 18, 2018 (1 page)
15. Peconic Baykeeper CGA / CRA hardship application for conversion of 1,865 sq. ft. residence into a headquarters with existing 377 sq ft garage for a storage area and to formalize parking / 167 Upper Red Creed Road / Hampton Bays / SCTM# 900-151-1-6.2, dated June 18, 2018 (41 pages)



**Central Pine Barrens Commission Meeting Summary
For Wednesday, August 15, 2018 (Final Approved 9/19/18)
Brookhaven Town Hall
One Independence Hill
Farmingdale, NY
2:00 pm**

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

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

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

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 7/18/18 review, approval

Summary: **The motion was made by Mr. Romaine and seconded by Ms. Jens-Smith to approve the 7/18/18 meeting summary. The motion was approved by a 4:0 vote.**

2. Science and Stewardship

a. New York Wildfire and Incident Management Academy

Summary: Ms Delligatti discussed the previously distributed NYWIMA Brochure and memo to the Commission Members and Representatives, dated August 14, 2018 on the upcoming Fall Fire Academy and she noted that this year's Academy training begins on October 19th and ends on October 29th with 22 classes being offered including two All-Hazard ICS classes. Additional items that Ms. Delligatti reported on included that the Academy will be held at Brookhaven National Laboratory (BNL) and the Suffolk County Fire Academy, a special S-130 Basic Wildland Firefighters training for volunteers will be held over two weekends and she discussed the Academy finances and total amount of funds that are currently in the Academy checking account.

Ms. Gallagher arrived to the meeting at approximately 2:10 p.m. and the meeting continued with Ms. Gallagher as Chair.

b. Science and Stewardship Division

Summary: Mr. Pavacic explained that Ms. Weigand, Science and Stewardship Division Program Manager was working in the field today with the summer interns and he noted that the previously distributed Science and Stewardship Division Update, dated August 15, 2018 includes, the status of the Commission's new Ecologist, the status of both the SPB and Oak wilt infestations, the prescribed fire five year program and other science and stewardship initiatives.

3. Land Use

Planning and Land Use

a. Compliance and Enforcement Division

Summary: Mr. Huss discussed the previously distributed CAED report for August 2018 (attached) and items from the report that he highlighted included,

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from January through August 2018 there were 20 incident reports, the press conference on dumping that was held in Middle Island on June 11, 2018, the CAED staff has completed three of five sessions of the Department of State, Code Enforcement training with the fourth and fifth sessions scheduled at the end of August and October and when completed the CAED staff will have certification in code enforcement. Mr. Huss briefly discussed the status of the case resulting from the CAED surveillance camera footage that captured the dumping of drums containing chemicals in Calverton as well as the pickup truck and suspects involved.

b. Land Use Division

Summary: Ms. Hargrave discussed the previously distributed Land Use Division Bi-monthly Update for the meeting of August 15, 2018 and she noted that the report includes the status of requests for determinations from Riverhead Town and the Peconic Baykeeper public hearing scheduled for today's meeting.

Project Review

Core Preservation Area

c. Mark Masi Request for Determination of Jurisdiction / 297 Old River Road / Calverton / SCTM# 600-146-3-4.3 / extending driveway to access the back and sides of property

Summary: Ms. Hargrave discussed the request for determination of jurisdiction she received from Mr. Mark Masi, President of Divine Designs In Carpeting Inc. (attached). She explained that Mr. Masi's property is located in Calverton and he wants to reconfigure his driveway which appears to be non-development.

cc. LIPA Riverhead Substation / SCTM3s: 900-135-2-2 and 900-193-7-2 / Clearing in ROW / Order on Consent

Summary: Mr. Pavacic discussed the previously distributed Draft Resolution to Approve Order on Consent and to Authorize Preparation and Execution of Conservation Easement in Regard to the Violation Associated with the LIPA Riverhead Substation (attached) and he noted that at a previous meeting the Commission directed staff to negotiate a settlement with LIPA on the violation that occurred at the Riverhead Substation project site and to draft the consent order that is before the Commission today. The terms of the settlement included, LIPA placing a conservation easement on the Core Preservation Area parcel they own and LIPA would make a payment to the Commission in the amount of \$25,000 to be used for future ecological restoration projects in the Central Pine Barrens.

The motion was made by Mr. Romaine to approve the Draft Resolution related to the violation at the LIPA, Riverhead Substation.

Mr. Collins asked if the conservation easement was a standard version and Mr. Milazzo explained that the language is based on the Commission's standard easement with a clause added that LIPA can not apply for Pine Barrens Credits, density transfers or transfer any other privileges off of the protected parcel. He stated that the conservation easement also includes wording that the Commission has the right to post signs indicating that the parcel is protected by a conservation easement.

The motion made by Mr. Romaine was seconded by Mr. Collins to approve the Draft Resolution to Approve Order on Consent and to Authorize Preparation and Execution of Conservation Easement in Regard to the Violation Associated with the LIPA Riverhead Substation. The motion was approved by a 5:0 vote.

Compatible Growth Area

- d. Venezia Square Request for Determination of Jurisdiction / south side of Route 25A Wading River / SCTM#s 600-73-1-1.4, 1.16, 1.17, 1.18, 1.19 / Development of shopping center for restaurants, retail and bank uses in 40,000 square feet of building and related site infrastructure on 6.34 acres / Determination

Summary: Ms Hargrave discussed the Venezia Square request for determination of jurisdiction and she noted that staff prepared the attached draft letter dated, August 15, 2018 to Mr. Charles Voorhis the Applicant's Representative. She explained that the proposal is the development of approximately 6.34 acres for a 40,000 square foot commercial shopping center and the project includes the construction of a new signalized intersection on Route 25A. Ms. Hargrave explained that a traffic study that was conducted in 2016, submitted by the Applicant was reviewed by staff and she noted that the project could possibly be a Development of Regional Significance (DRS). It was noted that the traffic study conducted in March would not reflect the same data if it was conducted during the fall months and the traffic study does not include a major intersection just 600 feet away to the east. The decision was made to rephrase the word "achieves" to "may achieve" in the paragraph under Development of Regional Significance on the second page of the draft letter.

The motion was made by Ms. Jens-Smith and seconded by Mr. Romaine to authorize staff to send the draft letter with edits to the Venezia Square Applicant. The motion was approved by a 5:0 vote.

Mr. Charles Voorhis, from Nelson, Pope & Voorhis, LLC who is the Applicant's representative explained that this project has been brought to the Town Planning Department and they requested information pertaining to the status of the project and if a hardship application is necessary. Mr. Voorhis discussed the status of the project being development and that the pending site plan needs to conform to the CLUP standards to avoid having to submit for a hardship waiver. He discussed the status of the traffic study and he noted that additional information can be submitted to Commission staff if necessary. Mr. Voorhis displayed a project site plan and he discussed the status of vegetation on the parcels since the 1980's. He explained that the site plan was designed to retain 35 percent of the natural vegetation and that he was present at today's meeting to inquire if a hardship application is necessary for this project. Mr. Amper expressed his concerns pertaining to the nature of today's discussion with Mr. Voorhis.

Mr. Milazzo explained the aspects of the application that are of major concern to the Commission related to the amount of natural vegetation on the site plan needs to be clarified and that the 2016 traffic study submitted by the applicant was inconclusive. It was noted that staff had prepared a draft letter that would be sent to the Applicant explaining the need for more information related to the traffic analysis and the percentage of natural vegetation on the site plan.

- e. Whispering Hills Referral / north side of East Main Street / Yaphank / SCTM#s 200-613-1-20.2 & 200-614-1-1.5 / Development of 32 lot subdivision on 38.24 acres

Summary: Ms. Hargrave discussed the status of the Whispering Hills referral from the Town of Brookhaven that is a 32 acre lot subdivision in Yaphank and she noted that the project has been in litigation and additional information about the status of vegetation at the property is needed before staff can make recommendations. She discussed a draft letter to the Town Planning Department, dated August 15, 2018 (attached) that was prepared by staff and the letter states that the proposal must conform to the standards for land use in Chapter 5 of the Plan or a hardship waiver application would be necessary.

The motion was made by Mr. Romaine and seconded by Mr. Collins to authorize staff to send the draft letter to the Town pertaining to the Whispering Hills referral. The motion was approved by a 5:0 vote.

4. Pine Barrens Credit Program

a. Credit Program

Summary: Mr. Tverdy discussed the previously distributed table "Easement Protected Lands and Pine Barrens Credits As of August 6, 2018" (attached) and the items he highlighted included, 0.7 Credits were generated, 7 parcels were added, 24.6 Credits were redeemed and 19.72 Credits were sold. He noted that the average price of a Credit was \$80,000, the Clearinghouse bank account with the Suffolk County Comptroller contains \$2.5 million and the interest earned totaled \$5,035.43. There were no disbursements.

b. Edward Broidy request for Letter of Interpretation Credit appeal / SCTM# 900-277-6-21.1/ Summit Blvd / Westhampton

Summary: **The motion was made by Mr. Romaine and seconded by Ms. Jens-Smith to schedule the public hearing for the Edward Broidy Credit appeal for September 19, 2018 at 3:00 p.m. The motion was approved by a 5:0 vote.**

c. Zach Gazza request for Letter of Interpretation Credit appeal / SCTM# 900-331-3-21.1 / Summit Blvd. / Westhampton

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Collins to schedule the public hearing for the Zach Gazza request for Credit Appeal for September 19, 2018 at 3:00 p.m. The motion was approved by a 5:0 vote.**

Ms. Gallagher left the meeting at 3:00 p.m. and Mr. Pavacic replaced her as the temporary acting Chair and non-voting, member for the remaining portion of the meeting.

5. Public Hearing

a. Peconic Baykeeper CGA-CRA hardship application for conversion of 1,865 sq. ft. residence into a headquarters with existing 377 sq. ft garage for a storage area and to formalize parking / 167 Upper Red Creek Road / Hampton Bays / SCTM# 900-151-1-6.2

Summary: A separate stenographic transcript exists for this hearing.

6. Public Comments

Summary: Mr. Richard Amper, Executive Director of the L.I. Pine Barrens Society expressed his concerns pertaining to the Commission's discussion today on Item 3d, the Venezia Square Referral and the public comment period being restricted to the beginning or at the end of the meeting.

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

The meeting ended at approximately 3:40 pm.

Attachments (in order of discussion)

1. August 18, 2018 Commission Meeting Sign in Sheet (1 pages).
2. Draft Commission meeting summary for August 18, 2018 (4 pages)
3. Final Approved Commission meeting summary for August 18, 2018 (4 pages)
4. Memo from Ms. Delligatti to the Commission RE: NYWIMA August 2018 Report and Update (2 pages)
5. 2018 New York Wildfire Incident Management Academy Brochure (12 pages)
6. Science and Stewardship Division Update, dated August 15, 2018 (4 pages)
7. CAED Highlights 1/1/18 – 8/2/18 (3 pages)
8. Land Use Division Bi-Monthly Update for the Meeting of August 15, 2018 (1 page)

9. Draft Resolution to Approve Order on Consent and to Authorize Preparation and Execution of Conservation Easement in Regard to the Violation Associated with the LIPA Riverhead Substation, dated August 18, 2018 (8 pages)
10. Final Approved Resolution to Approve Order on Consent and to Authorize Preparation and Execution of Conservation Easement in Regard to the Violation Associated with the LIPA Riverhead Substation, dated August 18, 2018 (8 pages)
11. Letter and site plan submittal from Mr. Charles Voorhis to staff RE: request for a jurisdictional determination Re: Venezia Square, dated August 1, 2018 (227 pages)
12. Draft letter, dated August 18, 2018 from staff to Brookhaven Town Planning Division RE: Preliminary Subdivision Whispering Hills SCTM #s 200-613-1-20.2 and 200-614-1-1.5 (2 pages)
13. Final Approved letter dated August 18, 2018 from staff to Brookhaven Town Planning Division RE: Preliminary Subdivision Whispering Hills SCTM#s 200-613-1-20.2 and 200-614-1-1.5 (2 pages)
14. Easement Protected Lands and Pine Barrens Credits As of August 6, 2018 (1 page)
15. Letter dated July 18, 2018 from Mr. Edward Broidy to the Credit Clearinghouse Re: LOI Appeal (2 pages)
16. Letter dated August 9, 2018 from Mr. Zach Gazza to the Commission Re: LOI appeal (2 pages)
17. Peconic Baykeeper CRA CGA Hardship Waiver application, dated August 15, 2018 (57 pages)



**Central Pine Barrens Commission Meeting Summary
For Wednesday, September 19, 2018
Southampton Town Hall (Final-Approved 10/17/18)
116 Hampton Road
Southampton, NY
2:00 pm**

Commission members present: Ms. Meek Gallagher (for New York State), Mr. Romaine and Ms. Pines (for Brookhaven), Ms. Jens-Smith and Mr. McCormick (for Riverhead), Mr. Collins and Mr. Shea (for Southampton) and Mr. Dale (for Suffolk County)

Others present: *Commission and other agency staff members included Mr. Pavacic, Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Ms. Parrott, Mr. Mazzio, Mr. Lewis, Mr. Huss, 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 2:00 p.m. with four 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 8/15/18 review, approval

Summary: **The motion was made by Mr. Dale and seconded by Mr. Collins to approve the 8/15/18 meeting summary. The motion was approved by a 3:0:1 vote with Mr. McCormick abstaining.**

2. Science and Stewardship

a. Education and Outreach Division

Summary: *Ms. Parrott distributed and discussed the Education and Outreach Division update for September 2018 (attached) and items from her report that she highlighted included, the Barrens to Bay Summer Camp that ran from June 25th through August 17th with over 150 participants, the 11th Annual Pine Barrens Discovery Day event with about 600 attendees and she thanked Mr. Romaine for coming to both events. There were additional items from her report Ms Parrott discussed such as in August she attended the Climate Reality Leadership conference for the third time and the upcoming annual "Day in the Life" programs that begin on September 21st.*

Mr. Romaine and Ms. Pines arrived to the meeting at 2:10 p.m.

3. Land Use

Project Review

Core Preservation Area

a. Armand Eagan House Core Hardship / development of residence/ Yaphank

SCTM#: 200-529-5-34

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Dale to schedule a public hearing for the Armand Eagan House Core Hardship Waiver for Wednesday, October 17, 2018 at 3:00 p.m. The motion was approved by a 5:0 vote.**

Compatible Growth Area

b. Peconic Baykeeper CGA-Critical Resource Area application / conversion of 1,865 sq. ft. residence into a headquarters with existing 377 sq. ft. garage for a storage area and to formalize parking / 167 Upper Red Creek Road / Hampton Bays/ SCTM# 900-151-1-6.2.

Summary: *Ms. Hargrave discussed the previously distributed Draft Resolution for the Peconic Baykeeper Hampton Bays hardship waiver application dated,*

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SCTM#

September 19, 2018 (attached) and noted that the project site is located within a Critical Resource Area (CRA) and that it meets the development standards contained in the Comprehensive Land Use Plan (CLUP).

The motion was made by Mr. Collins and seconded by Mr. Romaine to approve the Draft Resolution for the Peconic Baykeeper Hampton Bays. The motion was approved by a 5:0 vote.

- c. Referral – Long Island Surf Park Site Plan / development of a 67,5118 surf pool outdoor recreation use, two restaurants, and deli use on 3.49 acres /Precision Drive / Shirley / SCTM# 200-554-3-4.50

Summary: Ms Hargrave discussed the previously distributed draft letter dated, September 19, 2018 from staff in response to the Brookhaven Town referral of the site plan for the Long Island Surf Park project. She noted that the letter states that the proposed activity constitutes development since it is an increase in intensity of use.

The motion was made by Mr. Romaine and seconded by Mr. Collins to authorize staff to send the draft letter to the Town pertaining to the Surf Park project. The motion was approved by a 5:0 vote.

Ms. Jens-Smith arrived to the meeting at 2:15 p.m.

- d. SEQRA Coordination – Petrogas Group US, Inc – Coram 7 Eleven Site Plan / Expansion and conversion of existing gas station with 2,600 sq. ft. convenience store and gas station on .9 acres / 3423 Route 112 / Coram / SCTM# 200-564-2-19

Summary: Ms. Hargrave discussed the previously distributed draft letter dated, September 19, 2018 from staff in response to Brookhaven Town's SEQRA lead agency coordination letter for Petrogas Group US, Inc.- Coram 7 Eleven. She noted that the proposal constitutes development activity due to the size of the proposed conversion and expansion of the site.

The motion was made by Mr. Romaine and seconded by Ms. Jens-Smith to authorize staff to send the draft letter to the Town pertaining to the Petrogas Group – 7 Eleven Coram application. The motion was approved by a 5:0 vote.

Mr. Romaine mentioned that for this project the Brookhaven Town Code requires that the applicant purchase and retire Pine Barrens Credits.

- e. Willow Wood CGA Hardship Phase 1 / Route 112 / Coram / SCTM# 200-523-1-1.002 / compliance with conditions of approval

Summary: Ms. Hargrave discussed the previously distributed draft letter dated, September 19, 2018 from staff to Mr. Charles Voorhis the applicant's representative pertaining to the revegetation in Phase 1 Willow Wood at Coram CGA Hardship which was approved by the Commission in 2010. She explained that the project included 144 units on 25 acres in the CGA and that the Willow Wood Applicant notified staff of the completion of Phase 1 including, 34 units and associated revegetation and requested an inspection of the site by Commission staff.

The motion was made by Mr. Romaine and seconded by Ms. Jens-Smith to authorize staff to send the draft letter to the applicant's representative related to the Willow Wood CGA Hardship Phase 1 of the project. The motion was approved by a 5:0 vote.

4. Pine Barrens Credit Program

- a. *Eagan/Dittmer Letter of Interpretation Credit Appeal / SCTM# 200-529-5-36*
Summary: Mr. Tverdy discussed the previously distributed letter dated August 22nd from Mr. Armand Eagan (attached) requesting an appeal of the Credit amount in the LOI related to SCTM# 200-529-5-36. He noted that Mr. Eagan withdrew a previous request for a Credit appeal.

The motion was made by Mr. Romaine and seconded by Mr. Collins to schedule a public hearing for the Eagan/Dittmer Credit Appeal associated with SCTM# 200-529-5-36 for Wednesday, October 17, 2018. The motion was approved by a 5:0 vote.

- b. *Credit Clearinghouse Auction of Credits*

Summary: Mr. Tverdy discussed the three previously distributed documents including, the Draft Resolution of the Central Pine Barrens Joint Planning and Policy Commission (“Commission”) Authorizing Sale of Commission-Owned Pine Barrens Credits notice of sale and contract of sale, dated September 19, 2018 (attached), and he noted they are before the Commission today for approval. Mr. Pavacic stated that the wording on page two of the Draft Resolution which limits the time frame for the redemption of the purchased Credits to six months since the offer is intended for builders who have shovel ready projects and it was noted that there are circumstance under which an extension could be granted. A discussion ensued pertaining to the list of potential purchasers and that a “notice of the sale” will be advertised. It was noted that entities such as the L.I. Builders Institute, the L.I. Association for a Better Long Island, Commercial Real Estate Brokers and others would be informed about the Clearinghouse Credit Auction.

The motion was made by Mr. Collins and seconded by Mr. Romaine to approve the Draft Resolution of the Central Pine Barrens Joint Planning and Policy Commission (“Commission”) Authorizing Sale of Commission-Owned Pine Barrens Credits (attached). The motion was approve by a 5:0 vote.

It was noted that the Town and County Industrial Development Agencies (IDA) will be included in the Credit auction mailing.

The motion was made by Mr. Romaine and seconded by Mr. Collins to enter into a closed advisory session. The motion was approved by a 5:0 vote.

5. Public Hearing

- a. *Zach Gazza request for Letter of Interpretation Credit Appeal / Summit Blvd / Westhampton / SCTM # 900-331-3-21.1 / public hearing (Mr. Tverdy)*
Summary: It was noted that the applicant, Mr. Gazza, submitted a request to withdraw his Credit appeal.

The motion was made by Mr. Collins and seconded by Mr. Romaine to accept Mr. Gazza’s request to withdraw the LOI Credit Appeal for SCTM# 900-331-3-21.1. The motion was approved by a 5:0 vote.

The motion was made by Mr. Romaine and seconded by Mr. Collins to enter into a closed advisory session prior to the scheduled public hearing for Edward Broidy. The motion was approved by a 5:0 vote.

- b. *Edward Broidy request for Letter of Interpretation Credit Appeal / Southamptons /of sunrise Highway, w/o Hampton Road (paper street) SCTM# 900-277-6-2*
Summary: A separate stenographic transcript exists for this hearing.
The motion was made by Mr. Collins and seconded by Mr. Romaine to close the public hearing. The motion was approved by a 5:0 vote.

6. Public Comments

Summary: There were no public comments.

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 3:45 pm.

Attachments (in order of discussion)

1. September 19, 2018 Commission Meeting Sign in Sheet (1 pages).
2. Draft Commission meeting summary for August 15, 2018 (5 pages)
3. Final Approved Commission meeting summary for August 15, 2018 (5 pages)
4. Education and Outreach Division update for September 2018 (6 pages)
5. Draft Resolution Critical Resource Area Compatible Growth Area Application Peconic Baykeeper Hampton Bays, Town of Southampton Suffolk County Tax Map Number 900-151-1-6.2, dated September 19, 2018 (7 pages)
6. Final Approved Resolution Critical Resource Area Compatible Growth Area Application Peconic Baykeeper Hampton Bays, Town of Southampton SCTM# 900-151-1-6.2, dated September 19, 2018 (7 pages)
7. Draft letter from staff to Brookhaven Town Planning: Referral of the Site Plan for Long Island Surf Park SCTM #s: 200-554-3-4.50; Town Log Number 18SP0047 Compatible Growth Area, dated September 19, 2018 (3 pages)
8. Final Approved letter from staff to Brookhaven Town Planning: Referral of the Site Plan for Long Island Surf Park SCTM #s: 200-554-3-4.50; Town Log Number 18SP0047 Compatible Growth Area, dated September 19, 2018 (3 pages)
9. Draft letter from staff to Brookhaven Town Planning, Re: SEQRA Coordination Petrogas Group US, Inc. at Coram – 7 Eleven Coram Site Plan SCTM # 200-574-2-19; Town Log # 18SP0052 Compatible Growth Area of the Central Pine Barrens, dated September 19, 2018 (3 pages)
10. Final letter from staff to Brookhaven Town Planning, Re: SEQRA Coordination Petrogas Group US, Inc. at Coram – 7 Eleven Coram Site Plan SCTM # 200-574-2-19; Town Log # 18SP0052 Compatible Growth Area of the Central Pine Barrens, dated September 19, 2018 (3 pages)
11. Draft letter from staff to Mr. Voorhis Re: Revegetation in Phase I Willow Wood at Coram CGA Hardship
Compatible Growth Area of the Central Pine Barrens SCTM # 200-523-1-1.002, date September 19, 2018 (3 pages)
12. Final Approved letter from staff to Mr. Voorhis Re: Revegetation in Phase I Willow Wood at Coram CGA Hardship Compatible Growth Area of the Central Pine Barrens SCTM # 200-523-1-1.002, date September 19, 2018 (3 pages)
13. Letter to the Commission from Mr. Armand Eagan Re: request for LOI Credit Appeal, dated September 22, 2018 (1 page)
14. Draft Resolution of the Central Pine Barrens Joint Planning and Policy Commission (“Commission”) Authorizing Sale of Commission-Owned Pine Barrens Credits, dated September 19, 2018 (2 pages)
15. Final Approved Resolution of the Central Pine Barrens Joint Planning and Policy Commission (“Commission”) Authorizing Sale of Commission-Owned Pine Barrens Credits, dated September 19, 2018 (2 pages)
16. Credit Clearinghouse, Notice of Credit Sale, dated September 19, 2018 (3 pages)
17. Credit Clearinghouse, Contract of Sale of Credits, dated September 19, 2018 (3 pages)



**Central Pine Barrens Commission Meeting Summary
For Wednesday, October 19, 2018 (Final Approved – 11/21/18)
Brookhaven Town Hall
One Independence Hill
Farmingville, NY
2:00 pm**

Commission members present: Ms. Meek Gallagher (for New York State), Ms. Pines (for Brookhaven), Ms. Jens-Smith and Mr. McCormick (for Riverhead), Mr. Collins and Mr. Shea (for Southampton), Mr. Dale and Ms. Longo (for Suffolk County)

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

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

1. Administrative and Public Comment

a. Public Comments:

Summary: Mr. Armand Eagan, discussed the Commission's prescribed fire program in relation to the properties he owns that are located in the Pine Barrens. He then expressed his concerns pertaining to the Commission's Credit Clearinghouse title policy and Suffolk County's quit claim deed policy for parcels with overlaps. Mr. Milazzo suggested that Mr. Eagan should compile and submit a list of the overlapped parcels that he owns and then the Commission could respond to his concerns related to his parcels.

Mr. Roland Palmato, representing Cellino Brokerage stated that his firm is very interested in providing a price quote for the Commission's risk management package and Mr. Milazzo noted that his firm would be added to the SCWA list of vendors to be included in the request for proposal outreach.

Ms. Gallagher arrived to the meeting at approximately 2:15 p.m. and the meeting resumed with Ms. Gallagher as the chair.

b. Minutes for 9/19/18 review, approval

Summary: The motion was made by Ms. Pines and seconded by Mr. Collins to approve the 9/18/18 meeting summary. The motion was approved by a 5:0 vote.

2. Science and Stewardship

a. Science and Stewardship

Summary: Mr. Pavacic stated that Ms. Weigand was in the field today training the Commission's two new interns and he discussed the previously distributed Science and Stewardship Division Update for October 17, 2018 (attached). Mr. Pavacic highlighted items from the report such as Mr. Shaun Ziegler, the Commission's new Ecologist has recently started in his position and he noted Mr. Ziegler has impressive credentials, including three master's degrees in Environmental Science, Public Affairs and, Park and Public Land Management. He noted that the new interns, Chris Steigerwal and Samantha Fishman will provide additional support for the monitoring and suppression programs for SPB, as well as invasive species management.

Mr. Pavacic explained that Ms. Jakobsen would be arriving later on to the meeting and she would report on the status of the Ridge-Manorville Wildfire Protection Plan (CWPP) then.

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Laura Jens-Smith
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

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- b. Draft Resolution for the Commission to accept the NYSDEC Prescribed Fire Grant and to undertake a prescribed fire program

Summary: Mr. Pavacic discussed the Draft Resolution of the Commission Accepting New York State Grant for Development and Implementation of a Prescribed Fire Program (attached) and he noted that the resolution would authorize the Commission to receive the funds associated with the \$250,000 prescribed fire grant from N.Y. State and that the grant totals \$1.25 million over a period of five years. He further noted that the prescribed fire work plan summary was included as an attachment to the draft resolution.

The motion was made by Ms. Jens-Smith and seconded by Ms. Longo to approve the Draft Resolution of the Commission Accepting New York State Grant for Development and Implementation of a Prescribed Fire Program, dated October 17, 2018 The motion was approved by a 5:0 vote.

3. Land Use

Planning and Land Use

- a. Compliance and Enforcement

Summary: Mr. Mazzio discussed the previously distributed CAED report, which highlights incident statistics and development project compliance site visits from January 1st through September 28, 2018. Mr. Mazzio reported there are currently thirty-nine open violation cases, the division works closely with the three Towns and he stated there are three new dumping cases. He noted that the CAED staff has completed the final three classes of code enforcement training and continues to inspect SCWA developed and undeveloped sites for illegal activities. Mr. Pavacic mentioned that with the completion of the code enforcement training, the CAED staff are now certified Code Enforcement Officers.

- b. Land Use

Summary: Ms. Hargrave discussed the previously distributed Land Use Division Bi-Monthly Update for the meeting of October 17, 2018 (attached) and highlights of the report that she reported on included, the pending Eagan Dittmer Core Area Hardship scheduled today for a public hearing, the request from National Grid to meet with staff about extending gas mains, the Verizon Wireless inquiry on two applications including a new tower at a sand mine in Speonk and she noted that the Kent Animal Shelter has decided not to move forward with a new site. She mentioned that the animal shelter will be making an inquiry with the Commission about renovating their existing buildings.

Project Review

Compatible Growth Area

- c. Riverhead Solar 2 Scoping Statement notice / development of 36 MW solar energy facility on 290 acres, partly in the CGA on SCTM# 600-115.1-1-22 / approve sending draft response letter

Summary: Ms. Hargrave discussed the previously distributed attached letter from staff, dated October 5, 2018 to the Public Service Commission, Riverhead Solar project manager and two other entities regarding the proposed solar energy facility. Ms. Hargrave noted that the staff letter requests additional information about the status of the proposed 290 acre project that has 51 acres situated in the Compatible Growth Area (CGA) and is within the Commission's jurisdiction. Ms. Hargrave explained other agencies have also submitted letters to the Public Service Commission for additional information including, the Town of Riverhead, N.Y. State Department of Environmental Conservation (NYSDEC) and N.Y. State Agriculture and Markets. She mentioned that the deadline for the Public Service Commission to respond to the agencies' comments is October 26, 2018.

- d. East Suffolk Development Corporation Middle Country Road / Kay Road subdivision / Wading River/ SCTM # 600-115.1-1.22

Summary: Ms Hargrave discussed the previously distributed draft letter from staff to the Town of Riverhead dated, October 17, 2018 (attached) that pertains to the October 19th referral letter from the Town Planning Department for the Kay Road subdivision. She noted the referral is for a 2.2-acre project site in the CGA and the staff letter is requesting additional information related to zoning and clearing limits.

The motion was made by Ms. Jens-Smith and seconded by Mr. Collins to authorize staff to send the draft letter from staff dated October 17, 2018 to the Town Planning Department. The motion was approved by a 5:0 vote.

4. Pine Barrens Credit Program

- a. Credit Program Update

Summary: Mr. Tverdy discussed the Credit program statistics as of October 17, 2018 and he noted that there were eight parcels added from the Town of Riverhead and one parcel from Southampton Town, a total of 1.65 Credits were generated, a total of 24.66 Credits were redeemed, approximately 22 Credits were sold and the average price of a Credit is \$82,040. He then discussed the Suffolk County Comptrollers financial statement and he noted that the total balance in the Credit Clearinghouse account as of September 30th was \$2.5 million and there were no disbursements.

- b. Edward Broidy request for Letter of Interpretation Credit Appeal / SCTM # 900-277-6-2 / s/o Sunrise Highway, w/o Hampton Road

Summary: Mr. Tverdy distributed the attached Draft Resolution on the Letter of Interpretation Appeal of Edward Broidy SCTM #: 900-277-6-2 and it was noted that the Resolution would be amended to include SEQRA information and therefore, the approval of the resolution will be postponed until the November Commission meeting.

- c. Auction of 10.19 Pine Barrens Credits

Summary: Mr. Tverdy discussed the status of the Auction of the 10.19 Pine Barrens Credits owned by the Clearinghouse and he explained that the auction information and contract of sale were mailed to a list of institutions with members that may have an interest in purchasing Credits. Mr. Tverdy noted the Clearinghouse deadline for accepting responses to the offer is Friday, November 9th.

There was a meeting break at approximately 2:40 p.m. until the public hearings started at 3:00 p.m.

5. Public Hearing

- a. Eagan/Dittmer House Core Hardship / development of residence on 4,000 square feet and 4, 282 of unopened road / Yaphank / SCTM # 200-529-5-36

Summary: A separate stenographic transcript exists for this hearing.

The motion was made by Mr. Collins and seconded by Ms. Pines to close the hearing and leave the record open until information from the Natural Heritage Program is received. The motion was approved by a 5:0 vote.

- b. Eagan/Dittmer Letter of Interpretation Credit Appeal / SCTM # 200-529-5-36

Summary: A separate stenographic transcript exists for this hearing.

The motion was made by Ms. Pines and seconded by Ms. Jens-Smith to close the hearing and leave the record open for a total of 30 days, 15 days to receive information and then 15 days to respond. The motion was approved by a 5:0 vote.

Ms. Jakobsen arrived to the meeting at approximately 2:45 and after the public hearings Ms. Jakobsen provided her report on Item 2c.

2c. Ridge Manorville Community Wildfire Protection Plan Firewise Workshops and outreach.

Summary: Ms. Jakobsen reported on the status of the CWPP work that included, 35 acres were thinned within the CWPP area, the August Firewise workshop with attendees from Leisure Village and the Board of Leisure Village invited Ms. Jakobsen to provide a follow-up Firewise Workshop in September. Ms. Jakobsen continues with Firewise home assessments and as the result of a recent post card mailing has received requests from other homeowners for home assessments. Ms. Jakobsen attended training in Assessing Structure Ignitability and she will use this information in her home assessment work and future workshops.

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

The meeting ended at approximately 4:40 pm.

Attachments (in order of discussion)

1. October 17, 2018 Commission Meeting Sign in Sheet (1 pages).
2. Draft Commission meeting summary for September 19, 2018 (5 pages)
3. Final Approved Commission meeting summary for September 19, 2018 (5 pages)
4. Education and Outreach Division update for September 2018 (6 pages)
5. Science and Stewardship Division Update for October 17, 2018 (4 pages)
6. CAED Highlights report, incident statistics and development project compliance site visits from January 1st through September 28, 2018. (3 pages)
7. Land Use Division Bi-Monthly Updated for the meeting of October 17, 2018 (1 page)
8. Letter from staff, to the Public Service Commission, DPS Public Information Coordinator NYS Department of Public Service, Project Manager Riverhead Solar 2, LLC, dated October 5, 2018 (6 pages)
9. Draft letter from staff to the Town of Riverhead Re: Kay Road subdivision, dated October 17, 2018 (1 page)
10. Final approved letter from staff to the Town of Riverhead Planning Department Re: Kay Road subdivision referral, dated October 17, 2018 (1 page)
11. Credit program statistics and S.C. Comptrollers report as of October 17, 2018 (2 pages)
12. Draft Resolution on the Letter of Interpretation Appeal of Edward Broidy SCTM #: 900-277-6-2, dated October 17, 2018 (4 pages)



**Central Pine Barrens Commission Meeting Summary
For Wednesday, November 21, 2018 (Final-Approved 12/19/18)
Brookhaven Town Hall
One Independence Hill
Farmingville, NY
2:00 pm**

Commission members present: Ms. Gallagher (for New York State), Mr. Romaine and Ms. Pines (for Brookhaven), Mr. McCormick (for Riverhead), Mr. Dale, Ms. Longo and Mr. Freleng (for Suffolk County)

Others present: *Commission and other agency staff members included Mr. Pavacic and Ms. Hargrave (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

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 made.*

b. Minutes for 9/19/18 review, approval

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

2. Science and Stewardship

a. Lower Yaphank Lake of the Carmans River Fish Passage Project presentation

Summary: *Mr. Frank Castelli, Chief Environmental Analyst in the Suffolk County Division of Planning and Environment, introduced the project. He explained that the Fish Passage project at Lower Lake in Yaphank began several years ago. Mr. Castelli discussed some of the issues the project has encountered, including the need to address potential impacts on cultural resources associated with a former historic mill site, and regulatory permits. He clarified the project location and also discussed the coordination of the project with the Town of Brookhaven's Lower Lake restoration project. Mr. Castelli then introduced Ms. Laura Schwanof, of GEI Consulting Engineers and Scientists and he noted that she would continue the presentation providing the details related to the project. Ms. Schwanof explained that GEI is providing engineering expertise to the Advisory Committee members for the project including, S.C. Department of Economic Development and Planning, S.C. Department of Public Works, S.C. Department of Parks, the Central Pine Barrens Commission, the Town of Brookhaven, the N.Y. State Department of State South Shore Estuary Reserve, N.Y. State Department of Environmental Conservation, Save the Trout Organization and Trout Unlimited. During her presentation Ms. Schwanof discussed the project area and its focus on supporting the habitat of the Alewife and Brook Trout, existing conditions, fishway conceptual designs and additional locations for the fishway being considered, the final design which will utilize the existing spillway, components of the design, proposed temporary construction access points, constraints posed by a high pressure gas main in the roadbed of County Road 21, environmental permits and approvals, and finally cultural resources at the project site. Mr. Romaine asked if the proposed project would affect the ability to maintain the water level in the lake, flood control capacity or the ability of fish to move to and from Lower Lake. Ms. Schwanof and Mr. Castelli stated that the project would not affect these matters. Mr. Romaine asked about the Suffolk Council on Environmental Quality (CEQ) status. Mr. Castelli indicated the project was going to the CEQ for SEQRA review but being postponed until the December meeting of the CEQ to await more information on the*

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Brookhaven Town project. Mr. Romaine stated that the Town of Brookhaven supported the project. Mr. Richard Amper, of the Long Island Pine Barrens Society, asked how this project conforms to the Long Island Pine Barrens Protection Act. Mr. Romaine asked if this project is considered development. Mr. Pavacic noted that the Commission has treated similar projects, which constitute environmental restoration, as non-development. Mr. McCormick asked for clarification about the purpose of the project and what would happen if the project were not constructed. Ms. Schwanof indicated that conditions would remain the same and that fish habitat and fish population restoration would not occur. She also clarified that the project was the least disturbing and would not affect the historic properties, owned by Suffolk County, which are adjacent to the project. She also discussed regulatory agency permit status. Mr. Pavacic asked how project success will be measured. Ms. Schwanof indicated that was not included in the project. Ms. Heidi O'Riordan, Regional Fisheries Manager, for the New York State Department of Environmental Conservation, noted that the DEC has documented the various fish species below Lower Lake and would conduct post-project monitoring.

Mr. Freleng arrived at 2:20 p.m.

3. Land Use

Planning and Land Use

Project Review

Core Preservation Area

- a. FKK, Inc. Core Hardship / expansion and redevelopment of existing gas station / 1 Edwards Avenue, Calverton / SCTM#200-299-2-21 / SEQRA Coordination
Summary: Ms. Hargrave discussed the letter, dated October 24, 2018 from Mr. Eugene DeNicola who is the attorney for FKK, Inc. and she noted that the letter is a request for a Core Preservation Area Hardship Waiver and she stated that the item is on today's agenda to schedule a public hearing.

The motion was made by Mr. Romaine and seconded by Mr. McCormick to schedule the public hearing for FKK, Inc Core Hardship Waiver for Wednesday December 19th at 3:00 p.m. The motion was approved by a 4:0 vote.

- b. Jaqueline Deangelo (represented by Estelle Corr) request for Determination of Jurisdiction and Interpretation of Conservation Easement / 24 Old Orchard Lane Ridge / SCTM # 200-382-2-19.1.
Summary: Ms. Hargrave discussed the letter dated October 20, 2018 from Ms. Estelle Corr who is interested in purchasing the 2.44 acre property which contains an existing house and a portion of which is encumbered by a Commission conservation easement. Ms. Hargrave provided background information on the configuration of the lots since 1998 when the conservation easement was recorded and after that when the lots were merged. She mentioned that the conservation easement states that no development or non development activity is permitted. She further explained that Ms Corr's letter is an inquiry about the status of the conservation easement-protected lots and if she decides to purchase the property would there be restrictions in regard to installing a barn, corral and fencing for the horses that she owns.

Mr. Milazzo explained that the conservation easement that is recorded with Suffolk County is recited in the deed and transferred with each transaction and that the conservation easement in question states there can be no building activity, clearing or changes to the property and its vegetation. Mr. Milazzo explained that the use Ms. Corr, the potential buyer of the property is proposing, is not considered a permitted use. The information that Mr. Milazzo provided related to the conservation easement and the property resolved the issue for Ms. Corr.

- c. Kogel Brothers (represented by Paul Solce) Request for determination of Jurisdiction for construction of residence in new location on site /East Bartlett Road, Yaphank / SCTM# 200-499-3-4

Summary: Mr. Milazzo stated for the record that Suffolk County will recuse itself on the Kogel Brothers matter. Ms. Hargrave discussed the previously distributed letter dated November 5th from Mr. Paul Solce, the Kogel Brothers representative, requesting a determination of jurisdiction on a currently vacant five acre piece of property. She explained that there was a fire that destroyed a house that was built in the 1970's, there was a small portion of a stone foundation potentially from an historical home built in the 1700's that remained and she noted that photographs and site plans included with the package show a cleared area where the house built in the 1970's once stood. She further mentioned that the property is adjacent to County land and the Expeditor for the Kogel Brothers project went to the Town to apply for a permit, was referred to the Commission and that the Builder's plan is to construct a new home at a slightly different location on the property.

Mr. Milazzo explained that the Kogel request is similar to a previous request from IGHL which wanted to build on Core property that also had historical significance. Mr. Solce was advised that the project he is considering is development and that if he wished to pursue this project he could submit a Core Hardship Waiver Application to the Commission.

Compatible Growth Area

- d. Verizon Wireless Request for Determination of Jurisdiction / Riverhead County Center /SCTM# 900-137-1-27 wireless facilities on rooftop and in cleared area

Summary: Ms. Hargrave discussed the previously distributed letter, dated November 1st from the Amato Law Group, Attorneys for Verizon Wireless, in reference to a request for determination of jurisdiction (attached). The request is to install 12 wireless communication antennas on the rooftop of an existing building. It was noted that if the Commission determines that the requested action would be considered development, the applicant must demonstrate conformance with the CLUP. Mr. Freleng mentioned that there was a previous request that was submitted for a determination that was related to this project at the County Center in Riverhead and that it may have demonstrated conformity at that time. Ms. Jessica Zalin, Verizon Wireless Attorney from Amato Law Group, introduced herself and explained she was present at today's meeting to answer any questions the Commission has related to the project and the conditions of the lease held with Suffolk County. It was noted that staff will send a letter to the attorney for Verizon Wireless stating that the Verizon Wireless applicant must demonstrate that an installation of antennas at the County building in Riverhead would be in conformance with the CLUP.

4. Pine Barrens Credit Program

- a. Credit Auction to sell 10.19 Pine Barrens Credits

Summary: Mr. Pavacic explained that the Credit Auction bids were due on Friday, November 9th, only one bid was received and it did not meet the minimum bid price of \$88,000 per credit. He noted that staff's recommendation is to reject all bids, since they did not meet the minimum acceptable price.

Mr. Romaine made the motion to reject all bids since the bids did not meet the minimum bid requirement of \$88,000.

Mr. Freleng discussed an email from Mr. James T. B. Tripp, Credit Clearinghouse Chair, in which Mr. Tripp recommended that the Commission authorize Clearinghouse staff to begin the process of conducting another Credit Auction. There were additional points Mr. Freleng discussed related to Mr. Tripp's recommendations that related to the use of Pine Barrens Credits to satisfy increases in density for projects related to the Brookhaven Town multifamily zoning code. Mr. Milazzo recommended finalizing the motion made by Mr. Romaine and revisiting the request for a new Credit Auction at a future meeting.

The motion that was made by Mr. Romaine to reject all Credit Auction bids was seconded by Mr. McCormick. The motion was approved by a 4:0 vote.

Ms. Gallagher noted that the Commission would discuss the option of holding another Credit Auction with the Clearinghouse staff and Board at a future date. Mr. Milazzo discussed the status of the November Credit Auction and he stated that it was widely advertised and that the main goal for the Clearinghouse was to sell the Credits through a minimum bid process.

4b. Edward Broidy request for Letter of Interpretation Credit appeal SCTM# 900-277-6-2

Summary: Mr. Pavacic discussed the previously distributed Draft Resolution on the LOI Appeal of Edward Broidy, dated October 17, 2018 (attached) and he noted that the Draft Resolution reflects that the parcel owned by Mr. Broidy is eligible for the standard allocation of 0.12 Credits.

The motion was made by Mr. Dale and seconded by Mr. McCormick to approve the Draft Resolution on the LOI Appeal of Edward Broidy. The motion was approved by a 4:0 vote.

5. Public Comment

Summary: Mr. Amper, Executive Director of the L.I. Pine Barrens Society expressed his concerns pertaining to the November Credit Auction and the minimum bid price set by the Clearinghouse. Mr. Freleng discussed that the Credit Appraisal that was performed to set the minimum bid of \$88,000 on Credits which is based on the number of redemptions for wastewater increases and he noted that a different price would have been yielded from an appraisal based on number of credits redeemed for density increases.

The motion was made by Ms. Gallagher and seconded by Mr. Dale to enter into closed Advisory Session and afterwards no further Commission business would be conducted and therefore, the meeting was adjourned. The motion was approved by a 4:0 vote.

The meeting ended at approximately 4 pm.

Attachments (in order of discussion)

1. November 21, 2018 Commission Meeting Sign in Sheet (1 page).
2. Draft Commission meeting summary for October 17, 2018 (4 pages)
3. Final Approved Commission meeting summary for October 17, 2018 (4 pages)
4. Letter to Commission staff from Mr. Eugene DeNicola, dated October 24, 2018 Re: Expansion Redevelopment of gas station, Core Preservation Area Hardship Waiver application (50 pages)
5. Letter to Commission staff from Ms. Corr, dated October 20, 2018 Re: request for Determination of Jurisdiction and Interpretation of Conservation Easement (38 pages)
6. Letter to Commission staff from Mr. Solce, dated November 5, 2018 Re: Kogel Brothers (represented by Paul Solce) Request for determination of Jurisdiction for construction of residence in new location on site (22 pages)
7. Letter to Staff from the Ms. Zalin Applicant's Representative at the Amato Law Group, dated November 1, 2018 Re: Verizon Wireless Request for Determination of Jurisdiction / Riverhead County Center (8 pages)
8. Draft Resolution on the Letter of Interpretation Appeal of Edward Broidy SCTM#: 900-277-6-2, dated October 17, 2018 (9 pages)
9. Final Approved Resolution on the Letter of Interpretation Appeal of Edward Broidy SCTM#: 900-277-6-2, dated October 17, 2018 (9 pages)



**Central Pine Barrens Commission Meeting Summary
For Wednesday, December 19, 2018 (Final Approved-1/23/19)
Southaven County Park Lodge
Victory Avenue
Yaphank, NY
2:00 pm**

Commission members present: Ms. Gallagher (for New York State), Mr. Romaine (for Brookhaven), Ms. Jens-Smith and Mr. McCormick (for Riverhead), Mr. Collins (for Southampton) Mr. Dale, Ms. Longo and Mr. Freleng (for Suffolk County)

Others present: *Commission and other agency staff members included Mr. Pavacic, Ms. Jakobsen, Ms. Hargrave, Ms. Parrott, Ms. Weigand, Mr. Ziegler, Mr. Tverdyy, Mr. Huss, Mr. Lewis 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.

1. Administrative and Public Comment

a. Public Comments:

Summary: *Mr. Richard Amper, Executive Director of the L.I. Pine Barrens Society introduced Mr. Ryan Wolf, of the LIPBS staff, and he mentioned that in his capacity at the Society, Mr. Wolf will be focusing on Pine Barrens Commission matters. Mr. Amper discussed the recent passing of Mr. Michael LoGrande and he stated that it is a sad loss to all who knew him and have benefited from Mr. LoGrande's foresight, leadership and contributions towards the cause of preserving and protecting the Pine Barrens and the aquifer that is beneath.*

b. Minutes for 11/21/18 review, approval

Summary: ***The motion was made by Mr. McCormick and seconded by Mr. Collins to approve the 11/21/18 meeting summary. The motion was approved by a 4:0 vote.***

c. 2019 Commission meeting schedule

Summary: *Mr. Pavacic discussed the previously distributed 2019 Commission meeting schedule and it was noted that the January Commission meeting would need to be moved from January 16th to January 23rd at 2:00 p.m. with the location tentatively remaining at Riverhead Town.*

The motion was made by Mr. Freleng and seconded by Mr. Collins to approve the 2019 Commission meeting schedule as amended. The motion was approved by a 4:0 vote.

d. Draft Resolution to purchase a truck for Science and Stewardship Division

Summary: *Mr. Pavacic reported on several factors that have increased demands on the Commission's vehicles such as the expanding roll of the Science and Stewardship Division and the grant awarded for the Prescribed Fire program which calls for hiring new staff and interns. He discussed the Draft Resolution to Purchase a Truck Commission Meeting of December 19, 2018 (attached) and he explained there is a need, in particular for an additional pickup truck staff can use for field work.*

The motion was made by Mr. Collins and seconded by Mr. Freleng to approve the Draft Resolution to purchase an additional pickup truck. The motion was approved by a 4:0 vote.

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Laura Jens-Smith
Member

Edward P. Romaine
Member

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Member

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2. Science and Stewardship

a. Science and Stewardship Division

Summary: Ms. Weigand discussed the Science and Stewardship Division update for December 19th and she introduced the Division's interns, Ms. Stephanie Sforza, Ms. Samantha Fishman and Mr. Chris Steigerwald. She noted that Ms. Sforza will be leaving for graduate school at the end of December and Ms. Fishman and Mr. Steigerwald will be staying on until March 2019.

Ms. Weigand reported on items from the division report such as the status of the Southern Pine Beetle (SPB) surveying work including that the SPB population seems to be diminishing with the colder weather, possibly also due to the presence of predators and due to suppression activities and she further noted the SPB trapping has ended. Tests were performed on samples of oak due to the potential appearance of oak wilt, however so far testing has been negative which indicates there are other causes affecting the trees including, drought and Gypsy Moth. Ms. Weigand discussed the status of LIISMA including, the new threat, Spotted Lantern fly and she distributed a flyer with information on the insect originating from Pennsylvania. Ms. Weigand reported that the Science and Stewardship Division is working with Compliance and Enforcement on violations including, the case of an illegal ATV course.

Mr. Ziegler reported on the status of the Commission's fire program that has received final review and approval from the N.Y. State Department of Environmental Conservation (NYSDEC). Currently the Division is working through the process of contract execution and grant initiation through the State electronic grants management system. Additional items Mr. Ziegler discussed included that the drafting of a Memorandum of Understanding (MOU) is underway between the Commission, the NYSDEC, Albany Pine Bush and the N.J. Forest Fire Service. The MOU will allow the agencies to conduct management activities on agency-owned lands and with their mutual assistance, will foster interagency collaboration for prescribed fire implementation. The Commission will be advertising for a Fire Management Specialist through SCWA, possibly in January.

Mr. Romaine arrived to the meeting at approximately 2:19 p.m.

b. Draft Resolution to approve Protected Lands Council Chair and Vice Chair to Serve in 2019

Summary: Ms. Weigand reported that at the last meeting of the Protected Lands Council (PLC) that was held on December 7th, Mr. Casey and Mr. Wernet agreed to continue in their roles as the PLC Chair and Vice Chair respectively.

The motion was made by Mr. Romaine and seconded by Mr. Collins to approve the Draft Resolution of the Commission to appoint the PLC Chair and Vice Chair for Calendar Year 2019. The motion was approved by a 5:0 vote.

c. Education and Outreach Division

Summary: Ms Parrott discussed the previously distributed Education and Outreach Division update for December 2018 and items she highlighted from the report included, the successful completion of the Day in the Life program with over 2,000 students participating at 11 rivers and ecosystems such as the Carmans River, Carls River and others. She discussed the Art Flick grant application to fund additional teacher trainings and she reported that the Annual Long Island Natural History Conference is scheduled for Friday and Saturday, March 22-23rd 2019, noting she is on that steering committee again this year.

d. Ridge-Manorville Community Wildfire Protection Plan

Summary: Ms. Jakobsen reported on the status of the Ridge-Manorville Community Wildfire Protection Plan (CWPP) and she distributed copies of supporting documents including a report that was prepared from a homeowner's wildfire prevention assessment and she explained that she is continually updating and simplifying the reports for the homeowners to understand. Ms. Jakobsen distributed and discussed a fact sheet she compiled for implementation projects and outreach performed in the CWPP area this year which included 11 homeowner wildfire prevention assessments with three of the homes being just outside of the boundaries of the CWPP area. Additional information she discussed from the fact sheet included that since 2016 she has completed 28 homeowner wildfire prevention assessments all together in Ridge and in Manorville.

There were other CWPP implementation projects that Ms. Jakobsen discussed such as the two Firewise workshops that were held in August and September noting that attendees were very responsive to the emphasis on the role of wood mulch and other combustible materials as significant factors involved in the spread of fire and the status of the CWPP partnering agencies including that BNL treated approximately eight acres of woodland with prescribed fire and NYSDEC performed mechanical treatment and thinning on 26 acres along the western boundary of the CWPP area in preparation for prescribed fire. Mr. McCormick expressed an interest in whether homeowners that participate in home assessments can get possible discounts from their insurance agency on the cost of their insurance coverage. Ms. Jakobsen reported that currently the practice of discounting homeowners insurance in relation to implementation of wildfire prevention precautions, has been found in other areas of the country but is not the practice in our area at this time.

3. Land Use

Planning and Land Use

a. Compliance and Enforcement Division

Summary: Mr. Huss discussed the previously distributed Compliance and Enforcement Division Update for 1/1/18-12/19/18 (attached) and items from the update he reported on included, there were 50 cases handled by the division this year including, encroachments, illegal clearings and conservation easement monitoring. The Division staff works closely with the LEC and the towns on illegal dumping cases, staff completed training classes in various areas such as code enforcement and participated in various other trainings including, the Wildfire Academy training in October 2018. He noted that the Division has acquired new portable radios with a mobile radio installed in the Commission's pickup truck. Mr. Huss discussed a recent dumping incident at a frequent dumping site and that staff visited the site this morning and will continue the investigation. Mr. Amper mentioned that the ATV legislation bill was now at the Assembly level to be approved.

b. Land Use Division

Summary: Ms. Hargrave discussed the previously distributed Land Use Division Bi-Monthly Update for the Meeting of December 19, 2018 and items she highlighted from the report included, pending applications and requests for determinations including, Armand Eagan House Core Hardship east of CR 21 in Yaphank, FKK, Inc. Core Hardship in Calverton, Silver Corporate Park CGA Hardship and DRS application in the Town of Brookhaven and in Riverhead Town, the Kent Animal Shelter Request for Determination to redevelop onsite facilities and she noted that the Division continues to respond to referrals for standard CGA development projects.

Project Review

Core Preservation Area

- c. Kogel Brothers (represented by Paul Solce) Request for determination of Jurisdiction for construction of residence in new location on site /East Bartlett Road, Yaphank / SCTM# 200-499-3-4

Summary: The motion was made by Mr. Romaine and seconded by Mr. Collins to schedule the Kogel Brothers Request for determination of Jurisdiction public hearing for January 23, 2019. The motion was approved by a 5:0 vote.

d. Eagan/Dittmer Core Hardship Waiver / Development of residence / Yaphank / SCCTM# 200-529-5-36

Summary: Ms. Hargrave discussed the previously distributed Draft Resolution Eagan Dittmer Core Hardship Waiver Application Yaphank, Town of Brookhaven, SCTM# 200-529-5-36 and she noted that the Commission decision to deny the application was included with the Draft Resolution. Mr. Eagan expressed his concerns pertaining to the Commission's denial of the application and staff findings related to the types of natural growth found on the property.

The motion was made by Mr. Romaine and seconded by Mr. Collins to approve the attached Draft Resolution of the Eagan Dittmer Core Hardship Waiver. The motion was approved by a 5:0 vote.

e. Kent Animal Shelter Request for Determination of Jurisdiction to redevelop onsite facilities / Calverton / SCTM#s 600-138-1-6.2 & 7.1

Summary: Ms. Hargrave discussed the previously distributed letter, dated November 27, 2018 from Mr. Glen Gruder, the Kent Animal Shelter Applicant's representative and the conceptual plan to renovate the animal shelter. She mentioned that the plan indicates a second story addition that increases square footage.

Mr. Chuck Bowman from Land Use Ecological Services explained that the Kent Animal Shelter Applicant could not find an appropriately zoned location to build a new shelter. He expressed his concerns related to the current plan and what constitutes non development and he noted that the shelter predates ECL Article 57. He mentioned that the new plans to renovate the existing buildings do not affect the current footprint or have impacts to the ground water.

Ms. Gallagher explained that the Commission needs to be consistent with decisions related to determinations of jurisdiction. Mr. Milazzo sighted a prior Commission decision for a second story addition that was determined by the Commission to be development and he stated that, since the applications are similar in nature, the shelter may need to submit a hardship waiver. Additional discussion ensued pertaining to Mr. Gruder's letter and the attached plan, dated November 27th. Mr. Milazzo further explained the Commission's policies and how applications are reviewed both in determinations of jurisdiction and for hardship waiver applications. Mr. Amper stated that he appreciates the Applicant's desire to work with the Commission to develop a plan that would comply with ECL Article 57. It was noted that the Kent Animal Shelter would not pursue plans for building a second story to any of its buildings since it would require submitting a hardship waiver and no action needed to be taken at today's meeting.

Compatible Growth Area

f. Silver Corporate Park CGA Hardship and Development of Regional Significance Applications / development of 550,000 s.f. of commercial / industrial land uses / n/s of NYS Route 495 and west of Sills Rd / SCTM# 200-622-2-5.16 / SEQRA Coordination Schedule a public hearing.

Summary: Ms. Hargrave discussed the previously distributed Draft Resolution Commence SEQRA Lead Agency Coordination and Schedule a Public Hearing for Silver Corporate Industrial Park Compatible Growth Area Hardship Waiver Application Yaphank, Town of Brookhaven, dated 12/19/18 (attached) and she stated that the application is on the agenda today to schedule a public hearing for the January Commission meeting.

The motion was made by Mr. Romaine and seconded by Ms. Jens-Smith to Commence SEQRA Lead Agency Coordination and schedule the public

hearing for Silver Corporate Park for January 23, 2019 at 3:00 p.m. The motion was approved by a 5:0 vote.

- g. Town of Brookhaven referral – Out East Brewing to convert an existing 4,000 sq. ft. barn to a Farm Brewery and Tasting Room with brewery production area / 63 Wading River Road / Manorville / SCTM# 200-508-1-12.2

Summary: Ms. Hargrave discussed the Town of Brookhaven referral request dated December 10, 2018 for Out East Brewing to convert an existing barn to a brewery and tasting room. The location is the corner of South Street and Wading River Road in Manorville. Ms. Hargrave noted the site has already been disturbed, there is some clearing for additional parking and that additional information will be obtained from the Town to determine if the request conforms. Mr. Romaine explained that the town supports the project request.

4. Pine Barrens Credit Program

a. Credit Program

Summary: Mr. Tverdyy discussed the Credit program statistics as of December 19, 2018 and he noted that in 2018 there were a total of nine parcels added with one parcel being from the Town of Riverhead and eight new parcels were added from the Town of Southampton for a total of 975 parcels. It was noted that there is just one Credit under 1,000 Credits generated from those 975 new parcels that were preserved. Mr. Tverdyy mentioned the number of Credit redemptions including, 14.65 in the Town of Brookhaven with 7.6 redeemed for residential projects, 3.76 redemptions from the Town of Riverhead and 7.21 redemptions from the Town of Southampton. He noted the number of Credits sold in each of the three towns which included, 18.15 Credits sold in the Town of Brookhaven, 2.43 sold in the Town of Riverhead and 5.58 sold in the Town of Southampton for a total 26.26 Credits. The average price of a Credit in 2018 was \$78,324. Mr. Tverdyy discussed the highlights from the Clearinghouse financial report including, the Clearinghouse funds total \$2.5 million and the total interest earned for the year was \$9,304.

- b. Eagan/Dittmer Letter of Interpretation Credit appeal SCTM# 200-529-5-36

Summary: Mr. Eagan expressed his concerns pertaining to the Draft Resolution related to his Letter of Interpretation Credit appeal and he noted that he disagrees with the Credit allocation that he was awarded.

The motion made by Mr. Collins and seconded by Ms. Jens-Smith to adopt the Draft Resolution on accepting the Written Decision on the Letter of Interpretation Appeal of Eagan Dittmer for SCTM# 200-529-5-36. The motion was approved by a 5:0 vote.

The motion was made by Ms. Jens-Smith and seconded by Mr. Romaine to move into an Executive Session for the advice of Counsel. The motion was approved by a 5:0 vote.

The meeting returned to public session and Mr. Milazzo discussed the change to the title policy for parcels receiving LOIs prior to December 31, 2018 for parcel owners that are able to obtain title insurance that provides relief from overlap issues would enable them to move forward with the Credit allocation process and receive their Credits in exchange for a conservation easement placed on the property.

The motion was made by Mr. Romaine and seconded by Ms. Jens-Smith to adopt recommendations of Counsel regarding overlap parcels. The motion was approved by a 5:0 vote.

Mr. Milazzo assured Mr. Eagan that the change that was made today to the Commission's title policy regarding overlapped parcels would allow him to receive the Credits for the six overlapped parcels that he owns. Mr. Eagan

expressed his concerns related to ECL Article 57 and fair compensation for landowners.

5. Public Hearing

a. FKK, Inc. Core Hardship / expansion and redevelopment of existing gas station / 1 Edwards Avenue, Calverton / SCTM# 200-299-2-21

Summary: A separate stenographic transcript exists for this hearing.

The motion was made by Mr. Romaine and seconded by Mr. Freleng to close the hearing and leave the record open for 30 days until January 22, 2019. The motion was approved by a 5:0 vote.

6. Public Comment

Summary: Mr. Eagan expressed his concerns related to the Eagan Dittmer LOI Appeal and the Commission's decision that was passed earlier at today's meeting and he noted that he disagrees with staff's interpretation of the attributes of the property.

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 5:00 pm.

Attachments (in order of discussion)

1. December 19, 2018 Commission Meeting Sign in Sheet (1 page).
2. Draft Commission meeting summary for November 21, 2018 (4 pages)
3. Final Approved Commission meeting summary for November 21, 2018 (4 pages)
4. Central Pine Barrens Commission Draft Meeting Schedule for 2019 (1 page)
5. Central Pine Barrens Commission Final Approved Meeting Schedule for 2019 (1 page)
6. Draft Resolution to Purchase a Truck Commission Meeting of December 19, 2018 (1 page)
7. Final Approved Resolution to Purchase a Truck Commission meeting of December 19, 2018 (1 page)
8. Science and Stewardship Division Update December 19, 2018 (4 pages)
9. Draft Resolution of the Central Pine Barrens Joint Planning and Policy Commission ("Commission") to appoint the Protected Lands Council ("PLC") Chair and Vice Chair for Calendar Year 2019, dated December 19, 2018 (1 page)
10. Final Approved Resolution of the Central Pine Barrens Joint Planning and Policy Commission ("Commission") to appoint the Protected Lands Council ("PLC") Chair and Vice Chair for Calendar Year 2019, dated December 19, 2018 (1 page)
11. Education and Outreach Division Update, dated, December 19, 2018 (3 page)
12. CAED Highlights 1/1/18 – 12/19/18, dated December 19, 2018 (3 pages)
13. Land Use Division Bi-Monthly Update for the Meeting of December 19, 2018 (1 page)
14. Letter from Paul Solce to staff re: Kogel Brothers Request for determination of Jurisdiction for construction of residence in new location on site /East Bartlett Road, Yaphank / SCTM# 200-499-3-4, dated December 7, 2018 (20 pages)
15. Letter from Glen Gruder to staff re: Kent Animal Shelter Request for determination of jurisdiction, dated November 27, 2018 (3 pages)
16. Draft Resolution Commence SEQRA Lead Agency Coordination and Schedule a Public Hearing for Silver Corporate Industrial Park Compatible Growth Area Hardship Waiver Application Yaphank, Town of Brookhaven, dated December 19, 2018 (1 page)
17. Final Approved Resolution Commence SEQRA Lead Agency Coordination and Schedule a Public Hearing for Silver Corporate Industrial Park Compatible Growth Area Hardship Waiver Application Yaphank, Town of Brookhaven dated December 19, 2018 (1 page)
18. Silver Corporate Industrial Park Compatible Growth Area Hardship Waiver Application, dated December 7, 2018 (70 pages)
19. Town of Brookhaven referral – Out East Brewing to convert an existing 4,000 sq. ft. barn to a Farm Brewery and Tasting Room with brewery production area / 63 Wading River Road / Manorville / SCTM# 200-508-1-12.2, dated December 10, 2018 (26 pages)
20. Credit Clearinghouse Program update for December 19th and Suffolk County Comptroller's Office financial report as of December 31st (2 pages)
21. FKK, Inc. Core Preservation Area Hardship Waiver application staff report, dated December 19, 2018 (36 pages)