

Pine Barrens Credit Clearinghouse

James T.B. Tripp, Esq., Chairman
Andrew P. Freleng, Vice Chairman
Daniel P. McCormick, Member
Mitchell H. Pally, Esq., Member
Robert Anrig, Member

Pine Barrens Credit Clearinghouse Board of Advisors Meeting Summary (Final Approved 12/1/17) For October 19, 2015 9:30 pm Commission Office, Westhampton Beach, New York

Present: Board members: Mr. James Tripp (representing the Town of Brookhaven); Mr. Andrew Freleng (representing the County of Suffolk), Mr. Robert Anrig (representing the Town of Southampton), Mr. Mitch Pally (representing New York State), Dan McCormick (representing Town of Riverhead) also in attendance were Jack Sellek Mr. John Pavacic, Mr. Jerry Tverdy, Ms. Julie Hargrave, and Mr. John Milazzo (from the Commission).

Administrative

The meeting began approximately at 9:30 p.m. with a quorum present.

Public Comment

No public comments were made.

Minutes

A motion was made by Mr. Anrig and seconded by Mr. Pally to approve the minutes from the May 31, 2013 Clearinghouse Board Meeting, which was passed by a 5:0 vote.

Financial Report and the Program Overview

The attached financial and program overview reports were distributed and reviewed by the members. The financial report ending balance as of September 30, 2015 was \$2,507,443.38 and interest earnings for September were \$412.15, with no recent disbursements.

Program Overview – Report and Statistics

Mr. Tverdy reported that the Clearinghouse owns 10.19 Pine Barrens Credits. In 2014 and 2015 a total of 136 parcels in the new Core area received Pine Barrens Credits, a total of 51 Credits were generated, 52 Credits were redeemed and 77 Credits were sold. Mr. Tverdy noted that the average price of a Credit was between \$60,000 and \$80,000. Mr. Tverdy will research the average price per Credit for each of the three Towns and report that information to the Clearinghouse.

CLUP Amendments

Mr. Pavacic reported that in 2005 the Commission conducted a hearing on the effectiveness of the Comprehensive Land Use Plan and then the Commission performed a review of Chapters 4, 5 and 6. Between 2005 and 2010 refinements were made to the 2005 review of the CLUP and in 2010 the CLUP Amendments were presented to the Commission to review and approve. In 2011 through 2012 workshops were held with the Commission members, the

Representatives and Commission staff and in March of this year a consensus was reached to move on with the SEQRA process and public review. Mr. Pavacic discussed the time line of the SEQRA process for the CLUP Amendments and he noted that an Environmental Impact Statement may be prepared possibly in conjunction with an Economic Impact Statement, but that is not a requirement of SEQRA. In November a Final Scope should be submitted to the Commission and Mr. Pavacic distributed related materials including, Amendments to Chapter 6 related to the Pine Barrens Credit Program.

Mr. Pavacic discussed additional items related to the CLUP Amendments including, the addition of language related to the Carmans River Expansion legislation, the provisions for Mandatory Credit Redemptions that were not included in the Amendment process, clearing violations preventing Credit Allocations and conditions of zoning categories. It was noted that Town of Southampton could encourage increased Credit Redemptions for development related to the zoning overlay district for the Riverside Revitalization Plan. A discussion ensued pertaining to the Revitalization Plan and options for sewage treatment, 300 approximated Credits generated from the new Core area surrounding the Carmans River and possible Credit Redemptions related to The Hills at Southampton Planned Development District.

Pine Barrens Commission

Mr. Pavacic reported on current items before the Commission including, The Hills at Southampton project that is partially located in the Core within a Critical Resource Area (CRA) and a public hearing related to the determination of jurisdiction. A discussion ensued pertaining to the relationship between a Planned Development District (PDD), Credits redemptions and public benefit. The members discussed whether the Clearinghouse should make a recommendation to the Commission to suggest redemption of the Pine Barrens Credits for this project. Additional discussion included the ratio of the number of sending areas to receiving areas in all three towns.

Mr. Milazzo explained that the question of jurisdiction arose because The Hills project is partially located in a CRA and the Developer's argument against the Commission's assertion of jurisdiction is that there are no plans for the area within the CRA to be developed. The Commission's contention is that the total area, including the CRA that is in the Core, is considered part of the project site. It was noted that any action the Commission takes on a jurisdictional matter should include recommendations related to Pine Barrens Credits. The point was made that the Clearinghouse can recommend Pine Barrens Credits redemptions in relation to The Hills project under the provisions of the SEQRA and the decision was made to discuss the issue further during an Advisory Session at the end of today's meeting.

The Allocation of Pine Barrens Credits for Girl Scouts of Suffolk County Parcel

Mr. Tverdy displayed a map and discussed the Girl Scouts of Suffolk County parcel located just north of the Long Island Expressway at exit 60 that consists of 42 acres that is partially in A-5 zoning. He noted that the gross credits allocation totals 9.16 PBC's, and since the parcel is developed, typically the Clearinghouse would deduct ten credits. Since the property is being used seasonally, the Clearinghouse made the decision to follow the same formula that was used to determine the Boy Scouts of America Pine Barrens Credit allocation and deduct just one credit for one structure. Conservation Easement needs to specify how the land can be used in the future.

A motion was made by Mr. Tripp and seconded by Mr. Anrig to use the same formula that was used to determine the Pine Barren Credit Allocation related to the Boy Scouts of

America parcel for the Girl Scouts of Suffolk County 42 acre parcel, which was passed by a 5:0 vote.

Conservation Easements

Mr. Tverdy reported that parcels owned by Tuccio, located north of Gabreski Airport, were allocated 18 Credits and he discussed that the area is covered in debris from the Tuccio mini storage facility. Mr. Tverdy noted that the owner submitted a survey and the Clearinghouse requested them to submit an updated survey to show the debris and vegetation on the property and to include a metes and bounds description of the parcel. Mr. Milazzo explained that once the owner submits the new survey the credits could be issued with a Conservation Easement placed on the property. He recommended not changing the credit allocation since a metes and bounds description was requested from the owner. A discussion ensued pertaining to the debris, the possibility of contamination, Town Code Enforcement and the restrictions of the Conservation Easement.

Mr. Sellek, representing the Long Island Country Club provided background information and noted that the Commission originally approved the submittal of an aerial photograph in lieu of a survey in connection with a previous Conservation Easement in the Town of Brookhaven. He expressed concerns that the costs are prohibitive to produce a new survey associated with the current Credit Application. Mr. Sellek asked the Clearinghouse to accept an aerial photograph for the parcel associated with this Conservation Easement. A discussion ensued pertaining to clearing limitations associated with the Conservation Easement, existing vegetation at the property, and methods of avoiding future conflicts if any changes in clearing occur.

A motion was made by Mr. Pally and seconded by Mr. Tripp to approve the submission of an aerial photograph and the use of GPS to establish a baseline of cleared areas at the Long Island Country Club property for the current Credit Application, which was passed by a 5:0 vote.

Mr. Milazzo reported that the Conservation Easement associated with Enchanted Forest, in expanded Carman's River Core Area, Brookhaven Town has been executed and 51.06 Credits were generated. A press release is pending Clearinghouse approval.

Mr. Pavacic reported that Commission staff noticed a significant clearing violation and excavation occurred at the Alberto-Affatato property that is located on the east side of County Road 111, north of County Road 51. The NYS Attorney General was contacted and the violation is moving through the court system. Mr. Pavacic discussed the fact that the owners have decided not to sign a consent agreement and it was noted that the Conservation Easement was signed by the owners under the conditions of the restrictions. The Attorney General has agreed to represent the Commission.

Pine Barrens credits owned by the Clearinghouse

Mr. Tripp discussed background information related to the Clearinghouse owned Credits and he noted that the Clearinghouse needs to decide how to manage the Credits' sale. A discussion ensued regarding the purpose of the Clearinghouse owning the Credits and Mr. Tripp expressed concerns about the legal ramifications involved in selling the Credits under certain conditions.

A motion was made by Mr. Anrig and seconded by Mr. McCormick to move into Executive Session at approximately 10:45 a.m., which was approved by a 5:0 vote.

Around 11:10 a.m. motion was made by Mr. Tripp and seconded by Mr. Pally to return to the regular meeting, which was approved by a 5:0 vote.

A motion was made by Mr. Freleng and seconded by Mr. Anrig to send a letter to the Town of Southampton pursuant to the SEQRA process on The Hills at Southampton project requesting that the Town consider the redemption of Pine Barrens Credits as the primary public benefit, which was passed by a 4:0:1 vote, with the Riverhead Town abstaining.

The meeting ended at approximately 11:15 a.m.

Attachments:

1. Sign in sheet
2. Meeting minutes of 5/31/13
3. Credit program financial report for September 2015
4. CLUP Chapter 6. Pine Barrens Credit Program handout