

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (DRAFT) for January 3, 1995 Brookhaven Town Offices / 2:00 pm

1. Compatible Growth Area

- TK Builders / Medford: nondevelopment status

2. Core Preservation Area

- Suffolk Community College / Riverhead-Eastport: scheduling of hearing
(*Not scheduled at 12/21/94 meeting.*)

3. Plan Development

- Land use standards and review procedures: revision from 12/21/94 discussion
- Vacant, roadfront core parcels: delineations (per 12/21/94) and policy discussion
- Calverton Joint Planning and Redevelopment Commission: correspondence
- Law Enforcement Council
- Pine Barrens Credit Program: latest draft

4. Administrative

- Draft meeting summary for 12/21/94: distribution for approval on 1/6/95
- Draft meeting summaries for 10/11/94 through 12/14/94: corrections and approval
- Scheduling of February and March meetings

5. Executive Session (*if necessary*)

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for January 3, 1995 Brookhaven Town Offices / 2:00 pm

1. Compatible Growth Area

- TK Builders / Medford: nondevelopment status

2. Core Preservation Area

- Suffolk Community College / Riverhead-Eastport: scheduling of hearing
(*Not scheduled at 12/21/94 meeting.*)

3. Plan Development

- Land use standards and review procedures: revision from 12/21/94 discussion
- Vacant, roadfront core parcels: delineations (per 12/21/94) and policy discussion
- Calverton Joint Planning and Redevelopment Commission: correspondence
- Law Enforcement Council
- Pine Barrens Credit Program: latest draft

4. Administrative

- Draft meeting summary for 12/21/94: distribution for approval on 1/6/95
- Draft meeting summaries for 10/11/94 through 12/14/94: corrections and approval
- Scheduling of February and March meetings

5. Executive Session (*if necessary*)

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for January 3, 1995 (Approved 1/6/95) Brookhaven Town Offices / 2:00 pm

Present: Mr. Proios (for Suffolk County), Ms. Swick (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Thiele (for Southampton) and Mr. Cowen (for New York State). Additional attendees are shown on sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:17 pm. The following sequence varies from the original agenda.

Compatible Growth Area

- TK Builders / Medford: nondevelopment status
Summary: Ms. Plunkett noted that the application appears to qualify as non-development under ECL 57-0107(13)(xii). The application was before the Zoning Board of Appeals for variances other than lot area variances. **A motion was made by Mr. Cowen and seconded by Ms. Swick to deem the TK Builders project as nondevelopment pursuant to ECL 57-0107(13)(xii). The motion was approved unanimously.** The hearing scheduled for tomorrow evening for this project will not be necessary.

Core Preservation Area

- Suffolk Community College / Riverhead-Eastport: scheduling of hearing
(Not scheduled at 12/21/94 meeting.)
Summary: After a brief discussion, it was decided to defer this topic until later in the meeting, in order to first consider the Calverton commission correspondence.

Plan Development

- Law Enforcement Council
Summary: Mr. Hynes, Director of Security for the Suffolk County Parks Department, and Captain Otterstedt, of the NYS Environmental Conservation Police, presented the report and proposed plan component regarding law enforcement issues in the Central Pine Barrens. They introduced the Law Enforcement Council concept, the members present, the goals of the council, the issues which the participating law enforcement

agencies face, and several of the specific proposals which their report presents. Sgt. Meuller of the Suffolk County Park Police described the type of patrol duties which he undertakes.

Issues discussed included overlapping jurisdictions, tracking of similar offenses or the same offenders across different agencies records, following through with the court system personnel, field communications difficulties, the need for cross-agency training, etc. Approaches and proposals included development of an interagency computer system, development of a field patrol handbook with complete laws and maps, establishment of a 24 hour hotline number, interagency training, coordination of field patrol routes, etc. Mr. Amper complimented the council members for their work. Mr. Scro inquired as to what budget would be required. Captain Otterstedt replied that the agencies were working within their existing budgets, and that many of the proposals were already being implemented.

Administrative

- Draft meeting summary for 12/21/94: distribution for approval on 1/6/95
Summary: Copies had been previously faxed to the Commissioners. A motion was made by Mr. Cowen and seconded by Ms. Filmanski to approve the summary of the 12/21/94 meeting. The motion was approved unanimously.
- Draft meeting summaries for 10/11/94 through 12/14/94: corrections and approval
Summary: Action on these was deferred to the 1/6/95 meeting.
- Scheduling of February and March meetings
Summary: After a brief discussion, a motion was made by Ms. Filmanski and seconded by Mr. Cowen to (1) reschedule the meeting of 1/11/95 for 1/13/95 at 2 pm in Riverhead, and (2) to schedule weekly Wednesday meetings from 1/25/95 through 3/15/95, each at 2 pm. The staff will arrange for the specific locations, with the meetings occurring at Riverhead and Medford. The motion was approved unanimously.

Plan Development

- Calverton Joint Planning and Redevelopment Commission: correspondence
Summary: Mr. Proios read the 12/13/94 letter from Mr. Goodale of the Calverton commission. Mr. Rigano discussed the question of whether the proposed activity at the Calverton site could be deemed as nondevelopment under the Pine Barrens statute. Such a determination would presumably rest upon the public welfare aspects of the redevelopment effort. A brief discussion of the possibility of federal preemption of the state statute was held, with the conclusion being that such preemption would need to be explicit in the federal legislation in order to be clearly in effect.

The schedule under which the Calverton commission is working was discussed. The

pine barrens commission's schedule requires that this commission proceed without seeing the draft version of the Calverton plan. Mr. Rigano and Mr. Corwin will discuss possible language which the Commission can place in the pine barrens plan in order to address the concerns of the Calverton commission.

Core Preservation Area

- Suffolk Community College / Riverhead-Eastport: scheduling of hearing
(Not scheduled at 12/21/94 meeting.)

Summary: The proposed hazardous waste management facility and child care center aspects of this larger project were first discussed, with particular regard to the public health and welfare nondevelopment provisions of the pine barrens statute. Mr. Rigano addressed these nondevelopment provisions. Ms. Plunkett reviewed the specific proposals contained within the College's Phase I list. The possibility of requesting additional information was raised, as was the possibility of holding a hardship hearing for this project. After some discussion on the approach to use in reviewing this project, there was agreement that the Commission should act today on the Phase I project list.

A motion was made by Mr. Thiele and seconded by Mr. Cowen to deem the projects contained on the College's Phase I list as nondevelopment. During the discussion which followed, Mr. Thiele amended the motion to specify that the certification of nondevelopment be contingent upon the projects being implemented in a manner consistent with the goals and objectives of the statute. Mr. Cowen seconded the amendment. The amended motion was approved unanimously. No action was taken upon the Phase II list.

Plan Development

- Vacant, roadfront core parcels: delineations (per 12/21/94) and policy discussion
Summary: Since the last Commission discussion of this topic, Mr. Proios had requested Ms. Plunkett to identify those vacant core area roadfront parcels which also abutted the core area boundary. The purpose of the inquiry was to determine whether those parcels would be amenable to a change of boundary by the Commission in order to release a portion of the properties from the core area restrictions. Ms. Plunkett reported that only a small fraction of the parcels qualified under this criteria.

Mr. Proios noted that the towns should identify which of the overall vacant core area roadfront parcels would be suitable for development. The town representatives reported that their staffs are working on this. A more general discussion then occurred over what mechanisms the Commission might be able to use to formulate a plan policy acceptable under the law. There was general agreement that the best approach would be to recommend in the plan that appropriate legislative changes be made to the pine barrens statute to permit the desired lots to be developed. Mr. Rigano and Mr. Corwin will discuss possible language for such a plan section. Until such time as the pine barrens legislation may be amended, the plan will need to utilize the core hardship

provision for nonconforming projects.

- Land use standards and review procedures: revision from 12/21/94 discussion
Summary: Mr Rigano summarized the changes made to the Development Review Procedures since the last Commission meeting. He specifically identified the changes made due to the statute's requirement in ECL 57-0123(3) for applying the core area hardship provision during the plan implementation period. Within the Procedures section, Mr. Corwin discussed the critical resource areas table which appears as part of the definition of the Commission's jurisdiction. Mr. Corwin then went through the changes to the Land Use Standards section. During these discussions, several additional changes and specific guidance were formulated for the next set of changes.
- Pine Barrens Credit Program: latest draft
Summary: Mr. Hopkins distributed the latest draft of the Pine Barrens Credit Program plan chapter, dated today. He went through the document in detail, with particular emphasis upon those portions which were new or changed from prior versions. Discussions occurred sporadically on both the changed concepts as well as the language used in specific sections. Some general discussion was held at the close of the presentation, with the conclusion being that the Commissioners would study the document carefully in the next several days.

Adjournment

Summary: A motion to adjourn was made by Mr. Thiele and seconded by Ms. Filmanski. It was approved unanimously. The meeting ended at approximately 5:53 pm.

Central Pine Barrens Joint Planning and Policy Commission

MEETING FOR:

Central Pine Barrens Commission

LOCATION:

Brookhaven Town Offices

DATE/TIME:

2:00pm Jan 3rd '95

NAME	REPRESENTING	ADDRESS	TELEPHONE/FAX
Lawrence J Hynes	LAW ENFORCEMENT	Suffolk County Parks PO Box 144 West Saugerties	854-4964
DOUGLAS RODRIGUEZ	DIRECTOR CODE ENFORCEMENT	TOWN OF BROOKHAVEN 1130 OLD TOWN RD COLAM, N.Y.	451-6161
Bugs Schwenk	LIPTI	400 Corporate Plaza Islandia	232-7345
Sgt K.T. Nordt	STATE PARK POLICE	PO Box 247 BABYLON, NY 11702	669-2500
CAPT. R. OTTERSTEDT	NYS DEC	LAW ENFORCEMENT BLDG #40 SUNNY STONY BROOK	444-0250
Paul J. Stevinski	NEW YORK STATE POLICE RIVERHEAD/BOCAIEN	1st State Rt 24 Hampton Bays NY 11946	728-3000
DENNIS R. MUELLER	SCPP	Montauk Rd West Saugerties N.Y.	852-1320
FREDERICK FOOTE	RIVERHEAD POLICE	210 HOWELL AVE.	727-4500 X 331
RICHARD E. GADZINSKI	T.O. RTO.	200 HOWELL AVE ROAD	727-6712 FAX 727-3200 X 243
Tresya	SCWA / CPBC	SUNRISE HWY GREAT RIVER	563-0385
D. P. W. Felt	SCWA.		
ED QUAREMBA	NASSAU	56 PARKVIEW CIR BETHPAGE	433-8145
John Milazzo	SCWA	SUNRISE HWY GREAT RIVER	563-0385
P. Zelenksi	NYS DEC	Bldg 40 SUNNY STONY BRK	444-0300
W. SPITZ	NYS DEC	SUNNY CAMPU S.B	444-0419
P. Rabinovitch	TINC	PO 5125 EAST HAMPTON	329-7689
David Ascu	LIPTI	KONIKOMA, NY 11779	471-7276
Ann LaWall	S'H. Bus. All.	PO Box 24015 Hamp.	287-3287
MIKE DEERING	NY Leg. W. Comm	11 MID. NECK RD, GT NECK	829-3368
R. Amber	LIPTI	PO Box 427 Manorville	369-3300 / 3389
Heather Gard	LIPTI	"	"
Walter's Sharon Olson	CPR	1139 Flanders Rd. Riverhead	727-5636
MARK KOTILA	LAW ENFORCEMENT	SUFFOLK DISTRICT ATTORNEY HAMPTON, NY	853-5230
C Swick	TOB		451-6200
R. Corwin	CPB Comm		

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for January 6, 1995 Brookhaven Town Offices / 2:00 pm

1. **Compatible Growth Area**
 - People's Choice Contractors / Yaphank: new application
2. **Core Preservation Area**

No items at this time.
3. **Plan Development**
 - Vacant, roadfront core parcels: town recommendations (if ready)
 - Land use standards and development review procedures: revisions
 - Calverton Commission: proposed pine barrens plan language
 - Plan Volume II Draft: distribution
4. **Administrative**
 - Draft meeting summary for 1/3/95: distribution
 - Draft meeting summaries for 10/11/94 through 12/14/94: corrections and approval
5. **Executive Session (*if necessary*)**

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for January 6, 1995 (Approved 2/15/95) Brookhaven Town Offices / 2:00 pm

Present: Mr. Gaffney, Mr. Proios and Mr. Dragotta (for Suffolk County), Ms. Swick and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Thiele (for Southampton) and Mr. Cowen (for New York State). Additional attendees are shown on sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:24 pm. The following sequence varies from the original agenda.

Administrative

- Draft meeting summary for 1/3/95
Summary: The 1/3/95 meeting summary had been previously faxed to Commissioners, and copies were also available from Mr. Corwin.

The summary was reviewed, and a change was made on page 3 of the draft, pertaining to the discussion of residential development on certain private, undeveloped, roadfront core area parcels. The summary should be augmented to reflect the Commission's determination at that meeting that development proposals for these parcels should be considered as per the core area hardship provisions until such time as the statute may be amended to permit residential development on them.

A motion was made by Mr. Cowen and seconded by Ms. Filmanski to approve the draft summary of the 1/3/95 meeting with this change. The motion was approved unanimously.

- Draft meeting summaries for 10/11/94 through 12/14/94: corrections and approval
Summary: These summaries were reviewed, and a change was made to the description within the 10/11/94 summary pertaining to the Lukas core hardship application. The summary should be changed to reflect that the application was for an exemption from the statute for the purpose of selling the parcel.

A motion was made by Ms. Filmanski and seconded by Mr. Thiele to approve the draft summaries of the meetings held from 10/11/94 through 12/14/94, with the above change to the 10/11/94 summary. The motion was approved unanimously.

Mr. Gaffney arrived during the following discussion, and chaired the meeting from that point. Ms. Wiplush also arrived during the following discussion.

Compatible Growth Area

- People's Choice Contractors / Yaphank: new application
*Summary: Mr. Hopkins summarized this project. It is a 3 lot split of a 2.5 acre parcel in a 1 acre zone in Yaphank, near Timber Trail Lane and north of the Expressway. A discussion ensued regarding the access proposed for this parcel. **A motion was made by Ms. Swick and seconded by Ms. Filmanski to hold a hearing on this project on 2/2/95 at 7 pm at a location to be arranged within Brookhaven. The motion was approved unanimously.***

Core Preservation Area

- Manor Pines / Manorville (not on original agenda)
Summary: Mr. Corwin reminded the Commissioners that the Manor Pines project was slated for a decision at the 1/13/95 meeting at their request, although the formal deadline for the decision was mid-February. The hearing record remains open through 1/12/95. Ms. Trezza will try to have the transcript expedited.

Plan Development

- Vacant, roadfront core parcels: town recommendations (if ready)
Summary: All three towns' planning staffs are working on lists of parcels they feel should be covered by a proposed amendment to the statute permitting residential development on them. Ms. Swick described her staff's efforts in more detail, outlining the categories of the approximately 300 parcels which had emerged during their work. Approximately one half of these candidate parcels were eliminated during their analysis. She also indicated the location of certain areas on a large regional map. The Riverhead and Southampton planning departments are also working on their recommendations. The result of the towns' work will be used as the basis for any proposed statutory changes.
- Legislative recommendations to be included in Plan (not on original agenda)
Summary: Commissioners, staff and counsel discussed which legislative recommendations should be in the Plan, and what form each recommendation could take. Recommendations being considered include provisions for the vacant, private, roadfront core parcels (as discussed above) and provisions for the clarification of hardship provisions in the Compatible Growth Area following Plan adoption. Other possibilities were discussed.
- SEQRA requirements and events (not on original agenda)
Summary: Mr. Rigano summarized the applicable SEQRA process and the time

periods involved in finishing the Plan and GEIS.

- Vacant, roadfront core parcels (continuation)

Summary: The format of the legislative recommendations regarding these parcels was further discussed. The general agreement was that the legislative change(s) should be described as categories of parcels, with the descriptions identifying the parcels which result from the towns' analyses.

Mr. Dittmer, representing the Civil Property Rights (CPR) organization, asked whether the definition must include a paved road specifically. He noted that there may be unpaved roads on which people already have homes, which have utilities and on which some vacant, roadfront parcels are present. A brief discussion ensued on this point. The towns' parcel by parcel, or area by area, analyses should reveal any such situations.

- Land use standards and development review procedures: revisions

Summary: The discussion under this topic focused upon the current statutory provision for applying the core area hardship to all development projects within the Central Pine Barrens after Plan adoption (ECL Section 57-0123(3)). Mr. Gaffney asked if there was any proposed language for a legislative change, and Mr. Thiele observed that the normal definition of hardship should be used for the Compatible Growth Area projects. Further discussion was held regarding whether there could be any assurance that a legislative change could be made. The agreement was to pursue the legislative change, as that was the best long term solution. The standards to be placed in the proposed final Plan will be settled at the 1/9/95 meeting.

- Possible legislative recommendations regarding tax status of Pine Barrens Credits (not on original agenda)

Summary: The desirability of including this as a legislative recommendation in the Plan was discussed. A general agreement emerged to not include it as a recommended change.

- Significance of statute's provision regarding designation of responsible planning entity for review of projects after Plan adoption (not on original agenda)

Summary: This was raised by Ms. Swick, who expressed concern that the various planning staffs, especially the towns' staffs, might be in the position of reviewing a project twice, using different standards. It was agreed that the Commission and the towns would find a reasonable approach to exchanging project information and reviews, as well as utilizing the various staffs appropriately.

- Commission's future jurisdiction (not on original agenda)

Summary: This discussion raised the general question of which projects the Commission would review and what geographic areas the Commission wants concentrate upon. No specific conclusions were reached.

- Designation of specific geographic areas within proposed standards (not on original agenda)

Summary: The current draft of the land use standards (1/3/95) contains a list of geographic areas within which stricter standards or planning goals would apply. The usefulness, accuracy, and purpose of these lists was debated extensively. Examples were noted of areas on the list which are already regulated under other laws, notably the State Wild, Scenic and Recreational Rivers Act corridors. The clarity of the definition of these areas was also critiqued, as many of the entries were not well-defined. Possible approaches to correcting these and other defects were discussed, including omitting the lists, clarifying the definitions and removing the areas already regulated. The staff will examine these lists again, and produce a suggested revision.

- Distribution of drafts of Plan Volume 2 and community design standards
Summary: Mr. Corwin and Ms. Plunkett distributed copies of these drafts for review. No discussion was held at this time.

Mr. Gaffney and Mr. Thiele left at this time. Mr. Proios chaired the meeting from this point.

- Suffolk County Board of Health Article 6 changes (not on original agenda)
Summary: It was noted that the Suffolk County Department of Health Services is in the process of introducing suggested changes to the Suffolk County Sanitary Code Article 6. These changes would relate to the development transfer program.
- Calverton Commission: proposed pine barrens Plan language
Summary: Mr. Rigano distributed a draft of a policy which could be included in the Plan to respond to Riverhead Town's concerns. It was discussed, and Ms. Filmanski will discuss this with the Town officials.
- Pine Barrens Credit program status
Summary: Mr. Hopkins summarized the current draft and provisions of the PBC program.

Executive Session

Summary: A motion was made by Mr. Cowen and seconded by Ms. Filmanski to enter into executive session for the purpose of discussing matters of litigation. The motion was approved unanimously, and the Commission entered into executive session.

Adjournment

Summary: Upon return from executive session, the meeting was adjourned without a resolution.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for January 9, 1995 Brookhaven Town Offices / 9:30 am

1. Compatible Growth Area

No items at this time.

2. Core Preservation Area

No items at this time.

3. Plan Development

- Vacant, roadfront core parcels: town recommendations (if ready)
- Suggested standards-based thresholds for Commission review of nonconforming activity
- Review of draft of Volume 1: Policies, Programs and Standards

4. Administrative

No items at this time.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for January 9, 1995 (Approved 2/15/95) Brookhaven Town Offices / 9:30 am

Present: Mr. Gaffney, Mr. Proios and Mr. Dragotta (for Suffolk County), Ms. Swick and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Thiele (for Southampton) and Mr. Cowen (for New York State). General counsel included Mr. Rigano and Ms. Roth. Commission staff included Mr. Corwin, Ms. Trezza, Mr. Hopkins, Ms. Plunkett and Mr. Milazzo. Additional attendees are shown on sign-in sheet.

The meeting was called to order by Mr. Gaffney at approximately 9:50 am.

Administrative (not on original agenda)

Summary: Mr. Gaffney stated that he needs to be at a 12 noon press conference at Riverhead regarding new County pine barrens acquisitions, and invited the Commissioners to attend. He suggested that the meeting be adjourned in time to permit travel to the site, with a reconvening of the meeting in Riverhead after the press conference.

Plan Development

- Vacant, roadfront core parcels: town recommendations (if ready)
Summary: Ms. Swick described the report being prepared by her staff for Brookhaven. She described the criteria and categories of parcels which they had determined to date. The Riverhead and Southampton planning staffs are also working on their reports.

The discussion then turned to the form and content of the legislative change to the Pine Barrens Act which would be needed to implement these reports' contents. Mr. Rigano distributed copies of a suggested text for this change, and the Commission made several modifications to it. Mr. Thiele felt that the language in such a provision should be kept general, and not overly specific. Ms. Swick noted that Brookhaven Town does not want to encourage development on paper streets or unimproved roads. The suggested language modifications will be made by Mr. Rigano, and the topic addressed again at the 1/11/95 meeting.

- Suggested standards-based thresholds for Commission review of nonconforming activity
Summary: This topic was deferred to the 1/11/95 meeting.

- Review of draft of Volume 1: Policies, Programs and Standards

Summary: Mr. Corwin distributed copies of a 1/9/95 draft of the Plan's Volume 1, entitled "Policies, Programs and Standards". He then described the sections of the Plan, noted what text still needs to be added, and which sections require Commission policy decisions prior to being filled in. A brief discussion occurred at this point regarding the taxable status of Pine Barrens Credits, and whether the Plan should contain a legislative recommendation regarding that issue.

Mr. Corwin suggested that the Plan be reviewed carefully within the next 48 hours, and that Commissioners contact the staff with any changes. Ms. Swick noted that Brookhaven has several comments and changes regarding the standards and procedures.

Mr. Corwin observed that he would implement changes only if they are truly authorized. He suggested that the Commission agree now on what authorization procedures should be used to prevent unanticipated problems or confusion in the next several days. It was agreed that the County Executive would be the final authority for authorizing changes over this period.

At this point, Mr. Deering, a member of Assemblyman DiNapoli's staff, distributed and enumerated several proposed changes to Chapters 4 and 5 of Volume 1 (the chapters addressing procedures and standards), as well as suggested changes to Chapter 6 (the Pine Barrens Credit program). This discussion contained details such as reliance upon legislative changes for some procedures, involved agency status for SEQRA coordination, hearings on projects, etc. Concern was expressed by the Commissioners that these recommendations were not in writing, and this led to the stipulation that these changes need to be in writing by 1/11/95 in order to be considered by the Commission for the proposed final Plan.

It was then decided that a meeting would be held on 1/11/95 for a strictly limited number of topics, in order to finalize all policy decisions to be included in the Plan to be recommended on 1/13/95. That meeting will be held at 3 pm at the Riverhead Town Hall. Ms. Roth will check on the notification requirements for such a short-notice meeting.

Temporary adjournment

Summary: A decision was made to adjourn until approximately 1:30 pm today, reconvening at the Riverhead County Center, due to a press conference in the Riverhead-Southampton area regarding new County pine barrens acquisitions. The meeting was then adjourned at approximately 11:18 am without a formal resolution.

The meeting was reconvened by Mr. Gaffney at approximately 2:00 pm at the Riverhead County Center.

Executive session

Summary: A motion was made by Mr. Gaffney and seconded by Mr. Thiele to enter into executive session to address certain legal issues. The motion was approved unanimously. The Commission entered into executive session at approximately 2:15 pm, and returned to open session at approximately 3:30 pm.

Plan Development

- SEQRA issues regarding Plan and GEIS (not on original agenda)
Summary: A brief discussion was held regarding the proper sequencing of SEQRA (ECL Article 8) and Pine Barrens Act (ECL Article 57) requirements and work products.
- Standards and guidelines for agriculture and horticulture (not on original agenda)
Summary: At the request of the Commission, the proposed final Plan language regarding standards and guidelines for agriculture and horticulture were reviewed by Mr. Corwin, and some discussion ensued.

Adjournment

Summary: The meeting was adjourned at approximately 4:00 pm without a formal resolution.

Central Pine Barrens Joint Planning and Policy Commission

MEETING FOR:

Central Pine Barrens Commission

LOCATION:

Brookhaven Town Offices

DATE/TIME:

9/9/95 9:30 am

NAME	REPRESENTING	ADDRESS	TELEPHONE/FAX
Steph	SCWA/CPBC	Sunrise Hwy Great River	563-0385
J. Band	PRS	Riverhead	369-3300
Tim Hopkins	OCWA	3525 Sunrise Hwy Great River	563-0308/277-4097
MIRE DEERING	LEG. WATER Comm		829-3368
Drea Langer	LIBS	Box 425 Monaca Ville	369-3300
Buffy	LIBF	Selander	232-2345
SCW	LIOT	Kushkushoma	471-7276
Ken Dragotta	SC Dept of Law	Hauptmanns Weg	853-5133
Lam MORRIS	NEWSDAY	MELVILLE	843-2768; 2953
John Milazzo	SCWA	Sunrise Hiway Great River	563-0308
STEVEN DADERIAN	BRESLIN	5th Old Country Garden City	74-7400
Walter's Sharon Olsen	CPR	1139 Frandew Kd. Riverhead	727-5696
VI HOGLUND	37 DIETZ AVE.	LAKE GROVE	588-8459
Richard C. Ryan	RYAN'S COMPANY	PO Box 321 Laurel NY	298-9623
Donna Plunkett	SCWA		
Bill SAITZ	NYSDEC	SUNY S. BROOK BLDG 40	444-0419
Ray Cowen	NYSDEC	SUNY Stony Brook	444-0345
Barbara Wiplash	Town/Brookhaven		451-6512
G SWICK			451-6200
George Proios	S.C. Exec. Office	888 Vets Highway	853-4654
Frenda Jilmanski	Riverhead	200 Howell Ave Rte	727 2000 x200
Ray Conni	CPB Comm/SCWA		
Rich Silkman	SUNY		207 846-0539
Tom Sexton	SUNY Stony Brook	309 Harmon Hall	632-7181

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for January 11, 1995 Riverhead Town Hall / 2:00 pm

1. Compatible Growth Area

No items at this time.

2. Core Preservation Area

No items at this time.

3. Plan Development

- Review of suggested changes to Volume 1, Chapter 4: Procedures
- Review of suggested changes to Volume 1, Chapter 5: Standards
- Review of suggested changes to Volume 1, Chapter 6: PBC Program
- Suggested Acquisition Policy statement
- Suggested Fire District statement
- Legislative changes section

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for January 11, 1995 (Approved 2/15/95) Riverhead Town Hall / 3:00 pm

Present: Mr. Gaffney, Mr. Proios and Mr. Dragotta (for Suffolk County), Ms. Swick and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Thiele (for Southampton) and Mr. Cowen (for New York State). General counsel was Mr. Rigano. Commission staff included Mr. Corwin, Ms. Trezza, Mr. Hopkins and Ms. Plunkett. Additional attendees are shown on sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 3:23 pm. Mr. Gaffney arrived shortly after the meeting began, and chaired the meeting from that time. The discussion sequence varies from the original agenda sequence.

Core Preservation Area

- Manor Pines / Manorville: Decision set for 1/13/95
Summary: Mr. Corwin noted that the Manor Pines hearing transcripts had been distributed earlier today, in preparation for the Commissioners' decision on 1/13/95. He also distributed a letter from Mr. Darrow, representative of the L.I. Greenbelt Trail Conference on the Advisory Committee, reiterating their prior opposition to the hardship application.

Plan Development

- Suggested Acquisition Policy statement
Summary: Mr. Corwin distributed a draft policy statement, intended to be placed in the very beginning of Chapter 3 of Volume 1, setting the Commission's goals for the core land acquisition program. No such policy is currently in the evolving Plan.

The draft distributed today contained two policies: that acquisition was the tool of choice in protecting the core area, and that acquisition of 75% of the remaining privately held vacant core land was the planning goal.

This precipitated a discussion of several questions, including:

- *Should there be a numeric goal (either percentage or acreage)?*
- *If so, what should that number be?*

- *If not a specific number, should a range of numbers be used?*
- *Should the use of any such number(s) be qualified by some condition(s)?*

Mr. Gaffney was concerned that a 75% goal may be too high, while Mr. Thiele felt that such a number was necessary to obtain the support of the Southampton Town Board for the Plan. Mr. Thiele raised the possibility that budgetary restraints could be noted in the goal statement as well. Ms. Swick stated that it should be clear that this is a long term goal. Mr. Rigano was asked whether setting a numeric goal could pose a legal problem. He replied that it generally did not appear so. Mr. Schwenk felt that it was unfair to place a specific number in the Plan.

The discussion ended with the decision to adopt the 75% acquisition goal with the addition of specific language indicating that this is a long term goal and would be dependent upon the availability of public funds.

- Review of suggested changes to Volume 1, Chapter 4: Procedures
- Review of suggested changes to Volume 1, Chapter 5: Standards
- Review of suggested changes to Volume 1, Chapter 6: PBC Program
Summary: Following the 1/9/95 Commission meeting, Mr. Rigano, Mr. Deering, Mr. Schwenk and Mr. Amper met to resolve differences over what these sections ought to contain, and to draft a written form of them. Mr. Rigano went through the resulting specific changes to Chapters 4 and 5 of Volume 1 of the Plan. He noted that Chapter 5, Standards for Land Use, had been revised to reflect the differences between standards and guidelines. Specific issues addressed included hardship criteria for nonconforming projects in the Compatible Growth Area, grandfathering provisions for development projects, and the content and wording of the nitrate/nitrogen standard.

As part of this discussion, Mr. Rigano went through the legislative revisions which would be needed to implement some of the newly proposed Plan components regarding review of development projects.

- Legislative extensions to the Pine Barrens Act
Summary: A brief discussion occurred regarding possible legislative extensions of the Pine Barrens Act's deadline for adoption of the final Plan.
- Suggested Fire District statement
Summary: Mr. Corwin discussed the content of a policy statement which could be placed in the Plan regarding assistance to fire districts which are heavily impacted by the Plan, especially those districts with large core holdings of public lands. Mr. Thiele noted the importance of this issue in areas such as, but not limited to, the Flanders fire district.
- Calverton redevelopment policy (not on the original agenda)
*Summary: Ms. Filmanski distributed a written draft policy on the Calverton redevelopment project proposed by Riverhead Town for inclusion in the Plan. Following a brief discussion, a **motion was made by Ms. Filmanski and seconded by Mr. Cowen to adopt that submission as part of the Plan. The motion was approved***

unanimously.

- Pine Barrens Credit Program review

Summary: Mr. Hopkins went through the Pine Barrens Credit Program section by section. Issues addressed by Commissioners and other attendees included as of right usage of credits, increases in sewage flows in certain areas, mapping of receiving areas, etc.

Executive session (not on original agenda)

Summary: A motion was made by Mr. Cowen and seconded by Mr. Thiele to enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously. The Commission entered into executive session at approximately 7 pm, and returned to open session at approximately 7:45 pm.

Adjournment

Summary: The meeting was adjourned at approximately 7:45 pm without a resolution of adjournment.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for January 13, 1995 Riverhead Town Hall / 2:00 pm

1. Compatible Growth Area

No items at this time.

2. Core Preservation Area

Manor Pines discussion and possible decision

3. Plan Development

- Correspondence received on Plan
- FOIL request from Long Island Builders Institute
- Consideration of final Plan draft

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for January 13, 1995 (Approved 2/15/95) Riverhead Town Hall / 2:00 pm

Present: Mr. Gaffney, Mr. Proios and Mr. Dragotta (for Suffolk County), Mr. LaMura, Mr. Garcia, Ms. Swick and Ms. Wiplush (for Brookhaven), Mr. Janoski and Ms. Filmanski (for Riverhead), Mr. Thiele (for Southampton) and Mr. Cowen (for New York State). General counsel included Mr. Rigano and Ms. Roth. Additional attendees are shown on sign-in sheet.

The meeting was called to order by Mr. Gaffney at approximately 2:22 pm.

Core Preservation Area

- Manor Pines discussion and possible decision
Summary: Ms. Roth summarized the application, on which a hearing had already been held, and distributed a draft findings statement and draft resolution to the Commissioners. A motion was made by Mr. LaMura and seconded by Mr. Thiele to adopt the findings statement. The motion was approved unanimously. A second motion was made by Mr. Thiele and seconded by Mr. LaMura to approve the hardship application for Manor Pines. Mr. Gaffney read the resolution aloud. The motion was then approved unanimously.

Plan Development

- FOIL request from Long Island Builders Institute
Summary: Mr. Corwin noted the recent receipt of a freedom of information request from the Long Island Builders Institute for the economic analysis results to date. Ms. Roth stated that the Commission would respond to the request within the statutory time limit.
- Correspondence received on Plan
Summary: Mr. Corwin read aloud two letters of support for the Plan, one from the Open Space Council and the other from the Long Island Greenbelt Trail Conference.
- Consideration of final Plan draft
Summary: Mr. Corwin summarized the two volume Plan contents, with the emphasis upon the sections, policies and recommendations contained within Volume 1.

An error was noted by Mr. Rigano in the Plan copies distributed to the Commissioners. The paragraph numbered 8.1.4 was included in the Plan draft by mistake, and should be deleted in any motion and resolution of approval.

Numerous people spoke on the Plan, the planning work, the Act and related topics. Mr. Gaffney, Mr. LaMura, Mr. Janoski, Mr. Thiele and Mr. Cowen spoke in that order. Each noted the various elected officials, staff members, agency officials, private groups and citizens who contributed to the Plan development work.

Following the Commissioners, Senator LaValle and Assemblyman DiNapoli (sponsors of the Pine Barrens Protection Act) addressed the Commission and audience. They were followed by Mr. LoGrande (Chair of the Advisory Committee), Mr. Schwenk (of the Long Island Builders Institute) and Mr. Amper (of the Long Island Pine Barrens Society).

Following these remarks, a motion was made by Mr. Gaffney and seconded by Mr. LaMura to recommend the Plan to the towns, with the deletion of paragraph 8.1.4. The motion was approved unanimously on a roll call vote.

Adjournment

Summary: The meeting adjourned at approximately 4 p.m. without a resolution of adjournment.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for January 25, 1995 Riverhead Town Hall / 2:00 pm

1. Compatible Growth Area

- Center Manor Plaza / Center Moriches: completeness and hearing
- Toussie ZBA 3 lot split / Miller Place: completeness and hearing
- McKay ZBA 2 lot split / Shoreham: completeness and hearing
- Rausch office expansion site plan / Middle Island: decision (1/26 deadline)

2. Core Preservation Area

No items at this time.

3. Plan Development

- Proposed legislation extending March deadline
- GEIS: response summary preparation, GEIS update, SEQRA requirements
- Economic analysis: completion discussion
- Land acquisition maps cited in V.1, Chap.3: review for inclusion
- Receiving area maps (1 map per town): status and inclusion in V.1
- Residential nondevelopment lot maps (1 map per town): status and inclusion in V.1
- Agricultural provisions of Plan

4. Administrative

No items at this time.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
James R. Stark, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for January 25, 1995 (Approved 2/15/95) Riverhead Town Hall / 2:00 pm

Present: Mr. Dragotta (for Suffolk County), Ms. Swick and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Thiele (for Southampton) and Mr. Cowen (for New York State). General counsel was Mr. Rigano. Staff included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Hopkins, and Mr. Spitz. Additional attendees are shown on sign-in sheet.

The meeting was called to order by Mr. Cowen at approximately 2:28 pm. The following sequence varies from the original agenda.

Compatible Growth Area

- Center Manor Plaza / Center Moriches: completeness and hearing
Summary: Ms. Plunkett summarized the current status of this application. It is now complete, having been reviewed by counsel. A hearing was recommended and will be scheduled later in this meeting.
- Toussie ZBA 3 lot split / Miller Place: completeness and hearing
Summary: Ms. Plunkett summarized this project. It consists of a proposed 3 lot split of a 1+ acre site on the west side of Oakland Street, south of Route 25A, in Miller Place.

Topics discussed included the single and separate status of this project under the Suffolk County Health Department's definition, the sterilization of 2 lots further north of the project site in order for the project to meet the Health Department requirements, the ownership of those sterilized lots, and whether it will meet the Interim Goals and Standards for nitrate/nitrogen. Mr. Rigano recommended that a hearing be scheduled, and that the applicant be notified informally that the nitrate/nitrogen standard would be of specific interest at the hearing. A hearing will be scheduled later in the meeting.

- McKay ZBA 2 lot split / Shoreham: completeness and hearing
Summary: Ms. Plunkett summarized this project. It consists of a 2 lot split of a 40,000 square foot site into two 20,000 square foot lots, and is located on the northeast corner of Willard Street and Martin Avenue, south of Route 25A in Shoreham. Mr. Rigano noted the same recommendation as stated above for the Toussie project.

- Combined hearing for the Center Manor Plaza, Toussie and McKay projects
Summary: A motion was made by Mr. Thiele and seconded by Ms. Filmanski to hold hearings on the Center Manor Plaza, Toussie and McKay proposals on the same date as the previously scheduled People's Choice proposal, namely 2/2/95 at 7:00 pm. The hearing will be held at the Brookhaven Town Senior Citizen Center at 759 Route 25A in Mt. Sinai. The motion was approved unanimously.
- Rausch office expansion site plan / Middle Island: decision (1/26 deadline)
Summary: Ms. Plunkett summarized this project's details. A hearing was already held on this project, and the deadline for a decision is 1/26/95. Discussion centered upon the amount of new clearing, the extent of prior clearing, the use of native plants, the use of nonnative, ornamental plants, the extent of turf and the use of fertilizer.

After some discussion, a motion was made by Mr. Thiele and seconded by Mr. Dragotta to approve the Rausch application subject to the conditions that (1) no more than 15% of the site be placed in turf, and (2) that along the eastern slope on the project site, any existing native vegetation be retained and any replanting be done using native plants. The motion was approved unanimously.

Administrative

- Riverhead Town representation and upcoming town board work session (not on original agenda)
Summary: At this time, Mr. Stark, Acting Riverhead Town Supervisor, stopped in to confirm that Ms. Filmanski will continue to represent him at the Commission meetings. Mr. Stark also extended an invitation to Commission members to attend a Riverhead Town Board work session on 2/2/95 at 10 a.m. at the Town Hall. That work session will include a presentation by Mr. Hanley (Riverhead's Director of Planning) and Ms. Filmanski on the pine barrens work and Plan.
- Draft summary of 1/6/95 meeting (not on original agenda)
Summary: These were distributed by Mr. Corwin. A deletion was suggested by Mr. Rigano for legal reasons prior to further consideration of the draft summary. The summary will be revised and considered at the next meeting.

Plan Development

- Distribution of Plan copies and scheduling of visits to town boards' work sessions (not on original agenda)
Summary: Mr. Corwin described the intended process for distributing copies of the Plan to all town board members in the three towns, the Advisory Committee members, and other interested persons. The staff will try to deliver copies of both Volume 1 and Volume 2 to the town board members by the end of this week.

He also noted that the paragraph which the Commission had specifically deleted from

their 1/13/95 recommendation of the Plan had been physically deleted, that the Volume 1 cover page had been annotated with the date of approval, and that a copy of the 1/13/95 written resolution of approval which the Commissioners had signed was added to the end of Volume 1. He further noted that Volume 2 had been edited for grammar, style, spelling, and addition of a table of contents.

Suggested procedures for conferring with, and visiting, the town boards was also discussed. It was agreed that the Commission and staff would visit each town board as soon as possible, at either a previously or specially scheduled work session. Specifically, Mr. Thiele requested that the date for the Southampton visit be 2/3/95 at 10 a.m.. A date of 2/2/95, with a time to be determined, was selected to be suggested to Brookhaven. A working visit with the Riverhead Town Board could be at a special meeting sometime after their town board hears the internal Riverhead staff presentation on 2/2/95 (discussed previously in this work summary).

- Proposed legislation extending March deadline
- GEIS: response summary preparation, GEIS update, SEQRA requirements
- Economic analysis: completion discussion
- Receiving area maps (1 map per town): status and inclusion in V.1

Summary: The above items were dealt with as a single topic, with Mr. Rigano starting the discussion by describing conceptually the proposed extension and accompanying legislative changes to the pine barrens act which he has been working on with Mr. Deering of Assemblyman DiNapoli's staff.

Mr. Rigano further described the calendar schedule which could be followed if an extension is granted. This schedule involved three basic steps: specification of receiving districts by the towns, completion of the economic analysis, and completion of the SEQRA environmental impact statement process. Mr. Rigano emphasized the importance of completing the receiving area designations by the end of February 1995. Also noted in the discussions at this point was the importance of SEQRA coordination among the Commission and the three towns. One suggestion was made to have the towns complete their review of the Plan by 3/15/95 and findings by the end of the proposed extension period in June 1995.

Mr. Amper of the Long Island Pine Barrens Society asked several questions about the schedule, and specifically questioned the progress of work internally within Brookhaven Town. Mr. Dittmer of the Civil Property Rights organization asked about mail notification to property owners of these various events. Both speakers comments were discussed and Mr. Cowen advised Mr. Dittmer that his request would be taken under advisement.

Executive Session (not on original agenda)

Summary: Upon the request of Mr. Rigano, a motion was made by Ms. Filmanski and seconded by Ms. Swick to enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously, and the Commission entered into executive session at approximately 4 p.m. The executive session ended

at approximately 4:30 p.m., and the open session resumed.

Plan Development

- Receiving area designations and towns' comments on proposed Plan.
(Continuation of discussion prior to executive session)
Summary: A motion was made by Mr. Thiele and seconded by Mr. Dragotta to set a deadline of 2/10/95 for the designation of residential overlay receiving districts, and a deadline of 2/21/95 for receipt of comments from the towns on the proposed Plan of 1/13/95. The motion was approved unanimously.

- Land acquisition maps cited in V.1, Chap.3 of Plan: review for inclusion
Summary: Mr. Corwin distributed 11 x 17 black and white reproductions of the three maps referenced in the proposed final Plan's Land Acquisition chapter. No discussion was held.

- Residential nondevelopment lot maps (1 map per town): status and inclusion in V.1
Summary: Mr. Thiele distributed and described a written report from the Southampton Planning Department on this subject. 192 vacant lots are on improved roads in the Southampton portion of the Core Preservation Area. Of these 192 vacant lots:
 - *46 are infill lots primarily in the Wildwood Lake and Pleasure Drive areas where residential development would be appropriate. These lots total 49.9 acres.*
 - *13 lots are deemed to be desirable protection areas if sufficient monies were available. These lots total 182 acres.*
 - *133 lots are deemed appropriate for protection. These lots total approximately 1000 acres.*

A map showing these parcels has been completed, and will be made available to the Commission for reproduction in the near future.

Ms. Swick then presented the corresponding results from her planning staff in Brookhaven. Approximately 48 vacant lots on improved roads in the Core Preservation Area were categorized as infill residential development candidates, out of approximately 300+ lots overall. Several lots were identified as already under the protection of the town's open space program. Approximately 20 lots were determined as appropriate for sale to adjoining owners. At least 30 parcels were determined to be on the edge of an existing open space or preserve area; for these, the town staff felt that they should come before the Commission even if residential development is permitted on them.

The areas of Brookhaven Town where these categories of lots were prevalent include Starr Boulevard (south of Nugent Drive or NYS Route 24), River Road in Manorville, the vicinity of Exit 70 off the Long Island Expressway, the area of Ridge on both sides of William Floyd Parkway (especially south of NYS Route 25), and in certain areas along the Carman's River. Ms. Swick has a written report which she will forward to the

Commission.

The Riverhead recommendation is in production, and will be ready shortly.

- Agricultural provisions of Plan

Summary: Mr. Corwin relayed to the Commissioners the dissatisfaction expressed by Mr. Gergela of the Long Island Farm Bureau with the provisions of the proposed final Plan which address standards and guidelines for agriculture and horticulture. The Commission discussed this briefly in the context of future changes to the Plan, which led to the next topic.

- Future changes to Plan (not on original agenda)

Summary: A brief discussion was held regarding the procedure which the statute calls for following the recommendation by the Commission of a final Plan, and how this implies that substantive Plan changes should be addressed. It was agreed that substantive changes to the Plan would have to come from the towns. It was further agreed that grammatical, style, editorial, and other similar changes would continue to be made by the Commission and its staff through this period.

Adjournment

Summary: A motion to adjourn was made by Mr. Thiele and seconded by Ms. Filmanski. It was approved unanimously. The meeting ended at approximately 4:56 pm.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
James R. Stark, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (DRAFT) for February 8, 1995 Riverhead Town Hall / 2:00 pm

1. Compatible Growth Area

- Presta / Lake Panamoka: decision (2/17 deadline)
- Center Manor Plaza / Manorville: status (5/25 deadline)
- Mavis Development Corp. / Middle Island: new; completeness and hearing

2. Core Preservation Area

- Nassau County Boy Scouts / Wading River: correspondence

3. Plan Development

- Legislative extension
- Acquisition funding resolution from 2/7 Advisory Committee meeting
- Town board work session visits
- Residential overlay receiving area maps (1 map per town): status
- Residential nondevelopment lot maps and reports: status
- Permitted uses in core
- Form of easements on TDR-protected lands
- PB Credit Program Board of Advisors
- Long Island Builders Institute correspondence (3 letters)
- Small core lots mapping and analysis (from 2/7 Advisory Committee meeting)

4. Administrative

- Staff lists for inclusion in final Plan
- Meeting summaries for 1/6, 1/9, 1/11, 1/13 and 1/25: corrections, approval

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
James R. Stark, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for February 8, 1995 Riverhead Town Hall / 2:00 pm

1. Compatible Growth Area

- Presta / Lake Panamoka: decision (2/17 deadline)
- Center Manor Plaza / Manorville: status (5/25 deadline)
- Mavis Development Corp. / Middle Island: new; completeness and hearing

2. Core Preservation Area

- Nassau County Boy Scouts / Wading River: correspondence

3. Plan Development

- Legislative extension
- Acquisition funding resolution (from 2/7 Advisory Committee meeting)
- Town board work session visits to date
- Residential overlay receiving area maps (1 map per town): status
- Residential nondevelopment lot maps and reports: status
- Permitted uses in core
- Form of easements on TDR protected lands
- PB Credit Program Board of Advisors
- Long Island Builders Institute correspondence (3 letters)
- Small core lots mapping and analysis (from 2/7 Advisory Committee meeting)

4. Administrative

- Staff lists for inclusion in final Plan
- Revised meeting summaries for 1/6, 1/9, 1/11, 1/13 and 1/25: corrections, approval

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
James R. Stark, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for February 8, 1995 (Approved 2/15/95) Riverhead Town Hall / 2:00 pm

Present: Mr. Proios and Mr. Dragotta (for Suffolk County), Ms. Swick and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Thiele (for Southampton) and Mr. Cowen (for New York State). Mr. Stark (for Riverhead) was at the meeting briefly towards the close, as indicated in the text below. General counsel was Ms. Roth. Additional attendees are shown on sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:16 pm. The following sequence varies from the original agenda sequence.

Compatible Growth Area

- Presta / Lake Panamoka: decision (2/17 deadline)

Summary: Ms. Plunkett reviewed this project's details and history. The project consists of the construction of a single family residence on a 5000 square foot (50 x 100 feet) lot on the east side of Panamoka Trail in Ridge. The Commission's hearing was held on 11/30/94 and its decision is due by 2/17/95. The possible single and separate eligibility of this parcel with reference to both the Suffolk County Health Department and the Commission was discussed. A question arose as to whether this application should be a compatible growth area hardship application. Mr. Cowen noted, based upon the hearing transcript, that this issue had been explored to some extent at the hearing.

It was agreed that Ms. Roth would examine this project and the hearing record closely in order to determine whether the discussion of hardship criteria during the hearing comprises a sufficient basis for the Commission to consider acting upon, or whether a separate application and/or hearing is required for such action. This will be reexamined at the 2/15/95 meeting.

Also noted during this item's discussion was the possibility of having a provision in the permanent procedures of the Commission for allowing an applicant to submit compatible growth area hardship materials at the same time that an original application is submitted.

- Center Manor Plaza / Manorville: status (5/25 deadline)
Summary: Ms. Plunkett summarized this application briefly, and presented the new site plans which the applicant submitted following the 2/2/95 hearing on this project. Upon examination of the new site plan's clearing calculations, which indicated that only 19.5% of the site would remain in natural vegetation, versus the 35% requirement of the Interim Goals and Standards, a motion was made by Mr. Thiele and seconded by Mr. Cowen to deny the application on the basis that it does not meet the clearance standard. The motion was approved unanimously.
- Mavis Development Corp. / Middle Island: new; completeness and hearing
Summary: Ms. Plunkett summarized this new project's details. This consists of the construction of a gas station facility on a 30,000+ square foot parcel at the northeast corner of NYS Route 25 and Currans Road in Middle Island. Although the site plan shows a convenience store as well, approval of the convenience store is still pending from Brookhaven Town. Based on this still-pending approval for a structure currently shown on the site plan, the application appears to be incomplete. A motion was made by Mr. Thiele and seconded by Ms. Filmanski to declare the Mavis Development Corp. application incomplete at this time. The motion was approved unanimously.

Core Preservation Area

- Nassau County Boy Scouts / Wading River: correspondence
Summary: Mr. Proios summarized the contents of the 1/23/95 letter from Mr. Andrew Cangemi, an attorney who is also Associate Vice President of the Nassau County Council of the Boy Scouts of America. The correspondence addresses the property owned by the Nassau Boy Scouts, known as Camp Wauwepex, in Wading River. The property is in the core preservation area, and the letter questions a number of points in the Pine Barrens Act and the Plan with respect to the property.

Mr. Corwin noted that the letter cites provisions of Chapter 7 of the proposed final Plan incorrectly, as that chapter's provisions only apply to public lands in the Central Pine Barrens. Mr. Amper, of the Long Island Pine Barrens Society, spoke on the question of options available to the Boy Scouts. Mr. Hopkins discussed how the Pine Barrens Credit Program would currently apply to the property. Ms. Filmanski stated that the current Riverhead Town zoning for this property would preclude any use other than an expansion of existing use (i.e., scouting activities). It was agreed that counsel would reply to the letter on behalf of the Commission.

Administrative

- Staff lists for inclusion in final Plan
Summary: Mr. Corwin requested that the Commissioners forward the names of any staff members from their respective agencies who should be cited in the Plan's Volume 2 introduction as contributors. No discussion occurred.

- Revised meeting summaries for 1/6, 1/9, 1/11, 1/13 and 1/25: corrections, approval
Summary: These draft meeting summaries were previously faxed to Commissioners, alternates and counsel, and copies were also available today from Mr. Corwin. Mr. Cowen noted a change to the 1/25/95 meeting summary. The change explicitly states that all substantive changes to Volume 1 of the Plan would have to come from the town boards. That change was agreed to.

A motion was made by Mr. Cowen and seconded by Mr. Thiele to approve these meeting summaries. A request was then made by Ms. Wiplush to hold off on approval since she may have some additional changes to make, which she would convey to the staff in the next several days. Mr. Cowen and Mr. Thiele agreed to withdraw the motion, and no further action was taken at this time.

Plan Development

- Legislative extension
Summary: Mr. Deering, of Assemblyman DiNapoli's office, distributed a bill memo regarding the proposed legislation to extend the March 1995 Pine Barrens Act deadline to the end of June 1995. A discussion ensued regarding both this item and the other proposed legislative changes to the Pine Barrens Act which have been raised. It was decided to hold this till later in this meeting.
- Acquisition funding resolution (from 2/7 Advisory Committee meeting)
Summary: Mr. Corwin summarized the resolution passed by the Advisory Committee last evening (2/7) which urged the Governor and the Legislature to restore the funding cuts made in the pine barrens acquisition program. Mr. Amper elaborated upon the contents of the resolution, which has not yet been put into written form. The resolution urged three actions be taken: restoration of the cut made in the 1994-95 acquisition monies, assurance of the Natural Resources Damages Account monies for the Pine Barrens Credit Program, and assurance of \$10 million for the 1995-96 pine barrens acquisition work.

The discussion which followed included the issue of whether the Advisory Committee should be forwarding a recommendation to the Commission in lieu of directly transmitting a resolution to the Governor and Legislature. This subject was held temporarily for later in this meeting.
- Legislative extension (continuation of earlier discussion)
Summary: Discussion resumed on this topic with the possibility of offering a resolution of support for the concept of an extension, without endorsing specific wording of the legislation. A motion was made by Mr. Thiele and seconded by Mr. Cowen to endorse the concept of a legislative extension of the Pine Barrens Protection Act's March 1995 deadline. The motion was approved unanimously.

- Acquisition funding resolution (from 2/7 Advisory Committee meeting)
(continuation of earlier discussion)

Summary: Discussion resumed on this topic with the desire being expressed by some Commissioners to see the actual text of the Advisory Committee's resolution. As soon as it is ready, the Advisory Committee resolution will be faxed to the Commissioners, alternates and counsel. Staff and counsel could then draft a version of the resolution for consideration by the Commission. In the interim, a general resolution could be passed today, supporting a \$10 million pine barrens acquisition funding level for each of the 1994-95 and 1995-96 fiscal years. **A motion was made by Mr. Thiele and seconded by Ms. Swick to endorse these funding levels for these years for pine barrens land acquisition. During the discussion which followed, Mr. Cowen noted that his vote on this resolution must take into consideration the fact that he represents the Governor on the Commission. The motion was approved by a vote of 4-1, with Mr. Cowen voting against it.**

- Town board work session visits to date

Summary: Mr. Corwin summarized the Riverhead Town Board work session of 2/2 at which Mr. Hanley, Director of Planning for Riverhead, and Ms. Filmanski summarized the pine barrens planning work, and the proposed final Plan itself. Members of the Commission staff, the Advisory Committee, and the general public were also present. Ms. Filmanski also remarked to the Commission on the 2/2 event. It was noted that the Commission or staff may be requested to return.

Mr. Corwin and Mr. Thiele summarized the 2/3 visit by Mr. Corwin, Mr. Hopkins, and other Commission staff members to a work session of the Southampton Town Board. The Plan was reviewed by Mr. Corwin and Mr. Hopkins at that time, and several issues of specific interest to the board members were addressed.

The work session for the Brookhaven Town Board is being set. Mr. Amper expressed the concern that Brookhaven Town was not proceeding expeditiously with their review of the Plan. It was noted that Brookhaven Town is preparing written comments, and that a meeting with the town board will be set soon.

- Residential overlay receiving area maps (1 map per town): status
- Residential nondevelopment core area lot maps and reports: status

Summary: Ms. Plunkett noted that the Riverhead and Southampton Town receiving area maps are being reviewed by the planning staffs and revised to show the residential overlay districts. Ms. Wiplush noted that she would prefer to reserve a discussion of Brookhaven's receiving areas for executive session.

Ms. Filmanski stated that Riverhead's vacant roadfront core area residential nondevelopment map was almost complete, and that it would be finished by the end of this week. Ms. Plunkett noted that Brookhaven and Southampton had completed their maps for this purpose.

- Permitted uses in core
- Form of easements on TDR protected lands
 - Summary: Mr. Corwin introduced these topics together. He noted several aspects of these topics, including the relationship among permitted land uses in the core area and the contents of conservation easements imposed upon lands protected under the Pine Barrens Credit Program.*
 - Ms. Filmanski illustrated the questions involved by describing a situation presented informally by a Riverhead resident, dealing with an existing horse farm in the core area of Riverhead. The owner had posed several questions about this property's possible role in the transfer program.*
- Pine Barrens Credit Program Board of Advisors
 - Summary: Mr. Corwin noted that the Suffolk County Department of Health Services has requested that they be a member of the proposed Board of Advisors for the Pine Barrens Credit Program. No further discussion was held.*
- Long Island Builders Institute correspondence (3 letters)
 - Summary: Mr. Corwin noted the three recent letters were received in the first days of February from the Long Island Builders Institute, including two critiques of the Plan contents and a freedom of information request for all information related to the proposed 2.5 ppm nitrate-nitrogen guideline. Counsel spoke briefly regarding the freedom of information request, saying that it would be responded to soon. Mr. Corwin summarized some of the points in the two critique letters. A brief discussion was then held regarding the need for substantive changes to the Plan to come from the town boards.*
- Small core lots mapping and analysis (from 2/7 Advisory Committee meeting)
 - Summary: Mr. Corwin described the discussion held at last night's Advisory Committee meeting regarding what effort could be made to address the concerns of small lot owners in the core preservation area. Mr. Corwin noted that a basic mapping exercise could be done, in which all vacant, private core area lots below a certain threshold size would be shown. A brief discussion was held in which the suggestion was made that the threshold for determining "small" could be that a lot was smaller than the current zoning minimum.*

Other business (not on the original agenda)

- Follow-up to the previous acquisition funding resolution discussion
 - Summary: Mr. Amper, on behalf of the Long Island Pine Barrens Society, called for the resignation of Mr. Cowen as a Commissioner due to his vote earlier in the meeting against the resolution requesting a reversal of the Governor's pine barrens acquisition funding position.*

Mr. Thiele expressed strong dismay at this call, and strongly stated his support for the continuation of Mr. Cowen as a Commissioner. Mr. Hopkins (on behalf of the Suffolk

County Water Authority), Ms. Elkowitz (on behalf of the Long Island Builders Institute) and Mr. Olsen (on behalf of the Civil Property Rights organization) all expressed strong support for the continuation of Mr. Cowen as a Commissioner. Mr. Amper then stated that he does not believe that it is appropriate to have a representative of the New York State Department of Environmental Conservation as a Commissioner. Mr. Stark, Commissioner from Riverhead, appeared briefly at the meeting and requested that he also be on record as supporting the continuation of Mr. Cowen as a Commissioner.

- Properties on River Road near the Ramada Inn in Riverhead
Summary: Mr. Schmelzer asked about the developed properties in this area which are included in the core preservation area. It was noted that these developed properties' continued existence is not affected by the designation.
- Upcoming hearings on the Suffolk County Department of Health Services' proposed Article 6 changes
Summary: Mr. Proios noted that the proposed changes to the County's Health Code Article 6, which would affect the proposed Pine Barrens Credit Program, will be the subject of a hearing on 2/15/95 at 10 am at the Health Department's Rabro Drive office in Hauppauge.

Executive Session (not on original agenda)

Summary: **A motion was made by Mr. Thiele and seconded by Mr. Cowen to enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously, and the Commission entered into executive session at approximately 4:30 pm. The executive session ended at approximately 4:54 pm, and the open session resumed.**

Adjournment

Summary: **A motion to adjourn was made by Mr. Thiele and seconded by Ms. Filmanski. It was approved unanimously. The meeting ended at approximately 4:54 pm.**

Attachment: Written resolution for Center Manor Plaza decision (added as part of the 2/15/95 approval)

**Central Pine Barrens
Joint Planning and Policy Commission**

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
James R. Stark, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739

**CARMINE ALIPERTI (CENTER MANOR PLAZA)
COMPATIBLE GROWTH AREA APPLICATION**

WHEREAS the Commission has received an application from Carmine Aliperti to develop property in the Compatible Growth Area at Sunrise Highway and Wading River Road in Manorville; and

WHEREAS a negative declaration was issued by the Town of Brookhaven Planning Board on February 14, 1994 in connection with the proposed Center Manor Plaza; and

WHEREAS the applicant wishes to construct a 7,800 square foot retail building with related parking, sanitary and water supply facilities on a 1.97 acre parcel; and

WHEREAS a public hearing was held by the Commission pursuant to Evtl. Conserv. Law Section 57-0121(9) on February 2, 1995; and

WHEREAS pursuant to Evtl. Conserv. Law Section 57-0121(9) development in the Compatible Growth Area must meet all the criteria set forth in the Interim Goals and Standards; and

WHEREAS the plans submitted by the applicant indicate that 19.5% of the site will remain uncleared; and

WHEREAS the Interim Goals and Standards require that no less than 35% of the site remain uncleared.

NOW THEREFORE be it

RESOLVED that the application is denied, without prejudice to reapply, on the ground that it fails to comply with the requirement in the Commission's Interim Goals and Standards that at least 35% of the site remain uncleared.

Dated: February 8, 1995

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
James R. Stark, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (DRAFT) for February 15, 1995 Riverhead Town Hall / 2:00 pm

1. Compatible Growth Area

- Presta / Lake Panamoka: decision (2/17 deadline)
- McKay / Shoreham: possible decision (5/13 deadline)
- US Department of Energy / Brookhaven Laboratory: 2/9 correspondence
(*Both core and compatible growth*)

2. Core Preservation Area

- See Brookhaven Lab item above

3. Plan Development

- Legislative extension status
- Acquisition funding resolution (from 2/7 Advisory Committee meeting)
- Draft acquisition funding resolution from Commission
- Residential overlay receiving area maps (1 map per town): status
- Residential nondevelopment lot maps and reports: status

4. Administrative

- Draft (revised) meeting summaries for 1/6, 1/9, 1/11, 1/13, 1/25 and 2/8:
corrections, approval

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
James R. Stark, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for February 15, 1995 Riverhead Town Hall / 2:00 pm

1. Compatible Growth Area

- Presta / Lake Panamoka: decision (2/17 deadline)
- McKay / Shoreham: possible decision (5/13 deadline)

2. Compatible Growth and Core Preservation Areas

- US Department of Energy / Brookhaven Laboratory: 2/9 correspondence

3. Plan Development

- Legislative extension status
- Acquisition funding resolution (from 2/7 Advisory Committee meeting)
- Draft acquisition funding resolution from Commission
- Residential overlay receiving area maps (1 map per town): status
- Residential nondevelopment lot maps and reports: status

4. Administrative

- Draft (revised) meeting summaries for 1/6, 1/9, 1/11, 1/13, 1/25 and 2/8: corrections, approval (*All summaries were previously faxed.*)
- Budget and finance issues: FYs 94-95, 95-96

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
James R. Stark, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for February 15, 1995 (Approved 2/22/95) Riverhead Town Hall / 2:00 pm

Present: Mr. Proios (for Suffolk County), Ms. Swick and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Thiele (for Southampton) and Mr. Cowen (for New York State). General counsel was Ms. Roth. Additional attendees are shown on sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:14 pm. The following sequence varies from the original agenda.

Administrative

- Draft (revised) meeting summaries for 1/6, 1/9, 1/11, 1/13, 1/25 and 2/8: corrections, approval (*All summaries were previously faxed.*)
Summary: Mr. Corwin distributed copies of the 2/8/95 meeting summary to those who had not received the faxed version. All changes received from Commissioners and counsel during the past week have been added.

A motion was made by Mr. Cowen and seconded by Ms. Filmanski to approve the revised versions of the summaries for the above 1/6/95, 1/9/95, 1/11/95, 1/13/95, 1/25/95 and 2/8/95 meetings. The motion was approved unanimously.

Compatible Growth Area

- Presta / Lake Panamoka: decision (2/17 deadline)
Summary: Ms. Plunkett noted that a decision on this application is due this week, and that the applicant's representative had expressed a desire to appear at today's Commission meeting if her schedule permitted. It was agreed that a decision would be held until later to permit her time to arrive.

Mr. Cowen asked Ms. Roth whether there was a sufficient basis in the hearing record to issue a decision for a hardship application. Ms. Roth stated that there appeared to be enough information in the record. Mr. Cowen asked whether this project was exempt as nondevelopment under the Pine Barrens Protection Act, and Ms. Roth stated that it was not exempt. At this point, further discussion was held up until later in the meeting.

- McKay / Shoreham: possible decision (5/13 deadline)
Summary: Ms. Swick asked about the existing development character of the area. This led to a brief discussion regarding the need for accurate aerial photographs of project sites in the future.

Mr. Cowen asked whether any standards are violated by the proposal, and Ms. Plunkett noted that the only question with regard to the standards was the size of the lots. A brief discussion occurred regarding the nitrate-nitrogen levels to be expected on lots of various sizes, and the confidence intervals for these expected values. Following this, a motion was made by Mr. Cowen and seconded by Mr. Thiele to approve the McKay application. The motion was approved unanimously.

- Center Manor Plaza / Manorville: written version of 2/8/95 resolution (not on original agenda)
Summary: Ms. Roth distributed a written version of the 2/8/95 resolution on this project. That draft was modified slightly to indicate the applicant's name and the project's name separately. Ms. Roth suggested that it be added to the 2/8/95 summary previously approved.

A motion was made by Mr. Cowen and seconded by Ms. Filmanski to add the modified version of that draft to the meeting summary of 2/8/95. The motion was approved unanimously.

Compatible Growth and Core Preservation Areas

- US Department of Energy / Brookhaven Laboratory: 2/9 correspondence
Summary: Mr. Proios read the 2/9/95 letter from Carson Nealy of the U.S. Department of Energy's Upton office to Mr. Gaffney concerning certain issues at the Brookhaven National Laboratory site. Ms. Swick noted that the Laboratory had recently started a land use planning process, and a brief discussion of that occurred. Mr. Proios described an early National Environmental Policy Act impact analysis which he recalled being in the late 1980's.

Mr. Cowen noted that the Laboratory voluntarily submits several types of permit applications to the State Department of Environmental Conservation. It was agreed that a meeting would be set up with representatives from the Commission staff, the State Department of Environmental Conservation, the County Health Department, and possibly other offices to discuss the specific tasks described in the letter.

Plan Development

- Legislative extension status
Summary: Mr. Corwin noted that the state legislation discussed at the 2/8/95 meeting to extend the March 1995 Pine Barrens Protection Act date to the end of June 1995 had been introduced into the State Legislature. The Senate bill number is 2322 and

the Assembly bill number is 3657. The bill only addresses the extension of the March deadline. Ms. Roth noted the timetable which the Commission would have to follow in the event that the extension bill does not become law. No further discussion was held.

- Acquisition funding resolution (from 2/7 Advisory Committee meeting)
Summary: Mr. Corwin distributed copies of the 2/7/95 Advisory Committee resolution regarding the recent state budget cuts. Copies had also been previously faxed to the Commissioners. No further discussion was held.
- Draft acquisition funding resolution from Commission
Summary: The draft distributed by Ms. Roth was deemed to be an accurate expression of the Commission's resolution of 2/8/95, and that no further resolution today was needed. The resolution will be forwarded to the Governor's office, the Long Island delegation to the State Legislature, and the Environmental Conservation and Finance Committees of the Senate and Assembly.
- Residential nondevelopment lot maps and reports: status
Summary: Ms. Filmanski described the Riverhead core lot designations, using a map prepared by the town. 67 parcels were determined to be single and separate core area lots on improved roads. Of these, 35 parcels were determined to be appropriate for the proposed residential development exemption. These 35 lots total approximately 72 acres.

It was also noted that, for all three towns, a qualifying clause permitting the Commission to add additional parcels as appropriate would be desirable. This would permit, for example, the correction of errors in these initial lists. Mr. Proios raised the issue of having all of these parcels recorded in a single, common data base. A brief discussion ensued regarding the ability to transfer such data among various agencies' computer systems.

- Residential overlay receiving area maps (1 map per town): status
Summary: Mr. Thiele noted that the Southampton overlay receiving areas map is almost ready. Ms. Swick described the current Brookhaven work on defining receiving areas in selected A1 and A2 zoning districts within the town's compatible growth and non-pine barrens areas. She described the calculation process and some rough acreage totals, concentrating upon the private undeveloped non-environmentally sensitive areas within these districts.

A brief discussion was held regarding whether areas within incorporated villages are being considered for receiving districts, and it was agreed that such areas would not be appropriate for several reasons. During the village discussion, Mr. Thiele noted that it might be appropriate to recommend that Quogue Village be excluded from the pine barrens area entirely, with the possible exception of the Quogue Refuge.

The discussion then returned to Brookhaven's work briefly, and then to the question of which subset of the parcels and acreage mentioned by Ms. Swick were outside of Hydrogeologic Zone 3. Those numbers will need to be calculated separately.

- L.I. Builders Institute: recent FOIL requests and correspondence (not on original agenda)
Summary: Mr. Schwenk stated that the Long Island Builders Institute had not yet received replies to several recent letters, that their recent freedom of information requests for information on the economic analysis work had been denied, and that they had submitted another freedom of information request for information on the nitrate-nitrogen guidelines in the proposed final Plan.

The letters included two sets of comments upon the proposed final Plan, and one offering the assistance of the Long Island Builders Institute and their consultants in completing the environmental impact statement. Mr. Corwin stated that the style and editing comments received had been addressed already, and that the substantive changes must be directed to the towns. The offer of assistance had not been replied to yet since the current staff emphasis is upon completing the response summary (which must be completed whether or not an extension is granted by the State Legislature), and that the receiving area designations must be in hand before much of the final impact analyses can be completed.

Finally, the Commission policy that substantive changes must come from the towns at this time was again noted.

- L.I. Farm Bureau: correspondence on Plan (not on original agenda)
Summary: Mr. Gergela, executive director of the Farm Bureau, distributed a letter to the Commissioners outlining the Farm Bureau's concerns and critiques of the proposed final Plan. The policy that substantive changes to the proposed final Plan must originate with the towns was again highlighted.

Compatible Growth Area

- Presta / Lake Panamoka: decision (2/17 deadline)
Summary: Discussion on this project resumed at this point. Ms. Moje, consultant for the project applicant, did not appear. There was a brief discussion of whether this project's hearing record provided a basis for the Commission to make a hardship determination. It was determined that there was no evidence that the project met the hardship criteria, and that the situation was self-created.

A motion was made by Mr. Cowen and seconded by Ms. Swick to deny the application on the ground that the proposed lot area of 5,000 square feet does not meet the nitrate-nitrogen standard and on the further ground that the record does not support the granting of a Compatible Growth Area hardship permit. The motion was approved unanimously.

Administrative

- Budget and finance issues: Fiscal Years 1994-95 and 1995-96
Summary: Mr. Corwin reported that the Suffolk County Water Authority's financial staff

projects an approximately \$103,000 deficit in operating funds through the end of the current fiscal year (3/31/95). He also noted that there are no Commission operating funds in the proposed State executive budget for the 1995-96 fiscal year. He noted that the Water Authority suggested that a resolution from the Commission acknowledging the problem would be desirable to the Water Authority. The Commissioners observed that such a resolution might be difficult to guarantee at this time.

After a brief discussion, it was agreed to convene an urgent meeting among the Commission, the Water Authority, State legislative sponsors, and others as appropriate, in order to determine what steps could be taken to address both the deficit and the next fiscal year's operating budget.

Other business

- Suffolk County Health Code Article 6 proposed changes
Summary: Mr. Proios reported on this morning's Suffolk County Board of Health hearing on the proposed changes to the County's Health Code Article 6. These changes would formally enable the transfer of development rights within certain restrictions based upon the Hydrogeologic Zones affected. The Board of Health has left the hearing record open through 3/22/95.

At the hearing, interest was expressed by members of the Board of Health regarding the hydrology report in the pine barrens Plan, and the membership of the Hydrology Committee. After considerable discussion over various ways for providing official Commission comments and additional information to the Board of Health, it was determined to immediately forward full copies of the proposed final Plan to the Board (rather than just forwarding the hydrology section and the roster of Hydrology Committee members) and to have the Commission staff prepare a draft written submittal for consideration by the Commission at the 2/22/95 Commission meeting.

Executive session

Summary: A motion was made by Mr. Proios and seconded by Mr. Cowen to enter into executive session to discuss legal issues. The motion was approved unanimously. The Commission entered into executive session at approximately 4:45 pm and returned to open session at approximately 5:00 pm.

Adjournment

Summary: The meeting was adjourned at approximately 5:00 pm. No resolution of adjournment was passed.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
James R. Stark, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (DRAFT) for February 22, 1995 Riverhead Town Hall / 2:00 pm

1. Compatible Growth Area

- People's Choice Contractors / Yaphank: possible decision (5/4 deadline)

2. Core Preservation Areas

No items at this time.

3. Plan Development

- Response summary: draft
- Residential nondevelopment lot maps and reports: status
- Residential overlay receiving area maps (1 map per town): status
- Towns' written comments: status
- Article 6 hearing comment: draft
- LI Farm Bureau

4. Administrative

- Draft (revised) meeting summary for 2/15: corrections, approval (*previously faxed.*)

5. Executive Session

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
James R. Stark, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for February 22, 1995 Riverhead Town Hall / 2:00 pm

1. Compatible Growth Area

- People's Choice Contractors / Yaphank: possible decision (5/4 deadline)

2. Core Preservation Area

No items at this time.

3. Plan Development

- Response summary: draft
- Residential nondevelopment lot maps and reports: status
- Residential overlay receiving area maps (1 map per town): status
- Towns' written comments: status
- Article 6 hearing comment: draft
- LI Farm Bureau

4. Administrative

- Draft (revised) meeting summary for 2/15: corrections, approval (*previously faxed.*)

5. Executive Session

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
James R. Stark, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for February 22, 1995 (Approved 3/22/95) Riverhead Town Hall / 2:00 pm

Present: Mr. Proios (for Suffolk County), Ms. Swick (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Thiele and Mr. Penny (for Southampton) and Mr. Cowen (for New York State). General counsel included Mr. Rigano and Ms. Roth. Commission staff included Mr. Corwin, Ms. Trezza, Mr. Hopkins, Ms. Plunkett, Ms. Jakobsen, Mr. Milazzo and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:47 pm. The following sequence varies from the original agenda.

Compatible Growth Area

- People's Choice Contractors / Yaphank: possible decision (5/4 deadline)
Summary: Mr. Corwin noted that the requested revised clearance calculations for this project's site plan had been received, but an official revised site plan itself had not yet been received. This item will be held over to a future meeting, pending receipt of that revised site plan.

Plan Development

- Residential nondevelopment lot maps and reports: status
- Residential overlay receiving area maps (1 map per town): status
Summary: Ms. Filmanski reported that the Riverhead list and map of proposed residential nondevelopment lots on improved roads within the core area are almost ready.

Mr. Thiele stated that the Southampton maps are done and will be presented to the Town Board on 2/24/95. He suggested that the Southampton Town Planning Department staff present these items at the 3/1/95 Commission meeting. Mr. Thiele noted that the Town's proposed as of right density increase within their receiving areas will most likely be defined by a maximum density level, rather than a percent increase. This is due to the fact that within the Town's CR-200 zoning district, a 20% increase in density is not a sufficient incentive for utilizing Pine Barrens Credits. He further noted that the specified maximum density levels will be such, however, that the effective percentage increase over the base zoning will be at least 20%, in satisfaction of the

proposed final Plan provisions.

Mr. Proios raised the issue of mapping all of these areas from the three towns on a common map, and maintaining the information within a single computer system. A brief discussion ensued on that topic.

Ms. Swick noted that many parcels within the Town of Brookhaven outside of the core area would be available for density increases up to 20% (excluding certain parcels with environmental or other constraints) under a special permit from the Town Board. The Town will also designate specific conditions for planned development districts. Mr. Cowen inquired as to what Brookhaven's policy would be with regard to the as of right use of Pine Barrens Credits. Ms. Swick responded that the Town would most likely pass a local law addressing the A1 and A2 zoning districts with an efficient special permit process. Mr. Rigano inquired as to what SEQRA actions Brookhaven Town will take with regard to this, and it was agreed that he would meet with the Town and Commission staff on this question.

- Towns' written comments: status

Summary: Mr. Corwin noted that Brookhaven Town had faxed written comments to the Commission office yesterday, and distributed copies to the Commissioners. A brief discussion was then held regarding the as of right issue started under the prior agenda item.

- Article 6 hearing comment: draft

Summary: As discussed at the 2/15/95 meeting, draft comments (in both letter and resolution formats) to the Suffolk County Board of Health for inclusion in their hearing record on the proposed Health Code Article 6 changes were distributed and discussed by Mr. Hopkins. Mr. Cowen stated that a resolution with a cover letter would be more appropriate for submittal to the Health Department's hearing record. Mr. Proios expressed the opinion that the Commission should not act on this proposed resolution until next week in order to permit a detailed review of the draft.

A brief discussion ensued regarding the relationship between the SEQRA processes being undertaken by the Commission and the Health Department. This discussion included the question of how Pine Barrens Credits could be used in the Brookhaven A1 and A2 zoning districts which may become receiving areas. Mr. Proios inquired about specific quantities for the credits being sent from the Brookhaven core area.

Mr. Hanley, Riverhead's Planning Director, noted that Riverhead Town's portion of the transfer program depends upon the wastewater credit allowances being proposed in the Article 6 changes, and that without such credits additional receiving areas would be required.

Mr. Cowen raised the issue of whether Brookhaven can accommodate transfers into receiving areas zoned A1 without the proposed changes. It was noted that Article 6 references lot areas rather than nitrate levels. Mr. Spitz noted that the towns have the ultimate authority. Mr. Thiele stated that there should be an opportunity for each town

to be as flexible or stringent in their use of transfer credits as desired by the town.

- LI Farm Bureau

***Summary:** At the 2/15/95 Commission meeting, Mr. Gergela, the Executive Director of the Long Island Farm Bureau and the Farm Bureau's representative to the Advisory Committee, had requested an opportunity to address the Commission regarding the Farm Bureau's concerns about the proposed final Plan. He had also presented a written document at that meeting. Mr. Gergela was accompanied at today's meeting by Mr. Talmage (the alternate representative to the Advisory Committee) and Mr. Reale (counsel for the Farm Bureau).*

Mr. Gergela outlined the Farm Bureau's concerns. Principal among these is the section of Chapter 5 of Volume 1 which contains the standards and guidelines for agriculture and horticulture. Mr. Gergela objected to the definition of new clearing as development, citing sections of the pine barrens law. He also voiced concern about the completeness of the development transfer program, including the lack of receiving area definitions.

Mr. Cowen stated that the definition of what constitutes development governs. Mr. Gergela observed that extensive new agriculture endeavors are not likely in the pine barrens area, that there is little land remaining for such purposes, and that all towns already have clearcutting and tree cutting laws and ordinances. Mr. Cowen observed that the Commission is merely looking to have new clearing projects obtain a permit. Mr. Reale replied that the statute does not contemplate jurisdiction for the Commission in this matter. Mr. Thiele observed that the purpose of the pine barrens statute is to protect the core area.

At this time (approximately 3:50 pm), Mr. Thiele had to leave, but stated beforehand that Mr. Penny, the Deputy Southampton Supervisor, would represent him officially.

Mr. Corwin observed that the standards and guidelines issues raised by the Farm Bureau might be approachable by addressing the core and compatible growth areas separately. Mr. Reale and Mr. Rigano agreed to meet in the near future to discuss possible alternative wording for the final Plan. Mr. Talmage observed that the farmers' equity in their land was a major issue.

Administrative

- Draft (revised) meeting summary for 2/15: corrections, approval (*previously faxed.*)
***Summary:** Mr. Corwin noted that a correction to the Presta decision description had been submitted by Ms. Roth and incorporated into the revised draft distributed at this time. A motion was made by Mr. Cowen and seconded by Ms. Filmanski to approve the summary of the 2/15/95 meeting distributed today. The motion was approved unanimously.*

Plan Development

- Upcoming Protected Lands Council discussion (not on original agenda)
Summary: Mr. Corwin noted that he would like to schedule a presentation by the Protected Lands Council members for a future Commission meeting, and noted some of the issues which are likely to arise. He distributed material from the Ecology Committee expressing some of those issues.
- Response summary: draft
Summary: A draft response summary was distributed to the Commissioners by Mr. Hopkins. The Commissioners will review this.
- Comment from Long Island Builders Institute (not on original agenda)
Summary: Mr. Schwenk asked whether the receiving areas were done and whether any deadlines were being met. He stated that the Institute has been asked to lobby in Albany for money for acquisition, and had done so, but wants to know what they are lobbying for in an overall sense.

Executive Session

Summary: A motion was made by Mr. Cowen and seconded by Ms. Swick to enter into executive session for the purpose of discussing certain legal issues related to the response summary. The motion was approved unanimously. The Commission entered into executive session at approximately 4:12 pm and returned to open session at approximately 5:03 pm.

Administrative

- Scheduling of an additional Commission meeting (not on original agenda)
Summary: A brief discussion occurred regarding the desire of the Commissioners to meet again on Friday 2/24/95 to discuss issues related to the generic environmental impact statement, and other matters as deemed necessary. **A motion was made by Mr. Cowen and seconded by Ms. Filmanski to schedule an additional meeting of the Commission for Friday 2/24/95 at 2 pm at the Riverhead Town Hall. The motion was approved unanimously.** A brief discussion then ensued regarding appropriate public notice for this meeting, with a special emphasis on the short notice period available.

Adjournment

Summary: A motion to adjourn was made by Mr. Cowen and seconded by Ms. Filmanski. It was approved unanimously. The meeting ended at approximately 5:06 pm.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
James R. Stark, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for February 24, 1995 Riverhead Town Hall / 2:00 pm

1. **Compatible Growth Area**
(No items at this time)
2. **Core Preservation Area**
(No items at this time)
3. **Plan Development**
 - Generic environmental impact statement issues

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
James R. Stark, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for February 24, 1995 (Approved 3/22/95) Riverhead Town Hall / 2:00 pm

Present: Mr. Proios (for Suffolk County), Ms. Swick and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead) and Mr. Cowen (for New York State). General counsel was Ms. Roth. Commission staff included Mr. Corwin, Ms. Trezza, Mr. Hopkins, Ms. Plunkett, Ms. Jakobsen, Mr. Milazzo and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:20 pm.

Plan Development

- Generic environmental impact statement issues

Summary: Mr. Proios stated that the purpose of today's meeting is to discuss the Commission's options and responsibilities in light of the current March 1995 statutory expiration of the Pine Barrens Protection Act and the pending state legislative bill to extend that deadline to June 1995.

He reported that the most recent information indicates that the extension bill is likely to be voted out of the Senate Environmental Conservation Committee on 2/28/95, and out of the Assembly Environmental Conservation Committee on 3/1/95. Submittal to the Governor for his approval would occur immediately after passage by the full legislature.

A motion was made by Mr. Proios and seconded by Ms. Swick to delay any further action on the environmental impact statement, pending resolution of the legislative proposal to extend the March 1995 deadline until June 1995. A brief discussion followed, with Mr. Cowen reporting that the Governor's staff felt that it was likely that the extension would be approved by the Governor. Ms. Swick noted that the Brookhaven Town Board strongly supported a full, complete SEQRA process on the final Plan and impact statement. The motion was approved unanimously (i.e., 4-0).

Administrative (not on the original agenda)

Summary: Mr. Proios asked whether there was any business currently set for the next meeting agenda (3/1/95) which could not wait until the following week's meeting (3/8/95). Mr. Corwin reported that the current 3/1/95 agenda includes consideration of the draft resolution on the proposed changes to the Suffolk Health Code Article 6, and a presentation by the Southampton Planning Department on the Southampton

receiving areas and residential nondevelopment parcel designations. No development application decisions are due before the 3/8/95 meeting. It was then agreed that there was no need to hold the scheduled meeting of 3/1/95.

Plan Development

- Brookhaven acreage calculations (not on the original agenda)
Summary: Ms. Swick distributed a sheet showing the acreage within the Eastport school district which is in the Town's A2 and A5 zoning districts, and briefly displayed a poster-sized map showing these areas and others.
- Long Island Builders Institute comments on today's meeting (not on the original agenda)
Summary: Mr. Scro stated that the fact that today's meeting was held was disturbing to the Institute. He also stated that the worst case which the Institute could foresee was the approval of a bad plan.
- Additional Brookhaven Town Plan comments (not on the original agenda)
Summary: Ms. Wiplush distributed a one page set of comments to the Commissioners for addition to the Town's previously submitted comments of 2/21/95. Mr. Corwin stated that they would be added to those previously forwarded comments.
- Further comments on today's meeting (not on the original agenda)
Summary: Mr. Cowen stated that he felt that counsel had acted properly by thoroughly exploring all of the Commission's options and duties, including suggesting today's meeting. Mr. Scro suggested that the Commission take a more affirmative stand, rather than the previous decision to not take any further action today.

Adjournment and reconvening

Summary: A motion to adjourn was made by Ms. Filmanski and seconded by Mr. Cowen. It was approved unanimously. The meeting ended at approximately 2:42 pm, but Mr. Proios immediately reconvened the meeting to consider a formal resolution cancelling the 3/1/95 meeting. The meeting reconvened at approximately 2:42 pm.

Administrative

Summary: A motion to cancel the 3/1/95 Commission meeting was made by Mr. Cowen and seconded by Ms. Wiplush. It was approved unanimously.

Adjournment

Summary: A motion to adjourn was made by Mr. Cowen and seconded by Ms. Filmanski. It was approved unanimously. The meeting ended at approximately 2:43 pm.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
James R. Stark, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (DRAFT) for March 8, 1995 Riverhead Town Hall / 2:00 pm

1. Compatible Growth Area

- Sam Abbassi Corp. / Yaphank : new application; completeness & hearing
- Toussie / Miller Place: development determination
(*Request from Phil Sanderman to speak on this*)
- Mavis Development Corp. / Middle Island: demolition status
- Bagatelle Nursery / Manorville: demolition status
(*Request from Mark Lyon to speak on each of these*)
- Robert Zysk / Manorville: development determination
- Peoples Choice / Yaphank: status

2. Core Preservation Area

- East Bartlett Road / Middle Island: development determination
(*Request from Phil Sanderman to speak on this*)
- Madelung / Yaphank: hardship decision due 3/31/95
- Massa / Flanders: hardship decision due 3/31/95
- APPLE Facility / Eastport: development determination and conditional hardship request

3. Plan Development

- Legislative extension: status
- SEQRA timetable for next three months
- Residential nondevelopment parcels: Southampton planning staff
- Residential overlay receiving areas
- Town comments received to date
- Suffolk County Health Code Article 6 change proposals:
Commission resolution for Health Department hearing record
- Long Island Builders Institute: 3/1/95 Plan comments

4. Administrative

- Draft (revised) meeting summaries for 2/22 and 2/24: corrections, approval
(*previously faxed.*)
- Financial status
- Meeting schedule through June 1995

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
James R. Stark, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for March 8, 1995 Riverhead Town Hall / 2:00 pm

1. Compatible Growth Area

- Sam Abbassi Corp. / Yaphank : new application; completeness & hearing
- Mavis Development Corp. / Middle Island: demolition status
- Bagatelle Nursery / Manorville: demolition status
(Request from Mark Lyon to speak on each of these)
- Robert Zysk / Manorville: development determination
- Peoples Choice / Yaphank: status

2. Core Preservation Area

- Madelung / Yaphank: hardship decision due 3/31/95
- Massa / Flanders: hardship decision due 3/31/95
- APPLE Facility / Eastport: development determination and conditional hardship request

3. Plan Development

- Legislative extension: status
- SEQRA timetable for next three months
- Residential nondevelopment parcels: Southampton planning staff
- Residential overlay receiving areas: Brookhaven, Southampton, Riverhead
- Town comments received to date
- Suffolk County Health Code Article 6 change proposals:
Commission resolution for Health Department hearing record
- Long Island Builders Institute: 3/1/95 Plan comments

4. Administrative

- Draft (revised) meeting summaries for 2/22 and 2/24: corrections, approval
(previously faxed.)
- Financial status
- Meeting schedule through June 1995

5. Executive session

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
James R. Stark, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for March 8, 1995 (Approved 3/22/95) Riverhead Town Hall / 2:00 pm

Present: Mr. Proios and Mr. Dragotta (for Suffolk County), Ms. Swick and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Thiele (for Southampton) and Mr. Cowen (for New York State). General counsel included Mr. Rigano and Ms. Roth. Commission staff included Mr. Corwin, Ms. Trezza, Mr. Hopkins, Ms. Plunkett, Mr. Milazzo, Mr. Jones and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:18 pm. The following sequence varies from the original agenda.

Compatible Growth Area

- Mavis Dev't Corp. / Middle Isl.: demolition status (*Request from Mark Lyon to speak*)
Summary: Mr. Lyon, representing the project sponsor, described the overall site plan for this project, located at the northeast corner of NYS Route 25 and Currans Road in Middle Island. The question being posed is whether the removal of the existing unused former gas station facility currently on the site constitutes a nondevelopment action under the pine barrens law. This removal is necessary prior to the construction of the proposed new facility.

The discussion touched upon the currently unsafe condition of those existing facilities, the lack of any underground storage tanks at this time, and the nondevelopment criteria contained in section 57-0107(13)(xiii) of the pine barrens statute.

A motion was made by Mr. Cowen and seconded by Ms. Swick to declare the removal of the existing facilities at the site as nondevelopment, and to further note that such a determination does not affect any ultimate decision by the Commission on the proposed new project. At this point, Mr. Rigano urged the Commission to hold up any action on this motion until later in the meeting in order to permit he and Ms. Roth additional time to consider this question. Mr. Cowen then moved to table the existing motion until later in the meeting, and Ms. Swick seconded the motion to table. The motion to table was approved unanimously.

- Bagatelle Nursery / Manorville: demolition status (*Request from Mark Lyon to speak*)
Summary: Mr. Lyon described this subdivision on a 151 acre site zoned A2 on the north side of Head of the Neck Road in Eastport. The Brookhaven Planning Board has required the removal of the existing potato barn on the site as a condition of the

approval of the project. A discussion was held regarding the current condition of the site, the sequencing of the Town and other approvals for the overall project, and the possible nondevelopment nature of the removal of the potato barn.

As in the Mavis Development discussion above, counsel will review the statutory provisions for nondevelopment as they relate to this project, and discussion will resume later in this meeting.

Core Preservation Area

- APPLE Facility / Eastport: development determination and conditional hardship request
Summary: Ms. Plunkett introduced this project briefly. Mr. Robert Foley, attorney for A Program Planned for Life Enrichment (APPLE), a not-for-profit organization, described the proposed shelter and rehabilitation center for persons with alcohol and drug problems. The site is in Southampton Town, at the southeastern terminus of CR 111 and at the intersection with Sunrise Highway. The property is owned by Suffolk County, and APPLE has a 40 year ground lease.

Mr. Foley stated that he is asking for a nondevelopment determination from the Commission, and, if that is not granted, a core preservation area hardship permit based upon compelling public need. He described, along with Mr. Thiele, the actions taken by APPLE and Southampton Town over the past several years with regard to the zoning of the site. Mr. Foley noted that the project would provide services that would normally be undertaken by a municipality, in that they are related to public health and welfare. Mr. Thiele noted that the original proposal was for a site at the airport, but opposition was encountered. A search for a suitable site was extensive, and resulted in the current proposal. Mr. Proios noted that the county's Council on Environmental Quality has reviewed this project twice.

Ms. Roth stated that she was comfortable with the nondevelopment determination as per section 57-0107(13)(i). Mr. Amper noted that the Commission should, in entertaining a compelling public need application, consider its location within the core. He inquired as to whether this was a private project, and it was noted that it was. It was also noted that 67% of the site would remain undeveloped.

Ms. Swick requested that the Commission wait a week to make any determination in order to permit additional time for review. Mr. Dragotta noted that the statute does not require a project be undertaken by a public agency, only that it be a public improvement, in order to qualify as nondevelopment.

- Madelung / Yaphank: hardship decision due 3/31/95
- Massa / Flanders: hardship decision due 3/31/95
Summary: Ms. Plunkett noted that both the Massa and Madelung decisions had been previously delayed to 3/31/95. The respective towns (Brookhaven for the Madelung property and Southampton for the Massa property) have included the sites in their recommendations of sites where construction of single family residences would be

considered nondevelopment under the proposed statutory amendment.

Mr. Madelung was present, and answered yes when Mr. Cowen asked him if he would be willing to further delay a decision on his application until 6/30/95. A resolution extending both applications' decision deadlines until 6/30/95 will be considered as soon as both requests are in writing.

- *Parcels along LI Pine Barrens Trail / Ridge: memo from Ms. Wiplush (not on original agenda)*

Summary: Ms. Wiplush raised the issue of several parcels in Ridge which are adjacent to the county's Pine Trail Nature Preserve and the concerns of Mr. George Fernandez of the L.I. Greenbelt Trail Conference re them. The parcels are partly within the core and partly within the compatible growth area, due to the 100 foot buffer which the core area boundary defines along the undeveloped sides of the Preserve.

Mr. Corwin described the boundary definition of the core area here. It was agreed that the question of whether a proposed development on one of these parcels would require a core preservation area hardship permit depends upon specifically where on a parcel the proposed development would occur.

Compatible Growth Area

- *Sam Abbassi Corp. / Yaphank : new application; completeness & hearing*
Summary: Ms. Plunkett summarized this site plan for expansion of an existing retail building in a J2 Business zone by 83%, located at the northwest corner of Granny Road and Coram-Yaphank Road in Yaphank. The project is before the Commission due to the expansion percentage being greater than the 25% limit for nondevelopment. A staff report was presented to the Commission which outlined some outstanding items necessary to make the application conform to the Interim Goals and Standards. Staff will pursue this information prior to any hearing. It was agreed that a hearing would be held on 4/5/95 at 5:00 pm at the Brookhaven Town offices in Medford.
- *Robert Zysk / Manorville: development determination*
Summary: Ms. Plunkett summarized this issue. Robert Zysk is seeking a determination of the development status of a road improvement project on the west side of Jerusalem Hollow Road in Manorville. After some discussion, it was concluded that the project meets the nondevelopment criteria of ECL Section 57-0107(13)(i). The staff will forward a letter to that effect to the project sponsor.
- *Sam Abbassi Corp. / Yaphank : new application; completeness & hearing*
*Summary: Following the Zysk discussion, the Commission returned to the Abbassi project to ratify the proposed hearing by resolution. **A motion was made by Ms. Swick and seconded by Mr. Cowen to hold a hearing on the compatible growth area project application of the Sam Abbassi Corporation on 4/5/95 at 5:00 pm at the Brookhaven Town offices in Medford. The motion was approved unanimously.***

- Peoples Choice / Yaphank: status
Summary: Mr. Hopkins summarized the current status of this application. A discussion was held regarding the need to show the exact boundaries of the clearing and to incorporate those areas into appropriate covenants which would protect the natural vegetation areas.

Compatible Growth Area

- Mavis Development Corp. / Middle Island: demolition status
- Bagatelle Nursery / Manorville: demolition status
Summary: The motion tabled earlier in this meeting was discussed again. Mr. Corwin noted that the preceding discussion regarding the APPLE facility's nondevelopment status did not result in a resolution, while the prior Mavis motion would, and that this would be inconsistent. It was agreed that no motion was needed, and that both the demolition of the current gas station facilities at the Mavis Development Corporation site and the removal of the existing barn at the Bagatelle Nursery project site would be considered nondevelopment actions under the pine barrens statute. Letters will be sent to the project sponsors to that effect.

Plan Development

- Legislative extension: status
Summary: Mr. Deering, from Assemblyman DiNapoli's office, reported that the legislation to extend the Commission's and towns' deadline to 6/30/95 has passed both the Senate and Assembly, and is now before Governor Pataki for his consideration. Mr. Deering noted that letters of support for the extension are desirable.
- SEQRA timetable for next three months
Summary: Mr. Rigano outlined the major steps to be accomplished during the proposed extension period. These include making any changes to the Plan, confirmation of the receiving areas, finalization of the environmental impact statement, and the holding of hearings in the three towns. Mr. Rigano's timetable concludes in mid-June, providing some time before the proposed new statutory deadline.
- Town comments received to date
Summary: Mr. Corwin briefly summarized the comments received to date from the towns. These include the two memos from the Town of Brookhaven, and the written material and maps received from the three towns regarding receiving areas and the proposed residential nondevelopment core roadfront lots. No discussion was held.
- Residential nondevelopment parcels: Southampton planning staff
- Residential overlay receiving areas: Brookhaven, Southampton, Riverhead
Summary: Martin Shea and Timothy Keane of the Southampton Planning staff were present, and Mr. Shea made the presentation. The town has identified core area, roadfront lots on which it feels that single family residences could be developed, and

they occur in three general areas: the Wildwood Lake vicinity, along Pleasure Drive in Flanders, and in the Oakville area near Sunrise Highway and CR 104.

They also developed standards and criteria to guide the selection of these parcels, as well as the residential development of these parcels. The development recommendations include buffers of natural vegetation in specific locations, the protection and use of native plants, and clearing restrictions. A discussion was held regarding the development criteria, and the wording of them in the written report.

Mr. Shea then went over the proposed receiving areas. Issues addressed here included a breakdown of sending and receiving potential by school district, consideration of old filed map acreage, the basis for allocations of credits, differences between the Town's forest area boundaries and the core area boundaries, and the Hydrogeologic Zones involved. Mr. Thiele observed that the Bomarc site and the Gabreski Airport site are also potential receiving areas, but have not been relied upon in the calculations presented here today.

Ms. Swick then summarized the Brookhaven Town receiving area work, in conjunction with Mr. Jones, director of the county Planning Department. Mr. Jones staff is producing maps of the Brookhaven receiving areas based upon the conditions which Ms. Swick has previously presented to the Commission. Mr. Schwenk commented upon the problem of crossing school district lines, and Mr. Amper noted the recent comments by Mr. Koppelman at the Advisory Committee meeting of 3/7/95 that there is a neutral tax impact under the Brookhaven plan.

Mr. Jones stated that his staff has received information from both the Suffolk County Water Authority and the Brookhaven Assessor's office. He noted that they are looking at both the quantity and quality of the receiving areas shown by their mapping work.

Mr. Rigano noted that it was important for the Brookhaven receiving areas to be in final map form within two weeks or sooner, that the proposed code change in the town should address the specific type of authorization a developer will need to utilize credits, and that the Commission will perform the SEQRA analysis of the incremental density increases in these areas.

- Suffolk County Health Code Article 6 change proposals:

Commission resolution for Health Department hearing record

Summary: Mr. Baier of the Suffolk County Department of Health Services discussed the proposals being considered by the Board of Health to amend Article 6 of the County's Health Code. He also reviewed the distinction between the proposed code amendments and future standards changes which the department would have to consider in order to implement development rights transfers. He stated that the proposed changes would enable the Health Department staff to review projects involving development transfers, which they cannot do now.

Mr. Proios read the resolution of the Advisory Committee from their 3/7/95 meeting, encouraging a delay in action while certain environmental analyses are completed. A

discussion followed regarding the details of the Advisory Committee resolution. Mr. Amper stated that the pine barrens plan was being used as an excuse to weaken the current provisions of Article 6.

A motion was made by Mr. Cowen and seconded by Mr. Thiele to adopt the text of the draft resolution distributed at the 2/22/95 meeting. A discussion followed in which Ms. Swick stated that she wanted an opportunity to discuss the proposed resolution with town officials before voting upon it. Mr. Cowen stated that he did not wish to withdraw the motion. Ms. Roth observed that the Commission could leave the motion pending until the next meeting. Mr. Cowen and Mr. Thiele agreed to do so.

Discussion continued after that point, with Mr. Thiele stating that there are many safeguards in place to prevent abuses, and Mr. Cowen stating that the Advisory Committee language reflects a misunderstanding of the Commission's role in analyzing receiving areas.

- Long Island Builders Institute: 3/1/95 Plan comments
Summary: These were submitted to the Commission through the Town of Southampton. Copies were distributed by Mr. Corwin, but no discussion was held. Discussion will be deferred to the 3/15/95 meeting.

Administrative

- Draft (revised) meeting summaries for 2/22 and 2/24: corrections, approval
Summary: These were distributed by Mr. Corwin. No discussion was held, nor any action taken.

Executive Session

Summary: A motion was made by Ms. Filmanski and seconded by Mr. Proios to enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously. The Commission entered into executive session at approximately 6:15 pm and returned to open session at approximately 6:40 pm.

Adjournment

Summary: A motion to adjourn was made by Mr. Cowen and seconded by Ms. Filmanski. It was approved unanimously. The meeting ended at approximately 6:40 pm.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
James R. Stark, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (DRAFT) for March 15, 1995 Brookhaven Town offices in Medford / 2:00 pm

1. Compatible Growth Area

- Toussie at Oakland Avenue North / Miller Place: request from Phil Sanderman to speak on development status
- Toussie at Oakland Avenue South / Miller Place: new information
- Peoples Choice / Yaphank: new information

2. Core Preservation Area

- Bartlett Avenue Associates / Middle Island: request from Phil Sanderman to speak on development status
- APPLE Facility / Eastport: development determination and conditional hardship request

3. Plan Development

- Residential nondevelopment parcels: summary of three towns' specifications
- Suffolk County Health Code Article 6 change proposals:
Commission resolution for Health Department hearing record
(*A motion to adopt draft resolution is pending from 3/8/95 meeting*)

4. Administrative

- Draft (revised) meeting summaries for 2/22 and 2/24: corrections, approval
(*previously faxed; 3/8/95 summary is not yet ready*)
- Draft meeting schedule through June 1995

5. New business

6. Executive session

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
James R. Stark, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for March 15, 1995 Brookhaven Town offices in Medford / 2:00 pm

1. Compatible Growth Area

- Toussie at Oakland Avenue North / Miller Place: request from Phil Sanderman to speak on development status
- Toussie at Oakland Avenue South / Miller Place: new information
- Peoples Choice / Yaphank: new information

2. Core Preservation Area

- Bartlett Avenue Associates / Middle Island: request from Phil Sanderman to speak on development status
- APPLE Facility / Eastport: development determination and conditional hardship request

3. Plan Development

- Residential nondevelopment parcels: summary of three towns' specifications
- Suffolk County Health Code Article 6 change proposals:
Commission resolution for Health Department hearing record
(*A motion to adopt draft resolution is pending from 3/8/95 meeting*)

4. Administrative

- Draft (revised) meeting summaries for 2/22 and 2/24: corrections, approval
(*previously faxed; 3/8/95 summary is not yet ready*)
- Draft meeting schedule through June 1995

5. New business

6. Executive session

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
James R. Stark, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for March 15, 1995 (Approved 3/30/95) Brookhaven Town offices in Medford / 2:00 pm

Present: Mr. Dragotta (for Suffolk County), Ms. Swick and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Thiele (for Southampton) and Mr. Cowen (for New York State). General counsel included Mr. Rigano and Ms. Roth. Commission staff included Mr. Corwin, Ms. Trezza, Mr. Hopkins, Ms. Jakobsen, Ms. Plunkett, Mr. Milazzo and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Cowen at approximately 2:12 pm. The following sequence varies from the original agenda.

Compatible Growth Area

- Toussie at Oakland Avenue North / Miller Place: request from Phil Sanderman to speak on development status
Summary: Ms. Plunkett described the current status of this project, and Mr. Sanderman, representing the project sponsor, described this project's approval history. The question being posed is whether this project is subject to the pine barrens statute.

Mr. Sanderman stated that the lots involved comprised six single and separate lots under the Suffolk County Department of Health Services' criteria, and three single and separate lots under the Town of Brookhaven's zoning statutes, on 5/24/93. Mr. Sanderman then applied to the Brookhaven Zoning Board of Appeals for four lots, and that application was approved. The remaining two lots of the six recognized by the Health Department criteria were then assigned to the Toussie South project (see the separate discussion) as sterilized lots for purposes of Health Department calculations. The current Toussie North project thus consists of four lots.

Mr. Rigano and Ms. Roth agreed that they would like some additional time to study this project before issuing an opinion.

- Toussie at Oakland Avenue South / Miller Place: new information
Summary: Ms. Plunkett noted that this application's materials have now been received, and noted that this project proposes to utilize the two sterilized lots discussed under the Toussie North project. Counsel will review this application before the Commission takes any action regarding it.
- Peoples Choice / Yaphank: new information

Summary: Mr. Hopkins went over this three lot division in Yaphank. The new map and the covenants and restrictions have been received. The covenants and restrictions, which contain specifications of the areas to be kept in natural vegetation, have not yet been filed. **A motion was made by Mr. Cowen and seconded by Mr. Thiele to approve this application subject to filing a declaration of covenants and restrictions in a form to be approved by counsel. The motion was approved unanimously.**

Core Preservation Area

- Bartlett Avenue Associates / Middle Island: request from Phil Sanderman to speak on development status
Summary: Ms. Plunkett and Ms. Roth summarized various aspects of this project, and Mr. Sanderman, representing the project sponsor, also spoke. This is a three lot land division which meets current zoning, and is located along East Bartlett Road in the core preservation area of Middle Island. The original approvals for this project were issued in 1989 by the Zoning Board of Appeals of Brookhaven, and were clarified by that board in 1990. This approval expired in May of 1993, and was reissued in January of 1995. The question being posed is whether this project meets the nondevelopment provision of ECL Section 57-0107(13)(ix). The discussion concluded with the agreement that counsel will review the pine barrens statute with regard to this project.
- APPLE Facility / Eastport: development determination and conditional hardship request
Summary: Mr. Rigano requested that this item be held for an executive session in order to discuss certain legal issues regarding it. This was agreed to by the Commissioners.

Plan Development

- Residential nondevelopment parcels: summary of three towns' specifications
Summary: Ms. Plunkett distributed a written report, and showed a detailed map of the Sally Lane vicinity of Ridge. The approximate number of lots recommended as residential nondevelopment core lots in each town were noted. Detailed discussion was held over to the 3/22/95 meeting.
- Suffolk County Health Code Article 6 change proposals:
Commission resolution for Health Department hearing record
(A motion to adopt draft resolution is pending from 3/8/95 meeting)
Summary: Mr. Rigano requested that this item be held for an executive session in order to discuss certain legal issues pertaining to it. That was agreed to by the Commissioners.

Administrative

- Draft (revised) meeting summaries for 2/22 and 2/24: corrections, approval (*previously faxed; 3/8/95 summary is not yet ready*)
Summary: These items were held over until the 3/22/95 meeting.
- Draft meeting schedule through June 1995
*Summary: Mr. Corwin distributed a proposed meeting schedule for the period from mid March through the end of June 1995. Meetings are slated for each Wednesday at 2:00 pm, with the locations varying as room availability dictated. **A motion was made by Mr. Cowen and seconded by Mr. Thiele to approved the proposed dates. The motion was approved unanimously.***

New business

- LI Builders Institute letter of 3/10/95 to Governor Pataki, and the LI Pine Barrens Society's reply (not on the original agenda)
Summary: Mr. Amper of the L.I. Pine Barrens Society voiced strong concern over this letter to the Governor and its message regarding the elimination of the pine barrens acquisition funds from the new budget. Mr. Amper distributed a 3/15/95 reply from the L.I. Pine Barrens Society. Mr. Schwenk replied that the Institute was not happy with the 75% acquisition policy, the 2.5 ppm nitrate-nitrogen guideline, and the Brookhaven development rights transfer program.

Ms. Wiplush responded to some of Mr. Schwenk's comments. Mr. Thiele stated that it appears that there is a problem between the L.I. Builders Institute and Brookhaven Town, and, in such a case, that type of disagreement should be settled here at the Commission level, and not with a letter to Albany. Mr. Scro, also with the L.I. Builders Institute, stated that the Institute does support an acquisition program. At the request of Mr. Cowen, Mr. Rigano then discussed the schedule of activities during the extension period.

Executive session

Summary: Due to the presence of several persons interested in the Commission's actions on the pending Article 6 motion, and to avoid having them wait through a long session, it was agreed that the executive session would be split into two parts.

A motion was made by Mr. Dragotta and seconded by Mr. Cowen to enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously. The Commission entered into executive session at approximately 3:25 pm and returned to open session at approximately 4:28 pm.

Plan Development

- Suffolk County Health Code Article 6 change proposals:
Commission resolution for Health Department hearing record

(A motion to adopt draft resolution is pending from 3/8/95 meeting)

Summary: Discussion resumed on the pending motion from the 3/8/95 meeting to endorse the proposed changes to Article 6 of the Suffolk County Health Code. Mr. Cowen motioned to amend the pending 3/8/95 draft motion, and read the amended version of the proposed resolution aloud. Mr. Thiele seconded the amendment to the 3/8/95 motion. The amended motion was approved by a vote of 4-0-1, with Ms. Wiplush casting the abstention vote for Brookhaven Town. The amended and passed resolution follows the chronological portion of this meeting summary.

New business

- Acknowledgement of Commissioner Thiele's service to Commission (not on the original agenda)

Summary: Mr. Cowen noted that this is Mr. Thiele's last meeting as the Southampton supervisor and commissioner, due to his recent election as a state assemblyman. The members of the Commission thanked Mr. Thiele for his service. Mr. Thiele stated that he would be resigning as Southampton supervisor on 3/17/95. Ms. Filmanski provided a cake, appropriately capped with trees, which was shared with all in attendance. Some discussion occurred regarding whether the removal of these trees was development or nondevelopment, but no official determination was made.

Mr. Thiele left at approximately 4:35 pm.

Executive session

Summary: The executive session resumed at approximately 4:55 pm and ended at approximately 6:02 pm.

Adjournment

Summary: Upon return to open session, the meeting adjourned immediately without a formal resolution.

Attachment: Resolution on Proposed Article 6 changes

(This was forwarded to the Suffolk County Board of Health on 3/17/95 for inclusion in their hearing record.)

Whereas, the Central Pine Barrens Joint Planning and Policy Commission was created by The Long Island Pine Barrens Protection Act of 1993, to prepare, oversee and participate in the implementation of a comprehensive Land Use Plan for the Central Pine Barrens area to guide development therein in a manner suitable to the needs for preservation of the Core Preservation Area and development in the Compatible Growth Area; and

- Whereas, the Act provides certain goals for the Plan including protection and preservation of the functional integrity of the Pine Barrens ecosystem, protection of the quality of surface water and groundwater, and accommodation of development that is compact, efficient and orderly and consistent with the long term integrity of the Pine Barrens ecosystem; and
- Whereas, the Act further provides that the Commission should consider previously undertaken and current groundwater, ecological, and planning studies, reports and scientific research; and
- Whereas, the Commission, on January 13, 1995, after considering the goals of the Act and prior studies, reports and scientific research, recommended a Land Use Plan to the three towns, Riverhead, Southampton, and Brookhaven, for adoption; and
- Whereas, a Draft Generic Environmental Impact Statement has been prepared and a Final Generic Environmental Impact Statement is in preparation concerning such Land Use Plan; and
- Whereas, the proposed amendments to Suffolk County Sanitary Code Article 6 would formally allow for the use of transferable development rights to meet its development density requirements in an efficient and orderly manner which heretofore could only be accomplished upon application and grant of a variance by the Suffolk County Department of Health Services Board of Review on a site by site basis; and
- Whereas, the Commission believes that a streamlined review process is essential to a viable transferable development rights program for the Central Pine Barrens; and
- Whereas, the maximum allowable residential densities contemplated by the proposed changes to Article 6 are the same as the maximum allowable residential densities provided for in designated receiving areas in the recommended Land Use Plan, but that each town may set a more restrictive standard; and
- Whereas, the Commission wishes to express its position concerning the proposed amendments to Suffolk County Sanitary Code Article 6; now, therefore be it
- Resolved, that the Commission supports the amendment of Article 6 which would facilitate a transfer of development rights program and the identification of receiving areas as provided for under the Plan; and be it further
- Resolved, that the receiving areas will be evaluated in the Supplemental Draft Generic Environmental Impact Statement and Final Generic Environmental Impact Statement prepared by the Commission. The towns of Riverhead, Southampton and Brookhaven, which are Involved Agencies under the State Environmental Quality Review Act ("SEQRA"), will each prepare separate

findings as part of the SEQRA process. Each town, through its own Findings Statement, may designate a standard which is more restrictive (i.e., less than 600 gallons per acre per day) than the maximum figure under the amendment to Article 6; and be it further

Resolved, that as part of its SEQRA review, the Commission will seek advice, analysis and recommendations from the Suffolk County Department of Health Services concerning ground, surface and drinking water quality in receiving areas. And the Commission will include in the Final Generic Environmental Impact Statement and Land Use Plan any conditions necessary to ensure protection of ground, surface, and drinking water.

Yea Votes:

Commissioner Cowen

Commissioner Thiele

Ms. Filmanski

Mr. Dragotta

Nay Votes:

None

Abstention:

Ms. Wiplush

Central Pine Barrens Joint Planning and Policy Commission

MEETING FOR:

Central Pine Barrens Commission

LOCATION:

Brookhaven Town Offices

DATE/TIME:

3/15/95 2:00pm

NAME	REPRESENTING	ADDRESS	TELEPHONE/FAX
<i>Joseph Tropea</i>	SCWA/CPDC	Sunrise Highway ^{Great River}	563-0385
VI HOGVIND	37 DIETZ AVE,	LAKE GROVE	588-8459
Tim Hopkins	SCWA	Sunrise Highway Great River	563-0308/277-4097
Chic Voorhis	CVA ^{TOUSSIE} PEOPLES	ST N. COMSTOCK RD MILL Pt	331-1455
Donna Pankett	SCWA		
Philip Sanderman	Tanzied Dehara	1770 Moten Pkwy ^{Hampton}	232-1742
Ray Owen	NYSDEC / Gov.	SUNY, STONY BROOK	444-0345
<i>Bill Spitz</i>	NYSDEC REG 1	"	444-0419
Toy S. DeBora	Staff City Exec	Veterans Hwy - ^{Hampton}	853-5133
Jim Ryan	PBC	395 ^{Oliver} Rd, Melville NY	694-5005
C. Swick	TGP	3733 Rt 112 Medford 11763	451-6403
JOM MORRIS	NEWSDAY	MELVILLE	843-2768; 2953
ED QUAREMBA	NASSAU	56 PARKVIEW CIR BETHPAGE	433-8145
Buzz Schwab	L.I.B.I.	400 Corporate Plaza 11722	232-3345 / 2349
<i>William P. ...</i>	Rep LIPI	368 Vets Hwy Commack	499-2222
Aud A. Seda	L.I.B.I.	76 Crown Avenue, ^{Northampton} MA 01071	471-7276
<i>William S. ...</i>	C.P.R.	1137 ^{Hlanders} Rd. Riverhead 11901	737-5696
Uma LaWall	SI Hampton Bus Auth.	P.O. Box 2401, Southampton	287-2287/283-0515
A BRUSSEZ	D SPONABLE	OLD FORGE N.Y. 11470	-
L. Ayer	LITSS	Box 429 Monroville 11949	365-3300 - 3389
John M. ...	SCWA/CPDC	Sunrise Hwy / G. River	563-5692
<i>Ann ...</i>	LaVelle	1st Sen Lush	696-6900
Angie Hill	PBECCO	32 Eden Dr. Mt. St. NY 11746	692-5938
Stuart R. Lowrie	TNC	3 RR Ave, E Hampton NY 11937	329-7689
Dick Ryan	RYAN'S COMPANY	P.O. Box 321 Laurel, NY 11948	298-9623

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
Douglas Penny, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (DRAFT) for March 22, 1995 Riverhead Town Hall / 2:00 pm

1. Compatible Growth Area

- Toussie at Oakland Avenue North / Miller Place: counsel's opinion on status
- Toussie at Oakland Avenue South / Miller Place: counsel's opinion on status

2. Core Preservation Area

- Bartlett Avenue Associates / Middle Island: counsel's opinion on status
- Madelung / Yaphank: approval of new 6/30/95 decision date
- Massa / Flanders: approval of new 6/30/95 decision date

3. Plan Development

- Recent correspondence from homeowners: George Proios
- Core area roadfront parcels: criteria for selection (Brookhaven, Riverhead)
- LI Farm Bureau concerns: general counsel
- LI Builders' Institute plan comments: Buzz Schwenk
(*Deferred from 3/8/95 meeting*)
- Calverton redevelopment: Rick Hanley

4. Administrative

- Meeting summaries for 2/22 and 2/24: corrections, approval
- Revision of meeting schedule: change 3/29/95 meeting to 3/30/95

5. New business

6. Executive session

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
Douglas Penny, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for March 22, 1995 Riverhead Town Hall / 2:00 pm

1. Compatible Growth Area

- Toussie at Oakland Avenue North / Miller Place: counsel's opinion on status
- Toussie at Oakland Avenue South / Miller Place: counsel's opinion on status

2. Core Preservation Area

- Bartlett Avenue Associates / Middle Island: counsel's opinion on status
- Madelung / Yaphank: approval of new 6/30/95 decision date
- Massa / Flanders: approval of new 6/30/95 decision date

3. Plan Development

- Recent correspondence from homeowners: George Proios
- Core area roadfront parcels: criteria for selection (Brookhaven, Riverhead)
- LI Farm Bureau concerns: general counsel
- LI Builders' Institute plan comments: Buzz Schwenk
(*Deferred from 3/8/95 meeting*)
- Calverton redevelopment: Rick Hanley

4. Administrative

- Meeting summaries for 2/22 and 2/24: corrections, approval
- Revision of meeting schedule: change 3/29/95 meeting to 3/30/95

5. New business

6. Executive session

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
Douglas R. Penny, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for March 22, 1995 (Approved 3/30/95) Riverhead Town Hall / 2:00 pm

Present: Mr. Proios and Mr. Dragotta (for Suffolk County), Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Penny (for Southampton) and Mr. Cowen (for New York State). General counsel included Mr. Rigano and Ms. Roth. Commission staff included Mr. Corwin, Ms. Trezza, Mr. Hopkins, Ms. Plunkett, Mr. Milazzo, Mr. Jones and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:15 pm. The following sequence varies from the original agenda.

Compatible Growth Area

- Toussie at Oakland Avenue North / Miller Place: counsel's opinion on status
Summary: Ms. Roth stated that the parcels comprising this project are not single and separate with respect to the pine barrens statute, and that the project is therefore classified as development. The staff will notify the project sponsor of this decision.
- Toussie at Oakland Avenue South / Miller Place: counsel's opinion on status
Summary: Ms. Roth stated that counsel is reviewing the recently submitted covenants and restrictions, and would like to review this project further in light of the Toussie North project's two sterilized lots.

Core Preservation Area

- Bartlett Avenue Associates / Middle Island: counsel's opinion on status
Summary: Ms. Roth stated that nothing in the pine barrens statute's nondevelopment provision for residential projects says that the permit must be still valid. Mr. Amper, of the L.I. Pine Barrens Society, stated that he believes that this project is not excluded.

Ms. Roth summarized the history of this project, including the original April 1989 approval, the April 1990 six month extension to October 1990, the May 1990 clarification giving the applicant three years to obtain a building permit, the May 1993 expiration, and the January 1995 Zoning Board of Appeals approval. It was noted that the project does meet current zoning. Mr. Olsen, of the Civil Property Rights organization, stated that approvals have too short a life span since the complexity of the approval process leads to lapses of permits and approvals.

Ms. Roth noted that she thought that another section of the law may also apply to this project, and would like to review that possibility as well. Further discussion was deferred to the next meeting.

- Madelung / Yaphank: approval of new 6/30/95 decision date
- Massa / Flanders: approval of new 6/30/95 decision date

Summary: A motion was made by Ms. Filmanski and seconded by Mr. Penny to accept the applicant's letter extending the decision deadline to 6/30/95 for the core preservation area hardship application known as Madelung at Yaphank. The motion was approved unanimously.

A motion was made by Ms. Filmanski and seconded by Mr. Penny to accept the applicant's letter extending the decision deadline to 6/30/95 for the core preservation area hardship application known as Massa at Flanders. The motion was approved unanimously.

Plan Development

- Recent correspondence from homeowners: George Proios

Summary: Mr. Proios explained that the County Executive's office has received numerous telephone calls and letters from persons owning homes in the pine barrens area, who have expressed concern over the effect upon their homes, whether they have to move, and similar issues. Mr. Olsen stated that although some of the letters are posted from outside the region, they are nonetheless taxpayers.

Mr. Proios observed that the County Executive could forward a letter to people with homes in the pine barrens clarifying some of the most common misconceptions. Mr. Dittmer stated that the Commission should send a post card to property owners notifying them of the upcoming hearings.

- Calverton redevelopment: Rick Hanley

Summary: Mr. Hanley, Director of Planning for Riverhead Town, spoke on the issue of possibly amending the pine barrens statute to specifically exempt the Calverton redevelopment. He distributed to the Commissioners a copy of a 2/27/95 letter from Mr. Rothman of the law firm Wilkie Farr & Gallagher to Mr. Goodale, Chairman of the Calverton Redevelopment Commission. This letter supports such an amendment to the statute. Mr. Hanley indicated that Riverhead Town would like to have the backing of the Pine Barrens Commission in seeking such an amendment.

Mr. Deering of Assemblyman DiNapoli's office inquired as to what specific change was being sought. Mr. Hanley replied that it was consistency between the Plan and the statute on the Calverton issue. Mr. Amper observed that the current Plan language is from Riverhead. Mr. Hanley noted that the federal public law and the current pine barrens Plan both refer to the area within the fence line, and he estimated that approximately 400 acres within the fence are within the state core area boundary.

Mr. Rigano recommended that this be held over to next week. At this point, an unidentified member of the audience inquired about the disposition of certain property south of Grumman's developed site. Mr. Hanley responded to this, and described the area as part of the old filed map known as Wading River Estates located south of Grumman Boulevard. This area is within the core, and Mr. Proios noted that the parcel would be eligible for the development rights transfer program.

- Core area roadfront parcels: criteria for selection (Brookhaven, Riverhead)

Summary: This was deferred to the next meeting.

- LI Farm Bureau concerns: general counsel

Summary: Mr. Rigano started to address some of the issues previously raised by the L.I. Farm Bureau, but Ms. Filmanski asked on behalf of Commissioner Stark that any discussion on these issues be delayed until the next meeting, when L.I. Farm Bureau representatives could be present. It was agreed that Mr. Rigano would simply report what he had found, and there would not be a discussion.

He briefly outlined the options which had arisen in his discussions with the Farm Bureau's representatives. Mr. Deering observed that the issue could be handled through a tree clearing standard. Mr. Amper stated that the specific situations of the core area farms should be examined. At this point, Ms. Filmanski reiterated Commissioner Stark's request to hold off on discussion until a Farm Bureau representative is available. Mr. Cowen inquired as to whether certain of the options outlined by Mr. Rigano would require amending the statute, and the answer was no.

- LI Builders' Institute plan comments: Buzz Schwenk

(Deferred from 3/8/95 meeting)

Summary: Mr. Schwenk went through the list of concerns. One of the items was the issue of grandfathering of development projects, and Mr. Balin, representing North Shore Properties, spoke on this as it may pertain to the North Shore Properties project.

During the presentation of the overall list, Mr. Amper asked whether the Commission would hear a presentation from environmental groups as well on their concerns with the plan, and Mr. Proios replied that they would if the request came from a town.

Mr. Schwenk observed that the L.I. Builders Institute has had their freedom of information request denied, and that they are unhappy with the Brookhaven receiving areas.

Mr. Olsen stated the Institute's comments are similar to the property owners' concerns. He specifically complained that the core roadfront residential nondevelopment maps are ready now, and not a year ago, and that nothing guarantees that they will be incorporated into the statute. He stated that he has not seen the maps. Mr. Proios replied that it was the Commission that raised the issue of these core area residential nondevelopment maps, and that progress has been substantial and regular in producing the maps and parcel lists.

Administrative

- Meeting summaries for 2/22, 2/24 and 3/8/: corrections, approval
Summary: Ms. Filmanski and Ms. Roth noted two minor word changes to the draft summary of the 3/8/95 meeting. A motion was then made by Mr. Cowen and seconded by Ms. Filmanski to approve the meeting summaries of 2/22/95, 2/24/95, and 3/8/95 with those changes in wording to the 3/8/95 summary. The motion was approved unanimously.
- Revision of meeting schedule: change 3/29/95 meeting to 3/30/95
Summary: Mr. Corwin explained that the Commission's new meeting schedule approved at the 3/15/95 meeting should be changed in order to assure a quorum at one of the meetings. He recommended that the 3/29/95 meeting be moved to 3/30/95, with the location being the same. Ms. Trezza had polled the Commissioners by telephone, and that change was acceptable.

A motion was made by Ms. Filmanski and seconded by Ms. Wiplush to amend the meeting schedule as described above. The motion was approved unanimously.

Executive session

Summary: A motion was made by Mr. Proios and seconded by Ms. Filmanski to enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously. The Commission entered into executive session at approximately 3:50 pm and returned to open session at approximately 5:17 pm.

Adjournment

Summary: Upon return to open session, the meeting was immediately adjourned without a formal resolution. The meeting ended at approximately 5:17 pm.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
Douglas R. Penny, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (DRAFT) for March 30, 1995 Commission office in Great River / 2:00 pm (Open session)

1. **Continuation of executive session of 3/22/95**
(Scheduled for 9:00 am at Commission office)
2. **Compatible Growth Area**
(No items at this time)
3. **Core Preservation Area**
 - Bartlett Avenue Associates / Middle Island: counsel's opinion on status
 - Theresa Cox / Calverton-Brookhaven: new hardship application
4. **Plan Development**
 - Core area roadfront parcels: discussion of criteria
5. **Administrative**
 - Meeting summaries for 3/15 and 3/22: corrections, approval
6. **New business**

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
Douglas R. Penny, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for March 30, 1995 Commission office in Great River / 2:00 pm (Open session)

1. **Continuation of executive session of 3/22/95**
(9:00 am at Commission office)
2. **Compatible Growth Area**
(No items at this time)
3. **Core Preservation Area**
 - Bartlett Avenue Associates / Middle Island: counsel's opinion on status
 - Theresa Cox / Calverton-Brookhaven: new hardship application
4. **Plan Development**
 - Core area roadfront parcels: discussion of criteria
5. **Administrative**
 - Meeting summaries for 3/15 and 3/22: corrections, approval
 - Financial issues
6. **New business**

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
Douglas R. Penny, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for March 30, 1995 (Approved 4/5/95) Commission office in Great River

Present: Mr. Proios and Mr. Dragotta (for Suffolk County), Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Penny (for Southampton) and Mr. Cowen (for New York State). General counsel included Mr. Rigano and Ms. Roth. Commission staff included Mr. Corwin, Ms. Trezza, Mr. Hopkins, Ms. Jakobsen, Ms. Plunkett, Mr. Milazzo, and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 9:15 am. The following sequence varies from the original agenda.

Continuation of executive session of 3/22/95

Summary: The executive session which commenced on 3/22/95 was resumed at approximately 9:15 am today. The Commission returned to open session at approximately 2:10 pm.

Core Preservation Area

- Bartlett Avenue Associates / Middle Island: counsel's opinion on status
Summary: Ms. Roth stated that the Bartlett Avenue Associates project met the requirements for nondevelopment as stated in ECL Section 57-0107(13)(ix). The Commissioners agreed and directed the staff to forward a letter to that effect to the project sponsor.
- Theresa Cox / Calverton-Brookhaven: new hardship application
Summary: Ms. Plunkett summarized this new core area hardship permit request. It is located on Starr Boulevard, south of NYS Route 24 (Nugent Drive) in Calverton (within Brookhaven Town). The project involves two 1 acre lots, one with a house and one vacant. The parcels were merged at one time, then divided again. A brief discussion occurred regarding the completeness date for the application. **A motion was made by Mr. Penny and seconded by Ms. Filmanski to hold a hearing on this application on 4/19/95 at 5:00 pm at the Riverhead Town Hall. The motion was approved unanimously.**
- Calverton redevelopment (not on original agenda)
Summary: Ms. Filmanski read the proposed resolution as follows:

At the request of the Commissioner of the Town of Riverhead, the Commission shall take the Volume 1, Section 8.2 Calverton Redevelopment Policy in the proposed final Plan and reiterate it in the form of a proposed legislative change in Section 8.1. This is undertaken in the interest of clarity and consistency, and in support of the Town of Riverhead's own request for a legislative change.

A motion was made by Ms. Filmanski and seconded by Mr. Penny to adopt this as a formal resolution. The motion was approved unanimously.

Plan Development

- Core area roadfront parcels: discussion of criteria
Summary: Ms. Plunkett noted that she would like Brookhaven Town to verify their parcel list. Mr. Turner, representing the L.I. Pine Barrens Society and Assemblyman Engelbright, noted that he had comments upon several of the parcels on the overall lists to date, and will forward those comments to the respective towns tomorrow. Mr. Corwin requested that he provide a courtesy copy to Ms. Plunkett at the same time.

Administrative

- Meeting summaries for 3/15 and 3/22: corrections, approval
*Summary: **A motion was made by Mr. Cowen and seconded by Ms. Filmanski to approve the meeting summaries of 3/15/95 and 3/22/95. The motion was approved unanimously.***
- Financial issues: corrections, approval
Summary: Mr. Corwin distributed a sheet showing the expenditures for vendors and related costs for the period of 4/1/94 through 3/31/95. The figures included \$300,000 for the staff services of the Suffolk County Water Authority, \$95,700 to the Regional Plan Association (this one amount is for the period 2/1/94 through 9/30/94), \$95,170 to the Harriman School at SUNY at Stony Brook (via the Research Foundation of SUNY), and \$185,000 to McMillan, Rather, Bennett & Rigano.

*Mr. Corwin requested the approval of the Commission to authorize the Suffolk County Water Authority to make such additional payments as required to bring the total payments in each category to the amounts shown. **A motion was made by Ms. Filmanski and seconded by Mr. Penny to authorize such payments. The motion was approved unanimously.***

Mr. Corwin suggested that the Commission consider a resolution reiterating the need for operating funds to cover the carry-over expenses from the 1994-95 fiscal year and to provide operating funds for the 1995-96 fiscal year. These amounts are approximately \$100,000 and \$500,000, respectively.

A brief discussion occurred regarding the status of the acquisition money in the state budget negotiations. Mr. Amper of the L.I. Pine Barrens Society reported that the Assembly passed a budget bill on 3/29/95 which included full restitution of the acquisition money. He also noted that an uncertain amount has been discussed for administrative costs. Mr. Deering of Assemblyman DiNapoli's office stated that that amount may be \$150,000. He also noted that the Environmental Protection Fund has a provision for covering pine barrens costs as well, and that additional reimbursement for administrative costs may be available from that source.

Mr. Schwenk of the L.I. Builders Institute commented that the Commission was asking for a half million dollars for funding. **A motion was made by Mr. Proios and seconded by Mr. Cowen to reiterate the need for these funds. The motion was approved unanimously.**

Compatible Growth Area

- MTK Enterprises / Ridge: completeness and hearing (not on original agenda)
Summary: Ms. Plunkett and Ms. Roth described the current status of this application, and the materials which were delivered to this meeting by the project sponsors. The project has received conditional Health Department approval, subject to the filing of covenants and restrictions. The project representative explained that they were concerned that the filing of these covenants may be premature since they do not know what additional restrictions may be imposed by the Commission. Counsel stated that it is appropriate for the Commission to schedule a hearing on this project.

A motion was made by Mr. Cowen and seconded by Ms. Wiplush to hold a hearing on the MTK Enterprises application on 4/19/95 at the Riverhead Town Hall at 5:00 pm. The motion was approved unanimously.

Executive Session

Summary: **A motion was made by Ms. Filmanski and seconded by Mr. Cowen to enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously. The Commission entered into executive session at approximately 3:00 pm and returned to open session at approximately 5:45 pm.**

Adjournment

Summary: Upon returning to open session at approximately 5:45 pm, the meeting was adjourned without a resolution.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (DRAFT) for April 5, 1995 Brookhaven Town offices in Medford / 2:00 pm

1. **Compatible Growth Area projects**
None at this time.
2. **Core Preservation Area projects**
None at this time.
3. **Plan development issues**
 - Vacant core roadfront residential nondevelopment provision
 - TDR chapter
 - Agriculture and horticulture provisions
 - Advisory Committee (4/4 meeting) summary (Calverton, small lots)
 - Other substantive changes
4. **Administrative**
 - Draft (revised) meeting summary for 3/30: corrections, approval
5. **New business**
6. **Executive session** (if required)

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for April 5, 1995 Brookhaven Town offices in Medford / 2:00 pm

1. **Compatible Growth Area projects**
None at this time.
2. **Core Preservation Area projects**
None at this time.
3. **Plan development issues**
 - Vacant core roadfront residential nondevelopment provision
 - TDR chapter
 - Agriculture and horticulture provisions
 - Advisory Committee (4/4 meeting) summary (Calverton, small lots)
 - Other substantive changes
4. **Administrative**
 - Draft (revised) meeting summary for 3/30: corrections, approval
5. **New business**
6. **Executive session (if required)**

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for April 5, 1995 (Approved 5/24/95) Brookhaven Town offices in Medford / 2:00 pm

Present: Mr. Proios and Mr. Dragotta (for Suffolk County), Ms. Swick and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Duffy (for Southampton) and Mr. Cowen (for New York State). General counsel included Mr. Rigano and Ms. Roth. Commission staff included Mr. Corwin, Ms. Trezza, Mr. Hopkins, Ms. Plunkett, Mr. Milazzo and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:20 pm. The following sequence varies from the original agenda.

Core preservation area

- Cox / Calverton: hardship application hearing date change (not on the original agenda)
Summary: Mr. Sanderman, attorney for the applicant, requested that the hearing date be postponed from 4/19/95 to a later date. The Commissioners agreed, and the alternate date of 4/26/95 was agreed upon. Mr. Sanderman will forward a letter formally requesting a postponement of both the 60 day decision deadline and the 30 day period for holding a hearing. Upon receipt of that letter, the Commission will formally accept the delay and new dates.

Plan development issues

- Vacant core roadfront residential nondevelopment provision
Summary: Ms. Plunkett summarized the current status of the three towns' lists. Mr. Rigano posed the question of whether an update mechanism should be included in the recommended legislative changes, and also raised the possibility that the parcel list could be placed in the Plan, rather than the legislation. Mr. Corwin observed that errors in the listing of tax parcel numbers are likely, and that the towns' approaches to constructing the list may not be exactly the same.

After a brief discussion, it was decided (1) to keep the initial list of parcels intact, (2) to place any procedure for updating the list in Chapter 4 of the Plan, (3) to look at constructing composite criteria for updating the list, based upon the three separate criteria lists, and (4) to revise the proposed statutory change language.

A brief discussion was also held regarding the comments provided by Mr. Turner of the

L.I. Pine Barrens Society and Assemblyman Engelbright's office. Mr. Cowen noted that the DEC staff had checked into certain parcels on Mr. Turner's list, and had a problem with some. Parcels discussed included, but were not limited to, those in district 600, sections 137 and 146, and district 900, section 163, and district 200 within the old Flower City old filed map on CR 21 in Yaphank-Middle Island.

Ms. Filmanski noted that one parcel on the Southampton list was already developed, and Mr. Olsen, the owner of one of the Southampton parcels, explained that the Townsend Avenue parcel which he owns is a tree farm which has been previously cleared, and that it should remain on the proposed exemption list. The discussion also touched upon a four lot, flag lot subdivision in Calverton. Ms. Filmanski said she would check into the approval date of that subdivision in order to determine if it is already exempt under existing nondevelopment provisions of the pine barrens law.

This topic was closed with each town representative agreeing to pursue the questions raised about their town's parcels, and to once again examine their overall lists for errors.

- Agriculture and horticulture provisions

Summary: Mr. Rigano distributed a suggested text change to the agriculture and horticulture standards and guidelines in Chapter 5 of the Plan Volume 1. A brief discussion occurred regarding the L.I. Farm Bureau's responses to Mr. Rigano's calls. Mr. Rigano noted that the distributed change had not been seen by the Farm Bureau, since the Farm Bureau was taking the position that a complete exemption is what should be reflected in the Plan.

- Advisory Committee (4/4 meeting) summary (Calverton, small lots)

Summary: Mr. Corwin summarized the Advisory Committee meeting of the previous evening. He reported that the Committee did not have a quorum, so no resolutions were passed, but two topics were discussed.

One was the possibility of altering the Calverton policy currently in the Plan to reflect that the nondevelopment policy only applies to the Compatible Growth Area portion of the Northrop-Grumman fenced area. This would exclude approximately 400 acres within the fenceline (out of approximately 2,900 acres total) which are within the Core Preservation Area.

The second topic was the result of a mapping exercise which the Suffolk County Water Authority staff (specifically Mr. Lautato of the cartographic staff) conducted in response to a prior Advisory Committee request. The map produced shows undeveloped, privately owned parcels within both the Core Preservation and Compatible Growth Areas of the Central Pine Barrens. Mr. Corwin showed the map, and described the approximate acreage totals for various parcel categories.

The ensuing discussion touched upon issues of appraisals, likelihood of purchases, and the degree to which the parcels are clustered together. Mr. Dittmer, of the Civil Property Rights organization, spoke about his concerns for these owners.

Administrative

- Draft meeting summary for 3/30: corrections, approval
Summary: A motion was made by Mr. Cowen and seconded by Ms. Filmanski to approve the written summary of the 3/30/95 meeting. The motion was approved unanimously.

New business

- Letter from John Black of Ecology Committee regarding Article 6 changes (not on the original agenda)
Summary: Mr. Cowen raised a concern about a recent letter from John Black, chairman of the Ecology Committee, expressing opposition to the changes proposed for the County Health Code Article 6. Mr. Cowen's concern was that the letter was placed under the Suffolk County Planning Department letterhead, and was thus misleading. The county representatives agreed to look into this.

Plan development issues

- TDR chapter
Summary: Mr. Rigano distributed a revision of Chapter 6 of the Plan (the Pine Barrens Credit Program). A long discussion ensued, structured around the traversal of the revision section by section. The issues which arose included, but were not limited to, the definition and extent of the "as of right" use of credits, the distinction between density and intensity, the statements which could or should be made regarding the proposed County Health Code Article 6 changes and their incorporation into the Commission's Plan text, the definition of "house", the type and detail of mapping of receiving districts, and the identification of alternate types of receiving districts (other than residential overlay districts).

Mr. Schwenk expressed the L.I. Builders Institute's concerns for the current Brookhaven Town proposals. Finally, the discussion included the operation and functions of the bank or clearinghouse, and the indemnification issue.

Adjournment

Summary: A motion to adjourn was made by Mr. Cowen and seconded by Mr. Duffy. It was approved unanimously. The meeting ended at approximately 5:00 pm.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (DRAFT) for April 10, 1995 Commission office in Great River / 9:00 am

1. Plan development issues

- Pine Barrens Credit Program: final amendments
- Core roadfront residential nondevelopment: final list
- Other substantive issues

2. Executive session (if required)

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for April 10, 1995 Commission office in Great River / 9:00 am

1. Plan development issues

- Pine Barrens Credit Program: final amendments
- Core roadfront residential nondevelopment: final list
- Other substantive issues

2. Executive session (if required)

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for April 10, 1995 (Approved 5/24/95) Commission office in Great River / 9:00 am

Present: Mr. Proios and Mr. Dragotta (for Suffolk County), Ms. Swick and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Shea (for Southampton) and Mr. Cowen (for New York State). General counsel included Mr. Rigano and Ms. Roth. Commission staff included Mr. Corwin, Ms. Trezza, Mr. Hopkins, Ms. Plunkett, Ms. Jakobsen, Mr. Girandola and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 9:16 am.

Plan development issues

- Pine Barrens Credit Program: final amendments

Summary: Mr. Rigano went over the revised draft of Chapter 6 of the Plan, the same revision which was distributed at the 4/5/95 meeting. Mr. Cowen suggested combining the best portions of that document and the earlier version of Chapter 6 which was contained within the January 1995 proposed final Plan.

The 4/5/95 document was traversed paragraph by paragraph, touching upon the amendments of local zoning laws, the operation and expenditures of the Bank, the possible early role of the Commission and Commission staff in operating the Bank and the Pine Barrens Credit Program, etc. The discussion produced a number of text changes in the 4/5/95 version of Chapter 6, and concluded without completing the traversal of that chapter (due to the need to cover other topics at today's meeting). The discussion will resume at the 4/12/95 meeting.

- Core roadfront residential nondevelopment: final list

Summary: Mr. Rigano distributed a new version of Chapter 4, Review Procedures and Jurisdiction, which contained a new section describing a possible procedure for adding parcels to this exemption list. This revision will be discussed at the 4/12/95 meeting.

- Other substantive issues

Summary: The question was raised by Ms. Wiplush as to what the Plan should require the towns to do with their local laws and ordinances, and their review procedures, in response to the various guidelines which are contained within Chapter 5 of the proposed final Plan. A brief discussion ensued, but no final determination was made.

New business (not on the original agenda)

Summary: *Due to the amount of written material to review prior to amending the proposed final Plan Volume 1, it was agreed to move the Wednesday meeting to 9 am from its original 2 pm start. It was further agreed that the location of the 4/12/95 meeting would be moved from the Brookhaven Town offices in Medford to the Riverhead Town Hall, since no room could be found at the Medford complex to hold a 9 am meeting on 4/12/95. This change will be publicized immediately.*

Executive Session

Summary: *A motion was made by Mr. Proios and seconded by Mr. Cowen to enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously. The Commission entered into executive session at approximately 12 noon and returned to open session at approximately 2 pm.*

Adjournment

Summary: *A motion to adjourn was made by Mr. Proios and seconded by Ms. Swick. It was approved unanimously. The meeting ended at approximately 2 pm.*

Central Pine Barrens Joint Planning and Policy Commission

MEETING FOR:

Central Pine Barrens

LOCATION:

SCWA Great River

DATE/TIME:

4/10/95 9:00am

NAME	REPRESENTING	ADDRESS	TELEPHONE/FAX
Dick Ryan	RYAN'S Company	P.O. Box 32, Laurel, NY 11948	298-9623
ED QUAREMBA	NASSAU	56 PARKVIEW CIR. BETHPAGE	433-8145
Walter & Sharon Olsen	CPR	1139 Flanders Rd. Riverhead NY 11901	737-5696
Ann Levasse	San Lalle	Selden NY	696-694
Mike Deing	Assembly - Dutchess		829-3368 / 482-6975
JOHN GRANADUCA	TOWN OF BROOKHAVEN	MEDFORD N.Y.	451-6400
T. Pinnick	SCWA		
Jim T. Hoff	EDIF	257 Park Ave. S. NY 10010	212-505-2100
VI HOGELUND	37 DIETZ	AVENUE - LAKE ROVE	588-8459
JOHN MORRIS	NEWSDAY	MELVILLE	843-2768; 2953
Raymond	SCWA/CPR	Great River	583-0385
DR. PROIOS	S. County	Hampange.	853-4654
Ray S. DEAGOTTA	S.C. Dept of Law	"	853-5133
B. Wipfler	TUB		451-6500
C. Swick	TUB	3233 Rt 112 Medford	451-16203
Brenda Filmandi	Town of Riverhead	200 Horner Ave Rhd	727-3200
Ray Cowen	NYS DEC/GOV	BLDG 40 SUNY SB,	444-0345
Ray Cowen	CPR Comm		583-0307
Doris E. Cohn	Michelle K. Poth	Melville NY	
Ross McIlvaine	The Nature Conservancy	P.O. Box 5125 East Hampton 11937	329-7689
HENRY DITTMER	C. P. R.	P.O. BOX 202, BRIGHTWATERS	665-2020
DON EVERSON	SUPR/HIBI	631 COMMACK RD. COMMACK, N.Y. 1172	462-5600

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for April 12, 1995 Riverhead Town Hall / 9:00 am

1. Compatible growth area

- Bagatelle Nursery / Manorville: new application

2. Plan development issues

- Plan Volume 1 revisions, by chapter:
 - Land Acquisition (Chapter 3)
 - Review Procedures and Jurisdiction (Chapter 4)
 - Standards and Guidelines for Land Use (Chapter 5)
 - Pine Barrens Credit Program (Chapter 6)
 - Other Policies (Chapter 8)
 - Remaining chapters
- Plan Volume 2 revisions: overview

3. Executive session (if required)

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for April 12, 1995 (Approved 5/24/95) Riverhead Town Hall / 9:00 am

Present: Mr. Proios and Mr. Dragotta (for Suffolk County), Ms. Pines, Ms. Swick and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Duffy and Mr. Shea (for Southampton) and Mr. Cowen (for New York State). Mr. Gaffney attended part of the afternoon session as noted below, as did Mr. Stark. General counsel included Mr. Rigano and Ms. Roth. Staff members from Commission and other cooperating agencies included Mr. Corwin, Ms. Trezza, Mr. Hopkins, Ms. Plunkett, Mr. Milazzo, Mr. Jones, Mr. Girandola, Mr. Pavacic and Mr. Spitz. Mr. Hanley was also present during portions of the meeting. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 9:20 am. The following sequence varies from the original agenda.

Compatible growth area

- Bagatelle Nursery / Manorville: new application
Summary: Ms. Plunkett reviewed this residential subdivision application, and recommended that a hearing be scheduled for this project. A motion was made by Ms. Filmanski and seconded by Mr. Cowen to schedule a hearing for this project for 4/26/95 at 5:00 pm at the Riverhead Town Hall. The motion was approved unanimously.

Plan development issues

- Land Acquisition (Chapter 3)
Summary: Mr. Corwin reviewed the changes to this chapter. No changes were made to the policies contained here, but corrections to the acreage figures and the charts were made. He asked Mr. Dragotta to check certain estimates of the County's land acquisition funds and acreage. It was also noted that an estimate of donated land would be desirable.
- Review Procedures and Jurisdiction (Chapter 4) and parts of the "Other Policies" chapter
Summary: Mr. Corwin noted that both this chapter and the "Other Policies" chapter currently contain statements regarding the proposed Core Preservation Area roadfront exemption parcels, based upon the discussion at the 4/10/95 meeting. Chapter 4

would now contain the procedures which the Commission would follow for adding parcels to the initial list in the future; these were drafted by general counsel. That initial list is currently slated for inclusion in the "Other Policies" chapter with the recommendation for the legislative change. The discussion which ensued covered all aspects of the core roadfront issue.

The question of what would constitute a complete application for addition to this list was raised. This led to a broader discussion of whether a specific parcel list should be included in the Plan at all, whether the procedures for adding parcels later should contain qualifying criteria, whether the criteria should be included directly within the statutory changes, and whether there should be two recommended statutory changes for these parcels rather than one.

In regard to this last question, Mr. Rigano has prepared a draft of these two separate proposed statutory changes which would (1) approve the current list of parcels which would be included in the Plan and (2) empower the Commission to approve future exemptions for parcels in substantially developed areas of the Core Preservation Area, based upon criteria and procedures to be adopted by the Commission after passage of the amendment.

A motion was made by Ms. Swick and seconded by Ms. Filmanski to approve the inclusion of the list of vacant private core roadfront parcels within the Plan itself. The motion was approved unanimously.

An additional motion was then made by Ms. Filmanski and seconded by Mr. Duffy to include both of the proposed statutory changes regarding the vacant private core roadfront parcels. This motion was also approved unanimously.

After an approximately 10 minute break, the discussion on Chapter 4 then turned to Section 4.5.4.2, with Mr. Corwin raising the question of whether this provision makes the adoption of the Critical Resource Areas conditional upon a further hearing or notice. It was then decided that this section will be dropped.

Another issue was raised regarding the designation of certain sand or other mining operations as Developments of Regional Significance. Mr. Corwin noted that any such designation should be accompanied by appropriate standards and/or guidelines, yet no mining standards or guidelines are present in Chapter 5. It was then decided to drop this project category from the Developments of Regional Significance list.

- Standards and Guidelines for Land Use (Chapter 5)

Summary: A number of editorial changes were discussed by Mr. Corwin, including the renumbering of the standards and guidelines to be consistent with the rest of the document. A sentence was added to this chapter to reaffirm that the towns may adopt more restrictive standards if they wish. The two references to agriculture and horticulture in this chapter were discussed, as were the standards and guidelines for each individual topic. Several text changes were made to clarify the meanings, and particularly to distinguish standards and guidelines from each other.

- Proposed Severability chapter (not on the original agenda)
Summary: Mr. Rigano distributed a proposed one paragraph additional chapter, to be placed at the end of the Plan Volume 1, which ensures the severability of the portions of the Plan in the event of a judicial action affecting one or more parts of it. It was agreed to add this, and no extensive discussion was held.
- Pine Barrens Credit Program (Chapter 6)
Summary: Mr. Shea began the discussion by going through the proposed Southampton section of this chapter page by page. Upon completion, a temporary adjournment was made for lunch at approximately 12:30 pm.

Executive Session

Summary: Upon return from the lunch break at approximately 1:00 pm, a motion was made by Ms. Filmanski and seconded by Ms. Pines to enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously. The Commission entered into executive session at approximately 1:00 pm and returned to open session at approximately 2:45 pm.

Mr. Gaffney arrived at approximately 2:45 pm, and chaired the meeting from that point.

Plan development issues

- Pine Barrens Credit Program (Chapter 6)
Summary: Ms. Pines read proposed new text describing the Brookhaven portion of the Pine Barrens Credit Program chapter (section 6.4.1). It was agreed to insert this new text into the Plan, along with the proposed Southampton text. Mr. Tripp of the Environmental Defense Fund and the Advisory Committee then went through the comments of the group of organizations affected by the Plan (colloquially known as "the consensus group"), and the discussion centered upon the particular wording of several sections of this chapter.
- Calverton redevelopment (not on the original agenda)
Summary: Mr. Hanley made a presentation regarding the Calverton redevelopment project, stating that Riverhead would propose a Planned Development District ordinance before 6/30/95, and requested that the Commission review that ordinance. The Town of Riverhead would prefer that the Commission not review individual actions at the site. Mr. Hanley also noted that development in the Core Preservation Area portion of the fenced-in area would be excluded. There was general acceptance of these ideas by the Commission, but no formal action was taken, and several details remained to be specified.
- Adoption of changes to Plan made during this meeting
Summary: A motion was made by Mr. Duffy and seconded by Ms. Filmanski to approve the changes to the Plan made at this meeting, subject to those changes being

placed by the staff into a written form acceptable to the Commission. A brief discussion then ensued as to whether to add to those changes a policy regarding the status of the North Shore Properties project under the Plan. The discussion ended with no such change being approved at this time. The original motion was then approved unanimously.

- North Shore Properties: discussion of possible Plan policy (not on the original agenda)
Summary: A brief discussion of the possible policies which the Commission could include in the Plan was held. Mr. Gaffney stated that he would like the Commission to consider this at the next meeting, and not reach a decision hastily now at the end of a long day. It was agreed to hold this over to the next meeting.

Adjournment

Summary: The meeting ended at approximately 5:15 pm without a resolution of adjournment.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (DRAFT) for April 19, 1995 Riverhead Town Hall / 2:00 pm

1. Compatible Growth Area

No items at this time.

2. Core Preservation Area

No items at this time.

3. Plan development issues

- Amended Plan of 4/12: written copy review
 - Chapter 4: Procedures
 - Chapter 5: Standards and Guidelines
 - Chapter 6: Pine Barrens Credit Program
 - Chapter 9: Other Policies
 - Other changes
- Supplemental Draft GEIS: review

4. Administrative

- Administrative funding
- Insurance

*(Note that a public hearing is scheduled in this location
at 5:00 pm for the MTK Enterprises / Ridge CGA project.)*

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for April 19, 1995 Riverhead Town Hall / 2:00 pm

1. Compatible Growth Area

No items at this time.

2. Core Preservation Area

No items at this time.

3. Plan development issues

- Amended Plan of 4/12: written copy review
 - Chapter 4: Procedures
 - Chapter 5: Standards and Guidelines
 - Chapter 6: Pine Barrens Credit Program
 - Chapter 9: Other Policies
 - Other changes
- Supplemental Draft GEIS: review

4. Administrative

- Administrative funding
- Insurance

*(Note that a public hearing is scheduled in this location
at 5:00 pm for the MTK Enterprises / Ridge CGA project.)*

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for April 19, 1995 (Approved 5/24/95) Riverhead Town Hall / 2:00 pm

Present: Mr. Proios and Mr. Dragotta (for Suffolk County), Ms. Pines and Mr. Garcia (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Duffy and Mr. Shea (for Southampton) and Mr. Cowen (for New York State). General counsel included Mr. Rigano and Ms. Roth. Staff members from Commission and other cooperating agencies included Mr. Corwin, Ms. Trezza, Mr. Hopkins, Ms. Plunkett, Mr. Milazzo, Mr. Girandola, Mr. Wiebelt and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:16 pm. The following sequence varies from the original agenda.

Plan development issues

- Other changes (i.e., those Plan changes not covered by the principal agenda topics)
Summary: Mr. Corwin described several minor changes to the Plan Volume 1, including the Plan dedication, the special acknowledgement, and those changes made to Chapter 7, Public Lands Management. Within Chapter 7, the material describing the development of a prescribed burning plan was moved to an appendix, and the Suffolk County Planning Department was added as a member of the Protected Lands Council. A copy of the revised Chapter 7 will be available at the next meeting. He also noted the valuable contribution of the Suffolk County Parks Department in revising Chapter 7.
- Chapter 4: Procedures
Summary: Mr. Corwin noted that the copies of Chapter 4 being distributed today do not include the actual Critical Resource Area maps, but that those maps are still part of this chapter. He pointed out that the chapter contains a statement that the Calverton redevelopment project is specifically not a Development of Regional Significance. It was also stated that section 4.5.2.1 of the January 1995 version, which deals with the initial review of an application for conformance with the Plan, should be omitted.
- Chapter 5: Standards and Guidelines
Summary: Mr. Corwin distributed a revised version of Chapter 5, and described several of the changes from the January 1995 version. The standards and guidelines have been renumbered, and titles added to each standard or guideline. A change in wording was added to Section 5.3.2 dealing with the State Environmental Quality Review Act procedures as applied to Compatible Growth Area projects. The new

language clarifies the situation where an environmental impact statement (EIS) or a supplemental EIS is required.

Additional discussion was held regarding the language addressing agriculture and horticulture, in both the Core Preservation and Compatible Growth Area portions of this chapter.

- Chapter 9: Other Policies

Summary: The possible revision of Section 9.2, which addresses the Calverton redevelopment project, was raised. Mr. Hanley, Director of Planning for Riverhead Town, will write a suggested addition to this section and it will be distributed prior to the next meeting. This will be on the 4/26/95 meeting agenda.

- Chapter 4: Procedures

Summary: A discussion was held on whether Section 4.3.1, which defines a complete application, should be revised. It was decided that the current language is sufficient.

- Chapter 9: Other Policies

Summary: The discussion which commenced at the 4/12/95 meeting regarding the North Shore Properties development project resumed. Specifically, the issue at hand was the status under the pine barrens law of this overall project's "Brookhaven Town Center Phases 1 and 2" components, and what the Plan might state regarding this status. The Brookhaven Town Center proposal occupies approximately 150 of the overall project's approximately 2,100 acres in the Middle Island and Yaphank region.

Mr. Balin, representing the project sponsor, spoke in favor of including a policy statement which states that Phases 1 and 2 of the Brookhaven Town Center are grandfathered under the pine barrens statute, and described the content of the Findings Statement issued by Brookhaven Town. It was noted that the remainder of the North Shore properties project would then be expected to comply with the Plan's provisions.

Mr. Cowen raised the issue of what would be the proper vehicle for addressing this. Mr. Rigano suggested that the issue be decided after he has had an opportunity to produce a draft policy statement for consideration by the Commission. This will be on the agenda for the 4/26/95 meeting.

- Chapter 6: Pine Barrens Credit Program

Summary: Mr. Rigano guided the following discussion through the revised version of Chapter 6. The discussion touched upon the number of Pine Barrens Credits (PBCs) to which a property owner should be entitled, minor wording changes in Section 6.3.1 (regarding allocation of credits), clarification of the role of the Riverhead Town Board when performing the function of site plan review (Section 6.4.1.1), the insertion of the Residential Overlay District map for Brookhaven Town, and the concerns of the "consensus" group of affected parties with the specific provisions of the Brookhaven Town portion of Chapter 6 (Section 6.4.2 and its subsections).

Also discussed was the presence of sufficient "as of right" receiving areas in each town to assure a minimum ratio of receiving area capacity to Pine Barrens Credits generated, as measured independently within each individual town. Interwoven with this discussion was the issue of what the specific numeric value of that minimum ratio should be, with the range of possible values stretching from a minimum ratio of 1:1, as required in the pine barrens law, up to a ratio of 2.5:1, as expressed several times during the planning process.

Also discussed was the question of how to guarantee that these ratios are achieved, and on what calendar schedule that work would occur. Finally, the discussion turned to the effect of future zone changes (made upon the individual towns' own motions) upon the Pine Barrens Credit program in general, and this ratio in particular. The "consensus group" requested that a policy statement be included in the plan on this last issue.

The discussion was temporarily halted without a conclusion in order to permit the Commission to hold the previously scheduled public hearing.

Temporary adjournment to the public hearing and reconvening of the regular meeting

Summary: A motion to adjourn into the scheduled 5:00 pm public hearing, and then to resume into regular session following the hearing, was made by Mr. Proios and seconded by Ms. Filmanski. It was approved unanimously. The meeting adjourned to permit the holding of the public hearing at approximately 5:15 pm, and resumed into regular session at approximately 6:10 pm.

Plan development issues

- Chapter 6: Pine Barrens Credit Program

Summary: The discussion resumed with the question of including in the Plan a policy on the effect of zone changes upon the Pine Barrens Credit Program. Also discussed was the Brookhaven Town criteria list for excluding certain lands from eligibility for receiving additional development through the use of Pine Barrens Credits. It was decided that the remaining issues outlined by the consensus group will not be addressed at this meeting.

Mr. Dittmer of the Civil Property Rights organization asked whether the owners of Core Preservation Area property would be required to submit a survey of their property in order to receive Pine Barrens Credits. He stated that such a requirement would essentially prevent many owners of small property lots from participating in the Pine Barrens Credit Program, and that there needs to be a provision for this in the Plan. He also commented upon Section 6.7.7.6, which addresses the allocation of a full credit for certain roadfront parcels.

Executive Session

Summary: *A motion was made by Ms. Filmanski and seconded by Mr. Cowen to enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously. The Commission entered into executive session at approximately 6:40 pm and returned to open session at approximately 7:20 pm.*

Plan development issues

- Chapter 6: Pine Barrens Credit Program

Summary: *Ms. Pines read a proposed replacement for part of the Brookhaven Town portion of the Pine Barrens Credit Program chapter. The statement was followed by a brief discussion, and the promise to provide the revised language in writing in the next several days. No formal action was taken by the Commission on this, and it will be on the agenda for the 4/26/95 meeting.*

Adjournment

Summary: *The meeting ended at approximately 7:30 pm without a formal resolution of adjournment.*

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (DRAFT) for April 26, 1995 Riverhead Town Hall / 2:00 pm

1. Compatible Growth Area

- Sam Abbassi Corp. site plan / Yaphank: decision
- MTK Enterprises ministorage site plan / Ridge: decision
- Manorville nursery expansion / Manorville: DEIS comments

2. Core Preservation Area

No items at this time.

3. Plan development issues

- Amended Plan from 4/19/95 meeting: summary; outstanding issues; adoption of last amendments
- Supplemental Draft GEIS: review and completeness
- Supplemental Draft GEIS: hearing dates and locations

4. Administrative

No items at this time.

5. Public hearings at 5:00 pm

- Theresa Cox land division; Starr Blvd., Calverton (Core)
- Bagatelle Nursery major subdivision; Head of the Neck Road, Manorville (Compatible Growth)

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for April 26, 1995 Riverhead Town Hall / 2:00 pm

1. Compatible Growth Area

- Sam Abbassi Corp. site plan / Yaphank: decision
- MTK Enterprises ministorage site plan / Ridge: status
- Manorville nursery expansion / Manorville: DEIS comments

2. Core Preservation Area

No items at this time.

3. Plan development issues

- Amended Plan from 4/19/95 meeting: summary; outstanding issues; adoption of last amendments
- Supplemental Draft GEIS: review and completeness
- Supplemental Draft GEIS: hearing dates and locations

4. Administrative

No items at this time.

5. Public hearings at 5:00 pm

- Theresa Cox land division; Starr Blvd., Calverton (Core)
- Bagatelle Nursery major subdivision; Head of the Neck Road, Manorville (Compatible Growth)

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for April 26, 1995 (Approved 5/24/95) Riverhead Town Hall / 2:00 pm

Present: Mr. Proios and Mr. Dragotta (for Suffolk County), Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Duffy and Mr. Shea (for Southampton) and Mr. Cowen (for New York State). General counsel included Mr. Rigano and Ms. Roth. Staff members from Commission and other cooperating agencies included Mr. Corwin, Ms. Trezza, Mr. Hopkins, Ms. Plunkett, Ms. Jakobsen, Mr. Milazzo, Mr. Girandola, Mr. Pavacic and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:18 pm. The following sequence varies from the original agenda.

Compatible Growth Area

- Sam Abbassi Corp. site plan / Yaphank: decision
Summary: Ms. Plunkett summarized this site plan for a project on a previously disturbed site at the northwest corner of Granny Road and Coram-Yaphank Road in Yaphank. Several changes were made to the plan as per prior discussions. **A motion was made by Mr. Duffy and seconded by Ms. Wiplush to approve the project as modified by the amended site plan. The motion was approved unanimously.**
- MTK Enterprises ministorage site plan / Ridge: status
Summary: Ms. Plunkett reviewed this project, which consists of a site plan and use variance for a ministorage facility on the south side of NYS Route 25 (Middle Country Road), east of CR 46 (William Floyd Parkway), in Ridge. She described the changes in the site plan with regard to the plantings, and noted that a public hearing had been held by the Commission on 4/19/95, with the understanding that the Suffolk County Health Department had issued conditional approval for the project.

After a brief discussion on the status of this project and the Commission's ability to act further, a motion was made by Mr. Cowen and seconded by Mr. Duffy to approve the project subject to the Suffolk County Department of Health Services final approval being shown on the site plan, and subject also to inclusion of a covenant prohibiting the storage of toxic or hazardous substances at the proposed facility. The motion was approved unanimously.

- Manorville nursery expansion / Manorville: DEIS comments
Summary: Ms. Plunkett summarized this application for a combined mining and

agriculture site plan. The project is proposed for a site on the southwest side of CR 111, south of the LI Expressway, and on the east side of Chapman Boulevard. It involves a 6 year mining operation for approximately 1.15 million cubic yards of sand, followed by an expansion of the existing nursery operation.

The question arose as to whether this project is development, agriculture, or a combination under the pine barrens law. It was agreed that agriculture was nondevelopment under the law, but that the mining operation was development.

Mr. Girandola described the current zoning as A2 residential, and discussed the effect which residential development would have. Mr. Cowen noted that the applicant does not need a Department of Environmental Conservation permit for the mining if the town approves a site plan. Mr. Girandola stated that the applicant needs planning board approval.

Mr. Amper of the L.I. Pine Barrens Society spoke against the mining operation being subsumed under the agricultural provision, and stated that such action would lead to abuse of the law's nondevelopment provisions for agriculture and horticulture. Further discussion also noted that the topographic feature which would be mined has been identified as a kame.

It was decided that draft comments would be prepared by the Commission staff for consideration at the 5/3/95 Commission meeting, and that those comments would be submitted to the Brookhaven Town Planning Board prior to the close of this project's comment period on 5/4/95.

Plan development issues

- Remaining Plan issues: North Shore Properties policy (Section 9.3)
Summary: Mr. Rigano distributed a draft of a proposed policy statement for the Plan Volume 1 on the North Shore Properties development project's status under the pine barrens law. The policy would be included in the chapter of Volume 1 entitled "Other Policies".

After a brief discussion, a motion was made by Ms. Wiplush and seconded by Ms. Filmanski to include the draft statement on the North Shore Properties development project as an approved policy in the Plan. The motion was approved unanimously.

- Remaining Plan issues: Agriculture and horticulture
Summary: Mr. Rigano stated that the attorneys for the L.I. Farm Bureau had faxed to him suggested language for the Plan, and one of those attorneys, Mr. Reale, addressed the Commission on this subject. Mr. Deering, of Assemblyman DiNapoli's office, also spoke briefly on this.

During the discussion which followed, changes were made to the proposed draft language, including the substitution of "allowable" for "permitted" in describing

acceptable uses, and the inclusion of language from the pine barrens statute which clarifies the status of auxiliary structures for farm purposes. **A motion was made by Mr. Duffy and seconded by Ms. Wiplush to approve the revised language on agriculture and horticulture for inclusion in the Plan. The motion was approved unanimously.**

- Remaining Plan issues: Land surveys policy
Summary: Mr. Dittmer, of the Civil Property Rights organization, requested that language be included in the Plan stating that no property surveys shall be required in order for a landowner to participate in the Pine Barrens Credit Program. A brief discussion followed, in which it was decided that the current Plan language does not require such a survey. Mr. Dittmer reiterated that such language should be included.
- Distribution of plan copies revised as per 4/19/95 meeting
Summary: Mr. Corwin distributed copies of the Plan revised as per the 4/19/95 meeting.
- Remaining Plan issues: Pine Barrens Credit Program (Chapter 6)
Summary: A suggested revision to Section 6.4.5 of the Plan's Pine Barrens Credit Program chapter was made by Mr. Deering. This section addresses the Suffolk County Health Code Article 6 changes being considered by the Board of Health. After a brief discussion, the suggested language was revised further, and the last sentence from the existing version of that section was retained. **A motion was made by Mr. Duffy and seconded by Ms. Filmanski to accept the revisions discussed. The motion was approved unanimously.**
- Remaining Plan issues: Policy regarding effects of future zone changes
Summary: A discussion was held regarding what language the Commission could adopt to reflect the effect that certain future changes in zone may have upon the Pine Barrens Credit Program. Various statements were proposed and discussed, but no agreement could be reached by the Commission at this time. The L.I. Builders Institute's representatives, Mr. Schwenk and Mr. Zizzi, insisted that language to this effect be included in the Plan. It was agreed that this issue would be revisited later in the meeting.
- Remaining Plan issues: Brookhaven Town receiving area exclusionary criteria
Summary: The revised language pertaining specifically to the Town of Brookhaven's transfer program, contained in the revised draft of the Plan distributed today, was discussed briefly. **A motion was made by Ms. Wiplush and seconded by Mr. Duffy to approve the revised Brookhaven Town Pine Barrens Credit Program section of the Plan. The motion was approved unanimously.**
- Remaining Plan issues: Calverton redevelopment policy
Summary: Mr. Hanley, Director of Planning for Riverhead Town, addressed the Commission on this. A discussion was held regarding what changes, if any, should be made to the current Calverton references in the Plan. It was agreed that the current Plan references would be left intact.

- Approval of revised Plan
Summary: A motion was made by Ms. Wiplush and seconded by Mr. Duffy to recommend the revised Plan, Volumes 1 and 2, to the three towns for consideration and ratification. The motion was approved unanimously.
- Supplemental Draft GEIS: review and completeness, hearing dates and locations
Summary: An updated version of the proposed Supplemental Draft Generic Environmental Impact Statement was distributed and discussed briefly, along with the proposed Notice of Completion. General counsel distributed a written version of a suggested approval resolution for this item.

A motion was made by Mr. Duffy and seconded by Ms. Filmanski to adopt the suggested written resolution (to accept the latest document as complete, to accept the Notice of Completion, and to file both with the New York State Department of Environmental Conservation). The motion was approved unanimously. The written resolution is attached to this meeting summary.

Executive Session

Summary: A motion was made by Ms. Filmanski and seconded by Mr. Duffy to enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously. The Commission entered into executive session from approximately 4:45 pm to approximately 5:23 pm.

Plan development issues

- Pine Barrens Credit Program (Chapter 6)
Summary: Mr. Rigano read a proposed statement regarding the effects of certain future zone changes upon the Pine Barrens Credit Program. This statement, which would be included in Section 6.5.2.1, is as follows: "The Commission recognizes that a change in zoning upon a town board's own motion that would decrease the receiving capacity so as to reduce this ratio below 1:1 would have an adverse effect on the Pine Barrens Credit Program." It was further suggested that the title of that section be altered to read "One to one receiving capacity to sending credit ratio requirement".

A motion was made by Mr. Duffy and seconded by Ms. Filmanski to accept these changes to the Plan. The motion was approved by a vote of 4-0, with Ms. Wiplush abstaining for the Town of Brookhaven.

Adjournment

Summary: A motion to adjourn was made by Mr. Duffy and seconded by Mr. Cowen. It was approved unanimously. The meeting ended at approximately 5:26 pm.

Attachment: Resolution re Supplemental Draft Generic Environmental Impact Statement

- WHEREAS,** a draft comprehensive land use plan and draft generic environmental impact statement were completed and published by the Commission on July 13, 1994 pursuant to the State Environmental Quality Review Act ("SEQRA") and Article 57 of the Environmental Conservation Law; and
- WHEREAS,** a public hearing was held on the draft comprehensive land use plan and draft generic environmental impact statement on September 28, 1994; and
- WHEREAS,** a revised draft comprehensive land use plan was recommended by the Commission to the Towns of Brookhaven, Riverhead and Southampton for their respective ratification on January 13, 1995; and
- WHEREAS,** Environmental Conservation Law Section 57-0121(12), as amended, provides that upon such recommendation the town boards shall review the draft plan and provide final comments to the Commission and further provides that the Commission may modify the draft plan as requested by the town representatives and prepare a draft supplemental generic environmental impact statement and a final generic environmental impact statement; and
- WHEREAS,** the Commission has in fact modified the draft plan as requested by the towns and has prepared a draft supplemental generic environmental impact statement to address the changes in the draft plan and to replace the draft generic environmental impact statement previously accepted by the Commission; and
- WHEREAS,** the Commission now wishes to accept the draft supplemental generic environmental impact statement as complete pursuant to SEQRA and to schedule a public hearing in each of the three towns,

NOW THEREFORE BE IT

- RESOLVED,** that the Commission hereby determines that the draft supplemental generic environmental impact statement is now complete; and be it further
- RESOLVED,** that public hearings will be held in each of the three towns in the Central Pine Barrens as follows:

May 15, 1995 7:00 p.m.	Town of Brookhaven Brookhaven Town Offices, Building 4
May 16, 1995 7:00 p.m.	Town of Riverhead Riverhead County Center
May 18, 1995 7:00 p.m.	Town of Southampton Hampton Bays Community Center,

and be it further

RESOLVED, that the executive director is hereby authorized and directed to file a Notice of Completion of the draft supplemental generic environmental impact statement as required by SEQRA.

Dated: April 26, 1995

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (DRAFT) for May 3, 1995 Brookhaven Town offices, Medford / 2:00 pm

1. Brief presentation

- Award winning science project: *Ecological Necessity of Preserving the LI Pine Barrens*, Jennifer Crockett, Trinity Regional School, East Northport

2. Compatible Growth Area

- Manorville Nursery Expansion: draft comments for DEIS hearing record
- Center Manor Plaza / Manorville: revised site plan

3. Core Preservation Area

No items at this time.

4. Plan development and implementation

- Amended Plan and Supplemental Draft GEIS: status
- Suffolk County Agricultural and Farmland Protection Board: Correspondence offering assistance with Plan implementation
- Law Enforcement Council: Press release re recent interagency field operation offering assistance with Plan implementation
- Pine Barrens Credit Program: discussion on Bank operation

5. Administrative

No items at this time.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for May 3, 1995 Brookhaven Town offices, Medford / 2:00 pm

1. Brief presentation

- Award winning science project: *Ecological Necessity of Preserving the LI Pine Barrens*, Jennifer Crockett, Trinity Regional School, East Northport

2. Compatible Growth Area

- Manorville Nursery Expansion: draft comments for DEIS hearing record

3. Core Preservation Area

- Cox a.k.a. Greene / Calverton: fix exact new decision deadline

4. Plan development and implementation

- Amended Plan and Supplemental Draft GEIS: status
- Suffolk County Agricultural and Farmland Protection Board: Correspondence offering assistance with Plan implementation
- Law Enforcement Council: Press release re recent interagency field operation
- Brookhaven National Lab preliminary land use plan: 6/1 comment deadline
- Pine Barrens Credit Program: discussion on Bank operation

5. Administrative

No items at this time.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for May 3, 1995 (Approved 5/24/95) Brookhaven Town offices, Medford / 2:00 pm

Present: Mr. Proios (for Suffolk County), Ms. Wiplush and Mr. Girandola (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Shea and Mr. Freleng (for Southampton) and Mr. Cowen (for New York State). General counsel was Mr. Rigano. Staff members from Commission and other cooperating agencies included Mr. Corwin, Ms. Trezza, Mr. Hopkins, Ms. Plunkett, Ms. Jakobsen, Mr. Milazzo, Mr. Pavacic and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:10 pm. The following sequence varies from the original agenda.

Brief presentation

- Award winning science project: *Ecological Necessity of Preserving the LI Pine Barrens*, Jennifer Crockett, Trinity Regional School, East Northport
Summary: Ms. Crockett presented her current science project, describing the research she had done and the experimental work involved, as well as the display material constructed for presentations such as this. She answered questions about her work, including the further competitions she was about to participate in and the methodology for her work. Several members of the Commission and staff presented her with certificates or other acknowledgements of her work. Her presentation was warmly received.

Compatible Growth Area

- Manorville Nursery Expansion: draft comments for DEIS hearing record
Summary: Ms. Plunkett distributed draft comments on the DEIS for this project. Issues then discussed include compliance with the Interim Goals and Standards, compliance with the proposed final standards and guidelines, and the significance of the timing of any future application for this project to the Commission. Mr. Cowen briefly noted the significance of the Department of Environmental Conservation's use of the term "mining". After some discussion, it was decided to classify the project as containing two components, mining and agriculture.

Changes were made to the draft comments to state that the Commission does have jurisdiction over the sand mining portion of the project, and to clarify the language relating to standards for review (since there is no clear indication now as to which

standards the project would be subject to). **A motion was made by Mr. Shea and seconded by Mr. Cowen to approve the modified comments on this project. The motion was approved by a vote of 4-1 with Ms. Wiplush abstaining for Brookhaven Town.**

- Center Manor Plaza / Manorville: status
Summary: *It was noted that a revised site plan has been submitted for this project, and that counsel is currently reviewing the matter to determine what should be done next.*

Core Preservation Area

- Cox a.k.a. Greene / Calverton: fix exact new decision deadline
Summary: *Mr. Corwin and Ms. Plunkett discussed the need to set a specific deadline for the actual decision on this project, since the extension granted by the applicant's attorney, Mr. Sanderman, did not identify a particular date. **A motion was made by Ms. Filmanski and seconded by Mr. Girandola to approve a new decision deadline of 5/26/95 for the Cox core area hardship application. The motion was approved unanimously.***

Plan development and implementation

- Amended Plan and Supplemental Draft GEIS: status
Summary: *Mr. Corwin noted that the revised Plan (both Volumes 1 and 2) and the Supplemental Draft GEIS have been sent to a printer for copying. It is expected back by about May 5, and will be immediately packaged and mailed. Separately reproduced copies will be distributed prior to that to the Notice of Completion mailing list, as well as to the town board members. He also handed out copies of the changes to the Plan approved at the 4/26/95 meeting.*
- Suffolk County Agricultural and Farmland Protection Board: Correspondence offering assistance with Plan implementation
Summary: *Mr. Corwin distributed the 4/26/95 correspondence from this organization, and a brief discussion ensued over the role of this group. It was decided that a copy of the Plan would be forwarded to them.*
- Pine Barrens Credit Program (not on the original agenda)
Summary: *Mr. Schwenk of the L.I. Builders Institute stated that the Institute did not agree with Section 6.5.2.1 of the Plan Volume 1. This section addresses the receiving area capacity to sending credit ratio requirement.*
- Law Enforcement Council: Press release re recent interagency field operation
Summary: *Mr. Corwin distributed the 4/24/95 press release from the Suffolk County Park Police describing the 4/23/95 multiagency field operation. This endeavor concentrated upon the off-road vehicle problems in the pine barrens south of*

Riverhead.

Mr. Cowen stated that this type of field work may be the most tangible result to date of the pine barrens planning work. Mr. Corwin displayed a poster-sized map showing public lands within the Central Pine Barrens on a base data layer showing all real property parcels, and noted that copies of this map are being provided to each law enforcement agency involved.

- **Brookhaven National Lab preliminary land use plan: 6/1 comment deadline**
Summary: Mr. Corwin distributed copies of the Laboratory's Preliminary Draft Plan of 4/12/95, and noted that the Laboratory has requested comments by 6/1/95. It was agreed that the Commission would try to provide comments, and will discuss this at an upcoming meeting. Mr. Rigano noted that the Laboratory would like to have the Commission's jurisdiction better defined.
- **Pine Barrens Credit Program: discussion on Bank operation**
Summary: Mr. Corwin noted that there is a need to begin defining the administrative and legal procedures which the Commission and the Bank will follow in order to be ready to transact business following adoption of the Plan. Mr. Cowen noted that a team of people with real estate backgrounds should be quickly assembled to do this.

It was agreed that the group should be small enough to be able to make decisions. Tentative dates of 5/8 or 5/11 were selected, and Ms. Trezza will determine a location and actual date. Several individuals expressed an interest, and they will be notified.

Administrative

- **Cancellation of 5/10/95 Commission meeting (not on the original agenda)**
Summary: A motion was made by Ms. Filmanski and seconded by Ms. Wiplush to cancel the scheduled Commission meeting of 5/10/95. The motion was approved unanimously.

Executive Session

Summary: A motion was made by Ms. Filmanski and seconded by Mr. Proios to enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously. The Commission entered into executive session at approximately 4:13 pm and returned to open session at approximately 5:00 pm.

Adjournment

Summary: The meeting ended at approximately 5:00 pm without a formal resolution.

Central Pine Barrens Joint Planning and Policy Commission

MEETING FOR:

Central Pine Barrens Commission

LOCATION:

Brookhaven Town Offices

DATE/TIME:

5/3/95 2:00

NAME	REPRESENTING	ADDRESS	TELEPHONE/FAX
John Milazzo	EPB JPPC	Sunrise Highway / Great River	563-5692
Tim Hopkins	SCWA	" "	963-0308 / 277-4097
Mike DEERING	NYLEC Water Comm		
Liz Anderson	Uline Station	Box 1155 Honesville Md.	365-3300 - 3389
MARYANN CAVALLINI	Trinity Regional Pine Barrens	16 Wade Dr. K. Grove	261-5730
Bea Binger	Trinity Regional Pine Barrens	274 Fir Grove Rd. Park 11779	981-7727
PATRICIA CROCKETT	Jennifer's mother	395 ASHAROKEN AVE. NORTHAPT. NY 1768	261-8203
Tracy Amanda	Town of Riverhead	2 Northwell Ave Rte 1	727-3200 X240
John Scandale	J. LAMORA - Medford	3233 MEDFORD N.J.	451-6400
Barbara Wipulski	J. Lamora	TN 13	451-6500
Ray Corwin			
Ray Green	Gov. Pataki	DEC SUNY STONY BROOK	444-0345
Bill Spitz	NYSDEC	" " "	444-0419
Tim Rigano	McMillan Rather Bennett + Rigano	395 W. Seneca Rd. Melville NY 11747	694-8005
D. PUNNETT	SCWA		
John Thomas Sen	Ju Valle		696-6900
ED QUAREMBA	MASSAU	56 PARKVIEW CIRCLE BETHPAGE	439-8145 / 11714
TOM MORRIS	NEWSDAY	MELVILLE	842-2768-2953
Dick Ryan	RYAN'S COMPANY	P.O. Box 321, Laurel, NY 11948	298-9623
STEVE BUGLIANO	D. MAZZARELLI	228 WARELY AVE PATEN	447-5393
Walter & Sharon Olsen	CPR	1139 Flanders Rd. Riverhead NY	727-5696
Julia Crockett	Jennifer Crockett	395 Asharoken Ave Northapt	261-8203
V. Hoger	D - ...	AUT LA F ...	588-8457
Andy Franken	Town of Southampton	116 Hampton Rd Southampton	287-5735
MARTY HEAL	T of Southampton	116 Hampton Rd Southampton	" "
J. ...	SCWA/CPBC	Great River	563-0385

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (DRAFT) for May 24, 1995 Riverhead Town Hall / 2:00 pm

1. Compatible Growth Area

- Bagatelle Nursery subdivision / Manorville: discussion
- Toussie (southern site) / Miller Place: acceptance of extension letter
- Center Manor Plaza revised site plan / Wading River Rd, Manorville

2. Core Preservation Area

- Cox a.k.a. Greene / Calverton (Brookhaven Town): decision deadline 5/26/95
- Gazza / CR 31, Westhampton: status
- Longwood Road / Middle Island - Yaphank: nondevelopment request

3. Plan development and implementation

- Amended Plan and Supplemental Draft GEIS: status
- Pine Barrens Credit Program: report on the progress of the Bank working group

4. Administrative

- Meeting summaries for 4/5, 4/10, 4/12, 4/19, 4/26 and 5/3: review and approval

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for May 24, 1995 Riverhead Town Hall / 2:00 pm

1. Compatible Growth Area

- Bagatelle Nursery subdivision / Manorville: discussion
- Toussie (southern site) / Miller Place: acceptance of extension letter
- Center Manor Plaza revised site plan / Wading River Rd, Manorville: discussion

2. Core Preservation Area

- Cox a.k.a. Greene / Calverton (Brookhaven Town): decision deadline 5/26/95
- Gazza / CR 31, Westhampton: status
- Longwood Road / Middle Island - Yaphank: nondevelopment request
- Hampton Athletic Club / East Quogue: new hardship exemption

3. Plan development and implementation

- Amended Plan and Supplemental Draft GEIS: status
- Pine Barrens Credit Program: report on the progress of the Bank working group

4. Administrative

- Meeting summaries for 4/5, 4/10, 4/12, 4/19, 4/26 and 5/3: review and approval

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for May 24, 1995 (Approved 5/31/95) Riverhead Town Hall / 2:00 pm

Present: Mr. Dragotta (for Suffolk County), Ms. Wiplush and Mr. Girandola (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Shea (for Southampton) and Mr. Cowen (for New York State). General counsel included Mr. Rigano and Ms. Roth. Staff members from the Commission and other cooperating agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Milazzo, Mr. Pavacic and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Cowen at approximately 2:23 pm. The following sequence varies from the original agenda.

Administrative

- Meeting summaries for 4/5, 4/10, 4/12, 4/19, 4/26 and 5/3: review and approval
Summary: Mr. Corwin noted that Ms. Filmanski had submitted an editorial correction to the 4/5/95 summary. Ms. Roth requested that the 4/26/95 summary be altered to state that a written resolution was adopted to accept the Supplemental Draft Generic Environmental Impact Statement, and that resolution be attached to the 4/26/95 summary.

A motion was made by Ms. Filmanski and seconded by Mr. Dragotta to approve the meeting summaries for the 4/5/95, 4/10/95, 4/12/95, 4/19/95, 4/26/95 and 5/3/95 meetings, with the corrections noted. The motion was approved unanimously.

Compatible Growth Area

- Bagatelle Nursery subdivision / Manorville: discussion
Summary: Ms. Plunkett summarized the details of this residential subdivision application. Mr. Lyon, representing the project sponsor, was also present and addressed the Commission. Issues discussed include the design of the layout with respect to the forested and nursery farming portions of the site, the location of the open space areas in existing and proposed development projects on adjacent parcels, the location and direction of drainage areas, the use of sumps versus natural drainage, the percentage of clearing on the overall site, the percentage of clearing of the area containing native vegetation, and the proper application of the interim goals and standards to this application.

Brookhaven Town has approved a 46% clearance limit for this project. Mr. Girandola explained the design review approach utilized by the town. Mr. Cowen stated that he thought that the design approach was the opposite of what the pine barrens standards require, in that the forested areas on the site should have been kept as open space instead.

Counsel was asked whether they need additional time to review this, and they answered affirmatively. An additional issue which arose was the question of reexamining the Plan's clearance standards prior to a final Plan being adopted.

It was decided to place this development application on the 5/31/95 agenda.

- Toussie (southern site) / Miller Place: acceptance of extension letter
Summary: Ms. Plunkett summarized the status of this residential project. The covenants to be filed for this project have not yet been revised. The project sponsor has forwarded a letter requesting an extension of the decision deadline, but without a specific new deadline date.

After a brief discussion, it was decided to extend the current decision deadline, which is 5/25/95, to the date of the first Commission meeting on or after 45 days from 5/25/95. Mr. Corwin noted that the Commission does not yet have a meeting schedule for July 1995 and beyond, and the exact new date cannot therefore be determined till a schedule is set.

A motion was made by Mr. Shea and seconded by Mr. Dragotta to extend the decision deadline for the Toussie southern project as described. The motion was approved unanimously.

- Center Manor Plaza revised site plan / Wading River Rd, Manorville
Summary: Ms. Plunkett summarized the status of this project. The sponsor submitted a new site plan on 5/1/95. The clearance percentage on the new site plan was discussed, as was the application of the clearance standard to this project. After a brief discussion, it was decided to place this on the 5/31/95 agenda.

Core Preservation Area

- Cox a.k.a. Greene / Calverton (Brookhaven Town): decision deadline 5/26/95
Summary: Ms. Plunkett summarized this application for a single family residence. The decision deadline for this project is 5/26/95. The application is for a site which was originally two lots, with one of the lots containing a residence. The two lots have since been merged due to common ownership of the two parcels, and the current project also includes a split of the merged lots back into two separate lots. It was noted that the vacant lot of the original two lots is included on the Commission's suggested roadfront core lot exemption list in Chapter 9 of Plan Volume 1.

The discussion also compared this application with other core hardship applications

which the Commission has addressed, and noted the similarities and differences. The question arose as to what specific actions were part of this application: the lot split and the residence, or simply the residence. A detailed examination of the 4/26/95 hardship exemption hearing transcript was made, with the focus of the examination being to determine the applicant's attorney's responses to questions from the Commission regarding what action is being presented. A specific comparison was made to a prior application approved by the Commission which involved a lot split, the Bartlett Road Associates application, but it was also noted that the resulting lots in that case still met the town's zoning lot area requirements.

After a lengthy discussion, a motion was made by Mr. Cowen and seconded by Mr. Girandola to approve the construction of a single family residence on the lot which is currently vacant, Suffolk County Tax Map parcel number 200-350-1-9, subject to the clearing restrictions imposed by the Town of Brookhaven. The motion was approved unanimously.

- **Gazza / CR 31, Westhampton: status**
Summary: This application was deferred to the 5/31/95 meeting.
- **Longwood Road / Middle Island - Yaphank: nondevelopment request**
Summary: Mr. Balin, representing the sponsors of the North Shore Properties project, distributed copies of a 5/18/95 letter from him to Mr. Gaffney (as chair of the Commission) requesting that the Commission designate as nondevelopment any work on the north-south roadway which runs from roughly the North Service Road of the L.I. Expressway to the paved public road known as Longwood Road.

Mr. Balin stated that there is presently no specific need for the road, but that he wants to keep open the possibility of a roadway as a planning tool for the area. He stated that the roadway is not currently needed for the proposed mall project in that area. Mr. Amper of the L.I. Pine Barrens Society asked what the purpose of the road request was, and Mr. Balin repeated his explanation. Mr. Girandola commented briefly upon the town's position that the road is not currently needed.

The discussion terminated with an agreement to provide to the Commission copies of the Advisory Committee's written materials on this roadway, and to reschedule this subject for discussion at the 6/7/95 meeting.

- **Hampton Athletic Club / East Quogue: new hardship exemption**
Summary: Ms. Plunkett introduced this new core hardship application. Mr. DiPietro, the attorney for the applicant, was present, and briefly explained the history of this project and the reason for this core area hardship application. The project involves the addition of parking capacity to a preexisting recreational facility on the west side of CR 104 in East Quogue.

The additional parking is a requirement of Southampton Town, and resulted from an application to legalize certain interior renovations within one of the facility's buildings. The applicant has agreed to purchase and preserve approximately 5 acres within the

dwarf pine plains portion of the Core Preservation Area, further to the west and not adjacent to the project site. After completion of the project, the project site would be approximately 31% wooded. Mr. Shea described the project briefly.

Mr. Amper of the L.I. Pine Barrens Society stated that the Commission should not establish a policy of permitting development of some core lands in exchange for preservation of other core lands. A brief discussion was also held regarding the applicability of certain nondevelopment provisions for safety reasons and as public improvements.

A motion was made by Mr. Cowen and seconded by Mr. Dragotta to hold a public hearing on this application on 5/31/95 at 5:00 pm at the Riverhead Town Hall. The motion was approved unanimously.

Plan development and implementation

- Amended Plan and Supplemental Draft GEIS: status
Summary: Mr. Corwin briefly summarized the results of the three public hearings held last week. No discussion was held.
- Economic analysis (not on the original agenda)
Summary: Mr. Schwenk of the L.I. Builders Institute asked whether the Institute had received from the Commission all materials regarding the Harriman School's economic analysis work. Mr. Rigano replied that since the Institute and the Commission were still involved in litigation, Mr. Schwenk should request that the Institute's attorney call Mr. Rigano. No further discussion was held.
- Request from Civil Property Rights for Commission financial data (not on the original agenda)
Summary: Mr. Dittmer of the Civil Property Rights organization referred to a letter dated 5/24/95 which he had distributed to the Commissioners at the start of this meeting. The letter requests certain financial data from the Commission, and Mr. Dittmer requested that it be made part of the meeting record. Ms. Roth recommended that the Commission treat the letter as a Freedom of Information Law request. No further discussion was held.
- Pine Barrens Credit Program: report on the progress of the Bank working group
Summary: Mr. Milazzo summarized the work to date of the Pine Barrens Credit Bank working group, which was formed as a result of the Commission's 5/3/94 meeting. The working group is looking at administrative and procedural issues for issuance of Pine Barrens Credit Certificates and processing of applications, as well as examining procedures utilized in the New Jersey program, issues pertinent to small property owners, and the production of a written handbook for the PBC program. The next meeting of the working group is tentatively set for 6/14/95 at 9:00 am at the Riverhead Town Hall.

Executive Session

Summary: A motion was made by Mr. Dragotta and seconded by Mr. Shea to enter into executive session for the purpose of discussing litigation. The motion was approved unanimously. The Commission entered into executive session at approximately 4:40 pm and returned to open session at approximately 6:15 pm.

Plan development and implementation

- Economic analysis (not on the original agenda)

Summary: A motion was made by Mr. Cowen and seconded by Ms. Filmanski to release the version of the economic impact analysis dated 5/23/95 with an accompanying resolution. During the discussion which followed, Ms. Wiplush requested that the text of the resolution state a general intent to examine portions of the report, with specific corrections to follow as needed to address factual mistakes which may be present. After a discussion, the following resolution text was proposed:

WHEREAS, the W. Averell Harriman School for Management and Policy ("Harriman School") has prepared an economic impact analysis dated May 23, 1995 of the April 1995 recommended Central Pine Barrens Comprehensive Land Use Plan, and

WHEREAS, the Central Pine Barrens Joint Planning and Policy Commission ("Commission") has received on this day the May 23, 1995 report from the Harriman School, and

WHEREAS, the Commission wishes to comment on the report it has received from the Harriman School, now, therefore, be it

RESOLVED, that the receipt of the Economic Impact Analysis prepared by the Harriman School and passage of this resolution should not be interpreted as agreement by this Commission with the recommendations and conclusions set forth in the Economic Impact Analysis. The Commission will seek to refine and correct certain factually incorrect portions of the Economic Analysis pursuant to SEQRA.

The motion was approved unanimously.

Adjournment

Summary: The meeting ended at approximately 6:41 pm without a formal resolution of adjournment.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (DRAFT) for May 31, 1995 Riverhead Town Hall / 2:00 pm

1. Administrative

- Meeting summary for 5/24/95 meeting: review and approval

2. Compatible Growth Area

- Bagatelle Nursery subdivision / Manorville: determination from counsel regarding clearing standard
- Center Manor Plaza revised site plan / Wading River Rd, Manorville: determination from counsel regarding revised site plan

3. Core Preservation Area

- Gazza / CR 31, Westhampton: status

4. Plan development and implementation

- Amended Plan and Supplemental Draft GEIS: status

5. Public hearing (scheduled for 5:00 pm here)

- Hampton Athletic Club / East Quogue: core hardship application

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for May 31, 1995 Riverhead Town Hall / 2:00 pm

1. Administrative

- Meeting summary for 5/24/95 meeting: review and approval

2. Compatible Growth Area

- Bagatelle Nursery subdivision / Manorville: determination from counsel regarding clearing standard
- Center Manor Plaza revised site plan / Wading River Rd, Manorville: determination from counsel regarding revised site plan

3. Core Preservation Area

- Gazza / CR 31, Westhampton: status

4. Plan development and implementation

- Amended Plan and Supplemental Draft GEIS: status

5. Public hearing (scheduled for 5:00 pm here)

- Hampton Athletic Club / East Quogue: core hardship application

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for May 31, 1995 (Approved 6/7/95) Riverhead Town Hall / 2:00 pm

Present: Mr. Proios and Mr. Dragotta (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Shea (for Southampton) and Mr. Cowen (for New York State). General counsel was Mr. Rigano and Ms. Roth. Staff members from the Commission and other cooperating agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Hopkins, Mr. Milazzo, and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:20 pm. The following sequence varies from the original agenda.

Administrative

- Meeting summary for 5/24/95 meeting: review and approval
Summary: A motion was made by Mr. Cowen and seconded by Mr. Girandola to approve the meeting summary for the 5/24/95 meeting as previously distributed by fax. The motion was approved unanimously.

Compatible Growth Area

- Bagatelle Nursery subdivision / Manorville: determination from counsel regarding clearing standard
Summary: Ms. Roth stated that she had examined the clearing issue, and had also discussed with the County planning staff the current policy of the Suffolk County Pine Barrens Review Commission regarding clearing standards. Ms. Roth stated that the clearance standard should be applied over the entire project site. Mr. Cowen stated that the final Plan should have clarifying language regarding how the standard should be applied to project sites which are not completely vegetated, and he outlined various approaches which could be adopted. A brief discussion followed regarding these approaches, and it was decided that the staff and counsel should draft a proposed revision to the current Plan language.

It was decided that the current application does meet the clearing standard, given counsel's opinion. The question of the application's conformance with the steep slopes provisions of the interim goals and standards remains open, however. It was decided that the applicant and staff could meet in order to examine the ways in which the application might be modified to meet the steep slopes standard.

- Center Manor Plaza revised site plan / Wading River Rd, Manorville: determination from counsel regarding revised site plan
Summary: Mr. Rigano explained that the New York State Department of Transportation has an easement over approximately 10% of the project site, and he recommended that the easement portion of the site be excluded from the overall project site before applying the clearance standard.

The total project site contains 85,651 square feet, and the subtraction of 8,625 square feet from this for the easement area leaves 77,026 square feet. Applying the 65% allowable clearance standard to this yields a requirement that 26,959 square feet (i.e., 35% of the reduced project site) remain in natural vegetation. The latest site plan, submitted on 5/1/95, proposes that 21,353 square feet remain in natural vegetation. This figure is 5,606 square feet short of that required by the standard.

A brief discussion was also held regarding the type of easement, the land division which formed the current project site lot, and the question of whether the Commission or the town should act next.

The discussion of this project concluded with a decision to have counsel contact the project sponsor and explain the current status, especially the clearance standard.

Core Preservation Area

- Gazza / CR 31, Westhampton: status
Summary: Ms. Plunkett summarized this project's current status and history. The proposal is for a light industrial facility, consisting of two buildings and associated parking, located on the west (core area) side of County Road 31 in Westhampton. The project as presented in the most recent site plan (dated 5/4/95) is reduced in extent from the original proposal, and the project sponsor has stated to the Southampton Town Planning Board that he will reserve any action on the remainder of the original buildout of the project for approximately two years, in order to enable county or state acquisition of the parcel in the interim period. The reduced proposal utilizes an already cleared portion of the site, as well as a portion which would require clearing.

Mr. Gazza, the project sponsor, had agreed to an extension of the Commission's decision deadline in a prior letter, in order to permit completion of the SEQRA process.

Mr. Shea described the Town's processing of this application. There is a 3/27/95 negative declaration filed for this, but no final approval from the town planning board. The town planning board decision deadline for this project is 6/29/95. Mr. Amper raised the question of how this project received a negative declaration if it is located in the dwarf pine barrens.

Ms. Wiplush asked what the basis of the hardship application was. A discussion followed regarding what basis should be used for determining the Commission's decision deadline.

Mr. Rigano stated that he believed that this was a new application, based upon the

substantially revised site plan of 5/4/95. There was a discussion of declaring this to be a new application, and permitting the applicant the option of having a second hearing or simply relying upon the original Commission hearing since the new plan is substantially smaller than the original.

Mr. Olsen of the Civil Property Rights Movement stated that the process for reviewing applications was so complex that even those who understood it best were unable to explain it or to guide applicants through it. He stated that he has watched this application, and that the confusion and complexity of the process has kept the property owner's project in a state of uncertainty in lieu of it being purchased. Mr. Amper stated that there was more intergovernmental cooperation now than ever before, and that this project had spent most of its life before the town and not the Commission. Mr. Rigano reiterated his previous recommendation, and stated that it is clear that there are two applications before the Commission.

A motion was made by Mr. Proios and seconded by Mr. Cowen to deny the original Gazza application without prejudice, and to accept as a new application the project shown on the 5/4/95 site plan with a submittal date of 5/4/95. The discussion which followed emphasized that the denial of the original application was on the basis that there was a failure to demonstrate that the required core preservation area hardship conditions existed here. The motion was then approved unanimously.

- Longwood Road / Middle Island-Yaphank, Westhampton: distribution of materials (not on the original agenda)
Summary: Mr. Corwin distributed a packet of material from Advisory Committee meetings regarding the north-south unpaved road known as Longwood Road in the Middle Island-Yaphank area. These materials were requested by the Commissioners at their 5/24/95 meeting, for use in preparing for the 6/7/95 discussion. No discussion was held at this time.

Plan development and implementation

- Amended Plan and Supplemental Draft GEIS: status
Summary: Mr. Corwin noted that the Supplemental Draft GEIS comment period ended yesterday, 5/30/95. He also noted that Mr. Proios had stated at one of the hearings that comments would be accepted if postmarked no later than 5/30/95. Complete copies of the written material received will be distributed to the Commissioners as soon as possible.

Mr. Corwin distributed copies of the 5/15/95 and 5/16/95 public hearing transcripts to the Commissioners, and stated that other interested parties could purchase copies of the transcripts directly from the court reporting firm. The 5/18/95 hearing transcript will be distributed to the Commissioners as soon as it is received.

He reminded everyone that the next meeting of the Pine Barrens Credit Program working group is still scheduled for 6/14/95 at 9:00 am at the Riverhead Town Hall. He also noted that page 150 of Volume 1 of the Plan contains a printing error, and distributed a

corrected version of the page. He also noted the staff will try to systematically contact the school districts once again in the next few weeks.

Mr. Amper of the L.I. Pine Barrens Society asked whether a calendar of specific events for both the Commission and the towns during the month of June could be constructed, and provided a list of the three town boards' meeting dates for June. Mr. Shea summarized the Southampton Town Board work session of 5/26/95. A discussion followed regarding the logistics of the June events, including the production and distribution of a findings statement, the Final Supplemental GEIS, and the sequence of Commission and town board actions.

Executive Session

Summary: A motion was made by Ms. Filmanski and seconded by Mr. Shea to enter into executive session for the purpose of discussing certain legal issues. The motion was approved by a vote of 4-0, with Mr. Cowen temporarily out of the room at the time of voting. Mr. Cowen returned after the vote, and the Commission entered into executive session at approximately 4:00 pm and returned to open session at approximately 5:18 pm.

Plan development and implementation

- Pine Barrens Credit Program: allocation convention (not on the original agenda)
Summary: A brief discussion was held regarding the relationship of the average residential development yield factors in Brookhaven Town and the Pine Barrens Credit Program allocation formula.
- Authorization of Chair to forward letter to Town Boards re Plan (not on the original agenda)
Summary: A brief discussion was held regarding the desirability of the County Executive, as Chair of the Commission, forward a letter to each town board member. The letter should express the strong support of the Commission for the proposed final Plan, and should further request from the towns their timetables for considering and acting upon the Plan and GEIS. A motion was made by Mr. Cowen and seconded by Mr. Shea to authorize the County Executive to forward such a letter. The motion was approved unanimously.

Administrative

- Renewal of insurance policy: approval (not on the original agenda)
Summary: Ms. Roth explained that the Commission's policy for officers and directors liability insurance was due, and the premium was the same as last year, i.e., \$13,500. A motion was made by Mr. Cowen and seconded by Ms. Filmanski to authorize the renewal of the insurance and the payment of the premium. The motion was approved unanimously.

Adjournment

Summary: A motion to adjourn was made by Ms. Filmanski and seconded by Mr. Cowen. It was approved unanimously. The meeting ended at approximately 5:24 pm.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (DRAFT) for June 7, 1995 Riverhead Town Hall / 2:00 pm

1. Administrative

- Meeting summary for 5/31/95 meeting: review and approval (*previously faxed*)
- Proposed Friday, 6/9/95 meeting at Great River and other June Commission schedule changes: discussion and resolutions
- Administrative policy on photocopies

2. Compatible Growth Area

- Bagatelle Nursery subdivision / Manorville: outcome of meeting between staff and applicant as per 5/31/95 Commission meeting

3. Core Preservation Area

- Hampton Athletic Club / East Quogue: follow-up from 5/31/95 hearing
- Longwood Road - unpaved, north-south / Middle Island-Yaphank: continuation of 5/24/95 discussion (*Advisory Committee materials were distributed at 5/31/95 Commission meeting*)
- Reminder about Madelung (Middle Island) and Massa (Flanders) 6/30 decision deadlines (*decisions should be made prior to last week of June*)

4. Plan development and implementation

- Supplemental GEIS: comments, 3/18 hearing transcript,
- Town comments from Brookhaven and Southampton
- Town Board hearing dates
- Possible clarification of clearance standards in Volume 1, Chapter 5: discussion

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for June 7, 1995 Riverhead Town Hall / 2:00 pm

1. Administrative

- Meeting summary for 5/31/95 meeting: review and approval (*previously faxed*)
- Proposed Friday, 6/9/95 meeting at Great River and other June Commission schedule changes: discussion and resolutions
- Administrative policy on photocopies

2. Compatible Growth Area

- Bagatelle Nursery subdivision / Manorville: outcome of meeting between staff and applicant as per 5/31/95 Commission meeting

3. Core Preservation Area

- Hampton Athletic Club / East Quogue: follow-up from 5/31/95 hearing
- Longwood Road - unpaved, north-south / Middle Island-Yaphank: continuation of 5/24/95 discussion (*Advisory Committee materials were distributed at 5/31/95 Commission meeting*)
- Reminder about Madelung (Middle Island) and Massa (Flanders) 6/30 decision deadlines (*decisions should be made prior to last week of June*)

4. Plan development and implementation

- Supplemental GEIS: comments, 3/18 hearing transcript, response summary progress
- Town comments from Brookhaven and Southampton
- Town Board hearing dates
- Clarification of clearance standards in Volume 1, Chapter 5: continuation of 5/31/95 discussion

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for June 7, 1995 (Approved 7/26/95) Riverhead Town Hall / 2:00 pm

Present: Mr. Proios and Mr. Dragotta (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Shea (for Southampton) and Mr. Cowen (for New York State). General counsel was Mr. Rigano and Ms. Roth. Staff members from the Commission and other cooperating agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Milazzo, Mr. Pavacic and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:28 pm. The following sequence varies from the original agenda.

Administrative

- Meeting summary for 5/31/95 meeting: review and approval (*previously faxed*)
Summary: Ms. Roth requested that the last sentence of the second to last paragraph on page 2 be omitted. **A motion was then made by Ms. Filmanski and seconded by Mr. Shea to approve the meeting summary for 5/31/95 with that change. The motion was approved unanimously.**
- Proposed Friday, 6/9/95 meeting at Great River and other June Commission schedule changes: discussion and resolutions
Summary: **A motion was made by Mr. Shea and seconded by Mr. Cowen to schedule additional Commission meetings for 6/9/95 at 2:00 pm at the Commission office in Great River, 6/14/95 at 2:00 pm at the Riverhead Town Hall, 6/22/95 at 9:00 am at a location to be determined by the staff, and to change the scheduling of the 6/28/95 meeting to be held at 2:00 pm at the Suffolk County Water Authority's Westhampton office on CR 31, and to cancel the meetings of 6/20/95 and 6/23/95. The motion was approved unanimously.**
- Administrative policy on photocopies
Summary: Mr. Corwin stated that he would be providing a schedule of fees for photocopies of Commission material at an upcoming meeting. No discussion was held.

Compatible Growth Area

- Bagatelle Nursery subdivision / Manorville: outcome of meeting between staff and applicant as per 5/31/95 Commission meeting
Summary: Ms. Plunkett distributed an updated staff report on this project. A discussion ensued regarding steep slopes, mitigation measures, and the specific provisions of the Interim Goals and Standards which relate to the placement of construction and clearing with respect to steep slopes. There was agreement that the application should contain a slope analysis in greater detail, and that a waiver of the fence requirement could be pursued. Further discussion was held until a future meeting.

Core Preservation Area

- Hampton Athletic Club / East Quogue: follow-up from 5/31/95 hearing
Summary: Counsel advised the Commission that discussion of this topic should be held for executive session due to certain legal issues. That was agreed to.
- Longwood Road - unpaved, north-south / Middle Island-Yaphank: continuation of 5/24/95 discussion
Summary: Mr. Balin, attorney for the North Shore Properties project, addressed the Commission on this topic. He asked the Commission to endorse the assertion that a road in this area would be considered a public improvement if the Town of Brookhaven felt that such a road is needed. A discussion was held regarding this request. Mr. Girandola stated that Brookhaven Town had not made a statement that such a road is necessary.

A motion was made by Mr. Cowen and seconded by Ms. Filmanski to state that if the Town of Brookhaven should determine at some future time that the current north-south unpaved road known as Longwood Road and shown on the Suffolk County tax maps for District 200, Sections 504, 552, and 583 should be improved as a public road, then that improvement would be deemed to be nondevelopment under ECL Section 57-0107(13)(i). The motion was approved unanimously.

Following the passage of this resolution, Mr. Balin stated that he was officially withdrawing his client's previously submitted core boundary change request for this area.

- Reminder about Madelung (Middle Island) and Massa (Flanders) 6/30 decision deadlines (*decisions should be made prior to last week of June*)
Summary: Ms. Plunkett reminded the Commission that these two core area hardship applications each had a decision deadline of 6/30/95, and that they had been extended once each. It was agreed that the Commission would act on these applications prior to the 6/28/95 meeting - specifically at the 6/14/95 meeting - and that copies of the staff reports and hearing transcripts for each would be provided to the Commissioners at the 6/9/95 meeting.

Plan development and implementation

- Clarification of clearance standards in Volume 1, Chapter 5: continuation of 5/31/95 discussion
Summary: This item was deferred to the 6/14/95 meeting.
- Town Board hearing dates
Summary: It was noted that the town board hearing dates on the pine barrens plan (separate from the Commission's review process) are 6/20/95 at 1:00 pm for Southampton, 6/19/95 at 2:00 pm for Riverhead, and 6/15/95 at 3:00 pm for Brookhaven.
- Supplemental GEIS: comments, 5/18/95 hearing transcript, response summary progress
Summary: Copies of the generic environmental impact statement comments, the 5/18/95 Commission hearing transcript, and the current version of the comment response summary were given to the Commissioners, and Mr. Corwin summarized the status of this work. The Commissioners were asked to review the draft response summary as soon as possible, and to forward their comments to Mr. Milazzo.

A motion was made by Mr. Cowen and seconded by Ms. Filmanski to extend the supplemental draft generic environmental impact statement comment period through 6/7/95, and to close the period on that date. The motion was approved unanimously.

Executive Session

Summary: A motion was made by Ms. Filmanski and seconded by Mr. Shea to enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously. The Commission entered into executive session at approximately 3:40 pm and returned to open session at approximately 5:55 pm.

Adjournment

Summary: A motion to adjourn was made by Mr. Cowen and seconded by Ms. Filmanski. It was approved unanimously. The meeting ended at approximately 5:55 pm.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (DRAFT) for June 9, 1995 Commission office / 2:00 pm

1. **Plan development and implementation**
 - Final Supplemental GEIS: Distribution and review
2. **Administrative**
 - Revised schedule of meetings

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for June 9, 1995 Commission office / 2:00 pm

1. **Plan development and implementation**
 - Final Supplemental GEIS: Distribution and review
2. **Administrative**
 - Revised schedule of meetings

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for June 9, 1995 (Approved 7/26/95) Commission office / 2:00 pm

Present: Mr. Proios (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Duffy (for Southampton) and Mr. Cowen (for New York State). General counsel included Mr. Rigano and Ms. Roth. Staff members from the Commission and other cooperating agencies included Mr. Corwin, Ms. Trezza, Mr. Hopkins, Mr. Milazzo, Ms. Plunkett, Ms. Jakobsen and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:21 pm. The following sequence varies from the original agenda.

Administrative

- Revised schedule of meetings

Summary: Mr. Corwin outlined the current Commission meetings and other events for June 1995. A discussion followed regarding possible changes to the schedule.

A motion was made by Ms. Filmanski and seconded by Mr. Duffy to revise the Commission's June 1995 schedule to include the following meetings: 6/12/95 at 2:00 pm at the Brookhaven Town offices in Medford, 6/16/95 at 9:30 am at the Riverhead Town Hall, 6/23/95 at 9:30 am at the Brookhaven Town offices in Medford, and 6/28/95 at 2:00 pm at the Suffolk County Water Authority's Westhampton office on CR 31. The motion was approved unanimously.

Plan development and implementation

- Final Supplemental GEIS: Distribution and review

Summary: Mr. Corwin distributed copies of the proposed final generic environmental impact statement to the Commissioners.

Executive Session

Summary: A motion was made by Ms. Filmanski and seconded by Mr. Duffy to enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously. The Commission entered into executive session at approximately 2:59 pm and returned to open session at approximately 3:32 pm.

Adjournment

Summary: The meeting ended at approximately 3:32 pm without a formal resolution.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (DRAFT) for June 12, 1995 Brookhaven Town offices / 2:00 pm

1. Plan development and implementation

- Final Supplemental GEIS: Discussion, corrections
(Continued from 6/9/95 meeting)
- Final Supplemental GEIS: Draft approval resolution and Notice of Completion

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for June 12, 1995 Brookhaven Town offices / 2:00 pm

1. Plan development and implementation

- Final Supplemental GEIS: Discussion, corrections (including errata sheet)
(Continued from 6/9/95 meeting)
- Final Supplemental GEIS: Draft approval resolution and Notice of Completion

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for June 12, 1995 (Approved 7/26/95) Brookhaven Town offices / 2:00 pm

Present: Mr. Proios (for Suffolk County), Mr. Cramer, Mr. Girandola and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), and Mr. Shea (for Southampton). General counsel was Mr. Rigano. Staff members from the Commission and other cooperating agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Hopkins, Mr. Milazzo, Ms. Jakobsen, Mr. Pavacic and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:52 pm. The following sequence varies from the original agenda.

Plan development and implementation

- Final Supplemental GEIS: Discussion, corrections (including errata sheet)
Summary: A long discussion of the draft responsiveness summary of 6/9/95 was held. Numerous corrections were made to that document, including, but not limited to, new language suggested by counsel and others for various sections. Topics of discussion and/or changes included zoning changes by the towns, impacts of such changes upon the Pine Barrens Credit program, the allocation of Pine Barrens Credits to nonresidentially zoned property, school district impacts, the Protected Lands Council, fire management, discretionary land use approvals, the corrections sheet for the supplemental draft generic environmental impact statement, and other issues.

Executive Session

Summary: A motion was made by Ms. Filmanski and seconded by Mr. Shea to enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously by a vote of 4-0. The Commission entered into executive session at approximately 4:45 pm and returned to open session at approximately 7:46 pm.

Plan development and implementation

- Harriman School report dated 6/12/95: release
Summary: A motion was made by Mr. Shea and seconded by Ms. Filmanski to release the Harriman School economic analysis report dated 6/12/95 with an

accompanying cover sheet which shall read as follows:

"The attached report makes assumptions and statements regarding the Pine Barrens Credit Program that have not been established by the Commission or the Towns. This report was produced by the Harriman School to evaluate possible changes to the Pine Barrens Credit Program."

The motion was approved unanimously by a vote of 4-0.

- Final Supplemental GEIS: Draft approval resolution and Notice of Completion
Summary: Mr. Proios read a proposed resolution (the approved version of which is attached) regarding adoption of the final generic environmental impact statement. A motion was made by Mr. Shea and seconded by Ms. Filmanski to approve the resolution (attached) and to adopt the final generic environmental impact statement (FGEIS), to have the Executive Director file a Notice of Completion of the FGEIS as required by SEQRA (attached), and to adopt the corrections to the supplemental draft generic environmental impact statement as described in the attached correction sheet. The motion was approved unanimously by a vote of 4-0.

Adjournment

Summary: A motion to adjourn was made by Ms. Filmanski and seconded by Mr. Shea. It was approved unanimously by a vote of 4-0. The meeting ended at approximately 7:50 pm.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739

WHEREAS a Draft Comprehensive Land Use Plan and Draft Generic Environmental Impact Statement were completed and published by the Commission on July 13, 1994 pursuant to the State Environmental Quality Review Act ("SEQRA") and Article 57 of the Environmental Conservation Law; and

WHEREAS a Notice of Completion of the Draft Generic Environmental Impact Statement was filed pursuant to SEQRA on August 30, 1994; and

WHEREAS a public hearing was held on the Draft Comprehensive Land Use Plan and Draft Generic Environmental Impact Statement on September 28, 1994; and

WHEREAS a revised Draft Comprehensive Land Use Plan was recommended by the Commission to the Towns of Brookhaven, Riverhead and Southampton for their respective ratification on January 13, 1995; and

WHEREAS a Draft Supplemental Generic Environmental Impact Statement was prepared and accepted by the Commission on April 26, 1995; and

WHEREAS public hearings were held on the Draft Supplemental Generic Environmental Impact Statement on May 15, 16 and 18, 1995 in the Towns of Brookhaven, Riverhead and Southampton, respectively; and

WHEREAS a Responsiveness Summary has been prepared for all comments received on the Draft Generic Environmental Impact Statement and the Draft Supplemental Generic Environmental Impact Statement; and

WHEREAS the Commission now wishes to accept the Final Generic Environmental

Impact Statement as complete pursuant to SEQRA.

NOW THEREFORE be it

RESOLVED that the Commission hereby determines that the Final Generic Environmental Impact Statement, consisting of the Draft Generic Environmental Impact Statement, the Draft Supplemental Generic Environmental Impact Statement and the Responsiveness Summary, is now complete; and be it further

RESOLVED that the Executive Director is hereby authorized and directed to file a Notice of Completion of the Final Generic Environmental Impact Statement as required by SEQRA; and be it further

RESOLVED that changes to the SDGEIS are adopted, based on comments received, as described in the attached correction sheet.

Dated: June 12, 1995

State Environmental Quality Review
Notice of Completion of Final Generic EIS

Lead Agency: Central Pine Barrens Joint Planning & Policy Commission

Address: 3525 Sunrise Highway
P.O. Box 587
Great River, New York 11739-0587

Date: June 12, 1995

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

A Final Generic EIS has been completed and accepted by the Central Pine Barrens Joint Planning and Policy Commission, as lead agency, for the proposed action described below.

Name of Action:

Central Pine Barrens Comprehensive Land Use Plan

Description of Action:

The action involves the preparation of a comprehensive land use plan for the Long Island Central Pine Barrens area. The purpose of the plan is to provide a means for the comprehensive management and protection of the ecological and hydrological integrity of the statewide significant region known as the Long Island Central Pine Barrens, while providing a more predictable and efficient procedure for approving compatible real estate development in the portions of the Pine Barrens suitable for development.

Location:

The Central Pine Barrens area consists of a 52,000 acre core preservation area that is partially surrounded by a 47,000 acre compatible growth area and is located within the Towns of Brookhaven, Riverhead and Southampton and the Villages of Quogue and Westhampton Beach in Suffolk County.

Potential Environmental Impacts:

Groundwater, surface water, economic, ecological, community services, transportation, land use and zoning.

A Copy of the Final Generic EIS may be obtained from:

Central Pine Barrens Joint Planning and Policy Commission

Contact Person: Raymond Corwin, Executive Director

Address: 3525 Sunrise Highway, P.O. Box 587
Great River, New York 11739-0587

Telephone Number: 516-563-0385

A copy of this Notice and the Final Generic EIS is being sent to:

Michael D. Zagata, Commissioner, NYS Department of Environmental
Conservation - Albany Office

Mr. Ray Cowen, Regional Director - NYS Department of
Environmental Conservation, Region 1, Stony Brook

Governor George Pataki

Alexander Treadwell, New York Secretary of State

Mr. Ray Cowen - State Representative, Central Pine Barrens
Joint Planning & Policy Commission

Suffolk County Executive Robert Gaffney

Supervisor John LaMura, Town of Brookhaven

Deputy Supervisor Richard Blowes, Town of Southampton

Deputy Supervisor James R. Stark, Town of Riverhead

Mayor Thelma Georgeson, Village of Quogue

Mayor John F. Petitt, Village of Westhampton Beach

Libraries within the Central Pine Barrens area

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (DRAFT) for June 16, 1995 Riverhead Town Hall / 9:30 am

- 1. Compatible Growth Area Preservation Area**
 - Mavis Development Corp. / Middle Island: scheduling of hearing

- 2. Core Preservation Area**
 - Gazza / Westhampton: 7/3 decision deadline
 - Madelung / Middle Island hardship: 6/30 decision deadline
 - Massa / Flanders hardship: 6/30 decision deadline

- 3. Plan development and implementation**
 - Draft Findings Statement
 - Pine Barrens Credit Bank handbook draft

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for June 16, 1995 Riverhead Town Hall / 9:30 am

- 1. Compatible Growth Area Preservation Area**
 - Mavis Development Corp. / Middle Island: scheduling of hearing
- 2. Core Preservation Area**
 - Gazza / Westhampton: 7/3 decision deadline
 - Madelung / Middle Island hardship: 6/30 decision deadline
- 3. Plan development and implementation**
 - Draft Findings Statement
 - Pine Barrens Credit Bank handbook draft status

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for June 16, 1995 (Approved 7/26/95) Riverhead Town Hall / 9:30 am

Present: Mr. Proios and Mr. Dragotta (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Shea (for Southampton) and Mr. Cowen (for New York State). General counsel was Mr. Rigano and Ms. Roth. Staff members from the Commission and other cooperating agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Hopkins, Mr. Milazzo, Mr. Pavacic and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 9:57 am. The following sequence varies from the original agenda.

Compatible Growth Area Preservation Area

- Mavis Development Corp. / Middle Island: scheduling of hearing
Summary: Ms. Plunkett summarized this site plan at the northeast corner of Route 25 and Currans Road in Middle Island. It was agreed that a hearing will be held on this project. Mr. Rigano suggested that it might be desirable to hold the hearing in conjunction with an additional Commission meeting he would like to hold in early July.

Administrative

- Additional meeting: scheduling (not on the original agenda)
Summary: Mr. Rigano suggested that an additional meeting of the Commission be held in the first week of July, as he feels that certain additional business may need to be addressed at that time. The date of 7/6/95 was agreed upon.
- Resolution to hold Mavis hearing and schedule new meeting
Summary: A motion was made by Ms. Filmanski and seconded by Mr. Girandola to hold an additional Commission meeting on 7/6/95 at 4:00 pm, and to hold a hearing on the Mavis Development Corporation application on the same day at 5:00 pm, with both events to be held at the Brookhaven Town Medford office complex. The motion was approved unanimously.

Core Preservation Area

- Gazza / Westhampton: 7/3 decision deadline
Summary: Ms. Plunkett summarized this amended site plan for a light industrial project on the west side of CR 31 in Westhampton. A decision is due by 7/3/95. Mr. Shea described this project also, and showed photographs of the site. Mr. Amper inquired about the possibility of land swaps. Topics discussed include the proposed first and second phases of the project, the possibility of transplanting the vegetation to be cleared, and the amount of clearing proposed. This project will be discussed again at a future meeting.
- Madelung / Middle Island hardship: 6/30 decision deadline
Summary: It was noted that this parcel is on the proposed core roadfront parcel exemption list. A brief discussion followed. **A motion was made by Mr. Cowen and seconded by Mr. Girandola to adopt a negative declaration, to approve the core hardship exemption permit application for a single family residence subject to the conditions imposed by the Town of Brookhaven, and to further note that the parcel is on the proposed town defined, Commission approved core roadfront parcel exemption list contained in the proposed final Plan. The motion was approved unanimously.**

Plan development and implementation

- Draft Findings Statement
Summary: Mr. Milazzo distributed a draft findings statement to the Commissioners. Comments were requested as soon as possible, so that another draft can be produced quickly. It was agreed to hold another meeting for the purpose of working on the findings statement.

A motion was made by Mr. Cowen and seconded by Mr. Proios to hold an additional Commission meeting on 6/20/95 at 5:00 pm at the Brookhaven Town Law Department in Building 3 of the Medford office complex. The motion was approved unanimously.
- Pine Barrens Credit Bank handbook draft status
Summary: Mr. Milazzo reported that the draft is in production, and described it briefly. Mr. Proios observed that the Commissioners should begin considering specific names for the Board of Advisors. A brief discussion ensued regarding the operation of the Pine Barrens Credit Bank.

Administrative

- FOIL request by Civil Property Rights (not on the original agenda)
Summary: Mr. Olsen, of the Civil Property Rights (CPR) organization, asked about the recent request by another CPR individual, Mr. Dittmer, for an accounting of Commission expenses to date. Ms. Roth stated that a decision on that request would go out today.

Executive Session

Summary: A motion was made by Ms. Filmanski and seconded by Mr. Shea to enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously. The Commission entered into executive session at approximately 10:55 am and returned to open session at approximately 12:55 pm.

Adjournment

Summary: The meeting ended at approximately 12:55 pm without a formal resolution of adjournment.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (DRAFT) for June 20, 1995 Brookhaven Town offices - Building 3 Law Department / 5:00 pm

1. Plan development and implementation

- Clarification of clearance standard
- Draft Findings Statement revisions

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

**Commission Agenda (FINAL) for
June 20, 1995
Brookhaven Town offices - Building 3 Law Department / 5:00 pm**

1. Plan development and implementation

- Clarification of clearance standard
- Draft Findings Statement revisions

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for June 20, 1995 (Approved 7/26/95) Brookhaven Town offices - Building 3 Law Department / 5:00 pm

Present: Mr. Proios (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Shea (for Southampton) and Mr. Cowen (for New York State). General counsel was Mr. Rigano and Ms. Roth. Staff members from the Commission and other cooperating agencies included Ms. Trezza, Ms. Plunkett, Mr. Milazzo, Mr. Pavacic, Mr. Hanley and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 5:15 pm. The following sequence varies from the original agenda.

Plan development and implementation

- Draft Findings Statement revisions
- Clarification of clearance standard

Summary: Each town representative and Mr. Cowen supplied their critiques on the draft findings statement. Counsel also supplied a revised findings statement.

The Commission then began synthesizing the various documents into a single findings statement. Discussions ranged over various topics, including, but not limited to, impacts to the core preservation area, the Calverton/Grumman site, water resources, soils, ecological resources, open spaces and scenic resources, demographic trends, traffic impacts, agriculture, and existing land use and zoning.

Much of the debate center on the following items.

The Standards and Guidelines for Land Use were vigorously debated. The Brookhaven representatives wanted to be very clear that standards are mandatory while guidelines are to be applied on a discretionary basis by the reviewing agency. It was therefore proposed that any time the terms were used in the findings statement, the full title of Chapter 5 would be used. In so doing, the clarifying language will be incorporated in each reference to the standards and guidelines in the findings statement.

Concern was raised over the impacts to school districts section. The draft language was changed as reflected in the final findings statement. The potential economic impacts to certain identifiable school districts were recognized by the inclusion of a paragraph calling for the Commission to seek to have the County and State prioritize

acquisitions in economically impacted school districts. Additionally, language was inserted to include on the acquisition criteria list within Chapter 3 of the Plan the adverse economic impacts to a school district. Also addressed was a possible financial incentive to allow the conversion of Pine Barrens Credits into nonresidential uses. A paragraph addressing the impacts to the Riverhead School District was added. A discussion was held on whether certain towns should receive acquisition priority.

An attempt was made to modify the draft findings statement to include more analysis on the existing condition of each identified resource and how the Plan mitigates its impact on it. Numerous changes to this effect are reflected in the final findings statement.

Proposed frameworks for the final findings statement were supplied by the Brookhaven representative and the Commission's counsel. The revisions to the draft findings were then incorporated into a single document. This included the addition of sections for Introduction, Description of the Action, Reasons, Facts and Conclusions (where the draft findings were placed), SEQR 617.15 Regulations / Future Actions section, and a Conclusions & Generic Findings.

The Clearing Standards and Guidelines contained in the April 26, 1995 Plan were clarified and the revised language was included in the final findings statement

Adjournment

Summary: A motion to adjourn was made by Mr. Shea and seconded by Ms. Filmanski. It was approved unanimously by a 4-0 vote. The meeting ended at approximately 10:35 pm.

**Central Pine Barrens
Joint Planning and Policy Commission**

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739

**Session of June 23, 1995
Brookhaven Town Offices**

Present: Mr. Gaffney, Mr. Proios and Mr. Dragotta (for Suffolk County), Mr. Cowen (for New York State), Ms. Filmanski (for Riverhead) Ms. Wiplush and Mr. Girandola (for Brookhaven), Mr. Shea (for Southampton).

**Resolution on the Core Preservation Area Hardship
Application of Joseph Gazza
Property located W/S CR 31, Westhampton, Town of Southampton
SCTM # 900-286-02-38.1**

Whereas, on September 21, 1994, Joseph Gazza, filed with the Commission a request for a core preservation area hardship exemption to build a 45,959 square foot industrial building with parking for 110 cars, and

Whereas, a public hearing on the core preservation hardship request was held by the Commission on November 2, 1995, and a transcript was thereafter made available to the Commission, and

Whereas, on November 30, 1994, pursuant to the New York State Environmental Quality Review Act ("SEQRA") Part 617.6, the Commission coordinated lead agency review, and,

Whereas, on December 2, 1994, the Town of Southampton Planning Board declared itself lead agency without objection from the Commission, and

Whereas, on December 12, 1994, the Commission accepted a letter from Mr. Gazza requesting an extension of the date by which the Commission must render a decision on this application in order to comply with SEQRA, and,

Whereas, pursuant to SEQRA, a revised site plan was prepared and submitted to the Town of Southampton by Mr. Gazza and on March 27, 1995, the Town of Southampton Planning Board issued a determination of non-significance, and,

Whereas, on May 4, 1995 said revised site plan involving the development of two 6,018 square foot industrial buildings with parking for 28 cars was submitted to the Commission by the Town of Southampton Planning Department, and,

Whereas, on May 31, 1995 the Commission denied the previous application for a hardship application without prejudice and accepted May 4, 1995 as the receipt date of the revised application, and,

Whereas, on June 12, 1995 the Commission received a revised petition from Mr. Gazza relating to the amended site plan, and

Whereas, said amended site plan requires the removal of approximately 7,050 square feet of globally rare, dwarf pine plains habitat and

Whereas, the Commission has considered all materials submitted in connection with the application, now, therefore, be it

Resolved, that the Commission hereby determines that the application, as submitted, does not meet all of the requirements for extraordinary hardship pursuant to New York State Environmental Conservation Law 57-0121 (10)(a) and be it further

Resolved, that the Commission also determines that the application, as submitted, is not consistent with the purpose, objective or general spirit and intent of Article 57, and be it further

Resolved, that the application for a core preservation area hardship exemption is denied.

Record of Motion:

Motion by Ray Cowen

Seconded by Mr. Girandola

Yea Votes:

Unanimous

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda for June 28, 1995 Suffolk County Gabreski Airport / Westhampton / 2:00 pm

1. Plan development and implementation

- Remarks
- Final Commission vote on Plan
- Signing of Plan

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for June 28, 1995 (Approved 7/12/95) Suffolk County Gabreski Airport / Westhampton / 2:00 pm

Present: Governor Pataki and Mr. Cowen (for New York State), Mr. Gaffney, Mr. Proios and Mr. Dragotta (for Suffolk County), Mr. LaMura, Mr. Garcia, Ms. Wiplush, and Ms. Swick (for Brookhaven), Mr. Stark and Ms. Filmanski (for Riverhead), Mr. Blowes, Mr. Duffy and Mr. Shea (for Southampton). General counsel was Mr. Rigano and Ms. Roth. Staff members from the Commission and other cooperating agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Hopkins, Mr. Milazzo, Ms. Jakobsen, Ms. Greene, Mr. Pavacic and Mr. Spitz.

The meeting was called to order by Mr. Gaffney at approximately 3:10 pm, after opening remarks by Mr. Gaffney, Governor Pataki, Senator LaValle, Assemblyman DiNapoli, DEC Commissioner Zagata and Mr. LoGrande (in that sequence).

Plan development and implementation

- Final Commission vote on Plan
Summary: A motion was made by Mr. Gaffney and seconded by Mr. Stark to approve the final Plan approval resolution. Mr. Gaffney asked if there were any other seconds, and all members decided to second the motion. A roll call vote was taken, and the motion was approved unanimously.
- Signing of Plan
Summary: Mr. Gaffney asked the Governor and members of the Commission to sign the final Plan. Six originals of the Plan approval resolution were signed by Governor Pataki, Mr. Gaffney, Mr. LaMura, Mr. Stark, Mr. Blowes and Mr. Cowen. Governor Pataki asked Mr. Gaffney to sign first. Several signers spoke briefly, with Mr. Blowes deferring comments to former Southampton Town Supervisor Thiele.

Adjournment

Summary: The meeting ended at approximately 3:30 pm without a formal resolution of adjournment.

Attachment: Signed resolution

Central Pine Barrens Joint Planning and Policy Commission

*Robert J. Gaffney, Chairman
John LaMura, Vice President
Richard J. Blowes, Member
Ray E. Cowen, Member
James R. Stark, Member*

*P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739*

WHEREAS the Long Island Pine Barrens Protection Act ("the Act"), effective July 13, 1993, created the Central Pine Barrens Joint Planning and Policy Commission (the "Commission"), whose members are the Suffolk County Executive, the Supervisors of the Towns of Riverhead, Brookhaven and Southampton and an appointee of the Governor of the State of New York; and

WHEREAS the Act divides the Central Pine Barrens area into a Core Preservation Area and a Compatible Growth Area and directs the Commission to prepare a comprehensive land use plan (the "Plan") for the entire Central Pine Barrens area; and

WHEREAS the Act further directs that the Plan be designed to preserve the Core Preservation Area through acquisition and transfer of development rights, to provide for an exemption through a hardship permit under specified circumstances; and

WHEREAS the Act further directs that the Plan be designed to accommodate orderly development in the Compatible Growth Area; and

WHEREAS the Commission has in fact prepared a Plan, dated April 26, 1995, pursuant to the requirements of the Act, together with a generic environmental impact statement pursuant to Article 8 of the Environmental Conservation Law and the implementing regulations ("SEQRA"); and

WHEREAS a public hearing was held by the Commission on the draft generic environmental impact statement on September 28, 1994 and subsequent public hearings were held on the draft supplemental generic environmental impact statement on May 15, 16 and 18, 1995; and

WHEREAS the Commission, as lead agency pursuant to SEQRA, accepted the final generic environmental impact statement as complete on June 12, 1995; and

WHEREAS the Commission adopted a Findings Statement pursuant to SEQRA on June 23, 1995; and

WHEREAS pursuant to the Act, the Commission recommended the Plan to the Towns of Brookhaven, Riverhead and Southampton for their ratification and adoption, which is required by the Act before the Commission may finally adopt the Plan; and

WHEREAS the Act, as amended, further provides that it will expire if the Commission does not finally adopt the Plan on or before June 30, 1995; and

WHEREAS by resolution dated June 23, 1995, the Town Board of the Town of Brookhaven adopted its Findings Statement as an involved agency pursuant to SEQRA, and adopted and ratified the Plan pursuant to the Act; and

WHEREAS by resolution dated June 27, 1995, the Town Board of the Town of Southampton adopted its Findings Statement as an involved agency pursuant to SEQRA, and adopted and ratified the Plan pursuant to the Act; and

WHEREAS by resolution dated June 28, 1995, the Town Board of the Town of Riverhead adopted its Findings Statement as an involved agency pursuant to SEQRA, and adopted and ratified the Plan pursuant to the Act; and

WHEREAS the Commission wishes to acknowledge the dedication and support of the Suffolk County Water Authority; and

WHEREAS the Commission wishes to salute its Secretary and Executive Director, Ray Corwin, for his exemplary effort and steadfast devotion to the completion of the task before him; and

WHEREAS the Commission wishes to applaud Michael A. LoGrande, Chairman and Chief Executive Officer of the Suffolk County Water Authority, without whose grand vision of a truly comprehensive pine barrens plan there simply would be no Plan; and

WHEREAS the Commission now wishes to formally adopt the Plan and the final generic environmental impact statement pursuant to the Act; and

WHEREAS, the adoption of the Plan under the Act requires the unanimous vote of the Commission members and the signature of the Governor, the Suffolk County Executive and the Supervisors of the Towns of Brookhaven, Riverhead and Southampton.

NOW THEREFORE, BE IT

RESOLVED that the Commission hereby adopts the Plan and the generic environmental impact statement pursuant to the Act; and be it further

RESOLVED that each Commissioner is hereby authorized to execute this resolution in accordance with the Act.

Roll Call:

Governor George E. Pataki

yes

Ray E. Cowen, Appointee of the Governor

yes

Suffolk County Executive Robert J. Gaffney

yes

Supervisor John LaMura

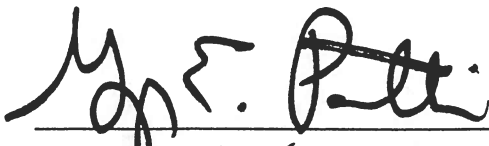
yes

Deputy Supervisor Joseph R. Stark

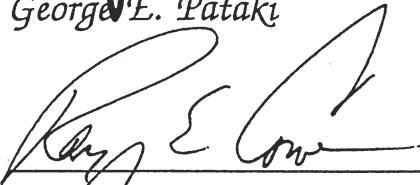
yes


Deputy Supervisor Richard J. Blowes

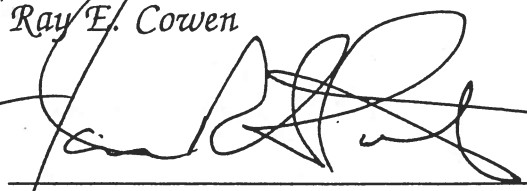
yes



George E. Pataki


Robert J. Gaffney


Ray E. Cowen


John LaMura


James R. Stark


Richard J. Blowes

Dated: June 28, 1995
Westhampton, New York



SCWA photo 6/28/95

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (DRAFT) for July 6, 1995 Brookhaven Town offices, Building 3, Medford / 4:00 pm

1. Core Preservation Area

- New boundary change request / Manorville: distribution of correspondence only
- Hampton Athletic Club / East Quogue: reminder of 7/23 decision deadline

2. Compatible Growth Area

- Robert Toussie southern site / Miller Place: reminder of 7/12 decision deadline
- Bagatelle Nursery / Eastport: new materials distribution only
- Love Christian Assembly / Coram: new application and setting of hearing only

3. Pine Barrens Credit Program

- Board of Advisors appointments: reminder for possible 7/12 agenda
- Status of draft handbook

4. Other Plan implementation items

- Recent Omnia-Fribourg acquisition: notes on PB Credit equivalent
- Notes from recent Westhampton School district meeting with staff
- 6/26/95 letter from LI Builders Institute regarding Commission's findings statement

5. Compatible Growth Area hearing: 5:00 pm following meeting

- Mavis Development Corp. site plan / Middle Island

***Due to the intended 1 hour duration of today's meeting,
some of these items will be introduced only and carried over to 7/12/95.***

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for July 6, 1995 Brookhaven Town offices, Building 3, Medford / 4:00 pm

1. Core Preservation Area

- New boundary change request / Manorville: distribution of correspondence only
- Hampton Athletic Club / East Quogue: reminder of 7/23 decision deadline

2. Compatible Growth Area

- Robert Toussie southern site / Miller Place: reminder of 7/12 decision deadline
- Bagatelle Nursery / Eastport: new materials distribution only
- Love Christian Assembly / Coram: new application and setting of hearing only

3. Pine Barrens Credit Program

- Board of Advisors appointments: reminder for possible 7/12 agenda
- Status of draft handbook
- Access to capitalization funds

4. Other Plan implementation items

- Recent Omnia-Fribourg acquisition: notes on PB Credit equivalent
- Notes from recent Westhampton School district meeting with staff
- 6/26/95 letter from LI Builders Institute regarding Commission's findings statement

5. Compatible Growth Area hearing: 5:00 pm following meeting

- Mavis Development Corp. site plan / Middle Island

*Due to the intended 1 hour duration of today's meeting,
some of these items will be introduced only and carried over to 7/12/95.*

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for July 6, 1995 (Approved 7/12/95) Brookhaven Town offices, Building 3, Medford / 4:00 pm

Present: Mr. Proios (for Suffolk County), Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead) and Mr. Shea (for Southampton). General counsel was Mr. Rigano. Staff members from the Commission and other cooperating agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Milazzo and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 4:14 pm.

Core Preservation Area

- New boundary change request / Manorville: distribution of correspondence only
Summary: Ms. Plunkett summarized this new request for a core boundary change on the east side of CR 111, immediately south of the Long Island Expressway, for a commercial project. She distributed copies of the correspondence. It was agreed to place this on the agenda for a future meeting. Mr. Sanderman, attorney for the applicant, stated that he would prefer to have the discussion at the 7/26/95 meeting, rather than at the 7/12/95 meeting. That was agreed to.
- Hampton Athletic Club / East Quogue: reminder of 7/23 decision deadline
Summary: Ms. Plunkett noted that a decision is due on this application by 7/23/95. Copies of the hearing transcript for this project from 5/31/95. A discussion on this application will be held at the 7/12/95 meeting.

Compatible Growth Area

- Robert Toussie southern site / Miller Place: reminder of 7/12 decision deadline
Summary: Ms. Plunkett noted that the Commission is awaiting the applicant's revised proposed covenant language. Mr. Sanderman, representing the applicant, stated that they were still in discussion with the Suffolk County Health Department regarding this language, and that consequently he would be submitting a request for an extension of the decision deadline past 7/12/95. Acceptance of the deadline extension will be on the 7/12/95 meeting agenda.
- Bagatelle Nursery / Eastport: new materials distribution only
Summary: Ms. Plunkett noted that she has received a revised map from the applicant

showing the details of the slope topography. A brief discussion ensued regarding which of the future meetings would be used for a decision on this application. It was finally agreed to schedule this for the 7/26/95 meeting.

A discussion was also held on the more general question of what standards and procedures apply to which projects at which point as the towns modify their local zoning ordinances as required by the pine barrens statute.

- Love Christian Assembly / Coram: new application and setting of hearing only
Summary: Ms. Plunkett distributed materials describing a site plan for this new application, and recommended setting a hearing. It was agreed to hold a hearing on this in conjunction with the 7/26/95 meeting at Riverhead.

A motion was made by Mr. Proios and seconded by Mr. Shea to declare this application complete and to hold a hearing on it at 5:00 pm on 7/26/95 at the Riverhead Town Hall, immediately following the previously scheduled Commission meeting. The motion was approved unanimously by a 4-0 vote.

Pine Barrens Credit Program

- Board of Advisors appointments: reminder for possible 7/12 agenda
Summary: Mr. Corwin noted that a reminder has been sent to the Commissioners requesting that they make appointments to the Board of Advisors for the Pine Barrens Credit Bank and Clearinghouse. He noted that Mr. Blowes of Southampton has already appointed Mr. Duffy to that Board.

Mr. Deering, representing Assemblyman DiNapoli's office, observed that the consensus group will be forwarding a recommendation to each of the Commissioners and to the Governor that Mr. Tripp of the Environmental Defense Fund and the Pine Barrens Advisory Committee, and Mr. Pally of the Long Island Association and also of the Pine Barrens Advisory Committee, be appointed to the Board of Advisors. Mr. Schwenk asked about Mr. Eversoll being recommended as well, and Mr. Deering noted that Mr. Eversoll has indicated that he may wish to actually participate in the transfer program itself.

- Status of draft handbook
Summary: Mr. Milazzo reported that the draft PBC Program Handbook is essentially complete, and awaiting comments from Mr. Rigano and Mr. Hopkins before making final changes and forwarding it to the Commissioners. Distribution to the Commissioners will be prior to the 7/12/95 meeting, and a discussion could be held at that time.
- Access to capitalization funds
Summary: Mr. Rigano observed that the Commission needs to determine exactly how to access the \$5 million which the state has set aside for capitalizing the PBC Program Bank. Mr. Spitz noted that the Department of Environmental Conservation is actively

pursuing that question.

Other Plan implementation items

- Recent Omnia-Fribourg acquisition: notes on PB Credit equivalent
Summary: Mr. Corwin reported that Mr. Hopkins had prepared, at the request of both Mr. Gaffney and Mr. LaMura, an estimate of the number of Pine Barrens Credits which would have been allocated to the Omnia-Fribourg properties whose purchase by the County was announced yesterday.

The purchase includes a total of 737.04 acres, all within the Town of Brookhaven and totalling 272.71 Pine Barrens Credits (PBCs). This PBC total consists of 214.05 PBCs for those properties within the Eastport School District and 58.66 PBCs for those properties within the Riverhead School District.
- Notes from recent Westhampton School district meeting with staff
Summary: Mr. Corwin noted that he and Mr. Hopkins had attended a 6/26/95 meeting of representatives of the Westhampton School District and those districts which send students to the Westhampton High School. He noted that the attendees had several concerns which they wished to convey to the Commission regarding the economic analysis. Given the shortness of today's Commission meeting, it was agreed to hold this discussion until a future meeting.
- 6/26/95 letter from LI Builders Institute regarding Commission's findings statement
Summary: Mr. Corwin distributed a 6/26/95 letter and 6/27/95 cover sheet from the Long Island Builders Institute (LIBI) commenting upon the Commission's SEQRA Findings Statement. Ms. Elkowitz, consultant to the LIBI, spoke briefly as the author of the 6/26/95 letter. She noted that there remain some uncertainties regarding technical issues in the processing of development applications, and that some clarification will be needed.

Adjournment

Summary: A motion to adjourn was made by Ms. Filmanski and seconded by Mr. Shea. It was approved unanimously by a 4-0 vote. The meeting ended at approximately 5:05 pm.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (DRAFT) for July 12, 1995 Riverhead Town Hall / 2:00 pm

1. Administrative

- Draft meeting summaries for 6/23, 6/28 and 7/6: corrections and approval
(Previously faxed; meeting summaries for 6/7, 6/9, 6/12, 6/16 and 6/20 are pending!)
- Protected areas management discussion: scheduling for upcoming meeting

2. Core Preservation Area

- Hampton Athletic Club / East Quogue: 7/23 decision deadline
- Gazza / Westhampton: acceptance of text of resolution
- Peconic River / Calverton: correspondence re closure at Edwards Avenue

3. Compatible Growth Area

- Robert Toussie southern site / Miller Place: acceptance of extension of 7/12 decision date

4. Pine Barrens Credit (PBC) Program

- Draft Handbook: status
- Board of Advisors appointments: status
- PBC Bank and Clearinghouse capitalization fund: status and placement

5. Other Plan Items

- Planned Development District ordinances: status
- Westhampton Beach school district: correspondence

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Agenda (FINAL) for July 12, 1995 Riverhead Town Hall / 2:00 pm

1. Administrative

- Draft meeting summaries for 6/23, 6/28 and 7/6: corrections and approval
(Previously faxed; meeting summaries for 6/7, 6/9, 6/12, 6/16 and 6/20 are pending!)
- Protected areas management discussion: scheduling for upcoming meeting
- 1995-96 fiscal year operating funds access
- Financial disclosure forms: 1995 filing

2. Core Preservation Area

- Hampton Athletic Club / East Quogue: 7/23 decision deadline
- Gazza / Westhampton: acceptance of text of resolution
- Peconic River / Calverton: correspondence re closure at Edwards Avenue

3. Compatible Growth Area

- Robert Toussie southern site / Miller Place: acceptance of extension of 7/12 decision date

4. Pine Barrens Credit (PBC) Program

- Draft Handbook: status
- Board of Advisors appointments: status
- PBC Bank and Clearinghouse capitalization fund: status and placement

5. Other Plan Items

- Planned Development District ordinances: status
- Westhampton Beach school district: correspondence

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for July 12, 1995 (Approved 7/26/95) Riverhead Town Hall / 2:00 pm

Present: Mr. Proios and Mr. Dragotta (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Shea (for Southampton) and Mr. Cowen (for New York State). General counsel was Mr. Rigano. Staff members from the Commission and other cooperating agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Hopkins, Mr. Milazzo and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:10 pm. The following sequence varies from the original agenda.

Administrative

- Draft meeting summaries for 6/23, 6/28 and 7/6: corrections and approval
(Previously faxed; meeting summaries for 6/7, 6/9, 6/12, 6/16 and 6/20 are pending!)
Summary: **A motion was made by Ms. Filmanski and seconded by Mr. Shea to approve the previously distributed summaries for the 6/23/95, 6/28/95 and 7/6/95 meetings. The motion was approved unanimously.**

Compatible Growth Area

- Robert Toussie southern site / Miller Place: acceptance of extension of 7/12 decision date
Summary: **Ms. Plunkett stated that a letter was received from the applicant's consulting firm requesting an extension of the decision deadline on this project to 8/25/95. A motion was made by Mr. Shea and seconded by Mr. Cowen to formally agree to the new decision deadline of 8/25/95 for the Toussie South application. The motion was approved unanimously.**

Core Preservation Area

- Gazza / Westhampton: acceptance of text of resolution
Summary: **A draft text of the 6/23/95 decision on this application was distributed to the Commissioners by Ms. Plunkett. Mr. Rigano suggested certain changes and they were agreed to by the Commissioners. Mr. Rigano also suggested waiting until later in the meeting to approve the new language, in order to discuss certain legal issues.**

- Peconic River / Calverton: correspondence re closure at Edwards Avenue
Summary: Mr. Corwin distributed a 6/8/95 letter from Mr. Casey of the Long Island Greenbelt Trail Conference to the Commission regarding river navigation conditions at the location where the Peconic River flows under Edwards Avenue, straddling the Brookhaven and Riverhead town boundary (the center of the river is the town boundary).

Mr. Cowen noted the Commission does not have jurisdiction over the situation described in the letter. He also noted that the state Department of Environmental Conservation (NYS DEC) and the state Attorney General's office have examined these issues and the conditions there carefully, and that, as of the present time, there is no legal action which the NYS DEC can take. Mr. Corwin will forward a letter to Mr. Casey regarding the lack of jurisdiction of the Commission.

Mr. Proios observed that the two affected towns could request that portions of their revenue sharing dollars from the county's Drinking Water Protection Program funds could be used for acquisition of the parcels involved. Mr. Girandola asked Mr. Proios to send a written request to the two towns to that effect, since the use of the town's portions of those county funds should be discussed by the two town boards. Mr. Proios agreed to do that.

Pine Barrens Credit (PBC) Program

- Board of Advisors appointments: status
Summary: Mr. Corwin noted that one appointment, Mr. Duffy for the Town of Southampton, has been made to the Board of Advisors. Mr. Deering, of Assemblyman DiNapoli's staff and also representing the "consensus group" of interested parties, distributed a 7/11/95 letter from the consensus group, signed by Mr. LoGrande of the Suffolk County Water Authority.

The letter is addressed to Mr. Gaffney, and proposes the names of James Tripp (of the Environmental Defense Fund, the Suffolk County Water Authority board, and the Advisory Committee), Mitchell Pally (of the Long Island Association, the Brookhaven Town Industrial Development Agency board and the Advisory Committee) and Donald Eversoll (of the building firm of Klein and Eversoll, and the Suffolk County Planning Commission) as nominees to the Board of Advisors.

A brief discussion was held regarding the nominees, including the need to be sure that there are no conflicts of interest. Counsel will examine the existence of any liability issues which may arise from having nongovernmental persons serving on the Board.

Mr. Girandola reported that Mr. LaMura was appointing Mr. Tripp as his choice for the Board of Advisors.

The Commission decided to set a first meeting for the Board of Advisors for 7/19/95, at 9:30 am at the Commission's office in Great River. Mr. Corwin asked Mr. Rigano if the

Board should be considered as a public body for purposes of meeting notices, recordkeeping, etc., and the answer was yes. All involved parties will strive to secure the remaining Board appointments before that date, and Ms. Trezza will arrange for public notice of the first meeting.

Administrative

- Protected areas management discussion: scheduling for upcoming meeting
Summary: Mr. Corwin noted that there remains a need to have the Commission begin a discussion on certain management issues, and suggested the meeting of 8/23/95 for this. That was informally agreed to.
- Financial disclosure forms: 1995 filing
Summary: Mr. Rigano noted that the Commissioners need to file a financial disclosure form each year, and that he will bring the appropriate forms to the 7/26/95 meeting.
- 1995-96 fiscal year operating funds access
Summary: Mr. Cowen reported that he has discussed the Commission's 1995-96 operating funds, which are distributed through the NYS DEC, with DEC officials in Albany. A contract will be needed in order to secure the funds, and that will be reviewed by the State Comptroller's office.

It may be desirable to combine the contract for the operating funds with the one which will be needed for the Commission to secure access to the Pine Barrens Credit program capitalization money. Mr. Deering offered to help determine the right method for obtaining the operating money.

Pine Barrens Credit (PBC) Program

- Draft Handbook: status
Summary: Mr. Corwin distributed copies of the 7/12/95 draft of the Handbook written by Mr. Milazzo and Mr. Hopkins, and reviewed by Mr. Rigano. Mr. Milazzo briefly described the content. Critiques were requested by 7/17 or 7/18, in order to permit the production of a revised version for the first Board of Advisors meeting on 7/19/95.
- PBC Bank and Clearinghouse capitalization fund: status and placement
Summary: Mr. Cowen noted that accessing these funds appears to be similar to the question of accessing the operating funds, in that a contract will be required. Mr. Cowen and other persons in the NYS DEC, including the Albany office, are actively pursuing the appropriate and quickest method for gaining access to the capitalization funds for the Pine Barrens Credit Bank. A contract is being drawn up now, and Mr. Deering offered to help with the administrative aspects once that is done.

A brief discussion was also held regarding the possible use of the Suffolk County Water Authority to hold the capitalization money, and to perform the financial work for

the Bank, in a similar fashion to the work that it is already performing for the Commission. Mr. Proios commented upon possible future sites for the Bank and/or the Commission, including the Riverhead County Center.

Other Plan Items

- **Planned Development District ordinances: status**

Summary: Mr. Shea reported that a final draft of Southampton Town's planned development district ordinance will be available in approximately two weeks, and that no public hearing has yet been scheduled. Copies of the draft Southampton ordinance were distributed by Mr. Corwin.

Ms. Filmanski stated that Riverhead Town is currently working on their draft ordinance, which will cover the Calverton site as well.

Mr. Girandola reported that Brookhaven Town passed their final planned development district ordinance on 7/11/95, and that he would provide copies of the final, signed resolution and ordinance.

- **Westhampton Beach school district: correspondence**

Summary: Mr. Corwin distributed copies of the 6/30/95 letter from the Westhampton School District, sent as a follow up to the 6/26/95 visit by Commission staff to the meeting of Westhampton Beach and affiliated school districts. The members of those boards would like portions of the economic analysis redone, using statistics to be supplied by the schools themselves, rather than BOCES or the State Education Department. Recalculations could be done if the Commissioners approved it.

A representative of the Remsenburg School Board, one of those districts, was present and described concerns which his district has with the designation of receiving areas. He feels that the Pine Barrens Credit Program will both accelerate and intensify development. Mr. Shea noted that Southampton Town thought that such a worst case was unlikely, and that the Deputy Supervisor would be meeting soon with the school district to determine how the town could prevent such a worst case.

A brief discussion followed, with the conclusion that the town and the Commission staff would both do whatever they could to address these concerns. It was also noted that the Commission staff will meet with the Remsenburg School Board on 8/14/95.

Core Preservation Area

- **Hampton Athletic Club / East Quogue: 7/23 decision deadline**

Summary: Mr. DiPietro, attorney for the applicant, summarized what has recently transpired with regard to this application. Mr. DiPietro stated that an agreeable outcome could include a fee or fine for the clearing, but that revegetation of another portion of the property would not be acceptable.

Mr. Rigano asked him to summarize the safety aspects of the application. Mr. Amper, of the Long Island Pine Barrens Society, stated that the Commission should not view the proposed preservation of several acres of core area pine barrens at another location as an acceptable tradeoff for the portion of the core area which is the subject of this application. The remainder of the discussion was held until later in the meeting.

Administrative

- Suffolk County Pine Barrens Review Commission: comments from 7/11/95 meeting (not on the original agenda)
Summary: Mr. Proios noted that the staff and he had met with the Suffolk County Pine Barrens Review Commission yesterday, and observed that additional coordination is needed with government boards such as that.

Executive Session

Summary: A motion was made by Mr. Cowen and seconded by Ms. Filmanski to enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously. The Commission entered into executive session at approximately 3:55 pm and returned to open session at approximately 5:58 pm.

Core Preservation Area

- Gazza / Westhampton: acceptance of text of resolution
Summary: A motion was made by Mr. Cowen and seconded by Ms. Filmanski to approve the revised text of the Gazza decision resolution. The motion was approved unanimously. A copy of the approved text is attached to this meeting summary.
- Hampton Athletic Club / East Quogue: 7/23 decision deadline
Summary: A motion was made by Mr. Cowen and seconded by Mr. Girandola to deny the application based upon the requirements of Environmental Conservation Law section 57-0121(10)(c)(ii) and the fact that there remains an unresolved violation. The motion was approved by a vote of 4-0-1, with the abstaining vote cast by Mr. Proios for Suffolk County.

Adjournment

Summary: A motion to adjourn was made by Ms. Filmanski and seconded by Mr. Shea. It was approved unanimously. The meeting ended at approximately 6:10 pm.

- Attachments:**
1. Text of Gazza / Westhampton resolution
 2. Sign in sheet

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Agenda (DRAFT) for July 26, 1995 Riverhead Town Hall / 2:00 pm

1. Administrative

- Draft summaries for 6/7, 6/9, 6/12, 6/16, 6/20, and 7/12: corrections & approval
(Previously faxed.)
- Acknowledgement resolution for Susan Windesheim of SC Planning upon retirement
(Previously faxed.)

2. Core Preservation Area

- Clancy Street Food Court / Manorville: boundary change request *(Held from 7/6/95; materials were distributed at that time)*
- Long Island Compost Corp. / Eastport: certification of nondevelopment request

3. Compatible Growth Area

- Bagatelle Nursery / Eastport: possible decision *(Held from 7/6/95; materials previously distributed.)*

4. Pine Barrens Credit (PBC) Program

- Board of Advisors appointments: formal acknowledgement by Commission
- Appointment of Board Chair by Commission: reminder
- Board meeting schedule: 7/28 and 8/9 (joint meeting with Commission)
- PBC Bank and Clearinghouse capitalization fund: status and placement
- Draft Handbook: status
- Possible mailing to core owners

5. Other Plan Items

- Registration book suggestion for acquisition program
- Management issues: 7/17 correspondence from Ecology Committee

6. Executive session re current litigation

7. Public hearing at 5:00 pm (after adjournment of regular meeting)

- Love Christian Assembly / Coram: site plan

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Agenda (FINAL) for July 26, 1995 Riverhead Town Hall / 2:00 pm

1. Administrative

- Draft summaries for 6/7, 6/9, 6/12, 6/16, 6/20, and 7/12: corrections & approval *(Previously faxed.)*
- Acknowledgement resolution for Susan Windesheim of SC Planning upon retirement *(Previously faxed.)*

2. Core Preservation Area

- Clancy Street Food Court / Manorville: boundary change request *(Held from 7/6/95; materials were distributed at that time)*
- Long Island Compost Corp. / Eastport: certification of nondevelopment request

3. Compatible Growth Area

- Bagatelle Nursery / Eastport: possible decision *(Held from 7/6/95; materials previously distributed.)*
- U-Haul Ministorage / Coram: new application and setting of hearing

4. Pine Barrens Credit (PBC) Program

- Board of Advisors appointments: formal acknowledgement by Commission
- Appointment of Board Chair by Commission: reminder
- Board meeting schedule: 7/28 and 8/9 (joint meeting with Commission)
- PBC Bank and Clearinghouse capitalization fund: status and placement
- Draft Handbook: status
- Summary of meeting with assessors
- Possible mailing to core owners

5. Other Plan Items

- Registration book suggestion for acquisition program
- Management issues: 7/17 correspondence from Ecology Committee

6. Executive session re current litigation

7. Public hearing at 5:00 pm (after adjournment of regular meeting)

- Love Christian Assembly / Coram: site plan

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Meeting Summary (FINAL) for July 26, 1995 (Approved 8/9/95) Riverhead Town Hall / 2:00 pm

Present: Mr. Proios and Mr. Dragotta (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Blowes and Mr. Duffy (for Southampton) and Mr. Cowen (for New York State). General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Hopkins, Mr. Milazzo, and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:16 pm.

Administrative

- Acknowledgement resolution for Susan Windesheim of SC Planning upon retirement
Summary: Mr. Corwin noted that Ms. Windesheim contributed to the Plan, impact statement, and the Ecology Committee, and recommended adoption of the following:

"WHEREAS Susan D. Windesheim, a professional planner on the staff of the Suffolk County Planning Department since 1985, was a significant contributor to the recent development and adoption of the Central Pine Barrens Comprehensive Land Use Plan and Generic Environmental Impact Statement (the "Plan"); and

WHEREAS The Plan has now been adopted by the Governor, the County Executive, and the Supervisors and Town Board members of Brookhaven, Riverhead, and Southampton, and that adoption would not have occurred without the active contribution of dedicated professionals such as herself from numerous disciplines and agencies throughout Suffolk County; and

WHEREAS Susan Windesheim's efforts as a contributor to the Central Pine Barrens Commission planning effort since 1993, and to the Suffolk County Pine Barrens Review Commission as planner and administrator for the past ten years, have contributed to both pine barrens protection and planned growth in the area of the Central Pine Barrens; and

WHEREAS Susan Windesheim is retiring from the service of the County of Suffolk at the end of July 1995,

Now therefore be it

RESOLVED that the Central Pine Barrens Joint Planning and Policy Commission does

hereby acknowledge the invaluable contribution to the Central Pine Barrens Plan, and to the overall awareness of the need for careful planning and use of Suffolk County's natural resources, made by Susan Windesheim; and be it further

RESOLVED that the members and staff of the Central Pine Barrens Joint Planning and Policy Commission thank and compliment her for these contributions, assure her that they will be remembered, and wish her all the best in her retirement years."

A motion was made by Mr. Proios on behalf of Mr. Gaffney and seconded by all other members present, including Mr. Cowen, Mr. Girandola, and Mr. Duffy, to adopt the suggested resolution. The motion was approved unanimously by a vote of 4-0.

Mr. Blowes and Ms. Filmanski arrived at this time.

- Draft summaries for 6/7, 6/9, 6/12, 6/16, 6/20, and 7/12: corrections & approval
Summary: Mr. Corwin noted a comment received on the Hampton Athletic Club description in the 7/12/95 draft, and suggested that the first full sentence on page 5 now read: "Mr. Amper, of the Long Island Pine Barrens Society, stated that the Commission should not view the proposed preservation of several acres of core area pine barrens at another location as an acceptable tradeoff for the portion of the core area which is the subject of this application.". Mr. Blowes requested reconsideration of the Hampton Athletic Club decision and Mr. Proios stated that should be today's business. Mr. Cowen noted a misspelling in the 6/16/95 summary.

A motion was made by Mr. Girandola and seconded by Mr. Cowen to approve the draft summaries of the 6/7/95, 6/9/95, 6/12/95, 6/16/95, 6/20/95 and 7/12/95 meetings with the changes noted. The motion was approved unanimously.

Core Preservation Area

- Hampton Athletic Club / East Quogue: request to reconsider the Commission's 7/12/95 decision (not on the original agenda)
Summary: Mr. Blowes requested the Commission to reconsider the 7/12/95 denial of this application. Mr. Duffy reviewed the application, the Town's work, and the public safety parking issue, and asked about the authority to levy fines. Mr. Rigano described provisions of the Environmental Conservation Law Article 71.

Mr. Cowen stated that the Commission should not issue a permit where a violation remains. Town summonses were discussed. Mr. Girandola asked about parking. Mr. Amper, of the L.I. Pine Barrens Society, commented on both the Commission and Town work on this project. Mr. Rigano noted that the Commission could reconsider, but Mr. Cowen felt it would set a dangerous precedent.

Mr. Olsen, of the Civil Property Rights group, asked for details of the decision, and Mr. Corwin read part of the 7/12/95 summary. Mr. Blowes stated that the Commission was not considering the five acres to be preserved by the applicant elsewhere pursuant to

the Town's approval. Mr. DiPietro, the applicant's attorney, stated that the Commission's proposal was made after a long executive session, and that there was no opportunity to fully consider it then.

Mr. Olsen complained that it is difficult to follow such issues when long executive sessions are followed by open sessions when actions may be taken. He requested that, in such cases, decisions be deferred to the next meeting. Mr. Rigano agreed, but cautioned that decisions can not always be deferred. It was agreed to state before executive sessions whether the Commission would make decisions upon return to open session. It was also agreed that Mr. Rigano and Mr. DiPietro would meet again.

- Clancy Street Food Court / Manorville: boundary change request (Held from 7/6/95; materials were distributed at that time)
Summary: Mr. Sanderman, attorney for the sponsor, described this 1.17 acre, J-2 zoned site at the southeast corner of the Expressway and CR 111 in Manorville, intended for a fast food restaurant. He stated that a hardship application would be burdensome at this time, and spoke about the drawing of the core boundary. He stated that this site fits the intent of the boundary change provision. He described the site as previously built upon, and currently disturbed.

Mr. Corwin noted that the Commission previously stated that no core boundary changes would be considered until a final Plan exists and a hearing is held on all such accumulated requests. Mr. Amper stated that the precedent of granting the change would be dangerous. Mr. Girandola noted that Brookhaven's 1975 and 1987 master plans showed this site as part of a commercial center. A discussion ensued regarding boundary changes and core hardships.

Mr. Rigano recommended that the Commission hold a hearing on this request in the next few weeks, and that the previous requestors be asked if they are still interested. A general discussion ensued regarding such hearings and possible precedents.

A motion was made by Mr. Cowen and seconded by Mr. Proios, for purposes of discussion, to deny the current boundary change request. The motion was disapproved by a vote of 2 yes (Mr. Cowen and Mr. Proios), 1 no (Mr. Girandola) and 2 abstentions (Ms. Filmanski and Mr. Blowes).

A second motion was then made by Mr. Girandola and seconded by Mr. Blowes to hold a hearing on the current core boundary change request on 8/23/95 at 5:00 pm at the Riverhead Town Hall. The motion was approved by a vote of 3-1-1, with the dissenting vote by Mr. Cowen and the abstention by Ms. Filmanski.

A brief discussion then ensued regarding the State Environmental Quality Review Act (SEQRA) status of core boundary changes. Mr. Rigano stated that SEQRA would have to be satisfied. An exchange then occurred between Mr. Amper and Mr. Olsen.

Compatible Growth Area

- Bagatelle Nursery / Eastport: possible decision (*Held from 7/6/95; materials previously distributed.*)

Summary: This subdivision application for a site on the north side of Head of the Neck Road in Eastport has a 8/10 decision deadline. Ms. Plunkett described its status, and Mr. Lyon, the applicant's representative, spoke on the project. A discussion followed regarding the ability of the Commission to approve projects not meeting the standards.

A motion was made by Mr. Cowen and seconded by Mr. Blowes, for the purposes of discussion, to deny the application. A discussion followed regarding the standards and this project's satisfaction of them. The motion was disapproved by a vote of 1 yes (Mr. Cowen), 1 no (Mr. Girandola) and 3 abstentions (Mr. Blowes, Ms. Filmanski, and Mr. Proios).

It was then agreed that the Commission staff, the applicant's engineer, and the Brookhaven Town planning staff will meet to try to resolve the remaining questions.

- U-Haul Ministorage / Coram: new application and setting of hearing
Summary: Ms. Plunkett summarized this complete application for a ministorage site plan on Route 25 in Coram, and noted that a hearing should be scheduled.

A motion was made by Mr. Proios and seconded by Ms. Filmanski to declare the application for the U-Haul Ministorage at Coram application complete, and to schedule a hearing on this application for 8/23/95 at 5:00 pm at the Riverhead Town Hall. The motion was approved unanimously.

Pine Barrens Credit (PBC) Program

- Board of Advisors appointments: formal acknowledgement by Commission
- Appointment of Board Chair by Commission: reminder
- Board meeting schedule: 7/28 and 8/9 (joint meeting with Commission)
Summary: Mr. Corwin noted that four of the five appointments to the Board have been made, and that the Board met informally on 7/19. Meetings are set for 7/28/95 at 1:00 pm and 8/9/95 at 2:00 pm, both at the Riverhead Town Hall. The latter will be a joint Commission-Board meeting.
- PBC Bank and Clearinghouse capitalization fund: status and placement
Summary: Mr. Cowen explained that the transfer of the funds to a local account requires a contract between the Commission and the state, approved by the Comptroller. A draft contract is being drawn up by the Department of Environmental Conservation's Albany personnel.
- Draft Handbook: status
- Summary of meeting with assessors
- Possible mailing to core owners
Summary: Mr. Milazzo distributed and discussed the 7/25/95 draft of the Pine Barrens Credit Program Handbook. Topics discussed included the conservation easements to

be used. Mr. Milazzo and Mr. Hopkins met with Mr. Dragotta in order to base these upon the county's experience to date. Mr. Milazzo requested comments quickly so that a new Handbook version could be produced prior to the 8/9/95 meeting.

Mr. Milazzo distributed a summary of the 7/24/95 assessors meeting. The assessors all stated that they would not be treating PBC Certificates as interests in real property. Mr. Corwin noted that the Handbook could be mailed to property owners, and a draft cover letter was distributed to the Commissioners also.

Core Preservation Area

- L.I. Compost Corp. / Eastport: certification of nondevelopment request
Summary: This project is proposed for the northeast corner of CR 51 and Sunrise Highway. The letter from L.I. Compost requests that the Commission certify that the proposed use is nondevelopment pursuant to ECL Section 57-0107(13)(v).

Assemblyman Thiele spoke in favor of moving the composting operation from its present East Moriches site, due to odor problems. He also spoke about the type of sites to which it should be moved. A discussion was held on the agricultural classification, under the pine barrens law and the State Agriculture and Markets Law. Mr. Rigano will examine the applicable laws on this.

Other Plan Items

- Registration book suggestion for acquisition program
- Management issues: 7/17 correspondence from Ecology Committee
Summary: These were deferred to the 8/9/95 meeting.

Temporary adjournment for scheduled public hearing

Summary: Mr. Proios stated that, following the public hearing, the Commission would be in executive session, after which no action would be taken. The meeting was then adjourned from approximately 4:58 pm to 5:33 pm.

Executive Session

Summary: A motion was made by Ms. Filmanski and seconded by Mr. Cowen to enter into executive session for the purpose of discussing certain legal issues, including litigation. The motion was approved unanimously. The Commission entered into executive session from approximately 5:33 pm to 6:15 pm.

Adjournment

Summary: The meeting ended at approximately 6:15 pm without a formal resolution.

Attachment: Sign-in sheet.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Agenda (DRAFT) for August 9, 1995 including Joint Meeting with the PBC Board of Advisors Riverhead Town Hall / 2:00 pm

1. Administrative

- Draft summary for 7/26/95 Commission meeting: corrections & approval (*Previously faxed.*)
- Draft summary for 7/28/95 Board of Advisors meeting: corrections & approval (*Previously faxed.*)
- Procedure for public participation

2. Core Preservation Area

- Long Island Compost Corp. / Eastport: report of counsel (*From 7/26*)
- Hampton Athletic Club / East Quogue: report of counsel (*From 7/26*)
- Boundary change requests to date: summary (*From 7/26*)

3. Compatible Growth Area

- Bagatelle Nursery / Eastport: decision (*8/10 deadline; Held from 7/28*)

4. Joint meeting with the Pine Barrens Credit (PBC) Program Board of Advisors

- Board of Advisors: formal acknowledgement of appointments by Commission
- Board of Advisors: appointment of Chair by Commission
- Board of Advisors: appointments as Commission treasurers
- Board of Advisors: financial disclosure status
- PBC Bank and Clearinghouse capitalization fund: status
- PBC Program Handbook: adoption of final version
 - Allocation appeals process
 - Title report vs. certification
 - Existing liens and subordination
 - Conservation easements, grantees, and enforcement
 - Residual uses
 - Site visits or other means of site inventories
 - Buyer registration
 - Possible use of Dr. Nicholas' services
 - Other issues
- PBC Program Handbook mailing and cover letter: review
- Board of Advisors meeting schedule

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Agenda (FINAL) for August 9, 1995 including Joint Meeting with the PBC Board of Advisors Riverhead Town Hall / 2:00 pm

1. Administrative

- Draft summary for 7/26/95 Commission meeting: corrections & approval (*Previously faxed.*)
- Draft summary for 7/28/95 Board of Advisors meeting: corrections & approval (*Previously faxed.*)
- Procedure for public participation

2. Core Preservation Area

- Long Island Compost Corp. / Eastport: report of counsel (*From 7/26*)
- Hampton Athletic Club / East Quogue: report of counsel (*From 7/26*)
- Boundary change requests to date: summary (*From 7/26*)

3. Compatible Growth Area

- Bagatelle Nursery / Eastport: decision (*8/10 deadline; Held from 7/28*)
- Correspondence (6/6) from Rocky Point merchants on Route 25A

4. Joint meeting with the Pine Barrens Credit (PBC) Program Board of Advisors

- Board of Advisors: formal acknowledgement of appointments by Commission
- Board of Advisors: appointment of Chair by Commission
- Board of Advisors: appointments as Commission treasurers
- Board of Advisors: financial disclosure status
- PBC Bank and Clearinghouse capitalization fund: status
- PBC Program Handbook: review and possible adoption of 8/8/95 version; issues to cover are:
 - Allocation appeals process
 - Title searches and related topics
 - Existing liens and subordination
 - Conservation easements, grantees, and enforcement
 - Residual uses
 - Site visits or other means of site inventories
 - Buyer registration
 - Possible use of Dr. Nicholas' services
 - Other
- PBC Program Handbook mailing and cover letter: review
- Board of Advisors meeting schedule

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Meeting Summary (FINAL) for August 9, 1995 (Approved 8/23/95) including Joint Meeting with the PBC Board of Advisors Riverhead Town Hall / 2:00 pm

Present: Commissioners and representatives included Mr. Gaffney, Mr. Proios and Mr. Dragotta (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven), Mr. Stark (for portion of meeting indicated) and Ms. Filmanski (for Riverhead), Mr. Blowes and Mr. Duffy (for Southampton) and Mr. Cowen (for New York State). Board of Advisors members included Mr. Dick (for Riverhead), Mr. Duffy (for Southampton; also a Commission representative), and Mr. Stein (for Suffolk County). A quorum of Board members was not present. Mr. Tripp (for Brookhaven) participated by a telephone connection. General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Hopkins, Mr. Milazzo, Mr. Spitz, and Mr. Pavacic. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:22 pm.

Administrative

- Draft summary for 7/26/95 Commission meeting: corrections & approval (*Previously faxed.*)
Summary: Mr. Corwin suggested a change in the wording of the 7/26/95 summary which described the changes to the 7/12/95 summary approved at that meeting. **A motion was made by Mr. Cowen and seconded by Mr. Blowes to approve the summary of the 7/26/95 meeting with that change. The motion was approved unanimously.**
- Draft summary for 7/28/95 Board of Advisors meeting: corrections & approval (*Previously faxed.*)
Summary: This was deferred to a future Board of Advisors meeting.

Mr. Gaffney arrived at this point, and chaired the meeting.

- Procedure for public participation
Summary: Methods for structuring the public participation portion of the Commission's meetings were discussed, including placement of public comments at a specific point in the meetings, setting limits on the time for an individual's comments, etc.

A motion was made by Mr. Blowes and seconded by Mr. Cowen to adopt and implement, starting with the next Commission meeting, the following guidelines for public comment:

1. *Three (3) minutes are allocated per speaker,*
2. *A cumulative total of thirty (30) minutes of public comments is allocated, with any additional discussion at the Commission's discretion,*
3. *The comment period will be held at the beginning of each meeting, with any additional comments beyond thirty minutes placed at the end,*
4. *A sign-up sheet or cards will be provided,*
5. *A printed version of the agenda will be available fifteen (15) minutes prior to the start of the meeting.*

The motion was approved unanimously.

- New Commission meeting schedule (not on the original agenda)
Summary: Mr. Corwin noted that a new schedule of Commission meetings for the remainder of 1995 will be suggested at the 8/23/95 meeting.

Core Preservation Area

- Long Island Compost Corp. / Eastport: report of counsel (From 7/26)
Summary: Mr. Rigano reported that he is still researching the legal status of composting as an agricultural activity, and, in particular, is awaiting an opinion from the state Commissioner of Agriculture on this issue. No further discussion was held.
- Hampton Athletic Club / East Quogue: report of counsel (From 7/26)
Summary: Mr. Rigano reported that the attorney for the applicant had made a counterproposal in response to the outstanding clearing violation. The Commissioners agreed that was insufficient. Further discussion of any legal action was deferred to an executive session later in this meeting.
- Boundary change requests to date: summary (From 7/26)
Summary: Mr. Corwin and Ms. Plunkett summarized the five boundary change requests received to date. One pertaining to the North Shore Properties project was withdrawn. One is from Mr. Walter Olsen regarding property on the south side of NYS Route 24 in Flanders (near Townsend Avenue), one is from Mr. Daniel Scotto pertaining to property on the east side of Pleasure Drive in Flanders (south of NYS Route 24), one is from Mr. Alex Mazarakis pertaining to property on the northeast side of CR 111 in Manorville, and the fourth is the one from Mr. Sanderman for property at the southeast corner of the L.I. Expressway and CR 111 in Manorville (for which a hearing is set for 8/23/95).

Mr. Corwin and Ms. Plunkett went through the specifics of each active request, and a discussion was held on each. Issues touched upon include the applicability of the nondevelopment provisions, existence of any grandfathered projects, site conditions which might be relevant to core hardships, and the policy considerations for the Commission in each case. The discussion concluded with the staff being requested to look into each of the three active cases for which a hearing has not been scheduled and obtain answers to the questions raised for each site. These will be discussed at a later meeting.

Compatible Growth Area

- Bagatelle Nursery / Eastport: decision (8/10 deadline; Held from 7/28)
Summary: Mr. Lyon and Mr. Beckman, representing the applicant, discussed the most recent mapping and measurements of the project site's slopes and topography. The discussion touched upon the roadways through steeply sloped areas, the individual lots containing steep slopes, and the possibility of a Compatible Growth Area hardship application. The discussion ended with a request from Mr. Lyon for an extension for the decision on the pending Compatible Growth Area application and to file a Compatible Growth Area hardship application, and with the agreement to hold a hearing on the hardship application on 8/23/95. Mr. Corwin noted that there was no formal application form for a CGA hardship.

A motion was made by Mr. Cowen and seconded by Mr. Girandola to extend the decision date for the Bagatelle Nursery application by four weeks and to schedule a Compatible Growth Area hardship application hearing on this project for 8/23/95 at the Riverhead Town Hall, contingent upon the receipt of the hardship request by 8/14/95. The motion was approved unanimously.

Core Preservation Area

- Comments upon recent Suffolk County land purchase (not on the original agenda)
Summary: Mr. Schmelzer, a property owner, criticized the County's recent purchase of the Omnia property. No discussion was held.

Mr. Gaffney left at this time, and Mr. Proios chaired the meeting.

Compatible Growth Area

- Correspondence (6/6) from Rocky Point merchants on Route 25A
Summary: Mr. Corwin distributed a 6/6/95 letter from several merchants along NYS Route 25A in Rocky Point. The letter requests assistance in utilizing portions of the state land on the north side of the new Route 25A roadway, and asks whether that land is in the Core Preservation Area. A brief discussion followed, in which it was agreed that the land is not within the core, but that the issue of using the state land would have to be directed towards the Department of Environmental Conservation. A reply will be forwarded with these facts.

Joint meeting with the Pine Barrens Credit (PBC) Program Board of Advisors

The joint meeting started at approximately 4:30 pm.

- Board of Advisors: formal acknowledgement of appointments by Commission

- Board of Advisors: appointment of Chair by Commission
Summary: These items were deferred to a future meeting.

Mr. Stark arrived during the following discussion.

- Board of Advisors: appointments as Commission treasurers
- Board of Advisors: financial disclosure status
Summary: A discussion was held regarding the possibility of the Commission making certain policy decisions, rather than the Board of Advisors. It was noted that policymakers are required to file disclosure forms. Responsibilities discussed include the estimation of the values of Pine Barrens Credits and the allocation of credits to nonresidentially zoned parcels in the sending areas. Mr. Blowes expressed the opinion that the Board of Advisors' members should file financial disclosure forms.

A motion was made by Mr. Blowes and seconded by Mr. Cowen to require that the members of the Board of Advisors file state financial disclosure forms. The motion was approved unanimously.

A second motion was made by Mr. Blowes and seconded by Mr. Stark to appoint Mr. Robert Dick, Mr. Robert Duffy, Mr. Charles Stein, and Mr. James Tripp as treasurers of the Commission. The motion was approved unanimously.

Mr. Stark left at this point.

- PBC Bank and Clearinghouse capitalization fund: status
Summary: Mr. Rigano reported that the state Comptroller's office may determine that the Commission is not a state agency for purposes of disbursing the Bank capitalization funds. A contract has been drawn up by the DEC's Albany office. Approval by the Attorney General's and Comptroller's offices is needed. This approval process may be completed in September, 1995.

Mr. Rigano distributed a suggested resolution authorizing the Chair or his representative to execute the contract when it is approved. A minor addition was made to reflect the Northville agreement which is providing the funding.

A motion was made by Mr. Blowes and seconded by Mr. Girandola to adopt the following resolution:

"WHEREAS, the Central Pine Barrens Joint Planning and Policy Commission ("the Commission") has established the Pine Barrens Credit Bank and Clearinghouse ("the Pine Barrens Bank"), and

WHEREAS, on October 13, 1994, the Commissioner of the New York State Department of Environmental Conservation executed an Order on Consent with Northville Industries to pay \$15,000,000 for damages to natural resources, and

WHEREAS, a Memorandum of Agreement between the New York State Department of

Environmental Conservation and Suffolk County required the development of a Restoration and Replacement Plan, and

WHEREAS, the Restoration and Replacement Plan, which has been prepared, provides that \$5,000,000 will be allocated to the Pine Barrens Bank established by the Commission, and

WHEREAS, the Commission and the New York State Department of Environmental Conservation are planning to enter into a contract to transfer the \$5,000,000 from the New York State Department of Environmental Conservation to the Commission to be utilized for the Pine Barrens Bank,

NOW, THEREFORE, BE IT

RESOLVED, that Robert Gaffney, Chairman of the Commission, or alternatively, George Proios, as Mr. Gaffney's alternate, is authorized to execute, on behalf of the Commission, a contract for the transfer of the \$5,000,000 from the New York State Department of Environmental Conservation to the Commission pursuant to the Restoration and Replacement Plan."

The motion was approved unanimously.

A second motion was made by Mr. Blowes and seconded by Ms. Filmanski to request the Board of Advisors to prepare a set of guidelines for the investment of the funds to be received from the Department of Environmental Conservation prior to the actual receipt of those funds. The discussion which followed included the possible use of the Suffolk County and Suffolk County Water Authority investment guidelines as a starting point producing the pine barrens investment guidelines. Mr. Cowen inquired whether short notice withdrawals would be a problem and Mr. Stein replied that they would not. Mr. Blowes asked about collateral, and Mr. Stein replied that banks are required to provide collateral in situations such as this. The motion was approved unanimously.

Mr. Dragotta left at this time.

- PBC Program Handbook: review and possible adoption of 8/8/95 version; issues to cover are:
 - Allocation appeals process
 - Title searches and related topics
 - Existing liens and subordination
 - Conservation easements, grantees, and enforcement
 - Residual uses
 - Site visits or other means of site inventories
 - Buyer registration
 - Possible use of Dr. Nicholas' services
 - Other

Summary: Mr. Hopkins and Mr. Milazzo discussed the above topics, and how the PBC Handbook addresses them. A new draft, dated 8/8/95, was distributed to the

Commissioners, and comments were requested by the end of 8/15/95, in order to permit the next revision to be completed by 8/18/95 and distributed to the Commissioners prior to the 8/23/95 meeting.

Ms. Wiplush left during the preceding discussion.

- PBC Program Handbook mailing and cover letter: review
Summary: Mr. Corwin distributed a revised draft of a cover letter to accompany the PBC Handbook when it is mailed to the core area landowners. He noted that it should be approved at the same time that the PBC Handbook is approved.
- Board of Advisors meeting schedule
Summary: Mr. Corwin noted that the next Board meeting has not been scheduled.

Executive Session

Summary: A motion was made by Ms. Filmanski and seconded by Mr. Girandola to enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously. The Commission entered into executive session at approximately 5:52 pm and returned to open session at approximately 6:40 pm.

Adjournment

Summary: A motion to adjourn was made by Mr. Cowen and seconded by Mr. Girandola. It was approved unanimously. The meeting ended at approximately 6:40 pm.

Attachment: Sign-in sheet.

**Central Pine Barrens
Joint Planning and Policy Commission**

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739

**Session of August 9, 1995
Riverhead Town Hall**

Present: Mr. Gaffney, Mr. Proios, Mr. Dragotta (for Suffolk County), Mr. Girandola, Ms. Wiplush (for Brookhaven), Mr. Stark, Ms. Filmanski (for Riverhead) with Mr. Stark appearing briefly, Mr. Blowes, Mr. Duffy (for Southampton), Mr. Cowen (for New York State)

**Resolution Appointing Members of the Board
of Advisors as Treasurers of the Commission**

WHEREAS Chapter 6 of the Comprehensive Land Use Plan adopted by the Commission on June 28, 1995 (the "Plan") establishes the Pine Barrens Credit Bank and Clearinghouse (the "Clearinghouse") to implement the Pine Barrens Credit Program; and

WHEREAS the Plan further provides that the Clearinghouse shall be governed by a Board of Advisors consisting of five (5) members; and

WHEREAS under the Plan the ex-officio members of the Commission and the governor of the State of New York shall each appoint one (1) member of the Board of Advisors; and

WHEREAS each ex-officio member of the Commission has in fact appointed a member of the Board of Advisors; and

WHEREAS the Commission wishes to appoint as treasurers the members of the Board of Advisors;

NOW, THEREFORE, be it

RESOLVED that Robert Dick, Robert J. Duffy, Charles K. Stein and James T.B. Tripp are hereby appointed to the office of treasurer of the Commission.

Record of Motion:
Motion by Mr. Blowes
Seconded by Mr. Stark

Yea Votes:
Unanimous

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Agenda (DRAFT) for August 23, 1995 Riverhead Town Hall / 2:00 pm

1. Administrative

- Draft summary for 8/9 meeting: corrections & approval (*Previously faxed*)
- September through December meeting schedule: corrections & approval (*Previously faxed*)
- November planning seminars

2. Core Preservation Area

- L.I. Compost Corp. / Eastport: nondevelopment certification request status
- Hampton Athletic Club / East Quogue: status
- Gazza / Westhampton: new application
- Manorville Post Office / Manorville: development status
- Core boundary changes: analysis of sites and criteria discussion (*from 7/26*)

3. Compatible Growth Area

- Toussie South / Miller Place: extension of decision (*currently 8/25 deadline*)
- Love Christian Assembly / Middle Island: possible decision (*11/3 deadline*)

4. Pine Barrens Credit (PBC) Program

- PBC Board of Advisors: status of appointments
- PBC Bank and Clearinghouse: possible name change
- PBC Handbook: final version and discussion of major changes (*PBC Handbook, Certificate form, easement, etc.*)
- PBC Clearinghouse capitalization fund: contract

5. Other Plan Items

- Law Enforcement and Protected Lands Councils: rescheduling of detailed discussion

6. Public hearings at 5:00 pm (after adjournment of regular meeting)

- U-Haul Ministorage / Coram: CGA site plan
- Bagatelle Nursery / Eastport: CGA hardship
- Clancy Street Food Court / Manorville: Core boundary change request

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Agenda (FINAL) for August 23, 1995 Riverhead Town Hall / 2:00 pm

1. Administrative

- Draft summary for 8/9 meeting: corrections & approval (*Previously faxed*)
- September through December meeting schedule: corrections & approval (*Previously faxed*)
- November planning seminars

2. Core Preservation Area

- L.I. Compost Corp. / Eastport: nondevelopment certification request status
- Hampton Athletic Club / East Quogue: status and proposed resolution
- Gazza / Westhampton: new hardship application
- Manorville Post Office / Manorville: development status of expansion site plan
- Core boundary changes: report on the current four site investigations (*from 7/26*)

3. Compatible Growth Area

- Toussie South / Miller Place: extension of decision (*currently 8/25 deadline*)
- Love Christian Assembly / Middle Island: possible decision (*11/3 deadline*)

4. Pine Barrens Credit (PBC) Program

- PBC Board of Advisors: status of appointments
- PBC Bank and Clearinghouse: possible name change
- PBC Handbook: final version and discussion of major changes (*PBC Handbook, Certificate form, easement, etc.*)
- PBC Clearinghouse capitalization fund: contract

5. Other Plan Items

- Law Enforcement and Protected Lands Councils: status of work and rescheduling of detailed discussion with Commission
- Amendment of town laws: Article 57 time frames

6. Executive Session

7. Public hearings at 5:00 pm (after adjournment of regular meeting)

- U-Haul Ministorage / Coram: CGA site plan
- Bagatelle Nursery / Eastport: CGA hardship
- Clancy Street Food Court / Manorville: Core boundary change request

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Meeting Summary (FINAL) for August 23, 1995 (Approved 9/6/95) Riverhead Town Hall / 2:00 pm

Present: Mr. Dragotta (for Suffolk County), Mr. Girandola (for Brookhaven), Mr. Stark (for the executive session) and Ms. Filmanski (for Riverhead), and Mr. Blowes and Mr. Duffy (for Southampton). Mr. Gaffney (Suffolk County Executive and Commissioner), Mr. Cowen (New York State Commissioner) and Mr. Spitz (staff member) were unable to be present due to the fires in the Rocky Point Natural Resource Management Area. General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Hopkins, Mr. Milazzo, and Mr. Pavacic. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Dragotta at approximately 2:31 pm. Mr. Dragotta noted that Mr. Gaffney and Mr. Cowen were not present due to the Rocky Point fires. Mr. Blowes and Mr. Stark arrived later at the points indicated.

Administrative

- Public comment period
Summary: There was one speaker, Mr. Olsen. He objected to the new format for public comment, stating that the public does not take up time at the Commission's meetings, and observed that today's meeting began a half hour late. He stated that it was acceptable to have a time limit per person in place of the new policy. He also noted that he cannot formulate comments based upon the final agenda items alone.
- Draft summary for 8/9 meeting: corrections & approval (Previously faxed)
Summary: Mr. Rigano suggested corrections to the phrasing of the Bagatelle Nursery motion and resolution description, in order to distinguish clearly the original application from the Compatible Growth Area hardship application. **A motion was made by Ms. Filmanski and seconded by Mr. Duffy to approve the draft summary for the 8/9/95 meeting with the suggested changes. The motion was approved unanimously by a 4-0 vote.**
- September through December meeting schedule: corrections & approval (Previously faxed)
Summary: Mr. Corwin distributed a draft schedule of Commission meetings for September through December of 1995, with the locations shown tentatively reserved by Ms. Trezza. It was suggested that the meeting prior to Thanksgiving be shifted from Wednesday to Tuesday. The revised schedule was agreed to, and Ms. Trezza was asked to determine room availability for that new date prior to approval.

- November planning seminars
Summary: Ms. Plunkett distributed a description of proposed planning seminars for local government officials and other parties to explain the final Plan's status, provisions, etc. They are tentatively set for the middle of November. No detailed discussion was held.
- September through December meeting schedule: corrections & approval (Previously faxed)
Summary: Ms. Trezza reported that Brookhaven Town had a room for the new date prior to Thanksgiving. **A motion was then made by Mr. Duffy and seconded by Ms. Filmanski to approve the following revised schedule of Commission meetings, with all meetings starting at 2:00 pm, and all but one of the meetings on Wednesdays: 9/6/95 and 9/20/95 at Riverhead Town Hall, 10/11/95 at Brookhaven Town's Building 4 in Medford, 10/25/95 at Riverhead Town Hall, 11/8/95, 11/21/95 (the only Tuesday meeting) and 12/6/95 at Brookhaven Town's Building 4 in Medford, and 12/20/95 at Riverhead Town Hall.**

The motion was approved unanimously by a 4-0 vote.

Core Preservation Area

- L.I. Compost Corp. / Eastport: nondevelopment certification request status
Summary: Mr. Rigano reported that he has received several previous decisions and opinions regarding the status of composting operations, some pertaining to agricultural laws. He needs additional time to study them. No further discussion was held.
- Hampton Athletic Club / East Quogue: status and proposed resolution
Summary: Mr. Rigano, Ms. Plunkett, Mr. DiPietro (attorney for the applicant), and Mr. Duffy each described aspects of the proposed trail easement which has been agreed to as a partial resolution of the current Environmental Conservation Law Article 57 violation. The easement details will be worked on by those people, and the result submitted to the Commission for final consideration.
- Gazza / Westhampton: new hardship application
Summary: Ms. Plunkett described the new application, which involves 4600 square feet of clearing, as opposed to the original 7000 square feet, and noted that Mr. Gazza wishes to waive the public hearing for this new application.

Mr. Gazza stated that the new application was approved by the Southampton Planning Board on 7/13/95, that the Suffolk County Health Department has approved the prior larger project, that the new project includes a total of 12,000 square feet of space, and that the revised project uses a portion of the site which was already cleared. He compared his application to the prior core hardship applications for the Nemeth Northern Sites project, the Tuccio Ministorage project, and the American Physical Society office expansion project. He stated that there would be no net loss of vegetation.

*Mr. Girandola asked whether the public hearing could be waived. Mr. Rigano replied that the hearing ought to be held pursuant to ECL 57-0121(10). **A motion was made by Mr. Girandola and seconded by Mr. Duffy to hold a hearing on the new core hardship application of Mr. Gazza at 5:00 pm on 9/6/95 at the Riverhead Town Hall. The motion was approved unanimously by a 4-0 vote.***

- Manorville Post Office / Manorville: development status of expansion site plan
Summary: Ms. Plunkett and Mr. Rigano described a request from the United States Postal Service for a determination of the development status of the proposed expansion of the Manorville Post Office. A SEQRA coordination letter was received from Brookhaven Town.

Mr. Rigano outlined three questions regarding this project: whether the pine barrens law applies to this project; if so, whether the project is nondevelopment; and, if it is development, whether the Commission should seek lead agency status as per the Plan. Mr. Girandola noted that the site is leased from a private owner, and that a town permit is needed.

After a brief discussion, it was decided that a letter will be forwarded to the Postal Service asserting jurisdiction and stating that the project is nondevelopment under the pine barrens law.

- Core boundary changes: report on the current four site investigations (from 7/26)
Summary: Ms. Plunkett summarized the results of her research into the three current core boundary change requests (i.e., excluding the Clancy St. Food Court request).

The Olsen request involves three parcels on Townsend Avenue in Flanders which resulted from a preliminary subdivision approval granted prior to 6/1/93. The three parcels contain a house, a tree farm and a disturbed area. The Scotto request includes two parcels which also resulted from a preliminary subdivision approval granted prior to 6/1/93. One parcel contains a house and one parcel is undeveloped. The Mazarakis request involves a single parcel which previously had a house on it, and documentation of that fact was received by the Commission.

It was agreed that there was an alternative to a core boundary change in each of these three cases.

Compatible Growth Area

- Toussie South / Miller Place: extension of decision (currently 8/25 deadline)
*Summary: Ms. Plunkett stated that a letter has been received from the applicant's attorney requesting an extension of the Commission's decision deadline to 10/23/95 due to the need for additional time to refine the proposed covenants with the Suffolk County Health Department. **A motion was made by Mr. Girandola and seconded by Mr. Duffy to accept the request for an extension of the Commission's decision deadline for the Toussie South application to 10/23/95. The motion was approved unanimously***

by a vote of 4-0.

- Love Christian Assembly / Middle Island: possible decision (11/3 deadline)
Summary: A motion was made by Mr. Duffy and seconded by Mr. Girandola to approve the application of the Love Christian assembly. A discussion followed regarding the vegetation plan, and the motion was amended by the two sponsors to include the condition that the new vegetation plan required by the Commission must be reviewed by the Brookhaven Town Planning Board or its staff. The amended motion was then approved unanimously by a 4-0 vote.

Pine Barrens Credit (PBC) Program

- PBC Board of Advisors: status of appointments
Summary: No discussion was held on this topic.

Mr. Blowes arrived during the following topic.

- PBC Bank and Clearinghouse: possible name change
Summary: Mr. Rigano described the possible change in name of the Pine Barrens Credit Bank and Clearinghouse to a name which does not include the word "bank", due to the possible legal implications of that word. Such a change would be an amendment to the Plan. No action was taken at this time.
- PBC Handbook: final version and discussion of major changes
Summary: Mr. Milazzo handed out and described the latest version of the Pine Barrens Credit Handbook, dated 8/21/95. He described the current form of the conservation easement, and noted that it is based partly upon similar easements used by the state, county and Southampton Town.

Mr. Hopkins described the sections of the easement in detail, and answered several questions. Mr. Rigano raised the question of what the market value of the credits will be and how that would be determined. Other topics addressed were the possible use of Dr. Nicholas' services for helping to establish credit values, the issuance of the Letters of Interpretation, and the standards or criteria which the Commission might employ in reviewing credit allocation appeals.

- PBC Clearinghouse capitalization fund: contract
Summary: Mr. Rigano stated that the proposed contract had been received from the NYS Department of Environmental Conservation's (NYS DEC) Albany office, and that the contract would need to be signed by the Commission, the NYS DEC, the State Comptroller, and the State Attorney General. He highlighted two provisions of the contract for the Commission, namely a standard "hold back" provision for \$50,000 and an indemnification provision.

A discussion followed regarding the possible placement of the funds in the care of the Suffolk County Treasurer's office, and it was agreed that a meeting would be set up to

explore that option.

Other Plan Items

- Law Enforcement and Protected Lands Councils: status of work and rescheduling of detailed discussion with Commission
Summary: Mr. Corwin summarized the current work of both councils. The Law Enforcement Council is preparing a Law Enforcement Handbook which would contain a summary of applicable laws and regulations as well as maps, and is intended to be carried by patrol officers. The Law Enforcement Council is also developing a data base of laws and regulations, conducting interagency field operations and preparing a funding request for radios, all terrain vehicles, and global positioning systems equipment. Representatives of the Council will speak with the Commission at an upcoming meeting, currently scheduled for 9/20/95.

The Protected Lands Council is scheduling the first of their post-Plan adoption meetings, and will identify tasks to address, including mapping, a fire management plan, and other items. Members of the Protected Lands Council will also meet with the Commission at a future date, which has not been scheduled.

- Amendment of town laws: Article 57 time frames
Summary: Mr. Duffy reported that the Southampton revisions were ready for consideration. A hearing will be held on 9/12/95 by the Southampton Town Board, and copies of the proposed changes would be made available to the Commission soon. Ms. Filmanski noted that the Riverhead work was progressing, and Mr. Girandola stated that Brookhaven Town was ready to hold hearings on their changes, with dates to be confirmed. It was agreed that a letter would be forwarded to the three towns reminding them of the statutory timetable for updating of their local codes.

Mr. Stark was present for the following executive session.

Executive Session

Summary: A motion was made by Ms. Filmanski and seconded by Mr. Girandola to enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously by a 4-0 vote. The Commission entered into executive session at approximately 4:40 pm and returned to open session at approximately 5:15 pm.

Adjournment

Summary: A motion to adjourn was made by Ms. Filmanski and seconded by Mr. Girandola. It was approved unanimously by a 4-0 vote. The meeting ended at approximately 5:15 pm.

Attachment: Attendance and speaker sign-in sheets.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Agenda (DRAFT) for September 6, 1995 Riverhead Town Hall / 2:00 pm

1. Administrative

- Draft summary for 8/23 meeting: corrections & approval (*Previously faxed*)
- November planning seminars: scheduling

2. Core Preservation Area

- L.I. Compost Corp. / Eastport: development status update
- Schmelzer / Calverton (Brookhaven Town): subdivision development status ??
- Eagle's Nest Homes / Riverhead: new hardship application

3. Compatible Growth Area

- Manorville Nursery expansion site plan / Manorville: status
- Center Manor Plaza site plan / Manorville: revised plan and status
- Bagatelle Nursery / Manorville: decision (*9/7 deadline*)

4. Pine Barrens Credit (PBC) Program

- PBC Board of Advisors: new appointment and corresponding change in treasurer designation
- PBC Bank and Clearinghouse: rules and procedures
- PBC Handbook: final version adoption
- PBC Clearinghouse capitalization fund: contract status

5. Other Plan Items

- Amendment of town laws: status
- Chap. 7 Public Lands Management - Sections 7.6.9 and 7.6.10: Completion of fire management and response plan

6. Executive Session (*if needed*)

7. Public hearing at 5:00 pm (after adjournment of regular meeting)

- Gazza / Westhampton: core hardship application

DRAFT Agenda - Please forward any comments as soon as possible.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Agenda (FINAL) for September 6, 1995 Riverhead Town Hall / 2:00 pm

1. Administrative

- Draft summary for 8/23 meeting: corrections & approval (*Previously faxed*)
- November planning seminars: scheduling

2. Core Preservation Area

- L.I. Compost Corp. / Eastport: development status update
- Schmelzer / Calverton (Brookhaven Town): subdivision development status
- Eagle's Nest Homes / Riverhead: new hardship application

3. Compatible Growth Area

- Manorville Nursery expansion site plan / Manorville: status
- Center Manor Plaza site plan / Manorville: revised plan and status
- Bagatelle Nursery / Manorville: decision (*9/7 deadline*)

4. Pine Barrens Credit (PBC) Program

- PBC Board of Advisors: new appointment and corresponding change in treasurer designation
- PBC Clearinghouse: rules and procedures
- PBC Clearinghouse: capitalization fund contract status

5. Other Plan Items

- Amendment of town laws: status
- Chap. 7 Public Lands Management - Sections 7.6.9 and 7.6.10: Completion of fire management and response plan

6. Executive Session

7. Public hearing at 5:00 pm (after adjournment of regular meeting)

- Gazza / Westhampton: core hardship application

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Meeting Summary (FINAL) for September 6, 1995 (Approved 9/20/95) Riverhead Town Hall / 2:00 pm

Present: Mr. Proios and Mr. Dragotta (for Suffolk County), Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Duffy (for Southampton) and Mr. Cowen (for New York State). General counsel included Mr. Rigano and Ms. Roth. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Hopkins, Mr. Milazzo, Mr. Pavacic, Mr. Spitz and Capt. Conklin. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:20 pm.

Administrative

- Public comment period

Summary: Mr. Greg Good, representing the Cobblebridge Condominiums in Manorville, read a letter from Mr. Peter Maniscalco to Mr. Pavacic of the Brookhaven Town Planning Department. The letter supports the classification of the Manorville Nursery Expansion project, currently before the town for review, as containing a "mining" component, and not a regrading of land. A copy of the letter is attached.

Mr. Amper of the L.I. Pine Barrens Society reported that the Consensus Group wrote to the Governor requesting a meeting on the state acquisition funding and to ask for an expedited state appointment to the Pine Barrens Credit Program's Board of Advisors. A copy of the letter is attached.

- Draft summary for 8/23 meeting: corrections & approval (Previously faxed)

Summary: Suggested changes to the draft 8/23/95 summary included: (1) on page 2, under the Gazza summary, the phrase "only that portion of the site" should be replaced with "a portion of the site"; (2) on page 3, also under the Gazza summary, the phrase "ought to be held" should be replaced with "ought to be held pursuant to ECL 57-0121(10)"; (3) on page 3, under the Manorville Post Office summary, the phrase "letter will be forwarded to the Postal Service stating" should be changed to "letter will be forwarded to the Postal Service asserting jurisdiction and stating"; (4) on page 3, under the Toussie summary, the phrase "to 10/23/95" at the end of the first sentence should be changed to "to 10/23/95 due to the need for additional time to refine the proposed covenants with the Suffolk County Health Department"; and (5) on page 5, under the Amendments of Town Laws summary, a sentence should be added at the end noting that a letter should be forwarded to the towns regarding the statutory

deadlines.

A motion was made by Ms. Filmanski and seconded by Mr. Duffy to approve the summary of the 8/23/95 meeting as per these modifications. The motion was approved unanimously.

- November planning seminars: scheduling
Summary: Ms. Plunkett discussed the content of, and intended audiences for three education seminars in November. The seminars would be held on two dates, and would be for local government officials, consultants, organizations, and other interested individuals. The dates of 11/10/95 and 11/14/95 were discussed. It was noted that 11/10/95 was a holiday, and a new date will be sought.
- Acknowledgement of Tom Morris' impending retirement (not on the original agenda)
Summary: Mr. Proios noted that Mr. Morris, a reporter for Newsday who is a faithful attendee at Commission meetings as well as other planning meetings in Suffolk County, will be retiring soon. Mr. Proios thanked him for his efforts over the years, and invited him to make a statement.

Mr. Morris spoke briefly about his approximately 30 years of experience covering regional planning topics. He mentioned the various efforts he has covered, and culminating with the Commission's work. He expressed his pleasure at being able to witness so many significant events unfold. A round of applause followed his remarks.

Core Preservation Area

- L.I. Compost Corp. / Manorville: development status update
Summary: Mr. Rigano has received copies of decisions on the legal status of composting, both within and outside of New York State, and copies of these were provided to the Commissioners. In the discussion which followed, it was noted that new county legislation regarding composting is pending, and Mr. Proios read a joint letter on the current project from the L.I. Pine Barrens Society and the Nature Conservancy. It was noted that the L.I. Waste Management Institute at the State University of NY at Stony Brook is interested in possibly organizing a composting seminar. Ms. Wiplush asked for a copy of the pending county law, which Mr. Proios will obtain. The distributed decisions may be discussed at the next meeting.
- Schmelzer / Calverton (Brookhaven Town): subdivision development status
Summary: Ms. Plunkett summarized this project, known as George's Manor. It is a proposed 21 lot subdivision on 42.6 acres, located between River Road and SR 24 in Brookhaven Town's portion of Calverton. The discussion centered upon what approvals had been received, including the 2/10/92 Planning Board resolution regarding the cluster proposal. It was decided that copies of the yield map and any negative declaration would be sought from the town. It was noted that, upon receipt of these documents, counsel's advice would be sought on the issue of whether or not the project is nondevelopment pursuant to ECL 57-0107(13)(ix).

- Eagle's Nest Homes / Riverhead: new hardship application
Summary: Ms. Plunkett summarized this application for a single residence on a one half acre lot on the south side of Wading River Manor Road. The lot is in an area which is partially built at a one half acre density, but is currently within Riverhead's Natural Resources Protection zone, where 4 acre lots are generally required.

A motion was made by Ms. Filmanski and seconded by Mr. Duffy to hold a core area hardship hearing on this application on 9/20/95 at the Riverhead Town Hall at 5:00 pm. The motion was approved unanimously.

Compatible Growth Area

- Manorville Nursery expansion site plan / Manorville: status
Summary: This discussion addressed the status of this application within Brookhaven Town, the application of the clearance standard if this project should arrive before the Commission, a possible site visit, and the possibility of the Commission asserting jurisdiction over this project pursuant to ECL 57-0123(2).

Mr. Spitz stated that the first question was whether the Commission has jurisdiction. Mr. Rigano noted that there is currently no application before the Commission. Mr. Cowen asked whether the clearing is within the current standards, and Ms. Plunkett observed that the answer depends upon the definition of the project site. The discussion also touched upon the jurisdiction of the NYS DEC.

- Center Manor Plaza site plan / Manorville: revised plan and status
Summary: Mr. Rigano reported that the site plan has been revised to conform with the Commission's clearing limits, and that the revised plan has been approved by the town. He stated that this is a new application, but that there has already been a hearing on the original application. The new application only differs from the old one in the amount of vegetation being cleared. He stated that a new hearing is unnecessary, and that this application is ripe for a decision today.

A motion was made by Mr. Cowen and seconded by Mr. Duffy to approve the new Center Manor Plaza application. The motion was approved unanimously.

- Bagatelle Nursery / Manorville: decision (9/7 deadline)
Summary: Ms. Roth summarized the hardship data presented by Mr. Frederick Wood at the public hearing on 8/23/95. She stated that the project does meet all hardship criteria except number 4 which states that the "alleged hardship is not self-created". A discussion ensued regarding whether it was possible for the applicant to know about the slope condition prior to making a formal petition to the town for a major subdivision. Ms. Roth further stated that the Commission does have some discretion in its review of the hardship criteria and would be able to approve the project.

Mr. Cowen asked about the mitigation plans that were presented at the hearing. Ms. Plunkett stated that she had reviewed those plans and had written a letter to the

applicant's surveyor asking for more information and detail. The Commission reviewed the letter and stated that the information in the letter should form the basis for a conditional approval.

A motion was made by Ms. Wiplush and seconded by Mr. Cowen to approve the application with conditions as stated in the staff letter dated August 30, 1995. The motion was approved unanimously.

Pine Barrens Credit (PBC) Program

- PBC Board of Advisors: new appointment and corresponding change in treasurer designation
Summary: A motion was made by Ms. Filmanski and seconded by Mr. Cowen to remove Mr. Robert Dick as a treasurer of the Commission, due to his resignation from the Board of Advisors, and to name Mr. John Hanley, the new Riverhead representative to the Board of Advisors, as a treasurer of the Commission. The motion was approved unanimously.
- PBC Clearinghouse: rules and procedures
- PBC Clearinghouse: capitalization fund contract status
Summary: Mr. Hopkins distributed and discussed a draft of rules and regulations for the Pine Barrens Credit Program Clearinghouse. He stated that the rules would formalize the conventions already identified in the Plan and provide additional administrative guidance. It was agreed that the naming of a Chair of the Board of Advisors and the approval of the final version of the Pine Barrens Credit Program Handbook (including the preapproved conservation easement and other attachments) would be placed on the 9/20/95 agenda. A brief discussion was then held regarding the availability and possible distribution of lists of title companies in Suffolk County.

Other Plan Items

- Amendment of town laws: status
Summary: The three hearings scheduled by the towns on their proposed code amendments were confirmed. The dates are 9/12/95 for Southampton (at the Town Hall at 1:00 pm), 9/19/95 for Brookhaven (at the Medford office complex, Building 4, at 7:00 pm) and 10/3/95 for Riverhead (at the Town Hall at 7:00 pm). Copies of all three proposals should be available soon, and will be distributed immediately to Commission members.
- Chap. 7 Public Lands Management - Sections 7.6.9 and 7.6.10: Completion of fire management and response plan
Summary: Mr. Proios stated that there should be follow-up studies to the recent fires, and broached the possibility of a group being organized with an appropriate charge. He noted that certain scientific studies could be performed to provide base information for future prescribed burns.

Mr. Cowen stated that a different orientation was needed for any post-fire work. Specifically, he suggested that there needs to be an examination of the overall fire management plan, that the volunteer firefighters need to be a central part of that work, that life and property protection must be the primary concerns, and that emergency, land management, and other organizations ought to be involved as well. He noted that any prescribed burn efforts, and their ecological importance or impact, would be specified as a small part of that overall plan.

Mr. Corwin noted that there are several pages in the current Plan which address fire, both prescribed burning and wildfire response, and that there are several sources of imagery available. The discussion concluded with the agreement that Mr. Cowen would put together a suggested structure of a fire plan development group for the 9/20/95 Commission meeting.

- Law Enforcement Committee: preview of upcoming presentation (not on the original agenda)

Summary: Mr. Corwin noted that the Law Enforcement Committee is hoping to meet with the Commission at the 9/20/95 meeting. He noted several of the tasks currently being pursued by the committee members: production of the Law Enforcement Handbook, compilation into a personal computer-based data base of all laws (state, county, town, etc.) applicable to the central pine barrens, listings produced from the data base which will be part of the Handbook, updates of the protected lands map (which will also be in the Handbook), and the pursuit of a grant from the management portion of the county's Drinking Water Protection Program funds.

The grant would be used for the purchase of digital radios for interagency field communication, two different types of global positioning units (for both field enforcement and cartography), and the purchase of one or more off-road patrol vehicles.

Executive Session and Adjournment

Summary: A motion was made by Mr. Duffy and seconded by Ms. Filmanski to enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously. The Commission entered into executive session at approximately 4:35 pm. A motion to exit executive session and to adjourn was made by Mr. Cowen and seconded by Ms. Filmanski. It was approved unanimously. The meeting ended at approximately 5:03 pm.

Attachments:

- Letters from: (1) Mr. Maniscalco re Manorville Nursery Expansion, (2) Consensus Group re acquisition and the PBC Board, and (3) L.I. Pine Barrens Society and the Nature Conservancy re L.I. Compost
- Speaker and attendance sheets.

**Central Pine Barrens
Joint Planning and Policy Commission**

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739

**Session of September 6, 1995
Riverhead Town Hall**

Present: Ms. Filmanski (for Riverhead), Mr. Proios and Mr. Dragotta (for Suffolk County), Ms. Wiplush (for Brookhaven), Mr. Cowen (for New York State), Mr. Duffy (for Southampton)

**Resolution Removing Robert Dick from
the Office of Treasurer and Appointing
John F. Hanley to the Office of Treasurer**

WHEREAS by resolution dated August 9, 1995, the Commission appointed Robert Dick as a treasurer of the Commission; and

WHEREAS Robert Dick has resigned from the Board of Advisors of the Central Pine Barrens Credit Bank and in his place John F. Hanley has been appointed to the Board of Advisors; and

WHEREAS the Commission wishes each member of the Board of Advisors to serve as treasurer of the Commission;

NOW, THEREFORE, be it

RESOLVED that John F. Hanley is hereby appointed to the office of treasurer of the Commission.

Record of Motion:
Motion by Ms. Filmanski
Seconded by Mr. Cowen

Yea Votes:
Unanimous

9/6/95
COMMISSION
Meeting
ATTACHMENT #1

September 2, 1995

52 Ava Court
Manorville NY 11949

John W. Pavacic
Assistant Director
Brookhaven Town Planning Board
Environmental Protection Division
3233 Route 112
Medford NY 11763

Dear Mr. Pavacic:

I received a copy of the Final Environmental Impact Statement concerning the Manorville Nursery Expansion on August 25, 1995. My comment on this report falls within the 10 period that I am allowed.

I support the contention of the NYS Department of Environmental Conservation that this project includes a mining operation. The applicants interpretation of "mining", where it is included in "ECL § 23-2705", is preposterous. To suggest that the Mirando Mine, which will operate from between 4.5 to 6 years, is merely an "excavation in aid of agricultural activities" is to defy logic.

Further, for the Brookhaven Town Planning Board to continue to maintain that the Mirando Mine is merely a "regrading" of the land, defies common sense. In this regard, I request a copy of the written interpretation by the Planning Board's legal counsel, as it pertains to the definition of mining in this case. As a resident of Brookhaven Town, whose wife owns a residence across the street from the proposed Mirando Mine, and if we find that we and or our neighbors are aggrieved by the decision of the Brookhaven Town Planning Board, we have the right to seek redress of this matter, including through the courts.

Sincerely,

Pete M

Pete Maniscalco

copies: Michael Zagata, Albany, NYS DEC
Ray Cowen, Region 1, NYS DEC
Mark Carrara, Region 1, NYS DEC
Ray Corwin, Central Pine Barrens Joint Planning and
Policy Commission
Cobbleridge Condominium Board of Managers

9/6/95 Commission Meeting

ATTACHMENT #2

"THE CONSENSUS GROUP"

September 5, 1995

Honorable George E. Pataki, Governor
New York State
Executive Chamber
Albany, New York 12234

Dear Governor Pataki:

On behalf of the Consensus Group, I want to congratulate you on the ratification of the Pine Barrens Comprehensive Land Use Plan.

As you are probably aware, the Pine Barrens Commission has established the Pine Barrens Credit Board of Advisors, which is responsible for the transfer of development rights program as set out in the plan. The Consensus Group strongly urges you to appoint Mitchell Pally, Vice President of the Long Island Association.

Mr. Pally is a resident of Suffolk County, a member of the Pine Barrens Advisory Committee, and has been integrally involved in the development of the Plan. Mr. Pally currently sits on the Town of Brookhaven's Industrial Development Agency Board.

By appointing Mr. Pally to the Pine Barrens Credit Board of Advisors, you will maintain the public/private cooperative approach that has successfully brought us to this point. As important, he will enhance an already credible, intelligent, and responsive board.

The members appointed thus far are:

Charles Stein, Vice President for Public Finance; Roosevelt and Cross Incorporated by County Executive Robert Gaffney

James T.B. Tripp, General Counsel; Environmental Defense Fund by Supervisor John LaMura (Brookhaven)

Jack Hanley, Vice President; Suffolk County National Bank by James Stark (Riverhead)

Robert Duffy, Director; Southampton Town Department of Land Management by Richard Blowes (Southampton)

On behalf of the Consensus Group, which consists of elected state officials, business interests, builders, labor, and environmental organizations, I thank you for your consideration.

Please feel free to call Mr. Pally at (516) 499-4400 or me at (516) 563-0291 if you should have any questions or be in need of additional information.

Sincerely,



Michael LoGrande, Executive Director
Suffolk County Water Authority

attachment

cc: Robert Gaffney, Chairman, Pine Barrens Commission
Ray Cowen, Governor Pataki's Representative, Pine Barrens
Commission
Raymond Corwin, Executive Director, Pine Barrens Commission

ciPally/md

9/6/95

ATTACHMENT #3

"THE CONSENSUS GROUP"

September 1, 1995

Honorable George E. Pataki, Governor
New York State
Executive Chamber
Albany, New York 12224

DRAFT!

Dear Governor Pataki:

On behalf of the Consensus Group, I want to thank you for your continued support and congratulate you on the ratification of the Pine Barrens Comprehensive Land Use Plan.

As you may recall, the Consensus Group requested a meeting with you back in May to discuss funding for the Pine Barrens (see attached letter and press clip). Since that time, your budget does authorize the funding necessary to implement the program for the '95-'96 fiscal year -- \$15 million for acquisition of environmentally sensitive lands and \$650,000 for operations and staffing of the Central Pine Barrens Commission as well as the \$5 million for the transfer of development rights bank through the "Northville Settlement." For this we commend you and the Legislature.

We would like to renew our request for a meeting with you at your earliest convenience in order to discuss the availability and release of these funds in order that these monies may be efficiently, effectively, and expeditiously spent.

On behalf of the Consensus Group, which consists of elected state officials, business interests, builders, labor, and environmental organizations, I thank you for your consideration and look forward to meeting.

I will be calling your office within the next week to arrange such a meeting. In the meantime, should you or your staff have any questions or be in need of additional information please feel free to call me at (516) 499-4400.

Sincerely,

Matthew Crosson, President
Long Island Association

attachment

cc: Robert Gaffney, Chairman, Pine Barrens Commission

C: 9/20/95/mj

**PINE BARRENS
SOCIETY**



August 22, 1995

COMMISSION MEETING
9/6/95
ATTACHMENT #4

The Honorable
Robert Gaffney
Chairman
Central Pine Barrens Joint Planning & Policy Commission
P.O. Box 587
Great River, New York 11739

Dear Mr. Gaffney:

We are writing to express our concern about plans to relocate an existing composting facility to the Core Preservation Area of the Central Pine Barrens.

Our organizations support composting as one solution to Long Island's solid waste disposal system and recognize that the existing Eastport facility is inappropriately sited. Nevertheless, we believe composting to be an inappropriate activity for the Core Preservation Area of the Central Pine Barrens and are concerned about the precedent represented by siting commercial activity of this scale in this environmentally-sensitive area without regard to the ecological and hydrological implications.

In the interest of accommodating the concerns of all stakeholders, our groups would like to offer to convene a meeting of scientists and land use planners to identify an alternative location, both to the existing site and those being considered in the Core Preservation Area of the Central Pine Barrens.

In the spirit of cooperative accommodation, our organizations will convene such a meeting on September 25 and will work with Commission staff and other experts in and out of government to bring about the best possible resolution to this problem.

We hope we will have your support and cooperation and that no final decision will be made to relocate this facility to the Core Preservation Area while we endeavor to find a more suitable site.

Sincerely,
The Nature Conservancy

Sara Davison
Sara Davison
Executive Director

Sincerely,
L.I. Pine Barrens Society

Richard Amper
Richard Amper
Executive Director

Central Pine Barrens Joint Planning and Policy Commission

MEETING FOR:

Central Pine Barrens Commission

LOCATION:

Riverhead Town Hall

DATE/TIME:

9/6/95 2:00pm

NAME	REPRESENTING	ADDRESS	TELEPHONE/FAX
Mezza	CPBC / SCWA	Sunrise Hwy Shoat River	563-0385
Bob Cooklin	NYS Forest Ranger	DEC, Stony Brook	444-0291
Ames	LIPBS	Box 425 Manville	369-3300
William Sharwood (Gen)	C.P.R.	1139 Flanders Rd. Riverhead	727-5696
ED QUAREMBA	NASSAU	56 PARKVIEW CIRCLE, BETHPAGE	438-8145
JOM MORRIS	NEWSROOM	MELVILLE	847-2768, 2959
Bradley Nash	The Nature Conservancy	250 Lawrence Hill Rd. Cold Spr Harbor	367-3225
M. M. Anteman	"	"	"
Stuart Lowrie	"	"	329-7689
John M. Lopez	CPBC	Sunrise Hwy / G. River	563-5692
Tim Hopkins	GCWA		563-0308 / 277-4097
Vi Hodgkins	37 DIETZ AVE. LAKE GROVE		588-8459
B. Wipflish	TOWN OF BROOKHAVEN		951-6500
Roy S. DeGroot	Suff. Ct.		853-5133
George Proios	"		
Ray Cowen	Gov. Pataki	SUNY, STONY BROOK	444-0345
Bill Spitz	NYS DEC	SUNY BLDG. 40 STONY BROOK	444 0419
Frederic Edmunds	Riverhead	200 Howell Ave 12nd	727 3200
Robert Duffy	Southampton	Town Hall	287-5735
Doris Elton	Gen. Council	395 N Service Rd. Melville NY	694-8005
Jim Rigano	Gen. Council	"	"
Ray Conni	PS Comm.		563-0307

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

**Commission Agenda (DRAFT) for
September 15, 1995
Brookhaven Town offices, Building 4, Medford / 2:00 pm**

1. Plan Implementation

- Brookhaven Town code amendments: review, comments, and possible approval
- Southampton Town code amendments: review, comments, and possible approval

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Agenda (FINAL) for September 15, 1995 Brookhaven Town offices, Building 4, Medford / 2:00 pm

1. Plan Implementation

- Brookhaven Town code amendments: review, comments, and possible approval
- Southampton Town code amendments: review, comments, and possible approval

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

Highway, 2nd Floor
York 11739-0587
Fax 516-277-4097

Commission

See "revised final draft" of this meeting
(dated 9/29/95) which follows this
version!

95)

Present: Mr.
Riverhe
Rigano
Trezza
shown

ki (for
I was Mr.
Corwin, Ms.
ndeeds are

The meeting was called to order by Mr. Proios at approximately 2:32 pm.

Administrative

- Public comment period
Summary: Mr. Sina Mahfar, owner of commercially zoned acreage within the Brookhaven portion of the Core Preservation Area, addressed the Commission on the lack of a Pine Barrens Credit allocation formula for such property. He stated that he has sent numerous letters and provided many comments on this subject during the plan development period, but that there has been no concrete response to date. He noted that he is willing to suggest a formula to help the Commission arrive at a final one.
- Letter offering help in aftermath of fire (not on the original agenda)
Summary: Mr. Proios reported that the County Executive's office has received an offer of assistance from the Youth Conservation Corps to provide workers to assist with any necessary post-fire work.

Plan Implementation

- Brookhaven Town code amendments: review, comments, and possible approval
Summary: Copies of the Brookhaven draft zoning code amendments were distributed to the Commissioners by overnight mail in the days prior to the meeting. Mr. Rigano reported that Commission counsel and staff members have worked closely with the Brookhaven town attorney's staff on the draft amendments. Several changes have been made as a result, and a revised draft was distributed. Mr. Rigano recommended approval by the Commission.

Also discussed was a 9/14/95 letter from Mr. Eversoll of the LI Builders Institute

regarding the minimum lot square footage and average lot square footage requirement in the draft, as well as the minimum lot width and side yard distance requirements. The letter is attached.

After a brief discussion, a motion was made by Mr. Duffy and seconded by Ms. Filmanski to approve the revised draft of the Brookhaven code amendments. The motion was approved unanimously by a 4-0 vote.

- Southampton Town code amendments: review, comments, and possible approval
Summary: Copies of the Southampton draft zoning code amendments were also distributed to the Commissioners by overnight mail in the days prior to the meeting. Mr. Rigano highlighted several portions of the proposed amendments, including the allocation of credits by the town (which would be subject to Commission review) and the issue of receiving areas within the Riverhead School District.

Mr. Rigano suggested that any approval by the Commission of the draft amendments be subject to the condition that appropriate receiving areas be developed for that area. Mr. Duffy agreed, and noted the town's intention to have a maritime district, which would apply to the Riverhead School District portion of the town. During the discussion which followed, Mr. Rigano suggested that a break be taken in order to permit the town representatives to contact their Planning Department staff for additional information. The meeting briefly recessed from approximately 3:02 to 3:25.

Upon resumption, Mr. Bruyn, a Southampton Deputy Town Attorney, went through the four issues noted by Mr. Rigano. The first issue was the incorporation of the Plan's standards and guidelines into the town code. Each standard or guideline was discussed and its treatment was noted.

The second issue was the allocation formula, which utilizes the square footage figures already present in the Southampton town zoning categories. The illustration used by Mr. Duffy during the discussion was the fact that there is not, strictly speaking, a "five acre" minimum zoning lot size in the current town zoning districts, which would require $5 \text{ acres} \times 43,560 \text{ sq. ft. per acre} = 217,800 \text{ sq. ft.}$ for a minimum lot size. Instead, there is a $200,000 \text{ sq. ft.}$ minimum lot size in the CR-200 residential district, which is equivalent to $200,000 \text{ sq. ft.} / 43,560 \text{ sq. ft. per acre} = 4.59 \text{ acres}$, or roughly 4.6 acres. The draft amendments consequently contain development yield factors which reflect these differences between whole number, acreage-based and whole number, square footage-based lot sizes. A discussion ensued regarding whether this would increase the amount of credits which would have to be potentially absorbed in the town's receiving areas.

The third issue was the allocation of credits to property zoned for other than residential use. The draft amendments contain a provision for allocating one credit per one half acre of such property, and a provision to permit additional allocation upon approval of the Town Board. Mr. Bruyn noted that this rate was based upon both the sewage flow expected from the nonresidential development and the current relationship in the town between nonresidential dimensional requirements and property values. The issues

discussed here include the relationship between "development rights" under the current town programs and "Pine Barrens Credits (PBCs)" under the Plan, and the need for clarification of the provision for additional allocation by the Town Board. Specifically, there is a need to clarify how that relates to PBC approvals and allocations by the Commission. Certain language changes were agreed to as a result.

The fourth and final issue discussed was the Riverhead School District receiving areas. It was agreed that any approval of the draft amendments by the Commission would be subject to the condition that the Riverhead School District receiving areas be identified specifically.

A motion was made by Mr. Duffy and seconded by Ms. Filmanski to approve the draft amendments to the Southampton Town code subject to the above condition regarding the Riverhead School District receiving areas. The motion was approved unanimously by a 4-0 vote.

Adjournment

Summary: The meeting ended at approximately 4:40 pm without a formal adjournment resolution.

Attachment:

- Letter from Mr. Eversoll
- Sign-in sheet.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Meeting Summary (FINAL) for September 15, 1995 (Revised final draft approved 9/29/95) Brookhaven Town offices, Building 4, Medford / 2:00 pm

Present: Mr. Proios (for Suffolk County), Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), and Mr. Duffy and Mr. Freleng (for Southampton). General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Hopkins, Mr. Milazzo, and Mr. Bruyn. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:32 pm.

Administrative

- Public comment period
Summary: Mr. Sina Mahfar, owner of commercially zoned acreage within the Brookhaven portion of the Core Preservation Area, addressed the Commission on the lack of a Pine Barrens Credit allocation formula for such property. He stated that he has sent numerous letters and provided many comments on this subject during the plan development period, but that there has been no concrete response to date. He noted that he is willing to suggest a formula to help the Commission arrive at a final one.
- Letter offering help in aftermath of fire (not on the original agenda)
Summary: Mr. Proios reported that the County Executive's office has received an offer of assistance from the Youth Conservation Corps to provide workers to assist with any necessary post-fire work.

Plan Implementation

- Brookhaven Town code amendments: review, comments, and possible approval
Summary: Copies of the Brookhaven draft zoning code amendments were distributed to the Commissioners by overnight mail in the days prior to the meeting. Mr. Rigano reported that Commission counsel and staff members have worked closely with the Brookhaven town attorney's staff on the draft amendments. Several changes have been made as a result, and a revised draft was distributed. Mr. Rigano recommended approval by the Commission.

Also discussed was a 9/14/95 letter from Mr. Eversoll of the LI Builders Institute

regarding the minimum lot square footage and average lot square footage requirement in the draft, as well as the minimum lot width and side yard distance requirements. The letter is attached.

After a brief discussion, a motion was made by Mr. Duffy and seconded by Ms. Filmanski to approve the revised draft of the Brookhaven code amendments. The motion was approved unanimously by a 4-0 vote.

- Southampton Town code amendments: review, comments, and possible approval
Summary: Copies of the Southampton draft zoning code amendments were also distributed to the Commissioners by overnight mail in the days prior to the meeting. Mr. Rigano highlighted several portions of the proposed amendments, including the allocation of credits by the town (which would be subject to Commission review) and the issue of receiving areas within the Riverhead School District.

Mr. Rigano suggested that the Town agree to seek to add appropriate receiving areas. Mr. Duffy agreed, and noted the town's intention to have a maritime district, which would apply to the Riverhead School District portion of the town. During the discussion which followed, Mr. Rigano suggested that a break be taken in order to permit the town representatives to contact their Planning Department staff for additional information. The meeting briefly recessed from approximately 3:02 to 3:25.

Upon resumption, Mr. Bruyn, a Southampton Deputy Town Attorney, went through the four issues noted by Mr. Rigano. The first issue was the incorporation of the Plan's standards and guidelines into the town code. Each standard or guideline was discussed and its treatment was noted.

The second issue was the allocation formula, which utilizes the square footage figures already present in the Southampton town zoning categories. The illustration used by Mr. Duffy during the discussion was the fact that there is not, strictly speaking, a "five acre" minimum zoning lot size in the current town zoning districts, which would require $5 \text{ acres} \times 43,560 \text{ sq. ft. per acre} = 217,800 \text{ sq. ft.}$ for a minimum lot size. Instead, there is a $200,000 \text{ sq. ft.}$ minimum lot size in the CR-200 residential district, which is equivalent to $200,000 \text{ sq. ft.} / 43,560 \text{ sq. ft. per acre} = 4.59 \text{ acres}$, or roughly 4.6 acres. The draft amendments consequently contain development yield factors which reflect these differences between whole number, acreage-based and whole number, square footage-based lot sizes. A discussion ensued regarding whether this would increase the amount of credits which would have to be potentially absorbed in the town's receiving areas.

The third issue was the allocation of credits to property zoned for other than residential use. The draft amendments contain a provision for allocating one credit per one half acre of such property, and a provision to permit additional allocation upon approval of the Town Board. Mr. Bruyn noted that this rate was based upon both the sewage flow expected from the nonresidential development and the current relationship in the town between nonresidential dimensional requirements and property values. The issues discussed here include the relationship between "development rights" under the current

town programs and "Pine Barrens Credits (PBCs)" under the Plan, and the need for clarification of the provision for additional allocation by the Town Board. Specifically, there is a need to clarify how that relates to PBC approvals and allocations by the Commission. Certain language changes were agreed to as a result.

The fourth and final issue discussed was the Riverhead School District receiving areas. The Town agreed to seek to add appropriate receiving areas in the Riverhead School District.

A motion was made by Mr. Duffy and seconded by Ms. Filmanski to approve the draft amendments dated September 15, 1995 to the Southampton Town code subject to the Town agreeing to seek to add receiving areas in the Riverhead School District and the following changes:

(1) Add the number of acres under the minimum lot area of the zone under the residential development rights allocation table at Section 330-221B(2);

(2) Add the following sentence to the end of Section 330-221B(4): "Any increase in the allocation of PBCs by the Town Board shall be subject to the review and approval of the Central Pine Barrens Joint Planning and Policy Commission pursuant to Chapter 6 of the Plan.";

(3) The examples at the end of Section 330-221B(9) and Section 330-233H concerning impacts on school districts were removed.

The motion was approved unanimously by a 4-0 vote.

Adjournment

Summary: *The meeting ended at approximately 4:40 pm without a formal adjournment resolution.*

Attachment:

- Letter from Mr. Eversoll
- Sign-in sheet.

M E M O R A N D U M

FAX: 277-4097

9/15/95

COMMISSION MEETING

ATTACHMENT #1

TO: RAY CORWIN *RC*
FROM: DONALD M. EVERSOLL
DATE: September 14, 1995
SUBJECT: PINE BARRENS

I reviewed the proposed Town of Brookhaven's Amendments to the subdivision ordinance to comply with the Pine Barren's plan. My suggestions are as follows:

Minimum square footage should be probably 28,000 and 56,000 with an average of no less than 32,000 and 64,000 in the A-residence-1 and A-residence-2 zones respectively;

The minimum lot width should be reduced 20% to 140 feet in the A-residence-1 and 160 feet in the A-residence-2 zone;

Minimum side yard should be reduced to 60 feet total and 20 feet in the A-residence-1 and 64 feet total and 25 feet in the A-residence-2.

If you have any questions, please do not hesitate to call me.

DME:map

cc: Mr. Buzz Schwenk

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Agenda (DRAFT) for September 20, 1995 Riverhead Town Hall / 2:00 pm

1. Administrative

- Draft summaries for 9/6 meetings: corrections & approval

2. Core Preservation Area

- Gazza / Westhampton: decision (*10/10 deadline*)
- L.I. Compost / Manorville: new core hardship application & hearing
- Clancy Street Food Court / Manorville: lead agency determination

3. Compatible Growth Area

- Mavis Development Corp. / Middle Island: decision deadline extension
- Park Ridge Town Square / Manorville: request for status determination (*10/7 deadline*)

4. Pine Barrens Credit (PBC) Program

- PBC Clearinghouse: capitalization fund contract status
- PBC Handbook: final approval

5. Other Plan Items

- Amendment of town laws: current status
- Fire Management Plan (currently Sections 7.6.9 & 7.6.10): Initiative to complete Plan component

6. Executive Session (*If needed*)

7. Public hearing at 5:00 pm (after adjournment of regular meeting)

- Eagles Nest Homes / Riverhead: core hardship application

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Agenda (FINAL) for September 20, 1995 Riverhead Town Hall / 2:00 pm

1. Administrative

- Draft summaries for 9/6 and 9/15 meetings: corrections & approval (*Previously faxed*)
- Second Annual Report: Work in progress for review

2. Core Preservation Area

- Gazza / Westhampton: decision (*10/10 deadline*)
- L.I. Compost / Manorville: new core hardship application & hearing
- Clancy Street Food Court / Manorville: lead agency determination

3. Compatible Growth Area

- Mavis Development Corp. / Middle Island: decision deadline extension (*currently 10/7 deadline*)
- Park Ridge Town Square / Manorville: request for status determination

4. Pine Barrens Credit (PBC) Program

- PBC Clearinghouse: capitalization fund contract status
- Board of Advisors: naming of chair (and possibly vice-chair)
- PBC Handbook: final approval

5. Other Plan Items

- Amendment of town laws: status
- Fire Management Plan: initiative to complete Plan component

6. Executive Session (*If needed*)

7. Public hearing at 5:00 pm (after adjournment of regular meeting)

- Eagles Nest Homes / Riverhead: core hardship application

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Meeting Summary (FINAL) for September 20, 1995 (Approved 9/29/95) Riverhead Town Hall / 2:00 pm

Present: Mr. Proios (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Blowes and Mr. Freleng (for Southampton) and Mr. Cowen (for New York State). General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Hopkins, Mr. Milazzo, Mr. Spitz, and Capt. Conklin. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:17 pm.

Administrative

- Public comment period
Summary: No speakers were on the sign-in sheet. Mr. Amper of the L.I. Pine Barrens Society reported that a meeting is being sponsored by the L.I. Pine Barrens Society and the Nature Conservancy to find an alternate location for the proposed L.I. Compost Corp. site, which is the subject of a core area hardship exemption application. The meeting will be held on 10/2/95 at 10:00 am at the Quogue Wildlife Refuge. He requested that all interested parties attend to help.
- Draft summaries for 9/6 and 9/15 meetings: corrections & approval (Previously faxed)
Summary: Mr. Cowen suggested two changes to the 9/6/95 meeting summary: (1) on page 2, under the Schmelzer / Calverton summary, add the following sentence at the end: "It was noted that, upon receipt of these documents, counsel's advice would be sought on the issue of whether or not the project is nondevelopment pursuant to ECL 57-0107(13)(ix)."; (2) on page 3, under the Manorville Nursery Expansion / Manorville summary, the following phrase should be appended to the end of the first paragraph's last sentence: "pursuant to ECL 57-0123(2)."

A motion was then made by Ms. Filmanski and seconded by Mr. Cowen to approve the summaries of the 9/6/95 meeting with the above changes and the 9/15/95 summary as distributed. The motion was approved unanimously.
- Second Annual Report: Work in progress for review
Summary: Mr. Corwin distributed a work-in-progress draft of the Second Annual Report of Activities for the period from 7/14/94 to 7/14/95. He stated that a brief section on finances will be added and that the draft would be reformatted.

Mr. Cowen observed that the draft correctly avoids referring to the Core Preservation Area as the "third forest preserve" in New York State.

He noted that there has been considerable incorrect use of that phrase, and that the core area is not legally a state forest preserve. At Mr. Cowen's request, Capt. Conklin described the characteristics of the Adirondacks and Catskills preserves. He noted that the state forest preserve designation denotes a "forever wild" status and that logging, for example, is not permitted. Mr. Cowen noted that such a designation could be sought for the Central Pine Barrens, but that we should avoid referring to it as a state "forest preserve" at this time.

Mr. Corwin requested comments, and stated that a revised version would be distributed to the Commissioners in advance of the 10/11/95 meeting. Approval of a final could be done then. He noted that copies of the final report would be distributed to all members of the town, county, state and village legislative bodies, as required by the pine barrens statute, as well as all other interested parties.

Core Preservation Area

- L.I. Compost / Manorville: new core hardship application & hearing
Summary: Mr. Rigano noted that no application for this project has yet been made to Brookhaven Town or the NYS Department of Environmental Conservation. He also observed that this application to the Commission would not be affected by the current process for revising the Town's zoning code to comply with the Plan. He noted that the Commission must conduct the SEQRA lead agency coordination and, under the Plan, must seek lead agency status due to the project's location within the core.

Issues touched upon included which agencies the Commission must coordinate with for determination of lead agency, submittal of an Environmental Assessment Form (EAF), materials which would be needed for review by the Commission, and the holding of a hearing. Other materials requested were an authorization from the owner of the property (since the applicant is a contract vendee), and a copy of the proposed contract between the owner and L.I. Compost for use of the property.

Discussion also ensued regarding a conceptual site plan. It was noted that, minimally, a survey with general areas of proposed activities would be helpful. Finally, the Commission requested that the last paragraph of the hardship petition be clarified, since it appears to contain language from the previous 7/17/95 request for exemption from the statute. The staff was requested to write a letter to the applicant asking for submission of these items. It was noted that thirty days from the receipt of the applicant's letter will be 10/18/95.

A motion was made by Mr. Cowen and seconded by Mr. Girandola to hold a hearing on this core area proposal on 10/18/95 at 6:00 pm at Brookhaven Town Hall. The motion was approved unanimously.

- Clancy Street Food Court / Manorville: lead agency determination
Summary: Ms. Plunkett reported that lead agency coordination responses have been received from Brookhaven Town, the NYS Department of Transportation (which is affected since the proposed development requires access to the LI Expressway South Service Road) and the Suffolk County Department of Public Works (which must issue permits). None of these are seeking lead agency status.

A discussion ensued regarding the response from Brookhaven Town saying that the town was not an involved agency as they did not have the authority to approve a core boundary change. Mr. Cowen stated that the purpose of SEQRA was to evaluate impacts associated with those actions that would be permitted as part of the movement of the core boundary. In this case, that includes a restaurant and associated improvements.

The Commission must designate itself as lead agency today, and that will start a 20 day period to make a determination of significance under SEQRA. Since those 20 days would end on 10/10/95, and the Commission meets on 10/11/95, a one day extension is needed from the applicant. Mr. Sanderman has submitted a letter requesting such an extension.

A motion was made by Mr. Cowen and seconded by Mr. Girandola to designate the Commission as the lead agency for this boundary change proposal and to accept an extension of the time period for making a SEQRA determination until 10/11/95. A discussion ensued regarding whether the application before the Commission is strictly the boundary change or whether it also includes the actual build out. Mr. Rigano stated that boundary changes do require adherence to SEQRA. A further discussion followed regarding the linkage of the boundary change with the intended use of the site. After this discussion, the motion was approved unanimously.

- Gazza / Westhampton: decision (10/10 deadline)
Summary: The transcript from the 9/6/95 hearing was distributed. After a brief discussion, a motion was made by Mr. Blowes and seconded by Ms. Filmanski to approve the Gazza core hardship application. Mr. Cowen stated that the motion and resolution should clearly state what is being approved on which portion of the site, and should refer to the appropriate portion of the hearing transcript. It was also noted that any conditions imposed by Southampton Town are not before this Commission, and that the relief being granted should be the minimum relief necessary, as required by the pine barrens law, and should be what is shown on the site plan.

Possible restrictions upon the outside storage of construction equipment and upon additional clearing were also brought up. There was also agreement that any burned areas on the site should not be considered as cleared areas.

A motion was made by Mr. Cowen and seconded by Mr. Proios to amend the original motion to now contain the following conditions of approval:

- (1) *The minimum relief necessary being granted to relieve the extraordinary hardship*

is for the project described in the Gazza application hearing transcript of 9/6/95, page 3 line 25 through page 4 line 4,

(2) Clearing shall be limited as shown in the clearing limits depicted on the site plan prepared by Raynor & Marcks, P.C., Quogue, NY last dated 6/19/95 and entitled "Site Plan for Southampton Trade's Person Center"; and

(3) the recent fire and its impacts on the property do not constitute "clearing" or otherwise detract from the parcel's natural and ecological values.

The motion to amend the original motion was approved unanimously. The amended original motion was then approved unanimously.

- L.I. Compost / Manorville: new core hardship application & hearing
Summary: Ms. Trezza reported that the Brookhaven Town Hall is not available for the 10/18/95 hearing. A brief discussion followed regarding alternate sites, and it was agreed that an alternate location will be found in the next few days.

Compatible Growth Area

- Mavis Development Corp. / Middle Island: decision deadline extension (currently 10/7 deadline)
Summary: Ms. Plunkett reported that a request has been received for an extension of the decision deadline for this project from 10/7/95 to 10/11/95. A motion was made by Mr. Blowes and seconded by Mr. Cowen to accept the request and extend the deadline as stated. The motion was approved unanimously.
- Park Ridge Town Square / Manorville: request for status determination
Summary: Ms. Plunkett explained that the project sponsors are requesting verification that their project falls within the exemption provisions of ECL 57-0121(8)(c). She read that portion of the law and showed the amended site plan. The project is a shopping center proposal for the west side of CR 111 in Manorville, adjacent to the existing McDonalds restaurant.

A discussion followed regarding that section of the law, specifically the requirement that the project conform to the use and lot area requirements of the zoning in effect on 6/1/93 in order to qualify for the exemption from the limited moratorium. There was also a discussion of whether this would be a new application since it is an amended site plan. Mr. Spitz observed that the difference between the original and amended site plans is approximately 3,000 square feet (i.e., it is an expansion from 77,000 to 80,000 square feet) of building area.

The question arose as to whether the additional area will encroach upon the wetland setbacks on the original site plan. It was agreed that further information would be sought from the town, and if no such encroachment is indicated, that a letter will be sent to the sponsor stating that the Commission does not have jurisdiction.

Core Preservation Area

- Clancy Street Food Court / Manorville: lead agency determination
Summary: Ms. Plunkett reported that Mr. Sanderman, the attorney for the project sponsor, requested that his client not have to pay the hearing costs since the hearing was scheduled at the Commission's initiative. There was agreement that the costs of the hearing would have to be paid by the applicant.

Pine Barrens Credit (PBC) Program

- PBC Clearinghouse: capitalization fund contract status
Summary: Mr. Cowen reported that a budget certificate had been issued to his Region 1 office of the NYS Department of Environmental Conservation by the Division of Budget. Mr. Rigano reported that he and Commission staff had met with representatives of the County Executive's and County Comptroller's offices, and with the County Treasurer, to discuss the logistics of handling the funds. The discussion touched briefly upon the County Treasurer's investment guidelines. Mr. Blowes stated that the guidelines should be adopted by the Commission by resolution.
- Board of Advisors: naming of chair (and possibly vice-chair)
Summary: Mr. Proios requested that the Commission postpone a decision on this matter until the next meeting of the Commission. There was no further discussion.
- PBC Handbook: final approval
Summary: Mr. Milazzo described the status of the Pine Barrens Credit Program (PBC) Handbook. The PBC Handbook text is complete, and copies of the latest version were distributed to the Commissioners. He noted that only the preapproved easement to be included within it remains under review by counsel. Ms. Wiplush requested that any approval be held off until next week, to permit time for review, and that was agreed.

Other Plan Items

- Amendment of town laws: status
*Summary: The proposed amendments to Riverhead's zoning code have just been received by the Commission, and a special Commission meeting was suggested by Mr. Rigano to review them. **A motion was made by Mr. Cowen and seconded by Mr. Proios to hold an additional meeting of the Commission on 9/29/95 at 9:00 am at the Riverhead Town Hall. The motion was approved unanimously by a vote of 4-0, with Ms. Filmanski out of the room at the time of the vote.***
- Fire Management Plan: initiative to complete Plan component
Summary: Mr. Cowen stated that he had met with Mr. Corwin and Capt. Conklin, and had, as promised at the last meeting, composed a draft list of parties who ought to be involved in the preparation of a general fire management plan for the Central Pine

Barrens.

He stated that it was fine to have the members of the Protected Lands Council formulate the prescribed burn components of a general fire plan, but that no presumption should be made before development of the general plan as to how or when prescribed burning might ultimately be utilized. He stated that the principal focus of the Central Pine Barrens fire management plan must be the protection of life and property, as already stated in the recently approved Plan.

Mr. Corwin noted that the current fire portion of the Plan is contained within the Public Lands Management chapter, and should be given its own chapter since fire management involves both private and public lands. Mr. Proios stated that the Protected Lands Council ought to be revitalized, and that there should not be assumption from the start that there definitely will not be prescribed burning.

A general discussion followed involving Mr. Proios, Mr. Cowen, Mr. Blowes and others clarifying the degree of authority or responsibility which the proposed new body would have (e.g., whether it was being contemplated as a legal entity having jurisdiction, or an advisory body to the Commission charged with assisting in Plan refinement). It was agreed that the new entity would advise and report to the Commission and that Plan refinement would be the focus of the new group, if the Commission should choose to create it.

Mr. Cowen suggested that the new body include, at a minimum, the following: the volunteer fire departments within the Central Pine Barrens; the NYS Forest Rangers and DEC natural resource personnel; Nature Conservancy personnel; the Suffolk County Fire, Rescue and Emergency Services Department; the U.S. Forest Service; the NYS Office of Parks, Recreation and Historic Preservation; the Suffolk County Department of Parks, Recreation and Conservation; the Law Enforcement Council; the Central Pine Barrens Commission; the town fire marshals; the NYS Fire Prevention and Management Office; the Suffolk County Water Authority; the towns themselves; the Brookhaven National Laboratory, and other possibilities (e.g., the Long Island Lighting Company, the Long Island Railroad, etc.). It was noted that this list would automatically include most of the current member organizations of the Protected Lands Council.

Mr. Cowen asked Mr. Washa, a fire specialist with the Nature Conservancy, and Capt. Conklin, a NYS Forest Ranger, to comment. Mr. Washa remarked upon the current Plan's fire provisions and Capt. Conklin observed that the proposed new body would enable the member groups to become familiar with each other. Mr. Blowes noted that Southampton Town is reviewing its emergency activities during the fires, and observed that other entities may be evaluating their work as well. The discussion ended with the agreement to consider this again at the 10/11/95 Commission meeting.

Executive Session and Adjournment

Summary: A motion was made by Ms. Wiplush and seconded by Ms. Filmanski to

enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously. The Commission entered into executive session at approximately 4:42 pm. A motion to exit executive session and to adjourn was made by Mr. Girandola and seconded by Mr. Proios. It was approved unanimously. The executive session and the meeting ended at approximately 5:19 pm.

Attachments: Speaker Sign-in Sheet, Attendance Sheet.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Agenda (DRAFT) for September 29, 1995 Riverhead Town Hall / 9:00 am

1. Administrative

- Public comment period
- Proposed revision to summary for 9/15 meeting: approval (*Previously faxed*)
- Draft summary for 9/20 meeting: corrections & approval (*Previously faxed*)
- Resolutions from 9/26/95 Advisory Committee meeting

2. Core Preservation Area

- Possible clearing violation: report received by staff from Southampton

3. Compatible Growth Area

(no items at this time)

4. Pine Barrens Credit (PBC) Program

- PBC Clearinghouse: capitalization fund contract status
- Investment guidelines: Suffolk County policies
- PBC Clearinghouse: possible use of consultant to establish price guidelines
- Board of Advisors: naming of chair (and possibly vice-chair)
- PBC Handbook: final approval

5. Revisions of local ordinances to conform with Plan

- Amendments to Riverhead code: review and possible approval
- Village codes: status

6. Executive Session *(if needed)*

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Agenda (FINAL) for September 29, 1995 Riverhead Town Hall / 9:00 am

1. Administrative

- Public comment period
- Proposed revision to summary for 9/15 meeting: approval (*Previously faxed*)
- Draft summary for 9/20 meeting: corrections & approval (*Previously faxed*)
- Resolutions from 9/26/95 Advisory Committee meeting

2. Core Preservation Area

- Possible clearing violation: report received by staff from Southampton

3. Compatible Growth Area

(no items at this time)

4. Pine Barrens Credit (PBC) Program

- PBC Clearinghouse: capitalization fund contract status
- Investment guidelines: Suffolk County policies
- PBC Clearinghouse: possible use of consultant to establish price guidelines
- Board of Advisors: naming of chair (and possibly vice-chair)
- PBC Handbook: final approval
- Consensus Group letter: distribution

5. Revisions of local ordinances to conform with Plan

- Amendments to Riverhead code: review and possible approval
- Village codes: status

6. Executive Session *(if needed)*

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Meeting Summary (FINAL) for September 29, 1995 (Approved 10/25/95) Riverhead Town Hall / 9:00 am

Present: Mr. Proios (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Freleng (for Southampton) and Mr. Cowen (for New York State). General counsel was Ms. Roth and Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Hopkins, and Mr. Bruyn. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 9:13 am.

Administrative

- Public comment period
Summary: There were no speakers.
- Proposed revision to summary for 9/15 meeting: approval (*Previously faxed*)
*Summary: Mr. Rigano previously faxed the attached suggested changes to the Commission meeting summary of 9/15/95. After a brief discussion, a **motion was made by Mr. Freleng and seconded by Ms. Filmanski to approve those suggested changes. The motion was approved unanimously.***
- Draft summary for 9/20 meeting: corrections & approval (*Previously faxed*)
Summary: Mr. Rigano suggested that the L.I. Compost summary's first paragraph's second sentence should be altered to read in part: "...this application to the Commission would not be affected by the current process for revising the Town's zoning code...".

Mr. Cowen suggested two changes to the Fire Management Plan summary: (1) the last sentence of the third full paragraph on p. 6 should begin: "It was agreed that the new entity would advise and report to the Commission and that Plan refinement ..."; (2) the last sentence of the fourth full paragraph on p.6 should read: "It was noted that this list would automatically include most of the current member organizations of the Protected Lands Council."

A motion was made by Mr. Cowen and seconded by Mr. Freleng to approve the draft summary with those changes. The motion was approved unanimously.

- Resolutions from 9/26/95 Advisory Committee meeting
Summary: A copy of the attached draft minutes from yesterday evening's (9/28/95) Advisory Committee meeting was distributed and summarized by Mr. Corwin.

Core Preservation Area

- Possible clearing violation: report received by staff from Southampton
Summary: Mr. Freleng explained that a stop work order and a summons have been issued to a property owner along Pleasure Drive in the Flanders area of Southampton Town. A structure has been removed and rebuilt, and approximately three acres of vegetation have been cleared, on the 5.67 acre parcel.

Mr. Cowen reported that a state Environmental Conservation Officer had been sent out in recent weeks, and that no violation was cited at that time. Ms. Wiplush discussed the provisions of ECL 57-0107(13)(e) and (iv). Mr. Proios raised the possibility of allowing the town to handle this, and that was generally agreed.

- New hearing date for L.I. Compost Corp. application (not on the original agenda)
Summary: Mr. Rigano noted that the hearing date is 10/18/95, that the decision deadline is 11/17/95, and that no Environmental Assessment Form (EAF) has yet been received. Without the EAF, he recommended that the hearing be postponed to a time closer to the decision deadline.

A motion was then made by Mr. Cowen and seconded by Ms. Filmanski to cancel the 10/18/95 L.I. Compost hearing and to reschedule it for 11/8/95 at 6:00 pm at a location to be determined by the staff. The motion was approved unanimously.

- Possible clearing violation: report received by staff from Southampton
Summary: This topic was raised again, with Mr. Girandola asking what the Commission's specific decision was. Mr. Rigano stated that there was no need for dual enforcement actions. Mr. Cowen asked what Southampton Town would permit under their zoning laws as being "customarily incidental" and "otherwise lawful", since those phrases appear in the definitions of development and nondevelopment. A distinction was also drawn between those violations which would have received approval had approval been sought, and those violations which would probably not have been approved. Mr. Rigano suggested that the exact nature of the town's current enforcement action be determined first. That was agreed upon.

Pine Barrens Credit (PBC) Program

- PBC Clearinghouse: capitalization fund contract status
Summary: Mr. Corwin reported that the NYS Department of Environmental Conservation's Albany office is reviewing the contract, and that he had received a call from a staff member in the Albany office requesting a second signed original copy. That has been obtained and forwarded.

- Investment guidelines: Suffolk County policies
Summary: Mr. Corwin distributed copies of the standard Suffolk County investment guidelines recently received from the Suffolk County Treasurer's office. Mr. Rigano summarized a recent meeting between Commission staff, counsel, the County Executive's office, the County Comptroller's office and the County Treasurer's office, at which procedures for receiving, investing, and disbursing funds were discussed.
- PBC Clearinghouse: possible use of consultant to establish price guidelines
Summary: The results of a conversation between Mr. Hopkins and Dr. James Nicholas of the University of Florida were discussed. It dealt with possible consulting services which Dr. Nicholas could provide which would help establish the values of Pine Barrens Credits, or the parameters for determining them.

In the discussion which followed, the possibility of obtaining local consulting advice, and the question of where the payment for such a consultant would come from, were raised. It was agreed that the opinion of the Pine Barrens Credit Program Board of Advisors would be sought first.

- Board of Advisors: naming of chair (and possibly vice-chair)
*Summary: Mr. Stark was present for this discussion. **A motion was made by Mr. Girandola and seconded by Mr. Proios to appoint Mr. Tripp as the Chair of the Pine Barrens Credit Clearinghouse Board of Advisors. The motion was approved unanimously.***

A second motion was made by Mr. Freleng to appoint Mr. Duffy as the Vice-chair of the Board of Advisors. At this point, Mr. Proios explained that Mr. Stein had expressed an interest in becoming the Vice-chair. After a brief discussion, a motion was made by Mr. Proios and seconded by Mr. Girandola to appoint Mr. Stein as the Vice-chair of the Board of Advisors. The motion was approved by a vote of 4-0-1, with the abstaining vote cast by Mr. Freleng.

- PBC Handbook
Summary: It was agreed that this would be delayed until after discussion of the revisions to the local codes.
- Consensus Group letter: distribution
Summary: The attached Consensus Group letter of 9/27/95 was discussed. Mr. Girandola noted that the letter states that Brookhaven Town has a different credit allocation formula than the Plan calls for, and then stated that Brookhaven's formula is the same as that in the Plan. Mr. Freleng stated that the letter asks for a receiving area capacity plan, and that Southampton Town plans to produce that document.

A discussion of several issues followed, including the adoption by the Southampton Town Board of the zoning code revisions previously approved by the Commission, the degree of preparation which the staff and counsel had with regard to each town's plan, and the allocation table within the Plan. Mr. Rigano suggested a possible change to Figure 6-1 of Volume 1 of the Plan. The change would alter the units of area measure

in the middle column from acres to square feet, which the zoning codes use, and leave the last column as geographic acres (i.e., 1 acre = 43,560 square feet). Mr. Rigano stated that this would be a clarification of the Plan.

A discussion ensued regarding the proposed changes to Figure 6-1, the application of the existing provision 6.3.3, the effect of the proposed change upon Pine Barrens Credit values, and the impact of the proposed change upon the Clearinghouse's funds.

- PBC Handbook

Summary: Mr. Rigano outlined several issues which production of the Pine Barrens Credit Handbook raises. The first deals with the easement. He noted that the grantor probably cannot be the Commission due to certain legal issues. Mr. Bruyn observed that the easement ought to be in the name of New York State.

Mr. Hopkins suggested that an amendment to ECL Article 49, which addresses conservation easements, would solve the question. The Commission could simply be listed as an allowable entity, along with other entities that are already explicitly listed there. There was general agreement that such a change would be desirable. Further discussion raised the possibility of Suffolk County being the easement holder. No final agreement was reached.

Other topics noted by Mr. Rigano include the provisions of ECL 49, the question of what the easement(s) can and should permit (including but not limited to agricultural activity), and the current list of covenants and reserved rights.

A discussion ensued over the degree of specificity which the reserved rights should have. Mr. Corwin noted that enumerating a small number of very specific rights (e.g., hiking, fishing, etc.) would only lead to confusion over very similar passive recreation activities which may not be specifically mentioned in the easement, but which are consonant with the goals of the law for the Core Preservation Area. After some discussion, it was agreed that the reserved rights section of the easement should allow "passive recreational activities, including but not limited to, " followed by a list of activities, and followed by a phrase such as "provided that all local zoning codes are adhered to".

Revisions of local ordinances to conform with Plan

- Amendments to Riverhead code: review and possible approval
Summary: Ms. Filmanski reported that the Riverhead's code was being modified in accord with comments received from Commission counsel and staff. No further discussion was held.
- Village codes: status
Summary: Ms. Plunkett briefly described the status of the two villages' codes and the land areas which are affected within each village. This will be discussed again at a future meeting.

Core Preservation Area

- Clancy St. Food Court core boundary change request (not on the original agenda)
Summary: Ms. Plunkett noted the need for the Commission to make a SEQRA determination on this application, as well as the upcoming decision deadline. No further discussion was held.

Administrative

- Outstanding Freedom of Information Law requests
Summary: Mr. Rigano summarized the two outstanding current FOIL requests for property owner information which the Commission has before it. He noted that counsel is looking into the question of whether the requests should be granted.

Adjournment

Summary: A motion to adjourn was made by Mr. Cowen and seconded by Mr. Girandola. It was approved unanimously. The meeting ended at approximately 2:38 pm.

Attachments: Proposed revisions to 9/15/95 meeting summary
Advisory Committee draft minutes for 9/28/95
Consensus Group letter of 9/27/95
Speaker sign-in and attendance sheets.

ATTACHMENT TO COMMISSION
MEETING SUMMARY OF 9/29/95

Commission Meeting Summary (FINAL) (Approved 9/20/95) ~~REVISED~~
~~FINAL DRAFT~~
for September 15, 1995 Brookhaven Town offices,
Building 4, Medford / 2:00 pm

Present: Mr. Proios (for Suffolk County), Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), and Mr. Duffy and Mr. Freleng (for Southampton). General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Hopkins, Mr. Milazzo, and Mr. Bruyn. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:32 pm.

Administrative

- Public comment period

Summary: Mr. Sina Mahfar, owner of commercially zoned acreage within the Brookhaven portion of the Core Preservation Area, addressed the Commission on the lack of a Pine Barrens Credit allocation formula for such property. He stated that he has sent numerous letters and provided many comments on this subject during the plan development period, but that there has been no concrete response to date. He noted that he is willing to suggest a formula to help the Commission arrive at a final one.

- Letter offering help in aftermath of fire (not on the original agenda)

Summary: Mr. Proios reported that the County Executive's office has received an offer of assistance from the Youth Conservation Corps to provide workers to assist with any necessary post-fire work.

Plan Implementation

- Brookhaven Town code amendments: review, comments, and possible approval

Summary: Copies of the Brookhaven draft zoning code amendments were distributed to the Commissioners by overnight mail in the days prior to the meeting. Mr.

Rigano reported that Commission counsel and staff members have worked closely with the Brookhaven town attorney's staff on the draft amendments. Several changes have been made as a result, and a revised draft was distributed. Mr. Rigano recommended approval by the Commission.

Also discussed was a 9/14/95 letter from Mr. Eversoll of the LI Builders Institute regarding the minimum lot square footage and average lot square footage requirement in the draft, as well as the minimum lot width and side yard distance requirements. The letter is attached.

After a brief discussion, a motion was made by Mr. Duffy and seconded by Ms. Filmanski to approve the revised draft of the Brookhaven code amendments. The motion was approved unanimously by 4-0 vote.

- Southampton Town code amendments: review, comments, and possible approval

Summary: Copies of the Southampton draft zoning code amendments were also distributed to the Commissioners by overnight mail in the days prior to the meeting. Mr. Rigano highlighted several portions of the proposed amendments, including the allocation of credits by the town (which would be subject to Commission review) and the issue of receiving areas within the Riverhead School District.

Mr. Rigano suggested ~~any approval by the Commission of the draft amendments be subject to the condition that~~ ~~that the town agree to seek to add~~ appropriate receiving areas be developed for that area. Mr. Duffy agreed, and noted the town's intention to have a maritime district, which would apply to the Riverhead School District portion of the town. During the discussion which followed, Mr. Rigano suggested that a break be taken in order to permit the town representatives to contact their Planning Department staff for additional information. The meeting briefly recessed from approximately 3:02 to 3:25. ✓

Upon resumption, Mr. Bruyn, a Southampton Deputy Town Attorney, went through the four issues noted by Mr. Rigano. The first issue was the incorporation of the Plan's standards and guidelines into the town code. Each standard or guideline was discussed and its treatment was noted.

The second issue was the allocation formula, which utilizes the square footage figures already present in the Southampton town zoning categories. The illustration used by Mr. Duffy during the discussion was the fact that there is not, strictly speaking, a "five acre" minimum zoning lot size in the current town

zoning districts, which would require 5 acres x 43,560 sq. ft. per acre = 217,800 sq. ft. for a minimum lot size. Instead, there is a 200,000 sq. ft. minimum lot size in the CR-200 residential district, which is equivalent to 200,000 sq. ft./43,560 sq. ft. per acre = 4.59 acres, or roughly 4.6 acres. The draft amendments consequently contain development yield factors which reflect these differences between whole number, acreage-based and whole number, square footage-based lot sizes. A discussion ensued regarding whether this would increase the amount of credits which would have to be potentially absorbed in the town's receiving areas.

The third issue was the allocation of credits to property zoned for other than residential use. The draft amendments contain a provision for allocating one credit per one half acre of such property, and a provision to permit additional allocation upon approval of the Town Board. Mr. Bruyn noted that this rate was based upon both the sewage flow expected from the nonresidential development and the current relationship in the town between nonresidential dimensional requirements and property values. The issues discussed here include the relationship between "development rights" under the current town programs and "Pine Barrens Credits (PBCs)" under the Plan, and the need for clarification of the provision for additional allocation by the Town Board. Specifically, there is a need to clarify how that relates to PBC approvals and allocations by the Commission. Certain language changes were agreed to as a result.

The fourth and final issue discussed was the Riverhead School District receiving areas. ~~It was agreed that any approval of the draft amendments by the Commission would be subject to the condition that the town agreed to seek to add appropriate receiving areas in the Riverhead School District receiving areas be identified specifically.~~ ✓

A motion was made by Mr. Duffy and seconded by Ms. Filmanski to approve the draft amendments ~~dated September 15, 1995~~ to the Southampton Town code subject to the ~~above condition regarding town agreeing to seek to add receiving areas in the Riverhead School District receiving areas and the following changes:~~

(1) ~~Add the number of acres under the minimum lot area of the zone under the residential development rights allocation table at §336-221B(2).~~

(2) ~~Add the following sentence to the end of §336-221B(4): "Any increase in the allocation of PBCs by the Town Board shall be subject to the review and approval of the Central Pine Barrens Joint Policy & Planning Commission pursuant to Chapter 6 of the Plan."~~

~~The examples at the end of 4:10 PM (9/28/95) and 4:30 PM regarding matters on School District were discussed.~~

The motion was approved unanimously by a 4-0 vote.

Adjournment

Summary: The meeting ended at approximately 4:40 pm without a formal adjournment resolution.

Attachment:

- Letter from Mr. Eversoll
- Sign-in sheet.

CENTRAL PINE BARRENS ADVISORY COMMITTEE

CENTRAL PINE BARRENS ADVISORY COMMITTEE

DRAFT MINUTES (To be approved)
Meeting held on September 26, 1995
Great River Office

1.) Review of unapproved minutes from the June 6, 1995 Central Pine Barrens Advisory Committee Meeting

A motion was made by Bill Shaber and seconded by Jim Tripp to approve the Central Pine Barrens Advisory Committee meeting minutes from the June 6, 1995 meeting. The motion was carried unanimously.

2.) Overview of Commission Activities

Ray Corwin gave an overview of Commission activities since the adoption of the Plan in June of this year. Mr. Corwin began by stating the status of acquisition of core lands by the county and state to date. He noted that these figures will be confirmed for the upcoming Annual Report.

Mr. Corwin stated that four out of the five members of the Pine Barrens Credit Board of Advisors have been appointed at this time. The fifth member, the State's representative, has not yet been appointed. There will be a Board of Advisors meeting on October 10, 1995, at 5:30 p.m., in the Great River Commission office.

The TDR Capitalization Fund has also been established. Mr. Corwin discussed this fund, and stated that the 5 million dollars is subject to a four party contract between the Commission, DEC, Attorney General's Office, and the State Comptroller. All parties need to sign this contract.

At this time, John Milazzo reviewed and discussed the TDR Handbook. Mr. Milazzo summarized the process by which a core property owner could obtain Pine Barren Credits.

Mr. Corwin stated that the Handbook will most likely be approved at the next Commission meeting on Friday, September 29, 1995. The Handbook will then be sent out to all interested parties. The principal parties will be those landowners in the core area.

Mr. Corwin stated that the three towns are in the process of amending their zoning codes to conform to the Central Pine Barrens Plan. Brookhaven and Southampton have received Commission approval for their proposed amendments. Riverhead has submitted their changes and a special meeting of

the Commission will be held this Friday, September 29, to adopt said amendments.

Mr. Corwin stated that the Public Lands Management portion of the Plan has set up two councils. The Law Enforcement Council has applied for a grant from the Drinking Water Protection Program Management Fund. The grant will be for the purchase of digital radios, several global positioning system units, and off-road vehicles, for the tracking of illegal off-road vehicles. The Law Enforcement Handbook is also being produced, and should be completed in the very near future. The Protected Lands Council has not yet met.

Mr. Corwin discussed the Fire Management section of the Plan, as well as the recent fire which took place in the Pine Barrens.

Donna Plunkett reviewed and discussed all of the current development projects, including a pending core boundary change request. She also noted the number of requests that come in asking for exemptions from the statute.

Mr. Black asked about the status of the Manorville Nursery expansion project. Ms. Plunkett noted that several projects come in for SEQRA coordination and comments and that this was one such project. She briefly described the project and that the Commission had stated that the project constitutes development because of the mining component.

A motion was made by Richard Amper and seconded by Dan Morris to recommend to the Commission that the application for the Manorville Nursery Expansion be denied on the grounds that the site was recommended for designation as a Critical Resource Area by the Ecology Committee, Land Management Committee, and Special Advisory Committee on Critical Resource Areas, primarily for the purpose of protecting the geological feature identified as a "kame." The motion was carried, with one abstention made by Robert Herrick.

Mr. Amper noted that one of the pending Core Preservation Area applications is for a composting facility to be moved to the core area. He explained that he is convening a meeting on October 2, 1995 to find an alternative site for the facility. Ms. Plunkett described that Long Island Compost Corporation, which composts yard waste, is requesting a hardship exemption for a site known as tax map parcel 200-563-2-2&3 in the Town of Brookhaven. The site is currently being farmed and they are seeking approval to move their existing compost facility located outside the Central Pine Barrens to the Core Preservation Area for composting and cultivation of nursery stock. Discussion ensued regarding the precedent that this would set and the concern for groundwater contamination that could be associated with this action.

A motion was made by Richard Amper and seconded by Kim Darrow to recommend to the Commission that the application for Long Island Compost Corporation on the proposed Core Preservation Area site be denied, and to urge all parties involved to find an alternative site. The motion was carried, with one abstention made by David Zere.

Ms. Plunkett also stated that the Commission will sponsor three technical planning seminars for target groups such as government agencies, consultants and real estate professionals. Two will be held on December 8, and one on December 12, 1995.

3.) Central Pine Barrens Advisory Committee Issues

With regard to the Advisory Committee's role in the future, John Meringolo stated that the Advisory Committee should meet no less than four times per year.

At this time, the next Central Pine Barrens Advisory Committee was set for Tuesday, December 19, 1995, at 5 p.m., in the Great River Commission office.

Regarding possible bylaws for the Advisory Committee, Mr. LoGrande stated that the Advisory Committee should hold off regarding this issue at the moment.

A motion was made by Richard Amper and seconded by Robert Herrick to suggest to the Commission that Jim Tripp be appointed Chairman of the Pine Barrens Credit Board of Advisors. The motion was carried unanimously.

A motion was made by Richard Amper and seconded by Jim Tripp to suggest to the Commission that Mitchell Pally be appointed as the State's representative to the Pine Barrens Credit Board of Advisors. The motion was carried unanimously.

George Fernandez inquired if there were any plans in the future to have signs placed on the Long Island Expressway and Sunrise Highway indicating the Long Island Pine Barrens Region.

George Proios discussed this issue, and a brief discussion ensued.

A motion was made by Kim Darrow and seconded by Richard Amper that the Advisory Committee recommend to the State that signs be placed on the Long Island Expressway and Sunrise Highway indicating the Long Island Pine Barrens Region. The motion was carried unanimously.

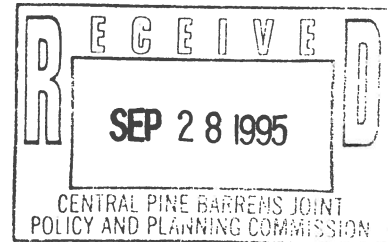
The meeting was adjourned at 7:25 p.m.

ATTACHMENT TO COMMISSION MEETING
SUMMARY OF 9/29/95

"THE CONSENSUS GROUP"

September 27, 1995

Honorable Robert Gaffney, Chairman
and Members of the Central Pine Barrens Joint
Planning and Policy Commission
P.O. Box 587, 3525 Sunrise Highway, 2nd Floor
Great River, New York 11739



Dear Chairman Gaffney and Members of the Commission:

We are writing to express the concern of the Consensus Group members with the Pine Barrens Credit (PBC) program as proposed by the Towns of Brookhaven and Southampton.

At recent meetings, the Commission has discussed changes in PBC programs that could increase the allocation of PBCs or potentially decrease the absorption capacity of receiving areas in these towns. This raises two possible concerns: First, compliance with Section 6.5.2 of the Plan and, second, ensuring that the value of credits is maintained.

Section 6.5.2.2 of Chapter 6 of the Central Pine Barrens Plan entitled "Review by the Commission of the Absorption Capacity Estimates" provides:

"Each Town shall present to the Commission its best estimate of the number of Pine Barrens Credits that could be transferred to, and absorbed in, its as-of-right Residential Overlay Districts, Plan Development Districts, or other kinds of receiving districts, or through incentive zoning strategies with a supporting analysis. The Commission shall review, and then confirm or modify, such estimates based upon the best evidence available to it. In reviewing and approving this plan, the Commission shall consider each Town's compliance with Section 6.5.2 of this Plan based upon such estimates."

Section 6.5.2 provides that "each Town shall... submit a plan to the Commission demonstrating the manner in which each Town will identify Pine Barren Credit uses of sufficient quantity and quality within such town to accommodate at least two-and-one-half (2.5) times the number of Pine Barrens Credits available for allocation within the Town at that time." 6.5.2.2.1 provides for a 1 to 1 ratio between absorption capacity and receiving districts that meet the as-of-right definition set forth in Section 6.4 and the number of PBCs that may be allocated in that Town. We urge the Commission to make sure that each Town provides the demonstration described in 6.5.2 and the supporting analysis and "best evidence" described in 6.5.2.2.

The Town of Southampton has increased the allocation of PBCs, perhaps by 10 to 15%, by basing its allocation of one PBC in A-5 zones per 200,000 square feet. Since the ratios of estimated receiving sites to sending credits in at least three of the school districts in Southampton (according to the June 12, 1995 Fiscal and Economic Evaluation) was very close to 1:1, namely, 1.01, 1.14 and 1.19, respectively, in Westhampton Beach, Hampton Bays and Riverhead. The Town should present to the Commission a substantial analysis demonstrating continued compliance with 6.5.2 in light of the allocation increase.

The Plan estimated that about 1650 PBCs could be allocated in the Town of Brookhaven. Appendix 3 estimated that the total credit sites under the 1.089 yield scenario in the Town were 1873. That calculation assumed that the yield under current zoning in an A-1 parcel would be 0.8, in contrast to a yield of 1.089 with the as-of-right density increase. The Town Ordinance, however, provides a yield under current zoning A-1 district of 0.87, rather than 0.8. We estimate that the absorption capacity of the receiving areas identified in Appendix 3 would then be 1318.

Both Towns may comply with all parts of 6.5.2 even with these changes in the PBC programs. Acquisition of core area parcels since the adoption of the Plan would decrease the number of PBCs to be allocated. Identification of additional receiving areas could increase absorption capacity. The Towns should present to the Commission this kind of evidence as part of the demonstration of compliance with Section 6.5.2. Verbal assurance alone does not constitute the kind of demonstration anticipated by the Consensus Group, provided for in 6.5.2 or the kind of supporting analysis described in 6.5.2.2.

A second concern associated with any changes in the number of credits to be allocated in a Town or receiving area absorption capacity is that such actions could affect the value of PBCs if the ratios described in the plan are not maintained. This in turn might place the State at risk under the Indemnification provisions of the Act and place the entire plan in jeopardy.

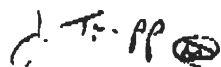
In as much as the Commission worked with the towns to produce an equitable allocation formula reflecting their needs, if there are changes proposed, a clear and convincing demonstration must be provided to the satisfaction of the commissioners that the PBC program is not compromised.

The Consensus Group continues to work with all parties to ensure that this plan is implemented in a fair and equitable manner. As such, it is our opinion that the best way to maintain the credibility of the plan is to implement a formula that is in compliance with the ratios agreed to in the planning process and contained in the plan.

We believe the Commission should require that any town that proposes to alter the formula for allocation of PBCs from that contained in the plan must justify their reason for doing so and ensure that the value of the credits is maintained under the modified plan.

We look forward to working with the towns and the Commission on addressing this most important issue. Please feel free to call either of us if you should have any questions or be in need of additional information.

On behalf of the Consensus Group,



James T.B. Tripp
(212) 505-2100



Donald Eversoll
462-5600

attachment

cc: Raymond Corwin, Executive Director

C:pbcmd



"THE CONSENSUS GROUP"

Matthew Crosson, President and Mitchell Pally, Vice President of the Long Island Association

Michael LoGrande, Executive Director and Chief Operating Officer of the Suffolk County Water Authority

Senator Kenneth P. LaValle

Assemblyman Thomas P. DiNapoli

Richard Amper, Executive Director of the Long Island Pine Barrens Society

Sara Davison, Director of The Nature Conservancy on Long Island

Jim Tripp, General Counsel for the Environmental Defense Fund

Don Eversoll, President of Klein and Eversoll

Wilbur Breslin, President of Breslin Realty

Herbert Balin, Executive Board Member of the Association For A Better Long Island

John M. Kennedy, President and Secretary Treasurer of the Nassau Suffolk Building Trades Council

Robert DeLuca, Executive Director of the Group For The South Fork

Tensie Whelan, Executive Director of the New York League Of Conservation Voters

Robert Yaro, Executive Director of the Regional Plan Association.

Neal Lewis, Executive Director of the Long Island Neighborhood Network

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Agenda (DRAFT) for October 11, 1995 Brookhaven Town offices, Medford, Building 4 / 2:00 pm

1. Administrative

- Public comment period
- Draft Second Annual Report of Activities: corrections from previous draft

2. Core Preservation Area

- Clancy St. Food Court / Manorville boundary change: SEQRA determination
- Eagles Nest Homes / Calverton (Brookhaven): possible decision (*11/4 deadline*)
- George's Manor / Calverton (Riverhead): request for exemption certification
- Map of Diane Plompen / Flanders: request for exemption certification

3. Compatible Growth Area

- Mavis Development Corp. / Middle Island: decision (*10/11 deadline*)
- U-Haul Ministorage / Coram: possible decision (*11/23 deadline*)
- Toussie South / Miller Place: possible decision or extension (*10/23 deadline*)
- Toussie North / Miller Place: new application and hearing
- Aroya & Brodbeck / Middle Island: new application and hearing

4. Fire Management Plan component

- Fire plan development: discussion of possible Fire Management Plan Council

5. Pine Barrens Credit (PBC) Program

- Proposed revised PBC allocation table: discussion (*previously faxed*)
- PBC Handbook: status
- PBC Handbook: proposed landowner cover letter for mailing
- PBC Clearinghouse: capitalization fund contract status
- PBC Clearinghouse: adoption of Suffolk County investment guidelines
- Results of 10/10 Board of Advisors meeting

6. Revisions of local ordinances to conform with Plan

- Status

7. Executive Session (*if needed*)

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Agenda (FINAL) for October 11, 1995 Brookhaven Town offices, Medford, Building 4 / 2:00 pm

1. Administrative

- Public comment period
- Draft Second Annual Report of Activities: corrections from previous draft

2. Core Preservation Area

- Clancy St. Food Court / Manorville boundary change: SEQRA determination
- Eagles Nest Homes / Calverton (Riverhead): possible decision (*11/4 deadline*)
- George's Manor / Calverton (Brookhaven): request for exemption certification
- Map of Diane Plompen / Flanders: request for exemption certification

3. Compatible Growth Area

- Mavis Development Corp. / Middle Island: decision (*10/11 deadline*)
- U-Haul Ministorage / Coram: possible decision (*11/23 deadline*)
- Toussie South / Miller Place: possible decision or extension (*10/23 deadline*)
- Toussie North / Miller Place: new application and hearing
- Aroya & Brodbeck / Middle Island: new application and hearing

4. Fire Management Plan component

- Fire plan development: discussion of possible Fire Management Plan Council

5. Pine Barrens Credit (PBC) Program

- Proposed revised PBC allocation table: discussion (*previously faxed*)
- PBC Handbook: status
- PBC Handbook: proposed landowner cover letter for mailing
- PBC Clearinghouse: capitalization fund contract status
- PBC Clearinghouse: adoption of Suffolk County investment guidelines
- Results of 10/10 Board of Advisors meeting

6. Revisions of local ordinances to conform with Plan

- Status

7. Executive Session (*if needed*)

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Meeting Summary (FINAL) for October 11, 1995 (Approved 10/25/95) Brookhaven Town offices, Medford, Building 4 / 2:00 pm

Present: Mr. Proios and Mr. Dragotta (for Suffolk County), Mr. Girandola (at point indicated) and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Freleng (for Southampton) and Mr. Cowen (for New York State). General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Hopkins, Mr. Milazzo, Mr. Pavacic and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:08 pm.

Administrative

- Public comment period
Summary: *There were no speakers.*
- **Draft Second Annual Report of Activities:** corrections from previous draft
Summary: *Ms. Wiplush provided a set of comments on the draft of the Second Annual Report previously distributed. These were discussed and several changes were made. A motion was then made by Mr. Cowen and seconded by Mr. Freleng to approve the draft of the Second Annual Report with the agreed upon changes. The motion was approved unanimously.*

Core Preservation Area

- Clancy St. Food Court / Manorville boundary change: SEQRA determination
Summary: *Mr. Sanderman, attorney for the applicant, stated that he would consent to an adjournment of the State Environmental Quality Review Act (SEQRA) process, and would use the adjournment to submit a Core Preservation Area hardship application. Such a postponement agreement would be placed into writing, and 30 days notice would be provided by the applicant in order to resume the processing of the core boundary change request.*

A motion was made by Mr. Cowen and seconded by Ms. Filmanski to agree to an adjournment in the processing of the core boundary change request and the determination of the SEQRA status of that request, based upon the applicant's stated desire today to seek such an adjournment, to file a core hardship application, and to

place the request in writing. The motion was approved unanimously.

- Eagles Nest Homes / Calverton (Riverhead): possible decision (11/4 deadline)
Summary: Ms. Plunkett explained that the lead agency coordination period is underway and will end on 10/15/95. Copies of the 9/20/95 hearing transcript were distributed. A brief discussion ensued regarding the differences between this and other applications.

Mr. Girandola arrived at this point.

- George's Manor / Calverton (Brookhaven): request for exemption certification
- Map of Diane Plompen / Flanders: request for exemption certification
Summary: These items were discussed together. Ms. Plunkett summarized the George's Manor major subdivision, which has received cluster plan approval from Brookhaven Town. The Plompen subdivision map has received sketch plan approval from Southampton Town, and a final subdivision approval this year. It was noted that Southampton Town does not have a "preliminary subdivision" step, and that sketch plan approval is the initial step which residential subdivisions go through.

Each of these applications will be examined by counsel for a recommendation as to whether they meet the criteria in the pine barrens law for "nondevelopment" status.

- L.I. Compost Corp. / Manorville: status (not on the original agenda)
Summary: Part 1 of the Environmental Assessment Form has been received. Lead agency coordination is underway. No further information has been received from the applicant.

Compatible Growth Area

- Mavis Development Corp. / Middle Island: decision (10/11 deadline)
Summary: A motion was made by Mr. Cowen and seconded by Mr. Girandola to approve the Mavis Development Corporation application subject to the condition that the revised site plan be approved by the Brookhaven Planning Board. It was noted that a negative declaration has already been issued by the town's Planning Board. The motion was approved unanimously.
- U-Haul Ministorage / Coram: possible decision (11/23 deadline)
Summary: A motion was made by Mr. Girandola and seconded by Ms. Filmanski to approve the U-Haul Ministorage application subject to the condition that the revised site plan be approved by the Brookhaven Planning Board. It was noted that a negative declaration has already been issued by the town's Planning Board. The motion was approved unanimously.
- Toussie South / Miller Place: possible decision or extension (10/23 deadline)
Summary: This three lot land division currently has two sets of pending covenants which have been required by the Brookhaven Zoning Board of Appeals and the Suffolk

County Department of Health Services, and those items will now go to counsel for review and consolidation. A negative declaration has been issued by the Brookhaven Zoning Board of Appeals.

A request has been received from the applicant's attorney for an extension of the Commission's decision deadline to 12/22/95. **A motion was made by Mr. Cowen and seconded by Mr. Freleng to accept and approve the extension of the Commission's decision deadline on the Toussie South application to 12/22/95. The motion was approved unanimously.**

- Toussie North (also Greenstar Enterprises) / Miller Place: new application and hearing
Summary: Ms. Plunkett reminded the Commissioners that this project, also known as Greenstar Enterprises, had previously been brought to their attention for a determination of whether it was classified as "development" under the pine barrens act, and the Commission had determined that it did constitute development.

The project sponsors have now filed an actual application with the Commission. Certain covenants have been proposed for this project by other reviewing agencies, and Commission counsel will now review them. A hearing should be scheduled for this application, and that will be done later in this meeting.

- Aroya & Brodbeck / Middle Island: new application and hearing
Summary: Ms. Plunkett summarized this new application for a medical office site plan on the south side of Route 25, east of Bartlett Road, in Middle Island. It was agreed that a hearing should be held.

Compatible Growth and Core Preservation Areas

- Toussie North (also Greenstar Enterprises) / Miller Place
- Clancy St. Food Court / Manorville
- Aroya & Brodbeck / Middle Island
Summary: A motion was made by Mr. Cowen and seconded by Ms. Filmanski to hold hearings on the Toussie North, Aroya & Brodbeck, and Clancy Street Food Court applications on 10/25/95 at 5:00 pm at the Riverhead Town Hall, with the Clancy Street Food Court hearing dependent upon receipt of the written application. The motion was approved unanimously.

Fire Management Plan component

- Fire plan development: discussion of possible Fire Management Plan Council
Summary: A previously faxed draft resolution creating a Central Pine Barrens Wildfire Task Force was discussed. Mr. Cowen described the intent and goals of the resolution first, and a discussion over the specifics followed. Issues touched upon included the specification that no authority of the Commission was being delegated to the proposed task force, the distinction between the authority which the organizations represented on

the task force already have from the authority or responsibility which they would collectively have as a task force, and the language which captures these concerns.

The possibility of the Commission acting today was debated, but action will be withheld until the next meeting to permit further discussion at the town level. Several changes were made to the draft, and the revised resolution will be distributed prior to the next Commission meeting.

Pine Barrens Credit (PBC) Program

- Proposed revised PBC allocation table: discussion (*previously faxed*)
Summary: Mr. Rigano described a previously faxed proposed revision to Figure 6-1 of Volume 1 of the Plan. The revision consists of changes to columns two and three of the table, with the second column now using square feet and the third column now using geographic acres (43,560 square feet). The ensuing discussion addressed the necessity of the change, the application of provision 6.3.3 of the Plan, the effect of this change upon the towns' code amendments, and the possibility of other Plan amendments being addressed at this time.

After a long discussion, a motion was made by Mr. Freleng and seconded by Ms. Filmanski to hold a hearing on the proposed amendment to the Plan described by Mr. Rigano, as well as other Plan amendments which will be discussed at the next Commission meeting. The motion was approved unanimously. A second motion was then made by Mr. Proios and seconded by Mr. Freleng to hold that hearing on 11/8/95 at 6:00 pm at the Brookhaven Town offices. The second motion was approved unanimously.
- Results of 10/10 Board of Advisors meeting
Summary: Mr. Hopkins distributed the attached draft meeting summary for yesterday evening's (10/10/95) Pine Barrens Credit Clearinghouse Board of Advisors meeting, and described the resolutions passed there.
- PBC Handbook: status
Summary: The draft version of the Pine Barrens Credit Handbook was discussed in detail. Changes made by the Commission were compiled by Mr. Milazzo, and will be incorporated by him. After completion of the editing, a motion was made by Mr. Cowen and seconded by Mr. Girandola to approve the Pine Barrens Credit Handbook with the changes made today. The motion was approved unanimously.
- PBC Handbook: proposed landowner cover letter for mailing
Summary: A draft cover letter for distribution to the core area landowners with the Pine Barrens Credit Handbook was distributed. After a brief discussion and some changes, a motion was made by Ms. Filmanski and seconded by Mr. Freleng to approve the cover letter. The motion was approved unanimously.

- PBC Clearinghouse: capitalization fund contract status
Summary: Mr. Rigano explained that a request had been received from the Department of Environmental Conservation's Albany office for the County Executive, as Chair of the Commission, to sign a document known as the McBride Fair Employment Principles stipulation, which is described under the State Finance Law. Counsel is discussing this matter with Mr. Gaffney.
- PBC Clearinghouse: adoption of Suffolk County investment guidelines
Summary: Mr. Corwin noted that these were distributed previously, and additional copies were available today. These guidelines are those already followed by the Suffolk County Treasurer, and will be applied to the Pine Barrens Credit Program capitalization funds when they are available. It was agreed that they would be adopted formally at a future meeting.

Revisions of local ordinances to conform with the Plan

- Status
Summary: Ms. Filmanski reported that Riverhead has made changes to their proposed code amendments, based upon comments received to date, and distributed a copy of the revised proposal to the Commissioners. Ms. Plunkett described the current status of discussions with the two villages.

Adjournment

Summary: A motion to adjourn was made by Mr. Cowen and seconded by Ms. Filmanski. It was approved unanimously. The meeting ended at approximately 5:57 pm.

Attachments: Proposed revision to Plan Volume 1, Figure 6-1
Draft summary of 10/10/95 Clearinghouse Board of Advisors meeting
Speaker sign-in and attendance sheet.

Figure 6-1: Pine Barrens Credit Program development yield factors

Provision If zoning allows: Then development
yield factor is:

6.3.1.1.1.	1 (one) dwelling unit per 10,000 square feet	2.70 PBCs per acre *
6.3.1.1.2.	1 (one) dwelling unit per 15,000 square feet	2.0 PBCs per acre *
6.3.1.1.3.	1 (one) dwelling unit per 20,000 square feet	1.60 PBCs per acre *
6.3.1.1.4.	1 (one) dwelling unit per 40,000 square feet	0.80 PBCs per acre *
6.3.1.1.5.	1 (one) dwelling unit per 60,000 square feet	0.60 PBCs per acre *
6.3.1.1.6.	1 (one) dwelling unit per 80,000 square feet	0.40 PBCs per acre *
6.3.1.1.7.	1 (one) dwelling unit per 120,000 square feet	0.27 PBCs per acre *
6.3.1.1.8.	1 (one) dwelling unit per 160,000 square feet	0.20 PBCs per acre *
6.3.1.1.9.	1 (one) dwelling unit per 200,000 square feet	0.16 PBCs per acre *
6.3.1.1.10	1 (one) dwelling unit per 400,000 square feet	0.08 PBCs per acre *

* One acre equals 43,560 square feet

These factors are augmented by provision 6.3.1.1.9.:

Fractional allocations are rounded to the nearest hundredth of a Pine Barrens Credit (PBC).

Figure 6-2: Pine Barrens Credit allocation examples

Example 1: A 10.53 acre parcel zoned one unit per 120,000 square feet
10.53 acres X 0.27 Pine Barrens Credits per acre = 2.84 PBCs

Example 2: A 0.25 acre parcel zoned one unit per 200,000 square feet
0.25 acres X 0.16 Pine Barrens Credits per acre = 0.04 PBC

Example 3: (Example #2 modified): A 0.25 acre parcel zoned one unit per
200,000 square feet
0.25 acres X 0.16 Pine Barrens Credit per acre = 0.04 PBC
This is rounded to 0.10 Pine Barrens Credit.

- 6.3.1.1 Development yield factors and computation
- 6.3.1.1.1 If zoning allows one (1) dwelling unit per 10,000 square feet, the development yield factor is 2.70 Pine Barrens Credits per acre.
- 6.3.1.1.2 If zoning allows one (1) dwelling unit per 15,000 square feet, the development yield factor is 2.0 Pine Barrens Credits per acre.
- 6.3.1.1.3 If zoning allows one (1) dwelling unit per 20,000 square feet, the development yield factor is 1.60 Pine Barrens Credits per acre.
- 6.3.1.1.4 If zoning allows one (1) dwelling unit per 40,000 square feet, the development yield factor is 0.80 Pine Barrens Credits per acre.
- 6.3.1.1.5 If zoning allows one (1) dwelling unit per 60,000 square feet, the development yield factor is 0.60 Pine Barrens Credits per acre.
- 6.3.1.1.6 If zoning allows one (1) dwelling unit per 80,000 square feet, the development yield factor is 0.40 Pine Barrens Credits per acre.
- 6.3.1.1.7 If zoning allows one (1) dwelling unit per 120,000 square feet, the development yield factor is 0.27 Pine Barrens Credits per acre.
- 6.3.1.1.8 If zoning allows one (1) dwelling unit per 160,000 square feet, the development yield factor is 0.20 Pine Barrens Credits per acre.
- 6.3.1.1.9 If zoning allows one (1) dwelling unit per 200,000 square feet, the development yield factor is 0.16 Pine Barrens Credits per acre.
- 6.3.1.1.10 If zoning allows one (1) dwelling unit per 400,000 square feet, the development yield factor is 0.08 Pine Barrens Credits per acre.
- 6.3.1.1.11 One acre as used in 6.3.1.1.1 - 6.3.1.1.10 equals 43,560 square feet.
- 6.3.1.1.12 A fractional allocation of a Pine Barrens Credit shall be rounded to the nearest one hundredth (1/100th = 0.01) of a Pine Barrens Credit.

These development yield factors are summarized in Figure 6-1, and sample computations are shown in Figure 6-2.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

DRAFT

Pine Barrens Clearinghouse Board of Advisors

Meeting Summary (DRAFT) for October 10, 1995 Commission Office, Great River / 5:30 pm

Present: Board members included Mr. Tripp (for Brookhaven), Mr. Stein (for Suffolk County), Mr. Duffy (for Southampton) and Mr. Hanley (for Riverhead). A quorum of the members was present. Also in attendance were Mr. Rigano, General Counsel to the Commission, Mr. Corwin, Commission Executive Director, staff members Mr. Spitz, Ms. Trezza, Ms. Plunkett, Mr. Milazzo and Mr. Hopkins. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Tripp at 5:30 pm.

1. Administrative

- Appointment of Chairman and Vice Chairman
Summary: These items were acknowledged.
- Draft meeting summary for 7/28/ and 8/9/95: corrections and approval

A motion was made by Mr. Duffy and seconded by Mr. Stein to adopt the meeting summaries. The motion was approved unanimously.
- Financial disclosure forms.
Summary: Mr. Rigano explained the need for the forms and that the members would be receiving the forms in the mail shortly either from the State directly or from the Commission.
- Status of Governor's Board member appointment.
Summary: Mr. Tripp suggested that a letter be written to the Governor requesting that the appointment be made soon. A general consensus was reached that such a letter should be written and that it should be from the Chairman of the Clearinghouse.
- Role of Board members as Commission treasurers
Summary: Mr. Rigano explained the need to establish Board members as treasurers under New York Public Officers Law so that they would clearly be covered by the indemnifications provided therein. Mr. Hanley requested that a letter restating Mr. Rigano's explanation and a copy of the Commission's insurance policy naming the members of the Board be provided to each of the Board members.

DRAFT

- Discussion of possible bylaws.

Summary: Board members agreed that bylaws regarding the conduct business at meetings should be established. These bylaws at a minimum should include quorum requirements, majority voting, responsibilities of Chair and Vice Chair, a public participation policy similar to the policy adopted by the Commission, and a provision that draft agendas be sent 5 days in advance of scheduled meetings. Later in the meeting the members agreed that their regular meetings should be held on a monthly basis and, if possible, should be scheduled a few days before scheduled Commission meetings.

A motion was made by Mr. Stein and seconded by Mr. Duffy to schedule the next Clearinghouse Board meeting Monday, November 20, 1995, at 5:30 pm, at the Commission Office, 3525 Sunrise Highway, Great River, and to schedule the subsequent meeting for Monday, December 18, 1995, at 5:30 pm, at the Commission Office, 3525 Sunrise Highway, Great River.

- Legal implications of using the term "Bank".

Summary: Mr. Rigano explained why use of the word "Bank" in the name of the Clearinghouse would present certain legal problems.

A motion was made by Mr. Tripp and seconded by Mr. Duffy to utilize the name "Pine Barrens Credit Clearinghouse" when referring to the entity administering the Pine Barrens Credit Program and to recommend that the Commission adopt the same and amend the Plan, as necessary. The motion was approved unanimously.

Mr. Rigano, at this point, stated that the Board members should be aware that they are subject to the open meetings law of New York State and briefly described the requirements.

Mr. Tripp stated that he understood that the staff and counsel of the Commission would also be staff and counsel of the Clearinghouse. There was general agreement on the point.

2. Pine Barrens Credit Handbook

- Final draft: status and remaining issues.

Summary: A general discussion ensued regarding the Handbook. It was suggested by Mr. Tripp that a further explanation regarding the need for a titled search should be provided on page 9. Mr. Rigano offered two sentences to be added under the question "What is a title search and why do I need one?" on page 9. Mr. Tripp also suggested that the first sentence of the second to last paragraph on page 9 would be confusing to some readers and suggested that it be deleted. Mr. Tripp suggested amending the last sentence on page 16 to read as follows, "Contact the Clearinghouse regarding the policies and procedures for purchase of your PBCs by the Clearinghouse." Mr. Hanley suggested including sworn statement provisions in the applications in the appendices of the Handbook. Mr. Tripp suggested that the forms referenced on page 12, Suffolk County Recording & Endorsement Page and TP-584, should be included in the appendices of the Handbook.

A discussion ensued about the type of title search that should be required and the need or appropriateness of title insurance. It was concluded that more research should be done and that the exact requirements for any given parcel would be provided over the phone by Commission staff.

DRAFT

A motion was made by Mr. Tripp and seconded by Mr. Stein to endorse the Pine Barrens Credit Handbook with above mentioned changes and recommend that it be adopted by the Commission. The motion was approved unanimously.

- Mailing.

Summary: The draft letter to accompany the Handbook upon mailing was reviewed. A few minor corrections were noted, and a general consensus was reached that it was appropriate to accompany the Handbook for mailing to Core area property owners and other interested parties.

3. Draft Rules of the Clearinghouse.

Mr. Rigano stated that the Plan provides that Clearinghouse may establish an allocation scheme or formula for parcels of property zoned other than residential. There was a general consensus that the staff should provide some potential allocation scenarios at the next meeting.

- Draft Rules of the Clearinghouse, distribution and summary
- Purposes and functions of the Clearinghouse Advisory Board
- Adoption

Summary: These items were held over for the next meeting.

4. Capitalization Fund.

- Contract status.

Summary: A general discussion ensued about the need to get the \$5 million from the State. It was agreed that Mr. Tripp would write a letter to the DEC Commissioner requesting that action be quickly taken to sign the contract authorizing the release of the \$5 million. It was also agreed that a similar letter should go to the Attorney General and Comptroller following the signature by the DEC Commissioner to expedite the process.

- Suffolk County Treasurer's Role.

Summary: A general discussion ensued about the Suffolk County Treasurers role and the role of the Suffolk County Comptroller. The investment guidelines of Suffolk County were noted and it was mentioned that they should be adequate. Mr. Stein stated that an ongoing dialogue between to Treasurer and the Clearinghouse should be maintained to ensure that interest on the principal would be maximized while maintaining sufficient liquidity of funds so that transactions by the Clearinghouse would not be affected.

- Use of funds.

Summary: A general discussion ensued about how the Commission should purchase PBCs. Should a guaranteed price that is below the estimated market value be established for each town (or school district, as appropriate) or should sellers be requested to state a selling price giving the Clearinghouse the options to buy at the stated price? It was suggested that a Clearinghouse letter regarding Clearinghouse acquisition policy be sent to Core landowners. Mr. Duffy suggested that such a letter may not be advisable at this point.

Mr. Tripp noted that the value of Credits is critically dependent upon the Towns complying with the Plan's receiving area to sending area ratios. Mr. Tripp suggested that Commission staff be utilized to make a determination as to compliance with these ratios. Mr. Duffy suggested that the Commission staff should work with town staff so that

DRAFT

compliance with these ratios can be established.

A motion was made by Mr. Duffy and seconded by Mr. Tripp that the staff of the Commission work with the staff of the three towns to demonstrate compliance with the ratios identified in section 6.5 of the Plan. The motion was approved unanimously.

5. Financial Consultant

Summary: A general discussion ensued regarding the need to have a valid methodology for establishing a market value for credits and the possible need to tie this value to established national economic indicators. Mr. Proios stated that the use of local government staff for the project would be advisable.

A motion was made by Mr. Tripp and seconded by Mr. Stein to recommend that a financial consultant be retained (1) to provide a range of PBC values in each of the three towns (and possibly each school district in Southampton) and (2) to provide advice on the use of funds to support the PBC market.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Agenda (DRAFT) for October 25, 1995 Riverhead Town Hall / 2:00 pm

1. Administrative

- Public comment period
- Draft summaries for 9/29 and 10/11: corrections and approval (*faxed*)

2. Core Preservation Area

- Eagles Nest Estates / Calverton (Riverhead): decision (*11/4 deadline*)
- George's Manor / Calverton (Brookhaven): exemption status
- Map of Diane Plompen / Flanders: exemption certification status
- L.I. Compost / Eastport: status
- Correspondence from Joseph Gazza (*faxed*)
- Gazza / Speonk: new hardship application and hearing
- Gazza / Westhampton: new hardship application and hearing

3. Compatible Growth Area

- Toussie South / Miller Place: possible decision or extension (*10/23 deadline*)
- Sunset Construction Corp. / Shoreham: new application and hearing

4. Fire Management Plan component

- Proposed "CPB Wildfire Task Force": revised resolution (*faxed*)

5. Proposed Plan changes

- Proposed amendments: continuation from 10/11 meeting

6. Pine Barrens Credit (PBC) Program

- Proposed revised PBC allocation table: discussion
- PBC Clearinghouse: capitalization fund contract status
- PBC Clearinghouse: SC investment guidelines adoption
- Pine Barrens Credit Program Handbook: distribution status

7. Status of revisions of local ordinances to conform with Plan

8. Executive Session (*if needed*)

Public hearings starting at 5:00 pm (*following adjournment of meeting*)

- Davis Kepner (also Clancy Street Food Court) / Manorville: core hardship, site plan
- Aroya & Brodbeck / Middle Island: CGA application, site plan
- Toussie North / Miller Place: CGA application, land division

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Agenda (FINAL) for October 25, 1995 Riverhead Town Hall / 2:00 pm

1. Administrative

- Public comment period
- Draft summaries for 9/29 and 10/11: corrections and approval (*faxed*)
- Plan seminars on 11/6, 12/8, 12/12: update

2. Core Preservation Area

- Eagles Nest Estates / Calverton (Riverhead): decision (*11/4 deadline*)
- George's Manor / Calverton (Brookhaven): exemption status
- Map of Diane Plompen / Flanders: exemption certification status
- L.I. Compost / Eastport: status
- Correspondence from Joseph Gazza (*faxed*)
- Gazza / Speonk: new hardship application and hearing
- Gazza / Westhampton: new hardship application and hearing

3. Compatible Growth Area

- Toussie South / Miller Place: extension of decision (*currently 10/23 deadline*)
- Sunset Construction Corp. / Shoreham: new application and hearing

4. Fire Management Plan component

- Proposed "CPB Wildfire Task Force": revised resolution (*faxed*)

5. Proposed Plan changes

- Proposed amendments: continuation from 10/11 meeting

6. Pine Barrens Credit (PBC) Program

- Proposed revised PBC allocation table: discussion
- PBC Clearinghouse: capitalization fund contract status
- PBC Clearinghouse: SC investment guidelines adoption
- Pine Barrens Credit Program Handbook: distribution status

7. Status of revisions of local ordinances to conform with Plan

8. Executive Session (*if needed*)

Public hearings starting at 5:00 pm (*following adjournment of meeting*)

- David Kepner (also Clancy Street Food Court) / Manorville: core hardship, site plan
- Aroya & Brodbeck / Middle Island: CGA application, site plan
- Toussie North / Miller Place: CGA application, land division

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Meeting Summary (FINAL) for October 25, 1995 (Approved 12/6/95) Riverhead Town Hall / 2:00 pm

Present: Mr. Proios (for Suffolk County), Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Blowes and Mr. Freleng (for Southampton) and Mr. Cowen (for New York State). General counsel was Ms. Roth. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Hopkins, Mr. Milazzo, and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:16 pm.

Administrative

- Public comment period
Summary: *There were no speakers.*
- Draft summaries for 9/29 and 10/11: corrections and approval (faxed)
Summary: *Ms. Roth suggested that, within the 9/29/95 summary's "PBC Handbook" description, the first paragraph's fourth sentence be deleted. A motion was made by Mr. Cowen and seconded by Ms. Wiplush to approve the 9/29/95 summary with that change and the 10/11/95 summary as written. The motion was approved unanimously.*
- Plan seminars on 11/6, 12/8, 12/12: update
Summary: *Mr. Corwin described the 11/6/95 seminar for title companies in Nassau and Suffolk. Ms. Plunkett explained that the 12/8/95 morning session is for planning and government officials, the afternoon is for private consultants, and the 12/12/95 morning seminar is for real estate professionals, all at Brookhaven's Medford offices.*

Core Preservation Area

- Eagles Nest Homes / Calverton (Riverhead): decision (11/4 deadline)
Summary: *Ms. Plunkett described this application for a residence on a 0.66 acre parcel in Calverton. The hearing was held 9/20/95, and a decision is due by 11/4/95.*

A motion was made by Ms. Filmanski and seconded by Mr. Blowes to designate the Commission as the lead agency and to issue a determination of nonsignificance under the State Environmental Quality Review Act for the Eagles Nest Homes Core Preservation Area hardship application. The motion was approved unanimously.

A second motion was then made by Ms. Filmanski and seconded by Mr. Blowes to approve the Eagles Nest Homes application for a Core Preservation Area hardship permit based upon extraordinary hardship. The motion was approved unanimously.

- George's Manor / Calverton (Brookhaven): exemption status
- Map of Diane Plompen / Flanders: exemption certification status

Summary: Ms. Roth discussed the language in ECL 57-0107(13)(ix), and its interpretation. She noted that these projects should be addressed independently.

In Southampton Town, during and prior to 1993, sketch plan review and approval occurred prior to formal subdivision approval. In the case of minor subdivisions, which the Plompen project is, sketch plan approval was followed immediately by final subdivision approval; the intervening step of preliminary subdivision approval did not apply to minor subdivisions. Since 1993, that procedure has been changed.

In Brookhaven Town, at the time of the George's Manor cluster approval, the Planning Board made a separate decision on clusters, not tied to the preliminary and final subdivision approval process. That procedure has since changed.

Mr. Olsen spoke about the steps and delays which the Plompen project had gone through. A discussion ensued regarding these projects, their approvals, provisions of the ordinances applicable then, and the application of the nondevelopment language.

A motion was made by Mr. Cowen and seconded by Mr. Proios to certify the George's Manor project as nondevelopment under ECL 57-0107(13)(ix) provided that the conditions contained within the 7/6/94 NYS DEC's Wild, Scenic and Recreational River Systems Act permit for this project are met. The motion was approved unanimously.

A motion to amend the previous resolution was then made by Ms. Wiplush and seconded by Mr. Cowen to make the certification of nondevelopment of George's Manor additionally subject to verification that the condition to submit to the Town a boundary survey, which was imposed by Brookhaven Town in its cluster approval of 2/10/92, has been satisfied. The motion was approved unanimously.

A motion was then made by Mr. Cowen and seconded by Mr. Blowes to certify the Diane Plompen project as nondevelopment pursuant to ECL 57-0107(13)(ix) based upon the finding that for minor subdivisions in the Town of Southampton which received sketch plan approval on or before June 1, 1993, sketch plan approval constituted preliminary subdivision approval. The motion was approved unanimously.

- L.I. Compost / Eastport: status

Summary: Ms. Roth stated that the SEQRA coordination notices had been mailed, that the hearing scheduled for 11/8/95 should proceed, and that the lead agency and SEQRA significance determination should follow. To date, only the original letter and the Environmental Assessment Form Part 1 have been received.

A discussion followed regarding keeping the hearing record open and possibly

scheduling an additional session further east. A motion was made by Mr. Cowen and seconded by Ms. Filmanski (1) to try to move the L.I. Compost Corp. hearing to a site further east and, (2) if not possible, to find a site further east for continuing the hearing on 11/9/95 at 6:00 pm. The motion was approved unanimously.

- Correspondence from Joseph Gazza (faxed)
Summary: The attached correspondence of 10/18/95 from Mr. Joseph Gazza was discussed. The Commission determined that it would not issue such a resolution.
- Gazza / Speonk: new hardship application and hearing
- Gazza / Westhampton: new hardship application and hearing
- Sunset Construction Corp. / Shoreham: new application and hearing
Summary: Ms. Plunkett summarized the first new application from Joseph Gazza for a reconfiguration of seven lots to allow the construction of four single family homes on a total of 9.76 acres in a CR200 Southampton district located south of the intersection of CR 51 and East Moriches-Riverhead Road in Eastport within Southampton Town.

She also noted that one other core area application had been received from Joseph Gazza and that a Compatible Growth Area application has been received from the Sunset Construction Corp, and recommended that hearings be set for each of these for 12/6/95. A vote was held till after discussion of the Plan amendments' hearing date.

Proposed Plan changes

- Proposed amendments: continuation from 10/11 meeting
- Proposed revised PBC allocation table: discussion
Summary: Ms. Roth suggested that the proposed Plan amendments and SEQRA compliance be discussed at the 11/8/95 meeting, and that a hearing be set now. The attached Plan amendments were distributed and the provisions relating to the credit allocations were discussed. Further discussion was held to later in the meeting.

Administrative, Core Preservation Area, and Compatible Growth Area

- Relocation of 12/6/95 Commission meeting (not on the original agenda)
- Gazza / Speonk: new hardship application and hearing
- Gazza / Westhampton: new hardship application and hearing
- Sunset Construction Corp. / Shoreham: new application and hearing
Summary: Ms. Plunkett summarized a new application from Mr. Gazza for the clearing, for agriculture, of approximately 4 acres of a 6.57 acre parcel at the Sunrise Highway's South Service Road and CR 31 in Westhampton. Ms. Plunkett noted that a complete Compatible Growth Area application has also been received for a land division of a 37,500 square foot parcel into two lots on the south side of Willard Street, west of Randall Road, in the unincorporated area of Shoreham.

A motion was made by Mr. Cowen and seconded by Ms. Filmanski to (1) relocate the 12/6/95 Commission meeting to the Riverhead Town Hall, and (2) to schedule hearings on the Joseph Gazza (2) and Sunset Construction Corp. applications on 12/6/95 at the Riverhead Town Hall at 5:00 pm. The motion was approved unanimously.

Compatible Growth Area

- Toussie South / Miller Place: extension of decision (*currently 10/23 deadline*)
Summary: Ms. Plunkett stated that the Toussie South applicant has requested an extension of their decision to 12/22/95. ***A motion was made by Mr. Proios and seconded by Mr. Cowen to accept and approve the decision deadline of 12/22/95 for the Toussie South application. The motion was approved unanimously.***

Proposed Plan changes

- Proposed amendments: continuation from 10/11 meeting
Summary: ***A motion was made by Mr. Proios and seconded by Mr. Cowen to schedule a hearing on 11/15/95 at the Riverhead Town Hall at 9:00 am upon the proposed Plan amendments. The motion was approved unanimously.***

Fire Management Plan component

- Proposed "CPB Wildfire Task Force": revised resolution (*faxed*)
Summary: A 10/13/95 memo (*previously faxed*) containing a revised version of the proposed resolution was discussed, and further changes were made. Changes included the addition of two RESOLVED clauses, one to state that each member entity shall have one vote, another to define that 50% of the voting entities constitute a quorum and that an affirmative vote of two-thirds of the voting members present are needed to pass a resolution. 12/1/95 will be the deadline for the first meeting. The changes in the 10/13/95 memo to substitute "entities" for "organizations" and to clarify the clause affirming the independence of the voting members were agreed upon.

Mr. Corwin distributed the attached letter from the L.I. Pine Barrens Society expressing certain concerns regarding the Task Force's work, prescribed burning, and the opinion that the L.I. Pine Barrens Society and the Nature Conservancy should be included.

The revised language of the resolution now read as follows:

WHEREAS the Central Pine Barrens Joint Planning and Policy Commission (the "Commission"), having its principal offices at P.O. Box 587, 3525 Sunrise Highway, 2nd Floor, Great River, was created pursuant to the Long Island Pine Barrens Protection Act of 1993 (the "Act") codified in New York Environmental Conservation Law (the "ECL") Article 57; and

WHEREAS, pursuant to the Act, the Commission adopted the Central Pine Barrens Comprehensive Land Use Plan (the "Plan") designed to protect, preserve and enhance the functional integrity of the Pine Barrens ecosystem and its significant natural resources, including plant and animal populations and communities, to protect the quality of surface water and groundwater, discourage piecemeal and scattered development, promote recreational and environmental educational uses that are consistent with the Plan, to accommodate development in a manner consistent with the long term integrity of the Pine Barrens ecosystem, and to ensure that the pattern of development is compact, orderly and efficient; and

WHEREAS the Act required, as set forth in ECL 57-0121(6)(t), that the Plan provide for fire management for responses to unanticipated fires ("wildfires") in coordination with local volunteer fire departments; and

WHEREAS the Plan states, "The threat to human lives and property justifies the suppression and control of these wildfires," and, "Aggressive fire suppression must remain an essential cornerstone of the pine barrens under these conditions," as delineated in Volume I, section 7.6.10 of the Plan, (the "wildfire section of the Plan"); and

WHEREAS the wildfire section of the Plan recognized the success that the well established structure, which includes local volunteer fire companies employing the Incident Command System (ICS) and depending upon Mutual Aid Assistance, has had in suppressing wildfires in the pine barrens; and

WHEREAS the wildfire section of the Plan provides that full wildfire suppression should remain the standard for areas where wildland and developed areas meet, when fires threaten residential areas, or when human life and property are in immediate danger; and

WHEREAS the wildfire section of the Plan recognizes that for certain relatively remote areas, modified suppression strategies that use confinement and containment methods, with indirect attack, should be considered, and that such modified suppression tactics would reduce firefighters' exposure to risk; and

WHEREAS the wildfire section of the Plan states that guidelines for utilizing modified suppression tactics need to be developed; and

WHEREAS the wildfire section of the Plan states that prefire planning will be an important part of directing appropriate suppression response due to the short duration of most fire events in the pine barrens; and

WHEREAS the Commission may convene conferences, seminars, meetings, or technical sessions on its own or in coordination with federal, state, county, town, or private entities as deemed necessary relative to its responsibilities, as set forth in ECL 57-0119(6)(n);

Now therefore be it

RESOLVED that the Commission hereby establishes a "Central Pine Barrens Wildfire Task Force" to undertake prefire planning for wildfire suppression response, as called for in the Plan, and to formulate guidelines for the use, where appropriate, of modified wildfire suppression strategies, as called for in the Plan; and be it further

RESOLVED that the Central Pine Barrens Wildfire Task Force shall, within one year of its first meeting, prepare or cause to be prepared a Central Pine Barrens Wildfire Management Strategy; and be it further

RESOLVED that the Central Pine Barrens Wildfire Management Strategy shall include, but not be limited to, the following:

- (1) a prefire plan for incident response, mobilization, and resource deployment,*
- (2) a determination of the wildfire suppression techniques appropriate for use in the Central Pine Barrens,*
- (3) a list of criteria and guidelines for the selection and use of each wildfire suppression technique,*
- (4) fire prevention programs or techniques appropriate for the Central Pine Barrens,*
- (5) a standard system of record keeping for fire incidents in the Central Pine Barrens, and*
- (6) such other components as the Central Pine Barrens Wildfire Task Force shall determine to be essential;*

and be it further

RESOLVED that the Commission hereby proposes that membership on the Central Pine Barrens Wildfire Task Force include representatives from the following entities:

- All volunteer Fire Companies with jurisdiction in the Central Pine Barrens, with each individual volunteer fire department constituting a separate, single and distinct entity,*
- New York State Department of Environmental Conservation (NYS DEC),*
- New York State Office of Parks, Recreation, and Historic Preservation (NYS OPRHP),*
- New York State Fire Prevention and Management Office,*
- Suffolk County Department of Parks, Recreation and Conservation,*
- Suffolk County Fire, Rescue and Emergency Services (SC FRES) Department,*
- Town of Brookhaven Fire Marshal's Office,*
- Town of Riverhead Fire Marshal's Office,*
- Town of Southampton Fire Marshal's Office,*
- Central Pine Barrens Joint Planning and Policy Commission (CPBJPPC),*
- Law Enforcement Council (of the CPBJPPC),*
- Protected Lands Council (of the CPBJPPC),*

- U.S. Army National Guard (USANG),
- U.S. Forest Service (USFS),
- Suffolk County Water Authority (SCWA),
- The Nature Conservancy (TNC), and
- any other entities as may be determined by the Commission to be appropriate;

and be it further

RESOLVED that each of the entities comprising the Central Pine Barrens Wildfire Task Force, shall have one vote each on all matters which the task force addresses; and be it further

RESOLVED that each meeting of the Central Pine Barrens Wildfire Task Force shall require a quorum defined as the presence of a minimum of one half of the entities comprising the task force, and that all decisions and votes of the Central Pine Barrens Wildfire Task Force shall require an affirmative vote of at least two thirds of the entities present; and be it further

RESOLVED that the Chair of the Central Pine Barrens Wildfire Task Force shall be a member of a local volunteer fire department with jurisdiction in the Central Pine Barrens, who shall be appointed by the Commission; and be it further

RESOLVED that the Members of the Central Pine Barrens Wildfire Task Force shall serve without compensation; and be it further

RESOLVED that the Commission shall solicit the advice of the Central Pine Barrens Wildfire Task Force in matters related to future planning for wildfires in the Central Pine Barrens, and specifically, the Commission shall consider modifications or amendments to the Central Pine Barrens Comprehensive Land Use Plan if and as proposed by the Central Pine Barrens Wildfire Task Force following its deliberations; and be it further

RESOLVED that the Commission shall not delegate any of its decision making or statutory authority to the Central Pine Barrens Wildfire Task Force; and be it further

RESOLVED that the Commission recognizes that some of the aforementioned individual entities already possess the independent authority to implement practices to suppress wildfires within their jurisdiction which may include portions of the Central Pine Barrens. Any activity, conduct and/or implementation of any such practices, whether existing or new, taken on behalf of one or more of the aforementioned individual entities, shall not be construed as having obtained the approval or consent of the Commission, unless the express approval of the Commission is obtained; and be it further

RESOLVED that the Commission staff shall provide logistical support to the Central Pine Barrens Wildfire Task Force, including providing notification to involved volunteer

fire departments, federal, state, county, and town agencies, and private entities;
and be it further

RESOLVED that the first meeting of the Central Pine Barrens Wildfire Task Force shall take place on or before December 1, 1995.

A motion was then made by Mr. Cowen and seconded by Mr. Blowes to adopt the above resolution establishing the Central Pine Barrens Wildfire Task Force. The motion was approved unanimously. It was agreed that discussion of the appointment of a Task Force Chair would be held at the 11/8/95 Commission meeting.

Mr. Blowes asked about the assistance available to local fire districts, as discussed in Section 9.1.4 of Volume 1 of the Plan. A brief discussion of possible assistance followed, and Mr. Corwin noted that this was a question which a staff attorney could investigate.

Pine Barrens Credit (PBC) Program

- PBC Clearinghouse: capitalization fund contract status
Summary: Mr. Corwin reported that the contract was presently in the offices of the State Comptroller. No further discussion was held.
- PBC Clearinghouse: SC investment guidelines adoption
Summary: A motion was made by Mr. Blowes and seconded by Ms. Filmanski to adopt the attached Investment Policy for Suffolk County, New York as the investment policy for the Commission for managing the capitalization funds of the Clearinghouse, with the replacement of references to Suffolk County by references to the Commission and/or the Clearinghouse, as appropriate. The motion was approved unanimously.
- Pine Barrens Credit Program Handbook: distribution status
Summary: Mr. Corwin stated that the Handbook was sent to persons who have requested PBC or acquisition information, and to the Riverhead core property owners, using address updates from the assessor. It will be sent to owners of Brookhaven and Southampton property as soon as those address updates are received.

Status of revisions of local ordinances to conform with Plan

Summary: Ms. Filmanski reported that the Riverhead Town Board had not yet discussed the latest version of the proposed town code amendments.

Adjournment

Summary: The meeting ended at approximately 4:45 pm without a formal resolution.

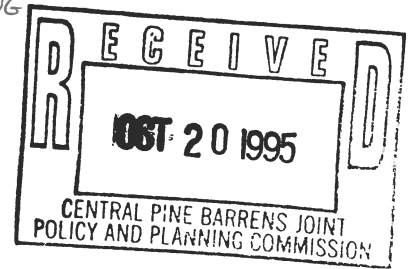
- Attachments:**
1. Speaker Sign-in and Attendance Sheets.
 2. 10/18/95 letter from Mr. Gazza re tax petition

3. Proposed amendments to Plan
4. 10/25/95 letter from the L.I. Pine Barrens Society re Wildfire Task Force
5. Investment Policy for Suffolk County, New York

ATTACHMENT TO COMMISSION MEETING
SUMMARY OF 10/25/95

JOSEPH FREDERICK GAZZA

ATTORNEY AT LAW
P.O. Box 969 5 OGDEN LANE
QUOGUE, New York 11959
(516)653-5766 (DAY AND EVENING)



October 18, 1995

The Central Pine Barrens Joint Planning & Policy Commission
P.O. Box 587-3525 Sunrise Highway 2nd Floor
Great River, New York 11739

Re: Real Estate taxes for 95/96 tax year affecting Pine Barrens Core Properties

Dear Committee Members,

Attached please find duplicate original Petition filed by the undersigned with the Southampton Town Clerk today. Kindly advise if your commission could be resolution support the undersigned's Petition for realty tax relief on Core properties.

Respectfully submitted,


JOSEPH FREDERICK GAZZA

TOWN BOARD: TOWN OF SOUTHAMPTON
SUFFOLK COUNTY, NEW YORK

In the Matter of the Petition of :
JOSEPH FREDERICK GAZZA :
to : PETITION
IMPOSE A MORATORIUM ON ALL REALTY :
TAXES AFFECTING ALL "PINE BARRENS :
CORE AREA" PARCELS :

TO THE HONORABLE TOWN BOARD OF THE TOWN OF SOUTHAMPTON, SUFFOLK COUNTY, NEW YORK:

PETITIONER, JOSEPH FREDERICK GAZZA, of 5 Ogden Lane, Quogue, New York, does hereby petition the Town Board as follows:

RECEIVED
1995 OCT 18
TOWN OF SOUTHAMPTON
CLERK'S OFFICE

(1) Petitioner is the owner of 228 acres of real estate situate within the "Core Area" of the Pine Barrens of the Town of Southampton. Many of the parcels that comprise the 228 acres were acquired by the Petitioner over fifteen years ago, at a time when there were no "Pine Barrens Regulations", and at a time when these lands were zoned industrial.

(2) Petitioner purchased his parcels with hard earned money and Petitioner has continuously paid the realty taxes on his Pine Barrens lands every year including the 1994/95 tax year in the sum of \$23,369.00.

(3) The Town Board did on 10/23/1990 adopt local law No.25 of 1990 creating Chapter 300, (WGEIS law) affecting an area of 27,909 acres of which my 228 acres is a part. The effect of said law was to stay municipal action on my plans for use of my lands via moratorium on development projects.

(4) The Town Board did two weeks ago adopt a local law implementing the recommendations of the Central Pine Barrens comprehensive land use plan which in effect prohibits development within the core preservation area unless a hardship exemption is granted by the Central Pine Barrens Joint Planning & Policy Commission, of which the Town is a part.

(5) Petitioner has applied for five hardship applications to date, the status of which is; 2 pending, 2 denied, 1 approved. The effort, time and expense connected with an application are so great that in most cases the value of the property sought to be developed does not warrant the expenditure.

(6) Petitioner has appeared before your Board each year for the last 4 years pleading for you to "Stop the overburdening taxation of Pine Barrens Lands", that can't be used due to the regulations and red tape that you have succeeded in imposing upon the private property rights of the Pine Barrens land owners.

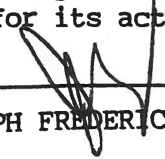
(7) Petitioner has filed tax grievance petitions, and appeared before a special meeting of the Town Board of Assessment Review with the assessment council for the Town present, to plead this unfair tax situation, all to no avail.

(8) In 2½ months Petitioner and 3500+ other Pine Barrens land owners will be receiving their 1995/96 tax bills, which will not reflect the onerous regulations imposed upon their properties by your Board.

Now, therefore, your Petitioner hereby requests that a Moratorium on all realty taxes affecting all lands within the Pine Barrens Core Area be immediately imposed. The effect of this loss of tax revenues for school districts and government will be no different than the effect of squeezing the taxes out of the landowners who cannot use or sell their lands due to your regulations. Use park fund money to cover the loss in tax revenue for 95/96 if you have to.

As citizens must be responsible to their government for their actions, so must government be responsible to its citizens for its actions.

Dated: October 18 1995



JOSEPH FREDERICK GAZZA

STATE OF NEW YORK

SS:

COUNTY OF SUFFOLK

On the *18* day of October 1995 before me personally appeared JOSEPH FREDERICK GAZZA to me known to be the undersigned who executed the foregoing petition.

DIANE M. CARPENTER
Notary Public, State of New York
No. 4064038
Qualified in Suffolk County
Commission Expires March 19, 19*96*

Diane M Carpenter
Notary Public

4.4.2 Nonconforming development within the Compatible Growth Area

This includes all development within the Compatible Growth Area that does not conform to the standards for land use set forth in Volume 1, Chapter 5 of this Plan.

4.4.3 Compatible Growth Area development over which the Commission asserts jurisdiction

This includes development within the Compatible Growth Area for which the Commission, by an individual Commissioner's petition and a majority vote, asserts review jurisdiction as provided for in the Act.

4.4.4 Compatible Growth Area development within Critical Resource Areas

This includes all development within the Compatible Growth Area which is also within a Critical Resource Area as provided for in the Act and defined in this Plan.

4.4.5 Developments of Regional Significance

This includes development within the Compatible Growth Area which constitutes a Development of Regional Significance as provided for in the Act and defined in this Plan.

4.5 Completeness and review procedures

4.5.1 Development located within the Core Preservation Area

The Act requires the prohibition or redirection of development in the Core Preservation Area and sets forth the jurisdiction of the Commission over, and certain requirements for processing, hardship exemptions. The Act authorizes the Commission, by majority vote, to waive strict compliance with this Plan upon finding that such waiver is necessary to alleviate hardship according to the conditions and finding of extraordinary hardship or compelling public need pursuant to subdivision 10 of Section 57-0121 of the Act.

4.5.1.1 Lead agency assertion

The Commission shall seek lead agency status for development proposed in the Core Preservation Area pursuant to the State Environmental Quality Review Act.

4.5.1.2 Filing of an application

The ~~complete~~ application shall be filed with the Commission by the project sponsor. A municipal application to the Town is not required for a ~~complete~~ application under this subsection. ✓
✓

4.5.1.3 Completeness determination deadline

The Commission shall make a determination as to whether an application is complete within thirty (30) days of receipt of the application.

4.5.1.4 Hearing

Within ~~sixty (60)~~ ^{thirty (30)} days of an application being ~~deemed complete~~ ^{submitted to} by the Commission, a public hearing on the development shall be held, ~~in accordance with the procedures in the Act.~~ At this time, the project sponsor and any other person shall have an opportunity to comment on the proposal.

4.5.1.5 Statutory basis for the Commission's decision

The decision by the Commission on the application shall be based upon the standards in subdivision 10 of Section 57-0121 of the Act, which describes the criteria for determining that a hardship has been demonstrated.

4.5.1.6 Decision on the application

Within ~~one hundred twenty (120)~~ ^{sixty (60)} days of an application being ~~deemed complete~~ ^{submitted}, the Commission shall issue a decision on the application.

4.5.1.7 Default decisions and extension of the decision deadline

In the event that the Commission fails to make a decision within ~~one hundred twenty (120)~~ ^{sixty (60)} days ^{of being submitted}, the proposal shall be deemed to be approved by the Commission, unless extended by the mutual agreement of the project sponsor and the Commission.

4.5.2 Development located within the Compatible Growth Area which does not conform to the standards contained in Volume 1, Chapter 5 of the Plan

The Act sets forth the jurisdiction for the Commission's review of development within the Compatible Growth Area of the Central Pine Barrens area. Such review includes development that does not conform to the standards in Volume 1, Chapter 5 of this plan. The Act also authorizes the Commission, by majority vote, to waive strict compliance with the standards upon finding that such waiver is necessary to alleviate a demonstrated hardship. The Commission shall not review conformance or nonconformance for guidelines in Volume 1, Chapter 5 in evaluating hardship provisions under this section.

4.5.2.1 Filing of an application

For projects that are not consistent with the standards, a complete application shall be filed

with the Commission by the project sponsor.

4.5.2.2 Changes in consistent projects

If, during the local review, a proposed development project is modified such that the local municipality finds that it becomes inconsistent with any standard in Volume 1, Chapter 5, the local municipality shall notify the Commission and the project sponsor immediately. Upon receipt of said notice, the project sponsor shall be notified that an application for hardship relief as provided herein shall be required. Alternatively, the project sponsor shall be afforded an opportunity to revise the development project so that it is consistent with the standards.

4.5.2.3 Completeness determination deadline

The Commission shall make a determination as to whether an application is complete within thirty (30) days of receipt of the application.

4.5.2.4 Review standards

The Commission's standard for review pursuant to this section shall be the hardship standard provided for in section 57-0121(9) (10)

4.5.2.5 Hearing

Within ~~sixty (60)~~ ^{thirty (30)} days of the application being ~~deemed complete~~ ^{submitted}, a public hearing on the development proposal shall be held, unless the Commission by majority vote deems a hearing unnecessary, in accordance with the procedures provided in the Act. The Commission shall provide the project sponsor and any other person an opportunity to be heard as provided for, and in accordance with the procedures provided in the Act.

4.5.2.6 Decision on the application

A decision on the application shall be made by the Commission within ~~one hundred twenty (120)~~ ^{sixty (60)} days of said application being ~~deemed complete~~ ^{submitted}.

4.5.2.7 Default decisions

In the event that the Commission fails to make a decision within ~~one hundred twenty (120)~~ ^{sixty (60)} days, the proposal shall be deemed to be approved by the Commission.

4.5.3 Development located within the Compatible Growth Area which has been subjected to a petition by the Commission pursuant to ECL Section 57-0123(2)

The Act sets forth the jurisdiction for the Commission's review of development within the

June, 1995. Development yield is established by multiplying the gross lot area of the parcel by the development yield factor for each residential zoning category. The development yield factors for the various residential zoning categories are as follows:

6.3.1.1 Development yield factors and computation

- ~~6.3.1.1.1 If zoning allows four (4) units per one (1) acre, the development yield factor is 2.70 Pine Barrens Credits per acre.~~
- ~~6.3.1.1.2 If zoning allows two (2) units per one (1) acre, the development yield factor is 1.60 Pine Barrens Credits per acre.~~
- ~~6.3.1.1.3 If zoning allows one (1) unit per one (1) acre, the development yield factor is 0.80 Pine Barrens Credit per acre.~~
- ~~6.4.1.1.4 If zoning allows one (1) unit per two (2) acres, the development yield factor is 0.40 Pine Barrens Credit per acre.~~
- ~~6.3.1.1.5 If zoning allows one (1) unit per three (3) acres, the development yield factor is 0.27 Pine Barrens Credit per acre.~~
- ~~6.3.1.1.6 If zoning allows one (1) unit per four (4) acres, the development yield factor is 0.20 Pine Barrens Credit per acre.~~
- ~~6.3.1.1.7 If zoning allows one (1) unit per five (5) acres, the development yield factor is 0.16 Pine Barrens Credit per acre.~~
- ~~6.3.1.1.8 If zoning allows one (1) unit per ten (10) acres, the development yield factor is 0.08 Pine Barrens Credit per acre.~~
- ~~6.3.1.1.9 A fractional allocation of a Pine Barrens Credit shall be rounded to the nearest one hundredth (1/100th = 0.01) of a Pine Barrens Credit.~~

These development yield factors are summarized in Figure 6-1, and sample computations are shown in Figure 6-2.

replace with new Section 6.3.1.1

6.3.1.1 Development yield factors and computation

- 6.3.1.1.1 If zoning allows one (1) dwelling unit per 10,000 square feet, the development yield factor is 2.70 Pine Barrens Credits per acre.
- 6.3.1.1.2 If zoning allows one (1) dwelling unit per 15,000 square feet, the development yield factor is 2.0 Pine Barrens Credits per acre.
- 6.3.1.1.3 If zoning allows one (1) dwelling unit per 20,000 square feet, the development yield factor is 1.60 Pine Barrens Credits per acre.
- 6.3.1.1.4 If zoning allows one (1) dwelling unit per 40,000 square feet, the development yield factor is 0.80 Pine Barrens Credits per acre.
- 6.3.1.1.5 If zoning allows one (1) dwelling unit per 60,000 square feet, the development yield factor is 0.60 Pine Barrens Credits per acre.
- 6.3.1.1.6 If zoning allows one (1) dwelling unit per 80,000 square feet, the development yield factor is 0.40 Pine Barrens Credits per acre.
- 6.3.1.1.7 If zoning allows one (1) dwelling unit per 120,000 square feet, the development yield factor is 0.27 Pine Barrens Credits per acre.
- 6.3.1.1.8 If zoning allows one (1) dwelling unit per 160,000 square feet, the development yield factor is 0.20 Pine Barrens Credits per acre.
- 6.3.1.1.9 If zoning allows one (1) dwelling unit per 200,000 square feet, the development yield factor is 0.16 Pine Barrens Credits per acre.
- 6.3.1.1.10 If zoning allows one (1) dwelling unit per 400,000 square feet, the development yield factor is 0.08 Pine Barrens Credits per acre.
- 6.3.1.1.11 One acre as used in 6.3.1.1.1 - 6.3.1.1.10 equals 43,560 square feet.
- 6.3.1.1.12 A fractional allocation of a Pine Barrens Credit shall be rounded to the nearest one hundredth (1/100th = 0.01) of a Pine Barrens Credit.

These development yield factors are summarized in Figure 6-1, and sample computations are shown in Figure 6-2.

Replace with new Figures 6-1 + 6-2

Figure 6-1: Pine Barrens Credit Program development yield factors

Provision	If zoning allows:	Then development yield factor is:
6.3.1.1.1	4 (four) units per acre	2.70 PBCs per acre
6.3.1.1.2	2 (two) units per acre	1.60 PBCs per acre
6.3.1.1.3	1 (one) unit per acre	0.80 PBC per acre
6.3.1.1.4	1 (one) unit per 2 (two) acres	0.40 PBC per acre
6.3.1.1.5	1 (one) unit per 3 (three) acres	0.27 PBC per acre
6.3.1.1.6	1 (one) unit per 4 (four) acres	0.20 PBC per acre
6.3.1.1.7	1 (one) unit per 5 (five) acres	0.16 PBC per acre
6.3.1.1.8	1 (one) unit per 10 (ten) acres	0.08 PBC per acre

*These factors are augmented by provision 6.3.1.1.9:
Fractional allocations are rounded to the nearest hundredth of a Pine Barrens Credit (PBC).*

Figure 6-2: Pine Barrens Credit allocation examples

Example 1: A 10.53 acre parcel zoned one unit per three acres.
 $10.53 \text{ acres} \times 0.27 \text{ Pine Barrens Credits per acre} = 2.84 \text{ PBCs}$

Example 2: A 0.25 acre parcel zoned one unit per five acres.
 $0.25 \text{ acres} \times 0.16 \text{ Pine Barrens Credits per acre} = 0.04 \text{ PBC}$

Example 3 (Example #2 modified): A 0.25 acre parcel zoned one unit per five acres.
 $0.25 \text{ acres} \times 0.16 \text{ Pine Barrens Credits per acre} = 0.04 \text{ PBC}$
 This is rounded to 0.10 Pine Barrens Credit.

Figure 6-1: Pine Barrens Credit Program development yield factors

Provision If zoning allows: Then development yield factor is:

6.3.1.1.1.	1 (one) dwelling unit per 10,000 square feet	2.70 PBCs per acre *
6.3.1.1.2.	1 (one) dwelling unit per 15,000 square feet	2.0 PBCs per acre *
6.3.1.1.3.	1 (one) dwelling unit per 20,000 square feet	1.60 PBCs per acre *
6.3.1.1.4.	1 (one) dwelling unit per 40,000 square feet	0.80 PBCs per acre *
6.3.1.1.5.	1 (one) dwelling unit per 60,000 square feet	0.60 PBCs per acre *
6.3.1.1.6.	1 (one) dwelling unit per 80,000 square feet	0.40 PBCs per acre *
6.3.1.1.7.	1 (one) dwelling unit per 120,000 square feet	0.27 PBCs per acre *
6.3.1.1.8.	1 (one) dwelling unit per 160,000 square feet	0.20 PBCs per acre *
6.3.1.1.9.	1 (one) dwelling unit per 200,000 square feet	0.16 PBCs per acre *
6.3.1.1.10	1 (one) dwelling unit per 400,000 square feet	0.08 PBCs per acre *

* One acre equals 43,560 square feet

These factors are augmented by provision 6.3.1.1.9.:

Fractional allocations are rounded to the nearest hundredth of a Pine Barrens Credit (PBC).

Figure 6-2: Pine Barrens Credit allocation examples

Example 1: A 10.53 acre parcel zoned one unit per 120,000 square feet
10.53 acres X 0.27 Pine Barrens Credits per acre = 2.84 PBCs

Example 2: A 0.25 acre parcel zoned one unit per 200,000 square feet
0.25 acres X 0.16 Pine Barrens Credits per acre = 0.04 PBC

Example 3: (Example #2 modified): A 0.25 acre parcel zoned one unit per
200,000 square feet
0.25 acres X 0.16 Pine Barrens Credit per acre = 0.04 PBC
This is rounded to 0.10 Pine Barrens Credit.

6.3.2 Allocation for property zoned other than residential

The Pine Barrens ^{Commission} ~~Credit Bank and Clearinghouse~~ may elect to establish an allocation procedure for property in the Core Preservation Area which is zoned other than residential.

~~6.3.3 Proposal of different allocation formulas~~

~~A town may propose a different allocation formula for residential or nonresidential property, subject to prior approval by the Commission.~~

(note: see new section 6.5.3.5)

6.3.4 Limitations on allocation

The following limitations shall apply to the allocation of Pine Barrens Credits:

- 6.3.4.1 No allocation shall be made for any property owned or held by a public agency, municipal corporation or governmental subdivision, including property held by reason of tax default.
- 6.3.4.2 No allocation shall be made for any property for which the development rights have previously been fully used, or allocated for use, under this Plan or any other program.
- 6.3.4.3 No allocation shall be made for any property owned or held for the purpose of land protection, preservation or conservation.
- 6.3.4.4 Partially improved parcels shall receive a decreased allocation based upon the extent of improvement. Furthermore, there shall be a proportional decrease in allocation based upon the receipt of all discretionary permits for improvement of a parcel. The Pine Barrens Credit allocation for a parcel of land shall be reduced by one (1) Pine Barrens Credit for each existing single family unit on the parcel or equivalent as such equivalent is described in the document entitled Standards for Approval of Plans and Construction for Sewage Disposal Systems for Other Than Single Family Residences, approved by the Suffolk County Department of Health Services, Division of Environmental Quality, on June 15, 1982, revised March 5, 1984 and as implemented prior to February 5, 1988, as amended from time to time (hereinafter referred to as the "Suffolk County Health Department Standards").

6.4 Designated receiving districts for Pine Barrens Credits

6.4.1 Definitions

For the purposes of Chapter 6 of this Plan, the following definitions shall apply.

6.4.1.1 As of right Pine Barrens Credit redemption

"As of right" means that the redemption of Pine Barrens Credits entitles a person to an

6.5.3.3 Incentive Zoning districts

The following policies shall apply to the use of Incentive Zoning Districts for the redemption of Pine Barrens Credits.

6.5.3.3.1 Designation of receiving districts pursuant to incentive zoning or municipal home rule laws

Each town may establish receiving districts pursuant to the incentive zoning provisions contained in New York Town Law Section 261-b or pursuant to New York Municipal Home Rule Law. Pine Barrens Credits may be redeemed for a change in land use, or an increase in intensity or density in such receiving districts.

6.5.3.3.2 Requirements for incentive zoning or municipal home rule receiving districts

For each incentive zoning district designated under Section 6.5.3 of this Plan, the town shall establish a redemption schedule, a table of densities or a change of use schedule, as appropriate. Pine Barrens Credits shall be redeemable in accordance with the specified incentive zoning for each receiving district designated. Upon application to the appropriate jurisdiction(s), additional Pine Barrens Credits may be used to exceed the incentive zoning of a receiving district with the redemption of these additional Pine Barrens Credits.

6.5.3.3.3 Requirements of the Suffolk County Sanitary Code

Each incentive zoning district must conform to the requirements of the Suffolk County Sanitary Code.

6.5.3.3.4 Increases above incentive zoning

As part of its incentive zoning ordinance, a town may provide that any additional increases over and above that provided by the incentive zoning schedule may be conditional upon the purchase of additional Pine Barrens Credits.

6.5.3.4 Additional Overlay Districts, Special Permit Uses or Special Exemption Uses

Additional overlay districts, special permit uses, or special exemption uses may be adopted by the towns to accommodate Pine Barrens Credits.

6.5.3.5 Increase in Credit Utilization

Each Town may increase its utilization of credits in a receiving area so long as the ratios required under sections 6.5.2 and 6.5.2.1 of this Plan are met.

Delete "Bank and" from name of clearinghouse

6.6 Establishment of the Pine Barrens Credit Bank and Clearinghouse and the Board of Advisors

The Commission finds that in order to implement the Pine Barrens Credit Program, steps must be taken to promote the use and sale of the Pine Barrens Credits established under the program and that the best means of providing this assurance is through the establishment of a Pine Barrens Credit Bank and Clearinghouse that will purchase, sell, and track Pine Barrens Credits. The Commission further finds that it is appropriate to establish a board to perform the functions of a bank and clearinghouse, subject to the provisions set forth below.

6.6.1 Structure and operation of the Board of Advisors

The Pine Barrens Credit Bank and Clearinghouse, referred to as the "Bank", shall be governed by a Board of Advisors (the "Board") consisting of five (5) members. Each ex officio member of the Commission, and the Governor, shall each appoint one (1) member of the Board. The members of the Board shall serve without compensation. The Commission shall appoint one (1) of these five members as Chairperson of the Board. Four (4) members of the Board shall constitute a quorum for the transaction of services or the exercise of any Board function. An affirmative vote of three (3) or more Board members shall be required to pass a resolution or exercise a function of the Board.

and shall also
appoint a vice chair

6.6.2 Authority of the Board of Advisors

The Board shall have the authority:

- 6.6.2.1 To establish the monetary value of Pine Barrens Credits to be purchased by the Bank.
- 6.6.2.2 To purchase Pine Barrens Credits from property owners to further the objectives of the Pine Barrens Protection Act.
- 6.6.2.3 To sell, exchange or convey Pine Barrens Credits previously purchased by the Bank to entities willing to purchase such Pine Barrens Credits from the Bank, and to establish the monetary value of those Pine Barrens Credits which are sold by the Bank.
- 6.6.2.4 To adopt and, from time to time, amend and repeal suitable bylaws for the management of its affairs;
- 6.6.2.5 To apply for, receive, accept, and utilize, with the approval of the Commission, from any federal, state, or other public or private source, grants or loans for, or in aid of, the Board's authorized purposes;
- 6.6.2.6 To utilize funds allocated for Bank purposes and to implement appropriate fiscal and accounting practices;
- 6.6.2.7 To appoint such officers, employees and agents as the Board may require for the performance of its duties;
- 6.6.2.8 To call to its assistance, and to avail itself of the services of, employees of any state, county or municipal department, board, commission or agency as may be required and

may be made available for these purposes;

6.6.2.9 To purchase, at its discretion, nonresidential Pine Barrens Credits, ~~and, if appropriate, at its discretion, establish a credit allocation scheme for nonresidential property within the Core Preservation Area.~~

6.7 Pine Barrens Credit Certificates

The following procedures shall apply to the issuance of Pine Barrens Credit Certificates by the Bank.

6.7.1 Issuance of Pine Barrens Credit Certificates by the Bank

All Pine Barrens Credit Certificates shall be issued by the Bank.

Change to 3 steps in handbook

6.7.2 Overview of the issuance procedure

Issuance of a Pine Barrens Credit Certificate encompasses the following four steps:

1. A property owner obtains a Letter of Interpretation from the Bank stating the number of Pine Barrens Credits allocated to the parcel of land.
2. The property owner applies to the Bank for a Pine Barrens Credit Certificate.
3. The property owner records a conservation easement; and
4. The Pine Barrens Credit Certificate is issued.

Change to 3 steps in handbook:

6.7.3 Detail of Step 1: Obtaining a Letter of Interpretation

6.7.3.1 A property owner requests a Letter of Interpretation on a form to be supplied by the Bank.

6.7.3.2 The Bank staff may conduct an analysis of the property and will allocate Pine Barrens Credits based upon the allocation formula and any unique features of a particular parcel of land. The Bank staff mails the Letter of Interpretation to the property owner.

6.7.3.3 The property owner has thirty (30) days from the date of the Letter of Interpretation to appeal the allocation to the ~~Board~~ *in writing. Commission*

6.7.3.4 The ~~Board~~ shall consider the appeal within sixty (60) days of receipt of an appeal, and may schedule a hearing. The ~~Board~~ shall decide the appeal within sixty (60) days of receipt of the appeal. The ~~Board~~ may increase the allocation to be received from the Bank if deemed appropriate by the ~~Board~~. *change to Commission*

6.7.4 Detail of Step 2: Applying for a Pine Barrens Certificate

6.7.4.1 After receiving a Letter of Interpretation, a property owner may request a Pine

Certificate until after reaching an agreement with a prospective buyer of the Pine Barrens Credits.

6.7.7.3 Notification of the Bank of Pine Barrens Credit usage

A Pine Barrens Credit Certificate shall state that the recipient of the certificate and any party purchasing the Pine Barrens Credits described in the certificate must notify the Bank of any transaction involving the sale of the Pine Barrens Credits or utilization of the Pine Barrens Credits as security for a loan.

6.7.7.4 Tax status of the subject property

No Pine Barrens Credit Certificates shall be issued for any parcel of land until all real property taxes and ad valorem levies have been paid in full as certified by the town's tax receiver.

6.7.7.5 Liability for real property taxes on subject property

If a transferor of Pine Barrens Credits owns Pine Barrens Credits on the tax status date under the Suffolk County Tax Act, and such Pine Barrens Credits are transferred subsequent to the tax status date, the transferor shall be liable for all real property taxes on such property from the tax status date until the date of transfer of the Pine Barrens Credits.

6.7.7.6 Issuance of a full Pine Barrens Credit for certain roadfront parcels

The Pine Barrens Credit Bank and Clearinghouse may elect to allocate one (1) full Pine Barrens Credit for a parcel of land consisting of at least 4,000 square feet with frontage on an existing improved road.

6.7.7.7 Minimum Pine Barrens Credit allocation

The Pine Barrens Credit Bank and Clearinghouse ^{shall} ~~may elect to~~ allocate no fewer than 0.10 (one tenth) Pine Barrens Credit for any parcel of land, regardless of its size or road accessibility.

6.8 Registry of Pine Barrens Credits

6.8.1 Establishment and maintenance of the Pine Barrens Credit Registry

The Board shall establish and maintain a registry of Pine Barrens Credits, which shall include the following information:

LONG ISLAND PINE BARRENS SOCIETY

ATTACHMENT TO THE COMMISSION
MEETING SUMMARY OF 10/25/95



COMMENTS ON THE PROPOSED "CENTRAL PINE BARRENS WILDFIRE TASK FORCE"

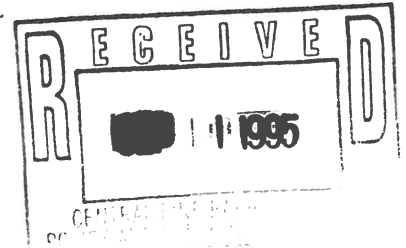
October 25, 1995
delivered by Christine Chase, Project Manager

The Pine Barrens Society is not opposed to the idea of a Central Pine Barrens Wildfire Task Force. However, this task force does not address the entire issue of fire management in the Pine Barrens.

The forest would be better served by encapsulating this plan into a larger fire management effort throughout the region. Only 10% of the issue of fire in the Pine Barrens is addressed by this task force through a narrow focus on suppression. To complete this initiative the Commission can and must devise a plan that is comprehensive and *manages* fire. In it, this plan must include provisions for controlled burning where the concerns for public safety are addressed.

The Pine Barrens Society, the Nature Conservancy and other responsible environmental organizations must be a part of this process. If we've learned anything through the creation of the Pine Barrens act and plan is that the needs and concerns of all stake holders must be collaboratively addressed.

SUMMARY OF
10/25/95



**INVESTMENT POLICY FOR
SUFFOLK COUNTY, NEW YORK**

I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment by Suffolk County on its own behalf.

II. OBJECTIVES

The primary objectives of the local government's investment activities are, in priority order,

to conform with all applicable federal, state and other legal requirements (legal);

to adequately safeguard principal (safety);

to provide sufficient liquidity to meet all operating requirements (liquidity); and

to obtain a reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The Suffolk County Legislature's responsibility for administration of the investment program is delegated to the Suffolk County Treasurer as set forth by the County Charter, Article XV, establishing the Department of Finance & Taxation, the head of which shall be the County Treasurer. The Charter states that the County Treasurer shall receive and have custody of all public funds belonging to or handled by the County. The County shall have a written investment program which shall include procedures for adequate internal control which provide a satisfactory level of accountability based on records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in Suffolk County to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of Suffolk County to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

VI. INTERNAL CONTROLS

It is the policy of Suffolk County for all moneys collected by any officer or employee of Suffolk County to transfer those funds to the Treasurer within ten (10) days after the end of the month, or within the time specified by law, whichever is shorter.

Pursuant to Resolution No. 1054 of 1983 and Resolution No. 15 of 1986, county departments are to deposit all income into interest-bearing accounts. Standard Operating Procedure D-08, dated October 21, 1992, directs departments to prepare and submit monthly SCIN Form 212 to the County Treasurer indicating the balance in each bank account.

The Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITORIES

The banks and trust companies authorized for the deposit of County monies are designated each year at the organizational meeting of the Suffolk County Legislature, currently Resolution No. 7 dated January 3, 1995, is in effect pursuant to Section 212 of the New York COUNTY LAW.

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law, Section 10, all deposits of Suffolk County, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by a pledge of "eligible securities" with an aggregate "market value", or provided by General Municipal Law, Section 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.

By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims - paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

Any surety bond provided in compliance with the investment policy shall be delivered to the Suffolk County Treasurer's Office prior to or concurrent with the deposit of monies in that financial institution.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by a third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Treasurer or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

X. PERMITTED INVESTMENTS

As authorized by General Municipal Law, Section 11, Suffolk County authorizes the Treasurer to invest monies not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

Special time deposit accounts;

Certificates of deposit;

Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;

Obligations of the State of New York;

Obligations issued pursuant to LFL Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality school district or district corporation other than Suffolk County.

All investments obligations shall be payable or redeemable at the option of the County of Suffolk within such times as the proceeds will be needed to meet expenditures for purposes for which the monies were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the County of Suffolk within two years of the date of purchase.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

Suffolk County shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of Suffolk County. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

XII. PURCHASE OF INVESTMENTS

The Treasurer is authorized to contract for the purchase of investments directly, including through a repurchase agreement, from an authorized trading partner.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company.

Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to Suffolk County by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, Section 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

All repurchase agreements must be entered into subject to a Master Repurchase Agreement.

Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.

Obligations shall be limited to obligations of the United States of America and obligations of agencies of the United States of America where principal and interest are guaranteed by the United States of America.

No substitution of securities will be allowed.

The custodian shall be a party other than the trading partner.

APPENDIX A

Schedule of Eligible Securities

(i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.

(ii) Zero coupon obligations of the United States government marketed as "Treasury strips."

(iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.

(iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Meeting of October 25, 1995 at Riverhead Town Hall

Resolution establishing a Central Pine Barrens Wildfire Task Force to undertake wildfire response planning for the Central Pine Barrens

WHEREAS the Central Pine Barrens Joint Planning and Policy Commission (the "Commission"), having its principal offices at P.O. Box 587, 3525 Sunrise Highway, 2nd Floor, Great River, was created pursuant to the Long Island Pine Barrens Protection Act of 1993 (the "Act") codified in New York Environmental Conservation Law (the "ECL") Article 57; and

WHEREAS, pursuant to the Act, the Commission adopted the Central Pine Barrens Comprehensive Land Use Plan (the "Plan") designed to protect, preserve and enhance the functional integrity of the Pine Barrens ecosystem and its significant natural resources, including plant and animal populations and communities, to protect the quality of surface water and groundwater, discourage piecemeal and scattered development, promote recreational and environmental educational uses that are consistent with the Plan, to accommodate development in a manner consistent with the long term integrity of the Pine Barrens ecosystem, and to ensure that the pattern of development is compact, orderly and efficient; and

WHEREAS the Act required, as set forth in ECL 57-0121(6)(t), that the Plan provide for fire management for responses to unanticipated fires ("wildfires") in coordination with local volunteer fire departments; and

WHEREAS the Plan states, "The threat to human lives and property justifies the suppression and control of these wildfires," and, "Aggressive fire suppression must remain an essential cornerstone of the pine barrens under these conditions," as delineated in Volume I, section 7.6.10 of the Plan, (the "wildfire section of the Plan"); and

WHEREAS the wildfire section of the Plan recognized the success that the well established structure, which includes local volunteer fire companies employing the Incident Command System (ICS) and depending upon Mutual Aid Assistance, has had in suppressing wildfires in the pine barrens; and

WHEREAS the wildfire section of the Plan provides that full wildfire suppression should remain the standard for areas where wildland and developed areas meet, when fires threaten residential areas, or when human life and property are in immediate danger; and

WHEREAS the wildfire section of the Plan recognizes that for certain relatively remote areas, modified suppression strategies that use confinement and containment methods, with indirect attack, should be considered, and that such modified suppression tactics would reduce firefighters' exposure to risk; and

WHEREAS the wildfire section of the Plan states that guidelines for utilizing modified suppression tactics need to be developed; and

WHEREAS the wildfire section of the Plan states that prefire planning will be an important part of directing appropriate suppression response due to the short duration of most fire events in the pine barrens; and

WHEREAS the Commission may convene conferences, seminars, meetings, or technical sessions on its own or in coordination with federal, state, county, town, or private entities as deemed necessary relative to its responsibilities, as set forth in ECL 57-0119(6)(n);

Now therefore be it

RESOLVED that the Commission hereby establishes a "Central Pine Barrens Wildfire Task Force" to undertake prefire planning for wildfire suppression response, as called for in the Plan, and to formulate guidelines for the use, where appropriate, of modified wildfire suppression strategies, as called for in the Plan; and be it further

RESOLVED that the Central Pine Barrens Wildfire Task Force shall, within one year of its first meeting, prepare or cause to be prepared a Central Pine Barrens Wildfire Management Strategy; and be it further

RESOLVED that the Central Pine Barrens Wildfire Management Strategy shall include, but not be limited to, the following:

- (1) a prefire plan for incident response, mobilization, and resource deployment,
- (2) a determination of the wildfire suppression techniques appropriate for use in the Central Pine Barrens,
- (3) a list of criteria and guidelines for the selection and use of each wildfire suppression technique,
- (4) fire prevention programs or techniques appropriate for the Central Pine Barrens,
- (5) a standard system of record keeping for fire incidents in the Central Pine Barrens, and
- (6) such other components as the Central Pine Barrens Wildfire Task Force shall determine to be essential;

and be it further

RESOLVED that the Commission hereby proposes that membership on the Central Pine Barrens Wildfire Task Force include representatives from the following entities:

- All volunteer Fire Companies with jurisdiction in the Central Pine Barrens, with each individual volunteer fire department constituting a separate, single and distinct entity,
- New York State Department of Environmental Conservation (NYS DEC),

- New York State Office of Parks, Recreation, and Historic Preservation (NYS OPRHP),
- New York State Fire Prevention and Management Office,
- Suffolk County Department of Parks, Recreation and Conservation,
- Suffolk County Fire, Rescue and Emergency Services (SC FRES) Department,
- Town of Brookhaven Fire Marshal's Office,
- Town of Riverhead Fire Marshal's Office,
- Town of Southampton Fire Marshal's Office,
- Central Pine Barrens Joint Planning and Policy Commission (CPBJPPC),
- Law Enforcement Council (of the CPBJPPC),
- Protected Lands Council (of the CPBJPPC),
- U.S. Army National Guard (USANG),
- U.S. Forest Service (USFS),
- Suffolk County Water Authority (SCWA),
- The Nature Conservancy (TNC), and
- any other entities as may be determined by the Commission to be appropriate;

and be it further

RESOLVED that each of the entities comprising the Central Pine Barrens Wildfire Task Force, shall have one vote each on all matters which the task force addresses; and be it further

RESOLVED that each meeting of the Central Pine Barrens Wildfire Task Force shall require a quorum defined as the presence of a minimum of one half of the entities comprising the task force, and that all decisions and votes of the Central Pine Barrens Wildfire Task Force shall require an affirmative vote of at least two thirds of the entities present; and be it further

RESOLVED that the Chair of the Central Pine Barrens Wildfire Task Force shall be a member of a local volunteer fire department with jurisdiction in the Central Pine Barrens, who shall be appointed by the Commission; and be it further

RESOLVED that the Members of the Central Pine Barrens Wildfire Task Force shall serve without compensation; and be it further

RESOLVED that the Commission shall solicit the advice of the Central Pine Barrens Wildfire Task Force in matters related to future planning for wildfires in the Central Pine Barrens, and specifically, the Commission shall consider modifications or amendments to the Central Pine Barrens Comprehensive Land Use Plan if and as proposed by the Central Pine Barrens Wildfire Task Force following its deliberations; and be it further

RESOLVED that the Commission shall not delegate any of its decision making or statutory authority to the Central Pine Barrens Wildfire Task Force; and be it further

RESOLVED that the Commission recognizes that some of the aforementioned individual entities already possess the independent authority to implement practices to suppress wildfires within their jurisdiction which may include portions of the Central Pine Barrens. Any activity, conduct and/or implementation of any such practices, whether existing or new, taken on behalf of one or more of the aforementioned individual entities, shall not be construed as having obtained the approval or consent of the Commission, unless the express approval of the Commission is obtained; and be it further

RESOLVED that the Commission staff shall provide logistical support to the Central Pine Barrens Wildfire Task Force, including providing notification to involved volunteer fire departments, federal, state, county, and town agencies, and private entities; and be it further

RESOLVED that the first meeting of the Central Pine Barrens Wildfire Task Force shall take place on or before December 1, 1995.

Motion to adopt the above resolution: Commissioner Cowen

Second of the motion: Commissioner Blowes

Vote: Unanimous (5-0) approval.

Dated 10/25/95

Riverhead, NY

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Agenda (DRAFT) for November 8, 1995 Brookhaven Town offices, Medford / 2:00 pm

1. Administrative

- Public comment period
- Draft summary for 10/25: corrections and approval (*faxed*)

2. Core Preservation Area

- David Kepner (also Clancy St Food Ct) site plan / Manorville: hearing transcript and status
- L.I. Compost / Eastport: decision deadline extension (*currently 11/17*)
- Dolores Blake / Ridge: new hardship application; setting of hearing

3. Compatible Growth Area

No items at this time.

4. Plan Implementation

- Wildfire Task Force: proposed modifications to resolution (*previously faxed*), first meeting, etc.
- Protected Lands Council: status, results of 11/2/95 meeting
- Legislative amendments from Plan: bill draft

5. Pine Barrens Credit Program

- 11/6 Plan and Pine Barrens Credit Program seminar: summary
- PBC Clearinghouse: capitalization fund contract status
- PBC Handbook: distribution status
- Synopsis of initial Clearinghouse applications

6. Plan amendments

- Proposed amendments: discussion (*distributed at 10/25 meeting*)

7. Executive Session (*if needed*)

Public hearing starting at 6:00 pm (following adjournment of meeting) to be continued tomorrow evening (11/9/95) at 6:00 pm at the Riverhead County Center.

- L.I. Compost / Eastport: core area hardship

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Agenda (FINAL) for November 8, 1995 Brookhaven Town offices, Medford / 2:00 pm

1. Administrative

- Public comment period
- Administrative funds via DEC and The Natural Heritage Trust: status

2. Core Preservation Area

- David Kepner (also Clancy St Food Ct) site plan / Manorville: hearing transcript (*to be distributed*) and status
- L.I. Compost / Eastport: decision deadline extension (*currently 11/17*) and hearing modification request
- Dolores Blake / Ridge: new hardship application (*to be distributed*); setting of hearing

3. Compatible Growth Area

No items at this time.

4. Plan Implementation

- Wildfire Task Force: proposed modifications to resolution (*previously faxed*), status of first meeting
- Protected Lands Council: status, results of 11/2/95 meeting
- Legislative amendments from Plan: bill draft (*to be distributed*)

5. Pine Barrens Credit Program

- 11/6 Plan and Pine Barrens Credit Program seminar: summary
- PBC Handbook: distribution status
- PBC Clearinghouse: capitalization contract and fund status
- Synopsis of initial Clearinghouse applications (*to be distributed*)

6. Plan amendments

- Proposed amendments: discussion (*distributed at 10/25 meeting*)

7. Executive Session (*if needed*)

Public hearing starting at 6:00 pm (following adjournment of meeting) to be continued tomorrow evening (11/9/95) at 6:00 pm at the Riverhead County Center.

- L.I. Compost / Eastport: core area hardship

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Meeting Summary (FINAL) for November 8, 1995 (Approved 12/6/95) Brookhaven Town offices, Medford / 2:00 pm

Present: Mr. Proios (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Duffy (for Southampton) and Mr. Cowen (for New York State). General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Hopkins, Mr. Milazzo, and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:05 pm.

Administrative

- Public comment period
Summary: *There were no speakers.*
- Administrative funds via DEC and The Natural Heritage Trust: status
Summary: *Mr. Corwin stated that an application packet was received from the Natural Heritage Trust, a NY State public benefit corporation which will provide \$300,000 of the 1995-96 operating funds. Mr. Rigano described the procurement procedures for the remaining funds, which will come from the NY State Department of Environmental Conservation. A contract will be needed for each, and the NYS DEC contract is being drafted. Mr. Rigano also summarized the legal issues which have arisen in the drafting of both the administrative and Pine Barrens Credit Program capitalization contracts, including the classification of the Commission under state law.*

Mr. Proios then discussed the current use of the county's Drinking Water Protection Program funds, including land acquisition money, management funds (encompassing the law enforcement grant), and other categories under county law. He expressed the opinion that the Commission should allocate funds for ecological studies, in order to address ecological management issues and Plan recommendations.
- Public comment period
Summary: *Mr. Corwin noted that the Second Annual Report of Activities of the Commission, covering the period from July 1994 through July 1995, has been distributed to the State Legislature, County Legislature, towns, villages, and other groups and individuals. Additional copies were available at the meeting.*

Core Preservation Area

- David Kepner (also Clancy St Food Ct) site plan / Manorville: hearing transcript (to be distributed) and status
Summary: Ms. Plunkett distributed the 10/25/95 hearing transcript for the Clancy Street Food Court (David Kepner) application for the site located at the southeast corner of the Long Island Expressway South Service Road (at Exit 70) and CR 111. In a letter dated 11/1/95 (attached), Mr. Sanderman, attorney for the applicant, suggested several conditions of approval. Ms. Plunkett noted that the Commission's core hardship decision deadline is 12/12/95, and that the Environmental Assessment Form Part 2 has been completed. The Commission must next make a SEQRA determination of significance.

A motion was made by Mr. Cowen and seconded by Mr. Duffy to issue a determination of nonsignificance under the State Environmental Quality Review Act for the David Kepner application. The motion was approved unanimously.

A second motion was then made by Mr. Cowen and seconded by Mr. Duffy to approve the Core Preservation Area hardship exemption permit application of David Kepner subject to the conditions expressed in the 11/1/95 letter from Mr. Sanderman, with the modification that condition number 3 of that letter be modified to require that the height of the sign to be erected shall be no higher than the height of the existing sign at the gasoline filling station, located within the southwest quadrant of that intersection, as of 11/8/95. The motion was approved unanimously.

- L.I. Compost / Eastport: decision deadline extension (currently 11/17) and hearing modification request
Summary: Mr. Proios discussed the prior week's sequence of events regarding this project, including the scheduling of a presentation and the hearing sessions. Mr. Corwin stated that a request has been received from the Eastport School District to have a hearing on this application at the Eastport High School.

It was determined that tomorrow evening's hearing session should proceed as scheduled at the Riverhead County Center, that tomorrow's hearing session would be extended to a third date acceptable to all parties, and that this third and final session would be held at the Eastport High School.

- Dolores Blake / Ridge
Summary: Ms. Plunkett summarized correspondence received from Ms. Blake regarding her property in Ridge. The parcel contains 5.23 acres and is located on the east side of William Floyd Parkway, south of the Suffolk County Pine Trail Nature Preserve. The site is zoned A2 Residence by Brookhaven Town. It was agreed that the letter does not specifically state what project is being proposed, and the Commission instructed the staff to forward a letter to Ms. Blake explaining that a more detailed proposal is needed in order to constitute an application.

Plan Implementation

- Protected Lands Council: status, results of 11/2/95 meeting
Summary: Mr. Corwin summarized the results of the 11/2/95 meeting of the Protected Lands Council. The Suffolk County Parks Department hosted the meeting at their West Sayville headquarters, offered to host future meetings, and provided staff to take minutes for that meeting. The Commission will provide future administrative staff support for this task. The Council agreed to have both voting and nonvoting members, and the tentative membership in each category was reviewed. The next meeting will be 12/5/95 at Suffolk County Parks' headquarters in West Sayville at 9:30 am.
- Legislative amendments from Plan: bill draft (to be distributed)
Summary: Mr. Corwin distributed a draft bill containing the legislative changes to ECL Article 57 recommended in the Plan. Assemblyman DiNapoli's office is requesting that the text be reviewed prior to the introduction of the bill. No discussion was held.

Plan amendments

- Proposed amendments: discussion (distributed at 10/25 meeting)
Summary: Mr. Rigano summarized the proposed Plan changes which will be the subject of the 11/15/95 hearing at 9:00 am at the Riverhead Town Hall.

Pine Barrens Credit Program

- 11/6 Plan and Pine Barrens Credit Program seminar: summary
Summary: Mr. Corwin reported that approximately 50 persons attended the seminar for title companies. Issues raised there included the availability of maps defining the pine barrens region and the inclusion of the title companies in the ongoing work of the Clearinghouse. The latter issue will be addressed by the title companies collectively, through a small, informal group of representatives which they will choose to attend the Clearinghouse meetings.
- PBC Handbook: distribution status
Summary: Mr. Corwin reported that the Pine Barrens Credit Program Handbook has been mailed to core property owners in Riverhead Town and to all others who have requested it. It will next be mailed to core property owners in Brookhaven and Southampton Towns. Copies will also be mailed to all interested real estate professionals, appraisers, attorneys, etc.
- Synopsis of initial Clearinghouse applications (to be distributed)
Summary: Mr. Milazzo distributed the attached summary of current applications to the Clearinghouse for Letters of Interpretation. No further discussion occurred.
- PBC Clearinghouse: capitalization contract and fund status
Summary: Mr. Corwin reported that the contract is awaiting final signatures, and Mr.

Rigano described the agreement with the County Treasurer for managing the fund.

Plan Implementation

- Wildfire Task Force: proposed modifications to resolution (*previously faxed*), status of first meeting

Summary: Mr. Corwin noted that the previously faxed memo of 11/3/95 contains suggested changes to the 10/25/95 resolution establishing the Central Pine Barrens Wildfire Task Force. These changes include those suggested by fire department officials through the Suffolk County Department of Fire, Rescue and Emergency Services. Several members of the fire fighting community were present (see the sign-in sheet). Mr. Searing, of the Rocky Point Fire Department, went through the changes individually. The following modified resolution was then agreed upon for a vote:

WHEREAS the Central Pine Barrens Joint Planning and Policy Commission (the "Commission"), having its principal offices at P.O. Box 587, 3525 Sunrise Highway, 2nd Floor, Great River, NY, was created pursuant to the Long Island Pine Barrens Protection Act of 1993 (the "Act") codified in New York Environmental Conservation Law (the "ECL") Article 57; and

WHEREAS, pursuant to the Act, the Commission adopted the Central Pine Barrens Comprehensive Land Use Plan (the "Plan") designed to protect, preserve and enhance the functional integrity of the Pine Barrens ecosystem and its significant natural resources, including plant and animal populations and communities, to protect the quality of surface water and groundwater, discourage piecemeal and scattered development, to promote recreational and environmental educational uses that are consistent with the Plan, to accommodate development in a manner consistent with the long term integrity of the pine barrens ecosystem, and to ensure that the pattern of development is compact, orderly and efficient; and

WHEREAS the Act required, as set forth in ECL 57-0121(6)(t), that the Plan provide for fire management for responses to unanticipated fires ("wildfires") in coordination with local volunteer fire departments; and

WHEREAS the Plan states "The threat to human lives and property justifies the suppression and control of these wildfires", and "Aggressive fire suppression must remain an essential cornerstone of the pine barrens under these conditions", as delineated in Volume I, section 7.6.10 of the Plan, (the "wildfire section of the Plan"); and

WHEREAS the wildfire section of the Plan recognized the success that the well established structure, which includes local volunteer fire companies employing the Incident Command System (ICS) and depending upon Mutual Aid Assistance, has had in suppressing wildfires in the pine barrens; and

WHEREAS the wildfire section of the Plan provides that full wildfire suppression should remain the standard for areas where wildland and developed areas meet, when fires threaten residential areas, or when human life or property are in immediate danger; and

WHEREAS the wildfire section of the Plan recognizes that for certain relatively remote areas, modified suppression strategies that use confinement and containment methods, with indirect attack, should be considered, and that such modified suppression tactics would reduce firefighters' exposure to risk; and

WHEREAS the wildfire section of the Plan states that guidelines for utilizing modified suppression tactics need to be developed; and

WHEREAS the wildfire section of the Plan states that prefire planning will be an important part of directing appropriate suppression response due to the short duration of most fire events in the pine barrens; and

WHEREAS the Commission may convene conferences, seminars, meetings, or technical sessions as set forth in ECL 57-0119(6)(n);

Now therefore be it

RESOLVED that the Commission hereby establishes a "Central Pine Barrens Wildfire Task Force" to undertake prefire planning for wildfire suppression response, as called for in the Plan, and to formulate guidelines for the use, where appropriate, of modified wildfire suppression strategies, as called for in the Plan; and be it further

RESOLVED that the Central Pine Barrens Wildfire Task Force shall, within one year of its first meeting, prepare or cause to be prepared a Central Pine Barrens Wildfire Management Strategy; and be it further

RESOLVED that the Central Pine Barrens Wildfire Management Strategy shall include, but not be limited to, the following:

- (1) a prefire plan for incident response, mobilization, and resource deployment,
- (2) a determination of the wildfire suppression techniques appropriate for use in the Core Preservation Area of the Central Pine Barrens,
- (3) a list of criteria and guidelines for the selection and use of each wildfire suppression technique,
- (4) fire prevention programs or techniques appropriate for the Core Preservation Area of the Central Pine Barrens,
- (5) a standard system of record keeping for fire incidents in the Core Preservation Area of the Central Pine Barrens, and
- (6) such other components as the Central Pine Barrens Wildfire Task Force shall determine to be essential;

and be it further

RESOLVED that the Commission hereby proposes that membership on the Central Pine Barrens Wildfire Task Force include representatives from the following entities:

- All volunteer fire departments with jurisdiction in the Core Preservation Area of the Central Pine Barrens, with each individual volunteer fire department constituting a separate, single and distinct entity,¹
- New York State Department of Environmental Conservation (NYS DEC),
- New York State Office of Parks, Recreation, and Historic Preservation (NYS OPRHP),
- New York State Fire Prevention and Control Office,
- Suffolk County Department of Parks, Recreation and Conservation,
- Suffolk County Fire, Rescue and Emergency Services (SC FRES) Department,
- Town of Brookhaven Fire Marshal's Office,
- Town of Riverhead Fire Marshal's Office,
- Town of Southampton Fire Marshal's Office,
- Law Enforcement Council (of the Central Pine Barrens Joint Planning and Policy Commission, CPBJPPC),
- Protected Lands Council (of the CPBJPPC),
- U.S. Air National Guard (USANG),
- U.S. Forest Service (USFS),
- Suffolk County Water Authority (SCWA),
- The Nature Conservancy (TNC), and
- any other entities as may be recommended by the Central Pine Barrens Wildfire Task Force and approved by the Commission,²

and be it further

RESOLVED that each of the entities comprising the Central Pine Barrens Wildfire Task Force, shall have one vote each on all matters which the task force addresses;

¹ An initial examination of the fire district maps available to us shows 16 fire departments whose jurisdictions cover a portion of the Core Preservation Area. We will request the fire department representatives to bring maps of their jurisdictions to the initial Wildfire Task Force meeting in order to verify this. The current list includes:

- | | | |
|-------------------|------------------|-----------------------|
| 1. Brookhaven | 7. Manorville | 12. Riverhead |
| 2. East Quogue | 8. Middle Island | 13. Rocky Point |
| 3. Eastport | 9. Miller Place | 14. Wading River |
| 4. Flanders | 10. Quogue | 15. Westhampton Beach |
| 5. Gordon Heights | 11. Ridge | 16. Yaphank |
| 6. Hampton Bays | | |

²Pending verification of the fire district boundaries with respect to the Core Preservation Area, the total number of **initial** voting entities on the Wildfire Task Force is thus 30 (16 fire departments plus 14 other entities).

and be it further

RESOLVED that each meeting of the Central Pine Barrens Wildfire Task Force shall require a quorum defined as the presence of a minimum of one half of the entities comprising the task force, and that all decisions and votes of the Central Pine Barrens Wildfire Task Force shall require an affirmative vote of at least two thirds of the entities present; and be it further

RESOLVED that the Chair of the Central Pine Barrens Wildfire Task Force shall be a member of a local volunteer fire department with jurisdiction in the Core Preservation Area of the Central Pine Barrens, who shall be appointed by the Commission taking into consideration the recommendation of the Central Pine Barrens Wildfire Task Force; and be it further

RESOLVED that the Members of the Central Pine Barrens Wildfire Task Force shall serve without compensation; and be it further

RESOLVED that the Commission shall solicit the advice of the Central Pine Barrens Wildfire Task Force in matters related to future planning for prevention of, and responding to, wildfires in the Central Pine Barrens, and specifically, the Commission shall consider modifications or amendments to the Central Pine Barrens Comprehensive Land Use Plan if and as proposed by the Central Pine Barrens Wildfire Task Force following its deliberations; and be it further

RESOLVED that the Commission shall not delegate any of its decision making or statutory authority to the Central Pine Barrens Wildfire Task Force; and be it further

RESOLVED that the Commission recognizes that some of the aforementioned individual entities already possess the independent authority to implement practices to suppress wildfires within their jurisdiction which may include portions of the Core Preservation Area of the Central Pine Barrens, and that any activity, conduct and/or implementation of any such practices, whether existing or new, taken on behalf of one or more of the aforementioned individual entities, shall not be construed as having obtained the approval or consent of the Commission, unless the express approval of the Commission is obtained; and be it further

RESOLVED that the Commission staff shall provide logistical support to the Central Pine Barrens Wildfire Task Force, including providing notification to involved volunteer fire departments, federal, state, county, and town agencies, private entities, and all other entities comprising the Central Pine Barrens Wildfire Task Force; and be it further

RESOLVED that the first meeting of the Central Pine Barrens Wildfire Task Force shall

take place on or before December 1, 1995.³

A motion was made by Mr. Cowen and seconded by Mr. Duffy to modify the Central Pine Barrens Wildfire Task Force resolution of 10/25/95 to read as described above. The motion was approved unanimously.

Core Preservation Area

- Drinking Water Protection Program: funding (not on the original agenda)
Summary: Mr. Proios returned to the topic of how the county's Drinking Water Protection Program funds are allocated according to Suffolk County law, and the current legislative actions regarding the new county budget.
- L.I. Compost / Eastport: organization of tonight's hearing (not on the original agenda)
Summary: A discussion occurred regarding the organization of tonight's hearing on the L.I. Compost Corp. core hardship application.

Adjournment

Summary: A motion to adjourn was made by Ms. Filmanski and seconded by Mr. Cowen. It was approved unanimously. The meeting ended at approximately 4:20 pm.

Attachments:

1. Speaker Sign-in and Attendance Sheets.
2. 11/1/95 letter from Mr. Sanderman re Kepner core hardship application
3. Summary of Pine Barrens Credit Letter of Interpretation Applications

³The first meeting is scheduled for Thursday, 11/30/95 at 7:30 pm at the Commission's office in Great River.

PHILIP H. SANDERMAN

ATTORNEY AT LAW
1770 MOTOR PARKWAY
HAUPPAUGE, NEW YORK 11788

516-232-1742 • Fax 516-232-1938

ATTACHMENT TO
COMMISSION MEETING
SUMMARY OF 11/8/95.

November 1, 1995

VIA FAX 277-4097

Central Pine Barrens Joint Planning
and Policy Commission
P.O. Box 5873525
Sunrise Highway, 2nd Floor
Great River, New York 11739

ATTENTION: Donna Plunkett

Re: Application of David Kepner for a Core
Preservation Area Hardship
Hearing Date: October 25, 1995

Dear Ms. Plunkett:

Please consider this letter my client's agreement to the amendments to his request for hardship relief as follows:

1. Without further approval of the Commission the use of the premises will be limited to the retail sale of food and food services and/or the sale at retail of dry goods. The term "dry goods" shall not be deemed to include automobile supplies and parts.

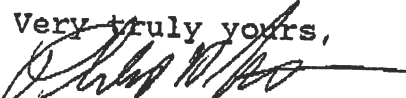
2. The physical development of the site shall be in accordance with the development standards for commercial sites within the compatible growth area.

3. The height of any detached ground signs shall not exceed the height of the gasoline filling station detached ground sign located at the gasoline filling station at the southwest corner of the intersection of County Road 111 and the Long Island Expressway South Service Road.

Should the Commission be inclined to approve the application we would consent that these conditions be incorporated within the approval.

Central Pine Barrens Joint Planning
and Policy Commission
ATTENTION: Donna Plunkett
November 1, 1995
Page - 2 -

Thank you for your courtesy and cooperation on this matter and
should you have any questions please feel free to contact me.

Very truly yours,

PHILIP H. SANDERMAN

PHS:jf
cc: Mr. David Kepner
Charles Voorhis & Associates

PINE BARRENS CREDIT CLEARINGHOUSE

JAMES T.B. TRIPP, ESQ., *CHAIRMAN*
CHARLES K. STEIN, *VICE CHAIRMAN*
ROBERT J. DUFFY, A.I.C.P., *MEMBER*
JOHN F. HANLEY, *MEMBER*
MITCHELL H. PALLY, ESQ., *MEMBER*

Summary of Pine Barrens Credit Letter of Interpretation Applications *(As of November 7, 1995)*

200-462-4-2; Aliano, Nicholas

Applicant has a 101 acre parcel south of the Long Expressway, north of County Route 111 and west of Halsey Manor Road in the Town of Brookhaven. The present zoning is A5.

Applicant is seeking 977 gallons per day worth of Pine Barrens Credits (3 1/3 PBCs) to transfer to an existing shopping center in Miller Place pursuant to a Suffolk County Department of Health Board of Review determination.

200-511-6-9; Copeland, Amelia

Applicant has 2.16 acres in an old filed map north of County Route 111. The present zoning is A5.

900-241-1-17, 19; Trombetta, Edward

Applicant has a .18 acre parcel and a 1.22 acre parcel of CR-200 zoned land in an old filed map along Sunrise Highway.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739
516-563-0385 / Fax 516-277-4097

Session of November 8, 1995 Brookhaven Town Offices

Present: Ms. Wiplush and Mr. Girandola (for Brookhaven), Mr. Duffy (for Southampton)
Mr. Cowen (for New York State) Mr. Proios (for Suffolk County) Ms. Filmanski (for Town of Riverhead)

Resolution on Clancy Street Food Court Core Preservation Area Hardship Property located southeast corner of the Long Island Expressway Service Road and County Road 111, Manorville, Town of Brookhaven SCTM # 200-462-2-5

Whereas, on May 25, 1995, David Kepner, through his attorney, Philip Sanderman, submitted a core boundary change request to construct a 5,915 square foot fast food or other restaurant on a 1.17 acre parcel in Manorville, and,

Whereas, on August 17, 1995, pursuant to the New York State Environmental Quality Review Act ("SEQRA") Part 617.6, the Commission coordinated lead agency review, and,

Whereas, on August 23, 1995, a public hearing on the core boundary change request was held by the Commission and a transcript was thereafter made available to the Commission, and,

Whereas, on September 20, 1995, pursuant to the New York State Environmental Quality Review Act ("SEQRA") Part 617.6 the Commission designated itself lead agency and accepted an extension from the applicant on the time in which the Commission has to make a SEQRA determination until October 11, 1995, and,

Whereas, on October 11, 1995, the Commission accepted an extension of time in which the Commission must make a SEQRA determination and decide the core boundary change request in order that the applicant may seek a Core Preservation Area hardship exemption for the same proposal, and,

Whereas, on October 13, 1995, David Kepner, through his attorney, Philip Sanderman submitted an application for a Core Preservation Area hardship exemption for all uses permitted in the Town of Brookhaven J-2 zoning district, except dry cleaners, lanudries, public garages and automobile body shops on 1.17 acres, and,

Whereas, on October 25, 1995, a public hearing on the Core Preservation Area hardship exemption was held by the Commission and a transcript was thereafter made available to the Commission, and,

Whereas, the Commission has considered all materials submitted in connection with the core boundary change request and the Core Preservation Area hardship exemption, now, therefore, be it

Resolved, that the Commission hereby makes a determination of non-significance pursuant to Environmental Conservation Law Article 8 and be it further

Resolved, that the Commission hereby determines that the application, as submitted, does meet all of the requirements for extraordinary hardship pursuant to New York State Environmental Conservation Law 57-0121 (10)(a) and be it further

Resolved, that the application for a Core Preservation Area hardship exemption is granted subject to the following conditions:

1. The use of the premises is limited to the retail sale of food and food services and/or the sale at retail of dry goods.
2. The physical development of the site shall be in accordance with the Commission's Standards for Land Use as set forth in Chapter 5 of the Plan and the FGEIS for projects located in the Compatible Growth Area.
3. The height of any detached ground signs shall not exceed the height of the detached ground sign found at the gasoline filling station at the southwest corner of the intersection of County Road 111 and the Long Island Expressway Service Road.

Record of Motion:

Motion by Mr. Cowen

Seconded by Mr. Duffy

Yea Votes:

Unanimous

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Agenda (DRAFT) for November 21, 1995 Brookhaven Town offices, Medford / 2:00 pm

1. Administrative

- Public comment period

2. Core Preservation Area

- Giuseppe Passanante / Manorville: development status and SEQRA status
- Dolores Blake / Ridge: new hardship application information
- L.I. Compost Corp. / Eastport: lead agency determination and hearing transcript distribution
- Hampton Tennis and Fitness Club (formerly Hampton Athletic Club) / Oakville: status of agreement, including trail easement

3. Compatible Growth Area

- Ocean Hills major subdivision / Red Creek: location within a Critical Resource Area and setting of hearing
- Brookhaven National Laboratory / Upton: hazardous waste storage EIS meeting and comment period

4. Plan Implementation

- Wildfire Task Force: status of first meeting
- Plan amendments: SEQRA determination and Article 57 notice requirement

5. Pine Barrens Credit Program

- PBC Clearinghouse: capitalization fund and contract status
- State Board of Advisors representative: appointment of Mr. Pally as a Commission treasurer
- Clearinghouse applications: summary
- 10/21/95 Board of Advisors meeting: summary

6. Executive Session *(if needed)*

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Agenda (FINAL) for November 21, 1995 Brookhaven Town offices, Medford / 2:00 pm

1. Administrative

- Public comment period

2. Core Preservation Area

- Giuseppe Passanante / Manorville: development status and SEQRA status
- Dolores Blake / Ridge: new hardship application information
- L.I. Compost Corp. / Eastport: lead agency determination and hearing transcript distribution
- Hampton Tennis and Fitness Club (formerly Hampton Athletic Club) / Oakville: status of agreement, including trail easement

3. Compatible Growth Area

- Ocean Hills major subdivision / Red Creek: location within a Critical Resource Area and setting of hearing
- Brookhaven National Laboratory / Upton: hazardous waste storage EIS meeting and comment period

4. Plan Implementation

- Wildfire Task Force: status of first meeting
- Plan amendments: SEQRA determination and Article 57 notice requirement

5. Pine Barrens Credit Program

- PBC Clearinghouse: capitalization fund and contract status
- State Board of Advisors representative: appointment of Mr. Pally as a Commission treasurer
- Clearinghouse applications: summary
- 10/20/95 Board of Advisors meeting: summary

6. Executive Session *(if needed)*

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Meeting Summary (FINAL) for November 21, 1995 (Approved 12/6/95) Brookhaven Town offices, Medford / 2:00 pm

Present: Mr. Proios (for Suffolk County), Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Blowes and Mr. Freleng (for Southampton) and Mr. Cowen (for New York State). General counsel was Ms. Roth. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Hopkins, Mr. Milazzo, and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:14 pm.

Pine Barrens Credit Program

- PBC Clearinghouse: capitalization fund and contract status
Summary: Mr. Proios requested that the Commission authorize the County Executive, acting as Chair of the Commission, to endorse the check from the NYS Comptroller for the capitalization funds for the Pine Barrens Credit Clearinghouse and to deposit the funds with the Suffolk County Treasurer. After a brief discussion, a motion was made by Mr. Blowes and seconded by Ms. Filmanski to authorize both of these actions by the Commission Chair. The motion was approved unanimously.

Immediately following this, Ms. Roth distributed a draft letter of agreement between the Commission and the Suffolk County Treasurer for the management of those funds. A brief discussion ensued, but no further action was taken.

Administrative

- Public comment period
Summary: Mr. Amper of the L.I. Pine Barrens Society distributed the attached letter addressing the land acquisition program of the County, objecting to the use of Drinking Water Protection Program funds for balancing the County budget, criticizing the hearing process for the L.I. Compost Corp. core application, and objecting to the Plan amendment process currently underway.

Mr. Blowes responded to a portion of his comments with respect to Southampton Town, and distributed an official letter (attached) from Southampton to the Commission regarding the amendments. Mr. Proios distributed two charts (attached) showing the distribution of funds from the Drinking Water Protection Program into various

categories.

At this point, Mr. Proios was out of the room briefly. Mr. Cowen chaired the meeting during his absence and after his return until the point indicated.

The second speaker was Mr. Schwenk of the L.I. Builders Institute. He spoke about the credibility of the Plan and the pine barrens program in general with regard to the clear definition of preservation and growth areas. He also spoke in favor of retaining the current Section 6.3.3 of the Plan Volume 1, and questioned the proposed Plan amendment which would affect the Compatible Growth Area hardship application process. He also stated that he was opposed to the use of the Drinking Water Protection Program funds for balancing the County budget.

The third speaker was Mr. Dittmer of the Civil Property Rights (CPR) organization. He stated that he represents approximately 500 core area landowners and that CPR has retained legal counsel and is preparing litigation.

The fourth speaker was Mr. Deering of Assemblyman DiNapoli's office and the Consensus Group. He distributed and summarized the attached 11/21/95 letter from the Consensus Group, and suggested that a calmer discussion of the Plan amendment questions should be held, and that the Consensus Group would be willing to attend.

Core Preservation Area

- Giuseppe Passanante / Manorville: development status and SEQRA status
Summary: Ms. Plunkett described this application for a land division of a 74,173 square foot parcel in an A5 Residence district west of Ryerson Avenue in Manorville into two lots. The project requires variances from the Zoning Board of Appeals. Two lots would result, with one lot containing an existing house. She noted that this would result in an increase in intensity or density, and also noted that the Plan states that the Commission should seek lead agency status for projects within the core area.

After a brief discussion, the project was referred to counsel for an evaluation of its status under Article 57 and the Plan. The deadline for responding to the lead agency coordination request from the Town is 12/9/95, and the Commission will meet again on 12/6/95.

- Dolores Blake / Ridge: new correspondence
Summary: Ms. Plunkett summarized the letters from Ms. Blake regarding a 5.23 acre parcel on the east side of William Floyd Parkway in Ridge, south of the Suffolk County Pine Trail Nature Preserve. Following the last Commission meeting, a letter was sent to Ms. Blake requesting additional details, and Ms. Plunkett read the response. A general discussion followed regarding the lack of sufficient details in the two communications to constitute an application. The core area application checklist was discussed, and it was agreed that a second letter would be forwarded to request the missing details.

- L.I. Compost Corp. / Eastport: lead agency determination and hearing transcript distribution
Summary: Ms. Plunkett noted that the lead agency needs to be determined. Ms. Roth stated that further discussion of this should be held for executive session, due to certain legal questions.
- Hampton Tennis and Fitness Club (formerly Hampton Athletic Club) / Oakville: status of agreement, including trail easement
Summary: Ms. Plunkett explained that the property now belongs to a new owner, but that the new owner has retained the same counsel with which the Commission has been working. The trail easement has been drafted and reviewed. Commission counsel is preparing a draft stipulation for consideration by all parties. Ms. Roth stated that the stipulation would cover a fine, the granting of the trail easement, and the acceptance of the parking lot by the Commission.

Currently, the draft easement's grantee is the Commission, but a discussion was held regarding the possibility of Southampton Town becoming the grantee. Mr. Blowes and Mr. Freleng will have that possibility reviewed once they have a draft of the stipulation.

Mr. Proios resumed chairing the meeting at this point.

Compatible Growth Area

- Ocean Hills major subdivision / Red Creek: location within a Critical Resource Area and setting of hearing
Summary: This residential subdivision proposal is located within Critical Resource Area (CRA) S-4, as defined in the Plan. This site is in the Red Creek region of the Compatible Growth Area, within Southampton Town. Ms. Plunkett described the proposed layout of the subdivision, and noted that it generally conforms with the reason for the CRA designation, which is that this parcel complements the surrounding open space areas. She also noted that the application is complete and that a hearing should be scheduled. Ms. Roth noted that ECL Section 57-0123(2) requires that the Commission designate the appropriate planning entity to advise it on applications which arise within Critical Resource Areas.

After a brief discussion, a motion was made by Mr. Blowes and seconded by Ms. Filmanski to (1) deem the Ocean Hills at Red Creek application complete, (2) to schedule a public hearing on this application for 12/6/95 at the Riverhead Town Hall at 5:00 pm, and (3) to designate the combined staff of the Southampton Town Planning Department and the Commission as the planning entity to advise the Commission for this application. The motion was approved unanimously.

- Brookhaven National Laboratory / Upton: hazardous waste storage EIS meeting and comment period
Summary: The Laboratory is holding a hearing at 7:00 pm this evening on their Waste Management Programmatic Environmental Impact Statement for hazardous waste storage at the site. Ms. Wiplush discussed the possibility of low level, mixed type radioactive waste being stored there. Ms. Roth distributed selected sections of the

impact statement to the Commissioners for their review. The comment period is open through 12/21/95, and the Commission will meet again before that. It was noted that no mention appears to have been made of the state pine barrens law or Plan, and that a statement ought to be entered on the record this evening.

A motion was made by Mr. Blowes and seconded by Mr. Cowen to authorize Mr. Proios to attend the hearing this evening on behalf of the Commission and to note that the Laboratory site is within a sole source aquifer area, that state law limits the placement of such facilities in those areas, and that the site is also within the Central Pine Barrens as defined within ECL Article 57. The motion was approved unanimously.

Plan Implementation

- Wildfire Task Force: status of first meeting
Summary: Mr. Corwin described the preparations for, and expected attendance at, the 11/30/95 first meeting of the Wildfire Task Force. No further discussion was held.
- Plan amendments: SEQRA determination and Article 57 notice requirement
Summary: The public notice requirement of Article 57 for Plan amendments was discussed, as was the desirability of waiting to issue a SEQRA determination until some of the recent comments have been further examined.

Pine Barrens Credit Program

- State Board of Advisors representative: appointment of Mr. Pally as a Commission treasurer
Summary: A motion was made by Ms. Filmanski and seconded by Mr. Proios to appoint Mr. Mitchell Pally, who was recently appointed by Governor Pataki as his representative to the Pine Barrens Credit Clearinghouse Board of Advisors, as a treasurer of the Commission. The motion was approved unanimously.
- Clearinghouse applications: summary
Summary: Ms. Roth stated that she wished to defer any discussion of the current applications to the Clearinghouse until she has had the opportunity to address related legal issues with the Commission in executive session.
- 10/20/95 Board of Advisors meeting: summary
Summary: Mr. Corwin summarized the 11/20/95 meeting of the Clearinghouse Board of Advisors. The ensuing discussion focused upon the proposed Request for Proposals (RFP) for performing an economic analysis of the range of market values of Pine Barrens Credits. Mr. Cowen suggested that the RFP require that responses be submitted in two sealed envelopes, with the proposal separated from the cost estimate. The distribution of the RFP was also discussed. Finally, the possibility of sending letters to owners of core property regarding the availability of Pine Barrens Credit

buyers was also discussed.

Executive Session

Summary: A motion was made by Ms. Filmanski and seconded by Mr. Blowes to enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously. The Commission entered into executive session at approximately 4:15 pm. Upon a motion by Ms. Filmanski, a second by Mr. Blowes, and unanimous approval, the Commission returned to open session at approximately 4:54 pm.

Plan Implementation

- **Plan** amendments: SEQRA determination and Article 57 notice requirement (continued)
Summary: The previously distributed letter from Southampton Town was discussed briefly, but there was general agreement that additional time was needed to study the individual points raised there and in the Consensus Group letter. Further discussion will be held until the next Commission meeting.

Core Preservation Area

- L.I. Compost Corp. / Eastport: lead agency determination and hearing transcript distribution (continued)
Summary: A motion was made by Mr. Cowen and seconded by Ms. Filmanski to designate the Commission as the lead agency under SEQRA for the L.I. Compost Corp. core area application. The motion was approved unanimously.

Adjournment

Summary: A motion to adjourn was made by Ms. Filmanski and seconded by Mr. Blowes. It was approved unanimously. The meeting ended at approximately 5:20 pm.

Attachments:

1. Speaker Sign-in and Attendance Sheets
2. 11/21/95 Letter from Southampton Town re Plan amendments
3. 11/21/95 letter from Consensus Group re Plan amendments
4. Two Water Quality Protection Program sales tax charts
5. 11/21/95 letter from L.I. Pine Barrens Society re land acquisition, use of Drinking Water Protection Program funds, L.I. Compost application, and Plan amendments
6. Draft PBC Clearinghouse RFP for estimating range of market values of Pine Barrens Credits
7. Draft of standard agreement between the PBC Clearinghouse and individual core area property owners applying to PBC Program



Town of Southampton

116 HAMPTON ROAD
SOUTHAMPTON, NEW YORK 11968
OFFICE OF THE SUPERVISOR

*Rec'd at 11/21/95 Commission
mtg.
(also for hearing record)*
RICHARD J. BLOWES
DEPUTY SUPERVISOR
Telephone (516) 287-5750
Fax (516) 287-3662

November 21, 1995

Central Pine Barrens Joint
Planning & Policy Commission
P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, N.Y. 11739-0587

Re: Proposed Amendments to June 28, 1995 Central Pine
Barrens Comprehensive Land Use Plan

Dear Commission Members:

On behalf of the Town of Southampton, I wish to forward the following comments for the Commission's consideration of the aforementioned amendments to the Comprehensive Land Use Plan. These comments reflect a discussion held with the Town Board of the Town of Southampton.

First, the bulk of the amendments constitute administrative and technical changes to the plan which reflect the change in the name of the bank to the clearinghouse and other streamlining measures. These changes which involve sections of Chapters 1, 3, 4 & 10 and subsections 6.6 - 6.7.7.7 are necessary to assure proper administration of the plan and are acceptable to the Town of Southampton. As such, the Town would have no objections to these amendments being published and acted upon separately from the remaining amendments.

Second, the remaining changes to subsections 6.3 - 6.5.3.5 constitute significant changes to how the Clearinghouse is to determine a property's allocation of Pine Barrens Credit and require careful consideration by the Commission. The proposed amendments are not accompanied by any further documentation to support or explain the reasons for the changes. Such documentation must be provided so that the Town and the public can be made aware of how the changes

affect their rights. In that regard, the proposed amendments should also be published in accordance with §57-0123(13), ECL before the Commission considers a vote on the matter.

We believe that the changes have been prompted because certain parties may believe that the residential allocation formulas in §6.3.1.1 of the Plan should not be interpreted in the manner the Town of Southampton has interpreted same. This does not appear to be a prudent measure in light of the Commission's approval of the Town's code and the present authority of §6.5.3.5 of the Plan.

In particular, we believe the language of §6.3.1.1 of the Plan requires you to place each of the applicable Town zoning categories with an appropriate development yield factor. As you know, the Town's zoning categories do not neatly fit into this formula, but rather each of the zoning categories, which are based upon a minimum lot area of multiples of 40,000 square feet (as opposed to 43,560 sq.ft., a true acre) fall in between and one would have to make an assumption that either the higher or lower category is appropriate. Notwithstanding that the GEIS to the plan estimated a certain number of rights based upon the assumption that the zoning categories neatly fit into the next higher development yield factor, the Town of Southampton did not wish to make an assumption that would place our zoning categories with a smaller development yield factor, thereby detrimental affecting the rights of a landowner in the Core. For anyone to interpret the yield of the zoning category of the Town of Southampton differently, without further scientific or economic evidence, would be arbitrary.

It is our understanding that this interpretation as previously approved by the Commission has no affect on the Plan given that the Town of Southampton can accommodate the potential Pine Barrens Credits that may be generated from the Core on the required ratios. Notwithstanding, it is also our understanding that the Plan calls for direct acquisition of a majority of the land that could potentially generate Pine Barrens Credits. Without such acquisitions, the Plan would have never been approved by the Town of Southampton. Furthermore, there are several exemptions in the statute and the Plan that will also decrease the potential number of Pine Barrens Credits (i.e. road front lots - Chapter 9, development of lots considered non-development under §57-0109(13), ECL).

Therefore, the Town of Southampton can not support the change to the residential yield allocation formula at this time.

6.3.3 A most significant amendment is the proposed change to ~~§6.5.3.5~~ of the Plan, which presently allows a town to "propose a different allocation formula for residential or nonresidential property, subject to prior approval by the Commission." This change eliminates this authority and replaces it with the authority of the town to increase its utilization of Pine Barrens Credits in the receiving areas.

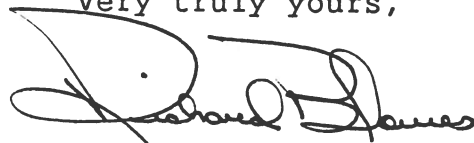
This change improperly usurps the authority of the towns and the Commission and is not supported in any of the attending documents to the Plan, nor the statute. This section presently allows the Commission to assert its authority to assure compliance with the Plan (which it did in the case of Southampton's code) and replaces it with a recitation of a right to adopt zoning to accommodate any number of Pine Barrens Credits on a receiving site, which each of the towns presently possess. This changes also eliminates the possibility that the Town can maintain its nonresidential allocation formula, which was also approved by the Commission. This is significant because the Plan did not establish any nonresidential formula.

Therefore, the Town of Southampton can not support the changes to these sections at this time.

We suggest that the Commission further investigate the need for the changes to the allocation formulas, including the assumptions made in the GEIS to the Plan and alternatives thereto. The remaining amendments should be noticed separately and acted upon as soon possible by the Commission, under the statute.

Thank you for your consideration in this matter.

Very truly yours,



Richard Blowes
Deputy Supervisor

RB/
cc: Town Board
Dept. of Land Management

11/21/95 Commission mtg.
(also for hearing record)

"THE CONSENSUS GROUP"

November 21, 1995

Honorable Robert Gaffney, Chairman
and Members of the Pine Barrens Commission
P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739

Dear Chairman Gaffney and Members of the Commission:

We are troubled by the proposed amendments to the "Central Pine Barrens Comprehensive Land Use Plan," which were subject to a public hearing on November 15, 1995.

It is our view that the proposed amendments go beyond simple "housekeeping" or clarification of plan provisions, and are substantive in nature and go to issues that were specifically and rightfully incorporated into the plan by the Commission at the request of the Consensus Group, environmental organizations, builders, and local community groups. As a procedural note, we would also point out that these amendments were made available to us less than 24 hours before the public hearing was held.

We are specifically concerned about the proposed changes to Sections:

- 4.5.2.4 - changes the criteria for obtaining a "compatible growth area" hardship.
- 4.5.2.5 - eliminates Commission discretion for the holding of hearings on development.
- 4.5.2.6 - changes the timeframes for final decision and default approval.
- 6.3.3 - deletes the requirement for Commission approval for changes in the transfer of development-allocation formulas for non-residential and residential uses (and goes on to add an additional section).
- 6.5.3.5 - (that) permits any town to increase the number of Pine Barrens Credits in any receiving area without any Commission approval (and it would appear that no additional environmental or fiscal impact review is necessary).

Each of these issues were the subject of much discussion and framed the agenda of many meetings. The language that is now contained in the plan (in its entirety) provided the foundation of support for the plan by many of the constituencies heard from during the

planning process. To enact the changes in the currently proposed form threatens the underlying premise for the widespread support for the Plan. We would refer to a statement from one of the Consensus Group's earlier letters:

"While each of us may not agree on all parts of this plan, taken as a whole this plan is a great importance to the residents of Long Island. It is our collective view that this plan is fair, balanced, and will finally provide a regulatory framework that will bring certainty to the building, business, and environmental communities of Long Island."

We urge that the Commission re-consider imposing these amendments at this time and would like to meet with each of you or your representatives to further discuss our concerns.

Sincerely,

[signed by]

Matthew Crosson, President and Mitchell Pally, Vice President of the Long Island Association

Michael LoGrande, Executive Director and Chief Operating Officer of the Suffolk County Water Authority

Senator Kenneth P. LaValle

Assemblyman Thomas P. DiNapoli

Richard Amper, Executive Director of the Long Island Pine Barrens Society

Sara Davison, Director of The Nature Conservancy on Long Island

Jim Tripp, General Counsel for the Environmental Defense Fund

Don Eversoll, President of Klein and Eversoll

Wilbur Breslin, President of Breslin Realty

Herbert Balin, Executive Board Member of the Association For A Better Long Island

Robert DeLuca, Executive Director of the Group For The South Fork

Tensie Whelan, Executive Director of the New York League Of Conservation Voters

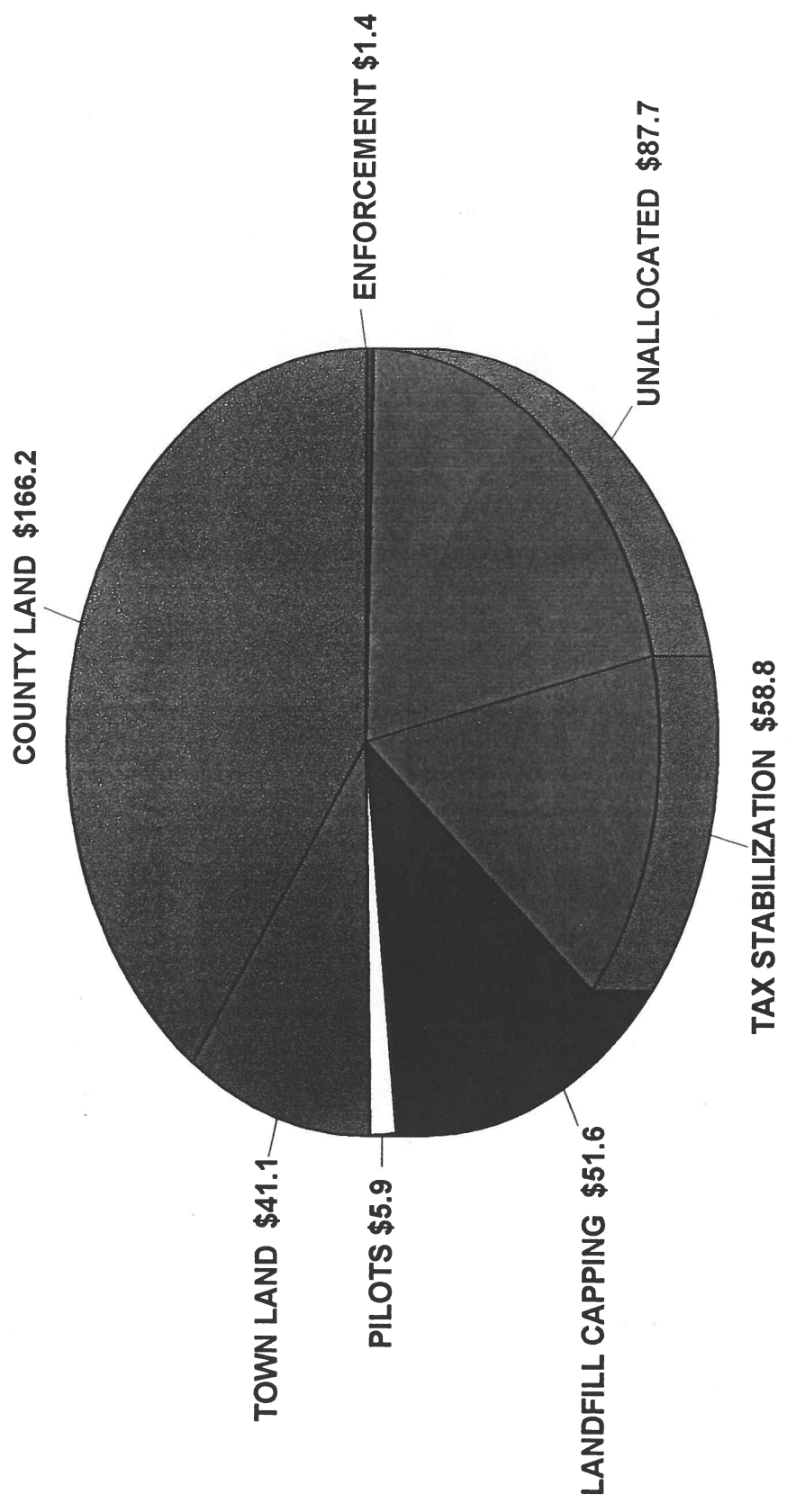
Robert Yaro, Executive Director of the Regional Plan Association.

Neal Lewis, Executive Director of the Long Island Neighborhood Network

11/21/95
m. mtyg.

WATER QUALITY PROTECTION PROGRAM

SALES TAX 1989 - 2000

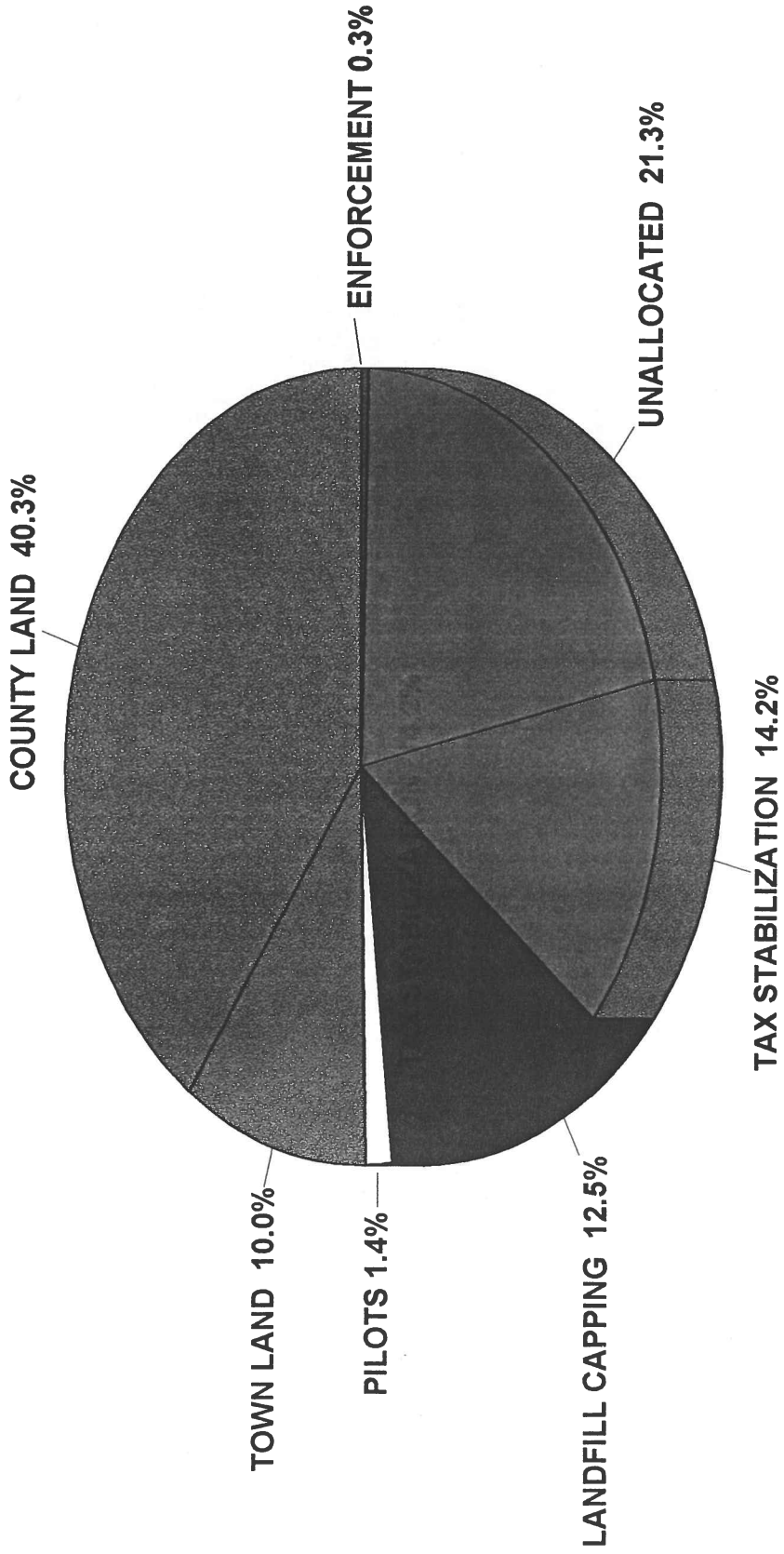


IN MILLIONS

Using 9/29/95 - Financial Model

11/21/95 C. m. mty.

WATER QUALITY PROTECTION PROGRAM SALES TAX 1989 - 2000



LONG ISLAND PINE BARRENS SOCIETY

11/21/95 Commission mtg.

(also for Plan amend + LI Compost
hearing records)



November 21, 1995

The Honorable
Robert J. Gaffney
Chairman
New York State Pine Barrens Commission
P.O. Box 587
Great River, New York 11739

Dear Mr. Gaffney:

Recent action and inaction by the Pine Barrens Commission threatens to undo the landmark agreement to protect drinking water and preserve habitat in Long Island's Pine Barrens. What has been hailed as a national model of accommodation among business, environmental and government leaders is dissolving into what could easily be a resumption of the "War of the Woods."

First, Suffolk County has failed conspicuously to acquire land under the Clean Drinking Water Protection Program, twice supported by 84% of Suffolk voters. Your administration is buying land at one-fifth the rate of your predecessor, despite the accumulation of huge surpluses. David Fishbein must be replaced as head of the Real Estate Division and someone with the will and capability to complete this task installed.

Second, no member of this Commission uttered a word in opposition to the wholesale raiding of the Pine Barrens Reserve Fund to plug gaps in your County budget. If you can't serve as Chairman of this Commission because of the conflict of interest inherent in your incapacity to produce a balanced budget, step down. The towns, by the way, ought to consider the impact of the re-direction of these funds on their own, town-directed, revenue-sharing portion of the funds raided.

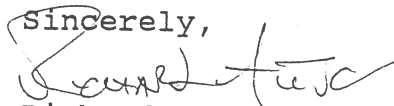
Third, the Commission must halt immediately, the endless series of hearings designed to win approval of a Core Area Hardship Exemption for Long Island Compost Corporation so as to enable them to engage in commercial solid waste disposal in the Core Preservation Area of what you have designated New York's third State Forest Preserve. Commissioner Cowan and the New York State Department of Environmental conservation are failing to enforce regulations against the illegal operation of Long Island Compost in East Moriches and are ignoring entreaties to close down the facility unless and until a suitable alternative site can be located.

Finally, the Commission is entertaining a series of substantive changes to the Pine Barrens Preservation Plan without timely notice to nor input from those who will be most affected. The Pine Barrens agreement is the product of painstaking efforts by stakeholders themselves to obtain a fair, balanced plan to reconcile competing interests. How dare bumbling bureaucrats and just plain politicians interfere with the clearly expressed will and interest of the people of Long Island?

If the Commission wants to invite a return to the contentious, litigious, path of days-gone-by, continue to ignore the entreaties of The Consensus Group of Long Island leaders and the wants and needs of the people you represent.

It's time to start buying the land, stop stealing the money, stop advancing the interests of well-placed law breakers and start listening to the folks whose interest is at stake and for whom you are supposed to work.

Sincerely,



Richard Amper
Executive Director

RLA/hs

11/21/95 Commission
meeting.

PINE BARRENS CREDIT CLEARINGHOUSE

JAMES T.B. TRIPP, ESQ., *CHAIRMAN*
CHARLES K. STEIN, *VICE CHAIRMAN*
ROBERT J. DUFFY, A.I.C.P., *MEMBER*
JOHN F. HANLEY, *MEMBER*
MITCHELL H. PALLY, ESQ., *MEMBER*

D R A F T

- Request for Proposals -

Proposals for performing economic analysis for the purposes of **estimating the range of market values for Pine Barrens Credits** in each of the three towns of Brookhaven, Riverhead and Southampton under the Pine Barrens Credit Program and the Central Pine Barrens Comprehensive Land Use Plan, will be received by the Chairman of the Pine Barrens Credit Clearinghouse, P.O. Box 587, 3525 Sunrise Highway, Second Floor, Great River, New York 11739, not later than **5:00 p.m., on December 1, 1995.**

The group or person submitting a proposal should provide their qualifications and relevant experience with performing economic analysis for transferable development rights or similar programs. Proposals must contain a budget and a fee "cap," exclusive of traveling expenses. Data for performing the analysis will be provided by the Clearinghouse.

A draft report must be submitted to the Clearinghouse for review by January 5, 1996 or 30 days from the date the Clearinghouse provides the data for analysis, whichever is later. The report **should provide an** estimated range of values for Pine Barrens Credits and the market value developers are likely to pay: (1) based upon use of Pine Barrens Credits for "as of right" residential receiving areas in Brookhaven Town, (2) based upon use of Pine Barrens Credits for "as of right" residential use in Southampton Town, and (3) based upon use of Pine Barrens Credits for "as of right" nonresidential use in Riverhead Town. The report should include a discussion as to the limitations affecting the analysis, such as data limitations. Consultants must be available to discuss the draft report with the Clearinghouse Board of Advisors and must submit a final report within ten days of such consultation.

The Pine Barrens Credit Clearinghouse reserves the right to select the proposal which in its opinion will be most advantageous to the Clearinghouse, or to reject all proposals. Contracts awarded under any proposal are subject to the approval of the Central Pine Barrens Joint Planning and Policy Commission.

P.O. BOX 587, 3525 SUNRISE HIGHWAY, 2ND FLOOR, GREAT RIVER, NEW YORK 11739-0587
516-563-0385 / FAX 516-277-4097

WHEREAS, the Pine Barrens Credit Clearinghouse needs professional economic analysis and guidance regarding the value of Pine Barrens Credits, and

WHEREAS, the Pine Barrens Credit Clearinghouse has authorized the issuance of a Request for Proposals for the provision of such economic analysis, and

WHEREAS, any contract entered into under said Request for Proposals is subject to the approval of the Central Pine Barrens Joint Planning and Policy Commission, and

WHEREAS, time is of the essence with regard to obtaining such analysis, and

WHEREAS, the Suffolk County Water Authority has offered to provide \$6,000.00 of up front money for purposes of conducting such analysis, including the gathering of data with regard to such analysis, provided it receives a letter from the Chairman of the Central Pine Barrens Joint Planning and Policy Commission, Suffolk County Executive Robert Gaffney, assuring the Suffolk County Water Authority the funds will be reimbursed, now therefore be it

RESOLVED, that the Central Pine Barrens Joint Planning and Policy Commission authorizes the Chairman to prepare and execute such letter, and

RESOLVED, that the Commission will act in accordance with such letter provided the funds are expended pursuant to a contract for economic services approved by the Commission.

11/21/95
Commission mtg.

PINE BARRENS CREDIT CLEARINGHOUSE

and

CORE PRESERVATION AREA PROPERTY OWNER

AGREEMENT made this ___ day of _____, 1995, and by and between the Pine Barrens Credit Clearinghouse with offices at P.O. Box 587, 3525 Sunrise Highway, Second Floor, Great River, New York 11739 (hereinafter the "CLEARINGHOUSE") and _____, record owner(s) of real property within the Core Preservation Area of the Central Pine Barrens, residing at _____ (hereinafter "SELLER").

W I T N E S S E T H :

WHEREAS, a Central Pine Barrens Credit Certificate has been issued by the CLEARINGHOUSE to the SELLER certifying that the SELLER is the owner of _____ Pine Barrens Credit, a copy of which is annexed hereto as Exhibit A; and

WHEREAS, the SELLER wishes to sell _____ [insert number] of said Pine Barrens Credits to the CLEARINGHOUSE for a price per credit which has been previously determined by the CLEARINGHOUSE; and

WHEREAS, the CLEARINGHOUSE wishes to acquire such credits.

NOW, THEREFORE, the parties hereto agree as follows:

1. The CLEARINGHOUSE will purchase from the SELLER _____ [insert number] Pine Barrens Credits.

2. The CLEARINGHOUSE will pay the seller _____ [insert number] for each Pine Barrens Credit.
3. Payment will be made to the SELLER by or on behalf of the CLEARINGHOUSE upon receipt by the CLEARINGHOUSE of the original Pine Barrens Certificate with appropriate endorsement by the SELLER.

PINE BARRENS CREDIT
CLEARINGHOUSE

CORE PRESERVATION
PROPERTY OWNER

By: _____

_____ [Print Name]

Number: _____
Date Issued: _____

Central Pine Barrens Credit Certificate

Issued Pursuant to the Long Island Pine Barrens Protection Act
and the Central Pine Barrens Comprehensive Land Use Plan

This certifies that: _____ hereby own(s)

Pine Barrens Credits,

and that a deed restriction concerning that property identified as
district _____, section _____, block _____, and lot _____
situated in the Town of _____, County of Suffolk,
is recorded in Liber _____ at Page _____ at the Suffolk County Clerk's Office

*This certificate entitles the owner to a land use density or intensity increase as provided in the
Central Pine Barrens Comprehensive Land Use Plan*

and pursuant to local ordinances

Chairman Central Pine Barrens Clearinghouse

SALE, CONVEYANCE OR TRANSFER
OF
PINE BARRENS CREDITS

Within ten (10) business days the person selling, conveying, transferring or pledging a Pine Barrens Credit, or any interest therein, shall deliver to the Pine Barrens Credit Clearinghouse this Certificate representing the Credits sold, conveyed, transferred, or pledged.

Upon Clearinghouse receipt, a Certificate will be issued in the name of the person(s) who have secured an interest in the Credits. A new Certificate will be issued to the grantor if he has retained any interest in the Credits represented by this Certificate.

Grantee (Buyer)
Name: _____
Address: _____
City/State/ Zip Code: _____
Signature: _____

Grantor (Seller)
Name: _____
Address: _____
City/State/ Zip Code: _____
Signature: _____

Number of Credits Sold, Conveyed or Transferred: _____
Date of Transaction: _____
Interest Secured: _____
Consideration: _____

Attach written evidence of the transaction (e.g., Contract of Sale, Bill of Sale)

PINE BARRENS CREDITS
PLEGGED AS SECURITY

When Pine Barrens Credits are pledged as security for loans, the lending insitution shall return this certificate to the Pine Barrens Credit Clearinghouse properly completed, within ten (10) business days.

Upon Clearinghouse receipt, a revised Pine Barrens Certificate reflecting the encumbrance will be re-issued

Owner (Borrower)
Name: _____
Address: _____
City/State Zip Code: _____
Signature: _____

Lending Institution
Name: _____
Address: _____
City/State Zip Code: _____
Signature: _____
Title: _____

Amount of loan: _____
Term of Loan: _____
Number of Pine Barrens Credits pledged as collateral: _____

Attach written evidence of the transaction
(Note: When Pine Barrens Credits are released as security, the Clearinghouse will again reissue a Pine Barrens Certificate upon notification by the owner and the lender.)

REDEMPTION
OF
PINE BARRENS CREDITS

When Pine Barrens Credits are redeemed in association with a development project approved by a municipal approving agency, the person redeeming the Pine Barrens Credit shall return this Certificate to the Pine Barrens Credit Clearinghouse within ten (10) business days of their redemption.

Owner (Person Redeeming)
Name: _____
Address: _____
City/State Zip Code: _____
Signature: _____

Town in which Pine Barrens Credits are redeemed.
Town: _____

School District in which Redeemed: _____

Suffolk County Tax Map of parcel where Pine Barrens Credits redeemed: _____

Number of Pine Barrens Credits Redeemed: _____

Municipal development approval was issued: _____ date

Municipal Official issuing development approval: _____

Name: _____
Title: _____
Signature: _____

APPENDIX 3

Conservation Easement

THIS INDENTURE, made this ____ day of _____, 199__ ,

Witnesseth:

WHEREAS, _____, hereinafter called the Grantor, is the owner in fee simple of certain real property, hereinafter called the "Property," which has ecological, scientific, groundwater recharge, scenic, educational, recreational and aesthetic value (the "Natural Values") in its present state as a natural area which property is described as follows:

see Exhibit A attached

WHEREAS, the County of Suffolk, a municipal corporation and political subdivision of the State of New York, having its principal offices at County Center, Riverhead, New York, is hereinafter described as the "Grantee;" and

WHEREAS, the Central Pine Barrens Joint Planning and Policy Commission (the "Commission") was created pursuant to the Long Island Pine Barrens Protection Act of 1993 (the "Act") codified in New York Environmental Conservation Law Article 57 ("Article 57"); and

WHEREAS, the Central Pine Barrens is a 100,000 acre area within the central and eastern portions of New York's Suffolk County which includes parts of the towns of Brookhaven, Riverhead and Southampton, and which is divided into two areas, the Core Preservation Area (the "Core") and the Compatible Growth Area (the "CGA"), as delineated in Article 57; and

WHEREAS, the Commission adopted the Central Pine Barrens Comprehensive Land Use Plan (the "Plan") which is designed to protect, preserve and enhance the functional integrity of the Pine Barrens ecosystem and its significant natural resources, including plant and animal populations and communities, to protect the quality of surface water and groundwater, discourage piecemeal and scattered development, promote recreational and environmental educational uses that are consistent with the Plan, to accommodate development in a manner consistent with the long term integrity of the Pine Barrens ecosystem, and to ensure that the pattern of development is compact, orderly and efficient; and

WHEREAS, the Plan's goals for the Core include protecting and preserving the ecologic and hydrologic functions of the Central Pine Barrens by preserving the Central Pine Barrens area in its natural state, promoting compatible agricultural, horticultural and open space and certain recreational uses within the framework of maintaining a Pine Barrens environment and minimizing the impact of such activities thereon, prohibiting or redirecting new construction or development, accommodating specific Pine Barrens management practices, and protecting and preserving the

quality of surface and groundwaters; and

WHEREAS, this grant of Conservation Easement is made pursuant to Environmental Conservation Law ("ECL"), Title 3, Article 49 or its similar successor statute, and this Conservation Easement is intended to comply with said statute; and

WHEREAS, Grantor and Grantee recognize the ecological, scientific, groundwater recharge, scenic, educational, recreational and aesthetic value of the Property and have the common purpose of conserving the Natural Values of the Property by the conveyance to the Grantee of a Conservation Easement on, over and across the Property which shall conserve and manage the Natural Values of the Property and advance the goals of the Commission pursuant to the Act and the Plan;

NOW, THEREFORE, Grantor, for and in consideration of the facts above and hereinafter recited including, but not limited to, entitlement to receipt of the Pine Barrens Credits pursuant to the Letter of Interpretation numbered _____ and issued to the Grantor on the _____ day of _____ 199_, and of the mutual covenants, terms, conditions and restrictions herein contained, does hereby give, grant, bargain, sell and convey unto the Grantee, its successors and assigns forever a Conservation Easement in perpetuity over the Property consisting of the following:

1. The right of visual access to and view of the Property in its natural, scenic and open condition.
2. The Grantor's forbearance from taking any of those actions constituting development pursuant to ECL Section 57-0107(13), and the Grantor's forbearance from operations or uses pursuant to ECL Section 57-0107(13)(i-xiii) unless such operations or uses are otherwise expressly reserved herein.
3.
 - a. The right of the Grantee, its respective agents, employees or other representatives, to enforce this Conservation Easement in an action at law or in equity or both.
 - b. The right of the State of New York, the Township in which the Property is situated or their respective agents, employees or other representatives, exercising a third party enforcement right, to enforce this Conservation Easement in an action at law or in equity or both.

Enforcement pursuant to (a) and (b) hereinabove shall not be defeated because of any subsequent adverse possession, laches, estoppel or waiver. Grantee or any party with a third party enforcement right or their respective agents, employees or other representatives shall be permitted access, if necessary, to cross other lands retained by the Grantor, and to enter upon the Property at all reasonable times but solely for the purpose of inspection in order to enforce and assure compliance with the terms and conditions herein contained. Grantee, its agents, employees or other representatives, agree to give Grantor reasonable advance notice of its intention to

enter and inspect the Property, and further such entrance and inspection shall be in a reasonable manner and at reasonable times. Furthermore, Grantor shall provide any third party with enforcement rights, or its agents, representatives or employees, access to cross other lands retained by Grantor, and permission to enter upon the Property, upon receipt of advance notice of such third party's intention to enter and inspect. Such entrance and inspection shall be in a reasonable manner and at reasonable times.

Covenants

In furtherance of the foregoing affirmative rights, the Grantor makes the following covenant, on behalf of himself, his successors, heirs and assigns, which covenant shall run with and bind the Property in perpetuity:

1. There shall be no construction activity, alteration of vegetation or change in topography, no development as defined by ECL Section 57-0107(13) and no operations or uses not constituting development pursuant to ECL Section 57-0107(13)(i-xiii), unless otherwise expressly reserved herein.

Reserved Rights

NEVERTHELESS, and notwithstanding any of the foregoing provisions to the contrary and as expressly limited herein, the Grantor reserves for himself, his heirs, successors and assigns the following reserved rights in addition to all those rights previously retained, reserved and defined herein, which may be exercised without written notice to the Grantee.

1. The right of exclusive possession of the Property.
2. The right to use the Property for passive recreational activities such as, but not limited to, hunting, fishing, camping, hiking and activities associated therewith so long as such activities conform to local zoning regulations and do not constitute development as defined in ECL Section 57-0107(13).
3. The right to use the Property for any existing, expanded, or new activity involving agriculture or horticulture if such use does not involve the material alteration of native vegetation; the right to use the Property for the erection of agricultural buildings, including but not limited to barns, greenhouses and farm stands, required for the production of plants or animals as reflected under ECL Section 57-0107(14), if such activity does not involve material alteration of native vegetation.
4. The right to use the Property for operations or uses described in ECL Section 57-0107(13) (i, ii and vi) or any activity authorized under the federal natural gas act

(15 U.S.C. Sections 717- 717w), as same may be amended from time to time.

5. The right to sell, give or otherwise convey the Property or, consistent with the Covenants herein, any portion or portions of the Property, subject to the terms of this Conservation Easement. The Grantor, upon the sale, gift or other conveyance of his fee interest in the Property, shall have no further obligations or liabilities under this Conservation Easement. Grantor shall promptly notify Grantee of any conveyance of any interest in the Property, including the full names and mailing addresses of all Grantees, and the individual principals thereof, under any such conveyance. The instrument of any such conveyance shall specifically set forth that the interest thereby conveyed is subject to this Conservation Easement, without modification or amendment of the terms of this Conservation Easement, and shall incorporate this Conservation Easement by reference, specifically setting forth the date, office, liber and page of the recording thereof. The failure of any such instrument to comply with the provisions hereof shall not affect Grantee's rights hereunder.

Rights of Public

Nothing contained in this Conservation Easement shall give or grant to the public a right to enter upon or to use the Property or any portion thereof where no such right existed in the public immediately prior to the execution of this Conservation Easement except as may be granted by the Grantor herein or his successors.

Miscellaneous

1. The Declarations set forth in the WHEREAS CLAUSES contained herein shall be deemed and construed to be promises, covenants and restrictions as if fully repeated and set forth herein.
2. This Conservation Easement contains the entire understanding between its parties concerning its subject matter. Any prior agreement between the parties concerning its subject matter shall be merged into this Conservation Easement and superseded by it.
3. Any provision of this Conservation Easement restricting Grantor's activities, which is determined to be invalid or unenforceable by a court, shall not be rendered a nullity. Instead, that provision shall be reduced or limited to whatever extent that the court determines will make it enforceable and effective. Any other provision of this Conservation Easement which is determined to be invalid or unenforceable by a court shall be severed from the other provisions, which shall remain enforceable and effective.

4. Regardless of any contrary rule of construction, no provision of this Conservation Easement shall be construed in favor of one of the parties because it was drafted by the other party's attorney. No alleged ambiguity in this Conservation Easement shall be construed against the party whose attorney drafted the portion containing the alleged ambiguity. If any provision of this Conservation Easement is ambiguous or shall be subject to two or more interpretations, one of which would render that provision invalid, then that provision shall be given such interpretation as would render it valid and consistent with the purposes of this Conservation Easement as intended by Grantor. Any rule of strict construction designed to limit the breadth of the restrictions on use of the Property shall not apply in the construction or interpretation of this Conservation Easement, and, this Conservation Easement shall be interpreted broadly to effect the purposes of this Conservation Easement as intended by Grantor. The parties intend that this Conservation Easement, which is by nature and character primarily negative in that Grantor has restricted and limited Grantor's right to use the Property, except as otherwise recited herein, be construed at all times and by all parties to effectuate its purposes.
5. This Conservation Easement can be terminated only in accordance with the law of the State of New York applicable to the termination of easements and covenants running with the land. This Conservation Easement may be modified only upon the written consent of both Grantor and Grantee, or their successors, heirs, representatives or assigns. Grantor and Grantee recognize that circumstances could arise which would justify the modification of certain of the restrictions contained herein. To this end, Grantee and Grantor shall mutually have the right, in their sole discretion, to agree to amendments to this Conservation Easement which are not inconsistent with the basic purpose of this Conservation Easement, provided, however, that the Grantee shall have no right or power to agree to any amendments hereto that would result in this Conservation Easement failing to qualify as a valid conservation easement under ECL, Title 3, Article 49 as the same may be hereafter amended.
6. The Grantor agrees that the terms, conditions, restrictions and purposes of this Conservation Easement will be incorporated by reference in any subsequent deed or other legal instrument by which the Grantor divests himself of either the fee simple title to or its possessory interest in the Property or any portion thereof specifically setting forth the date, and the liber and page of the Suffolk County Clerk's records of the recording hereof.
7. Any notices required in this Conservation Easement shall be written. Notices shall be given either by manual delivery or by mailing in a mail receptacle maintained by the United States Postal Service. Mailed notices must be contained in an accurately addressed, sealed envelope, marked for delivery by first class registered or certified mail, with sufficient prepaid postage affixed and with return receipt

requested. Mailed notice to the Grantor shall be addressed to Grantor's address as recited herein or to any such other address as the Grantor may designate by notice in accordance with this section. Mailed notice to the Grantee shall be addressed to Grantee's address as recited herein or to any such other address as the Grantee may designate by notice in accordance with this section.

8. It is understood and agreed by the Parties hereto that the Grantor, its successors, heirs and assigns, shall not be liable for any changes to the Property caused by any natural disaster or Act of God.
9. The covenants agreed to, and the terms, conditions, restrictions and purposes imposed with this grant, shall not only be binding upon the Grantor but also upon its lessees, agents, personal representatives, successors, heirs and assigns, and all other successors in interest and shall continue as a servitude running in perpetuity with the Property.
10. The Grantor and Grantor's lessees, representatives, successors, heirs and assigns, shall not apply to the Commission for a hardship or other permit under the Plan or under ECL Article 57.
11. The Grantor does further covenant and represent that the Grantor is seized of the Property in fee simple and has good right to grant and convey the aforesaid Conservation Easement, that the Property is free and clear of any and all encumbrances, other than those of record, and that the Grantee shall have the use of, and enjoy all of the benefits derived from and arising out of, the aforesaid Conservation Easement.
12. The parties hereto recognize and agree that the benefits of this Conservation Easement are in gross and assignable, and the Grantee hereby covenants and agrees that any transferee or assignee will be an organization or public body qualified to hold a Conservation Easement pursuant to ECL, Title 3, Article 49, as amended, and the regulations promulgated thereunder.
13. All references to statutory provisions shall be as such provisions were in effect on the date of execution of this Conservation Easement.

IN WITNESS WHEREOF, Grantor has executed and delivered and Grantee has accepted and received this Grant of Conservation Easement on the day and year set forth above.

GRANTOR

GRANTOR

COUNTY OF SUFFOLK
GRANTEE

BY: _____
[SUFFOLK COUNTY]

STATE OF NEW YORK)

SS:

COUNTY OF SUFFOLK)

On this ____ day of _____, 19__, before me personally appeared _____ to me known and known to be the Grantor mentioned and described in, and who executed the foregoing instrument, and he/she duly acknowledge to that he/she executed the same.

Notary Public

STATE OF NEW YORK)

SS:

COUNTY OF SUFFOLK)

On this ____ day of _____, 19__, before me personally came _____, to me known, who being duly sworn, did depose and say that he resides at _____ and is the _____ of the _____, and that he executed the foregoing on behalf of the _____ pursuant to law duly delegated.

Notary Public

STATE OF NEW YORK)

SS:

COUNTY OF SUFFOLK)

On this ____ day of _____, 19__, before me personally came _____, to me known, who being duly sworn, did depose and say that he resides at _____ and is the _____ of the _____, and that he executed the foregoing on behalf of the _____ pursuant to law duly delegated.

Notary Public

NEW YORK STATE
CENTRAL PINE BARRENS
JOINT PLANNING AND POLICY COMMISSION
County of Suffolk, New York - Standard Voucher

SERIAL NUMBER

Vendor No.	Trans	Fund	Appropriation	Sub-object	Enc. No.	Enc. Liquidated	Amount Payable	1099
Check and Voucher No.								
Dept. Voucher No.								

1 Pay to:
 Payee Name _____
 Address _____
 City and State _____
 Zip Code _____

2 Payee Identification
 or Social Security No. _____

3 Payee Reference

**DO NOT
WRITE IN
ANY
GRAY SHADED
AREAS**

4 Cash discount % **Days. Delivery Terms:** _____

Vendor Contact _____ **Phone No.** _____

Contract No. Purchase Order No. and Date	Item No.	DESCRIPTION OF PROPERTY	Quantity	Unit	Price	Amount
C S (Contract #) PC (P.O. #) OP (Date) (Buyer #) (Comm. Code) Initial						

PAYEE CERTIFICATION: I certify that the above bill is just, true and correct; that no part thereof has been paid except as stated; that the balance is actually due and owing; that taxes from which the County is exempt are excluded and that I have read and am familiar with the provisions of Local Law 32-1980 as detailed in the payee instruction section of this voucher.

PAYEE'S SIGNATURE IN INK Title

 Date Name of Company

TOTAL	
Discount %	
NET	

_____ man
 Central Pine Barrens Credit Clearinghouse

 Central Pine Barrens
 Joint Planning & Policy Commission

COUNTY COMPTROLLER'S PRE-AUDIT	
Verified	Certificate for Payment of Net Amount
Audited	

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Session of November 21, 1995

Brookhaven Town Offices

Present: Mr. Blowes and Mr. Freleng (for Southampton), Mr. Cowen (for New York State), Ms. Filmanski (for Riverhead), Mr. Proios (for Suffolk County), Ms. Wiplush (for Brookhaven).

Resolution authorizing endorsement and deposit of the Pine Barrens Credit Clearinghouse capitalization funds

Whereas, the Central Pine Barrens Joint Planning and Policy Commission and the New York State Department of Environmental Conservation have entered into the New York State Natural Resource Damages Restoration and Replacement Project Agreement Number C 003439; and

Whereas, pursuant to said contract, the New York State Comptroller has issued to the Commission a check in the amount of \$4,950,000; and

Whereas, the monies represent the capitalization fund of the Pine Barrens Credit Clearinghouse; and

Whereas, the Commission at its October 25, 1995 meeting determined that the monies should be deposited with the Suffolk County Treasurer; and

Whereas, the Commission at its October 25, 1995 meeting adopted the Suffolk County Investment Guidelines on the condition that the Guidelines be amended by replacing "Suffolk County" with "Central Pine Barrens Joint Planning and Policy Commission;" and

Whereas, the Commission at its October 25, 1995 meeting determined that upon deposit with the Suffolk County Treasurer, the monies should be invested according to the amended Suffolk County Investment Guidelines; and

Whereas, the check must be endorsed prior to deposit with the Suffolk County Treasurer; now therefore be it

Resolved, that the Commission authorizes Suffolk County Executive Robert J. Gaffney, the Commission Chairman, to endorse the check; and be it further

Resolved, that Suffolk County Executive and Commission Chairman Gaffney, upon endorsement, is further authorized to have the check deposited with the Suffolk County Treasurer who shall invest it pursuant to the Investment Guidelines.

Record of Motion:

Motion by Mr. Blowes
Seconded by Ms. Filmanski

Yea Votes:
Unanimous

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Vincent Cannuscio, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Agenda (DRAFT) for December 6, 1995 Riverhead Town Hall / 2:00 pm

1. Administrative

- Public comment
- Draft summaries for 10/25, 11/8, and 11/21 meetings (*previously faxed*)
- Meeting schedule for January through March 1996 (*previously faxed*)
- 1995-96 NYS DEC administrative funds contract
- 12/8/95 Pine Barrens Plan Seminars agendas (*previously faxed*)
- 12/15/95 Public Trust Doctrine Conference at Albany Law School

2. Core Preservation Area

- Giuseppe Passanante / Manorville: development status and SEQRA lead agency status
- L.I. Compost / Eastport: SEQRA determination and/or decision extension (*currently 12/6*)
- Joseph Gazza subdivision / Speonk: decision extension (*currently 12/19*)
- Joseph Gazza site plan / Westhampton: decision extension (*currently 12/19*)
- Hampton Tennis and Fitness Club (formerly Hampton Athletic Club) / Oakville: draft stipulation and discussion of grantee for trail easement

3. Compatible Growth Area

- Salvatore Golfo site plan / Quogue Village: new application and setting of hearing
- Peter Eliopoulos / Rocky Point: new application and setting of hearing

4. Plan Implementation

- Wildfire Task Force: summary of 11/30 meeting; Chair and Vice chairs
- Plan amendments: SEQRA determination, Article 57 notice requirement, comments
- Recommended changes to Article 57: revised bill draft

5. Pine Barrens Credit Program

- PBC Clearinghouse: capitalization fund future status reports
- PBC Clearinghouse investment guidelines: language to implement 10/25 adoption
- Request for Proposals for estimating value range for Pine Barrens Credits: status
- Letters of Interpretation: summary

6. Executive Session (*if needed*)

Public Hearings (*following adjournment of regular meeting at 5:00 pm*)

- Sunset Construction / Shoreham (lot split; CGA)
- Joseph Gazza / Speonk (subdivision; core)
- Joseph Gazza / Westhampton (site plan; core)
- Ocean Hills at Red Creek / Red Creek (major subdivision; Critical Resource Area)

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Vincent Cannuscio, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Agenda (FINAL) for December 6, 1995 Riverhead Town Hall / 2:00 pm

1. Administrative

- Public comments
- Draft summaries for 10/25, 11/8, and 11/21 meetings (*faxed*)
- Draft Commission meeting schedule for January through March 1996 (*faxed*)
- 1995-96 NYS DEC administrative funds contract
- 12/8/95 Pine Barrens Plan Seminars agendas (*faxed*)
- 12/15/95 Public Trust Doctrine Conference at Albany Law School

2. Core Preservation Area

- Giuseppe Passanante / Manorville: development status; SEQRA lead agency status
- L.I. Compost / Eastport: SEQRA determination; extension request (*currently 12/6*)
- Joseph Gazza subdivision / Speonk: decision extension (*currently 12/19*)
- Joseph Gazza site plan / Westhampton: decision extension (*currently 12/19*)
- Hampton Tennis and Fitness Club (formerly Hampton Athletic Club) / Oakville: draft stipulation; grantee for trail easement

3. Compatible Growth Area

- Salvatore Golfo site plan / Quogue Village: new application; setting of hearing
- Peter Eliopoulos / Rocky Point: new application; setting of hearing

4. Plan Implementation

- Wildfire Task Force: 11/30 meeting; Chair, Vice chair (*faxed*); addition of BNL Fire Dept.
- Plan amendments: SEQRA determination; Article 57 notice requirement; comments
- Recommended changes to Article 57: revised bill draft from Assemblyman DiNapoli's office

5. Pine Barrens Credit Program

- PBC Clearinghouse: capitalization fund future status reports
- PBC Clearinghouse investment guidelines: language to implement 10/25 adoption (*faxed*)
- Request for Proposals for estimating value range for Pine Barrens Credits: list of responses
- Letters of Interpretation: summary

6. Executive Session (*if needed*)

Public Hearings (*following adjournment of regular meeting at 5:00 pm*)

- Sunset Construction / Shoreham (lot split; CGA)
- Joseph Gazza / Speonk (subdivision; core)
- Joseph Gazza / Westhampton (site plan; core)
- Ocean Hills at Red Creek / Red Creek (major subdivision; Critical Resource Area)

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Vincent Cannuscio, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Meeting Summary (FINAL) for December 6, 1995 (Approved 1/3/96) Riverhead Town Hall / 2:00 pm

Present: Mr. Proios and Mr. Dragotta (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), and Mr. Duffy (for Southampton). General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Hopkins, Mr. Milazzo, and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:12 pm.

Administrative

- Public comments
Summary: *There were no speakers.*
- Draft summaries for 10/25, 11/8, and 11/21 meetings (faxed)
Summary: *In addition to typographic and grammatical corrections, changes suggested included:*

(1) in the 10/25/95 summary: (a) clarification of the George's Manor summary to reflect that the DEC permit conditions must be met in order for the project to be certified as nondevelopment; (b) the "Status of revisions of local ordinances" summary should now read "had not discussed the latest version";

(2) in the 11/8/95 summary: (a) the "Administrative funds" summary's last sentence should conclude "in order to address ecological management issues and Plan recommendations."; (b) the "Dolores Blake / Ridge" summary should be titled as such, without reference to an application; and

(3) in the 11/21/95 summary, the "10/20/95 Board of Advisors" summary's second paragraph should read, in part, "focused upon the proposed Request for Proposals".

Mr. Corwin also noted, during the discussion of the 10/25/95 summary, that the Commission approved an extension of the decision deadline for the Toussie South application. Following that meeting on that day, during the public hearing on the Toussie North application, the Commission voted to approve both the Toussie South and Toussie North applications. Thus, the Commission meeting summaries would not contain a record of those approvals, and Ms. Roth felt that those approvals should be

reported in today's meeting summary.

A motion was made by Ms. Filmanski and seconded by Mr. Girandola to approve the 10/25, 11/8, and 11/21 meeting summaries with these corrections. The motion was approved by a vote of 4-0.

- Draft Commission meeting schedule for January through March 1996 (faxed)
Summary: Ms. Trezza proposed the following 1996 Commission meeting dates: 1/10, 1/24, 2/7, 2/21, 3/6, and 3/20. All are Wednesdays, and meetings would be held at 2:00 pm at locations to be determined pending approval of the dates. A motion was made by Mr. Duffy and seconded by Ms. Filmanski to approve these Commission meeting dates. The motion was approved by a vote of 4-0.
- 1995-96 NYS DEC administrative funds contract
Summary: Mr. Corwin reported that Ms. Roth has worked with the NYS DEC Albany office on a draft contract for \$500,000 of the Commission's administrative funds, that this amount would be used to cover previous expenses, that these previous expenses include a carryover of expenses from the 1994-95 fiscal year, and that the balance of the administrative funding, from the Natural Heritage Trust, would be directed towards the remaining expenses under a separate contract to be drawn up. The Commission will be asked to approve the account of expenses for the DEC contract at their next meeting, and that account will be attached to the contract as the budget.
- 12/8 and 12/12 Pine Barrens Plan Seminars agendas (faxed)
Summary: Ms. Plunkett briefly discussed these agendas (attached).
- 12/15/95 Public Trust Doctrine Conference at Albany Law School
Summary: Mr. Corwin distributed a flyer (attached) regarding this annual event, at which he will speak about the pine barrens work of the Commission.

Plan Implementation

- Wildfire Task Force: 11/30 meeting; Chair, Vice chair (faxed); addition of Brookhaven National Laboratory Fire Dept.
Summary: Mr. Corwin noted that Mr. John Searing of the Rocky Point Fire Department was nominated by the Wildfire Task Force at its first meeting of 11/30/95 as their Chair, and that Capt. Robert Conklin of the NYS Forest Rangers and Mr. Philip Drower of the Wading River Fire Department were nominated as Co-Vice Chairs as well.

Mr. Searing then summarized the first meeting of the Task Force. At that meeting, the Task Force also recommended that the Brookhaven National Laboratory (BNL) Fire Rescue Group be added to the Wildfire Task Force. Future meetings will be held at the New York Air National Guard's 106th Rescue Wing headquarters at the Suffolk County Gabreski Airport, with the next meeting set for 1/25/96.

A motion was then made by Mr. Girandola and seconded by Mr. Duffy to (1) approve

the Wildfire Task Force's recommendations for Chair and Co-Vice Chairs, (2) to approve the addition of the BNL Fire Rescue Group to the Wildfire Task Force (and thus to modify the 11/8/95 establishing resolution's membership list), and (3) to correct the 11/8/95 resolution's listing to contain the name 'New York Air National Guard 106th Rescue Wing' in place of 'US Air National Guard'. The motion was approved by a vote of 4-0.

Core Preservation Area

- Giuseppe Passanante / Manorville: development status; SEQRA lead agency status
Summary: Ms. Plunkett explained that this proposal, located on the west side of Capt. Daniel Roe Highway in Manorville, involves a lot split of a single parcel which currently has two existing residences on it. The lot split would create two new parcels, one for each existing residence. It was agreed that the proposal is nondevelopment since it does not involve development as defined in ECL Article 57.
- L.I. Compost / Eastport: SEQRA determination; extension request (currently 12/6)
Summary: Mr. Rigano stated that the applicant has requested in writing a 60 day extension from 12/6/95 for both the Commission decision deadline and the SEQRA status determination date. That 60 day period would end on 2/4/96. Mr. Girandola briefly discussed the issue of alternate sites and the application's reference to compelling public need.

A motion was made by Mr. Girandola and seconded by Ms. Filmanski to accept and approve the requested 60 day extension from 12/6/95 of both the Commission decision deadline under ECL Article 57 and the SEQRA status determination date. The motion was approved by a vote of 4-0.

- Joseph Gazza subdivision / Speonk: decision extension (currently 12/19)
- Joseph Gazza site plan / Westhampton: decision extension (currently 12/19)
Summary: Ms. Plunkett reported that Mr. Gazza will be here for the public hearings after the meeting, and will request a delay in the decision deadline for both of these projects. However, the lead agency determination can proceed now, since the coordination process is complete for both.

A motion was made by Mr. Duffy and seconded by Ms. Filmanski to have the Commission assume lead agency status under the State Environmental Quality Review Act for each of the Joseph Gazza Core Preservation Area hardship exemption permit applications, known as the Gazza subdivision in Speonk and the Gazza site plan in Westhampton. The motion was approved by a vote of 4-0.

- Hampton Tennis and Fitness Club (formerly Hampton Athletic Club) / Oakville: draft stipulation; grantee for trail easement
Summary: Ms. Roth discussed the draft stipulation between the Hampton Tennis and Fitness Club and the Commission, and distributed a draft, work in progress, version of the stipulation to the Commissioners. She noted that Southampton Town is proposed

as the grantee for the trail easement. Mr. Duffy reported that the Town is willing to be the grantee, but would like to revise the easement language to conform with other trail easements which it holds. The overall stipulation will be considered by the Commission as soon as the Town is satisfied with the easement language.

Administrative

- Possible fees for applications and processing (not on the original agenda)
Summary: Mr. Rigano raised the possibility that the Commission consider charging applicants for certain portions of the costs of processing applications. A discussion ensued regarding the categories in which costs would be passed on to the applicant, and the thresholds for determining when that occurs. Two possible categories discussed were the administrative or staff costs, and the legal costs. It was agreed that the schedules used by the towns and the county would be examined, and that a proposal would be discussed at the next meeting.

Compatible Growth Area

- Salvatore Golfo site plan / Quogue Village: new application; setting of hearing
- Peter Eliopoulos / Rocky Point: new application; setting of hearing
Summary: Ms. Plunkett summarized the Golfo application first. This application is for a site within Quogue Village, the first such application to be received. It is subject to the Interim Goals and Standards. The proposal is a site plan for a proposed 7,200 square foot industrial building, intended for dry storage, on a 0.98 acre parcel south of Old Country Road and southeast of the Quogue Wildlife Refuge. The 120 day decision period of the Commission ends on 3/27/96.

The Eliopoulos application is a site plan for the outdoor storage of food service trailers on a 0.21 acre parcel within a J2 Brookhaven Town zoning district in Rocky Point, and one which involves new clearing. The project has Brookhaven Town site plan approval, and the Commission's 120 day decision deadline falls on 3/31/96.

A motion was then made by Mr. Proios and seconded by Ms. Filmanski to hold a hearing on the Golfo / Quogue and Eliopolous / Rocky Point Compatible Growth Area applications on 1/10/96 at 5:00 pm at the same location to be determined for the Commission's meeting on that day. The motion was approved by a vote of 4-0.

Plan Implementation

- Plan amendments: SEQRA determination; Article 57 notice requirement; comments
Summary: The issues raised by the Consensus Group's 11/21/95 letter (discussed at previous Commission meetings) were discussed. It was agreed that the changes proposed for Volume 1, Chapter 4 were acceptable to all parties, that the existing Section 6.3.3 of Volume 1 would be left intact, and that the proposed new Section 6.5.3.5 of Volume 1 would be eliminated from the set of Plan amendments. Mr.

Girandola stated that he would like to have these revisions in writing. That was agreed, and a new version will be distributed prior to the 12/20 meeting.

- Recommended changes to Environmental Conservation Law (ECL) Article 57: revised bill draft from Assemblyman DiNapoli's office
Summary: The attached revised bill draft, for the ECL Article 57 amendments recommended as part of the Plan, was distributed and discussed. Discussion centered upon the retention or omission of the proposed new nondevelopment clause which would allow the Commission to add parcels to the Core Preservation Area roadfront residential exemption list.

Concern has been expressed by legislators, legislative staff, and others that the degree of discretion to be given to the Commission is vague and unnecessary. The criteria which that discretion is based upon are not yet specified. It was observed that the Commission's existing core hardship authority is likely to be sufficient to address deficiencies in the parcel list. The opposite opinion was also expressed, namely that the proposed new passage ought to be added.

It was also agreed that the towns will once again review their core roadfront residential exemption list for completeness. Mr. Corwin observed that the language in the amendments would need to be altered if the roadfront list were updated, since the language in the amendment refers to the June 1995 version of the Plan.

A brief discussion was also held regarding possible amendments to coordinate SEQRA dates with ECL Article 57 dates in processing development applications.

Administrative

- Draft Commission meeting schedule for January through March 1996
Summary: Ms. Trezza reported that the 1/10/96 Commission meeting and public hearings would be held at the Brookhaven Town offices in Medford. Locations for the other new meetings will be determined in the next few days.

Pine Barrens Credit Program

- PBC Clearinghouse: capitalization fund future status reports
- PBC Clearinghouse investment guidelines: language to implement 10/25 adoption (faxed)
Summary: Mr. Corwin reported that the County Treasurer's office has made an initial investment of the capitalization funds. He also described the previously faxed memo containing proposed specific language (attached) for the Commission's Clearinghouse investment guidelines. Mr. Dragotta suggested that Section III be revised to begin "The Commission's responsibility for administration of the investment program is delegated to the Suffolk County Treasurer as authorized by the Environmental Conservation Law Section 57-0119(4) (McKinney 1995)." That was agreed.

It was noted that the guidelines do not address the distribution of the capitalization funds into types of investments. Comments on the revised guidelines will be sought from the County Treasurer and the Board of Advisors, and will be on the 12/20/95 Commission agenda. Mr. Milazzo reported that the County Treasurer will attend the 12/19/95 Board of Advisors meeting to discuss investment policies and related topics.

- Request for Proposals for estimating value range for Pine Barrens Credits: list of responses
Summary: Mr. Milazzo distributed the attached list of the responses to the Clearinghouse's Request for Proposals (RFP) for estimating the value range of Pine Barrens Credits. The Board of Advisors will meet on 12/19/95 and will discuss. The sealed envelopes with the price quotes, submitted as part of the proposals, will be opened at the Clearinghouse Board's meeting.
- Letters of Interpretation: summary
Summary: Mr. Milazzo distributed the attached list of current applications for Letters of Interpretation. No further discussion was held.
- Possible use of Gabreski Airport for the PBC Program (not on the original agenda)
Summary: Mr. Rigano suggested that detailed discussions begin soon on the possible use of the Suffolk County Gabreski Airport for relocation of nonresidential land uses from the Core Preservation Area. That was agreed to, and no further discussion was held. Issues involved will be discussed at the 12/20/95 Commission meeting.

Executive Session

Summary: A motion was made by Mr. Girandola and seconded by Ms. Filmanski to enter into executive session for the purpose of discussing certain legal issues. The motion was approved by a vote of 4-0. Following a short break, the Commission entered into executive session at approximately 4:20 pm, and returned to open session at approximately 4:40 pm.

Adjournment

Summary: The meeting ended at approximately 4:40 pm without a formal resolution.

Attachments:

1. Speaker Sign-in and Attendance Sheets.
2. Agendas for 12/8 and 12/12 seminars
3. Agenda for 12/15 Public Trust Doctrine Conference
4. Revised bill draft of ECL Article 57 amendments
5. Draft of revised language of investment guidelines
6. Summary of responses to Clearinghouse's Request For Proposals
7. Summary of Pine Barrens Credit Letter of Interpretation applications

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739
516-563-0385 / Fax 516-277-4097

December 8, 1995
Planning Seminar
for
Government Planning Officials
AGENDA
Brookhaven Town Offices - Building 4 Auditorium
9:30 am.

- **9:30-10:00 am.** - *Welcome and Overview of the Pine Barrens Protection Act*
Ray Corwin, Executive Director, Central Pine Barrens Commission
- **10:00 - 10:30 am.** - *Commission Jurisdiction and Development Review Procedures*
Donna J. Plunkett, R.L.A., Commission Staff
- **10:30-11:15 am.** - *Pine Barrens Credit Program & Its Relationship to Article VI (SC Sanitary Code)*
John C. Milazzo, Esq., Suffolk County Water Authority
Dennis Moran, SC Dept. of Health Services, Div. of Environmental Quality
- **11:15 - 12:00 pm.** - *Town-wide Zoning Amendments and Use of Receiving Areas*
John Girandola, Planning Director, Town of Brookhaven
Rick Hanley, Planning Director, Town of Riverhead
Robert Duffy, Land Management & Development Administrator, Town of Southampton
- **12:00-12:30 pm.** - *Question and Answer*

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739
516-563-0385 / Fax 516-277-4097

December 8, 1995

Planning Seminar

for

Private Consultants

AGENDA

Brookhaven Town Offices - Building 4 Auditorium

2:00 pm.

- **2:00-2:30 pm.** - *Welcome and Overview of the Pine Barrens Protection Act*
Ray Corwin, Executive Director, Central Pine Barrens Commission
- **2:30 - 2:50 pm.** - *Commission Jurisdiction and Development Review Procedures*
Donna J. Plunkett, R.L.A., Commission Staff
- **2:50-3:00 pm.** - *Pine Barrens Credit Program & Its Relationship to Article VI (SC Sanitary Code)*
Timothy Hopkins, Esq., Suffolk County Water Authority
Dennis Moran, SC Dept. of Health Services, Div. of Environmental Quality
- **3:00 - 3:45 pm.** - *Town-wide Zoning Amendments and Use of Receiving Areas*
John Girandola, Planning Director, Town of Brookhaven
Rick Hanley, Planning Director, Town of Riverhead
Robert Duffy, Land Management & Development Administrator, Town of Southampton
- **3:45-3:30 pm.** - *Question and Answer*

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739
516-563-0385 / Fax 516-277-4097

December 12, 1995

Planning Seminar

for

Real Estate Professionals

AGENDA

Brookhaven Town Offices - Building 4 Auditorium

9:30 am.

- **9:30-10:00 am.** - *Welcome and Overview of the Pine Barrens Protection Act*
Ray Corwin, Executive Director, Central Pine Barrens Commission
- **10:00 - 10:30 am.** - *Permitted Development within the Central Pine Barrens*
Donna J. Plunkett, R.L.A., Commission Staff
- **10:30-11:30 am.** - *Pine Barrens Credit Program & Handbook*
Timothy Hopkins, Esq., Suffolk County Water Authority
John C. Milazzo, Esq., Suffolk County Water Authority
- **11:30 am. - 12:30 pm.** - *Question and Answer*

Registration

Name _____

Affiliation _____

Address _____

City _____ State _____

Zip _____

Telephone _____

FAX _____

Registration Fee: \$100
 Government, not-for-profit \$ 40

Registration fee includes: materials, breaks and lunch. Checks should be made payable to Albany Law School. If you have special dietary needs, please let us know. This facility is physically accessible for those with a disability. We will try to accommodate all attending in accordance with the Americans with Disabilities Act. Please notify the GLC at least one week before the program. Detach and mail to:

Barbara A. Mabel
 Government Law Center
 Albany Law School
 80 New Scotland Avenue
 Albany, NY 12208
 Telephone (518) 445-2329
 FAX (518) 445-2303

■ All conference registrations must be received by December 8, 1995. No refunds after December 8, 1995.

Government Law Center
 Albany Law School
 80 New Scotland Avnue
 Albany, New York 12208

5th Annual
 Conference on the
 PUBLIC



DOCTRINE

Protecting Public Resources
 for the Needs of Today And for
 Future Generations



Friday, December 15, 1995

Albany Law School
 Dean Alexander Moot Courtroom

A conference co-sponsored by:

The Government Law Center
 of Albany Law School

NYS Department of State

Legislative Commission
 on Water Resource Needs of
 New York State and Long Island

Protecting Public Resources for the Needs of Today and For Future Generations

DEAN ALEXANDER MOOT COURTROOM

ALBANY LAW SCHOOL

9:00 am

Welcoming Remarks

9:15 am

Introductory Remarks

9:30 am

The Safe Drinking Water Act: Preserving Health and Resources at What Cost?

10:30 am

Break

10:45 am

Regulatory Takings, Water Rights and the Public Trust Doctrine

- *Legislative and Regulatory Update: A View from the States*

- *Caselow Update*

11:45 am

Keynote Address: Impacts of Government Regulation on Property Rights

12:15 pm

Lunch

1:00 pm

Bioregionalism and the Public Trust Doctrine: Protecting Public Resources for Future Generations

- *New York Case Study: The Long Island Pine Barrens*

- *From the Adirondack Park to Lake Baikal in Russia: Applications for Global PTD Principles*

2:15 pm

Soft Drink Break

2:30 pm

The Great Lakes: An Update on Regulations, Initiatives and Caselow

- *The Role of the International Joint Commission in the Great Lakes Basin*
- *Lake Water Diversions: New York v. Illinois*

- *Great Lakes Water Quality Guidance: EPA Rules*

3:45 pm

Potential Application of Geographic Information Systems for Identifying and Preserving PTD Resources

4:15 pm

Questions & Conclusion

Confirmed Speakers:

Dean Martin Belsky
Tulsa School of Law

Paul Bray, Esq.
Legislative Bill Drafting Commission

Glen Bruening, Esq.
NYC Watershed Coordinator, NYS Dept. of Environmental Conservation

Ray Corwin
Executive Director, Central Pine Barrens Joint Planning and Policy Commission

G. Gordon Davis, Esq.
Consultant and former Director of the Adirondack Park Agency

Michael Deering
Legislative Director, NYS Legislative Commission on Water Resource Needs of New York and Long Island

Prof. Charles H.W. Foster
Kennedy School of Government

Professor David Markell
Albany Law School

Professor John Nolon
Pace University School of Law

Patricia E. Salkin
Director, Government Law Center

Sue Senecal
Special Assistant to the Legislative Commission on Water Resource Needs of NYS and Long Island

Hon. Alexander Treadwell
Secretary of State

Hon. Michael Zagata,
Commissioner, NYS Dept. of Environmental Conservation

11/19/6:

46:22

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

001

Standing Committee on
Governmental Operations

CHAIR
Task Force on Long Island Sound

CO-CHAIR
Legislative Commission on
Water Resources Needs of Long Island Sound

VICE-CHAIR
Legislative Commission on
Toxic Substances & Hazardous Waste

COMMITTEES
Ways & Means
Education
Environmental Conservation
Veterans Affairs



THOMAS P. DINAPOLI
Member of Assembly
18th District
Nassau County

277-4097

FAX COVER SHEET

TO: TRAM CORWIN


FROM: MIKE DEERING

OF PAGES (INCLUDING COVER SHEET) 7

MESSAGE: REVISED P.B. Chapter Amendments.

per conversation with Doris Roth

last week. I have also faxed these

to her. Any questions, comments or
changes give her a call. Thanks 

Our Fax Number : 516 - 482 - 6975

Legislative Bill Drafting Commission
11699-02-6

S. -----
SENATE

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
ASSEMBLY

IN ASSEMBLY--Introduced by M. of A.

--read once and referred to the
Committee on

ENVCONLA
(Makes provisions regarding central
pine barrens land use plan)

En Con L. central pine barrens

AN ACT

to amend the environmental conserva-
tion law, in relation to the central
pine barrens comprehensive land use
plan

The People of the State of New
York, represented in Senate and
Assembly, do enact as follows:

IN SENATE

Senate introducer's signature

The Senators whose names are circled below wish to join me
in the sponsorship of this proposal:

e37 Akers	e52 Kuhl	e29 Prousen
e19 Balbach	e02 Lusk	e34 Puzant
e43 Bruns	e39 Larkin	e00 Roth
e25 Casper	e01 LeVelle	e41 Salsani
e40 Cook	e37 Leibell	e17 Santoro
e49 DeFrancesco	e30 Leichter	e47 Sears
e23 DiCarlo	e08 Levy	e09 Shain
e54 Dallinger	e51 Litvack	e12 Smith
e32 Espada	e13 Mahone	e22 Solomon
e44 Farley	e05 MacCallum	e35 Spaso
e13 Gaid	e24 Marchi	e78 Stankovick
e31 Gorman	e30 Martowick	e45 Stuchlik
e36 Goodson	e41 Masiere	e16 Szwedky
e16 Hansen	e28 Mendez	e03 Troman
e45 Hobbs	e18 Montgomery	e07 Tully
e48 Hoffmann	e07 Nease	e34 Velez
e38 Holland	e38 Neuzilo	e39 Vellez
e04 Johnson	e14 O'Connor	e10 Walsh
e33 Jones	e34 O'Connell	e46 Wright
e31 Kragg	e11 Padavan	e21

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish
to join me in the sponsorship of this proposal:

e48 Altman	e133 O'Neil	e112 O'Neil
e001 Anderson	e039 O'Connell	e001 O'Neil
e135 Altus	e066 O'Neil	e110 O'Neil
e142 Anderson	e064 O'Connell	e019 O'Neil
e074 Arroyo	e063 O'Connell	e100 O'Neil
e033 Avery	e037 O'Connell	e038 O'Neil
e130 Baccillo	e077 O'Connell	e023 O'Neil
e017 Balbach	e040 O'Connell	e130 O'Neil
e049 Barone	e093 O'Connell	e040 O'Neil
e007 Barro	e101 O'Connell	e140 O'Neil
e091 Becker	e090 O'Connell	e107 O'Neil
e095 Berman	e008 O'Connell	e020 O'Neil
e055 Boyland	e012 O'Neil	e080 O'Neil
e006 Boyle	e014 O'Neil	e070 O'Neil
e118 Bragman	e048 O'Neil	e073 O'Neil
e044 Brennan	e010 O'Neil	e141 O'Neil
e006 Brodsky	e088 O'Neil	e070 O'Neil
e131 Brown	e144 O'Neil	e134 O'Neil
e004 Butler, D.	e043 O'Neil	e000 O'Neil
e113 Butler, M.	e131 O'Neil	e020 O'Neil
e006 Cadden	e120 O'Neil	e140 O'Neil
e106 Casper	e023 O'Neil	e003 O'Neil
e100 Caslin, P.M.	e002 O'Neil	e130 O'Neil
e110 Christopher	e140 O'Neil	e000 O'Neil
e003 Clark	e090 O'Neil	e013 O'Neil
e093 Cohen	e000 O'Neil	e002 O'Neil
e000 Connolly	e034 O'Neil	e007 O'Neil
e010 Cono	e030 O'Neil	e091 O'Neil
e032 Cook	e109 O'Neil	e001 O'Neil
e132 Crouch	e053 O'Neil	e007 O'Neil
e030 Crowley	e125 O'Neil	e000 O'Neil
e100 D'Amico	e111 O'Neil	e117 O'Neil
e070 Davis	e100 O'Neil	e011 O'Neil
e110 DeSoto	e090 O'Neil	e100 O'Neil
e000 Diaz, F.	e000 O'Neil	e000 O'Neil
e070 Diaz, H.L.	e027 O'Neil	e000 O'Neil
e016 DiNapoli	e003 O'Neil	e143 O'Neil
e123 Dungs	e104 O'Neil	e100 O'Neil
e001 Dinowitz	e109 O'Neil	e034 O'Neil
e130 Doran	e035 O'Neil	e110 O'Neil
e003 Dugan	e001 O'Neil	e000 O'Neil
e000 Eaglebright	e007 O'Neil	e000 O'Neil
e141 Eno	e132 O'Neil	e120 O'Neil
e071 Farrell	e070 O'Neil	e041 O'Neil
e102 Faso	e023 O'Neil	e020 O'Neil
e040 Feldman	e137 O'Neil	e034 O'Neil
e010 Ferraro	e037 O'Neil	e000 O'Neil
e130 Ferrante	e040 O'Neil	e127 O'Neil
e000 Finnegan	e114 O'Neil	e140 O'Neil
e000 Gaid	e120 O'Neil	e070 O'Neil

1) Single house bill (introduced and passed separately in either or both houses): Step 2 copies, circled initials of co-sponsors and deliver to the introduction clerk of the house together with 4 copies of the introducer's memorandum.

2) Two bills (introduced simultaneously in both houses and passed in one house): Senate and Assembly introducer sign the same copy of the bill, circle the name of the introducer and deliver to the introduction clerk of either house with the following copies: 4 copies of the introducer's memorandum.

1 Section 1. Subparagraphs (x) through (xiii) of the second undesignated
2 paragraph of subdivision 13 of section 57-0107 of the environmental
3 conservation law are renumbered subparagraphs (xii) through (xv) and two
4 new subparagraphs (x) and (xi) are added to read as follows:

5 (x) in the core preservation area, construction of one single family
6 home and customary accessory uses thereto on those parcels identified in
7 the comprehensive land use plan adopted by the commission in June of
8 nineteen hundred ninety-five;

9 (xi) in the core preservation area, construction of one single family
10 home and customary accessory uses thereto on a vacant, privately owned
11 parcel located on or taking access from an existing improved road
12 contained within a substantially developed area as defined by and
13 subject to criteria and procedures established by the commission;

14 5 2. The third undesignated paragraph of subparagraph (iii) of para-
15 graph (c) of subdivision 10 of section 57-0121 of the environmental
16 conservation law, as added by chapter 262 of the laws of 1993, is
17 amended to read as follows:

18 Within thirty days of the application being received, the commission
19 shall provide the applicant and any other person an opportunity to be
20 heard. Notice of any public hearing conducted in connection with an
21 application for such a permit shall be published in a newspaper of
22 general circulation in the Central Pine Barrens area. If the proposed
23 development is not contrary to the policy or any provision of this arti-
24 cle and meets the standards of extraordinary hardship or public need
25 herein, and the commission so finds, it may issue a permit allowing the
26 development or such development subject to appropriate conditions or
27 modifications to occur, provided that permission may be revoked by the
28 commission if its terms are violated, and provided further that any such

1 hardship permit issued by the commission shall be in addition to, and
2 not in lieu of, such permit or permits as may be required by any state
3 agency or municipality within whose boundary such development is
4 located. The commission must make a decision within [sixty] one hundred
5 twenty days of receipt of an application. If the commission fails to
6 make a decision within [sixty] one hundred twenty days, the development
7 shall be deemed to be approved by the commission, unless extended by
8 mutual agreement of the applicant and commission.

9 § 3. Subdivision 2 of section 57-0123 of the environmental conserva-
10 tion law, as added by chapter 252 of the laws of 1993, is amended to
11 read as follows:

12 2. (a) The commission shall have jurisdiction to review and approve
13 all proposed development in critical resource areas and developments of
14 regional significance as identified in the land use plan and proposed
15 developments found by the commission after petition by a commissioner to
16 have significant adverse impact on the land use plan. Any commissioner
17 may petition the commission to assert review jurisdiction over a
18 proposed development outside of a critical resource area or which is
19 other than a project of regional significance which has a significant
20 adverse impact on the goals of the land use plan. If the commissioner by
21 majority vote asserts jurisdiction, such project or action shall be
22 subject to review by the commission. For the purposes of review and
23 identification of projects coming under the jurisdiction of the commis-
24 sion by virtue of critical resource area or area (or) of regional impact
25 or at the request of any commission member, the commission shall desig-
26 nate the responsible planning entity or staff for the purposes of advis-
27 ing the commission with respect to such applications or projects. To the
28 fullest extent possible, the commission shall consolidate and coordinate

1 its review with the appropriate local government. An applicant for
2 development in a critical resource area or development of regional
3 significance shall apply to the commission for approval of the develop-
4 ment. Applications shall be made to the commission on forms and in such
5 manner as the land use plan and commission shall designate (except that
6 all completed applications shall, unless mutually agreed otherwise, be
7 acted upon within one hundred twenty days).

8 (b) The commission must make a decision within one hundred twenty days
9 of the receipt of a complete application. If the commission fails to
10 make a decision within one hundred twenty days, the development shall be
11 deemed to be approved by the commission, unless extended by mutual
12 agreement of the applicant and the commission. The commission must make
13 a decision within one hundred twenty days of asserting jurisdiction over
14 a project that is before the commission based on the petition by a
15 commissioner. If the commission fails to make a decision within one
16 hundred twenty days of the date of asserting jurisdiction, the develop-
17 ment shall be deemed to be approved by the commission, unless extended
18 by mutual agreement of the applicant and the commission.

19 5 4. Subdivision J of section 37-0123 of the environmental conserva-
20 tion law, as added by chapter 262 of the laws of 1993, is amended to
21 read as follows:

22 3. (a) Subsequent to the adoption of the land use plan, the provisions
23 of any other law, ordinance, rule or regulation to the contrary notwith-
24 standing, no application for development within the Central Pine Barrens
25 area shall be approved by any municipality or county or agency thereof
26 or the commission, and no state approval, certificate, license, consent,
27 permit, or financial assistance for the construction of any structure or
28 the disturbance of any land within such area shall be granted, unless

1 such approval or grant conforms to the provisions of such land use plan;
2 provided, however, that the commission by majority vote is hereby
3 authorized to waive strict compliance with such plan or with any element
4 or standard contained therein, upon finding that such waiver is neces-
5 sary to alleviate hardship for proposed development in the core preser-
6 vation area according to the conditions and finding of extraordinary
7 hardship or compelling public need pursuant to subdivision ten of
8 section 57-0121 of this article, is consistent with the purposes and
9 provisions of this article and would not result in substantial impair-
10 ment of the resources of the Central Pine Barrens area.

11 (b) The commission by majority vote is also authorized to waive strict
12 compliance with such plan or with any element or standard contained
13 therein, upon finding that such waiver is necessary to alleviate hard-
14 ship for proposed development in the compatible growth area according to
15 the conditions and findings of hardship pursuant to subdivision nine of
16 section 57-0121 of this article, is consistent with the purposes and
17 provisions of this article and would not result in substantial impair-
18 ment of the resources of the Central Pine Barrens area.

19 (c) The commission must make a decision within one hundred twenty days
20 of the receipt of a complete application. If the commission fails to
21 make a decision within one hundred twenty days, the development shall be
22 deemed to be approved by the commission, unless extended by mutual
23 agreement of the applicant and the commission. The commission must make
24 a decision within one hundred twenty days of asserting jurisdiction over
25 a project that is before the commission based on the petition by a
26 commissioner. If the commission fails to make a decision within one
27 hundred twenty days of the date of asserting jurisdiction, the develop-

1 ment shall be deemed to be approved by the commission, unless extended
2 by mutual agreement of the applicant and the commission.
3 § 5. This act shall take effect immediately.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Richard J. Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

To: Commissioners, Designated Representatives, General Counsel, and Pine Barrens Credit Clearinghouse Board of Advisors
From: Ray Corwin
Date: 12/4/95
Subject: Implementation of the 10/25/95 Commission resolution adopting the Suffolk County Investment Guidelines for the Pine Barrens Credit Program capitalization funds

At the Commission meeting of 10/25/95, the Investment Guidelines for Suffolk County, New York were adopted in a modified form for the investment of the Pine Barrens Credit Program's capitalization funding. The modification was that the names of the Commission and the Clearinghouse were to be substituted for that of Suffolk County throughout the document.

As I went through the original Suffolk County document, it quickly became apparent that a literal substitution was insufficient. Rather, several of the text changes needed to implement the spirit of that general change are extensive. Consequently, I have made my best initial effort at the required set of changes, and would like you to see the attached results prior to the 12/6/95 Commission meeting.

This revised text is on the agenda for the 12/6/95 meeting. Although review of this item is not urgent, it is nonetheless a necessary detail in order to have our formal Clearinghouse investment guidelines in written form.

Please call at your convenience, or simply bring changes to Wednesday's meeting.

Thank you for your assistance.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John J. LaMura, *Vice Chairman*
Vincent Cannuscio, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

INVESTMENT POLICY FOR SUFFOLK COUNTY, NEW YORK

Investment Policy for the Central Pine Barrens Joint Planning and Policy Commission's Pine Barrens Credit Clearinghouse Funding¹

I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment by the Central Pine Barrens Joint Planning and Policy Commission (the "Commission") for the initial capitalization of the Pine Barrens Credit Clearinghouse's (the "Clearinghouse") Pine Barrens Credit Program. This shall include those funds designated for implementing the purchase or sale of Pine Barrens Credits by the Commission or the Clearinghouse.

II. OBJECTIVES

The primary objectives of the ~~local government's~~ Clearinghouse's investment activities are, in priority order,

1. to conform with all applicable federal, state and other legal requirements (legal);
2. to adequately safeguard principal (safety);
3. to provide sufficient liquidity to meet all operating requirements (liquidity); and
4. to obtain a reasonable rate of return (yield).

III. ~~DELEGATION OF AUTHORITY~~ ROLE OF THE SUFFOLK COUNTY TREASURER

~~The Suffolk County Legislature's responsibility for administration of the investment program is delegated to the Suffolk County Treasurer as set forth by t~~The Suffolk County

¹ *These guidelines are adapted from the undated document Investment Guidelines for Suffolk County, New York, which is utilized by the Suffolk County Treasurer's office for County funds. That original document has been modified by (1) substituting appropriately phrased references to "the Central Pine Barrens Joint Planning and Policy Commission" in place of "Suffolk County" and (2) modifying other passages as needed to reflect the nature of the Commission and its work.*

Charter (the "Charter"), Article XV, establishinges the Suffolk County Department of Finance & Taxation, the head of which shall be the Suffolk County Treasurer (the "County Treasurer"). ~~The Charter states that the County Treasurer shall receive and have custody of all public funds belonging to or handled by the County.~~ The County Treasurer shall have has a written investment program which ~~shall~~ includes procedures for adequate internal control which provide a satisfactory level of accountability based on records incorporating description and amounts of investments, transaction dates, and other relevant information ~~and regulate the activities of subordinate employees.~~

The Commission and the County Treasurer shall enter into an agreement for the receipt, management, disbursement, and accounting of those funds designated for implementing the purchase or sale of Pine Barrens Credits by the Commission or the Clearinghouse. That agreement shall be deemed to incorporate all of the principles, guidelines, and investment criteria contained within this document. The County Treasurer shall provide to the Commission a regular accounting of all such funds.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in ~~Suffolk County to govern effectively~~ the Commission or the Clearinghouse to operate the Pine Barrens Credit Program efficiently and effectively.

Investments shall be made with judgement and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of ~~Suffolk County~~ the Commission and the Clearinghouse to diversify its deposits and investments ~~which are designated for funding the purchase or sale of Pine Barrens Credits~~ by financial institution, by investment instrument, and by maturity scheduling.

VI. INTERNAL CONTROLS

It is the policy of ~~Suffolk County~~ the Commission and the Clearinghouse for all moneys collected by ~~any officer or employee of Suffolk County~~ the Commission or the Clearinghouse which are designated for funding the purchase or sale of Pine Barrens Credits to be transferred these funds to the County Treasurer within ten (10) days after the end of the month, or within the time specified by law, whichever is shorter.

~~Pursuant to Resolution No. 1054 of 1983 and Resolution No. 15 of 1986, county departments are to deposit a~~All income designated for the purchase or sale of Pine Barrens Credits shall be placed into interest-bearing accounts. ~~Standard Operating Procedure D 08, dated October 21, 1992, directs department to prepare and submit monthly SCIN Form 212 to the County Treasurer indicating the balance in each bank account.~~

The County Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITORIES

The banks and trust companies authorized for the deposit of County monies are designated each year at the organizational meeting of the Suffolk County Legislature, ~~currently Resolution No. 7 dated January 3, 1995, is in effect pursuant to Section 212 of the New York COUNTY LAW.~~ The County Treasurer shall utilize these designations in the management of those funds subject to this document.

VIII. COLLATERALIZING OF DEPOSITS

~~In accordance with the provisions of General Municipal Law, Section 10, a~~All deposits of Suffolk County the Commission or the Clearinghouse designated for the purchase or sale of Pine Barrens Credits, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by a pledge of "eligible securities" with an aggregate "market value", or provided by General Municipal Law, Section 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.

By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

Any surety bond provided in compliance with the investment policy shall be delivered to the Suffolk County Treasurer's Office prior to or concurrent with the deposit of monies in that financial institution.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by a third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure

local government and Commission deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government or the Commission to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government or the Commission, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the County Treasurer or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government or the Commission, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government or the Commission a perfected interest in the securities.

X. PERMITTED INVESTMENTS

~~As authorized by General Municipal Law, Section 11, Suffolk County~~ The Commission authorizes the County Treasurer to invest monies not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

1. Special time deposit accounts;
2. Certificates of deposit;
3. Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
4. Obligations of the State of New York;
5. Obligations issued pursuant to LFL Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality school district or district corporation other than Suffolk County.
6. All investments obligations shall be payable or redeemable at the option of the County of Suffolk within such times as the proceeds will be needed to meet expenditures for purposes for which the monies were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the County of Suffolk within two years of the date of purchase.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

~~Suffolk~~ The County Treasurer shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government or the Commission conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of ~~Suffolk~~ the County Treasurer, the Commission, or the

Clearinghouse. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The County Treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

XII. PURCHASE OF INVESTMENTS

The County Treasurer is authorized to contract for the purchase of investments directly, including through a repurchase agreement, from an authorized trading partner.

All purchased obligations, unless registered or inscribed in the name of the local government or the Commission, shall be purchased through, delivered to and held in the custody of a bank or trust company.

Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to ~~Suffolk~~ the County Treasurer by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, Section 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government or the Commission, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government or the Commission a perfected interest in the securities.

XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

1. All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
2. Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
3. Obligations shall be limited to obligations of the United States of America and obligations of agencies of the United States of America where principal and interest are guaranteed by the United States of America.
4. No substitution of securities will be allowed.
5. The custodian shall be a party other than the trading partner.

Appendix A: Schedule of Eligible Securities

- (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
- (ii) Zero coupon obligations of the United States government marketed as "Treasury strips."
- (iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.
- (iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.

PINE BARRENS CREDIT CLEARINGHOUSE

JAMES T.B. TRIPP, ESQ. , *CHAIRMAN*
CHARLES K. STEIN, *VICE CHAIRMAN*
ROBERT J. DUFFY, A.I.C.P. , *MEMBER*
JOHN F. HANLEY, *MEMBER*
MITCHELL H. PALLY, ESQ. , *MEMBER*

Responses to Clearinghouse's Request for Proposals

The Clearinghouse received six responses to its request for proposals for performing economic analysis for the purposes of estimating the range of market values for Pine Barrens Credits.

The following is a listing of the responses:

Alberto & Associates, Haddonfield, New Jersey. This request was received on December 5, 1995 after the December 1, 1995 deadline. The project team consists of Alberto & Associates, Ewing Cole Architects/Planners and Legg Mason Real Estate Services.

B.S.G. Inc, Real Estate Appraisers and Consultants, Miller Place, New York. Bernard S. Guinta is a real estate consultant and appraiser with a private practice on Long Island.

Given Associates, Hauppauge, New York. Patrick Given is the principal in Given Associates a appraisal firm in Hauppauge. Mr. Given teamed with Richard Ryan of **Ryan's Company** in submitting this proposal. Ryan's Company is a firm specializing in forensic real property investigations.

James C. Nicholas, PhD, Gainesville, Florida. Mr. Nicholas is a Professor of Urban and Regional Planning and Affiliate Professor of Law at University of Florida.

Richard Silkman Associates, Yarmouth, Maine. Dr. Silkman with Dr. Thomas Sexton and Dr. Alexander Zhukovsky have submitted a proposal. They are proposing to work through Silkman Associates rather than through the W. Averell Harriman School for Management and Policy in order to meet the rapid response requirements contained in the request for proposals.

Urbanomics, New York, New York. The project team would include Regina B. Armstrong, Principal of Urbanomics and Betty Greenfield. This firm specializes in serving business and government in economics, public finance and urban planning.

PINE BARRENS CREDIT CLEARINGHOUSE ---

JAMES T.B. TRIPP, ESQ. , *CHAIRMAN*
CHARLES K. STEIN, *VICE CHAIRMAN*
ROBERT J. DUFFY, A.I.C.P. , *MEMBER*
JOHN F. HANLEY, *MEMBER*
MITCHELL H. PALLY, ESQ. , *MEMBER*

Summary of Pine Barrens Credit Letter of Interpretation Applications (As of December 6, 1995)

200-411-5; Meyer, Terrance

Applicant has provided single and separate searches on 44 lots in this tax block on which he is seeking Letters of Interpretation. The zoning on all of the lots is A Residence 5.

200-462-4-2; Aliano, Nicholas

Applicant has a 101 acre parcel south of the Long Expressway, north of County Route 111 and west of Halsey Manor Road in the Town of Brookhaven. The present zoning is A Residence 2.

Applicant is seeking 977 gallons per day worth of Pine Barrens Credits (3 1/3 PBCs) to transfer to an existing shopping center in Miller Place pursuant to a Suffolk County Department of Health Board of Review determination.

Letter of Interpretation for 40.43 Pine Barrens Credit Certificates issued on December 4, 1995.

200-499-1-35; Rossner, Norm

Applicant has a 0.23 acre parcel in a A Residence 5 zoned area in Brookhaven.

200-511-6-9; Copeland, Amelia

Applicant has 2.16 acres in an old filed map north of County Route 111. The present zoning is A Residence 5.

600-141-1-3; LaBone, Beverly A.

Applicant has a 14 acre parcel in Riverhead, from which she is seeking credits.

900-185-12.1, 252-1-3.1; Caulfield, Thomas

Applicant has a 2.1154 acre parcel on Sunrise Highway, west of Sears Bellow Park and a 5.7 acre parcel along Sunrise Highway in Hampton Bays. Both are zoned Country Residence 200.

900-193-8-25, 27, 28, 29; Parrilla, Emanuel

Applicant owns three lots of 0.69 acres each and one lot with 0.52 acres in a Country Residence 200 zoned area.

900-241-1-17, 19; Trombetta, Edward

Applicant has a .18 acre parcel and a 1.22 acre parcel of Country Residence 200 zoned land in an old filed map along Sunrise Highway.

Letters of Interpretation for 0.20 and 0.10 Pine Barrens Credit Certificates respectively, issued on November 28, 1995.

900-248-1-110.002; Tuccio, Edwin

Applicant has 403.5 acre parcel of Light Industrial 200 zoned land. Fourteen buildings are located on the southern portion of the parcel.