

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ulric S. Haynes, *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) - June 8, 1994 Riverhead County Center 2:00 pm

1. **Compatible Growth Area**
 - A.B. Richards application: adoption of written decision and findings of fact
2. **Core Preservation Area**
 - Tuccio / Westhampton core hardship application: site visit information
 - Confirmation of core hardship public hearings on 6/22
3. **Plan Development**
 - Brief update on Community Outreach Program
4. **Administrative**
 - 5/9 and 5/11 meeting minutes: adoption
 - Public hearings and cost procedures
 - Future meetings schedule
5. **Other business**
 - Executive Session: current litigation status

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Commission Agenda (FINAL) - June 8, 1994 Riverhead County Center 2:00 pm

- 1. Compatible Growth Area**
 - A.B. Richards application: adoption of written decision and findings of fact
- 2. Core Preservation Area**
 - Tuccio / Westhampton core hardship application: site visit information
 - Confirmation of core hardship public hearings on 6/22
 - Core hardship correspondence of 6/6: Hendrix / Manorville
- 3. Plan Development**
 - Update on Community Outreach Program: Donna Plunkett
- 4. Administrative**
 - 5/9 and 5/11 meeting minutes: adoption
 - Public hearings and cost procedures
 - Future meetings schedule
- 5. Other business**
 - Executive session: current litigation status

Commission Meeting Summary - June 8, 1994

Riverhead County Center

Present: Mr. Proios (for Commissioner Gaffney), Ms. Wiplush (for Commissioner LaMura), Commissioner Thiele, Ms. Filmanski (for Commissioner Janoski), Mr. Dragotta (County Attorney's office), Commissioner Haynes, Mr. Corwin (director), Ms. Trezza (administrator), Ms. Roth (counsel), plus additional attendees on attached sign-in sheet.

The meeting commenced at approximately 2:40 p.m., chaired by Mr. Proios.

1. Compatible Growth Area

- A.B. Richards: adoption of written decision and findings of facts

A motion was made by Commissioner Thiele and seconded by Ms. Filmanski to adopt the written decision and findings fact. The motion was carried.

2. Core Preservation Area

- Tuccio/Westhampton core hardship application: site visit information
Summary: Mr. Corwin discussed the site information in Westhampton, which is to take place at the Suffolk County Water Authority on June 10, 1994, at 10:30 a.m. Mr. Mike Nobiletti was present representing Mr. Tuccio.
- Confirmation of core hardship public hearings on 6/22
Summary: Discussion ensued regarding public hearings for Stewart Osleeb and Edwin Tuccio. Both hearings to take place on June 22, 1994 at 7:30 p.m., at Riverhead Town Hall.
- Core hardship correspondence
Summary: Mr. Corwin discussed a letter received from Gloria Hendrix. Ms. Hendrix owns 2 parcels of land in Manorville, straddling the Long Island Expressway. Mr. Corwin felt that the application was incomplete. Mr. Proios felt that a response to the applicant is necessary within 60 days so that an approval by default does not occur.

3. Plan Development

- Update on Community Outreach Program: Presentation by Donna Plunkett
Summary: Ms. Plunkett presented literature to the commission, which included an update of media strategy/work products, update of community outreach program outline, update of list of community organizations, and TDR components of the community outreach program. A press kit is currently being prepared to be given out to the media. Press kit is to inform the media about the process of this program. Following 7/14, briefing sessions will be conducted in August and September on

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either Saturdays or Sundays. Dates to be announced. List of contact names for each committee is to be printed for those individuals that may not be able to attend the meetings.

4. Administrative

- 5/9 and 5/11 meeting minutes: adoption

A motion was made by Commissioner Haynes and seconded by Commissioner Thiele to adopt the minutes of the 5/9 and 5/11 meetings. The motion was carried.

- Public Hearings and cost procedures
Summary: Mr. Corwin discussed the scheduling of hearings and cost procedures. Ray Cowen from NYS DEC sent information regarding their procedures which Mr. Corwin used to base his procedures. Said information is included in packet. Commission to review and discuss at the next meeting. Ms. Roth felt that the legal notice and stenographer should be handled by the Commission, and the applicant should be responsible for payment.
- Future meetings scheduled
Summary: Future meeting schedule was presented. Commission to review and approve by the next meeting.

5. Other business

George Smelzer raised a question regarding Transfer Development Rights and boundary changes in the core. Mr. Corwin could not discuss core boundaries at this time, since a map was not available for use.

A motion was made by Commissioner Thiele to begin the executive session and seconded by Ms. Wiplush.

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Work Session Agenda - January 10, 1994 Brookhaven Town Offices

1. Compatible Growth Area Actions

- Dovale Enterprises / Manorville / Completeness
- Our Lady of the Island Shrine / Manorville / Status + Completeness
- North Shore United Methodist Church / Wading River / Status
- BHI Contractors / Manorville / Status
- David Kepner / Manorville / Status
- Schell / Lake Panamoka / Status
- AB Richards / Medford / Completeness

2. Compatible Growth Area Correspondence and Issues

- Interim Goals and Standards / 1/3/94 Hearing & Draft resolution
- Lester Davis / Coram / Inquiry
- Crystal Gardens / Middle Island pending application

3. Core Preservation Area Actions

- Northern Sites Hardship Special Meeting / Westhampton / Special Meeting - First item of business.
- APPLE / Eastport / Status
- Fireman's Park Expansion / Ridge / Status
- Ace Builders / Ridge / Status
- Whisper Hill Hardship Application / Manorville / Completeness

4. Core Preservation Area Correspondence and Issues

- DEC Land 11/23/93 acquisition meeting summary
- WJF Realty / Westhampton / Request for meeting
- Henry Silverman / Hampton Bays / Acquisition inquiry

5. Plan Development

- Parcel inventory and map
- 2/6/94 inventory deadline and subsequent landowner notification
- Transfer of development rights program
- Economic analysis
- Regional Plan Association contract

6. Administrative

- Draft of 12/8/93 minutes for changes prior to 1/12/94 adoption
- Revised calendars / Commission + general meeting
- By-laws amendment / Draft resolution
- Pine Barrens Native Plants grant / Request for support and matching grant
- Summary of 1/3/94 Advisory Committee meeting
- Summary of current Advisory Committee applicants
- Collation of technical amendment suggestions by Commission

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Work Session Summary - January 10, 1994 Brookhaven Town Offices

Present: Commissioner Robert Gaffney, Mr. Ray Cowen (for Commissioner Ulric Haynes), Ms. Emily Pines (for Commissioner LaMura), Ms. Brenda Filmanski (for Commissioner Janoski), Commissioner Thiele. Mr. George Gatta took Commissioner Gaffney's place for the latter part of the meeting.

The first topic addressed was the Northern Sites Hardship Application. See first bullet in Section 3 below.

1. Compatible Growth Area Actions

- Dovale Enterprises / Manorville / Completeness
Summary: Discussion of Zoning Board of Appeals determination in this matter, and ZBA procedures generally, occurred. Application was then deemed ready for public hearing. Hearing will be set at 1/12/94 meeting.
- Our Lady of the Island Shrine / Manorville / Status + Completeness
Summary: Deemed ready for public hearing. Hearing will be set at 1/12/94 meeting.
- North Shore United Methodist Church / Wading River / Status
Summary: Deemed to be nondevelopment. Letter will be sent to applicant. After this discussion, Commissioner Gaffney was replaced by Mr. Gatta.
- BHI Contractors / Manorville / Status
Summary: Deemed to be nondevelopment. Letter will be sent to applicant.
- David Kepner / Manorville / Status
Summary: Deemed to be nondevelopment. Letter will be sent to applicant.
- Schell / Lake Panamoka / Status
Summary: Deemed to be nondevelopment. Letter will be sent to applicant.
- AB Richards / Medford / Completeness
Summary: Deemed ready for public hearing. Hearing will be set at 1/12/94 meeting.

2. Compatible Growth Area Correspondence and Issues

- Interim Goals and Standards / 1/3/94 Hearing & Draft resolution
Summary: Need for re adoption of emergency rules was discussed. Current rules will expire at the end of January if they are not readopted. Draft resolution for 1/12/94 meeting was distributed and discussed.
- Lester Davis / Coram / Inquiry
Summary: Mr. Davis' correspondence was discussed briefly. Information item only.
- Crystal Gardens / Middle Island pending application
Summary: Status of this application was described by Mr. Corwin.

3. Core Preservation Area Actions

- Northern Sites Hardship Special Meeting / Westhampton / First item of business.
Summary: An executive session on this matter was proposed in a motion by Mr. Cowen, seconded by Ms. Pines. Passed unanimously, and Commission went into executive session. Following the session, Mr. Nemeth and the Commission agreed to a delay in the issuance of a Commission decision on his application. The decision will be delayed to March 16, 1994. Motion was made by Commissioner Thiele and seconded by Mr. Cowen. Vote was unanimous.
- APPLE / Eastport / Status

- Summary: Discussion led to consensus that this project appears to be development.
 - Fireman's Park Expansion / Ridge / Status
 - Summary: Discussion centered around the status of the application. Several items were raised, and require additional examination.
 - Ace Builders / Ridge / Status
 - Summary: This is a SEQRA coordination letter for a tree clearing permit. Commission will need to review this, once the applicant applies to the Commission.
 - Whisper Hill Hardship Application / Manorville / Completeness
 - Summary: A letter will be sent from general counsel to the applicant. Application will be examined for any necessary additional materials needed prior to hearing.
4. Core Preservation Area Correspondence and Issues
- DEC Land 11/23/93 acquisition meeting summary
 - Summary: Distributed. Discussed by Ray Cowen.
 - WJF Realty / Westhampton / Request for meeting
 - Summary: Discussed. Information item only.
 - Henry Silverman / Hampton Bays / Acquisition inquiry
 - Summary: Discussed parcels involved.
5. Plan Development
- Parcel inventory and map
 - Summary: Status outlined and current parcel maps displayed.
 - 2/6/94 inventory deadline and subsequent landowner notification
 - Summary: Discussed numbers of parcels, types of ownerships, possible methods of notification and requirements of law. To be continued at 1/12/94 meeting.
 - Transfer of development rights program
 - Economic analysis
 - Regional Plan Association contract
 - Summary: The above items were not addressed; delayed to 1/12/94 meeting.
6. Administrative
- Draft of 12/8/93 minutes for changes prior to 1/12/94 adoption
 - Revised calendars / Commission + general meeting
 - By-laws amendment / Draft resolution
 - Pine Barrens Native Plants grant / Request for support and matching grant
 - Summary: All the above were distributed but not discussed. Delayed to 1/12/94 meeting.
 - Summary of 1/3/94 Advisory Committee meeting
 - Summary: Not discussed.
 - Summary of current Advisory Committee applicants
 - Summary: Distributed but not discussed.
 - Collation of technical amendment suggestions by Commission
 - Summary: Delayed to 1/12/94 meeting.

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Regular Session Agenda - January 12, 1994 Riverhead County Center

1. Project Reviews

- Scheduling of Hearing for:
 - Dovale Enterprises / Manorville
 - Our Lady of the Island Shrine / Manorville
 - AB Richards / Medford
- Designation of individual staff contacts by Commissioners

2. Readoption of Interim Goals and Standards for CGA

- Resolution
- Final adoption

3. Plan Development

- Parcel inventory and landowner notification
- Commission work sessions (2-3) devoted to plan development
- Economic analysis work
- Regional Plan Association contract
- Pine Barrens Native Plants grant / Request for support and matching grant

4. Administrative

- Changes to & adoption of 12/8/93 minutes
- Revised calendars / Commission + general meeting
- Appointment of Executive Director as Commission Secretary
- Amendment of by-laws
- Technical amendments to statute (preferred by 1/31/94)
- 1994-95 Budget
- Involved agency letter to municipalities
- Contract between Suffolk County Water Authority and Commission
- Contract procedures
- Plain English brochure
- Central Pine Barrens Handbook

5. Executive Session

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Regular Session Summary - January 12, 1994 Riverhead County Center

Present: *Commissioner Robert Gaffney, Commissioner Ulric Haynes, Ms. Emily Pines (for Commissioner LaMura), Ms. Brenda Filmanski (for Commissioner Janoski), Commissioner Thiele.*

1. Project Reviews

- Scheduling of Hearing for:
 - Dovale Enterprises / Manorville
 - Our Lady of the Island Shrine / Manorville
 - AB Richards / Medford

Summary: *Projects were discussed. A resolution was passed and a hearing was set for February 2, 1994 at Riverhead Town Hall.*

- Designation of individual staff contacts by Commissioners

Summary: *The subject was discussed. Also discussed was the form letters that were drawn up for projects occurring in the Compatible Growth Area. Minor changes were suggested and agreed upon.*

2. Readoption of Interim Goals and Standards for CGA

- Resolution
- Final adoption

Summary: *General counsel explained why the Interim Goals and Standards had to be readopted under the State Administrative Procedures Act. A resolution was passed by the Commission. Final adoption will be in February .*

3. Plan Development

- Parcel inventory and landowner notification

Summary: *There are approximately 8,600 parcels in the core preservation area and 36,000 parcels total in both the Compatible Growth and Core areas. He stated that within a couple of weeks a list will be produced.*

- Commission work sessions (2-3) devoted to plan development

Summary: *Ray Corwin asked the Commission to consider scheduling 2 or 3 work sessions strictly for plan development. Within a month they will receive a draft copy of the plan from the staff for the Commission to review. The work sessions were scheduled for February 23, 1994 and March 23, 1994. Other sessions will be scheduled later.*

- Economic analysis work
- Regional Plan Association contract

Summary: Both items saved to discuss in executive session.

- Pine Barrens Native Plants grant / Request for support and matching grant

Summary: Mr Gaffney discussed endorsing the grant but it was felt that the subject should be discussed in executive session because it wasn't clear if grants could be given under the statute.

4. Administrative

- Changes to & adoption of 12/8/93 minutes

Summary: The minutes from the December 8, 1993 meeting were adopted.

- Revised calendars / Commission + general meeting

Summary: Were distributed without discussion.

- Appointment of Executive Director as Commission Secretary

Summary: Jim Rigano explained that the Executive Director was cosentially already serving as the Commission Secretary a motion was made and a resolution passed by the Commission.

- Amendment of by-laws

Summary: Doris Roth discussed how Articles 4 and 5 should be changed, a resolution was passed accepting the changes.

- Technical amendments to statute (preferred by 1/31/94)

Summary: A cutoff date for suggested changes to the statute was advised. The date suggested was February 7, 1994. It was also stated that a reminder will go out in the general mail and others to get their comments in by the cutoff date.

- 1994-95 Budget

Summary: The Commission was asked to review the budget and give comments at a later date.

- Involved agency letter to municipalities

Summary: It was suggested by counsel that the Commission forward a letter to local municipal agencies.

- Contract between Suffolk County Water Authority and Commission

Summary: General counsel detailed the contract between the Suffolk County Water Authority and the Commission. The Water Authority would have to be reimbursed for the accounting. It was stated that the amount of such and accounting work that is done over the next few months will be observed and an appropriate fee will be paid by the Commission.

- Contract procedures

Summary: Discussed in executive session.

- Plain English brochure

Summary: Since the statute was so specific and complex that it would be hard to give a plain english version of the statute without leaving the Commission open to possible problems. It was suggested that pamphlets be done as needed to address certain topics of interest.

- Central Pine Barrens Handbook

Summary: The Commission was given a first draft of the Pine Barrens Handbook and asked for comments before it is sent out to be printed. It was agreed that a small fee could be charged for copies.

5. Executive Session

Summary: Motion by Commissioner Thiele, seconded by Commissioner Haynes to enter executive session to discuss several legal matters. Approved unanimously. Commission entered into executive session at approximately 3:30 pm.

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Regular Session of January 12, 1994
Riverhead County Center

Resolution to Schedule the Hearings for the Applications Pending in the Compatible Growth Area

- Whereas,** At the work session of January 10, 1994, the Commission examined the applications of Dovale Enterprises, Inc; Our Lady of the Island Shrine and A.B. Richards; and
- Whereas,** Each project was determined to be in the compatible growth area pursuant to Environmental Conservation Law section 57-0107(12); and
- Whereas,** each project was determined to constitute development pursuant to Environmental Conservation Law section 57-0107(13); and
- Whereas,** the Commission is required to hold a public hearing pursuant to Environmental Conservation Law section 57-0121(9) to consider each project; now, therefore, be it
- Resolved,** That the Central Pine Barrens Joint Planning and Policy Commission hereby schedules the hearing for each application to be held on February 2, 1994 at 7:30 p.m in the Town Board meeting room of the Riverhead Town Hall.

Record Of Motion:

Motion by Commissioner Thiele
Seconded by Ms. Filmanski

Yea Votes:

Commissioner Gaffney
Commissioner Haynes
Commissioner Thiele
Ms. Pines
Ms. Filmanski

Nay Votes:

None

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Regular Session of January 12, 1994
Riverhead County Center

***Resolution to Readopt the Interim Goals and Standards
for the Compatible Growth Area***

Resolved, That the Central Pine Barrens Joint Planning and Policy Commission hereby readopts the Interim Goals and Standards for the Compatible Growth Area pursuant to the State Administrative Procedure Act Section 202(6).

Record Of Motion:

Motion by Commissioner Haynes
Seconded by Ms. Pines

Yea Votes:

Commissioner Gaffney
Commissioner Haynes
Ms. Pines
Ms. Filmanski

Nay Votes:

Commissioner Thiele

Central Pine Barrens
Joint Planning and Policy Commission

Regular Session of January 12, 1994
Riverhead County Center

Resolution On Readoption of Interim
Goals and Standards as Emergency Rule
Under State Administrative Procedures Act (SAPA)

WHEREAS, Environmental Conservation Law Section 57-121(9) directs the Central Pine Barrens Joint Planning and Policy Commission to publish interim goals and standards for development and for hardship in the compatible growth area of the Central Pine Barrens prior to the implementation of the comprehensive land use plan; and

WHEREAS, by resolution dated October 13, 1993 the Commission adopted the interim goals and standards attached hereto under the emergency rule-making procedures of SAPA; and

WHEREAS, such emergency rules will expire pursuant to SAPA on January 31, 1994; and

WHEREAS, a hearing was held on January 3, 1994 in connection with the adoption of the interim goals and standards as final rules pursuant to SAPA; and

WHEREAS, the mandated filing and publishing set forth in SAPA does not permit the final rules to become effective prior to January 31, 1994, at which time the emergency rules will expire; and

WHEREAS, in order to preserve the continuous effectiveness of the interim goals and standards after the expiration date of January 31, 1994, it is necessary to readopt the rules as emergency rules as provided in SAPA. NOW THEREFORE, be it

RESOLVED that the Central Pine Barrens Joint Planning and Policy Commission hereby readopts the attached interim goals and standards under the emergency readoption provisions of SAPA in fulfillment of Environmental Conservation Law § 57-0121 (9).

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Regular Session of January 12, 1994
Riverhead County Center

Resolution to Adopt Minutes of December 8, 1993 Meeting

Resolved, That the Central Pine Barrens Joint Planning and Policy Commission hereby adopts the attached minutes of the December 8, 1993 meeting.

Record Of Motion:

Motion by Commissioner Haynes
Seconded by Ms. Pines

Yea Votes:

Commissioner Gaffney
Commissioner Haynes
Commissioner Thiele
Ms. Pines

Abstain:

Ms. Filmanski

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Regular Session of January 12, 1994
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Resolution to Appoint Executive Director as Commissions Secretary

Resolved, That the Central Pine Barrens Joint Planning and Policy Commission hereby designates Raymond Corwin, Executive Director, as Commission Secretary.

Record Of Motion:

Motion by Commissioner Thiele
Seconded by Ms. Filmanski

Yea Votes:

Commissioner Gaffney
Commissioner Haynes
Ms. Filmanski
Commissioner Thiele
Ms. Pines

Nay Votes:

None

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Regular Session of January 12, 1994
Riverhead County Center

Resolution to Amend By-laws

Resolved, That the Central Pine Barrens Joint Planning and Policy Commission hereby accepts the recommendation of General Counsel to amend the existing by-laws, as described in the attached memorandum from General Counsel, dated December 28, 1993.

Record Of Motion:

Motion by Commissioner Haynes
Seconded by Commissioner Thiele

Yea Votes:

Commissioner Gaffney
Commissioner Haynes
Ms. Filmanski
Commissioner Thiele
Ms. Pines

Nay Votes:

None

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Regular Session of January 12, 1994
Riverhead County Center

Resolution to Enter Executive Session

Whereas, Pursuant to the Open Meetings Law, matters deemed by General Counsel to be protected by Attorney- Client privilege have been raised; now, therefore, be it

Resolved, That the Central Pine Barrens Joint Planning and Policy Commission hereby adopts the motion to enter Executive Session to address these matters.

Record Of Motion:

Motion by Commissioner Thiele
Seconded by Commissioner Haynes

Yea Votes:

Commissioner Gaffney
Commissioner Haynes
Ms. Filmanski
Commissioner Thiele
Ms. Pines

Nay Votes:

None

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Work Session Agenda - February 7, 1994 Brookhaven Town Offices / Medford, NY

1. **Compatible Growth Area Actions**
 - 2/2/94 hearings & decision dates
2. **Compatible Growth Area Correspondence and Issues**
 - Interim Goals and Standards / Hearing assessment & Final adoption
3. **Core Preservation Area Actions**
 - APPLE / Eastport / Prior SEQR review issue
 - Fireman's Park Expansion / Ridge / Town presentation
 - Whisper Hill Hardship Application / Manorville / Hearing & Decision Dates
 - Core boundary change request / Longwood Greenbelt / Yaphank
 - Core boundary request / Exclusion of built site / Ridge
4. **Core Preservation Area Correspondence and Issues**
 - Ace Builders / Ridge / Additional information
 - Omnia Properties / Brookhaven & Southampton / Request for meeting
 - L.I. Early Fliers Club / Westhampton / Correspondence
5. **Communication from Advisory Committee - Michael Deering, Vice-chair.**
6. **Plan Development**
 - Private core parcel inventory & owner notification letter
 - Economic analysis RFP responses
 - Public Outreach Phase 1: RPA contract
 - Native Plants grant / Request for support & matching grant
 - *Discussion topic:* TDR work
7. **Administrative**
 - 1994-95 Budget
 - Donations (Brookhaven National Laboratory and Greenbelt Trail Conference)
 - Funding status and SCWA contract

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Work Session Summary - February 7, 1994 Brookhaven Town Offices / Medford, NY 9:30 am

Present: Mr. Gatta (for Commissioner Gaffney), Mr. Haynes, Mr. Garcia (for Commissioner LaMura), Ms. Filmanski (for Commissioner Janoski), Commissioner Thiele. Also present were Mr. Cowen, Mr. Proios, Ms. Pines, Ms. Swick (all alternates), Mr. Corwin (director), Ms. Roth and Mr. Rigano (general counsel).

The first topic was the Advisory Committee's recommendations, followed by the Firemen's Park project status.

1. Compatible Growth Area Actions

- 2/2/94 hearings & decision dates

Summary: The hearing was briefly summarized by Ray Corwin. The Commission has until 3/15/94 for a decision on the Dovale application, until 4/15/94 for the application of Our Lady of the Island, and until 5/11/94 for the A.B. Richards application. All three hearing records were kept open for written comments through 2/14/94.

2. Compatible Growth Area Correspondence and Issues

- Interim Goals and Standards / Hearing assessment & Final adoption

Summary: The need for the Commission to readopt these at its 2/23/93 meeting was discussed by general counsel.

3. Core Preservation Area Actions

- APPLE / Eastport / Prior SEQR review issue

Summary: The need to reexamine the extent of the County Legislature's SEQRA finding was noted.

- Fireman's Park Expansion / Ridge / Town presentation

Summary: A presentation by Brookhaven Parks Commissioner Thomas Mohrman was followed by an extensive discussion of the project's specifications and the non-development definition. Also present were Mark Lyon and Bruce Dickter from the Longwood Youth Sports Association.

- Whisper Hill Hardship Application / Manorville / Hearing & Decision Dates

Summary: The calendar requirements for the public hearing were discussed, and a motion was made by Commissioner Thiele, seconded by Ms. Filmanski, to hold a public hearing on 2/17/94 at Riverhead Town Hall at 7:30 pm. Motion passed unanimously.

- Core boundary change request / Longwood Greenbelt / Yaphank

Summary: The correspondence received from Mr. Herbert Balin was read, and Mr. Balin made a presentation. The Commission requested clarifications regarding the ownership of the affected parcels, as well as further detail on several aspects of the project.

- Core boundary request / Exclusion of built site / Ridge

Summary: Correspondence from Mr. Walter Conlon was read, in which exclusion of the existing McDonald's Restaurant on NYS Route 25 in Ridge was requested. Mr. Corwin explained that the boundary definition in the

law already excludes this site.

4. Core Preservation Area Correspondence and Issues

- Ace Builders / Ridge / Additional information
Summary: A brief note was made by Mr. Corwin regarding the issue of this site's access to CR 46 (which had been raised at a prior meeting). He noted that a copy of the original takings map for the CR 111 roadway appears to show a retained right of access. Further discussion on the other issues involved is required, however.
- Omnia Properties / Brookhaven & Southampton / Request for meeting
Summary: The request of Mr. Gene Fernbach for a meeting with state and county real estate representatives was discussed and agreed upon.
- L.I. Early Fliers Club / Westhampton / Correspondence
Summary: Correspondence from Mr. James Neighbours regarding the non-profit organization's core area property, as well as its desire to establish a museum at the adjacent County airport, were read.

5. Communication from Advisory Committee - Michael Deering, Vice-chair.

Summary: Mr. Deering summarized the 1/31/93 Advisory Committee meeting, including the 5 resolutions. They are covered in the attached page submitted by Mr. Deering.

6. Plan Development

- Private core parcel inventory & owner notification letter
Summary: Mr. Corwin discussed the core area inventory required by ECL 57-0119(7)(a). He brought a sample copy of a complete inventory (a printout from the data base containing the parcel data). He described the contents, its date of completion (which was 2/4/94, as documented in a fax transmittal to the Commissioners on that date), and several issues which now arise. Discussion ensued on those, including responses to freedom of information requests, use of the inventory by Commission contractors and staff, possible fees, production of the required follow-up mailing, etc.

A motion was made by Commissioner Thiele and seconded by Commissioner Haynes to accept the inventory as official. The motion passed unanimously. The content of the sample owner notification letter provided by general counsel was then discussed. A revised draft will be considered by the Commission at the 2/9/94 meeting.

- Economic analysis RFP responses
Summary: The four responses received on or before the 2/4/94 deadline were described by Mr. Corwin. Copies of the actual proposals and submitted materials were given to each Commissioner for immediate consideration. A discussion will be held at the 2/9/94 meeting.
- Public Outreach Phase 1: Regional Plan Association contract
Summary: This contract was refined by general counsel and RPA recently. Copies were distributed for consideration of adoption at the 2/9/94 meeting.
- Native Plants grant / Request for support & matching grant
Summary: Noted but deferred to the 2/9/94 meeting.
- Discussion topic: TDR work
Summary: Postponed, possibly until the 2/9/94 meeting.

7. Administrative

- 1994-95 Budget
Summary: Distributed and discussed by Mr. Corwin. He also described his appearance before the State Assembly's Environmental Conservation Committee, Chaired by Assemblyman Richard Brodsky, on 1/27/94, at which time the earlier draft budget, TDR capitalization, and Commission progress to date were discussed.
- Donations (Brookhaven National Laboratory and Greenbelt Trail Conference)
Summary: The Trail Conference's recent donation was noted, as was the Laboratory's imminent grant.
- Funding status and Suffolk County Water Authority contract
Summary: This contract was refined by general counsel and SCWA recently. Copies distributed for consideration of adoption at the 2/9/94 meeting.

Blue Barrens work session 2/7/94

| <u>Name</u> | <u>Organization</u> |
|---------------------|--|
| Ray Cowan | SCWA/CPBC |
| Ortane Trezza | LI PBS |
| Richard Amger | LIBI |
| Gary Schwent | Suffolk County |
| George PROIOS | SUFF CTY DEPT OF LAW |
| Roy S. DRAGOTTA | SUFF. CO. PLANNING |
| STEPHEN JONES | ABLI - |
| Herbert M. Balun | SCWA |
| Judy Jakobsen | RPA |
| Robert Rruui | NEWSDAY |
| TOM MORRIS | LYSA |
| Bruce Dickler | LYSA |
| Mark Lyon | NYSDEC |
| Rob Schneek | LAKE GROVE |
| Vi HOGLAND | TOB |
| Carol Swick | ESBOR |
| DOROTHEA GREEN | Brookhaven Town - Designee |
| JESSE GWINA | Brookhaven T.A. |
| Emily Pines | Asst Town Atty -> Brookhaven |
| Barbara Wiplush | NYSDEC - Region One |
| Ray Cowan | S.C. EXEC. OFFICE. |
| GEORGE GATTA | McMillan, Rather, Bennett & Regino, P.C. |
| DONIS E. ROTH | McMillan, Rather, Bennett, + Regino |
| James P. Regino | NYS Leg. Water Commission |
| Michael Deering | Commission |
| ULRIC HAYNES, JR. | Town of Riverhead |
| Brenda J. Jelmanski | |

Pine Barrens work session 2/7/94

name

organization

Michael Marron

MS Senate Ken Calvothe 696-6900

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

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ulric S. Haynes, *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

Session of February 7, 1994
Brookhaven Town Offices / Medford, NY

***Resolution to Hold Public Hearing on the Whisper Hill
Core Preservation Area Hardship Application***

- Whereas,** The Environmental Conservation Law Section 57-0121(10) provides for hardship exemption permit applications for development projects located within the Core Preservation Area of the Central Pine Barrens (as defined in the Environmental Conservation Law Section 57-0107(11)) and provides for the holding of public hearings on such applications; and
- Whereas,** Such an application has been filed for the development proposal known as Whisper Hill by the applicant, Mr. Russell Furia; now, therefore, be it
- Resolved,** That the Central Pine Barrens Joint Planning and Policy Commission hereby sets the date and time of February 17, 1994 at 7:30 pm, and the location of Riverhead Town Hall, for a public hearing on this application.

Record Of Motion:

Motion by Commissioner Thiele
Seconded by Ms. Filmanski

Yea Votes:

Commissioner Haynes
Commissioner Thiele
Ms. Filmanski
Mr. Garcia
Mr. Gatta

Nay Votes:

None

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(Pine)_S 80 _t
(Barrens)_S 3080 11852 _m
(Joint)_S 80 _t
(Planning)_S 80 _t
(and)_S 80 _t
(Policy)_S 80 _t
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/Times-RomanR 480 _ff
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(J.)_S 53 _t
(Gaffney,)_S 53 _t
/Times-ItalicR 480 _ff
(Chairman)_S /Times-RomanR 480 _ff
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(John)_S 53 _t
(LaMura,)_S 53 _t
/Times-ItalicR 480 _ff
(Vice)_S 53 _t
(Chairman)_S /Times-RomanR 480 _ff
600 10820 _m
(Ulric)_S 53 _t
(S.)_S 53 _t
(Haynes,)_S 53 _t
/Times-ItalicR 480 _ff
(Member)_S /Times-RomanR 480 _ff

```

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

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John LaMura, *Vice Chairman*
Ulric S. Haynes, *Member*
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0587

Session of February 7, 1994
Brookhaven Town Offices / Medford, NY

Resolution to Adopt Private Core Parcel Inventory

- Whereas,** The Environmental Conservation Law Section 57-0119(7)(a) directs the Central Pine Barrens Joint Planning and Policy Commission to complete an inventory of all private real property parcels within the Core Preservation Area of the Central Pine Barrens (as defined in the Environmental Conservation Law Section 57-0107(11)) within six months of the first meeting of the Commission (which was held on August 6, 1993, with the six month period therefore ending on Sunday, February 6, 1994); and
- Whereas,** Such an inventory was been completed by February 4, 1994 by the Central Pine Barrens Commission staff with cooperation from county and town agencies, the Commissioners were so notified on that date, and the resulting inventory has been presented and summarized at today's meeting of the Commission; now, therefore, be it
- Resolved,** That the Central Pine Barrens Joint Planning and Policy Commission hereby adopts the inventory as presented in fulfillment of the above statutory requirement.

Record Of Motion:

Motion by Commissioner Thiele
Seconded by Commissioner Haynes

Yea Votes:

Commissioner Haynes
Commissioner Thiele
Ms. Filmanski
Mr. Garcia
Mr. Gatta

Nay Votes:

None

```

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February 7, 1994

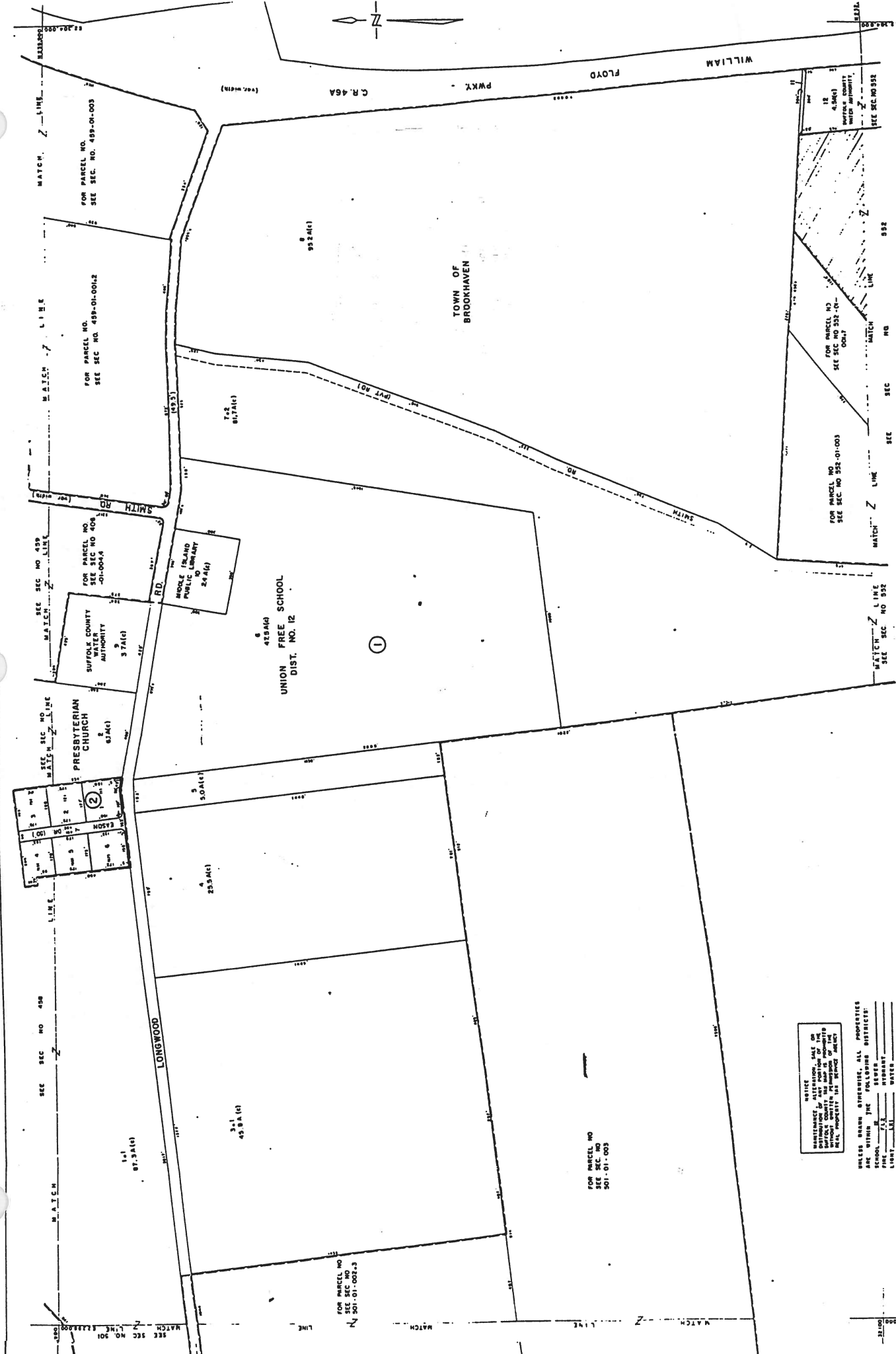
Alternate proposal of land

Attachments:

1. Map showing Section 504, Block 1, Lot 8
2. Deed to town on property
3. Attachment to deed showing dimensions of property
4. Proposed subdivision, allocating north section to LYSA
5. "Blow up" of land
6. Proposed development year 1 (Road, 4 fields)
7. Proposed development year 2 (Add small soccer fields)
8. Proposed development year 3 (Add baseball skin fields)
9. Proposed development year 4 (Add baseball fields)
10. Proposed development year 5 (Completed project)

*presented by
Bruce Dickter/
LYSA
at 2/9/94 mtg.*

ATT #1



NOTICE
 ANY PARTY WHO HAS AN INTEREST IN ANY PORTION OF THE LAND SHOWN ON THIS MAP IS HEREBY NOTICED THAT ANY CLAIM TO THE LAND SHOWN HEREON MUST BE FILED WITH THE COUNTY CLERK'S OFFICE WITHIN THE TIME SPECIFIED IN THE NOTICE OF THE DATE OF THE SALE OF THE LAND SHOWN HEREON. FAILURE TO FILE A CLAIM WITHIN THE SPECIFIED TIME WILL BE DEEMED A WAIVER OF ALL RIGHTS TO THE LAND SHOWN HEREON.

UNLESS SHOWN OTHERWISE, ALL POSSESSORIES ARE WITHIN THE FOLLOWING DISTRICTS

FIRE - 123
 LIGHT - 123
 WATER - 123
 PARK - 123
 HIGHWAY - 123
 RAILROAD - 123
 AIRPORT - 123
 CANAL - 123
 PUBLIC UTILITY - 123
 ZONING - 123
 DISTRICT - 123
 OTHER - 123

| | | |
|--|--|--|
| COUNTY OF SUFFOLK Real Property Tax Service Agency County Center Riverhead, L. I., New York | KEY MAP 459 1 199 501 1 504 1 505 503 1 517 | SECTION 504 TOWN OF BROOKHAVEN VILLAGE OF DISTRICT NO. 0200 Date of Completion |
| | SCALE IN FEET 0 100 200 | MAP NO. 3915 PROPE |

Legend

| | | | |
|-----------------------------|---------------------|------------------------------|---------------------|
| Property of R.V. Line | Fire District Line | Highway District Line | City |
| County Line | Water District Line | Public Utility District Line | Subdivision Lot No. |
| County Center District Line | Light District Line | Police District Line | Block Dimension |
| Water Line | Park District Line | Other District Line | Block Area |
| Village Line | Other District Line | | Calculated Area |
| Block Line | | | |
| Subdivision Lot Line | | | |
| Other District Line | | | |

| | | | |
|---------------|-------------|-----------------|---------------|
| Use: Per Deed | <u>Park</u> | Parcel | <u>8 - 3</u> |
| Present Use | _____ | School District | <u>12</u> |
| Restrictions | _____ | Index Sheet | <u>8</u> |
| Acreage | _____ | Index Location | <u>J , 14</u> |

Liber 7574 Page 478

Hamlet Yaphank

Date of Deed October 1, 1973

District 0200

From: Trustees of Long Island University

Section 504.00

Block 1.00

To: Town of Brookhaven

Lot 8.000

Description:

All that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being near Yaphank in the Town of Brookhaven, County of Suffolk and State of New York, situated at the southwest corner of New Road and William Floyd Parkway bounded and described as follows:

Beginning at a point which is the northeast corner of the herein described parcel, said point of beginning being the intersection formed by the southerly line of New Road with the westerly line of William Floyd Parkway; thence from said point of beginning southerly along the westerly line of William Floyd Parkway South 5° 07' 10" East a distance of 2700.00 feet; thence westerly along the southerly line of the herein described parcel and along other lands of Roosevelt Field Inc. North 85° 51' 26" West a distance of 2282.09 feet to a point on the easterly line of a private road (Longwood Road), thence northerly along the easterly line of a private road (Longwood Road) the following six (6) courses and distances: (1) North 32° 34' 00" East a distance of 319.29 feet; (2) North 21° 48' 00" East a distance of 796.07 feet; (3) North 25° 30' 20" East a distance of 322.50 feet; (4) North 20° 38' 20" East a distance of 909.53 feet; (5) North 5° 47' 20" East a distance of 434.23 feet; (6) North 13° 39' 45" East a distance of 185.08 feet to a point on the southerly line of New Road; thence easterly along the southerly line of New Road South 86° 16' 45" East a distance of 476.25 feet; thence South 69° 12' 55" East a distance of 583.45 feet to the point or place of Beginning.

#2

SUFFOLK COUNTY TAX
DISTRICT 0200
SECTION 504.00
BLOCK 1.00
LOT 8.000

NEW RD.

N 13° 39' 45" E
185.08'

S 86° 16' 45" E
476.25'

S 69° 12' 55" E
583.45'

N 05° 47' 20" E
434.23'

N 20° 38' 20" E
909.53'

N 25° 30' 20" E
322.50'

ROAD

LONGWOOD

N 21° 48' 00" E
796.07'

N 32° 34' 00" E
319.29'

N 85° 51' 26" W

2 282.09'

2 700.00'

PKWY

FLOYD

S 05° 07' 10" E

WILLIAM

N
/ F

ROOSEVELT FIELD INC.

SCALE 1" = 400'

DISTRICT 0200
SECTION 504.00
BLOCK 1.00
LOT 8.000

NEW RD.

N 13° 39' 45" E
185.08'

S 86° 16' 45" E
476.25'

S 69° 12' 55" E
583.45'

N 05° 47' 20" E
434.23'

N 20° 38' 20" E
909.53'

2700.00'

ROAD

LONGWOOD

N 25° 30' 20" E
322.50'

PKWY

FLOYD

S 05° 07' 10" E

WILLIAM

N 32° 34' 00" E
319.29'

N 21° 48' 00" E
796.07'

N 85° 51' 26" W

2282.09'

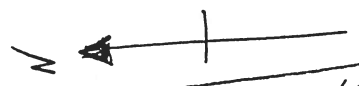
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F

ROOSEVELT FIELD INC.

SCALE 1" = 400'

7/11

15#



Wm Floyd Pkwy

1400'

Longwood Road
583'

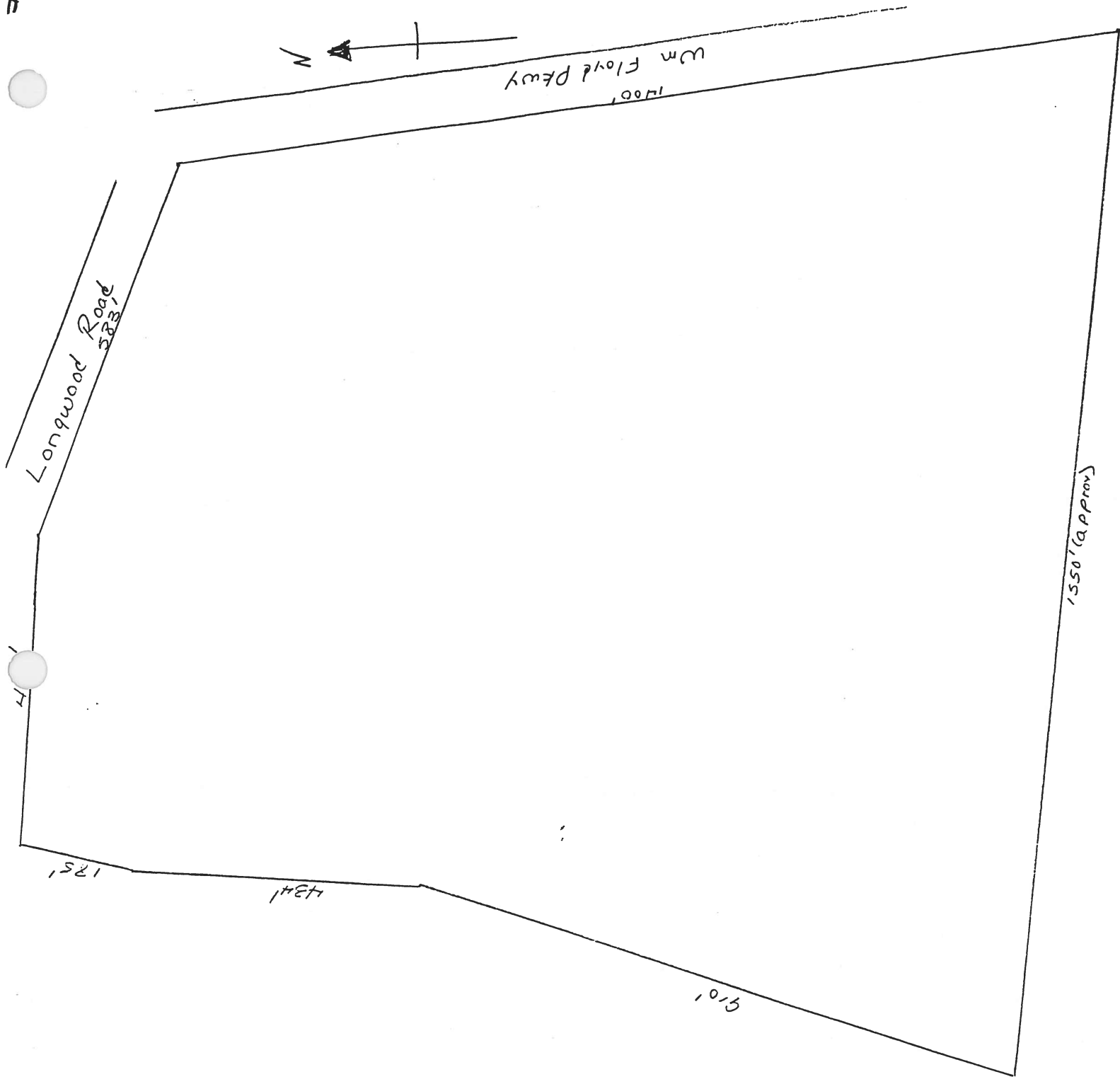
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4'

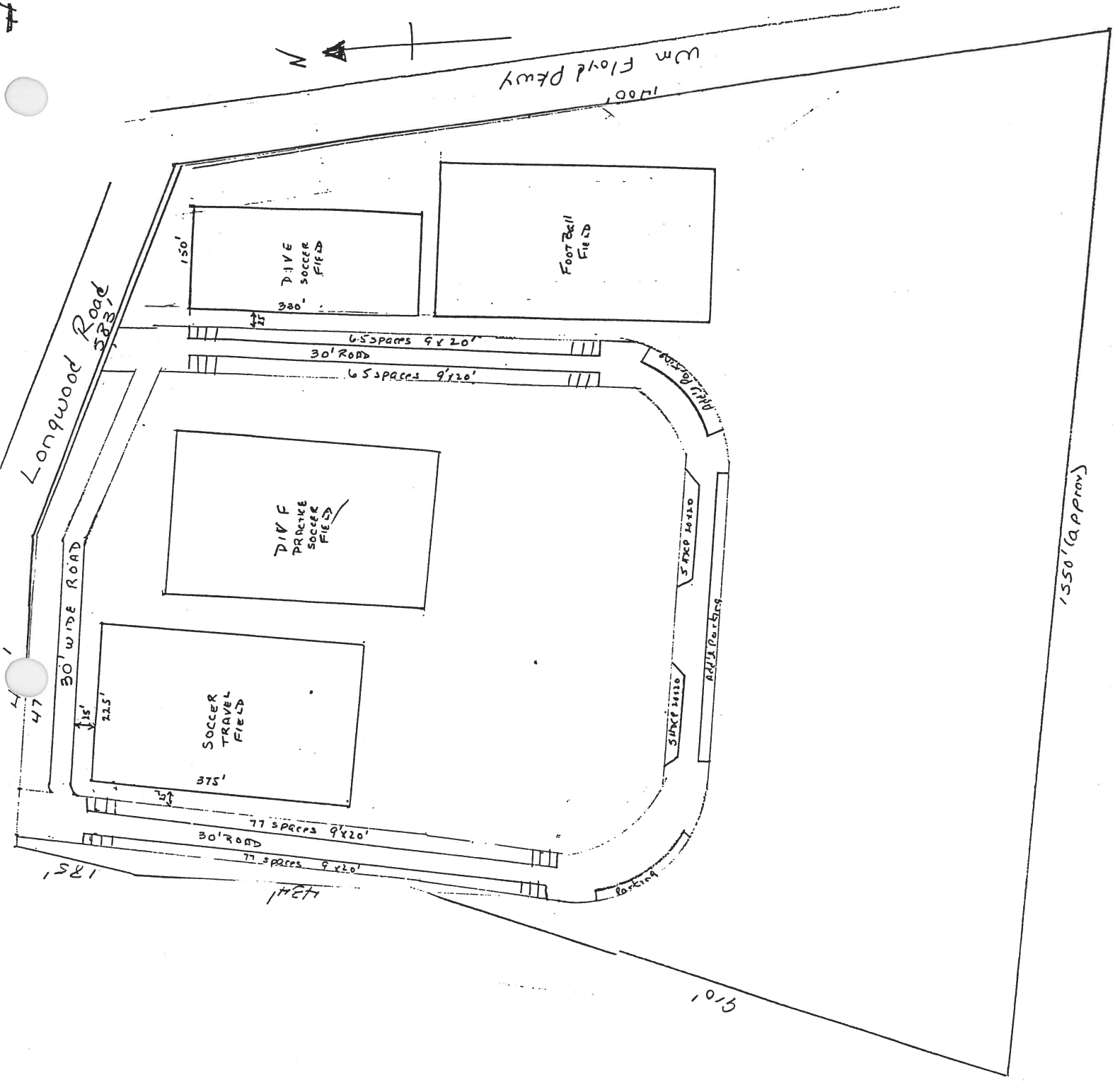
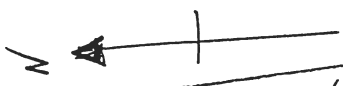
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134'

915'

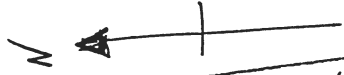


46



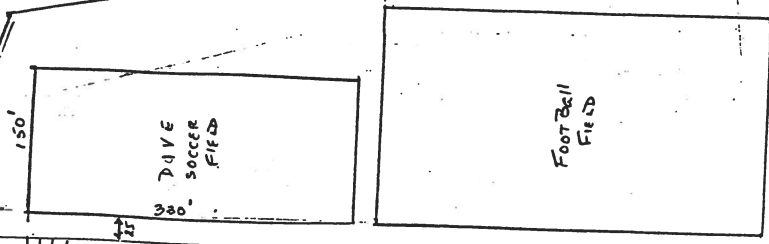
Longwood Youth Sports Assoc
 Proposed
 Alternate Site
 Block 504 LOT 1 sec 8
 FRONT (North) SECTION
 Scale approx 1/2" = 100' 2/7/94

L#7

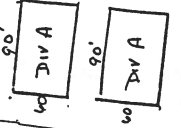
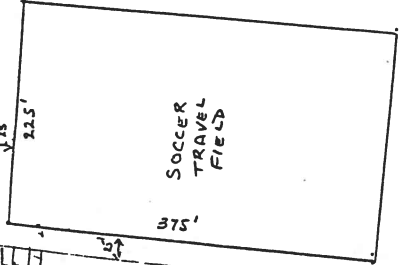
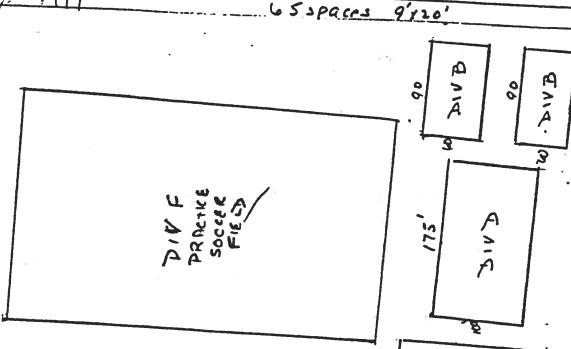


Wm Floyd Pkwy 1400'

Longwood Road 583'



65 spaces 9' x 20'
30' ROAD
65 spaces 9' x 20'



77 spaces 9' x 20'
30' ROAD
77 spaces 9' x 20'

APPROX 50' CURVE

5' X 20' 10' X 10'

APPLY PARKING

5' X 20' 20' X 20'

APPROX 50' CURVE

1550' (approx)

30' WIDE ROAD

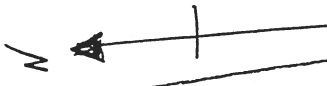
47'

1281

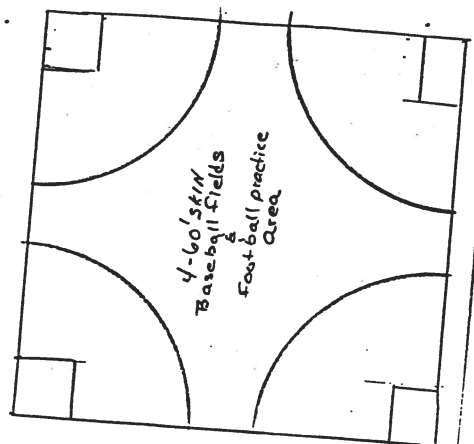
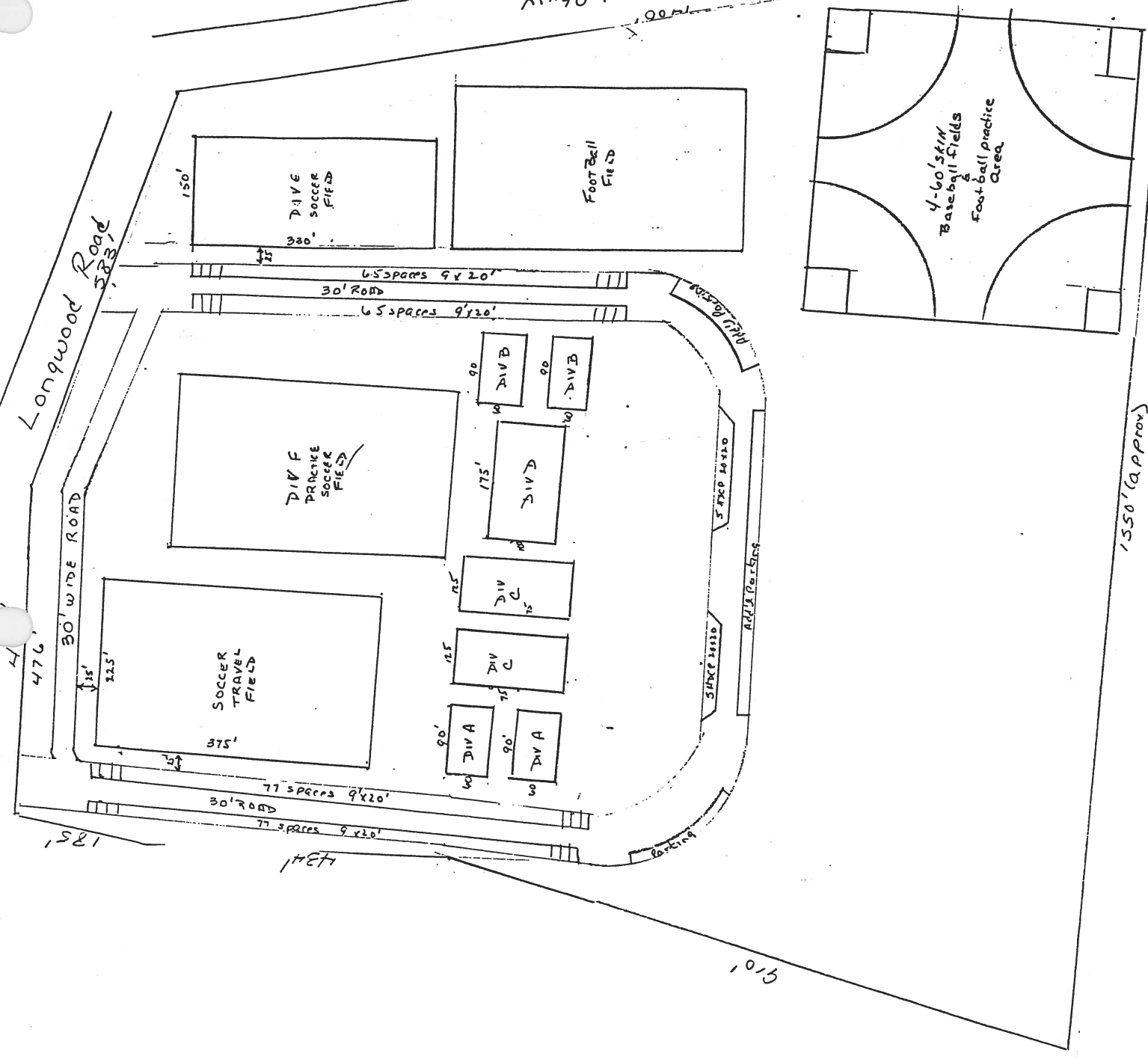
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1010

#8

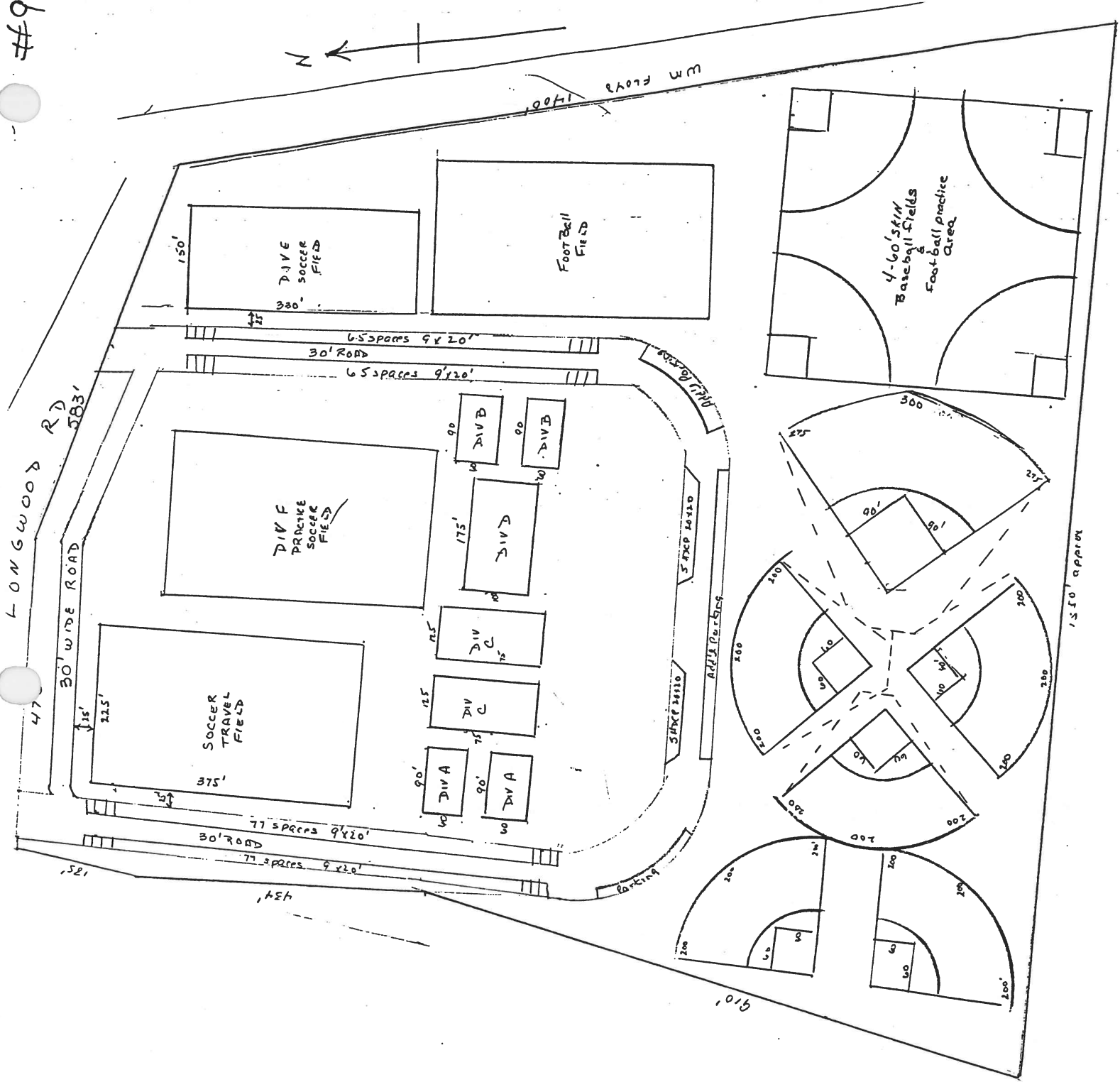
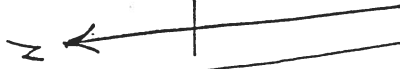


Wm Floyd Pkwy



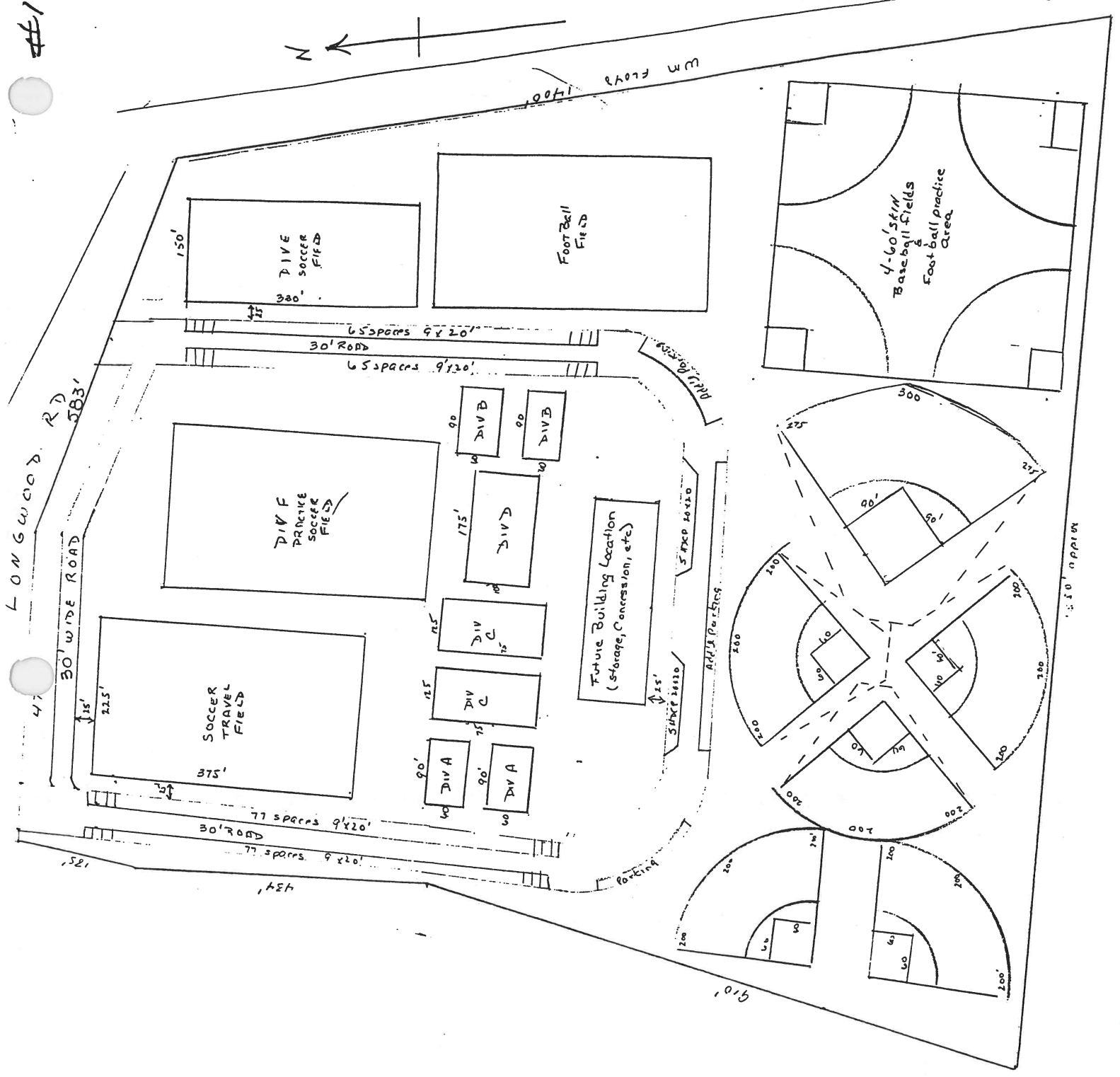
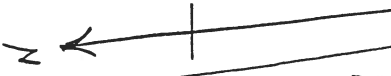
Longwood Youth Sports Assoc
 Proposed
 Alternate Site
 Block 504 Lot 1 sect 8
 Front (work) section
 Scale approx 1/2" = 100' | 2/1/94

#9



Longwood Youth Sports Assoc
 Proposed
 Alternate Site
 Block 504 Lot 1 sect 8
 Front (North) Section
 Scale approx 1/2" = 100' 2/1/04

#10



Longwood Youth Sports Assoc
 Proposed
 Alternate Site
 Block 504 LOT 1 sect 8
 Front (work) section
 Scale approx 1/2" = 100' 2/1/94

Central Pine Barrens Joint Planning and Policy Commission

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 John LaMura, *Vice Chairman*
 Ulric S. Haynes, *Member*
 Joseph F. Janoski, *Member*
 Fred W. Thiele, Jr., *Member*

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 Great River, New York 11739-0587

Agenda for February 9, 1994 Riverhead County Center

1. Plan Development

- Private core parcel owner notification - Draft read by G. Gatta → M Thiele S LaMura
- 2/23 ← • Economic analysis RFP responses " "
- Public Outreach Phase 1: Regional Plan Association contract →
- Native Plants grant / Request for support & matching grant (old business) → M: Thiele S: LaMura
↳ Signed by Fred.

2. Administrative

- Donations (Brookhaven National Laboratory and Greenbelt Trail Conference) M: Thiele S: LaMura
- Suffolk County Water Authority contract
- 3 ← • 1994-95 budget M: Thiele S: LaMura

Town will send rec's for reimbursement.
 M: Thiele
 S: LaMura

3. New Business

- Herb Balin
- Bruce Dickter
- ~~Inventory for pricing~~

Re: Dist'd. 2 items from 2/94 & 6/86.

Reasons ① It was a mistake for request ② mostly private ③ If kept in core, there is potential for doing damage to the proposed land swap.

Have no problem with pedestrian or bike trail.

Herb also endorsed installment sale contract legalization.

Discussed alternatives, etc.

- 2/23 : • RFP respondents, 15 min each (max); Adv. Comm. fax or letters
 • Revised 94-95 budget with input from Towns

Central Pine Barrens Joint Planning and Policy Commission

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John LaMura, *Vice Chairman*
Ulric S. Haynes, *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

Summary of February 9, 1994 Commission Meeting Riverhead County Center 2:00 pm

Present: Commissioner Gaffney, Commissioner Haynes, Commissioner LaMura, Ms. Filmanski (for Commissioner Janoski), Commissioner Thiele. Also present were Mr. Gatta, Mr. Proios, Mr. Garcia, Ms. Pines (all alternates), Mr. Dragotta (County Attorney's office), Mr. Corwin (director) and Ms. Roth (general counsel). Mr. Gatta represented Commissioner Gaffney for all topics contained within sections 1 and 2 below; Mr. Gaffney was present for topic 3 (New Business) items. All "unanimous" votes below are 4-0-0 votes.

1. Plan Development

• Private core parcel owner notification

Summary: A draft owner notification letter was distributed by general counsel. Mr. Gatta read the letter aloud, and requested comments. Mr. David Scro (President, L.I. Builders Institute) asked about the content of public outreach meetings, and Mr. Gatta described them. Mr. George Schmelzer (Calverton) asked about the exportation of water from Suffolk County to New York City, and Mr. Gatta replied that was a topic for other forums. Ms. Filmanski suggested minor changes to language, which were accepted. Mr. Kevin McDonald (Group for the South Fork) suggested that the letter direct people to a map or other information sources so as to not flood the Commission office with phone calls. That was also accepted. Commissioner Thiele motioned to approve the draft letter and Commissioner LaMura seconded it. Approval was unanimous.

• Economic analysis RFP responses

Summary: Commissioners expressed a desire to interview the respondents to the RFP, and the 2/23/94 meeting was selected for that purpose. Each respondent will be invited to meet with the Commissioners for approximately 15 minutes, thus devoting one hour of the meeting to the interviews. Mr. Buzz Schwenk asked about obtaining copies of proposals. Due to the total size of proposals, copies are best examined through the Commission office. Ms. Jennifer Miller suggested that 2/23/94 be a joint Advisory Committee / Commission meeting. It was noted that the Advisory Committee could attend without such a formal designation.

• Public Outreach Phase 1: Regional Plan Association (RPA) contract

Summary: An RPA representative was not in attendance, so Mr. Corwin and Ms. Roth explained the current version of the RPA contract. A motion was made by Commissioner Thiele, seconded by Commissioner LaMura, to approve the contract. The motion passed unanimously.

• Native Plants grant / Request for support & matching grant (old business)

Summary: Mr. Corwin repeated his prior statement that he knew the applicants, and therefore did not intend to discuss the merits of this request. Ms. Roth explained that the Commission does not have the authority to issue such grants. A brief discussion of the topic resulted in a motion by Commissioner Thiele, seconded by Commissioner LaMura, to issue a letter of support (without funding) for the topic of the grant application. Approval was unanimous. Commissioner Thiele will sign the letter, in lieu of Mr. Corwin and due to the location of the Community College (where the work would occur) in his town.

2. Administrative

- Donations (Brookhaven National Laboratory and Greenbelt Trail Conference)
Summary: The receipt of \$250 from the L.I. Greenbelt Trail Conference was reported. Dr. Naidu of Brookhaven Laboratory will be in touch with Commission soon re their donation. When both are received, acknowledgement letters will be sent to both with copies to Mr. LoGrande of the Suffolk County Water Authority for SCWA's challenge grant.
- Suffolk County Water Authority contract
Summary: The major points of the contract were recapitulated by Ms. Roth. Commissioner Thiele motioned to approve, Commissioner LaMura seconded. Approval was unanimous.
- 1994-95 budget
Summary: Mr. Corwin distributed a revised draft budget, which is attached. Commissioners requested an opportunity to consider town reimbursements for the budget. The draft resolution prepared prior to the meeting was not acted upon.

3. New Business

- Core Boundary Change Request from Herbert Balin re Longwood Greenbelt
Summary: Mr. Balin followed up on his 2/7/94 Commission work session presentation with two written items to the Commission and a brief presentation utilizing an overview map. One written item is a 6/19/86 letter from the Chicago Title Insurance Company's Riverhead office to Mr. Paul Berger, Esq., of Proskauer, Rose, Goetz and Mendelsohn in Garden City regarding the title of a portion of the private road contained within the affected parcels. The second item is a 2/9/94 fax copy from Beth Alderman of Breslin Realty in Garden City to Mr. Balin regarding the same roadway and its containing parcels. The correspondence presented is attached to these minutes.
- Firemen's Park / Longwood Youth Sports Association (LYSA) Project Status
Summary: Mr. Bruce Dickter of the LYSA spoke briefly regarding the selection of Firemen's Park as the site for the proposed soccer fields. His remarks were followed by a general discussion. A motion to go into executive session to discuss this matter was made by Commissioner LaMura and seconded by Commissioner Thiele. The motion was approved unanimously, and the Commission entered into executive session at approximately 3:15 pm. Upon completion of the session at approximately 4:10 pm, a motion was made by Commissioner LaMura and seconded by Commissioner Thiele that the project be certified as non-development under a set of ten conditions. Motion passed unanimously. The conditions are enumerated on the attached resolution.

4. Adjournment

Summary: Commissioner Thiele motioned to adjourn, Ms. Filmanski seconded it, and it was approved unanimously.

2/9/94

Commission
Meeting

Draft Letter to Property Owners in the Core Preservation Area

Dear Property Owner :

This notice is sent pursuant to Section 57-0119, Subdivision 7(b) of the Environmental Conservation Law, commonly known as the Long Island Pine Barrens Protection Act. *The Central Pine Barrens is essential to Long Island as it contains a critical **

The Commission has completed an inventory of all private parcels within the core preservation area. You have been identified as the owner of record of property located in the core preservation area.

The Commission ~~will be~~^{is} preparing a comprehensive land use plan for the Central Pine Barrens area. As the Pine Barrens Protection Act requires, the land use plan shall be designed to protect and preserve the ecologic and hydrologic function of the core preservation area by, among other things:

- Preserving the area in its natural state to ensure the continuation of the unique and significant ecologic, hydrogeologic and other resources that are representative of the area;
- Promoting compatible agricultural, horticultural and open space recreational uses;
- Prohibiting or redirecting new construction or development;
- Recognizing and protecting the rights of private landowners by affording affected property owners such benefits that may include transferable development rights, conservation easements, rights and values transfers, purchase of development rights, and/or fee acquisition with monetary compensation.

In accordance with the Pine Barrens Protection Act, the Commission will now begin the process of assigning and calculating the development yield for each property located in the core preservation area. A public information meeting will be held on (date) at (place) (time). (+ Source of info.?)

Very truly yours,

Ray sign.

* part of the aquifer, which is the sdc source of drinking water.

Summary of Central Pine Barrens Economic Analysis Proposals
Received by Commission Through 2/4/94

Proposal Number 1:

W. Averell Harriman School / SUNY at Stony Brook

Team:

Dr. Thomas Sexton, Prof. & proposed Principal Investigator
Dr. Richard Silkman, Consultant

Materials submitted: Cover letter and proposal document.

Proposal Number 2:

Center for Regional Policy Studies / SUNY at Stony Brook

Team:

Mr. Thomas Conoscenti, Sr. Econ. Research Scientist &
proposed Principal Investigator

Materials submitted: Proposal document with separate "Costs
of Study" page.

Proposal Number 3:

Urbanomics / New York City

Team:

Regina B. Armstrong, Principal & proposed Project Manager

Dr. Nancy H. Mantell, Principal

Ms. Betty Greenfield, Associate

With

Buckhurst, Fish & Jacquemart, Inc. / New York City

Dr. Frank S. Fish, Principal

And

Dr. Justin R. Renz / Garden City, NY

Materials submitted: Proposal document and samples of prior
work. Samples are not in Commissioners' packets since
only one copy of each was submitted.

Proposal Number 4:

Abeles, Phillips, Preiss & Shapiro (APPS) / New York City

Team:

Mr. Richard Preiss, Vice-pres. & proposed Project Director

Mr. Brian Kintish, Associate

With

Government Finance Group (GFG) / Arlington, VA

Dr. John E. Petersen, President

Dr. Thomas Muller, Consultant

Materials submitted: Cover letters from each firm,
Statement of Qualifications from APPS, and proposal
document from GFG. An additional two weeks was
requested to submit a more detailed proposal due to the
tight response period.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ulric S. Haynes, *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

Session of February 9, 1994
Riverhead County Center

Resolution to Approve the Draft Core Area Property Owner Notice

- Whereas,** The Environmental Conservation Law Section 57-0119(7)(b) requires the notification of certain owners of property within the Core Preservation Area of the Central Pine Barrens following completion of the private core area parcel inventory mandated by ECL 57-0119(7)(a); and
- Whereas,** The private core area parcel inventory was completed by the Commission staff prior to 2/6/94 and the resulting inventory was approved by the Commission at its 2/7/94 meeting; and
- Whereas,** The attached draft letter has been discussed at today's meeting and found to be complete, now, therefore be it
- Resolved,** That the Central Pine Barrens Joint Planning and Policy Commission approves the draft letter and directs the Executive Director to add in the appropriate place the time, date and place of the first general public outreach meeting and to mail the completed letter to those owners identified in the completed inventory.

Record Of Motion:

Motion by Commissioner Thiele
Seconded by Commissioner LaMura

Yea Votes:

Commissioner LaMura
Commissioner Thiele
Ms. Filmanski
Mr. Gatta

Nay Votes:

None

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ulric S. Haynes, *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

Session of February 9, 1994
Riverhead County Center

Resolution to Approve the Agreement With Regional Plan Association, Inc.

- Whereas,** Pursuant to Article 57 of the Environmental Conservation Law, the Pine Barrens Commission is required to prepare or cause to be prepared a draft comprehensive land use plan for the Central Pine Barrens area before July 14, 1994; and
- Whereas,** Regional Plan Association, Inc. a not-for-profit New York corporation, is qualified to provide certain planning and consulting services necessary for the preparation of the land use plan; and
- Whereas,** the Pine Barrens Commission wishes to enter into an Agreement with Regional Plan Association, Inc., for certain services; now, therefore be it
- Resolved,** that the Pine Barrens Commission hereby approves the Agreement annexed hereto with Regional Plan Association, Inc. for Phase I of certain planning and consulting services required for the draft comprehensive land use plan in an amount not to exceed \$90,000; and be it further
- Resolved,** that the Executive Director of the Pine Barrens Commission is hereby authorized to approve the subcontractors designated in the annexed Agreement and to further approve a planning consultant and a transfer of development rights consultant; and be it further
- Resolved,** that the Chairman is hereby authorized to execute the annexed Agreement on behalf of the Pine Barrens Commission.

Record Of Motion:

Motion by Commissioner Thiele
Seconded by Commissioner LaMura

Yea Votes:

Commissioner LaMura
Commissioner Thiele
Ms. Filmanski
Mr. Gatta

Nay Votes:

None

CENTRAL PINE BARRENS JOINT PLANNING AND POLICY COMMISSION

and

REGIONAL PLAN ASSOCIATION, INC.

AGREEMENT made this 9th day of February, 1994, by and between the Central Pine Barrens Joint Planning and Policy Commission, an agency of the State of New York, with its principal office and place of business at P.O. Box 587, 3525 Sunrise Highway, Second Floor, Great River, New York 11739 (hereinafter "PINE BARRENS COMMISSION"), and the Regional Plan Association, Inc., a New York not-for-profit corporation with offices at 570 Lexington Avenue, New York, New York 10022 (hereinafter "RPA").

W I T N E S S E T H :

WHEREAS the PINE BARRENS COMMISSION was created by the New York State Legislature pursuant to Article 57 of the New York Environmental Conservation Law, effective July 23, 1993; and

WHEREAS pursuant to the above mentioned enabling legislation the PINE BARRENS COMMISSION is required to prepare or cause to be prepared a draft comprehensive land use plan (the "Plan") for the Central Pine Barrens area as such area is defined in Article 57; and

WHEREAS said Plan must be prepared on or before July 23, 1994; and

WHEREAS RPA has offered to perform planning consultant services for an eight month period, beginning February 1, 1994; and

WHEREAS the PINE BARRENS COMMISSION is willing to enter into an agreement with RPA for the performance of such services upon the terms and conditions set forth hereinafter.

NOW, THEREFORE, in consideration of the terms and conditions set forth herein and other good and valuable consideration, the parties hereto agree as follows:

1. SCOPE OF SERVICES. Under the general direction of the Project Directors, Robert D. Yaro, RPA Executive Director, and Robert Pirani, RPA Director of Environmental Projects (hereinafter referred to as the "Project Managers"), RPA agrees to perform or have performed for the benefit of the PINE BARRENS COMMISSION all of the services (hereafter referred to as the "Services") described in Schedule A annexed hereto. The Services may not be modified except by written supplemental agreement signed by both parties. RPA shall not unilaterally modify the Services.

2. PAYMENT FOR SERVICES. The PINE BARRENS COMMISSION agrees to compensate RPA for the performance of the Services for a fixed price of \$90,000, in accordance with the provisions of Schedule A annexed hereto. RPA will submit a detailed invoice on a monthly basis. RPA shall promptly notify the PINE BARRENS COMMISSION if RPA deems that any amendment or change directed by the PINE BARRENS COMMISSION is beyond the scope of this Agreement and as such constitutes extra work. The PINE BARRENS COMMISSION and RPA shall then make all reasonable efforts to determine whether or not such work is outside the scope of this Agreement and as such constitutes extra work.

3. GENERAL.

A. RPA agrees that it will at all times employ, maintain and assign to the performance of the Services a

sufficient number of competent and qualified professional to meet the progress schedules which shall be required. The individuals set forth in Schedule A shall perform the Services in accordance with that schedule. The PINE BARREN COMMISSION'S written consent is required: i) to remove from this RPA project any individual set forth in Schedule A; and ii) for the individual replacing any individual set forth in Schedule A.

B. RPA agrees that it will at all times cooperate with the PINE BARRENS COMMISSION and coordinate its work with the work and requirements of the PINE BARRENS COMMISSION.

C. RPA shall avoid infringement of any trade secret, copyright, trademark, servicemark or patent rights in the performance of the Services.

D. All notices, correspondence, and PINE BARRENS COMMISSION directed or approved changes to the project design, scope of work or analysis required or permitted under this Agreement shall be in writing and shall be deemed sufficiently served if sent by Certified Mail, Return Receipt Requested, via Overnight Mail, or telefaxed, addressed as follows:

(i) To the PINE BARRENS COMMISSION:

Central Pine Barrens Joint Planning
and Policy Commission
P.O. Box 587
3525 Sunrise Highway
Second Floor
Great River, New York 11739

Attention: Raymond Corwin
Executive Director

Fax No.: (516) 277-4097

(ii) To the RPA:

Regional Plan Association, Inc.
570 Lexington Avenue
New York, New York 10022

Attention: Robert Yaro
Executive Director

Fax No.: (212) 768-9136

Either party may at any time designate a different address or telephone number by giving notice as provided above to the other party.

E. If any provision of this Agreement or any application thereof shall be invalid or unenforceable, the remainder of the Agreement and any other application of such provision shall not be affected thereby.

4. MANNER OF PERFORMANCE. RPA is engaged in an independent business and agrees to perform the Services in the manner of and as an independent contractor and not as the agent or employee of the PINE BARRENS COMMISSION. RPA shall exercise full control over and supervision of the employment, direction, compensation and discharge of its officers and employees and of all other persons assisting it in the performance of the Services.

5. DEFENSE AND INDEMNIFICATION. RPA shall assume the defense of, and shall protect, indemnify and hold the PINE BARRENS COMMISSION, its officers, members, affiliates and subsidiaries harmless from and against claims, suits, actions, damages and costs of every type and description, including reasonable attorney's fees, brought or recovered against it or

them and arising out of or in connection with the performance of Services by RPA, its subcontractors and their respective officers, agents and employees: a) to the extent that they are attributable to the willful or negligent acts, errors or omissions of RPA, its subcontractors or their respective officers, agents or employees; and b) to the extent the claim, suit, action, damage, or cost would be covered by a Workers Compensation insurance policy regardless of whether RPA, for any reason, does not have such a policy. Such indemnity shall not be deemed limited by any insurance taken out pursuant to the provisions of this Agreement.

6. TERM AND PROGRESS SCHEDULE. This Agreement shall commence upon execution and shall terminate September 30, 1994. RPA shall commence the Services upon commencement of the term and complete the Services to the PINE BARRENS COMMISSIONS'S satisfaction by the end of the term. The work products which RPA will provide the PINE BARRENS COMMISSION as part of the Services will be so delivered on or before the dates specified for each such work product in the timetable included in Schedule B.

7. NONASSIGNMENT. RPA may not assign this Agreement or any of its rights thereunder, without the prior written consent of the PINE BARRENS COMMISSION.

8. SUBCONTRACTS. RPA, with the prior written permission of the PINE BARRENS COMMISSION, may retain the services of such subcontractors as may be necessary for the proper performance of the Services and as hereinafter more fully provided in Schedule A. The subcontractor, and the term and

other provisions of each subcontract and all amendments thereto must be approved by the PINE BARRENS COMMISSION in writing in advance. The costs of such subcontractor(s) are included in the fixed fee. In requesting approval, RPA shall disclose to the PINE BARRENS COMMISSION all discounts, rebates, barter, commissions, credits, or payments of any nature or form that RPA would or may be entitled to from the subcontractor. A subcontract shall incorporate by reference all the provisions of this Agreement except that RPA shall be deemed the PINE BARRENS COMMISSION and the subcontractor shall be deemed RPA. In interpreting a subcontract: a) the provisions of this Agreement take precedence over the provisions of the subcontract; and b) any provision of the subcontract which is inconsistent with this Agreement is null and void unless expressly authorized in the PINE BARRENS COMMISSION'S written approval.

9. LIAISON. RPA shall maintain continuing liaison with, report to and otherwise keep the PINE BARRENS COMMISSION informed as to the progress of the Services at all times. RPA shall do this not only through regularly issued monthly progress and cost reports, as herein provided, but through close liaison with the Project Managers on a weekly or daily basis as needed. Such liaison shall include close attention to problems and cost overruns as they occur or are anticipated, and to solutions to the problems and cost overruns. This applies even though RPA assumes the risk of such problems and cost overruns. RPA shall submit to the Project Managers minutes of any meetings attended by it (including meetings with the PINE BARRENS COMMISSION)

relating to the Services within ten (10) business days following such meetings. All meetings with any public agencies must be attended by one of the Project Managers. The Project Managers shall have the opportunity to attend all other meetings.

10. METHOD OF PAYMENT. Payment shall be made to RPA as follows:

A. An initial payment of \$5,000 upon execution of this Agreement by the PINE BARRENS COMMISSION.

B. Statements for services rendered will be submitted monthly by RPA and paid by the PINE BARRENS COMMISSION within a reasonable time. Each statement shall set forth in detail the services provided during the billing period.

11. INSURANCE.

A. RPA shall procure and thereafter maintain in force until completion of the Services or the earlier termination of this Agreement such bonds and insurance in such forms and such amounts as the PINE BARRENS COMMISSION may require. The following insurance is required:

- i) Comprehensive general liability insurance in an amount of not less than \$2 million combined single limit covering personal injury and property damage.
- ii) Automobile liability insurance in an amount of not less than \$1 million.
- iii) Workers Compensation Insurance to the extent required by law.

B. Within two weeks of commencement of Services, RPA shall deliver to the PINE BARRENS COMMISSION a certificate of insurance on a form satisfactory to the PINE BARRENS COMMISSION,

evidencing that RPA has obtained the above insurance. Such certificate shall be endorsed to provide that: i) the PINE BARRENS COMMISSION is an additional named insured; and ii) the coverage may not be canceled or modified except upon thirty days prior written notice to the PINE BARRENS COMMISSION.

C. A subcontractor shall maintain the same insurance coverage either by an appropriate endorsement to RPA's insurance policy or through its own insurance coverage, proof of which must be submitted to the PINE BARRENS COMMISSION in accordance with subparagraph B.

12. AMOUNT OBLIGATED. The total maximum amount obligated under this Agreement is \$90,000. That amount shall not be changed and the PINE BARRENS COMMISSION shall not be required to pay to RPA any higher amount except as authorized by a supplemental agreement between the parties. RPA shall properly and timely complete to the PINE BARRENS COMMISSION'S satisfaction: i) the Services at a cost which does not exceed \$90,000; and ii) each task which is part of the Services at a cost which does not exceed the amount estimated for that task, provided that the Project Directors, in their sole discretion, may change or reallocate the hours/dollars assigned to tasks provided the aggregate amount does not exceed \$90,000. No change in the scope of the Services set forth in this Agreement, whether or not such change may have an effect on the cost of this Agreement, shall be made except pursuant to supplemental agreement between the parties.

13. TERMINATION.

A. The PINE BARRENS COMMISSION may terminate this Agreement at any time orally or in writing, in whole or in part, (irrespective of whether RPA is in default). If the termination is oral, written notice shall be provided to RPA to confirm such termination within a reasonable period of time. RPA shall immediately stop all work with respect to the whole or part which is terminated, upon receipt of such notice, unless otherwise directed in the notice of termination or upon such other effective date as may be stated in the notice.

B. Upon termination without default of RPA, RPA shall be paid for Services performed up to the effective date of termination as provided in Schedule A on a pro rata basis, as determined by the Project Mangers and the PINE BARRENS COMMISSION shall have no further obligation to RPA.

IN WITNESS WHEREOF, RPA has caused this Agreement to be signed by a member duly authorized and its corporate seal to be affixed, and the PINE BARRENS COMMISSION has caused this agreement to be signed by its Chairman, duly authorized, on the day and year first above written.

REGIONAL PLAN ASSOCIATION, INC.

By: _____

THE CENTRAL PINE BARRENS JOINT
PLANNING AND POLICY COMMISSION

By: _____

Robert Gaffney
Chairman

STATE OF NEW YORK)
) ss.:
COUNTY OF)

On the _____ day of _____, 1994, before me personally came _____, to me known, who did depose and say that he is the _____ of REGIONAL PLAN ASSOCIATION, INC. the corporation described in and who executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Notary Public

STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

On the _____ day of _____, 1994, before me personally came Robert Gaffney, to me known, who did depose and say that he is the Chairman of the CENTRAL PINE BARRENS JOINT PLANNING AND POLICY COMMISSION, the agency described in and who executed the foregoing instrument and that he signed his name thereto by order of said agency.

Notary Public

- SCHEDULE A -

February 1, 1994

**CENTRAL PINE BARRENS
LAND USE AND MANAGEMENT PLAN**

**PUBLIC PARTICIPATION;
TRANSFER OF DEVELOPMENT RIGHTS RESEARCH; AND
PEER REVIEW PROGRAMS**

Regional Plan Association (RPA) will undertake two programs that will enable the Central Pine Barrens Joint Planning and Policy Commission to prepare a comprehensive land use and management plan and meet its legislative mandates for public participation.

S U M M A R Y

The Public Participation/Transfer of Development Rights Research Program will engage the public through a series of citizen-based workshops and informational sessions in Brookhaven, Southampton, and Riverhead. The first set of meetings will consist of information sessions explaining the goals of the Commission and its management plan. A second set of meetings will be designed to provide town residents an opportunity to express their views about community design and development. The results of these workshops, together with targeted research on the part of RPA staff, will directly enable the Commission to develop its transfer of development rights (TDR) program. The anticipated cost of this program is \$ 86,800.

The proposed Peer Review Program will create an "Expert Panel" of planners from outside the Long Island community. The Panel will review and comment on the plan and planning process at selected intervals and will be available for public presentations and testimony. The cost of beginning the organizing and staffing of such a panel and providing travel expenses and honoraria for some participants is \$ 3,200.

PROGRAM OVERVIEW

Creating and implementing a comprehensive plan for the Pine Barrens will require that the Commission provide an efficient mechanism for explaining its mission to the public, gathering community input, and incorporating public comments and values into the Land Use and Management Plan.

This is particularly critical as the Commission deliberates on how and where it should distribute development rights from the core Pine Barrens area.

The proposed public participation process is specifically designed to determine public preferences as to what patterns of development are most likely to be publicly acceptable in the compatible growth areas. This information will be used to develop a set of draft development guidelines intended to guide revision of local land use law. These guidelines are intended to be complementary to the identification of critical resource areas and environmental performance standards being developed by Commission staff.

RPA will use community workshops and visual images to enable the public to articulate their views on acceptable densities and design parameters. These workshops will be held in each of the three towns in the Commission's jurisdiction. The content and participants of each local workshop will be developed in coordination with local officials, existing town committees, and planning programs. This information will be presented in draft form to Commission staff for incorporation into the overall plan development program.

Working with the existing TDR Committee, RPA will assist in drafting a framework for implementing a TDR program in the Towns of Riverhead, Brookhaven, and Southampton.

The Peer Review Program is designed to provide expert advice to the Commission and its staff by tapping the experience and knowledge of leading regional planners from around the country. The counsel of these non-political experts -- such as Terry Moore, Executive Director of the New Jersey Pinelands Commission, Armando Carbonell, Executive Director of the Cape Cod Commission, and Henry Richmond from the National Growth Management Leadership Conference -- will be invaluable as the Commission and its staff deliberates on plan content.

The primary charge of this Panel will be to review and comment on the plan and planning process at selected intervals. Depending on Commission needs, these people may be asked to comment on the scientific and technical studies, undertake specific research projects, speak in public meetings, and provide expert testimony at public hearings.

PUBLIC PARTICIPATION / TDR RESEARCH PROGRAM WORK TASKS

- 1.0 Develop Public Awareness (15% of budget)
 - 1.1 Organize/work with local advisory committees in each of the three towns. The members of these committees would be appointed by each Town Supervisor.

Product(s): Database of local advisory committee members. Minimum of three meetings with Town officials in each of the three towns.
 - 1.2 Develop a press plan that articulates a strategy for communicating to the media over the course of the planning process. Communicate to the public and the press on a continuing basis as to the purpose of the Commission and the Land Use and Management Plan.

Products(s): Press plan, press releases, press clippings. Briefing of Commission members at scheduled Work Session.
 - 1.3 Work with Commission staff to hold separate public meetings and/or be part of a scheduled Town Board or Planning Board meeting in each of the three towns to present the goals and intent of the legislation, the Commission schedule for preparing the draft and final plan, and the public participation process.

Products(s): List of Meetings and Co-sponsors. Three sets of meeting handouts, attendance lists and minutes.
- 2.0 Hold Community Workshops and Draft Development Guidelines (50% of budget)

- 2.1 Prepare a series of maps, images, slides, and/or other visual aids that show current development patterns in the three towns and how these patterns could change under existing local land use regulations. This process will draw extensively on the knowledge of local planners, builders, and public officials.

Product(s): A set of maps, images, slides, and/or other visual aids.

- 2.2 Hold planning workshops in which town officials and local organizations discuss their goals for future development and preservation in their communities. The workshops will use the visual images to engage the public. To the extent that communities have recently undertaken similar planning exercises, these workshops would draw on the results of that work. The objective of the workshops is to define each town's preference for locating future growth, acceptable densities, and design standards.

Products(s): Three or more sets of meeting handouts, attendance lists and minutes. List of Meetings and Co-Sponsors.

- 2.3 Based on the results of these workshops, and in consultation with the local advisory committee, prepare a set of draft development guidelines for each town that describe performance standards and design guidelines for new development within those areas.

Product(s): Draft development guidelines report.

- 3.0 Develop Land Protection Toolbox/Test Development Guidelines (32% of budget)

- 3.1 Work with Commission staff and the TDR Committee to develop the framework for a transfer of development rights program. This task will include review of existing TDR programs and analysis of critical land protection, equity, administrative, and legal issues. This task will include working with Commission staff to test various TDR scenarios using the Geographic Information Systems (GIS). Tasks associated with GIS data manipulation and the definition and mapping of the critical environmental areas, property boundaries, and other information are not included in the proposed budget.

Products: A series of written and verbal reports on the proposed TDR program.

- 3.2 Work with the Commission staff and the TDR committee to incorporate the draft development guidelines and the land protection mechanisms into the generic TDR framework and the GIS. Review draft guidelines in terms of other Plan goals and their ability to work within the TDR framework. Revise as needed.

Product(s): Draft development guidelines and other written and verbal reports on the proposed TDR Program.

**PEER REVIEW PROGRAM
WORK TASKS**

- 4.0 Create and Staff Pine Barrens Expert Panel (4% of budget)

- 4.1 Begin the process of organizing a Pine Barrens Expert Panel of planners, builders, and land conservation experts from outside the Long Island community. One or two prospective members will be asked to participate informally.

Product(s): List of Expert Panel Members. List of meetings with Commission and Commission staff.

- 4.2 Provide staff assistance including arranging for individual Panel members to meet with the Commission staff, sending draft material to Panel members, and collecting and collating comments for presentation to the Commission and its staff.

Product(s): Verbal and written reports by members of the Expert Panel. List of meetings with Commission and Commission staff.

ANTICIPATED BUDGET

RPA Personnel (includes salary, benefits and overhead)

| Staff | Days | Cost |
|---------------------------|-------------|-----------------|
| Executive Director (Yaro) | 6 | |
| Dir. Environment (Pirani) | 33 | |
| Dir. Design (Gastil) | 25 | |
| Total Personnel | | \$29,900 |

Consultants

| | | |
|---|--|-----------------|
| Planning Consultant | | \$26,100 |
| Landscape Architect (Dodson Associates) | | \$15,000 |
| TDR Consultant | | \$15,000 |
| Total Consultants | | \$56,100 |

Direct Expenses

| | | |
|--------------|--|---------|
| Travel | | \$1,300 |
| Supplies | | \$1,200 |
| Postage | | |
| Printing | | |
| Expert Panel | | |
| Honoraria | | \$500 |
| Travel | | \$1,000 |

Total Direct Expenses **\$4,000**

TOTAL COSTS **\$90,000**

PROJECT PERSONEL

Both projects will rely on a mix of RPA staff and sub-contractors working under the direction of Robert D. Yaro, RPA Executive Director, and Robert Pirani, RPA Director of Environmental Projects. The biographies of principal staff and identified consultants are listed below.

It is anticipated that the Planning Consultant position would be filled by someone who would reside on the East End of Long Island and would work full-time for 15 months. This person would potentially work out of the Suffolk County Water Authority, the Suffolk County Planning Department, and/or one of three town offices.

ROBERT D. YARO, Executive Director, Regional Plan Association

As Executive Director of RPA, Mr. Yaro has principal responsibility for preparation of a new regional plan for the Tri-State metropolitan region. Before coming to RPA, he was on the regional planning faculty at the University of Massachusetts, Amherst, where he also served as Director of the Graduate Program in Regional Planning and was founding director of the University's Center for Rural Massachusetts. Prior to this, he served as Chief Planner and Deputy Commissioner of the Massachusetts Department of Environmental Management, with principal responsibility for directing the department's Division of Planning and Development. There he pioneered several innovative environmental and urban investment programs. He was a co-founder and board member of 1000 Friends of Massachusetts and Valley 2000.

Mr. Yaro received his B.A. in urban studies from Wesleyan University and his master's degree in city and regional planning from Harvard University.

ROBERT J. PIRANI, Director, Environmental Projects, RPA

As Director of Environmental Projects, Mr. Pirani develops projects, manages and conducts research and advocates on behalf of RPA on environmental initiatives. Currently, this work includes directing the Association's open space and solid waste management efforts. Mr. Pirani has managed or co-authored many of the Association's recent environmental efforts including Tools and Strategies: Protecting the Landscape and Shaping Growth, the Great Swamp Conservation Plan, the Palisades Conservation Plan, and Putting a Price Tag on Solid Waste Management. He is a founding director and treasurer of the Environmental Law Foundation and has served as Co-Chairman of the Open Space Committee of the Metro Chapter of the American Planning Association.

Mr. Pirani received his undergraduate degree from Hampshire College and his master's in city and regional planning from Cornell University.

RAYMOND W. GASTIL, Director, Regional Design Program, RPA

Director of the Regional Design Program, Mr. Gastil coordinates projects in urban, suburban and exurban communities to develop model municipal ordinances and implementation strategies for increasing density near existing transit. Through research and case studies, the Regional Design Program seeks to create development models that sustain and improve community character, economic viability and environmental conditions while making transit the preferred mode of transportation. Mr. Gastil has participated as a team member in many planning initiatives including the AIA Regional/Urban Design Action Team in north Wood County, Ohio, and the urban design team of the U.S.-Japan Metropolitan Planning Exchange in Tokyo. He has published numerous articles on housing, urban design and landscape architecture.

Mr. Gastil is a graduate of Yale University and received his master of architecture degree from Princeton University.

DODSON ASSOCIATES, Landscape Architecture, Ashfield MA. Harry L. Dodson, ASLA, the principal of Dodson Associates, will be responsible for producing the simulations of land use change and alternative site designs. Dodson Associates specializes in the use of site planning and design principles based on historical precedents to blend new development with traditional patterns of communities. Dodson Associates work includes the award winning *Dealing with Change in the Connecticut River Valley: A Design Manual for Conservation and Development* and a scenic inventory of the Hudson River shoreline for the State of New York's Office of Coastal Zone Management.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ulric S. Haynes, *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

Session of February 9, 1994
Riverhead County Center

Resolution to Express Support of the Native Plants / Pine Barrens Restoration Grant Application

- Whereas,** Whereas the Environmental Conservation Law Section 57-0121 establishes certain goals for the Commission to strive for in the completion of its land use plan for the Central Pine Barrens, including the restoration of natural resources indigenous to the Pine Barrens, and
- Whereas,** Ms. Mindy Block and Mr. Kenneth Ettlinger have brought to the Commission's attention their application to the Long Island Nurserymen's Association, Inc. and the New York State Nurserymen's Foundation, Inc. a copy of their proposal for a Pine Barrens Restoration and Demonstrative Gardens Project, submitted to the Nurserymen's 1993-94 Innovative Grant Program, and
- Whereas,** these applicants have requested either matching funds or an expression of support for their proposal from this Commission, and
- Whereas,** the Commission has considered its relevant authority under ECL 57; now, therefore be it
- Resolved,** that the Commission hereby determines that it cannot provide matching funds for these applicants in the event that their grant application is accepted by the grant sponsor, but does hereby provide a non-financial resolution of support for the substance, importance and goals of this application, and notes that the topic proposed is fully consonant with, and appears to further the intent of, the provisions of the Long Island Pine Barrens Protection Act of 1993.

Record Of Motion:

Motion by Commissioner Thiele
Seconded by Commissioner LaMura

Yea Votes:

Commissioner LaMura
Commissioner Thiele
Ms. Filmanski
Mr. Gatta

Nay Votes:

None

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

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ulric S. Haynes, *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

Session of February 9, 1994
Riverhead County Center

Resolution to Approve the Agreement With Suffolk County Water Authority

(Text of approved resolution is attached.)

Record Of Motion:

Motion by Commissioner Thiele
Seconded by Commissioner LaMura

Yea Votes:

Commissioner LaMura
Commissioner Thiele
Ms. Filmanski
Mr. Gatta

Nay Votes:

None

RESOLUTION

AGREEMENT WITH SUFFOLK COUNTY WATER AUTHORITY

WHEREAS, the SCWA is expected to receive a grant of \$500,000 from the New York State Department of State; and

WHEREAS, the entire amount of such grant is required to be expended to reimburse the PINE BARRENS COMMISSION for its contractual services, office and operating expenses incurred through March 31, 1994; and

WHEREAS, the SCWA has agreed to administer the payment of the PINE BARRENS COMMISSION'S costs and expenses through the submission of vouchers to the New York State Department of State and direct payment by the SCWA to third parties on behalf of the PINE BARRENS COMMISSION; and

WHEREAS, the PINE BARRENS COMMISSION wishes to enter into an agreement with the SCWA to provide for such administration and reimbursement;

NOW, THEREFORE, BE IT

RESOLVED, that the PINE BARRENS COMMISSION hereby approves the annexed agreement with the SCWA which authorizes the SCWA to pay to third parties and to reimburse the SCWA, pursuant to the Agreement between the SCWA and the New York State Department of State, the cost of contractual services and office and operating expenses incurred by the PINE BARRENS COMMISSION; and be it further

RESOLVED, that the Chairman is hereby authorized to execute the annexed Agreement on behalf of the PINE BARRENS COMMISSION.

Dated: February _____, 1994

CENTRAL PINE BARRENS JOINT PLANNING AND POLICY COMMISSION

and

THE SUFFOLK COUNTY WATER AUTHORITY

AGREEMENT made this 9th day of February, 1994, by and between THE SUFFOLK COUNTY WATER AUTHORITY, a public benefit corporation having its principal office and place of business at 4060 Sunrise Highway, Oakdale, New York 11769 (hereinafter "SCWA") and THE CENTRAL PINE BARRENS JOINT PLANNING AND POLICY COMMISSION, an agency of the State of New York, having its principal office and place of business at P.O. Box 587, 3525 Sunrise Highway, Second Floor, Great River, New York 11739 (hereinafter the "PINE BARRENS COMMISSION").

W I T N E S S E T H :

WHEREAS the SCWA has entered into Project Agreement Number C933220 with the New York State Department of State (hereinafter the "Agreement"), a copy of which is annexed hereto as Exhibit A; and

WHEREAS the purpose of this Agreement is to administer a five hundred thousand (\$500,000) dollar grant to the SCWA which will advance a specific project of the PINE BARRENS COMMISSION, as more fully described in Exhibit A hereto; and

WHEREAS the SCWA wishes to assist the PINE BARRENS COMMISSION in furtherance of the project by paying directly to third parties, on behalf of the PINE BARRENS COMMISSION, and by reimbursing the SCWA for those project costs which are set forth in Exhibit A hereto.

NOW, THEREFORE, in consideration of the terms and conditions set forth herein and other good and valuable consideration, the parties hereto agree as follows:

1. The parties hereto understand that, pursuant to the Agreement referenced above, SCWA is expected to receive from the State of New York (the "State") the sum of \$500,000 to cover certain costs of a PINE BARRENS COMMISSION project as more fully described in Exhibit A hereto.

2. SCWA agrees to pay to third parties those project costs set forth in Exhibit A in the manner set forth herein. For purposes of this agreement the term "third parties" shall include the SCWA.

3. Requests for payment from the PINE BARRENS COMMISSION shall be made to the SCWA by the Executive Director of the PINE BARRENS COMMISSION.

4. The maximum amounts to be paid to third parties by the SCWA for specific project costs are as follows:

- a. Reimbursement to the SCWA for personal services, associated fringe benefits, supplies, postage, printing and telephone \$150,000
- b. Specialized Consultants \$100,000
- c. Regional Plan Associates, Inc. . . \$ 90,000
- d. General Counsel (McMillan, Rather, Bennett & Rigano, P.C.) \$ 90,000
- e. The Nature Conservancy \$ 40,000
- f. Suffolk County Planning Department \$ 30,000

5. Invoices from third parties shall be addressed and submitted to the SCWA. The SCWA shall make payment to the third parties as approved and directed by the Executive Director of the PINE BARRENS COMMISSION.

6. INITIAL PAYMENT. The parties hereto further understand that the State is expected to make an initial payment to the SCWA pursuant to the Agreement of \$125,000, representing 25% of the total grant of \$500,000. The SCWA shall utilize this sum to pay third parties for initial project costs as directed by the Executive Director of the PINE BARRENS COMMISSION.

7. SUBSEQUENT PAYMENTS. After the initial payment, the Executive Director of the PINE BARRENS COMMISSION shall approve and direct additional payment by the SCWA for specific contractual services and costs not to exceed those specified in Exhibit A hereto.

a. After approval of payment by the Executive Director of the Pine Barrens Commission, the SCWA shall submit the appropriate documentation to the State as required by the Agreement.

b. In accordance with the Agreement, the State shall make payment to the SCWA. The SCWA shall make payment to the third parties.

8. The SCWA, upon receipt of funds from the State, shall, within ten (10) business days of such receipt, pay the amount approved by the Executive Director to the appropriate

third party. Payment shall be made in the form of a check from SCWA payable to the third party.

9. In the event a particular contractual service or cost exceeds the amount set forth in said Exhibit A, approval for the payment of such excess amount shall be separately approved by the PINE BARRENS COMMISSION and executed by its Chairman.

10. SCWA shall be entitled to an administrative fee of one percent (1%) of the total grant of \$500,000. Such amount will be payable from the five hundred thousand (\$500,000) grant received by SCWA.

IN WITNESS WHEREOF, the SCWA has caused this agreement to be signed by a member duly authorized and its corporate seal to be affixed, and the PINE BARRENS COMMISSION has caused this agreement to be signed by its Chairman, duly authorized, on the day and year first above written.

SUFFOLK COUNTY WATER AUTHORITY

By: _____

THE CENTRAL PINE BARRENS JOINT
PLANNING AND POLICY COMMISSION

By: _____
Robert Gaffney
Chairman

STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

On the _____ day of _____, 1994, before me personally came _____, to me known, who did depose and say that he is the _____ of the SUFFOLK COUNTY WATER AUTHORITY, the corporation described in and who executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Notary Public

STATE OF NEW YORK)
) ss.:
COUNTY OF)

On the _____ day of _____, 1994, before me personally came Robert Gaffney, to me known, who did depose and say that he is the Chairman of the CENTRAL PINE BARRENS JOINT PLANNING AND POLICY COMMISSION, the agency described in and who executed the foregoing instrument and that he signed his name thereto by order of said agency.

Notary Public

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

**Budget for Fiscal Year 1994-1995
Continuation of Planning Effort**

| Item/Entity | Explanation of Expense | Amount (\$) |
|--|--|------------------------|
| Suffolk County Water Authority | Reimbursement of Staff Time (Watershed Analyst, Environmental Attorney, Environmental Analyst, Administrative Assist.) | \$199,793 |
| Central Pine Barrens Joint Planning & Policy Commission | Office and Operating Costs | \$70,000 |
| General Counsel | Legal Services | \$150,000 |
| Regional Plan Association | Continuation of Contracted Services for Plan Development | \$108,000 |
| Plan Development | Specialized and Consulting Services (TDR, Hydrological Ecological, etc.) | \$100,000 |
| Suffolk County Planning Dept. | Partial Reimbursement of Staff Time (Principal Planner, Senior Planner, Principal Research Analyst, Cartographer) 50 % x \$168,757 = \$84,379 | \$84,379 |
| The Nature Conservancy | Acquisition Administration, Supervision of Ecological Component of the Land Management Plan | \$75,000 |
| Total Budget | | \$787,172 |

Suffolk County Water Authority Reimbursement for Staff Time

| <u>Job Title</u> | <u>Salary (Includes Fringe Benefits)</u> | <u>%FTE</u> | <u>Time</u> | <u>Amt</u> |
|---|--|-------------|-------------|------------------|
| Executive Director | \$86,700 | 100 | 12 mo | \$86,700 |
| Environmental Attorney (see Note 1) | \$53,300 | 2/3 | 6 mo | \$17,767 |
| Environmental Attorney (see Note 2) | \$53,300 | 1/2 | 6 mo | \$13,326 |
| Environmental Analyst (see Note 1) | \$60,000 | 2/3 | 6 mo | \$20,000 |
| Environmental Analyst (see Note 2) | \$60,000 | 1/2 | 6 mo | \$15,000 |
| Administrative Assistant | \$47,000 | 100 | 12 mo | \$47,000 |
| Total | | | | \$199,793 |

Note 1: For six month period from May 1994 through October 1994

Note 2: For six month period from November 1994 through April 1995

Suffolk County Planning Department Reimbursement for Staff Time

| <u>Job Title</u> | <u>Salary (Includes Fringe Benefits)</u> | <u>%FTE</u> | <u>Time</u> | <u>Amt</u> |
|-------------------------------|--|-------------|-------------|------------------|
| Principal Planner | \$83,685 | 1/2 | 12 mo | \$41,843 |
| Senior Planner | \$52,208 | 1/2 | 12 mo | \$26,104 |
| Principal Research Analyst | \$83,685 | 2/3 | 12 mo | \$55,790 |
| Cartographer | \$67,530 | 2/3 | 12 mo | \$45,020 |
| Total | | | | \$168,757 |

50% of \$168,757 = \$84,379

BRESLIN REALTY DEVELOPMENT CORP.
500 Old Country Road
Garden City, NY 11530
(516) 741-7400

FACSIMILE NO. 516-746-7904

TRANSMITTAL SHEET

IMPORTANT/CONFIDENTIAL: This message is intended only for the use of the individual or entity to which it is addressed. This message contains information which may be privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately at the number set forth above.

TO: HERB BALIN

FROM: BETH ALDERMAN

DATE: February 9, 1994

**RE: PRIVATE ROAD - FROM SOUTH SIDE OF LONGWOOD ROAD TO
NORTH SIDE OF L.I.E., YAPHANK, NY**

NO. OF PAGES TRANSMITTED: 1
(NOT INCLUDING THIS PAGE)

**PLEASE CALL (516) 741-7400 IF THERE IS A PROBLEM WITH THIS
TRANSMITTAL.**

MESSAGE: DEAR HERB:

**THE ATTACHED LETTER FURTHER CONFIRMS OWNERSHIP OF
THE ROAD BY BRESKEL ASSOCIATES. THE ENTIRE LENGTH OF
THE ROAD IS ACTUALLY INCLUDED IN SEVERAL DESCRIPTIONS.
WHEN YOU GET THE PACKAGE, YOU WILL SEE THAT I WROTE
YOU A NOTE THAT THE ROADWAY IS INCLUDED IN THE
DESCRIPTION KNOWN AS PARCEL D-18, BUT THAT IS ONLY THE
SOUTHERLY PORTION OF THE ROADWAY THAT CONNECTS TO
THE LIE. (THIS WAS THE PORTION IN WHICH WE HAD
TROUBLE CONFIRMING OWNERSHIP YESTERDAY UNTIL WE
FOUND THE OLD MAPS). THE REST OF THE ROADWAY IS
CLEARLY PART OF PARCELS D-6, D-7, D-8 AND D-9.**

CALL ME IF YOU HAVE ANY OTHER QUESTIONS ABOUT THIS.

CHICAGO TITLE INSURANCE COMPANY

117 EAST MAIN STREET, RIVERHEAD, NEW YORK 11901-9990 (516) 727-4455



RONALD C. KANKA
VICE PRESIDENT & AREA MANAGER
QUEENS, NASSAU & SUFFOLK

June 19, 1986

Paul Berger, Esq.
Proskauer, Rose, Goetz
and Mendelsohn, Esqs.
500 Old Country Road
Garden City, New York, 11530

Re: Havenbrook
Private Road, known as
Parcel E-3

Dear Paul:

This will confirm that we have insured the fee title
to the above mentioned Private Road.

Pursuant to your request, enclosed herewith find various
deeds which are adjacent and north of the Private Road.

I have enclosed copies of the tax map for the areas.

Very truly yours,


Ronald C. Kanka

RCK/bd
enc. Liber 7979 cp 65
Liber 8026 cp 513
Liber 9802 cp 357

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ulric S. Haynes, *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

Session of February 9, 1994
Riverhead County Center

*Resolution to Enter Executive Session to Discuss Legal Issues
Regarding the Longwood Youth Sports Association's
Firemens Park Project Development Status*

- Whereas,** the Longwood Youth Sports Association has applied to the Central Pine Barrens Joint Planning and Policy Commission for a certification of nondevelopment for a project involving the proposed expansion of recreational uses at Fireman's Park in the Town of Brookhaven; and
- Whereas,** the Commission has identified the need to discuss certain legal issues relating to this application; now, therefore be it
- Resolved,** that the Central Pine Barrens Joint Planning and Policy Commission shall enter into executive session for the purpose of discussing legal matters relating to this application.

Record Of Motion:

Motion by Commissioner LaMura
Seconded by Commissioner Thiele

Yea Votes:

Commissioner Gaffney
Commissioner LaMura
Commissioner Thiele
Ms. Filmanski

Nay Votes:

None

Central Pine Barrens Joint Planning and Policy Commission

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Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

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

Session of February 9, 1994
Riverhead County Center

Resolution Certifying the Longwood Youth Sports Association's Firemens Park Project As Nondevelopment

- Whereas,** the Longwood Youth Sports Association has applied to the Central Pine Barrens Joint Planning and Policy Commission for a certification of nondevelopment for a project involving the expansion of existing recreational uses by the construction of athletic fields at Fireman's Park in the Town of Brookhaven under Environmental Conservation Law Section 57-0107(13); and
- Whereas,** the applicant has proposed conditions as part of their application; and
- Whereas,** the Commission has met and considered the application and the proposed conditions; now, therefore be it
- Resolved,** that the certification of nondevelopment is hereby granted subject to the following conditions:
- (1) a 300 foot naturally vegetated buffer,
 - (2) 35% natural vegetation,
 - (3) shallow wells for irrigation,
 - (4) Long Island fescue field materials to eliminate the need for excessive nitrogen and other fertilizers,
 - (5) field availability to all scouts and other similar non-profit groups when not in use and for environmental education events,
 - (6) use of existing fire breaks to the greatest extent practicable for access,
 - (7) no paving and no blacktop,
 - (8) use of wood chips and/or crushed stones,
 - (9) use of existing lavatory sites, and
 - (10) replanting of vegetation by local scouts.

Record Of Motion:

Motion by Commissioner LaMura
Seconded by Commissioner Thiele

Yea Votes:

Commissioner Gaffney
Commissioner LaMura
Commissioner Thiele
Ms. Filmanski

Nay Votes:

None

Central Pine Barrens Joint Planning and Policy Commission

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 Great River, New York 11739-0587

Commission Agenda - February 23, 1994 Riverhead Town Hall

Follow-Up:
 Special TDR Mtg in
 next 2 wks or so.

G. Gatta
 J. LaMura
 R. Cowen
 B. F. Janoski
 F. Thiele
 → Gaffney during discussion
 → Fred Thiele left at end.

1. Interim Goals and Standards Final Adoption M: Cowen
S: LaMura

2. Core Area Hardship Application Decision / Whisper Hill

3. Pine Barrens Plan February Draft

4. Economic Analysis RFP Respondents' Interviews

5. Other Business

*1. Catradan ✓ 2. Public Section ✓ 3. Fire Dept ✓ 4. Camps Wood ✓ 5. TAC slides ✓
 6. Don't dist'd.*

- RNL Donation
- ~~Application~~ Hearing Transcript

Thiele with changes to native plants list. 4-1-0

M: Gaffney Gatta To deny application.
 S: LaMura 5-0-0 To prepare a rep.

Question of the order of Art. 57 plus SEERA and Regs. Specifically, the SEERA findings plus the Commission's decision.

Discussion of memo, Town's findings, Liv'ing statement, responsibility of each level of gov't following a denial.

Mr. Gaffney: ee

Denial 5-0

Mr. Schwank: Follow those w/o need for condemnation.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ulric S. Haynes, *Member*
Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
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0587

Summary of February 23, 1994 Commission Meeting Riverhead Town Hall

Present: Commissioner Gaffney, Commissioner LaMura, Commissioner Thiele, Mr. Gatta, Mr. Proios, Mr. Cowen, Ms. Filmanski (alternates), Mr. Corwin (director), Mr. Rigano (counsel).

1. Interim Goals and Standards Final Adoption

Summary: *Mr. Corwin and Mr. Rigano discussed the current State Administrative Procedure Act status, the assessment of comments from the 1/3/94 hearing, and those changes recommended in the Interim Goals and Standards as a result. Table 2 of the original standards is to be replaced with the suggested substitute table, thus restricting the recommended plantings list to native species. Mr. Rigano explained the SEQRA actions required, including a negative declaration. Mr. Cowen motioned to approve the revised standards, and Commissioner LaMura seconded. The motion was approved 4-1, with Commissioner Thiele opposed.*

2. Core Area Hardship Application Decision / Whisper Hill

Summary: *The results of the 2/17/94 hearing were discussed, focusing upon the issues raised therein. Ms. Filmanski stated the Town of Riverhead's position on the application. Issues regarding SEQRA determination were briefly discussed by Mr. Rigano. Mr. Gatta motioned to disapprove the application, and Mr. Cowen seconded it. The motion to disapprove the application was passed unanimously.*

3. Pine Barrens Plan February Draft

Summary: *Mr. Corwin discussed the current work calendar, the upcoming 3/16/94 public outreach session at Shoreham-Wading River High School, the upcoming fire management workshops, and the first plan draft. Copies of the draft will be distributed to the Advisory Committee at its 2/28/94 meeting. Carol Walsh of Suffolk County Planning explained the draft plan to the Commission. Ms. Davison of the Nature Conservancy provided a brief sample slide show to be used in their work.*

4. Economic Analysis RFP Respondents' Interviews

Summary: *The Commission interviewed three of the four applicants who had submitted proposals: the Harriman School of SUNY Stony Brook, the Center for Regional Policy Studies of SUNY Stony Brook and the firm of Urbanomics of New York City. The fourth applicant, Abeles, Preiss, Phillips and Shapiro, were unable to attend.*

5. Other Business

Summary: *Dr. Jan Naidu of Brookhaven National Laboratory presented a check to the Commission for \$15,000, a response to the Suffolk County Water Authority's challenge grant.*

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

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Fred W. Thiele, Jr., *Member*

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3525 Sunrise Highway, 2nd Floor
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0587

Session of February 23, 1994
Riverhead Town Hall

*Resolution to Issue Negative Determination and To Adopt Interim Goals and Standards
As Final Under the State Administrative Procedures Act (SAPA)*

(Text of approved resolution is attached.)

Record Of Motion:

Motion by Mr. Cowen
Seconded by Commissioner LaMura

Yea Votes:

Commissioner LaMura
Mr. Cowen
Mr. Gatta
Ms. Filmanski

Nay Votes:

Commissioner Thiele

CENTRAL PINE BARRENS
JOINT PLANNING AND POLICY COMMISSION

MEETING OF FEBRUARY 23, 1994
RIVERHEAD TOWN HALL

RESOLUTION TO ISSUE NEGATIVE DETERMINATION
AND TO ADOPT INTERIM GOALS AND
STANDARDS AS FINAL RULES UNDER STATE
ADMINISTRATIVE PROCEDURES ACT (SAPA)

WHEREAS, Environmental Conservation Law Section 57-0121(9) directs the Central Pine Barrens Joint Planning and Policy Commission to publish interim goals and standards for development and for hardships in the compatible growth area of the central pine barrens prior to the adoption and implementation of the comprehensive land use plan; and

WHEREAS, by resolution dated October 13, 1993, the Commission adopted the interim goals and standards attached hereto under the emergency rule making procedures of SAPA and re-adopted same by resolution dated January 12, 1994, under the same procedures; and

WHEREAS, the Commission wishes to adopt such rules as final rules; and

WHEREAS, a public hearing was held on January 3, 1994, in connection with the proposed final rule; and

WHEREAS, an assessment of the comments made at the public hearing and received thereafter has been reviewed by the Commission; and

WHEREAS, a full environmental assessment form has been reviewed by the Commission; now

THEREFORE, be it

RESOLVED, that based upon the full environmental assessment form, the comment assessment, the criteria set forth in 6 N.Y.C.R.R. Section 617-11 and other relevant material, the Central Pine Barrens Joint Planning and Policy Commission hereby makes and adopts the negative declaration attached hereto as required by Art. 8 of the N.Y. Environmental Conservation Law; and be it further,

RESOLVED that the Central Pine Barrens Joint Planning and Policy Commission hereby adopts the interim goals and standards annexed hereto as a final rule pursuant to SAPA, and be it further

RESOLVED that the Chairman is hereby authorized to execute the certification annexed hereto certifying that the final rule was duly adopted by this Commission.

RESOLVED that the Executive Director is hereby authorized to file the annexed Notice of Determination of Non-Significance as required by law.

Dated: February 23, 1994

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number _____

Date February 23, 1994

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.

The Central Pine Barrens Joint Planning and Policy Commission, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Adoption of Interim Goals and Standards for Development in the Compatible Growth Area of the Central Pine Barrens

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action: Pursuant to Environmental Conservation Law Section 57-0121(a) The Central Pine Barrens Commission is required to publish Interim Goals and Standards for development and for hardship in the compatible growth area to be utilized prior to the adoption of a comprehensive land use plan for the central pine barrens. These goals and standards are temporary in nature and are intended to be replaced by the comprehensive plan.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

The central pine barrens occupy approximately 100,000 acres located in the towns of Brookhaven, Riverhead and Southampton and the villages of Quoque and Westhampton Beach in the western portion of Suffolk County. An official map designating the boundaries of the central pine barrens has been filed with the aforementioned municipalities.

Reasons Supporting This Determination:

(See 617.8(g) for requirements of this determination; see 617.8(h) for Conditioned Negative Declaration)

SEE ATTACHED

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed.

For Further Information:

Contact Person: **Raymond P. Corwin, Director**
Central Pine Barrens Joint Planning and Policy Commission
Address: **3535 Sunrise Highway - P.O. Box 587, 2nd Floor**
Great River, New York 11739
Telephone Number: **(516) 563-0307**

For Type I Actions and Conditioned Negative Declarations, a Copy of this Notice Sent to:

Commissioner, Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-0001

Appropriate Regional Office of the Department of Environmental Conservation

Office of the Chief Executive Officer of the political subdivision in which the action will be principally located.

Applicant (if any)

Other involved agencies (if any)

none

The Interim Goals and Standards are modeled upon the Principles for Review of Applications for Development within the Suffolk County Pine Barrens Zone. These principles were adopted by the Suffolk County Pine Barrens Review Commission in 1984, and were amended in 1989. The areas of concern identified in the Interim Goals and Standards include groundwater protection, wetlands, surface waters, rare and endangered species, native vegetation disturbance, fertilized vegetation and landscaping, steep slopes, run off water, clustering, open space management and well head protection. To the extent that the Interim Goals and Standards differ from the principles of the Suffolk County Pine Barrens Review Commission, they are even more protective of the environment, such as areas related to permitted clearance, steep slopes, clustering and suitable ground cover. The Commission is confident that the Interim Goals and Standards will more than adequately guide development and protect the environment in the compatible growth area prior to implementation of the comprehensive land use plan.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ulric S. Haynes, *Member*
Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

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

Interim Goals and Standards for the Compatible Growth Area of the Central Pine Barrens

(Final version adopted 2/23/94)

Introduction

1. Purpose

The Central Pine Barrens Joint Planning and Policy Commission hereby adopts the following Interim Goals and Standards for development in accordance with applicable State law. These Standards, upon their publication, shall permit development to proceed in the compatible growth areas as shown on the maps filed with the State.

These standards are based on the best available scientific evidence and municipal law and practice and are only intended to serve as interim Standards until such time as the land use plan for the Central Pine Barrens is completed.

These Standards do not supersede existing laws, regulations and approved procedures which must be complied with prior to consideration by the Central Pine Barrens Joint Planning and Policy Commission.

Applicants for development during the interim period are strongly advised to discuss their plans with Commission staff so as not to incur needless expense and time delay.

2. Intent

The Central Pine Barrens Joint Planning and Policy Commission ("The Commission") recognizes the need for balanced growth, development and preservation in the compatible growth area of the Central Pine Barrens. The Commission intends the following Goals and Standards to be interrelated. Applicants will be required to meet ALL the published Standards set forth herein during the interim period in order to proceed with their development.

This document also contains policies and proposed recommendations or options for development. These policies are intended as guidelines and not mandatory standards.

Policies and Standards

1. Groundwater

Nitrate-nitrogen, a contaminant which emanates from numerous types of land uses, is a recognized indicator of groundwater quality. Primary factors determining the concentration of nitrogen loading are the area of fertilized turf and the density of dwelling units generating sewage effluent. The Suffolk County Department of Health Services abides by the State of New York nitrate-nitrogen standard for drinking water from public wells of 10 ppm. The use of a 6 ppm standard provides a 90% confidence level that the NYS standard of 10 ppm will not be exceeded beneath any project site. Development proposals must not exceed the nitrogen loading factor of 6 ppm on the site. All development proposals must conform to Article 6 of the Suffolk County Sanitary Code. Sewage treatment plants will be recommended for subdivisions in Hydrogeologic Zones III, V, and VI where the proposed overall density is greater than 1 unit per acre and the size of the proposed development justifies their use.

2. Wetlands

Freshwater wetlands which exist within the Pine Barrens are considered to be an important natural resource providing for flood and erosion control, the filtering of contaminants and sediments from storm water runoff, and the habitat for plants and wildlife. Development proposals where freshwater wetlands exist must be protected by a minimum 100 foot non-disturbance buffer area (measured horizontally from the wetland edge as mapped by the New York State Department of Environmental Conservation, field delineation or local ordinance). Buffer areas shall be delineated on the plan, and the Commission may impose covenants to protect these areas. The Commission may require setbacks from documented areas of seasonal high groundwater less than 4 feet from the surface, or further setbacks where the 100 foot non-disturbance buffer area is insufficient to protect the wetlands.

Tidal wetlands existing within the marine environment bordering portions of the Pine Barrens Zone are equally valuable natural resources. These wetlands support the reproduction of finfish and shellfish, provide habitat for waterfowl, and contribute a scenic quality that supports recreational economies. Development proposals where tidal wetlands exist must be protected by a minimum 100 foot non-disturbance area (measured horizontally from the identified wetland edge). The Commission may require further setbacks where the 100 foot non-disturbance area is insufficient to protect the tidal wetlands.

3. Surface Waters

Surface waters, including freshwater ponds, lakes, streams, rivers, and creeks, occur throughout the Pine Barrens. These are considered to be resources of significant value in economic, aesthetic and ecological terms. Their protection is judged to be vital to the dynamics of the Pine Barrens. Development proposals where surface waters exist must be protected by a 100 foot non-disturbance buffer (measured horizontally from the water or wetland edge, whichever is more protective). The Commission may require setbacks from documented seasonal surface waters, or further setbacks where the 100 foot non-disturbance buffer is insufficient to protect the integrity of a surface waterbody in terms of its quality, quantity, or natural function.

4. Rare and Endangered Species and Unique Natural Communities

The Pine Barrens ecosystem encompasses several species of rare, endangered, and threatened animals and plants, as well as species of special concern, including the buck moth, tiger salamander, and lady slipper. The State of New York has identified such species and has enacted laws to protect their number and habitat. The NYS Natural Heritage Program has also identified unique natural communities and habitats of special concern. Development shall not have a significant negative impact on a habitat essential to those species

identified by New York State maintained lists as rare, endangered, or threatened, nor on natural communities classified by the NYS Natural Heritage Program as G1, G2, G3 or S1, S2 or S3.

5. Native Vegetation Disturbance

The vegetation association that defines or characterizes the Pine Barrens includes pitch pines and various species of oak trees, plus numerous understory and ground cover plants such as blueberry and bearberry and grasses such as prairie bluestem and indian grass. Excessive, and often unnecessary, clearing of this native vegetation can result in severe soil erosion, excessive stormwater runoff, and destroyed plant and wildlife habitat. Furthermore, the replacement of native vegetation by plants and lawns requiring artificial fertilization increases the risk of groundwater contamination. See Table 2 for suggested native species which are recommended, as well as specific nonnative species which are not recommended. It is the policy of the Commission to encourage minimal clearing of native vegetation. Development proposals must not exceed the clearance standards in Table 1. These percentages shall be taken over the total site inclusive of roads, building sites and drainage structures. The clearance standard that would be applied to a project site if developed under the existing residential zoning category, should be applied if the proposal involves multi-family units, attached housing, clustering or modified lot designs. Submissions to the Commission for subdivisions shall contain calculations for clearing limits. These limits shall become part of the filed map.

Furthermore, subdivision and site design must support preservation of natural vegetation in large unbroken blocks that allow contiguous open spaces to be established when adjacent parcels are developed.

| Table 1: Clearance Standards <i>Total site clearance including lots, roads, drainage and other improvements</i> | | |
|---|--------------|------------------------------------|
| Category | | Maximum Site Clearance |
| Residential Zoning | | |
| Lot Size | Acreage | |
| 10,000 s.f. | 1/4 acre | 90 % |
| 15,000 s.f. | 1/3 acre | 70 % |
| 20,000 s.f. | 1/2 acre | 60 % |
| 30,000 s.f. | 2/3 acre | 58 % |
| 40,000 s.f. | 1 acre | 57 % |
| 60,000 s.f. | 1.5 acre | 46 % |
| 80,000 s.f. | 2 acres | 35 % |
| 120,000 s.f. | 3 acres | 30 % |
| 120,000 - 200,000+ | 4 - 5+ acres | 25 % |
| Commercial and Industrial | | 65 % |
| Other or Mixed Use | | To be determined by the Commission |

Note: In calculating the percentage of land cleared, the preserved areas in a development should be good quality native vegetation. These are maximum clearance standards, and may be lower due to consideration of other standards, especially for preservation of rare or endangered species.

Table 2: Planting Recommendations

The use of native plants for designed landscapes is encouraged. Native plants are not only more drought tolerant than nonnative species (requiring less irrigation), but additionally are adapted to our environment. They need little, if any, pesticides and fertilizers to survive. Designs with native plants thus contribute to the protection of groundwater quality, and reduces demand for irrigation water.

Using native plants helps maintain ecological diversity in the landscape by encouraging the propagation of fast-disappearing native genotypes. Planting design incorporating native plants is a form of habitat restoration rather than habitat destruction. Even small housing lots may have the potential to become part of a continuous carpet of usable area for wildlife, when native plants are used in landscape designs.

Thus, it is important that planting designs consist of native species whenever possible.

| Scientific Name (In alphabetic order) | Common Name |
|--|---|
| Recommended Native Plants | |
| <p><i>Andropogon gerardi</i> <i>Andropogon scoparius</i> <i>Betula lenta</i> <i>Betula populifolia</i> <i>Celtis occidentalis</i> <i>Dennstaedtia punctilobula</i> <i>Epigea repens</i> <i>Hamamelis virginia</i> <i>Ilex glabra</i> <i>Ilex opaca</i> <i>Myrica pennsylvanica</i> <i>Parthenocissus quinquefolia</i> <i>Pinus rigida</i> <i>Prunus maritima</i> <i>Populus tremuloides</i> <i>Prunus serotina</i> <i>Pteridium aquilinum</i> <i>Quercus alba</i> <i>Quercus coccinea</i> <i>Quercus rubrum</i> <i>Rhus copalina</i> <i>Rhus glabra</i> <i>Rhus typhina</i> <i>Rosa virginiana</i> <i>Rubus allegheniensis</i> <i>Salix discolor</i> <i>Sassifras albidum</i> <i>Solidago species</i> <i>Spirea latifolia</i> <i>Vaccinium angustifolium</i> <i>Vaccinium corymbosum</i></p> | <p>Big bluestem Little bluestem White Birch Grey birch Hackberry Hay-scented fern Trailing arbutus Witch hazel Inkberry American holly Northern bayberry Virginia creeper Pitch pine Beach plum Quaking aspen Black cherry Bracken fern White oak Scarlet oak Red oak Winged sumac Smooth sumac Staghorn sumac Virginia rose Northern blackberry Pussy willow Sassifras Goldenrod Spirea Low-bush blueberry High-bush blueberry</p> |

| Invasive, Nonnative Plants Specifically <u>Not</u> Recommended | |
|--|----------------------|
| <i>Acer platanoides</i> | Norway maple |
| <i>Berberis thunbergii</i> | Japanese barberry |
| <i>Celastrus orbiculatus</i> | Asiatic bittersweet |
| <i>Coronilla varia</i> | Crown vetch |
| <i>Eleagnus umbellata</i> | Autumn olive |
| <i>Hibiscus syriacus</i> | Rose of sharon |
| <i>Ligustrum sinense</i> | Chinese privet |
| <i>Lonicera japonica</i> | Japanese honeysuckle |
| <i>Lonicera maackii</i> | Amur honeysuckle |
| <i>Lythrum salicaria</i> | Purple loosestrife |
| <i>Pinus nigra</i> | Black pine |
| <i>Polygonum cuspidatum</i> | Bamboo |
| <i>Rosa multiflora</i> | Multiflora rose |

6. Fertilized Vegetation and Landscaping

The 208 Wastewater Treatment Management Plan indicated that fertilizers are a significant source of nitrogen and phosphorous contamination to ground and surface waters. Because of low natural fertility, soils common to the Pine Barrens (Carver, Haven, Plymouth, and Riverhead) require both irrigation and fertilizer application for establishment and maintenance of turf and non-native vegetation. As native Pine Barrens vegetation is replaced with turf through residential development, increased contamination may be expected along with a general change in the ecosystem. The 205j Special Groundwater Protection Areas study discussed limiting the amount of land devoted to turf as a way to limit the amount of nitrogen leached from low density residential development (greater than or equal to 1 acre / unit).

It is the policy of the Commission to discourage extensive establishment of turf and fertilizer dependent non-native vegetation. Development plans may place no more than 15% of each lot in vegetation requiring fertilization or 15% of the entire site for attached residential, commercial or industrial development. Table 2 should be consulted for examples of vegetation species appropriate to the Central Pine Barrens area.

7. Steep Slopes

Disturbance of, and construction on, steep slopes within the Pine Barrens can require considerable removal of native vegetation resulting in excessive surface water runoff and severe soil erosion. Additionally, steep sloped areas are subject to more rapid spread of wildfire than flat ground. All land clearing and construction must be confined to sites where slopes are no greater than 15%.

The Commission will require that clearing envelopes be drawn for lots within a subdivision containing slopes greater than 10 percent. These envelopes should be located on the lots to minimize the disturbance of those slopes to the greatest extent possible. Construction of homes, roadways and private driveways on slopes greater than 10% may be approved if technical review shows that sufficient care has been taken in the design of stabilization measures, erosion control practices and structures so as to mitigate any negative environmental impacts.

The Commission review would be facilitated if submissions contain a slope analysis showing slopes 0-10%, 11-15% and 15% and greater. In areas with steep slopes, slope analysis maps may be required. This can be done with cross hatching or shading on the site plan for the appropriate areas. In addition, erosion and sediment control plans will be required in steeply sloped areas.

8. Runoff Water

Development of lands within the Pine Barrens inevitably results in an increase of runoff water following precipitation. Runoff water originating from the roofs of buildings and from driveways is usually discharged directly to subsurface dry wells situated on the building lot. However, the great volume of runoff water originating from paved streets and roads is usually discharged by pipes into large open recharge basins or sumps. These basins may cover several acres and require the removal of much native vegetation to the detriment of the site's ecology and aesthetics.

The Commission advocates the use of natural recharge areas and / or drainage system designs that will cause minimum disturbance of the site. The Commission will only approve large excavated recharge basins where the use of natural swales and depressions and / or the installation of perforated pipe, vertical drains or dry wells is not practicable.

The development plans must provide that all stormwater runoff originating from development on the property will be recharged on site. Ponds should only be created in place of recharge basins, not for aesthetic purposes. They should be constructed and planted to create a shallow marsh habitat to filter runoff to the maximum extent possible. A management plan should be developed which requires minimal augmentation and attempts to balance evaporation with size limitation of the pond.

Further, the Commission will approve construction within natural swales and depressions where run-off and recharge naturally occurs only if the construction enhances the natural drainage and recharge functions.

9. Agriculture and Horticulture

Scattered throughout the Pine Barrens are parcels devoted to agriculture and horticulture uses. Some of the parcels may be entirely devoted to these uses, whereas others may not. A certification of non-development will be required by the applicant where it is proposed to commence or expand agricultural or horticultural uses. Since there may be some adverse impacts associated with these uses, the Commission will use the following standards to guide its recommendations pursuant to SEQR.

For parcels that are entirely in active agriculture or horticulture and within Hydrogeologic Zones III and V and contain prime agricultural soils, the Commission recommends the clustering of structures on the poorest soils and retention of the remaining prime areas for agricultural or horticultural use of a nature that will cause minimal impact on the groundwater quality.

For those parcels which are not completely devoted to agricultural and horticultural uses, the Commission, in its review of development proposals, will recommend balancing the continuation of the agricultural and horticultural uses with the protection of critical resource areas.

Reclaiming of areas formerly used for agriculture and horticulture is acceptable, provided no local tree cutting or vegetation protection ordinances are violated, and that best management practices for the use of fertilizer or pesticide, including Integrated Pest Management, are employed.

10. Rezoning of Land

While no amendments to local zoning laws and regulations shall take effect during the interim period, the Commission may review some proposed actions and make comments pursuant to SEQR. Following are the guidelines the Commission will use to further the plan goals for the compatible growth area until completion of the land use plan.

The protection of groundwater quality and native vegetation / habitat are two paramount goals of the Commission. Both of these goals may be threatened by rezonings that increase density or intensity of land

use (such as rezoning from large-lot single-family residential to high-density multiple-family residential or rezoning from low-density residential to commercial or industrial use).

Conversely, opportunities to transfer development rights or encourage appropriate development patterns may be lost with a premature rezoning. The Commission may recommend disapproval of any rezoning applications that increase density or intensity of use, unless applicants are able to demonstrate that

- a) rezoning will not have a greater threat to groundwater quality and / or native vegetation / habitat than existing zoning, or
- b) that the rezoning will remove development from critical resource areas especially within the Core Preservation Area.

11. Commercial and Industrial Development

Throughout the compatible growth area are numerous parcels of land that are zoned for industrial use. Future development of these parcels by industries that store and use toxic and hazardous chemicals could increase groundwater contamination.

The Commission will encourage the development of vacant industrial sites within the compatible growth area to less intensive / less potentially hazardous uses and the relocation of industrial development outside the Central Pine Barrens in cases where appropriate infrastructure does not exist. All industrial development must comply with the provisions of Articles 7 and 12 of the Suffolk County Sanitary Code, and the other interim standards contained herein.

12. Clustering

The use of the clustering technique within the Pine Barrens will be encouraged in order to preserve open space, preserve habitats, protect critical resource areas, attract non-contiguous development rights and values, improve infrastructure, and further the goals of the overall Central Pine Barrens area. The developer should contact the Commission for assistance prior to designing the site plan.

It is the recommendation of the Commission that open space resulting from clustering be protected through the use of covenants.

Clustering can be used in site planning to minimize disturbance of sensitive portions of the site. The following should be used as guidelines in clustering residential subdivisions:

1. Wooded Parcel - with slopes less than 10% on parcel.
Recommendations - The development on a parcel, if adjacent to other parcels to be reviewed or adjacent to existing dedicated open space, should be clustered to take advantage of increasing natural open space.
2. Wooded Parcel - more than 50% of parcel has slopes less than 10%; remainder of parcel has slopes greater than 10%.
Recommendations- Lots should be clustered on slopes less than 10%.
3. Wooded or Field - with slopes greater than 10% throughout site.
Recommendations - Cluster lots to keep building envelopes (per town zoning) on slopes less than 10%.

Roads and driveways should be designed to minimize the traversing of slopes of greater than 10% and to minimize cuts and fills.

Details of retaining walls and erosion control structures shall be provided for roads and driveways which transverse slopes greater than 10%.

No retaining wall or erosion control structure shall be constructed beyond the right of way or 8 feet beyond the edge of roadway whichever is less.

For private driveways the limits of retaining walls and erosion control structures shall conform to the clearing limits set forth by the Commission.

Any subdivision applications which contain building envelopes with slopes greater than 10% or which, based on technical review, contain extensive use of retaining walls for the roadway system, may require a DEIS to analyze the impact of erosion and the changing of the character of the land. The Commission may disapprove an application where a tighter cluster than proposed is possible and preferable.

13. Coordinated Design

Comprehensive, coordinated planning and design of development proposals, especially residential subdivisions, within the Pine Barrens is essential to ensure maximum preservation of open space and habitat linkages. Frequently, landowners design their subdivisions without adequate consideration of the existing development and / or of future plans for the adjacent parcels. This can result in inefficient road patterns that may require unnecessary clearing and lot layout which may prevent the preservation of large, unbroken blocks of open space. Also opportunities may be lost to coordinate the transference of development rights and values between parcels. The developers should contact the staff of the Town for input on coordination of open spaces between adjacent parcels, and other pending development plans.

It is the policy of the Commission to review all development proposals for individual parcels in light of the potential or existing layout of all adjacent parcels to ensure that the designs are coordinated and that minimal clearing and maximum open space preservation can be achieved. The owners of parcels are urged to consult with the town planning personnel before designing their subdivisions.

14. Open Space Management

The preservation of open spaces and the conservation of native vegetation within the Pine Barrens is a central goal of the Commission. Such open spaces may be configured as buffer areas, massing of large contiguous parcels, slope management areas, or wetland protection areas. However, proper management of these areas is essential in order to protect open spaces from illegal dumping, clearing, motor vehicle trespass and other abuses of the environment. The Commission may recommend that proposed open space be protected with covenants that specify proper restrictions on its use and proper contingencies for its future management.

15. Wellhead Protection

For many years the New York State Department of Health has advocated the exclusion of potentially contaminating activities from an area extending for 200 feet in all directions from the well site. Although this may have been considered adequate to prevent the rapid drawdown of bacterial contamination or its entry into ground water through poorly constructed wells, it seems unlikely to provide an appropriate level of protection against the suite of organic and inorganic pollutants that threaten the community water supplies.

The Commission will consider the location of nearby public supply wells and consult with the purveyor. Suffolk County Dept. of Health Services guidelines for private wells will be used for wellhead protection. When available, results of modeling for wellhead protection areas around public supply wells will be considered by the Commission. If it can be demonstrated that a project will have a significant impact on

water quality at a public well site, the Commission as part of its SEQR review, may recommend against a project proceeding further.

16. Scenic, Historic and Cultural Resources

The Long Island Pine Barrens Protection Act of 1993 specifies that the plan shall identify and map critical resource areas including unique scenic or historic features. In the interim, development proposals will review and account for:

1. Established trails, trail corridors, and compatible recreation areas.
2. Scenic vistas, including high points within the pine barrens.
3. Historic districts identified in local codes that are listed on the state or National Register of Historic Places.
4. Historic structures and landmarks identified locally or listed on the State or National Register of Historic Places.
5. Sensitive archaeological areas as identified by the New York State Office of Historic Preservation.

Development proposals shall note any of the above within a 500 ft. radius. A development proposal may be disapproved if it may have a significant negative impact on a scenic or historic resource.

17. Hardship

If the application of these interim Goals and Standards cause unnecessary hardship, the Commission may approve a development plan upon a demonstration of hardship. Applicants will be required to meet the following four tests, generally referred to in Town Law Section 267-b as "use variance criteria":

That for each and every permitted use under the zoning regulation for the particular district where the property is located:

1. Applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.
2. That the alleged hardship is unique and does not apply to a substantial portion of the district or neighborhood.
3. That the requested hardship exemption, if granted, will not alter the essential character of the neighborhood.
4. That the alleged hardship has not been self-created.

**Notice of Rule Adoption Pursuant to
State Administrative Procedure Act Section 202(6)**

The statutory authority for these interim goals and standards can be found in Environmental Conservation Law Section 57-0121(9).

This notice shall also constitute a notice of proposed rule making for the purposes of State Administrative Procedure Act Section 202(1); public hearings will be scheduled as may be required.

The Central Pine Barrens Joint Planning and Policy Commission hereby finds that the immediate adoption of the interim goals and standards is necessary for the preservation of the general welfare and that compliance with State Administrative Procedure Act 202(1) would be contrary to the public interest. The location of the general welfare need includes the Compatible Growth Area of the Central Pine Barrens as defined by Environmental Conservation Law 57-0107. Rule adoption pursuant to State Administrative Procedure Act Section 202(6) is needed to fulfill the requirements of Environmental Conservation Law Section 57-0121(9). The consequence of adoption will be to allow development to proceed in the Compatible Growth area during the interim period while the Central Pine Barrens Comprehensive Land Use Plan pursuant to Environmental Conservation Law Section 57-0121 is prepared. These interim goals and standards are expected to last until such time that the land use plan is adopted pursuant to The Long Island Pine Barrens Protection Act Section 16 or until such law expires. Compliance with the requirements of the State Administrative Procedure Act 202(1) would be contrary to the public interest and the current circumstance necessitates that the public and interested parties be given less than the minimum period for notice and comment provided for in the State Administrative Procedure Act 202(1) because the strict time tables of the Long Island Pine Barrens Protection Act, which became effective July 14, 1993, do not allow for a lengthy comment periods for adoption of interim goals and standards by this Commission. The clear intent of the Long Island Pine Barrens Protection Act is to have the interim goals and standards for development become effective on or before October 14, 1993 so that orderly development may proceed in the Compatible Growth Area.

These interim goals and standards become effective October 13, 1993.

These interim goals and standards expire on the date the Comprehensive Land Use Plan for the Central Pine Barrens is adopted pursuant to The Long Island Pine Barrens Protection Act Section 16 or at such time that the law expires.

A regulatory impact statement prepared pursuant to section 202-a of the State Administrative Procedure Act will appear in the state register within 30 days of the effective date of the interim goals and standards.

A regulatory flexibility analysis prepared pursuant to section 202-b of the State Administrative Procedure Act will appear in the state register within 30 days of the effective date of the interim goals and standards.

For further information / Contact Person:

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Session of February 23, 1994
Riverhead Town Hall

Resolution to Disapprove the Whisper Hill Project Core Preservation Area Hardship Application

- Whereas,** The Environmental Conservation Law Section 57-0121(10) provides for hardship exemption permit applications for development projects located within the Core Preservation Area of the Central Pine Barrens (as defined in the Environmental Conservation Law Section 57-0107(11)) and provides for the holding of public hearings on such applications; and
- Whereas,** Such an application has been filed for the development proposal known as Whisper Hill by the applicant, Mr. Russell Furia; and
- Whereas,** A public hearing was held on this application on February 17, 1994 and the matter has since been duly considered by the Commission; now, therefore, be it
- Resolved,** That the Central Pine Barrens Joint Planning and Policy Commission finds that the application does not meet the criteria established by the statute for a core area hardship exemption and hereby disapproves the application.

Record Of Motion:

Motion by Mr. Gatta
Seconded by Commissioner LaMura

Yea Votes:

Commissioner Gaffney
Commissioner LaMura
Commissioner Thiele
Mr. Cowen
Ms. Filmanski

Nay Votes:

None

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Commission Agenda - March 7, 1994 Brookhaven Town Offices / Medford, NY

1. **Advisory Committee communications**
Michael Deering, Advisory Committee vice-chair
2. **Compatible Growth Area items**
 - Dovale (decision by 3/15), Our Lady (by 4/15), AB Richards (by 5/11)
 - New item(s) for hearing(s)
 - Application fees discussion
3. **Core Preservation Area items**
 - Northern Sites / Nemeth (decision by 3/16)
 - Longwood Youth / Firemen's Park correspondence
4. **Economic Analysis proposals**
5. **Fire Management Plan issues introduction**
Dr. Ron Meyers, The Nature Conservancy
6. **Owner notification & first public outreach status**
7. **Inventory FOIL policy and charges**
8. **Scheduling**

Approved 4/13/94

Central Pine Barrens Joint Planning and Policy Commission

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Work Session Summary - March 7, 1994
Brookhaven Town Offices / Medford, NY

Present: Mr. Gatta (for Commissioner Gaffney), Commissioner LaMura, Commissioner Thiele, Ms. Filmanski (for Commissioner Janoski), Mr. Cowen (for Commissioner Haynes), Mr. Garcia, Ms. Pines, Mr. Proios (alternates), Mr. Corwin (director), Ms. Trezza (administrator), Mr. Hopkins (Suffolk Water & Commission staff), Mr. Bagg (Suffolk Planning & Commission staff), Mr. Rigano and Ms. Roth (counsel). Additional attendees are listed on attached sign-in sheet.

1. Advisory Committee communications

Summary: Michael Deering, Advisory Committee vice-chair gave the report of the last two Advisory Committee meetings' resolutions, including the resolution regarding the Fireman's Park non-development certification. He also addressed the upcoming Albany budget lobbying, the bottle bill, and the need for a clerical position to support the Advisory Committee. He also noted that Herbert Balin has agreed to provide the Advisory Committee with a presentation on the proposed Longwood Greenbelt core boundary change at the Advisory Committee's 4/6/94 meeting, and conveyed the Committee's desire that the Commission not take any action on the request pending that presentation.

2. Compatible Growth Area items

- Dovale (decision by 3/15), Our Lady (by 4/15), AB Richards (by 5/11)

Summary: Noted, but not extensively discussed.

- New item(s) for hearing(s)

Summary: The applications of Cathy Murray and South Manorville Associates projects were discussed briefly, and the need for a hearing noted. The application of Greenstar Enterprises was also discussed. There are several discrepancies in that application, and the need to forward a letter of incompleteness to the applicant was discussed. Commissioner Thiele made a motion to schedule the appropriate hearing and to forward the necessary letter. It was seconded by Mr. Garcia, and approved unanimously. The date of hearing is 3/23/94 at 7:30 pm, and the location is Riverhead Town Hall.

- Application fees discussion

Summary: Various fee structures for applications were discussed, with the fee intended to help offset the cost of reviewing, holding hearings, etc. Different fees for core (e.g., \$200) and compatible (e.g., \$50-100), the use of deposits to cover stenographic transcripts, and the general authority of the Commission to levy fees were all discussed. No action taken.

3. Core Preservation Area items

- Northern Sites / Nemeth (decision by 3/16)

Summary: This topic was addressed first. Mr. Nemeth gave a presentation using maps and photographs. The need for the Commission to decide by 3/16 was noted. The matter will therefore be addressed again on Wednesday, 3/9/94.

- Longwood Youth / Firemen's Park correspondence

Summary: A letter from the Longwood Youth Sports Association was discussed. General Counsel was asked to draw up a document detailing the finding of non-development for the Firemen's Park project. This will be considered for

adoption at the April meeting. No reconsideration of the Firemen's Park decision was agreed to. During this discussion, Mr. Cowen brought up the more general issue of enforcement, and the role of the towns in enforcement was raised. The discrepancies in the statute on this, and the issuance of summonses were also raised.

4. Economic Analysis proposals

Summary: The applications of the SUNY at Stony Brook Harriman School, the SUNY at Stony Brook Center for Regional Policy Studies and Urbanomics were discussed. Mr. Corwin's recommendation was the Harriman School, which he explained. A formal decision will be made at the Wednesday, 3/9 session.

5. Fire Management Plan issues introduction

Dr. Ron Meyers, The Nature Conservancy

Summary: Dr. Meyers gave a slide presentation on the national program for prescribed fire management by the Nature Conservancy. He addressed several issues, including the writing of 'prescriptions' for fires, planning and field protocols, safety, etc. The upcoming fire management workshops for this area were also noted by Ms. Antenen of the L.I. Chapter of the Conservancy.

6. Owner notification & first public outreach status

Summary: Mr. Corwin explained that the letter were sent out last week, and numbered approximately 3500.

7. Inventory FOIL policy and charges

Summary: Charges for computer time are still to be determined. Other charges will be standard Freedom of Information charges for records and photocopying.

8. Scheduling

Summary: Plan Review meetings for April, May and June are needed. They were not selected at this time.

9. Other Business

Summary: Mr. Balin briefly discussed a project already underway known as Birchwood at Spring Lake, in Middle Island.

10. Adjournment

Summary: Motion was made by Commissioner Thiele, seconded by Ms. Filmanski, and approved unanimously.

Central Pine Barrens Joint Planning and Policy Commission

MEETING FOR: Commission work session

LOCATION: Brookhaven Town Offices / Medford, NY

DATE/TIME: 3/7/94

| NAME | REPRESENTING | ADDRESS | TELEPHONE/FAX |
|--------------------|---------------------------------------|--|-------------------|
| Adrienne Trezza | SCWA/PBC | Great River NY | 563-0385/217-4099 |
| Con Myers | TNC | Tallahassee, FL | 904 668-6827 |
| Vi Hoglund | | LA. E GROVE | 58-8459 |
| Steve Gillman | Gillman - Eastport | 2104 BERKLEY LANE MERRICK N.Y. | 516-4388 |
| Stephen Jones | S.C. Planning | Vet's Hwy Haverhill | 853-5191 |
| MICHAEL DEERING | ADVISORY COUNCIL | 11 MIDDLE NECK RD. RM. 200 GT. NECK, NY | 829-3368 |
| George Provis | S.C. Exec. | Dennison Bldg, Hempstead, NY | 853-4654 |
| Ray's DRAGOTA | Suff. Cty | Bldg 158 " " | 853-5133 |
| Leonard Jankel | LI PBS | Box 85 Manville 11949 | 369-3300 |
| Susan Antenen | TNC | Cold Spring Harbor | 3107 3225 |
| Tim Hopkins | SCWA | | 563-0308 |
| Jim Bagg | S.C. Planning | H. Lee Dennison | 853-5203 |
| Reg Schwab | LIBT | | 232-2345 |
| Harv Baum | ABLI | | 296-7018 |
| Judy Jakobsen | SEWA | | 563-0306 |
| Michael Warren | Senator Callahan | | 696-6900 |
| TOM MORRIS | NEWSDOU | | 843-2768 |
| Maryellen Suhrliff | Senator Franco | State Office Bldg | 952-6206 |
| Bill SPITZ | NYSDEC | Bldg 4 UNY STONY BROOK | |
| Sherwin E. Allen | American | NY | 23 |
| John Mura | TOB | Town of Brookhaven | 451-6668 |
| Barbara Wipfler | T of B | Town of Brookhaven | 451-6512 |
| Ray Cowen | NYSDEC | SUNY CAMPUS, STONY BROOK | 444-0345 |
| George Gatta | SUFF. Co. Exec. | DENNISON BLDG HEMPSTEAD | 853-4000 |
| James Riganu | McMillen, Rathan, Bennett & Riganu | 395 N Service RD Melville NY | 694-8005 |
| Ray Cowen | PB Comm. | | 563-0307 |
| Brenda Filmonski | benkanski | 200 Howell Ave Riverhead | 727 2200 x 240 |

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ulric S. Haynes, *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 - March 9, 1994 Riverhead County Center 2:00 pm

1. **Correction & Adoption of Minutes of 2/7, 2/9 and 2/23 meetings**
2. **Compatible Growth Area:**
 - Decision on Dovale Industries, Inc.
 - New applications
3. **Core Preservation Area:**
 - Decision on Northern Sites / J. Nemeth
 - Correspondence from Longwood Youth Sports Association
4. **Plan Development: Economic Analysis Contractor Selection**
5. **Plan Development: TDR Economic Analysis Data Needed from State Board of Equalization and Assessment**
6. **Plan Development: Status of Owner Notification**
7. **3/16 Public Information Session reminder**
8. **3/23 Plan Review reminder & Additional Review Scheduling**
9. **Administrative aspects of Advisory Committee communications**
10. **Other Business**

**Summary of March 9, 1994 Commission Meeting
Riverhead County Center**

Present: Commissioner Gaffney, Commissioner Haynes, Commissioner Thiele, Ms. Filmanski(alternate for Commissioner Janoski), Jessie Garcia(alternate for Commissioner LaMura), Mr. Corwin(director), Mr. Rigano(general counsel), Ms. Roth(general counsel).

1. Correction and Adoption of Minutes of 2/7, 2/9, and 2/23 Meetings

Summary: No corrections were made to the minutes of the previous three meetings. A motion was made by Commissioner Thiele to adopt the minutes of the 2/7, 2/9 and 2/23 meetings that was seconded by Mr. Garcia. The motion was unanimously carried.

2. Compatible Growth Area:

- **Dovale Industries, Inc.**

Summary: Mr. Corwin read a summary of the application for this project that was provided to the Commissioners. A decision must be made on this application by March 15th. A public hearing was held on this application on February 2, 1994. The issues with this application are whether it meets the interim goals and standards and whether the applicant has indeed received all local approvals. The application had received zoning board of appeals approval although deemed incomplete by the County Planning and Pine Barrens Review Commissions and was never returned to the County Commissions for reconsideration. After a discussion with Doris Roth on the procedural concerns with this application, Commissioner Gaffney decided to defer this matter until later in the agenda when it could be learned what the vote was by the ZBA on this application. Commissioner Thiele expressed his agreement with a statement made by Carole Swicke(Commissioner of the Brookhaven Planning Dept.) at a Commission work session and at the public hearing for this project that the lot sizes for this project were inconsistent with the 2 acre zoning in this area and could therefore set a precedent in this area by allowing denser development to occur.

- **Correspondence from Longwood Youth Sports Association**

Summary: None received.

- **New applications**

Summary: Three new applications have been received for projects in the compatible growth area(summaries provided in handouts to Commissioners). Two of the applications, Cathal Murray and P & M development were determined to be nondevelopment by Commission staff based on the pine barrens statute section ECL 57-0107, 13(f), XII pertaining to lots of 5 or fewer residential lots that conform with lot area requirements and the existing zoning. Mr. Corwin read the summaries describing these projects. Mr. Corwin referred the Commissioners to the summary page provided for the third application, Greenstar Enterprises, that was not read out loud due to its length. This project was found to be incomplete for a number of reasons and sent back to the applicant. Mr. Corwin asked the Commissioners how should the determination of projects that are clearly nondevelopment continue to be handled. Commissioner Gaffney stated they should continue to be handled by Commission staff. Mr. Corwin stated a letter will be sent out to the project applicants (Cathal Murray and P & M development) stating a determination has been made that their projects are considered to be nondevelopment.

3. **Core Preservation Area:**

• **Northern Sites Application/J. Nemeth**

Summary: Mr. Nemeth was identified as present. Doris Roth read the section of the central pine barrens statute pertaining to the provisions that are required to be met for a hardship case in the core preservation area. Commissioner Thiele requested that general counsel apply the facts of the application to the statute provisions for a hardship in the core area. This was provided by Mr. Rigano with supporting comment provided by Mr. Corwin. Mr. Cowen, (Director of NYSDEC) provided comment that the case for a hardship in the core should be based on environmental hardship and not economic hardship. Commissioner Thiele concurred with Mr. Cowen's statement and added there was no environmentally beneficial use for this property since it was disturbed and due to its proximity to more densely developed parcels. Mr. Schwenk (Long Island Builder's Institute) stated he agreed with Mr. Cowen and Commissioner Thiele's statements and expressed the opinion on behalf of the Long Island Builder's Institute that the application should be granted. Commissioner Haynes made a motion to grant the application for relief for this project from the provisions of the statute that was seconded by Commissioner Thiele. The motion was carried unanimously. A written decision and findings will be prepared by general counsel.

Jessie Garcia reported back to the Commissioners that the Dovale application was unanimously approved by the town's zoning board of appeals (5-8 vote) on October 28, 1993. A motion was made by Commissioner Thiele to deny the application that was seconded by Mr. Garcia. The motion was unanimously carried.

correction approved 4/13/94

Commissioner Gaffney called a brief meeting recess at 3:45 p.m. The meeting resumed at 4:05 p.m.

4. **Plan Development: Economic Analysis Contractor Selection**

Summary: Mr. Corwin briefly reviewed the four proposals received for the preparation of the economic analysis plan. Harriman School at SUNY Stony Brook was identified by staff as the best proposal and also the lowest cost. A discussion ensued concerning the Research Foundation surcharge on contracts with SUNY and how this surcharge may be reduced. A motion was made by Commissioner Thiele to accept the proposal of the Harriman School that was seconded by Commissioner Haynes. The motion was unanimously carried. The school will be notified of the acceptance of their proposal.

5. **Plan Development: TDR Economic Analysis Data Needed from State Board of Equalization and Assessment**

Summary: Mr. Corwin discussed with the Commission members the data needs for the TDR economic analysis (summarized in handouts provided to Commissioners). The consulting firm, Taconic Data, would charge \$5,000 to \$10,000 for the needed sales transaction data. Mr. Corwin requested assistance from the Commission members on investigating other sources within the County or Town agencies that could perhaps provide this data. Suggestions were made by Commission members and Mr. Gatta to explore what data is available from the State Board of Equalization and Assessment and the County's Real Property Tax Service Agency.

6. **Plan Development: Status of Owner Notification**

Summary: Mr. Corwin reported that letters have been sent out to owners of property within the core preservation area.

7. **3/16 Public Information Session Reminder**

Summary: Mr. Corwin reminded the Commission members and the audience that the first public information session will be held on March 16 at the Shoreham Wading River High School at 7:30 p.m. that will address the concerns of property owners in the core preservation area.

8. **3/23 Plan Review Reminder & Additinal Review Scheduling**

Summary: Mr. Corwin reminded the Commission members of the 3/23 Plan review meeting that will focus on the TDR program. In addition, he suggested that the Commissioners may want to schedule additional plan review meetings in April or May. The additional meeting dates will be scheduled by telephone call.

9. Administrative aspects of the Advisory Committee Communications

Summary: Mr. Corwin reported on the need for someone on the Advisory Committee to represent the Advisory Committee at Commission meetings and the need for additional administrative support for the Advisory Committee. Possible solutions for administrative support is currently being explored between Mr. Corwin and the Suffolk County Water Authority.

10. Other Business

Summary:

Application fees: Ms. Roth discussed the ability of the Commission to charge fees for handling applications, in particular to cover hearing costs. Fees could be based on whether the project is in the core or compatible growth area. Mr. Corwin will develop a set of fees to present at the next Commission meeting.

Written interpretation of Nondevelopment for the Fireman's Park Application: Mr. Rigano presented to the Commission members a copy of the written interpretation of nondevelopment for this project that was prepared by general counsel. This interpretation was based on the Commission resolution previously passed on February 9, 1994 concerning this application. Commissioner Gaffney read the interpretation into the record. A motion was made by Mr. ~~Gaffney~~^{Garcia} and seconded by Ms. Filmanski to adopt by resolution the written interpretation of nondevelopment read into the record by Commissioner Gaffney. The motion was unanimously carried.

Furia Findings: Ms. Roth presented to the Commission members copies of the Furia Findings Statement and Decision of Findings of Fact, prepared by general counsel, that deny this application. Ms. Roth summarized the findings statement that was signed by Commissioner Gaffney as chairman of the Commission. A motion was made by Commissioner Thiele to adopt by resolution the findings statement that was seconded by Commissioner Haynes. The motion was unanimously carried. A motion was made by Commissioner Thiele to adopt by resolution the Decision of Findings of Fact that was seconded by Mr. Garcia. The motion was unanimously carried.

Other Business: Mr. Deering, Chairman of the Advisory Committee reported to the Commission members that the Committee would like to recommend that the Commission pass a resolution to support proposed legislation to capture the nickels for use toward the acquisition of pine barrens and to also support the proposed transfer of development rights bill. Commissioner Gaffney suggested that copies of these bills be provided to the Commission members for them to review. Mr. Amper (Pine Barrens Society) reiterated the need to hire Advisory Committee support staff that had been discussed at the Commission work session. Commissioner Gaffney recommend that the Committee put forward a concrete proposal for the Commission to consider.

A motion was made by Commissioner Gaffney to adjourn the meeting that was seconded by Commissioner Thiele. *Approved unanimously.*

Central Pine Barrens Joint Planning and Policy Commission

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Fred W. Thiele, Jr., *Member*

P.O. Box 587
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Great River, New York 11739-0587

Commission Agenda - March 23, 1994 Suffolk County Planning Department Hauppauge 2:00 pm

1. **Plan Development: Transfer of Development Rights work**
2. **Plan Development: Ecological methodology; data sources; definition of critical resource areas; next steps**
3. **Plan Development: Land management topics; fire management workshops and issues; next steps**
4. **Plan Development: Generic Environmental Impact Statement structure and scoping**
5. **Development and Review Process: Production Schedule and Additional Reviews**
6. **Public Outreach: Summary of First Session by Regional Plan Association**
7. **Other matters not able to wait for 4/11/94 work session:**
 - Furia second application discussion; possible hearing scheduling
 - Application fees

Central Pine Barrens Joint Planning and Policy Commission

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

Commission Meeting Summary - March 23, 1994 Suffolk County Planning Department Hauppauge 2:00 pm

Present: Mr. Gatta, Commissioner Haynes, Commissioner Thiele, Ms. Filmanski, Mr. Proios, Mr. Cowen (alternates), Mr. Rigano, Ms. Roth (Counsel), Mr. Corwin (director), numerous staff members (see attached sign-in sheet).

1. Plan Development: Transfer of Development Rights work

Summary: Joe Fischetti and Jim Tripp, co-chairs of the TDR Committee, discussed the elements of the TDR program refined to date, as well as the policy questions remaining. Specifically, discussion touched upon sending areas, allocation of Pine Barrens Credits (PBCs, or development rights), categories of sending areas, function and structure of a TDR Bank, utilization mechanisms for PBCs, receiving area delineations, other mechanisms for absorbing or retiring development rights, differences among the three towns, ratios of receiving capacity to sending potential, establishment of PBC markets (including the role of the TDR Bank in helping to establish a base price for rights), possible conversions of rights from one land use type to another, etc.

2. Plan Development: Ecological methodology; data sources; definition of critical resource areas; next steps

Summary: Jim Bagg, Suffolk County Planning staff member supporting the Ecology Committee work, discussed the critical resource area definition work currently underway. He described the mapping procedure being used to support the analytical work and scientific judgements being made by the Committee, and numerous examples of the map products were displayed. The utility of these critical resource areas in the work of the TDR Committee was described. Mr. Corwin described several upcoming tasks which the Ecology Committee would be addressing once the critical resource area recommendations are completed.

3. Plan Development: Land management topics; fire management workshops and issues; next steps

Summary: Mr. Corwin described the results of the Land Management Committee's work to date, and distributed a summary of this produced by Bruce Lund of the Nature Conservancy (a staff member supporting this Committee). Each of the topics contained there was discussed, along with future tasks which the Committee will be asked to address. The outcome of the March fire management workshops was also summarized.

4. Plan Development: Generic Environmental Impact Statement structure and scoping

Summary: Judy Jakobsen of the Suffolk County Water Authority, along with Jim Bagg, described the current structure of the GEIS (a copy of which was distributed), and the process for completing it. The upcoming scoping session was also discussed. No date has yet been

set for that.

5. Development and Review Process: Production Schedule and Additional Reviews

Summary: Mr. Corwin described the upcoming April 20, 1994 draft plan version, and the April 13 deadline for submitting material to Carol Walsh of Suffolk County Planning for inclusion in that version.

6. Public Outreach: Summary of First Session by Regional Plan Association

Summary: Donna Plunkett of the Regional Plan Association described both the recent public information session at Shoreham-Wading River High School, as well as the set of public sessions being scheduled for the next several months on a community basis.

7. Other matters not able to wait for 4/11/94 work session:

- Furia second application discussion; possible hearing scheduling
Summary: A general discussion was held regarding the recent application for construction of a single home on the property. A question was raised regarding whether the application fell under the development or the non-development definitions, and general counsel was asked to look into this question prior to the Commission scheduling a hearing on the application. (This topic was discussed first in the meeting.)
- Application fees
Summary: This was deferred to the April 11, 1994 meeting.
- Executive session
Summary: A motion was made by Commissioner Haynes, seconded by Commissioner Thiele, to enter executive session for the purpose of discussing the recent lawsuit filed against the Commission by the Long Island Pine Barrens Society and other parties, as well as for the purpose of discussing possible indemnification changes to Article 57. The motion passed unanimously, and the Commission entered into executive session.
- Remaining regular session after completion of executive session.
Summary: A motion was made by Ms. Filmanski, seconded by Commissioner Thiele, to adjourn. The motion passed unanimously.

Central Pine Barrens Joint Planning and Policy Commission

MEETING FOR: COMMISSION

LOCATION: SUFFOLK COUNTY PLANNING DEPT / HAUPPAUGE

DATE/TIME: 3/23/94 2:00 pm

| NAME | REPRESENTING | ADDRESS | TELEPHONE/FAX |
|-------------------------|---------------------------|--------------------------------|-------------------|
| Bugs Schmitt | L1 B I | 1767-40 Vets Hwy | Jalandra 232-2345 |
| TOM MORRIS | NEWSDAY | MELVILLE | 843-2768, 2953 |
| Terri Elkowitz | L1 B1 | 368 Vets Hwy, Commack | 499-2222 (5928) |
| Justin Jakobsen | SCWA | 3525 Sunrise Hwy Great River | 563-0306/277-4097 |
| Michele Marras | NYS Senator | LaVelle, 375 Middle Country Rd | 696-6900 |
| Brian Cathone | LT Water Comm | S.O.B. | 952-6206 |
| Susan Windesheim | S.C. Pln | Dennison Bldg., Hauppauge | 853-4099 |
| Vi HOG LIND | 37 DIETZ | AVE., LAKE GROVE. | 588-8459 |
| Shelina Allen | Ames Physical Society | Box 7, Baldwin | 223-4700 |
| Heuric E. Corder | Assoc Suffolk Post Office | 511 Central Ave. Massapequa | 795-1455 |
| Walter & Sharon Van | Siv. Olsen | 1139 Flanders Rd. Riverhead | 727-5696 |
| G. Gatta | J. Tripp | | |
| G. Proio | J. Fischetti | | |
| R. Dragotta | P. Lambert | | |
| R. Cowen | | | |
| B. Spitz | | | |
| R. Haynes | | | |
| F. Thiele | | | |
| B. Filmanski | | | |
| J. Johnson | | | |
| S. Jones | | | |
| J. Bagg | | | |
| B. Pickett | | | |
| C. Walsh | | | |
| L. Trizza | | | |

Central Pine Barrens Joint Planning and Policy Commission

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Commission Agenda (Final) - April 11, 1994 Brookhaven Town Offices / Medford 9:30 am

1. Compatible Growth Area

- Dovale Industries written decision
- Our Lady of the Island and A.B. Richards status
- New applications summary

2. Core Preservation Area

- Northern Sites Hardship written decision
- Longwood Greenbelt: 4/6 Advisory Committee recommendation
- Furia Second Hardship application hearing date
- Non-development certification final version
- Olsen Correspondence
- Scotto Correspondence

3. Plan Development

- Positive declaration for GEIS
- GEIS outline and scoping session
- Economic Analysis status

4. Administrative

- Revised 1994-95 Budget
- Distribution of 3/7, 3/9 and 3/23 meeting minutes
- 4/20 Plan Draft status

5. New business

Central Pine Barrens Joint Planning and Policy Commission

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Joseph F. Janoski, *Member*
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P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739

Commission Meeting Summary - April 11, 1994

Brookhaven Town Offices / Medford

Meeting commenced 9:55 am.

Present: Commissioner Gaffney, Mr. Garcia (for Commissioner LaMura), Commissioner Thiele, Ms. Filmanski (for Commissioner Janoski), Commissioner Haynes, Ms. Pines, Mr. Proios (alternate), Mr. Corwin, (director), Ms. Trezza (administrator), Mr. Hopkins (Suffolk County Water & Commission staff), Mr. Bagg, (Suffolk Planning & Commission staff), Mr. Rigano and Ms. Roth (counsel.) Additional attendees are listed on attached sign-in sheet.

1. Compatible Growth Area

- Our Lady of the Island and A.B. Richards status
Summary: The proposed facility expansion of Our Lady meets the Interim Goals and Standards. Staff recommendation is for approval. Decision to be made at 4/13 meeting. The Richards application will be held for a decision until the May meeting.
- New applications summary
Summary: Mr. Bagg summarized several project correspondence items which the Commission has received. No complete applications are currently present. One incomplete application, under the name of Wilson, will be discussed by staff and counsel separately.
- Dovale Enterprises written decision
Summary: A draft written decision was distributed by counsel for consideration at the 4/13 meeting. Comments upon the document were requested.

2. Core Preservation Area

- Northern Sites Hardship written decision
Summary: Counsel distributed a draft written decision for review. Adoption set for 4/13 meeting.
- Longwood Greenbelt: 4/6 Advisory Committee recommendation
Summary: At its 4/6 meeting, the Advisory Committee recommended not take action at this time on the requested core boundary change. It passed nine to eight, although a dispute occurred over the actual counting of votes. Mr. Balin addressed the Commission, discussing a number of issues regarding the proposed road, routing of the sewage line, etc., and also displayed several graphics showing the area. A discussion followed concerning the wetlands. Dan Morris asked a number of questions regarding the boundary movement. Commissioner Thiele expressed interest in whether there was an urgency in making this decision now. Maryellen Suhrhoff asked whether a plan for a road can be made without disturbing the wetlands. Mr. Balin said no plans were ready regarding that. He also described the road as meandering through the greenbelt, not eliminating it. Mr. Amper spoke regarding the distinction between the core and the compatible growth area, and noted that the plans presented were not detailed enough for a decision. He argued that this should not be allowed prior to the planning work being completed. Commissioner Haynes inquired about the assertion that the core boundary in this area was a mistake, and asked for documents. Mr. Balin said that he had such papers. Mr. Amper replied that the core simply followed an agreed upon map.

The discussion ended with no action taken. The Commission expressed a desire to consider all requested core boundary changes at one time, to hold a hearing on all of them, and to have a plan in place.

- Furia Second Hardship application hearing date
Summary: The need for a hearing was discussed. The date of 4/21 at Riverhead Town Hall at 7:30 pm was selected. Motion to this effect was made by Ms. Filmanski, seconded by Commissioner Thiele. Passed unanimously.
- Non-development certification final version
Summary: The availability of the final version of the written decision regarding the nondevelopment status of the Longwood Youth Sports Association's project at Firemen's Park was noted. No action required.
- Olsen Correspondence
- Scotto Correspondence
Summary: These items were summarized by Mr. Corwin. Letters from each party were included in Commissioners' packets. Mr. Olsen spoke on behalf of himself.

3. Plan Development

- Positive declaration for GEIS
- GEIS outline and scoping session
Summary: These items were summarized by Mr. Bagg, and discussed briefly by the Commission. The scoping session is scheduled for 4/27 at Longwood Junior High School in Middle Island. The positive declaration under SEQRA is to be considered at the 4/13 meeting. Some minor changes to the scoping meeting notice were discussed.
- Economic Analysis status
Summary: Mr. Corwin reported that the Commission, as a state agency, will only have to pay a 15% overhead rate in its contract with the SUNY Research Foundation for the services of the Harriman School. Dr. Silkman will be here on 4/15 for a series of meetings, and Dr. Sexton and the two graduate students assigned to this work are well into their data gathering phase.

4. Administrative

- Revised 1994-95 Budget
Summary: A discussion took place regarding the amount of money which is set aside, and that which is likely to be needed, for litigation. The role of the attorney general's office in such work was discussed extensively. Mr. Rigano strongly urged the Commission members to approach the attorney general's office regarding their current decision to not participate.
- Distribution of 3/7, 3/9 and 3/23 meeting minutes
Summary: Distributed.
- 4/20 Plan Draft status
Summary: Described by Mr. Corwin. A Plan Draft Review session is set for 5/2/94 at Riverhead Town Hall at 9:30 am, and will focus principally upon the transfer of development rights component.

5. New business

Summary: Mr. Corwin mentioned that the supervisors should consider appointing alternate civic representatives to the Advisory Committee. He also mentioned the need to reach out to both the town boards and the county legislators.

A Motion to adjourn was made by Commissioner Thiele, seconded by Commissioner Haynes, and approved unanimously.

ADDITIONAL ATTENDEES:

1 of 2

Pine Barrens Commission Meeting 4/11/93

at
an
Morris
letter

| Name | Company/Address | Tel. No. | Fax. No. |
|-----------------------|--|----------|----------|
| Walter & Sharon Olsen | 1139 Flanders Rd. Riverhead | 727-5696 | |
| Daniel J. Fetto | 11045 North Bayview Rd. ^{Suffolk} | 765-4196 | |
| TOM MORRIS | NEWSDAY | 843-2768 | 843-2953 |
| Vi Hoqlu, D | 37 DEER AVE LAKE GROVE | | 588-8477 |
| V. De Rosa | Middle Island | | |
| David A. Soko | L.I.B.I. | 232-2365 | |
| Steven S. Allen | Box 7-N. Baldwin | 223-4700 | |
| Herbert M. Belin | A B H I | 296-7018 | 296-7111 |
| Tim Hopkins | SCWA | 563-0308 | 277-4097 |
| Jim Bagg | SC Planning | | |
| Ray S. Dragotta | S.C. Dept of Law | 853-5133 | 853-5169 |
| George P. Pirois | Suffolk County - Dennison Bldg | 853-4654 | 853-4086 |
| Stuart Rowland | The Nature Conservancy | 725-2936 | |
| Dan Morris | Open Space Council | 758-5915 | |
| Richard Aeger | LI Pine Barrens Society | 369-3300 | 369-3385 |
| Maryellen Subruff | NYS Legis Water Comm / Sen. Tranzo | 952-6206 | 360-3386 |
| Judy Jacobsen | SCWA | 563-0306 | 277-4097 |
| Doris E. Roth | McMullen, Patten, Bennett & Rigam | | |
| James Rigam | " " | " | |
| Freuda J. Jermanski | 200 Howell Ave. Riverhead | 727-0060 | 727-0712 |
| Barbara Wiplus | Town of Brookhaven | 451-6512 | |
| JESSE GARCIA | Town of Brookhaven | 451-6671 | 451-6677 |
| Fred. Thielapp | Town of Southampton | 283-6055 | 287-3662 |
| UARC HAYNES, JR. | Hofstra U., Hempstead | 463-5015 | 463-5268 |

Central Pine Barrens Joint Planning and Policy Commission

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Fred W. Thiele, Jr., Member

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Commission Agenda (Draft) - April 13, 1994 Riverhead County Center 2:00 pm

1. **Compatible Growth Area**
 - Adoption of Dovale Industries written decision
 - Our Lady of the Island decision
2. **Core Preservation Area**
 - Adoption of Northern Sites hardship written decision
3. **Plan Development**
 - Adoption of positive SEQRA declaration for GEIS
4. **Administrative**
 - Adoption of 3/7, 3/9 and 3/23 meeting minutes
 - Executive session to discuss current litigation
5. **New business**

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Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

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Commission Agenda (Final) - April 13, 1994 Riverhead County Center 2:00 pm

1. Compatible Growth Area

- Adoption of Dovale Industries written decision
- Our Lady of the Island decision

2. Core Preservation Area

- Furia hardship hearing notice (info only)
- Adoption of Northern Sites hardship written decision
- Longwood Greenbelt correspondence

3. Plan Development

- Adoption of positive SEQRA declaration for GEIS
- 5/2/94 Commission plan review meeting notice (info only)

4. Administrative

- Adoption of 3/7, 3/9 and 3/23 meeting minutes
- 4/12/94 Pine Barrens Events schedule (info only)
- Executive session to discuss current litigation

5. New business

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

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P.O. Box 587
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Great River, New York 11739

Minutes

**Meeting April 13, 1994
Riverhead County Center 2:00 p.m.**

Present: George Gatta (for Commissioner Gaffney, Jessie Garcia and Emily Pines (for Commissioner LaMura), Ray Cowen (for Commissioner Haynes), Brenda Filmanski (for Commissioner Janoski), Ray Corwin (Executive Director), Lorraine Trezza (Administrative Assistant) and Doris Roth and Jim Rigano (General Counsel).

1. Compatible Growth Area

- Adoption of Dovale Enterprises written decision

A motion was made by Commissioner Thiele and seconded by Ms. Filmanski to adopt the written decision on Dovale Enterprises application. The motion was carried unanimously.

- Our Lady of the Island decision

This application involved an addition of 3,000 sq. ft. pre-fabricated buildings on an existing site. The staff recommendation was to approve this application as it meets the Commission's standards.

A motion was made by Commissioner Thiele and seconded by Mr. Cowen that the Commission reaffirm the negative declaration according to SEQRA and approve this application. The motion was carried unanimously.

2. Core Preservation Area

- Furia hardship hearing notice

Ray Corwin spoke about the specifics of the hearing. He stated that the hearing will take place on April 21, 1994 at 7:30 p.m. in Riverhead Town Hall. The question of completeness was brought up and a detailed discussion ensued.

- Adoption of Northern Sites written decision

The decision was presented by General Counsel

A motion was made by Commissioner Thiele and seconded by Mr. Cowen to adopt the written decision on the Northern Sites application. The motion was carried unanimously.

- Longwood Greenbelt correspondence

Ray Corwin stated that he was asked to make a statement as to what he knew about the status of the core preservation boundary as it affects this project. As a result of that inquiry he drafted a written statement, which was presented after which a discussion ensued and suggestions for changes were made by the Commission. George Gatta mentioned that the Suffolk County Executive had stated that all boundary changes will be addressed at a public hearing in the future.

3. Plan Development

- Adoption of positive SEQRA declaration for GEIS

A draft copy of the positive SEQRA declaration was given out at the April 11, 1994 work session of the Commission for comments and questions. A slight revision was made for the adoption on April 13, 1994. Also mentioned was the scoping session which is to take place on April 27, 1994 at Longwood Junior High School at 7:00 p.m.

A motion was made by Commissioner Thiele and seconded by Ms. Filmanski to adopt the positive SEQRA declaration for the GEIS. The motion was carried unanimously.

- 5\2\94 Commission plan review meeting notice

This meeting will be the third plan development meeting held so far. The next draft of the plan will be ready on April 20, 1994 for review.

Jessie Garcia asked if Brookhaven could render a vote in the Dovale decision and the Our Lady of the Island decision. It was stated that it could not be done. Mr. Garcia then asked if the record could reflect that Brookhaven was in support of the Commissions decisions on each matter, which was agreed to.

4. Administrative

- Adoption of 3\7\94, 3\9\94 and 3\23\94 meeting minutes

A motion was made by Commissioner Fred Thiele and seconded by Ms. Brenda Filmanski to adopt the minutes with minor changes. The motion was carried unanimously.

- 4\12\92 Pine Barrens Events schedule

Ray Corwin distributed a new schedule to the Commission. There was no discussion on this item.

At this point George Gatta asked if there was any new business to discuss so that the Commission could go into executive session to discuss pending litigation. There was no new business to discuss so they broke to go into executive session.

A motion was made by Commissioner Fred Thiele and seconded by Mr. Ray Cowen to go into executive session. The motion was carried and they went into executive session at 3:30 p.m.

The meeting was adjourned at 4:30 p.m.

Central Pine Barrens Joint Planning and Policy Commission

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John LaMura, *Vice Chairman*
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Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

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Commission Agenda (Final) - May 2, 1994
Riverhead Town Hall
9:30 am

- 1. Plan Draft 2 (4/20/94 Version) Review**
- 2. Matters unable to wait for 5/9/94 work meeting**
 - Furia core hardship (single home) application

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

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**Commission Meeting Summary
May 2, 1994
Riverhead Town Hall/Riverhead, NY**

Present: Commissioner Gaffney, Commissioner Thiele, Ms. Filmanski (for Commissioner Janoski), Mr. Cowen (initially present for Commissioner Haynes), Commissioner Haynes, Ms. Whiplush (for Commissioner LaMura), Ray Corwin, Ms. Trezza (Administrative Assistant) . Additional attendees are listed on attached sign-in-sheet.

1. Legend Homes Project Status/Ridge

Summary: An application was discussed for a two lot subdivision of parcel number 200-327-4-35 in Ridge. The lot is located north of Brookhaven Laboratory, and is situated between the Pine Trail Nature Preserve and Elizabeth Way. A Zoning Board of Appeals decision was granted by the Town of Brookhaven in April of 1991, and in October of 1991 an amendment was made. Building permits must be obtained by October of 1994, allowing for a three year validity period. One permit has been obtained. The project appears to be non-development under section 57-0121 (13) (ix). It was suggested that the language in the law may have to be made clearer. In October of 1993, work crew did not have permits, and some clearing of trees had already begun; work apparently stopped for the winter. Recently, further work commenced.

A Motion was made by Commissioner Gaffney and seconded by Commissioner Thiele that the Legend Homes project is considered non-development under ECL 57-0107 (13) (ix) in the statute. A vote was taken and the motion was carried in a 4-0 vote.

2. Furia Core Hardship Application/Manorville

Summary: The application includes the construction of a single family dwelling on a 68.8 acre parcel on the north side of Hot Water Street, east of CR 111 in Manorville. An application constructing 12 dwelling units, known as the Whisper Hill Project had been denied earlier. Commissioner Thiele stated that this application fails to meet the hardship definition in the statute. The first offer by Suffolk County for acquisition on this application was rejected in 1987 by the applicant, and was returned back to the list in 1994. Mr. Furia has been made a new offer by Suffolk County, and a response is needed by May 5, 1994.

Mr. Furia went over the property description for the Commission. The question arose as to what measures Mr. Furia would take to protect the property if he lived there, and Mr. Furia's

response was that presence on a full time basis would help keep intruders off of the property.

The motion to deny hardship application for Russell Furia was made by Commissioner Gaffney and seconded by Commissioner Thiele. A vote was taken and the application was denied unanimously 5-0.

3. Plan Development

Summary: Joe Fischetti and Tim Hopkins discussed the TDR Program. Tim noted that the draft in the Comprehensive Plan was a compilation of ideas, trying to make it fit within town ordinances and difference between development yield and PB credits.

Methods of Allocation:

1. Allocation on gross development yield
2. Net development yield
3. Estimated development yield
4. Net development yield and estimated compilation value

Tim stated that the town is responsible for the method of allocation and the methods of allocation should probably be limited.

Methods:

- Residential receiving districts - high density districts
- Plan development districts
- Residential overlay districts - less controversial
- PBC credits within school districts - impact on school districts will be known when mapping is complete

PBC Bank - Being worked on. Not technically a bank - it is an entity to purchase and record transactions

Funding PBC Bank - Presently in discussion. It is important that the bank is in place and funded.

A motion to adjourn the meeting was made by Commissioner Thiele and seconded by Ms. Filmanski. A vote was taken and the motion was carried unanimously 4-0.

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Commission Agenda (Draft) - May 9, 1994 Brookhaven Town Offices / Medford 9:30 am

1. **Compatible Growth Area**
 - A.B. Richards application (decision by 5/11)
 - Our Lady application written decision and findings of fact (adoption on 5/11)
 - Wilson application (scheduling of hearing)
2. **Core Preservation Area**
 - Furia draft written decision and findings of fact (adoption on 5/11)
 - American Physical Society core boundary change request (correspondence)
 - LI Pine Barrens Society request for clarification of 4/13
Longwood Greenbelt memo
 - ISTEPA funding announcement (information only)
3. **Plan Development**
 - Summary of 4/27 GEIS scoping session (information only)
 - Draft Harriman School / SUNY Research Foundation contract
(for adoption 5/11)
 - Land Management Law Enforcement session (information only)
 - Additional Plan Review meetings (scheduling)
4. **Administrative**
 - Distribution of 4/11, 4/13 and 5/2 meeting minutes (adoption on 5/11)
5. **New business**

Faxed out Fri
5/6/94

Central Pine Barrens Joint Planning and Policy Commission

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Commission Agenda (Final) - May 9, 1994 Brookhaven Town Offices / Medford 9:30 am

1. Compatible Growth Area

- A.B. Richards application (decision by 5/11)
- Our Lady application written decision and findings of fact (adoption on 5/11)
- Wilson application

2. Core Preservation Area

- Furia draft written decision and findings of fact (adoption on 5/11)
- American Physical Society core boundary change request (correspondence)
- LI Pine Barrens Society request for clarification of 4/13
Longwood Greenbelt memo
- ISTEPA funding announcement (information only)

3. Plan Development

- Summary of 4/27 GEIS scoping session (information only)
- Draft Harriman School / SUNY Research Foundation contract
(for adoption 5/11)
- Land Management Law Enforcement session (information only)
- Additional Plan Review meetings (scheduling)

4. Administrative

- Distribution of 4/11, 4/13 and 5/2 meeting minutes (adoption on 5/11)

5. Other business

Central Pine Barrens Joint Planning and Policy Commission

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Commission Meeting Summary (DRAFT) - May 9, 1994 Brookhaven Town Offices / Medford 9:30 am

Present: Commissioner Gaffney and Mr. Proios (alternate), Mr. Garcia and Ms. Wiplush (both alternates for Commissioner LaMura), Commissioner Thiele, Ms. Filmanski (for Commissioner Janoski), Mr. Cowen (for Commissioner Haynes), Mr. Corwin, (director), Ms. Trezza (administrator), Mr. Hopkins and Ms. Jakobsen (Suffolk County Water & Commission staff), Ms. Roth (counsel), Mr. Dragotta (County Attorney's office), Mr. Jones (Suffolk Planning) plus additional attendees on attached sign-in sheet.

The meeting commenced at approximately 10:00 am, chaired by Commissioner Gaffney. Mr. Proios substituted for Mr. Gaffney at the start of item 5 below.

1. Compatible Growth Area

- A.B. Richards application (decision by 5/11)
Summary: The proposed use meets the Interim Goals and Standards. Staff recommendation is for approval. Decision to be made at 5/11 meeting. Mr. Proios' concerns expressed in his letter of 2/28/94 were discussed, and may be incorporated into the Commission's decision as conditions.
- Our Lady application written decision and findings of fact
Summary: Distributed by counsel.
- Wilson application
Summary: Described briefly by Mr Corwin, but deferred till 5/11 for calling of hearing.

2. Core Preservation Area

- Furia draft written decision and findings of fact (adoption on 5/11)
Summary: Distributed by counsel. Comments requested prior to 5/11 meeting.
- American Physical Society core boundary change request (correspondence)
Summary: Distributed in work session packet. Summarized by Mr. Corwin. The location of the site, its current and proposed degree of clearing, alternatives to a core boundary change, and its physical relationship to the CGA portion of Brookhaven Laboratory were all discussed. No action was taken.
- LI Pine Barrens Society request for clarification of 4/13
Longwood Greenbelt memo
Summary: Distributed in packet. Mr. Corwin read the letter, and stated that he would update the 4/13 memo as soon as possible.
- ISTEPA funding announcement (information only)

Summary: Distributed in packet. Two items of interest are the allocation of federal funds via the NYS Dept. of Transportation for the David Sarnoff Preserve-Pleasure Drive trail connecting parcel (applied for by the NYS DEC) and the Manorville Hills assemblage north of Hot Water Street applied for by Suffolk County.

3. Plan Development

- Summary of 4/27 GEIS scoping session (information only)
Summary: Two page summary was included in packet, and summarized briefly by Mr. Corwin.
- Draft Harriman School / SUNY Research Foundation contract (for adoption 5/11)
Summary: Distributed by counsel for review prior to 5/11 adoption.
- Land Management Law Enforcement session (information only)
Summary: Summarized by Mr. Corwin. Mr. Schwenk and Mr. Amper both noted that this sort of work helps to address the concerns expressed in a recent county legislature initiative regarding security on county lands.
- Additional Plan Review meetings (scheduling)
Summary: The 6/6 Commission work session will be used for plan review. Any other meetings can be scheduled as needed.

4. Administrative

- Distribution of 4/11, 4/13 and 5/2 meeting minutes (adoption on 5/11)
Summary: Distributed. Comments requested.

At this point, Commissioner Gaffney departed and Mr. Proios chaired the meeting.

5. Other business

Summary: Mr. Eric Burke of Ridge appeared before the Commission to discuss the Legend Homes project on Elizabeth Way, north of Brookhaven National Laboratory (SCTM 200-327-4-35). Mr. Burke, the Commissioners, Mr. Corwin, Ms. Wiplush and Mr. Amper discussed various aspects of the project. Mr. Burke felt that the community had been misinformed about the status and future of the project in October 1993, and that the Commission's 5/2/94 certification of nondevelopment for the project was premature, and did not provide for ample public notice.

In the ensuing discussion, issues raised by various persons included the inconsistency of the statute regarding core area grandfathering for several homes versus the building of one unit, the role of nondevelopment certification, the need for a better public notice mechanism, the lack of Commission jurisdiction over projects which are not defined as development, etc.

The meeting adjourned at approximately 11:45 on a motion by Ms. Filmanski, seconded by Commissioner Thiele, and approved unanimously.

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Commission Agenda - May 11, 1994 Riverhead County Center 2:00 pm

1. Compatible Growth Area

- A.B. Richards: application decision
- Our Lady of the Island: adoption of written decision and findings of fact
- Wilson: information packet and scheduling of hearing

2. Core Preservation Area

- Furia single residence hardship: written decision and findings of fact

3. Plan Development

- Draft Harriman School / SUNY Research Foundation: contract approval

4. Administrative

- 4/11, 4/13 and 5/2 minutes: amendments and approval

5. Other business

Central Pine Barrens Joint Planning and Policy Commission

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Commission Meeting Summary (DRAFT) - May 11, 1994 Riverhead County Center

Present: Mr. Proios (for Commissioner Gaffney), Ms. Wiplush (for Commissioner LaMura), Commissioner Thiele, Ms. Filmanski (for Commissioner Janoski), Mr. Dragotta (County Attorney's office), Mr. Corwin (director), Ms. Trezza (administrator), Ms. Roth (counsel), plus additional attendees on attached sign-in sheet.

The meeting commenced at approximately 2:30 pm, chaired by Mr. Proios.

1. Compatible Growth Area

- A.B. Richards: application decision
Summary: The proposed use meets the Interim Goals and Standards. Staff recommendation is for approval. Mr. Proios' concerns expressed in his letter of 2/28/94 were discussed, and the imposition of covenants and restrictions as part of a Commission approval was consequently decided upon. A motion was made by Commissioner Thiele, and seconded by Ms. Filmanski, to approve the application on the condition that the applicant file a restrictive covenant with the County of Suffolk and the Town of Brookhaven requiring that any change in use of the site be brought to the Commission in the future as a new application, and, furthermore, to approve, reaffirm and adopt the Town's negative declaration of 12/6/93. The motion passed unanimously.
- Our Lady of the Island: adoption of written decision and findings of fact
Summary: Ms. Roth presented a written decision and findings of fact. A motion was made by Commissioner Thiele and seconded by Ms. Filmanski to approve the application. The motion passed unanimously.
- Wilson: information packet and scheduling of hearing
Summary: Mr. Corwin presented and explained a separate information packet on the Dries/Wilson Compatible Growth Area application. A brief discussion ensued regarding the application's completeness, location and nature. A motion was made by Commissioner Thiele and seconded by Ms. Wiplush to hold a public hearing on the application at the Brookhaven Town offices in Medford on 5/25/94 at 7:30 pm. It was approved unanimously.

2. Core Preservation Area

- Furia single residence hardship: written decision and findings of fact
Summary: The draft written decision presented by counsel at the 5/9/94 meeting was approved unanimously after a motion by Commissioner Thiele, which was seconded by Ms. Wiplush.

3. Plan Development

- Draft Harriman School / SUNY Research Foundation: contract approval
Summary: The revised contract was presented by Ms. Roth, who briefly explained the changes that she had made in consultation with the Research Foundation. A motion was made by Commissioner Thiele, seconded by Ms. Filmanski, to approve the contract. The motion passed unanimously.

4. Administrative

- 4/11, 4/13 and 5/2 minutes: amendments and approval
Summary: Ms. Roth requested that the resolution regarding Our Lady of the Island be added to the minutes of 4/13/94. A motion was made by Ms. Filmanski and seconded by Commissioner Thiele to approve the minutes of all three meetings, with that requested change. It was approved unanimously.

5. Other business

- Receiving area delineations for the TDR Program
Summary: Commissioner Thiele stated that he was concerned that there may have been a disruption of proper communications protocol between the TDR Committee and the Commissioners. He had received earlier that day a call from Mr. McDonald, an Advisory Committee member, in which he was told that the Town needed to define all, or additional receiving areas for the TDR program in time for inclusion in the July 14 official plan draft. He asked why this had happened, and stated that the Town is interested in defining additional receiving areas as soon as possible, but did not want to do so prematurely simply because of the Commission's plan draft publication dates. Mr. Corwin stated that the Town did not have to define all possible receiving areas in time for the July 14 official plan draft, and discussed several options for increasing the receiving areas and total absorption capacity in a reasonable and timely manner. The case of New Jersey was cited, in which all possible receiving areas were not in place at the time of the draft plan documents, or the start of the actual program. The upcoming visit of the TDR staff and several committee members to the individual town boards' work sessions was noted as the proper mechanism for addressing town-specific issues involved in constructing a regional TDR program.
- Disclosure forms for Commissioners
Summary: Ms. Roth requested that the Commission enter into executive session to discuss the subject of disclosure forms for the Commissioners. A motion to this effect was made by Commissioner Thiele and seconded by Ms. Filmanski. It was approved unanimously. The Commission entered into executive session at approximately 3:00 pm, and returned to open session at approximately 3:25 pm.
- Insurance for the Commission
Summary: A motion was made by Commissioner Thiele and seconded by Ms. Filmanski to authorize the Commission and general counsel to obtain general liability insurance from Hartford Insurance at the coverage level of \$6 million for a premium of \$3,302 for a one year period. The motion was approved unanimously. A second motion was made by Commissioner Thiele and seconded by Ms. Filmanski to authorize the Commission and general counsel to submit to the Suffolk County Risk Manager for review a proposed public officials and employees liability insurance policy quote for a coverage level of \$3 million, with a deductible of \$10,000, at a one year premium of \$13,500, and, if the review should prove satisfactory to general counsel, to authorize counsel and the Commission to purchase such insurance. The motion passed unanimously.

The meeting adjourned at approximately 3:30 on a motion by Commissioner Thiele, seconded by Ms. Filmanski, and approved unanimously.

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Commission Agenda (Draft) - June 6, 1994 Brookhaven Town Offices / Medford 9:30 am

1. Compatible Growth Area

- William Dries application: Hearing summary

2. Core Preservation Area

- U.S. Navy / Grumman Calverton site: Correspondence from Rep. Hochbrueckner
- American Physical Society update
- Update of 4/13 Longwood Greenbelt memo as per prior requests
- Tuccio / Westhampton core hardship application
- Osleeb / Ridge core hardship application

3. Plan Development

- Critical resource area draft delineations: John Black, Ecology Committee chair
- Economic analysis update: Dr. Thomas Sexton, Harriman School
- Transfer of development rights update
- Other plan development matters
- GEIS additional input (2 letters)

4. Administrative

- 5/9 and 5/11 meeting minutes corrections (for adoption on 5/11; note attached correction to A.B. Richards resolution from 5/11/94 meeting minutes)
- Summary of 6/1 Advisory Committee meeting
- Long Island Board of Realtors donation
- Discussion of application fees

5. Other business

Faxed 4/3/94

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Commission Agenda (FINAL) - June 6, 1994 Brookhaven Town Offices / Medford 9:30 am

1. Compatible Growth Area

- William Dries application: 4/25 hearing summary
- A.B. Richards application: distribution of draft written decision and findings of fact for possible adoption on 6/8

2. Core Preservation Area

- U.S. Navy Calverton site: correspondence from Rep. Hochbrueckner
- Longwood Greenbelt: 6/1 Advisory Committee communication
- American Physical Society: update from general counsel
- General boundary delineation: update of 4/13 memo as per 4/13 request
- Tuccio / Westhampton: core hardship application (new)
- Osleeb / Ridge: core hardship application (new)

3. Plan Development

- Critical resource area draft delineations: John Black, Ecology Committee chair
- Economic analysis update: Dr. Thomas Sexton, Harriman School
- Transfer of development rights: update
- GEIS additional input: correspondence from L. John and B. Goodale

4. Administrative

- 5/9 and 5/11 meeting minutes: corrections for adoption on 5/11; note correction to A.B. Richards CGA resolution in 5/11/94 minutes
- Advisory Committee work: summary
- Long Island Board of Realtors: donation response to Suffolk Water challenge
- Hearing costs: summary to date & proposed application fees

5. Other business

DRAFT

Central Pine Barrens Joint Planning and Policy Commission

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0587

Commission Meeting Summary - June 6, 1994 Brookhaven Town Offices / Medford 9:30 am

Present: Mr. Proios (for Commissioner Gaffney), Ms. Wiplush (for Commissioner LaMura), Commissioner Haynes, Mr. Cowen (alternate), Commissioner Thiele, Ms. Filmanski (for Commissioner Janoski), Commissioner Thiele, Mr. Corwin (director), Ms. Trezza (administrator), Mr. Hopkins (Suffolk County Water & Commission staff), Ms. Roth and Mr. Rigano (counsel), Mr. Dragotta (County Attorney's office), Mr. Jones (Suffolk Planning) plus additional attendees on attached sign-in sheet.

The meeting commenced at approximately 9:50 am, chaired by Mr. Proios.

1. Compatible Growth Area

- William Dries application: 5/25 hearing summary
Summary: The 5/25 hearing, and the continuance of the hearing record through 6/10, was noted.
- A.B. Richards application: distribution of draft written decision and findings of fact for possible adoption on 6/8
Summary: Distributed by Ms. Roth, who requested that comments be forwarded to her prior to the 6/8 meeting.

2. Core Preservation Area

- U.S. Navy Calverton site: correspondence from Rep. Hochbrueckner
Summary: This was included in the information packets and summarized by Mr. Proios.
- Longwood Greenbelt: 6/1 Advisory Committee communication
Summary: The recommendation was read by Mr. Corwin, and included in the information packets.
- American Physical Society: update from general counsel
Summary: Mr. Rigano summarized the contacts which general counsel has had with the American Physical Society representatives to date. The application remains as a boundary change so far, rather than as a core hardship application.
- General boundary delineation: update of 4/13 memo as per 4/13 request

Summary: Mr. Corwin read his 6/6 memo to the Commissioners and alternates, updating the prior 4/13 memo regarding the core boundary in general and the Longwood Greenbelt's inclusion in particular.

- Tuccio / Westhampton: core hardship application (new)
- Osleeb / Ridge: core hardship application (new)

Summary: A 6/22 date was selected for a core hardship application for each of these projects. Hearings will be at 7:30 pm at Riverhead Town Hall.

3. Plan Development

- Critical resource area draft delineations: John Black, Ecology Committee chair
Summary: Mr. Black presented an overview of the critical resource areas which the Ecology Committee recommends for inclusion in the draft plan, as well as the methodology which the committee utilized. A number of questions were posed regarding several parcels, as well as the content of the draft written report.

- Economic analysis update: Dr. Thomas Sexton, Harriman School
Summary: Dr. Sexton presented the preliminary results of their economic analysis work, with a discussion of what information would actually be included in the draft plan.

- Transfer of development rights: update
Summary: Provided by Mr. Hopkins. The work of the TDR Committee and the towns in defining receiving areas, allocation mechanisms, etc. were discussed.

- GEIS additional input: correspondence from L. John and B. Goodale
Summary: These two items were distributed in the packets by Mr. Corwin. Mr. John's letter addressed the parcels owned by Mr. Breslin and a proposed land swap, and offered some alternative approaches regarding possible land swaps. Mr. Goodale's letter addressed the future of the Grumman Calverton site.

4. Administrative

- 5/9 and 5/11 meeting minutes: corrections for adoption on 6/8; note correction to A.B. Richards CGA resolution in 5/11/94 minutes
Summary: Distributed in packets.

- Advisory Committee work: summary
Summary: The Longwood Greenbelt recommendation from the 6/1 meeting was previously discussed. At this point, Mr. Schwenk and Mr. Amper noted that the Suffolk County Legislature had tabled subject to call a resolution identified as I.R. 1387. This resolution would have required the preparation of security impact protection statements prior to any further purchases of lands under the county's acquisition programs.

- Long Island Board of Realtors: donation response to Suffolk Water challenge
Summary: Mr. Corwin noted that the donation of \$1000 had been received and would be presented to Suffolk Water for a matching contribution.

- Hearing costs: summary to date & proposed application fees
Summary: Costs expended by the Commission to date on hearings was detailed in a report from Ms. Trezza, and the Commission discussed possible alternative methods of having future applicants cover the costs of legal notice publication and hearings transcripts.

DRAFT

5. Other business

- Plan development and distribution procedure.

Summary: Commissioner Thiele asked about the procedure for completing and distributing the Draft Plan and GEIS during the next month. Mr. Corwin discussed the work status, and the dates on which the components are expected to be completed. A copy of the draft plan will be distributed to Commissioners approximately one week prior to the next meeting.

- Law enforcement / land management meeting.

Summary: The 5/26 meeting sponsored by the Land Management Committee and including representatives of law enforcement agencies with jurisdiction within the Central Pine Barrens was discussed by Mr. Proios and Mr. Corwin.

DRAFT

Central Pine Barrens Joint Planning and Policy Commission

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Ray E. Cowen, *Member*
James R. Stark, *Member*

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Commission Agenda (DRAFT) for June 23, 1995 Brookhaven Town offices, Medford / 9:30 am

1. Administrative

- Meeting schedule for July and August

2. Core Preservation Area

- Gazza / Westhampton: hardship status
- Massa / Flanders: hardship decision

3. Plan development and implementation

- SEQRA Findings Statement

Central Pine Barrens Joint Planning and Policy Commission

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Commission Agenda (FINAL) for June 23, 1995 Brookhaven Town offices, Medford / 9:30 am

1. **Administrative**
 - Meeting schedule for July and August
2. **Core Preservation Area**
 - Massa / Flanders: hardship decision
3. **Plan development and implementation**
 - SEQRA Findings Statement

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 23, 1995 (Approved 7/12/95) Brookhaven Town offices, Medford / 9:30 am

Present: Mr. Gaffney, 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. Gaffney at approximately 10:05 am. The following sequence varies from the original agenda.

Plan development and implementation

- **SEQRA Findings Statement**

Summary: Mr. Milazzo distributed a revised copy of the proposed Findings Statement, based upon the Commission's 6/20/95 meeting, and explained the changes contained in it. Ms. Roth outlined several changes to the new version, and, in particular, summarized the proposed new language for clarifying the clearance standard. The discussion which followed concentrated upon the application of the clearance standard to projects, and the issue of native vegetation in general.

Mr. Hanley inquired about how the proposed new clearance standard clarification would apply to commercial and industrial land, and particularly the Calverton redevelopment site in Riverhead Town. A long discussion ensued over the general issues of clearance standards and applications to projects, and Mr. Rigano then brought the discussion to a close with proposed new language. After some additional discussion, a revised clearance standard classification portion of the Findings Statement was agreed to.

Formal action on the Findings Statement was delayed until later in the meeting in order to permit the staff members to produce a new written document with all of the agreed upon changes.

Administrative

- Meeting schedule for July and August

Summary: Mr. Corwin suggested the dates of 7/12/95, 7/26/95, 8/9/95 and 8/23/95 for future Commission meetings. These dates would be in addition to the already scheduled meeting for 7/6/95. There was general agreement, but a motion was held off until later in this meeting in order to determine the availability of rooms in different town offices for those dates.

- Budget (not on the original agenda)

Summary: Mr. Schwenk of the L.I. Builders Institute asked about the status of his informal request for a copy of the Commission's proposed 1995-1996 budget. Mr. Corwin replied that the budget was not yet completed, and that a copy would be available as soon as the budget is written.

Core Preservation Area

- Massa / Flanders: hardship decision

Summary: A motion was made by Mr. Cowen and seconded by Mr. Shea to designate the Commission as the lead agency for the Massa core hardship permit application, to adopt a negative declaration for this application, and to approve the hardship application subject to those conditions to be imposed by the Town of Southampton. The motion was approved unanimously.

Administrative

- Brief statement re overall planning process (not on the original agenda)

Summary: Mr. Gaffney made a brief informal statement regarding the overall pine barrens planning process, and noted the remarkable nature of it. He thanked everyone who has been involved.

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 11:45 am and returned to open session at approximately 12:15 pm.

Plan development and implementation

- SEQRA Findings Statement (continuation)

Summary: A motion was made by Mr. Cowen and seconded by Mr. Shea to approve and adopt the proposed findings statement. The motion was approved unanimously.

Core Preservation Area

- Gazza / Westhampton: hardship decision (not on the original agenda)
Summary: A motion was made by Mr. Cowen and seconded by Mr. Girandola to deny the Gazza site plan core application on the basis that the application did not demonstrate satisfaction of the conditions of the pine barrens statute for a core hardship permit. The motion was approved unanimously.

Administrative

- Meeting schedule for July and August (continuation)
Summary: A motion was made by Ms. Filmanski and seconded by Mr. Gaffney to approve the meeting dates of 7/12/95, 7/26/95, 8/9/95 and 8/23/95, in addition to the previously scheduled date of 7/6/95, for Commission meetings, with all of the new meetings to be held on those dates at 2:00 pm at the Riverhead Town Hall. The motion was approved unanimously.

Adjournment

Summary: The meeting was adjourned at approximately 2:00 pm without a formal resolution of adjournment.

Attachment: Findings statement

STATE ENVIRONMENTAL QUALITY REVIEW

FINDINGS STATEMENT

Pursuant to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law and 6 New York Codes, Rules and Regulations (NYCRR) Part 617, the Central Pine Barrens Joint Planning & Policy Commission (hereinafter "Commission"), as lead agency, makes the following findings:

NAME OF ACTION: CENTRAL PINE BARRENS COMPREHENSIVE LAND USE PLAN

LEAD AGENCY: Central Pine Barrens Joint Planning & Policy Commission
3525 Sunrise Highway, P.O. Box 587
Great River, NY 11739-0587

Contact Person: Raymond P. Corwin, Executive Director
Phone: (516) 563-0385

DATE FINAL GEIS FILED: June 12, 1995

The following steps have been taken by the Commission in compliance with the Act and with SEQRA:

- A draft plan and draft generic environmental impact statement was recommended to the three towns on July 13, 1994.
- A Notice of Completion of the draft generic environmental impact statement was issued by the Commission on August 30, 1994.
- A public hearing was held on the draft generic environmental impact statement on September 28, 1994.
- A revised draft plan was recommended by the Commission to the three towns on January 13, 1995.
- A proposed final plan and draft supplemental generic environmental impact statement on the revised draft plan was recommended by the Commission on April 26, 1995.
- Public hearings were held on the draft supplemental environmental impact statement on May 15, May 16, and May 18, 1995 in the towns of Brookhaven, Riverhead and Southampton, respectively.
- A Notice of Completion of the final generic environmental impact statement was issued by the Commission on June 12, 1995.

LOCATION OF ACTION

The Central Pine Barrens consists of the 52,500 acre Core that is partially surrounded by the 47,500 acre CGA, located within the towns of Brookhaven, Riverhead, and Southampton and to a lesser extent in the villages of Quoque and Westhampton Beach in Suffolk County on Eastern Long Island. The Act contains a detailed description of the boundaries of the Central Pine Barrens and the Core. A map of the Central Pine Barrens depicting the Core and the CGA is on file at the office of the Commission, with the Secretary of State, with the Suffolk County Clerk and with the clerk of each town and village whose boundaries are included in the Central Pine Barrens area.

AGENCY JURISDICTIONS

Pursuant to the terms of the Act, if the Commission does not finally adopt the Plan on or before June 30, 1995, the Act will expire. Furthermore, under the Act, the Commission cannot finally adopt the Plan unless it has previously been adopted and ratified by each of the three town boards.

associated with the development.

Core Preservation Area Impacts

As stated in the record, the impacts on the Core will be beneficial. This is because Plan implementation will result in the creation of a contiguous 52,500 acre preserve. The Plan proposes that a statutory exemption be granted for certain roadfront infill lots. However, the impacts of this exemption will be mitigated by requiring that parcels developed under the exemption fully comply with the Standards and Guidelines for Land Use contained in the Plan.

Nondevelopment as defined in the Article 57 of the ECL will have few adverse impacts. The Act and the Plan distinguish between nondevelopment and development. Certain identifiable actions have been delineated as nondevelopment as defined in Article 57-0107(13) of the ECL subparagraphs (i) to (xiii). As such, the Plan recognizes that for any reason whatsoever, work for the maintenance, replacement, renewal, reconstruction, improvement or alteration of any existing structure, or additions to any existing residence or residential property owned by an association for the common interest in real property, constitutes nondevelopment and, therefore, is not subject to review by the Commission.

The Plan, in the Review Procedures and Jurisdiction Section (Chapter 4), specifically recognizes that only the following development shall be subject to review by the Commission as provided in the Act:

1. All development proposed within the Core Preservation Area.
2. Development within the Compatible Growth Area which constitutes development of regional significance, as defined in the Plan.
3. A development project within the Compatible Growth Area by which an individual commissioner may petition for review and a majority vote asserts review jurisdiction over such development.
4. Development within the Compatible Growth Area that is also within a Critical Resource Area (CRA) as defined in the Plan.
5. All development within the Compatible Growth Area that does not conform to the land use standards in Chapter 5 of the Central Pine Barrens Comprehensive Land Use Plan.

Only development that falls within one or more of the five identified categories shall be subject to review by the Commission. As stated in the SEQRA record, residual uses that are consistent with the Plan and will not have an adverse environmental impact shall be allowed.

Ecological Resources

Compelling evidence has been presented within the SEQRA materials to clearly demonstrate that the Central Pine Barrens is an area of unusual biodiversity and statewide ecological significance. The Plan will have a beneficial impact on ecological resources, as well as on plant and animal biodiversity, by creating a contiguous 52,500 acre Core of lightly developed forested areas. The Core is designed for ecological representation with emphasis on including those unique natural communities, as well as rare, threatened or endangered species which are endemic to the Central Pine Barrens system. The Core will also allow ecological and evolutionary processes to truly achieve the goal of ecosystem maintenance. The Core design likewise provides connectivity of natural communities and species populations, thus protecting against interference with the movement of resident or migratory wildlife species.

As noted in the SEQRA materials, the overall impact of the Plan on the ecology of the entire Central Pine Barrens region is anticipated to be beneficial. It is anticipated that the potential impacts on ecological resources due to redemption of PBCs in areas outside of the Core may represent a slight incremental increase over those impacts which could have occurred under the "No Action" alternative or the status quo. Further, the Standards and Guidelines for Land Use will help to further ensure potential impacts in the CGA are minimized. Recommendations for the use of clustering and preservation of vegetation also help to further reduce the potential impacts of development in the CGA.

The Plan minimizes the impacts on wetlands and their associated flora and fauna by requiring adherence to all applicable local and state regulations. When such regulations differ, the Plan provides that the more restrictive regulations shall govern. The Standards and Guidelines for Land Use require that stormwater be recharged on site, and this will also mitigate impacts to ecological resources within wetland areas.

During the SEQRA comment period and throughout the planning process, the need for clarification of the clearing standard (5.3.3.6 Native vegetation and plant habitat) as set forth in Chapter 5 of Volume 1 became apparent. In order to address this issue without modifying the substance of the clearing standard, the following text will replace Section 5.3.3.6 through 5.3.3.6.4 of the Plan:

5.3.3.6 Natural vegetation and plant habitat

Clearing is defined, for the purposes of this standard, as the removal of any portion of the natural vegetation found on a site exclusive of any vegetation associated with active agricultural or horticultural activity or formalized landscape and turf areas. Excessive clearing of natural vegetation can result in severe soil erosion, excessive stormwater runoff, and the destruction or reduction of pine barrens plant and wildlife habitat.

Further, the Long Island Comprehensive Waste Treatment Management Plan (the "208

creation of large contiguous natural open space areas and or the protection of rare, threatened or endangered species or their habitat.

5.3.3.6.3 Fertilizer-dependent vegetation limit

No more than 15% of an entire development project site shall be established in fertilizer-dependant vegetation including formalized turf areas. Generally, nonnative species require fertilization therefore, planting of such nonnative species shall be limited to the maximum extent practicable. The use of the nonnative plants in Figure 5-2 is specifically not recommended.

5.3.3.6.4 Native Plantings

Development designs shall consider the native planting suggestions contained in Figure 5-2.

The Plan provides for the establishment of the Protected Lands Council and Law Enforcement Council, which act as forums for existing agencies to coordinate their heretofore independent activities. These councils are not intended to be additional layers of government nor will they be given any additional powers or authority other than they already possess. Absent the Plan, these different agencies would be working without the benefit of the coordinated effort which the Plan has afforded them.

Surface Water Resources

Based on the SEQRA record, implementation of the Plan will not result in an increase in nitrogen or phosphorus loadings to surface waters on a regional basis. Additionally, as the acquisition policy is implemented, impacts on surface water will be reduced below that which can be expected ~~under~~ existing conditions, that is, in the absence of the Plan.

In order to mitigate site specific impacts, the Plan requires that all stormwater be recharged on site. In addition, the use of naturally vegetated swales and depressions is recommended. These measures will reduce the nitrogen loadings by permitting nitrogen uptake prior to recharge.

Cultural Resources

The Central Pine Barrens region encompasses areas with significant historic or archeological resources. As noted in the SEQRA materials, the Plan will not cause an impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources. While the SEQRA documents did reveal the presence of historic and cultural resources within the Central Pine Barrens, the Plan's implementation will not hinder or diminish the existing powers of governmental agencies regarding cultural resource preservation and protection.

SEQRA documents to be within acceptable limits and will have no significant environmental impacts.

Air Quality

The Environmental Protection Agency set national ambient air quality standards for protecting public health and the environment from pollutants in the air. The New York State Department of Environmental Conservation monitors the ambient air quality of New York State. Seven air pollutants, considered of nationwide concern, are monitored in Suffolk County. They are: sulfur dioxide, carbon monoxide (CO), ozone, inhaleable particulate, nitrogen dioxide, total suspended particles and lead. As explained in the SDGEIS, a study of the possible air impacts from the Plan indicated the incremental change in the density of development within the non-Core areas will not have a significant adverse impact on the air quality environment.

Impacts on Agricultural Lands

Plan implementation may result in a slight incremental increase of the existing pressures for conversion of farmland to non-farm uses in the non-Core areas due to the transfer of development from the Core. The Plan's implementation will have a beneficial impact on preserving farmland within the Core for the reasons demonstrated in the SEQRA documents. The loss of farmland in the non-Core areas will be mitigated on a regional basis by the removal of development pressures from Core farmlands, thus ensuring that existing agricultural uses continue in this region.

Land Use and Zoning Patterns

The net result of the Plan is compact and efficient development which will protect the Central Pine Barrens land. The designation of receiving sites coincides with those areas where infrastructure and municipal services already exist. Thus, the cost to municipalities and taxpayers with regard to new road construction, water main extension and the provision of police, fire, school and other services is thereby lowered.

Eleven distinct land use categories occur within the Central Pine Barrens region including: agriculture, residential, vacant, commercial, recreation and open space, institutional, industrial, utilities, transportation, waste handling and management, and surface waters. The Plan will beneficially impact land use and zoning patterns. The Plan requires that the Towns amend their zoning codes to ensure compatibility with the Plan. Existing land uses shall not be impacted because the statute allows for the continued enjoyment of them. Land use patterns will be enhanced by the acquisition of private vacant land, including both large and small parcels, in the Core or by the redirection of development from the Core to non-Core areas. Additionally, the Plan recognizes the need for both managed land development within the designated CGA in general and the congressionally mandated economic redevelopment of the Calverton Naval Weapons and Industrial Reserve Plant (the "Calverton Site") in particular. Further, the Plan set

legislative road front exemption policy would allow single family development on specified lots along existing roads. As these lots are developed tax revenues will be generated. Second, as statutory based hardship exemptions for Core area parcels are granted, the resulting development of such lots will generate increased tax revenues. Third, the loss of tax revenues from the Core may be offset by the increase in development in non-Core areas within the same school district. Fourth, as the parcels are acquired or the PBCs associated with them are redirected to the non-Core areas, the number of potential students which the affected school district must handle is reduced.

The loss of tax revenues from the Core can be expected to occur without the Plan's mitigating measures due to the already aggressive implementation of the Suffolk County Drinking Water Protection Program. This Program has included many county acquisitions of Pine Barrens parcels. Through this program the loss of tax revenues associated with acquisition is partially offset by a schedule of payments to affected districts. In an effort to further mitigate these impacts, the Commission will support petitions to New York State for payments in lieu of taxes pursuant to the provisions and limitations of the New York Real Property Tax Law.

Within the Towns of Brookhaven and Southampton, the FGEIS indicated that certain identifiable school districts may be adversely impacted economically by the implementation of this Plan, due to increases or acceleration in school enrollment resulting from added density in the non-Core areas. Government acquisition of the fee interest of lands in the Core will reduce the number of PBCs to be transferred to the non-Core areas. This will decrease the potential number of residential units generated by PBC redemption. To mitigate any remaining adverse impacts, the Commission will seek to have the State and County prioritize for acquisition, those parcels located in the economically impacted school districts. To address this concern, these impacts will be mitigated by amending the list of acquisition criteria contained in Chapter 3.2 of the plan to include:

"adverse economic impacts to a school district."

Further adverse impacts to school districts can be mitigated by the redemption of PBCs in non-residential uses in the non-Core areas of the Town. Utilization of PDDs is an additional mitigating measures which may be applied.

The FGEIS indicates that the impacts to school and other districts could be mitigated by the redemption of Pine Barrens Credits (PBCs) in nonresidential uses in the non-Core areas. The conversion into non-residential uses also would mitigate the plan's impacts by reducing the number of potential students entering a specific school district while concurrently increasing the real property taxes generated within the district. According to the FGEIS, there could be a financial incentive for the redemption of PBCs in nonresidential uses. This incentive is that such redemption is likely to have a value two to three times greater than a PBC utilized for residential development. The redemption of PBCs for nonresidential uses should be considered by the

SEQR 617.15 REGULATIONS/FUTURE ACTIONS

SEQR regulations, Part 617.15(b), state that "Generic EIS's and their findings should set forth specific conditions or criteria under which future actions will be undertaken or approved, and shall include procedures and criteria for supplements to reflect impacts, which have not been adequately addressed or analyzed in the generic EIS. Such procedures shall include provision for public notice for supplements which allow for public comment on the new material presented by the supplement in the same manner as was provided in respect to the generic EIS."

Therefore, pursuant to the requirements of SEQR 617.15(b), the following section of this Findings Statement will consider the criteria and public notice procedures under which future actions may be undertaken.

Regardless of any pending application status, all future development actions within the Central Pine Barrens shall be undertaken pursuant to the four (4) SEQR Generic EIS thresholds established by Part 617.15(c), as follows:

"When a final generic EIS has been filed under this part:

1. No further SEQR compliance is required if a subsequent site specific action will be carried out in conformance with the conditions and thresholds established for such actions in the findings statement for the generic EIS;
2. A supplemental findings statement must be prepared if the subsequent proposed action was adequately addressed in the generic EIS but was not addressed or was not adequately addressed in the findings statement for the generic EIS;
3. A supplement to the final generic EIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action involves one or more significant environmental effects; and
4. A negative declaration must be prepared if a subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action will not result in any significant environmental effects."

Pursuant to Section 617.15(b), Generic EIS's and their findings should set forth specific conditions or criteria under which future actions will be undertaken or approved. These procedures are to include provisions for public notice for supplements which allow for public comment on the new material presented by the supplement in the same manner as was provided in respect to the generic EIS. As such, if a supplement to the GEIS, a supplemental findings statement, or a negative declaration is required for further SEQR compliance, the criteria contained in Section 617.8 (g) and the public notice, the public comment and related procedures

James R. Stark, Acting Supervisor, Town of Riverhead
Richard Blowes, Deputy Supervisor, Town of Southampton
John S. Pettit, Mayor, Village of Westhampton Beach
Thelma Georgeson, Mayor, Village of Quogue
Michael A. LoGrande, Chairman, Suffolk County Water Authority

Central Pine Barrens Joint Planning and Policy Commission

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John LaMura, *Vice Chairman*
Ulric S. Haynes, *Member*
Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

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Commission Agenda (DRAFT) - July 11, 1994 Brookhaven Town Offices / Medford 9:30 am

1. Compatible Growth Area

- William Dries application: 4/25 hearing summary (8/12 decision deadline)
- Aliperti / Center Manor Plaza application: possible hearing

2. Core Preservation Area

- Development yield calculation and assignment completion
- Tuccio / Westhampton: Discussion for 7/13 decision (7/31 deadline)
- Osleeb / Ridge: Discussion for 7/13 decision (7/31 deadline)
- Hendrix / Manorville: Setting of hearing (8/5 decision deadline)
- Manor Pines / Manorville: Correspondence from K. Darrow

3. Plan Development

- Riverhead Economic Development Task Force: 5/31 correspondence
- Land Management Committee Critical Resource Area nominations
- Draft plan and draft GEIS: discussion and possible adoption
- Scheduling of combined SEQRA and ECL 57 public hearing
- Scheduling of ECL 57 public information sessions (one per town)

4. Administrative

- 6/6 and 6/8 meeting minutes: corrections for adoption on 7/13
- Meetings schedule for August through January: adoption on 7/13
- Public Hearings Policy draft (for adoption today or 7/13)
- Extension of SCWA - Commission contract for 94-95 and authorization of chairman to sign
- General authorization of an individual (e.g., chair) to sign contracts
- General authorization of director and one other individual to sign vouchers under approved contracts
- Access to Pine Barrens Fund (State Finance Law Section 97-o) for insurance

5. Other business

*** D R A F T ***

Central Pine Barrens Joint Planning and Policy Commission

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Commission Agenda (FINAL) - July 11, 1994 Brookhaven Town Offices / Medford 9:30 am

1. Compatible Growth Area

- William Dries application: 5/25 hearing transcripts (8/12 decision deadline)
- Aliperti / Center Manor Plaza application: completeness determination

2. Core Preservation Area

- Development yield calculation and assignment completion (per ECL 57-0119(7)(b))
- Tuccio / Westhampton application: 7/31 decision deadline
- Osleeb / Ridge application: 7/31 decision deadline
- Hendrix / Manorville application: Hearing and 8/5 decision deadline
- Manor Pines / Manorville project: Correspondence re status

3. Plan Development

- Riverhead Economic Development Task Force: 5/31 correspondence
- Land Management Committee Critical Resource Area work status
- Draft plan and draft GEIS publication
- Scheduling of combined SEQRA and ECL 57 public hearing
- Scheduling of ECL 57 public information sessions (one per town)

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- Authorization of an individual (e.g., chair) to sign contracts
- Authorization of director and another individual to sign vouchers for approved contracts
- Access to Pine Barrens Fund (State Finance Law Section 97-o) for insurance

5. Other business

Central Pine Barrens
Joint Planning and Policy Commission

DRAFT

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COMMISSION MEETING SUMMARY - JULY 11, 1994 (DRAFT)

BROOKHAVEN TOWN OFFICES
MEDFORD

Present: Commissioner Gaffney, Commissioner Thiele, Commissioner LaMura, Ms. Wiplush (alternate), Mr. Garcia (alternate), Ms. Swick (alternate), Ms. Filmanski (for Commissioner Janoski), Mr. Cowen (for Commissioner Haynes), Mr. Corwin (director), Mr. Rigano (counsel), Ms. Trezza (administrator), Ms. Greene (assistant to the Advisory Committee), plus additional attendees on attached sign-in sheet.

The meeting commenced at approximately 10:00 a.m., chaired by Commissioner Gaffney. Prior to addressing the agenda for this date, the following topics were mentioned:

- Commissioner Gaffney discussed the enormous effort of all those involved in developing the Draft Plan, and thanked all of those who contributed.
 - Mr. Corwin mentioned that appendices are to be added into the Plan. The TDR section is to be updated as well.
1. Compatible Growth Area
 - William Dries Application: 5/25 hearing transcripts
Summary: Mr. Corwin distributed the hearing transcripts to the Commission. The Commission is to review and make a decision by the deadline date of 8/12/94.
 - Aliperti/Center Manor Plaza Application: completeness determination
Summary: The completeness of this application was discussed. Staff and general counsel will discuss this.
 2. Core Preservation Area
 - Development yield calculation and assignment completion
Summary: Development yield calculation and assignment has been completed. Mr. Corwin distributed the methodology which was used.

A motion was made by Commissioner LaMura and seconded by Ms. Filmanski to adopt the assignment and calculation of the development yield for each property located in the core preservation area. The motion was carried unanimously.
 - Tuccio/Westhampton application and Osleeb/Ridge application: 7/31 decision deadline
Summary: Applications must go through the SEQR process. Mr. Nobiletti addressed the Commission regarding his concerns about his client's (Mr. Tuccio's) application being delayed by the SEQR process. Commission will discuss this hardship application at the 7/27/94 meeting, and counsel will work on lead agency coordination prior to that. Commission will discuss the Osleeb application and its SEQR status at the 7/27/94 meeting as well.

The following was taken out of sequence due to a discussion taking place regarding the above hardship applications, and the need for setting a meeting date prior to these applications' decision deadlines.

At this point during the meeting, a motion was made by Commissioner LaMura and seconded by Mr. Cowen to adopt the amended meeting schedule. The motion was carried unanimously.

- Hendrix/Manorville Application: Hearing and 8/5 decision deadline
Summary: Mr. Corwin discussed the completeness of this application. Despite the incompleteness, a hearing would still be required in order to avoid a default approval possibly occurring.

A motion was made by Commissioner LaMura and seconded by Ms. Filmanski to schedule a hearing for this application on 7/25/94 at 7:30 p.m., at the Brookhaven Town Office, Building 2. The motion was carried unanimously.

- Manor Pines/Manorville project: Correspondence regarding status.
Summary: Mr. Corwin addressed the Commission regarding correspondence from Kim Darrow. Mr. Darrow then discussed the details regarding this project. A brief discussion ensued regarding whether this project was non-development or exempt. Counsel will do a preliminary investigation in conjunction with the Brookhaven Town Attorney's office. This project will be on the agenda for the July 27th session.

3. Plan Development

- Riverhead Economic Development Task Force
Summary: Mr. Corwin read a letter dated May 31, 1994 (included in packet) from Mr. Goodale. A brief discussion ensued.
- Land Management Committee Critical Resource Area work status.
Summary: Status to be given at the next meeting regarding the Committee's Critical Resource Area nominations. A discussion took place, and there were conflicting views regarding the areas, their inclusion in or exclusion from the draft plan, and the relationship between the Land Management and Ecology Committees' recommendations.
- Economic Analyst Mr. Silkman gave a presentation on the Harriman School's work to date regarding developing baseline information (e.g., land use) in preparation for the statistical analysis.
- TDR
Summary: Mr. Hopkins gave a verbal and written update. He distributed the most recent version of the TDR plan component, which incorporates comments received since the recent TDR Committee meeting. This new version is to be included in the draft plan proposed for adoption on Wednesday.
- Scheduling of combined SEQR and ECL 57 public hearing and the scheduling of ECL 57 public information sessions (one per town).
Summary: To be done at the 7/13 meeting.

4. Administrative

- 6/6 and 6/8 meeting minutes
Summary: Minutes were distributed. Adoption to take place on 7/13.
- Meeting schedule for August through January: adoption on 7/11
Summary: This schedule was discussed in Section 2, Core Preservation Area, and a motion was made adopting an amended schedule.

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Commission Agenda (DRAFT) - July 13, 1994 Riverhead County Center 2:00 pm

1. Compatible Growth Area

- (no items)

2. Core Preservation Area

- Hendrix / Manorville application: Hearing notice (info item)
- Manor Pines / Manorville project: Possible executive session

3. Plan Development

- Draft plan and draft GEIS publication
- Combined SEQRA and ECL 57 public hearing: scheduling
- Suggested ECL 57 public information sessions (one per town)
- 7/21 workshop for 1995-96 fiscal year ISTEPA applications

4. Administrative

- 6/6 and 6/8 meeting minutes: corrections and adoption
- Public Hearings Policy: adoption
- Extension of SCWA - Commission contract for 94-95 and authorization of chairman to sign

5. Other business

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman* ✓
 John LaMura, *Vice Chairman* ✓
 Ulric S. Haynes, *Member* ✓
 Joseph F. Janoski, *Member* B. Filimonowski
 Fred W. Thiele, Jr., *Member* ✓

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Commission Agenda (FINAL) - July 13, 1994 Riverhead County Center 2:00 pm

1. Compatible Growth Area

- (no items)

2. Core Preservation Area

- ③ • Hendrix / Manorville application: Hearing notice (info item) ④ • Tuccio
 Gdecb

3. Plan Development

- ① • Draft plan and draft GEIS publication
- ② • Combined SEQRA and ECL 57 public hearing: scheduling
- Suggested ECL 57 public information sessions (one per town)
- 7/21 workshop for 1995-96 fiscal year ISTEAs applications

4. Administrative

- ⑤ • 6/6 and 6/8 meeting minutes: corrections and adoption ^{m: Brenda} ^{s: Haynes} 3: LaMura
 Brenda F.
- ⑥ • Public Hearings Policy: adoption
- ⑦ • Extension of SCWA - Commission contract for 94-95 and authorization of chairman
 to sign *does not need resolution*

5. Other business

Change for Draft Plan copies? Town + Village Clerks; Librarians; Plan. Dept., SEQRA list
 ↳ m: Thiele
s: Brenda F.

① m: J. LaMura
s: R. Haynes } Unan.

② Sept. 28 (Wed) 7pm.
m: Haynes
s: Thiele } Unan.

**Central Pine Barrens
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Fred W. Thiele, Jr., *Member*

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

COMMISSION MEETING SUMMARY- JULY 13, 1994 (DRAFT)

RIVERHEAD TOWN OFFICES

Present: Commissioner Gaffney, Commissioner Haynes, Commissioner Thiele, Commissioner LaMura, Ms. Filmanski (for Commissioner Janoski), Mr. Corwin (director), Mr. Rigano (counsel), Ms. Trezza (administrator), Ms. Greene (assistant to the Advisory Committee), plus additional attendees on attached sign-in sheet.

The meeting commenced at approximately 2:30 p.m.

The following was taken out of sequence as compared to the agenda. There were in fact, no Compatible Growth Area items mentioned.

1. **Plan Development**

- The Draft Plan was distributed to the Commission by Mr. Corwin. Mr. Corwin discussed the difference between the current and prior drafts.

A motion was made by Commissioner LaMura and seconded by Commissioner Haynes to adopt the Draft Comprehensive Land Use Plan and the Generic Environmental Impact Statement. The motion was carried unanimously.

- Combined SEQR and ECL 57 public hearing: schedule
Summary: The date for both SEQR and ECL 57 public hearing is to be on September 28, 1994, at 7:00 p.m.. Location to be announced.
- Suggested ECL 57 public information sessions:
Summary: A brief discussion ensued regarding the dates and locations of these sessions, and an amendment was made changing the time of these sessions. The amended time is now 10:00 a.m. through 2:00 p.m. Public notice to be published.

A motion was made by Commissioner Haynes and seconded by Commissioner Thiele to combine the SEQR and ECL public hearings, and to authorize Ray Corwin, Executive Director, to issue public notice of the informational meetings required in the towns of Riverhead, Brookhaven, and Southampton, and the additional public hearing within the Central Pine Barrens area as required. Further, Mr. Corwin is authorized to prepare and publish a notice of completion of the DGEIS. The motion was carried unanimously.

- 7/21 workshop for 1995-1996 fiscal year ISTE application:
Summary: The above was mentioned as an informational item.

2. **Core Preservation Area**

- Hendrix/Manorville application: Hearing notice (informational item)

- Core Hardship Applications: 1) Tuccio 2) Osleeb
Summary: These hardship applications were mentioned and discussed by Mr. Rigano. They must go through the SEQR process. Decision to be made at the 7/27/94 meeting.

3. Administrative

- 6/6 and 6/8 meeting minutes: corrections and adoption

A motion was made by Commissioner LaMura and seconded by Ms. Filmanski to adopt the minutes from the 6/6/ and 6/8 meeting. The motion was carried unanimously.

- Public Hearings Policy: adoption

A motion was made by Ms. Filmanski and seconded by Commissioner Haynes to have the cost of the Public Hearings be borne by the applicant. The motion was carried unanimously.

- Extension of SCWA - Commission contract for 1994-1995 year, and authorization of chairman to sign.

Summary: A discussion ensued regarding the contract to be extended between the SCWA and the Commission. Mr. Rigano stated that a new resolution does not have to be passed to permit the chair to sign the revised contract.

4. Other Business

- Reproducing the Draft Plan, and the DGEIS

Summary: A discussion ensued regarding those parties specified by law to receive a copy of the Draft Plan. Libraries within the three townships will now be included. In addition, a discussion took place regarding the cost of reproducing the Draft Plan and the DGEIS, and determined that the Commission may charge an appropriate fee for the reproduction of these two items.

A motion was made by Commissioner Thiele and seconded by Ms. Filmanski that the Commission may charge an appropriate fee for the reproduction of the Draft Plan and the GEIS. The fee shall represent the actual cost of the reproduction, and will be determined by the Executive Director. Motion was carried unanimously.

Central Pine Barrens Joint Planning and Policy Commission

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Commission Agenda (DRAFT) - July 27, 1994 Brookhaven Town Offices / Medford 9:30 am

1. **Compatible Growth Area**
 - Aliperti / Center Manor Plaza application: completeness determination
2. **Core Preservation Area**
 - Tuccio / Westhampton application: Coordinated review and 7/31 decision deadline
 - Osleeb / Ridge application: Coordinated review and 7/31 decision deadline
 - Hendrix / Manorville application: Hearing and decision postponement request
 - Manor Pines / Manorville project: Status
3. **Plan Development**
 - Plan copies availability and distribution
 - Land Management Committee Critical Resource Area report
 - Transfer of development rights analysis update
 - ECL Art 57 public information sessions & owner
4. **Administrative**
 - 7/11 and 7/13 meeting minutes: corrections for adoption on 8/10
 - GEIS and Plan comment handling and tracking
 - East End Education Center: Needs Assessment Subcommittee
 - Brookhaven Town freshwater wetlands implementation of ECL Art 24
 - Litigation update: Executive session
5. **Other business**

Central Pine Barrens Joint Planning and Policy Commission

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Commission Agenda (FINAL) - July 27, 1994 Brookhaven Town Offices / Medford 9:30 am

1. Compatible Growth Area

- Aliperti / Center Manor Plaza application: completeness determination
- Dries / Shoreham application: decision on 8/10; 8/12 deadline

2. Core Preservation Area

- Tuccio / Westhampton application: Coordinated review and 7/31 decision deadline
- Osleeb / Ridge application: Coordinated review and 7/31 decision deadline
- Hendrix / Manorville application: Hearing and decision postponement request
- Manor Pines / Manorville project: Status

3. Plan Development

- Plan copies availability and distribution
- Critical Resource Areas: Report and comparisons
- Transfer of development rights: Analysis update
- ECL Art 57 public information sessions & owner outreach

4. Administrative

- 7/11 and 7/13 meeting minutes: corrections for adoption on 8/10
- Plan and GEIS comment handling and tracking
- East End Education Center: Needs assessment subcommittee
- Brookhaven Town freshwater wetlands implementation of ECL Art 24
- Litigation update: Executive session

5. Other business

DRAFT

Central Pine Barrens
Joint Planning and Policy Commission

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COMMISSION MEETING SUMMARY - JULY 27, 1994 (DRAFT)
BROOKHAVEN TOWN OFFICES, MEDFORD

Present: Mr. Proios (for Commissioner Gaffney), Commissioner Thiele, Ms. Filmanski (for Commissioner Janoski), Ms. Pines (for Commissioner LaMura), Ms. Swick (alternate), Mr. Rigano (counsel), Mr. Corwin (director), Ms. Trezza (administrator), Ms. Greene (assistant to the Advisory Committee), plus additional attendees on attached sign-in sheet.

The meeting commenced at approximately 10:00 a.m., chaired by Mr. Proios.

1. Compatible Growth Area
 - Aliperti/Center Manor application: completeness determination
Summary: *Mr. Corwin discussed the completeness of this application, and noted that there were a number of items missing. Mr. Corwin stated that a letter will be forwarded to the applicant stating that items are still in fact missing.*
 - Dries/Shoreham application: decision on 8/10; 8/12 deadline
Summary: *Mr. Corwin stated that a hearing transcript had been distributed at the last meeting. A decision is to be made at the 8/10/94 meeting. The SEQOR process has been completed on this application. A discussion ensued regarding nitrate standards, and the applicant being able to comply. Concern was also expressed that the proposed abandonment of the paper street on the west of the property be documented by the applicant. There is an 8/12/94 deadline on this application.*
2. Core Preservation Area
 - Tuccio/Westhampton application: Coordinated review and 7/31 decision deadline
Summary: *This application was the first presented to the Commission which had not gone through Town review or SEQOR review. The Town of Southampton is currently reviewing the application materials, and will need more time to review. The coordination process has not yet been completed. The applicant has agreed to an extension to at least August 12, 1994. This will be on the agenda at the August 10th meeting.*

A motion was made by Commissioner Thiele and seconded by Ms. Filmanski agreeing on an extension on this application until 8/12/94. The motion was carried unanimously.
 - Osleeb/Ridge application: Coordinated review and 7/31 decision deadline
Summary: *This application has not gone completely through the SEQOR review process at this time. The Commission staff conducted coordinated review with the Suffolk County Department of Health Services, the Town of Brookhaven, and the New York State Department of Environmental Conservation. The coordination process has been completed, and the three agencies have no objection to the Commission acting as lead agency. The Commission may designate itself as the lead agency.*

A motion was made by Ms. Filmanski and seconded by Commissioner Thiele designating

the Commission as lead agency. The motion was carried unanimously.

Jim Bagg from Suffolk County Planning reviewed the Environmental Assessment Form, the application materials pertaining to this, and the project summary. An adoption of a negative declaration and a decision on this application will take place later in this meeting.

- Hendrix/Manorville Application: Hearing and decision postponement request
Summary: Mr. Corwin discussed the completeness of this application. The applicant has agreed to an indefinite postponement of the hearing, and the decision date until the applicant notifies the Commission.

A motion was made by Commissioner Thiele and seconded by Ms. Filmanski to grant an indefinite extension to the applicant in order to present a more complete application. The motion was carried unanimously.

- Manor Pines/Manorville project: Status
Summary: Mr. Rigano stated that there were some significant legal issues raised, and felt that this project best be discussed at the Executive Session. Kim Darrow then spoke about this project and felt that this issue should be discussed in open session. Mr. Darrow also discussed whether this project was non-development or exempt. A discussion then ensued, and it was agreed that the project will be discussed in executive session today, and in open session on 8/10/94.

3. Plan Development

- Plan copies availability and distribution
Summary: Mr. Corwin stated that copies of the Plan will be available on 8/5/94. The price of the Plan may range from \$15 to \$20, depending on the cost of the printing. About 320 copies will be issued at no cost to government agencies, libraries, staff and certain other recipients. Approximately another 500 copies may be ordered, depending on demand.
- Critical Resource Areas: Report and comparisons
Summary: Marilyn England presented the Land Management's Critical Resource Area nominations. Handouts were distributed describing each area specified as a Critical Resource Area. Ms. England, Mr. Morris, and Mr. Pavacic discussed the Critical Resource Areas displayed on the map. A very long discussion ensued regarding the criteria which was used in determining these areas.

Mr. Corwin placed an overlay map of the Ecology Committee's recommendations over Land Management's recommendations. A Draft Comparison Chart was distributed noting the statistical comparison between the Critical Resource Areas of the two committees. A long discussion then ensued. Mr. Proios noted that he would like to see the Hydrology Committee's recommendations. Mr. Spitz from the Hydrology Committee stated that the committee decided not to suggest Critical Resource Areas. He noted that if the recommendations written by the Hydrology Committee are followed, then they do not feel that Critical Resource Areas need to be drawn for their purposes.

- Transfer of development rights: Analysis update
Summary: Mr. Corwin mentioned that an initial report has been received from economist Jim Nicholas. The Harriman School's first economic analysis report will be available at the 8/10/94 meeting.

The following is out of sequence due to a review of the Environmental Assessment Form completed by Jim Bagg which took place during this meeting.

A motion was made by Ms. Pines and seconded by Ms. Filmanski adopting a Negative Declaration on the Osleeb application. The motion was carried unanimously.

A further motion was made by Ms. Pines and seconded by Ms. Filmanski to grant the requested hardship on the Osleeb application. The motion was carried unanimously.

- ECL Art 57 public information sessions & owner outreach

Summary: *The amended dates for the public information sessions are as follows:*

Wednesday, September 7, 1994 - Riverhead, 7-9

Wednesday, September 14, 1994 - Brookhaven, 7-9

Wednesday, September 21, 1994 - Southampton, 7-9

A motion was made by Commissioner Thiele and seconded by Ms. Filmanski to amend the scheduled dates of the public information sessions. The motion was carried unanimously.

Mr. Corwin mentioned the Landowners Workshop, which will take place on 8/27/94 at Suffolk County Community College, Eastern Campus, from 10 a.m. through 2 p.m. The Commission originally intended to have the workshop one week earlier, but delayed it one week to permit additional preparation. It would be best having the workshop prior to the public information sessions. The Commission members will try to be present during this workshop. A resolution will be made at the 8/10/94 meeting, adopting the date and location of this workshop.

4. Administrative

- 7/11 and 7/13 meeting minutes: corrections for adoption on 8/10/94
Summary: *The Commission will adopt a resolution approving the 7/11 and 7/13 meeting minutes at the 8/10/94 meeting.*
- Plan and GEIS comment handling and tracking
Summary: *Mr. Corwin stated that the comments written in regard to the Plan, and the DGEIS will be tracked by Jamie Greene. The tracking process will be the numeric filing of all original correspondence, as well as maintaining a computerized log of each response submitted to the Commission.*
- East End Education Center: Needs assessment subcommittee
Summary: *Mr. Corwin discussed the meetings which he and Ms. Trezza have started attending. The concept of this center is to bring the public educational institutions that service the East End together on the Eastern Campus in Riverhead, so that regional education and economic development needs are available at one location.*
- Brookhaven Town freshwater wetlands implementation of ECL Art 24
Summary: *There has been a request from the Town of Brookhaven making sure that their assumption of the implementation of ECL Art 24 does not require Commission approval. Mr. Rigano stated that no action is required by the Commission.*
At this time, the Commission went into Executive Session to discuss the Manor Pines/Manorville project.

Central Pine Barrens Joint Planning and Policy Commission

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Commission Agenda (DRAFT) - August 10, 1994 Riverhead County Center 2:00 pm

1. **Compatible Growth Area** • *Center Manor Plaza?*
 - Dries / Shoreham application: decision on 8/10; 8/12 deadline • *Nanz/Medford hearing*
 - *Beaulieu / Calverton* " : *hearing rec'n (if app'n is complete)*
2. **Core Preservation Area**
 - Tuccio / Westhampton application: Status; 8/10 (?) decision deadline
 - Osleeb / Ridge application: Written findings of fact and decision
 - Manor Pines / Manorville project: Status
 - *E. Bartlett Rd 10m-das. status*
3. **Plan Development**
 - Plan copies availability, cost and distribution
 - Transfer of development rights and economic analysis: Update (*Hauman written + verbal report*)
 - ECL Article 57 public information sessions & owner outreach : *details*
 - *Twelve month statutory report (memo pin to 216)*
4. **Administrative**
 - 7/11, ^{*and 7/27*} and 7/13 meeting minutes: Adoption
 - Annual Report of Activities: Adoption • *Budget update*
 - Litigation update: Executive session
5. **Other business**

Central Pine Barrens Joint Planning and Policy Commission

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Commission Agenda (FINAL) - August 10, 1994 Riverhead County Center 2:00 pm

1. Compatible Growth Area

- Dries / Shoreham application

2. Core Preservation Area

- Tuccio / Westhampton application
- Manor Pines / Manorville project

3. Plan Development

- Plan distribution and availability
- Twelve month statutory requirements
- Work status & strategy
- Economic analysis report: Dr. Thomas Sexton and Dr. Richard Silkman
- ECL Article 57 public information sessions & owner outreach

4. Administrative

- 7/11, 7/13 and 7/27 meeting minutes: Adoption
- Annual Report of Activities 7/93-7/94: Adoption
- Central Pine Barrens Publications List (Aug 94)
- Litigation update: Executive session

5. Other business

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

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**COMMISSION MEETING SUMMARY - AUGUST 10, 1994 (DRAFT)
RIVERHEAD COUNTY CENTER, RIVERHEAD**

Present: Mr. Proios (for Commissioner Gaffney), Commissioner Haynes, Commissioner Thiele, Ms. Swick (for Commissioner LaMura), Ms. Filmanski (for Commissioner Janoski), Mr. Rigano (counsel), Mr. Corwin (director), Ms. Trezza (administrator), plus additional attendees on attached sign-in sheet.

The meeting commenced at approximately 2:15 p.m., chaired by Mr. Proios.

The following is out of sequence when compared to the agenda due to the absence of Commission members.

1. Administrative

- 7/11, 7/13 and 7/27 meeting minutes: Adoption

A motion was made by Ms. Filmanski and seconded by Commissioner Haynes adopting the meeting minutes for the 7/11, 7/13 and 7/27 Commission meetings. The motion was carried unanimously.

- Annual Report of Activities 7/93-7/94: Adoption

Summary: This report was distributed on August 8, 1994. The report was due on the same date as the Draft Plan; July 13, 1994. It describes the Act, and the purpose of the Act. It also contains a list of the Commission members, and the Advisory Committee members. The law requires that it be distributed to the governor, the state legislature, the county legislature, the town board, and the village board. A copy will be sent to those mentioned, in conjunction with the Draft Plan.

A motion was made by Commissioner Haynes and seconded by Ms. Swick to approve the Annual Report of Activities for distribution. The motion was carried unanimously.

- Central Pine Barrens Publications List (August, 1994)

Summary: This item was distributed to the Commission. This list contains names of libraries and government agencies who are in possession of the Plan. Those interested in viewing the Plan, rather than purchasing it, may contact any of the

agencies mentioned.

Central Pine Barrens Maps and Publications

Summary: This was distributed as an informational item. It contains maps and publications which are available through the Commission. Any public documents which are available are listed.

2. Plan Development

- Twelve month statutory requirements

Summary: Mr. Corwin discussed that a portion of ECL 57 requires that within 12 months of the first meeting date, the Commission meets to identify a sufficient number of receiving areas to accommodate the credits being transferred from the sending areas; which the Draft Plan accomplishes. It also requires that consideration be given to the fiscal impact of the Land Use Plan and the transfer program; which the Draft Plan also accomplishes, as well as the economic analysis completed by the Harriman School.

- Economic Analysis Report: Dr. Thomas Sexton and Dr. Richard Silkman

Summary: Dr. Richard Silkman presented his analysis to the Commission, and discussed that one of the criteria that is critical for the TDR program to work is that there be a reasonable balance between sending districts and receiving districts. A reasonable balance being the way the market treats the sending and receiving districts. They are trying to obtain a good sense of how the market is going to respond to the TDRs once they become available for exchange.

They would like to see the value of that right be comparable to what the person who is giving the right is foregoing from being able to develop his or her land. If the numbers are fairly similar, then the Plan will be in reasonable balance. One of the first tasks that they have is to estimate the economic value of these developers rights. There will be different values between residential, commercial and industrial credits. Dr. Silkman stated that their analysis is being based on the contents of the Draft Plan. Commissioner Thiele then asked if Mr. Silkman is assuming only that these development rights may cross school district lines, and that different scenarios should be reviewed. Dr. Silkman discussed further contents of the Economic Impact Analysis which may be read in the actual report.

3. Compatible Growth Area

- Dries/Shoreham application

Summary: There is an August 12, 1994 decision deadline on this application. One issue that is pending is that in order to meet the 6 ppm Nitrogen standard, the applicant has proposed a preservation area adjacent to their lot. The second issue is a model used to meet the Pine Barrens State Commission standard of 6 ppm for Nitrate-Nitrogen. The applicant is using a model that has not been verified. Mr. Corwin felt that the model should be reviewed by hydrogeologic modelers, in case this model is used for future projects. The model has been made available to the Commission, but it is a matter of having it evaluated. David Sloan, the applicant's attorney was present, and addressed the issue

regarding the abandonment. Mr. Sloan stated that under the Real Property Law, his client has the right to abandon this property. Mr. Rigano will review the subject of abandonment. Mr. Sloan stated that as long as one is not landlocking another parcel of property, the assessor has to sign off on the street, and that this is only a formality. Mr. Sloan asked that the Commission not force his client to go through an abandonment and then get denied. A discussion ensued regarding the model used, and that the model be evaluated to determine its completeness. Commissioner Thiele stated it must be determined as to whether or not someone met the standard. If we do not have a mechanism to advise us on this, then there is not much of a standard.

A motion was made by Commissioner Thiele and seconded by Ms. Filmanski to extend the application until September 14, 1994.

4. Core Preservation Area

- Tuccio/Westhampton application

Summary: Mr. Rigano stated that a motion be made to designate the Commission as lead agency.

A motion was made by Commissioner Thiele and seconded by Ms. Filmanski designating the Commission as lead agency. The motion was carried unanimously.

Mr. Rigano mentioned that the Environmental Assessment Form has been completed, and noted that either a positive or negative declaration be adopted. Mr. Corwin summarized the issues of concern, and described the site area. Mr. Corwin suggested that the Commission's decision should be limited to the most microscopic level of approval; the berm area. The second issue is the impact on the water. The applicant has proposed a containment structure in each of the storage units, which would contain substances, much like the Suffolk County Sanitary Code requires for hazardous waste. The other item is the impact on public health. Mr. Corwin's concern was that something may catch fire or explode, and felt that certain items be prohibited. Mr. Corwin felt that any approval without these conditions would not be valid. A discussion took place regarding the conditions mentioned.

A motion was made by Commissioner Thiele and seconded by Ms. Filmanski to adopt a negative declaration on this application. The motion was carried unanimously.

A further motion was made by Commissioner Haynes and seconded by Commissioner Thiele to approve this application with conditions. The motion was carried unanimously.

- Manor Pines/Manorville project

Summary: Mr. Rigano stated that on July 29, 1994, he mailed correspondence to the developer and notified him that if he continues with construction, he will

be subject to Article 57. Mr. Rigano has not yet received a response from the developer.

At this time, Mr. Corwin distributed the written resolution on the Osleeb application which took place at the last session.

Mr. Corwin stated that the Plan is in demand, and approximately 500 more copies will be printed within the next two weeks.

The following is out of sequence, and pertains to the Plan Development section of the agenda.

- ECL Article 57 public information sessions & owner outreach
Summary: Mr. Corwin distributed a copy of the proposed letter to the core owners inviting them to the August 27, 1994 workshop. Mr. Corwin stated that the Commission members will be receiving calls asking if they will be able to attend these sessions, and the importance of the Commission members attending.

A motion was made by Commissioner Thiele and seconded by Ms. Filmanski to change the date of the August 20, 1994 Core owner workshop to Saturday, August 27, 1994. The motion was carried unanimously.

Mr. Corwin discussed that the 9/14/94 Brookhaven Town Public Informational meeting should be moved to 9/13/94, due to Yom Kippur being on 9/14/94.

A motion was made by Commissioner Haynes and seconded by Commissioner Thiele amending the date of the Brookhaven Town Public Informational meeting to Tuesday, September 13, 1994. The motion was carried unanimously.

A final motion was made by Commissioner Thiele and seconded by Commissioner Haynes to adjourn and enter into Executive Session.

The following minutes for the 8/10/94 meeting were adopted as FINAL without changes at the 9/14/94 meeting:

**Central Pine Barrens
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**COMMISSION MEETING SUMMARY - AUGUST 10, 1994 (DRAFT)
RIVERHEAD COUNTY CENTER, RIVERHEAD**

Present: Mr. Proios (for Commissioner Gaffney), Commissioner Haynes, Commissioner Thiele, Ms. Swick (for Commissioner LaMura), Ms. Filmanski (for Commissioner Janoski), Mr. Rigano (counsel), Mr. Corwin (director), Ms. Trezza (administrator), plus additional attendees on attached sign-in sheet.

The meeting commenced at approximately 2:15 p.m., chaired by Mr. Proios.

The following is out of sequence when compared to the agenda due to the absence of Commission members.

1. Administrative

- 7/11, 7/13 and 7/27 meeting minutes: Adoption

A motion was made by Ms. Filmanski and seconded by Commissioner Haynes adopting the meeting minutes for the 7/11, 7/13 and 7/27 Commission meetings. The motion was carried unanimously.

- Annual Report of Activities 7/93-7/94: Adoption

Summary: This report was distributed on August 8, 1994. The report was due on the same date as the Draft Plan; July 13, 1994. It describes the Act, and the purpose of the Act. It also contains a list of the Commission members, and the Advisory Committee members. The law requires that it be distributed to the governor, the state legislature, the county legislature, the town board, and the village board. A copy will be sent to those mentioned, in conjunction with the Draft Plan.

A motion was made by Commissioner Haynes and seconded by Ms. Swick to approve the Annual Report of Activities for distribution. The motion was carried unanimously.

- Central Pine Barrens Publications List (August, 1994)

Summary: This item was distributed to the Commission. This list contains names of libraries and government agencies who are in possession of the Plan. Those interested in viewing the Plan, rather than purchasing it, may contact any of the

regarding the abandonment. Mr. Sloan stated that under the Real Property Law, his client has the right to abandon this property. Mr. Rigano will review the subject of abandonment. Mr. Sloan stated that as long as one is not landlocking another parcel of property, the assessor has to sign off on the street, and that this is only a formality. Mr. Sloan asked that the Commission not force his client to go through an abandonment and then get denied. A discussion ensued regarding the model used, and that the model be evaluated to determine its completeness. Commissioner Thiele stated it must be determined as to whether or not someone met the standard. If we do not have a mechanism to advise us on this, then there is not much of a standard.

A motion was made by Commissioner Thiele and seconded by Ms. Filmanski to extend the application until September 14, 1994.

4. Core Preservation Area

- Tuccio/Westhampton application

Summary: Mr. Rigano stated that a motion be made to designate the Commission as lead agency.

A motion was made by Commissioner Thiele and seconded by Ms. Filmanski designating the Commission as lead agency. The motion was carried unanimously.

Mr. Rigano mentioned that the Environmental Assessment Form has been completed, and noted that either a positive or negative declaration be adopted. Mr. Corwin summarized the issues of concern, and described the site area. Mr. Corwin suggested that the Commission's decision should be limited to the most microscopic level of approval; the berm area. The second issue is the impact on the water. The applicant has proposed a containment structure in each of the storage units, which would contain substances, much like the Suffolk County Sanitary Code requires for hazardous waste. The other item is the impact on public health. Mr. Corwin's concern was that something may catch fire or explode, and felt that certain items be prohibited. Mr. Corwin felt that any approval without these conditions would not be valid. A discussion took place regarding the conditions mentioned.

A motion was made by Commissioner Thiele and seconded by Ms. Filmanski to adopt a negative declaration on this application. The motion was carried unanimously.

A further motion was made by Commissioner Haynes and seconded by Commissioner Thiele to approve this application with conditions. The motion was carried unanimously.

- Manor Pines/Manorville project

Summary: Mr. Rigano stated that on July 29, 1994, he mailed correspondence to the developer and notified him that if he continues with construction, he will

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Commission Agenda (DRAFT) - September 12, 1994 Brookhaven Town Offices / Medford 9:30 am

1. Compatible Growth Area

- Dries / Shoreham application: 9/14 decision deadline
- Review of current CGA applications and correspondence

2. Core Preservation Area

- American Physical Society / Ridge: Hardship application
- Manor Pines / Manorville project: Status

3. Plan Development

- Critical resource areas: status
- Working groups & topics
- Public information sessions status
- Core owner workshop results

4. Administrative

- 8/10 meeting minutes: corrections for adoption on 9/14
- Harriman School contract changes
- RPA contract letter
- Correspondence

5. Other business

Central Pine Barrens Joint Planning and Policy Commission

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Commission Agenda (FINAL) - September 12, 1994 Brookhaven Town Offices / Medford 9:30 am

1. Compatible Growth Area

- Dries / Shoreham application: 9/14 decision
- MTK Enterprises / Ridge: new application
- Calverton Park and Ride: new application

2. Core Preservation Area

- American Physical Society / Ridge: new hardship application
- Madelung / Middle Island: new hardship application
- Massa / Flanders: new hardship application
- Manor Pines / Manorville project: status

3. Plan Development

- Critical resource areas: status
- Working groups & topics
- Public information sessions status
- Core owner workshop results

4. Administrative

- 8/10 meeting minutes: corrections for adoption on 9/14
- Harriman School contract changes
- RPA contract letter
- Correspondence

5. Other business

DRAFT

Central Pine Barrens
Joint Planning and Policy Commission

Approved at 10/13/94
meeting.

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ulric S. Haynes, *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 (DRAFT)
for September 12, 1994

Brookhaven Town Offices / Medford
9:30 am

Present: Mr. Proios (for Commissioner Gaffney), Commissioner Gaffney (portions of meeting), Ms. Swick (for Commissioner LaMura), Commissioner Haynes, Ms. Filmanski (for Commissioner Janoski), Commissioner Thiele, Mr. Corwin (Director), Mr. Hopkins (Suffolk County Water), Mr. Bagg (Suffolk County Planning), Ms. Trezza (Administrator), Ms. Plunkett (Regional Plan Association), and Mr. Rigano (Counsel).

The meeting commenced approximately 9:50 am., with Mr. Proios as the chairperson.

1. Compatible Growth Area

- Dries / Shoreham application: 9/14 decision
Summary: Mr. Bagg summarized the application, including the issues of property ownership, nitrate standards, etc. Mr. Charles Voorhis, consultant to the applicant, discussed their groundwater modeling work and its relationship to the 208 study. He stated that the present model was more flexible for differing situations of nitrogen loadings, and that it has been applied throughout Long Island. Other issues discussed include the current pattern of homes in the immediate neighborhood, when they were constructed and differences from a 1993 aerial photograph, the proposed achievement of clearing standards by the abandonment of a portion of an unbuilt paper street to the west of the site, and the current town zoning for the area. Discussion will resume at Wednesday's meeting.
- MTK Enterprises / Ridge: new application
Summary: As this project involves the rezoning of a parcel of land, the question of whether this was feasible under the interim restrictions of the Pine Barrens Act arose. Other details of the project were outlined by Mr. Bagg. The Commission will not schedule any hearing on this project pending the determination by counsel of the feasibility of rezoning.
- Calverton Park and Ride: new application
Summary: The completeness of this application was discussed. Ms. Filmanski noted that the applicant still needed a site plan approval from the Town of Riverhead. It was determined that the Commission could not schedule a hearing yet on this matter.

2. Core Preservation Area

- American Physical Society / Ridge: new hardship application
Summary: Mr. Corwin described the application briefly, and Mr. Allen, attorney for the American Physical Society, explained their project's goals and constraints.

Approximately 1/4 acre of new clearing will be required. Mr. Cowen discussed the project's location within the state's Wild, Scenic and Recreational River corridor and the requirements imposed by that legislation. A field visit was discussed, and generally agreed upon. The applicant will stake out the footprint of the proposed building for the field visit. Date and time will be arranged and announced at the Wednesday meeting. A hearing will be scheduled for this project later in this meeting.

- Madelung / Middle Island: new hardship application

Summary: Mr. Corwin read the letter requesting a hardship exemption. A hearing will be scheduled for this project later in this meeting.

- Massa / Flanders: new hardship application

Summary: Mr. Corwin read the letter requesting a hardship exemption. A hearing will be scheduled for this project later in this meeting.

- Manor Pines / Manorville project: status

Summary: Mr. Rigano noted that there was no update on this.

3. Plan Development

- Critical resource areas: status

Summary: The action by the Advisory Committee establishing a special committee to reconcile the large difference between the Ecology and Land Management Committees' report was summarized by Mr. Corwin.

- Working groups & topics

Summary: Mr. Corwin summarized the current organizational strategy for receiving plan comments and addressing specific, well-defined topics which need refinement. The latter will be addressed partly through the establishment of short-term, small working groups, each with an assignment to revise selected pages from the plan. Working groups established to date were summarized.

- Public information sessions status

Summary: Mr. Corwin and Ms. Plunkett summarized the public information sessions now underway. Ms. Plunkett also detailed the transfer of development rights community outreach work currently underway. She noted the upcoming community workshops for specific neighborhoods, which will provide a vehicle for specifying the details of receiving area developments. The upcoming visit of Mr. Nicholas, RPA's economic consultant from the University of Florida, was also noted.

- Core owner workshop results

Summary: Mr. Corwin summarized the 8/27/94 core owner workshop held at Brookhaven National Lab.

4. Administrative

- 8/10 meeting minutes: corrections for adoption on 9/14

Summary: Distributed for adoption at Wednesday's meeting.

- Harriman School contract changes

Summary: Written correspondence from Professor Sexton of SUNY Stony Brook regarding proposed changes to the Research Foundation contract was distributed and discussed. Two changes are suggested, one to correct an arithmetic error in the original contract (the correction would increase the amount of the contract by approximately \$4,000), and the other to include the support of the two graduate students for the Fall 1994 semester, as that was not included in the original proposal or contract. Counsel was asked to consider the legal aspects of contract changes such as these at this time.

- RPA contract letter

Summary: Mr. Corwin distributed the written request from RPA for a no-cost extension of their contract with the Commission through the end of November. A vote will be taken at the Wednesday meeting.

- Correspondence

Summary: letters were distributed from Mr. Fredric Siegel, a property owner (regarding the calculation and assignment of development yield, and also requesting a change in the Wednesday meeting due to religious holiday observances), and the Nature Conservancy (a courtesy copy of a letter sent to members of the Suffolk County Legislature regarding a resolution authorizing the county to accept certain donations of land within the core preservation area).

5. Other business

- Complaint to DEC regarding clearing activity in Ridge

Summary: Mr. Cowen reported that an anonymous caller had reported to his office on a clearing activity on a residential lot in the area of Ridge south of Route 25, west of William Floyd. Mr. Cowen had a DEC Forest Ranger, Mr. Conklin, investigate and interview the owner, a Mr. Ross. Mr. Conklin reported that the clearing consisted of the removal of understory vegetation, not trees or canopy-level vegetation, around the actual residence. In Mr. Conklin's evaluation, the activity did not trigger the provisions of ECL Article 57 regarding the definition of development. The matter was referred to Brookhaven Town for consideration of possible town code issues.

- Executive Session to discuss matters pertaining to potential litigation.

Summary: On a motion by Commissioner Thiele, seconded by Ms. Filmanski, the Commission entered into executive session.

Central Pine Barrens Joint Planning and Policy Commission

MEETING FOR:

CENTRAL PINE BARRENS WORK SESSION

LOCATION:

BROOKHAVEN TOWN OFFICES

DATE/TIME:

September 12, 1994 9:30 am

| NAME | REPRESENTING | ADDRESS | TELEPHONE/FAX |
|-------------------------|-----------------------------|---|----------------|
| U. HAYNES, JR. | Commission | 19 Threepence Dr., Melville, NY | (516) 463-5015 |
| Tim Hopkins | SCWA | 3525 Sunrise Hwy, Great River | 563-0308 |
| D. Dunkett | RPA | | |
| Chris Voorzans | DRUGS/MTK | 54 N. Country Rd. CVA | 331-1455 |
| James Baga | S.C. Planning Dept | S.C. Planning Dept | 853-5203 |
| Herbert M. Balin | ABLI | 90 Menand Ave East Haverhill 11706 | 296-7018- |
| George Proias | Suff. County | 888 Vets Highway, Hauppauge | 853-41654 |
| Brenda Filmanari | Town of Riverhead | 200 Lowell Ave Riverhead | 727 3200 X240 |
| Vi HOGLYND | 37 DIETZ | AVENUE, LAKE GROVE | 588-8459 |
| MICHAEL NOBILETTI | WESTHAMPTON MINI STORAGE | 8 STILLWATER WESTHAMPTON BEACH | 288-5366 |
| Walter E. Steward Olsen | | 1139 Flanders Rd. Flanders | 727-5696 |
| Shirley DeLoe | Am. Physical Society | 1347-N Baldwin Rd/11510 | 223-4700 |
| Uindy Bize | Am. Phys. Society | 1 Research Rd., Ridge, NY | 924-5533 |
| Master Forman | MTK ENTERPRISES | P.O. 628 RIDGE NY | 924-2090 |
| Paul SANDERMAN | MTK | 1770 Motor Pkwy Hauppauge | 232-1742 |
| A. Luni | MTK | P.O. Box 628 RIDGE NY | 924-2020 |
| Jo De Rosa | | Middle Island | |
| Buzz Schwab | LIBI | 1767-40 Vets Hwy Islandia | 232-2345 |
| Fred Thiele | Commissioner | 116 Harper Rd, Southampton | 253-6055 |
| Ray Conen | NYSDEC | Stony Brook, SUNY BLDG 40 | 444-0345 |
| Carole Swick | TOB | Medford | 451-6200 |
| Barbara Wyllie | TAB | Melville | 451-6571 |
| Paul Jeffrey | SC Exec | Hauppauge NY | 853-4000 |
| Roy S. DeRosa | SC Dept of Law | " " | 853-5133 |
| Tom Rigano | Council | 395 N. Seneca Rd, Suite 404 Melville, NY 11747 | 674-8005 |
| Frank | SCWA | 3525 Sunrise Hwy Great River | 563-0385 |

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ulric S. Haynes, *Member*
Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
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Commission Agenda (FINAL) - September 14, 1994 Riverhead County Center 2:00 pm

1. Compatible Growth Area

- Westhampton Ministorage application: written decision approval
- Dries / Shoreham application: decision
- MTK Enterprises / Ridge application: discussion re rezoning
- CGA applications: completeness and hearings

2. Core Preservation Area

- American Physical Society: field visit date
- 10/6 hardship hearings: location confirmation

3. Plan Development

- Economic analysis: written status report

4. Administrative

- 8/10 meeting minutes: corrections and adoption
- Regional Plan Association: contract extension decision
- Joint Commission / Advisory Committee meeting: suggested date(s)

5. Other business

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

DRAFT

Approved 10/13/94.

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ulric S. Haynes, *Member*
Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

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

**Commission Regular Meeting, September 14, 1994
Riverhead County Center, 2:00 p.m.**

MINUTES

1.) **Compatible Growth Area**

- Westhampton Ministorage application: written decision approval
Jim Rigano distributed and summarized the draft written decision and also discussed the conditions to be added for the record. The adoption of the written decision will be done at the October 11, 1994 meeting.
- Dries / Shoreham application decision: Phil Sanderman represented Mr. Dries. Mr. Sanderman discussed the single and separate issue stating that this lot has been in single and separate status since 1992, and that this constitutes non-development. In light of the new information explained at the meeting, the applicant granted an extension for a decision till the October 13, 1994 meeting.
- MTK Enterprises / Ridge application: Phil Sanderman represented the applicant. Mr. Sanderman discussed that an appeal provision could apply to a change in zone. Mr. Sanderman also stated that forfeiture has been implied and that an injustice has occurred on the behalf of his clients, meaning that his clients right to use the property has been stopped.

Jim Rigano, counsel for the Commission, stated that no zone change should occur until the final plan has been adopted and that the zoning laws can not be amended.

- CGA Applications / completeness and hearings: the issue of whether or not the Suffolk County Planning Commission resolution is needed or not for completeness was brought up for discussion. It was determined that it was necessary for completeness and that if there wasn't any that an explanation was needed in writing. At this present time there are 3 applications whose completeness was undetermined and they will be looked at and a determination of completeness will be made by the next meeting.

2.) Core Preservation Area

- American Physical Society: a date and time were set for the site visit. The date and time being October 6, 1994 at 9:00 a.m.
- 10/6 hardship hearings / location confirmation: Fred Thiele will check on the availability of the Flanders Nutrition Center and get back to Lorraine Trezza later today.

3.) Plan Development

- Economic Analysis / written status report: a written status report was handed out to Commission members. It was stated that Dr. Lee Koppelman, from the Pine Barrens Advisory Committee, was going to write a report on the Economic Analysis(to date) done by the Harriman School. It was also suggested that a second opinion should be gotten on the Economic Analysis report when it has been completed. A person to contact was suggested by Ray Cowen.

4.) Administrative

- 8/10/94 meeting minutes / corrections and adoption

A motion was made by Fred Thiele and seconded by Ray Cowen to adopt the minutes from the August 10, 1994 meeting of the Central Pine Barrens Joint Planning and Policy Commission. The motion was carried.

- Regional Plan Association / no cost contract extension decision:

A motion was made by Fred Thiele and seconded by Carole Swick to extend Regional Plan Association's contract with no cost to the Commission. The motion was carried.

- Joint Commission / Advisory Committee, suggested dates: the suggested date to have a combined Advisory Committee and Commission meeting was October 11, 1994 since the Advisory Committee is meeting on that day. It was then decided to move the work session to 4:30 p.m. so that it would precede the joint meeting. A legal notice is to be put in the paper announcing the change in time for the work session.

5.) Other Business

- George Proios brought up the issue of a committee being formed to review parcels to be acquired by the County, and suggested that Steve Jones chair the committee. There was a brief discussion and it was thought to be a good idea.

A motion was made by Fred Thiele and seconded by Carole Swick to adjourn the meeting. The motion was carried.

The following minutes for the 9/14/94 meeting were adopted as FINAL without changes at the 10/13/94 meeting:

Central Pine Barrens
Joint Planning and Policy Commission

DRAFT

Approved 10/13/94.

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ulric S. Haynes, *Member*
Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

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

Commission Regular Meeting, September 14, 1994
Riverhead County Center, 2:00 p.m.

MINUTES

1.) Compatible Growth Area

- Westhampton Ministorage application: written decision approval
Jim Rigano distributed and summarized the draft written decision and also discussed the conditions to be added for the record. The adoption of the written decision will be done at the October 11, 1994 meeting.
- Dries / Shoreham application decision: Phil Sanderman represented Mr. Dries. Mr. Sanderman discussed the single and separate issue stating that this lot has been in single and separate status since 1992, and that this constitutes non-development. In light of the new information explained at the meeting, the applicant granted an extension for a decision till the October 13, 1994 meeting.
- MTK Enterprises / Ridge application: Phil Sanderman represented the applicant. Mr. Sanderman discussed that an appeal provision could apply to a change in zone. Mr. Sanderman also stated that forfeiture has been implied and that an injustice has occurred on the behalf of his clients, meaning that his clients right to use the property has been stopped.

Jim Rigano, counsel for the Commission, stated that no zone change should occur until the final plan has been adopted and that the zoning laws can not be amended.

- CGA Applications / completeness and hearings: the issue of whether or not the Suffolk County Planning Commission resolution is needed or not for completeness was brought up for discussion. It was determined that it was necessary for completeness and that if there wasn't any that an explanation was needed in writing. At this present time there are 3 applications whose completeness was undetermined and they will be looked at and a determination of completeness will be made by the next meeting.

2.) Core Preservation Area

- American Physical Society: a date and time were set for the site visit. The date and time being October 6, 1994 at 9:00 a.m.
- 10/6 hardship hearings / location confirmation: Fred Thiele will check on the availability of the Flanders Nutrition Center and get back to Lorraine Trezza later today.

3.) Plan Development

- Economic Analysis / written status report: a written status report was handed out to Commission members. It was stated that Dr. Lee Koppelman, from the Pine Barrens Advisory Committee, was going to write a report on the Economic Analysis(to date) done by the Harriman School. It was also suggested that a second opinion should be gotten on the Economic Analysis report when it has been completed. A person to contact was suggested by Ray Cowen.

4.) Administrative

- 8/10/94 meeting minutes / corrections and adoption

A motion was made by Fred Thiele and seconded by Ray Cowen to adopt the minutes from the August 10, 1994 meeting of the Central Pine Barrens Joint Planning and Policy Commission. The motion was carried.

- Regional Plan Association / no cost contract extension decision:

A motion was made by Fred Thiele and seconded by Carole Swick to extend Regional Plan Association's contract with no cost to the Commission. The motion was carried.

- Joint Commission / Advisory Committee, suggested dates: the suggested date to have a combined Advisory Committee and Commission meeting was October 11, 1994 since the Advisory Committee is meeting on that day. It was then decided to move the work session to 4:30 p.m. so that it would precede the joint meeting. A legal notice is to be put in the paper announcing the change in time for the work session.

5.) Other Business

- George Proios brought up the issue of a committee being formed to review parcels to be acquired by the County, and suggested that Steve Jones chair the committee. There was a brief discussion and it was thought to be a good idea.

A motion was made by Fred Thiele and seconded by Carole Swick to adjourn the meeting. The motion was carried.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ulric S. Haynes, *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) - October 11, 1994 Brookhaven Town Offices / Medford 4:30 pm

1. Compatible Growth Area

- Dries / Shoreham application: discussion of nondevelopment request from 9/14 meeting (10/13 decision deadline on original application)
- Rausch Site Plan / Middle Island: completeness and hearing
- Crystal Bay / Middle Island: correspondence re SC Planning Commission
- Park and Ride / Calverton: completeness and hearing
- CSC Acquisition / East Quogue: completeness and hearing
- CGA applications lacking SC Plan. Comm. review: update

2. Core Preservation Area

- Westhampton Ministorage / Tuccio: revised written decision and resolution
- American Physical Society / Ridge: extension and new hearing
- Madelung / Middle Island: new hearing
- Massa / Flanders: request for delay in hearing, decision
- Lukas / Calverton: new hardship application
- Manor Pines / Manorville: correspondence from K. Darrow
- Saints Peter and Paul / Manorville: new hardship application
- Gazza / Westhampton: new hardship application
- Mazarakis / Manorville: new core boundary change request

3. Plan Development

- Public information sessions summary
- Public hearing summary and comments to date

4. Administrative

- 9/12 and 9/14 meeting minutes distribution: adoption on 10/13
- Harriman School contract status: counsel
- Disposition of miscellaneous receipts and donations: SCWA authorization

5. Executive Session Re New and Prior Litigation

6. Joint Meeting With Advisory Committee (approx. 6:00 pm)

Normal Advisory Committee agenda will be used. See attached.

CENTRAL PINE BARRENS ADVISORY COMMITTEE

NOTICE OF MEETING AND AGENDA

Next Advisory Committee Meeting: October 11, 1994

Brookhaven Town Offices Building 4, Auditorium at 6:00 p.m.

*Joint Meeting Of
Central Pine Barrens Commission
and
Central Pine Barrens Advisory Committee*

AGENDA

1. *Approval of Minutes from September 8, 1994*
2. *Progress Report and Report of Commission Actions*
3. *Committee Reports:*
 - a. *Public Outreach*
 - b. *Ecology*
 - c. *TDR*
 - d. *Land Management*
 - e. *Economic Analysis*
 - f. *GEIS*
4. *Resignation of Co-chairman of TDR committee and recommended replacement*
5. *Critical Resource Area Map and recommendation for adoption*
6. *New Business*

*Next Meeting - November 1, 1994 SCWA Technical Services Building,
Great River 6:00 p.m..*

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ulric S. Haynes, *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 October 11, 1994 (Approved 1/6/95) Brookhaven Town Offices / Medford / 4:30 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).

The meeting was called to order by Mr. Proios at approximately 5:05 pm.

1. Compatible Growth Area

- Dries / Shoreham application: discussion of nondevelopment request from 9/14 meeting (10/13 decision deadline on original application)
Summary: *A discussion ensued over the sponsor's assertion that the project is nondevelopment, i.e., not subject to the pine barrens statute. The two lots involved in the project are owned separately, one by an individual and the other by a corporation. Mr. Cowen spoke on the issue of nitrogen loading, and the fact that the project would be subject to Article 6 of the Suffolk County Health Code. The issue of the Commission being faced with evaluating new or competing groundwater contaminant loading models was raised. There was general agreement that the Commission should not undertake such evaluations.*

A motion was made by Mr. Cowen and seconded by Ms. Wiplush to deem the Dries application as nondevelopment due to the single and separate nature of the two lots involved, and to make this determination contingent upon the Commission receiving a single and separate title search. The motion was approved unanimously.

- Rausch Site Plan / Middle Island: completeness and hearing
Summary: *Mr. Corwin reviewed this application's specifics. He noted that the hearing date needs to be set, and that the decision is due by 1/26/95.*
- Crystal Bay / Middle Island: correspondence re SC Planning Commission
Summary: *The absence of the Suffolk County Planning Commission recommendation, and the letter of the applicant's consultant explaining this absence, were both discussed. Thus, determination of the completeness of this application awaits a decision of the Commission on whether the Planning Commission resolution is essential.*
- Park and Ride / Calverton: completeness and hearing

Summary: A discussion was held regarding the site plan approval and the Architectural Review Board approval. Further discussion of this project was deferred to the 10/13/94 meeting.

- CSC Acquisition / East Quogue: completeness and hearing
Summary: Mr. Pizulli, representing the applicant, was present to discuss this project. The project consists of the addition of a building to an existing communications tower and building complex. The deadline for a decision is 12/22/94.
- CGA applications lacking SC Planning Commission review: update
Summary: Mr. Rigano noted that there are specific conditions under which projects are referred by the towns to the county commission. There is a considerable logistical problem with determining whether an application which is filed with this Commission should have had a county commission recommendation. Mr. Rigano will reexamine the county charter provisions prior to the 10/13/94 meeting.

2. Core Preservation Area

- Westhampton Ministorage / Tuccio: revised written decision and resolution
Summary: Counsel distributed a draft written resolution and findings of fact on this project. Formal action on adopting these items will be deferred to the 10/13/94 meeting in order to permit the Commissioners to read it carefully.
- American Physical Society / Ridge: extension and new hearing
Summary: A hearing will be set for this at the 10/13/94 meeting.
- Madelung / Middle Island: new hearing
Summary: No extension of the decision deadline has been agreed to at this time. A decision will have to be made by the 11/7/94 meeting.
- Massa / Flanders: request for delay in hearing, decision
Summary: A request for a delay in the decision on this project has been received.
- Lukas / Calverton: new hardship application
Summary: this is a mostly-cleared and disturbed site, with the request for approval of an exemption in order to sell the property. The deadline for a hearing is 11/3/94 and for a decision is 12/3/94.
- Manor Pines / Manorville: correspondence from K. Darrow
Summary: The correspondence from Mr. Darrow of the Advisory Committee expresses concern over the advertising by this project's sponsors. Mr. Rigano has called and corresponded with the sponsor's attorney regarding their filing a hardship application. Mr. Rigano also went over the history and details of the project.
- Saints Peter and Paul / Manorville: new hardship application
Summary: This application is based upon both physical hardship and compelling

public need. The hearing deadline is 11/5/94 and the decision deadline is 12/5/94.

- **Gazza / Westhampton:** new hardship application
Summary: The hearing deadline is 10/21/94 and the decision deadline is 11/20/94.
- **Mazarakis / Manorville:** new core boundary change request
Summary: Mr. Corwin read the letter requesting a core boundary change. The Commission's policy to date has been to not entertain such requests until a final plan is in place.

3. Plan Development

- Public information sessions summary
- Public hearing summary and comments to date
Summary: These items were deferred to a future meeting.

4. Administrative

- 9/12 and 9/14 meeting minutes distribution: adoption on 10/13
Summary: Mr. Corwin distributed these for review.
- Harriman School contract status: counsel
- Disposition of miscellaneous receipts and donations: SCWA authorization
Summary: These items were deferred to the 10/13/94 meeting.

5. Executive Session Re New and Prior Litigation

Summary: This was deferred to the 10/13/94 meeting.

6. Joint Meeting With Advisory Committee (approx. 6:00 pm)

Normal Advisory Committee agenda will be used. See attached.

Summary: The joint meeting began at approximately 6:00 pm. The focus of the meeting was a presentation by the Special Committee on Critical Resource Areas. The Special Committee attempted to reconcile the Ecology and Land Management Committee's critical resource area nominations. See the attached minutes.

Adjournment

Summary: The joint meeting of the Commission and the Advisory Committee ended at approximately 8 pm. No resolution of adjournment was made.

Attachment: Advisory Committee minutes for 10/11/94.

CENTRAL PINE BARRENS ADVISORY COMMITTEE

Central Pine Barrens Advisory Committee

Minutes

**Meeting held on October 11, 1994
Brookhaven Town Offices**

1.) **Approval of Minutes from the September 8, 1994 Advisory Committee Meeting**

A motion was made by Kim Darrow and seconded by Buzz Schwenk to approve the meeting minutes from the September 8, 1994 Central Pine Barrens Advisory Committee Meeting. The motion was carried unanimously.

2.) **Progress Report and Report of Commission Actions**

Mr. Corwin stated that many development applications have been received. Three Compatible Growth applications, and six Core Area Hardship applications. Hearing dates are to be held on October 26, and November 2, 1994 on these applications.

Mr. Corwin discussed the working groups. These groups cover a number of topics. Under the TDR Committee, there are a number of smaller groups. These groups are:

1. Legal and Economic Committee
2. Brookhaven Receiving Area Committee

Working groups formed by Mr. Corwin are as follows:

1. Recreational Trail Use
2. Hunting and Fishing
3. Ecological Research and Monitoring Group
4. Cultural and Archaeological Group

Mr. Corwin stated with regard to comments on the Plan, that anything arriving in the Commission office on or after July 14, 1994, commenting on the Plan, is being tracked as a formal comment. We have received approximately 4 dozen comments thus far. We are treating everything as though it were a comment on the Plan as well as the GEIS document.

3.) **Committee Reports**

- a) Public Outreach - Donna Plunkett discussed the three dates set for the Community Design Workshops. The dates are as follows:
- | | | |
|------------------|--------------------------|--------------|
| Southampton Town | Thurs., October 20, 1994 | 6:30-9:30 pm |
| Brookhaven Town | Sat., October 29, 1994 | 10 am-1pm |
| Riverhead Town | Tues., November 1, 1994 | 6:30-9:30 pm |
- b) Ecology - John Black distributed a response letter with regard to the October 6, 1994 CRA meeting. Mr. Black discussed the memo. This memo was distributed to the Pine Barrens Commission members, the Advisory Committee members, and the Ecology Committee.
- c) TDR - Mr. Hopkins stated that the next TDR meeting is on October 17, 1994. The Brookhaven Town has established a sub-committee work group. In addition to the Brookhaven sub-committee work group, they are hoping to form groups in Southampton and Riverhead. The Legal and Economic Committee is presently working on the establishment of the bank, its procedures, and the as of right use definition.
- d) Land Management - Marilyn England stated that at the last Land Management Committee meeting, the LM Committee discussed comments on the memo concerning CRAs as planned resource areas. Also, they reviewed the CRA sub-committee's recommendations as reported to Ms. England at a meeting she recently attended.
- e) Economic Analysis - Dr. Tom Sexton discussed the ratio of receiving sites to sending sites within each town. Brookhaven is fine, Riverhead must be reanalyzed, and the Southampton ratio may be a concern. In Brookhaven, they have analyzed the balance within school districts. They have also looked into the value of credits in different receiving areas, and are finding that Commercial and Industrial Pine Barrens Credits are much more valuable. Dr. Sexton also discussed Brookhaven Planned Development Districts. A discussion then ensued regarding Planned Development Districts. Commissioner Thiele asked when he would be able to see a descriptive report, rather than a general report. Dr. Sexton stated that a second report will be out within three to four weeks.
- f) GEIS - Judy Jakobsen stated that the Public Hearing on the Draft Plan was on September 28, 1994. Approximately 250 people attended the hearing. The comment period will end on October 14, 1994. Various concerns were mentioned over the TDR Program, nitrate standards, and additional alternatives were given on the GEIS. Dr. Koppelman stated that with regard to the GEIS, strengthening it is in order. He feels it may be useful for the GEIS Committee to sit down with Jim Bagg and

George Proios and tie up any loose ends.

4.) Resignation of Co-chairman of TDR Committee and recommended replacement

Mr. LoGrande discussed the resignation of Joe Fischetti, the Co-chairman of the TDR Committee. Mr. Fischetti has respectively resigned due to other business commitments, as well as the difficulty in getting to all of the meetings. It was suggested that Don Eversoll become the Co-chairman replacement.

A motion was then made by Herb Balin and seconded by Dick Amper to have Don Eversoll become the new Co-chairman of the TDR Committee. The motion was carried unanimously.

5.) Critical Resource Area Map and recommendation for adoption

The special sub-committee report was distributed. Mr. LoGrande reviewed and discussed the report. Mr. LoGrande thanked those who worked on this project: John Meringolo, Mitchell Pally, Sara Davison, Ray Corwin, and Tim Hopkins. Mr. LoGrande also worked on this project. Mr. LoGrande then spent a great deal of time discussing the CRA map.

Herb Balin asked the Commission to reanalyze the CRA map. He feels that some portions of the CRAs designated will create further litigation. Mr. Balin stated that we should not be subjecting these parcels again to the Commission, and feels that another hearing will create further attacks by litigation. Mr. Balin then discussed the CRA map.

Dr. Koppelman stated that compromise is the main issue. He feels that between now and March we must propose a strong document. He also suggests that the Commissioners themselves be present more often at the Commission meetings.

Mr. LoGrande went over the criteria involved in selecting the Critical Resource Areas, and stated that the intent of the sub-committee was to come up with a compromise which could be submitted to the Commission.

Mr. Breslin then took the floor and stated that North Shore properties was the subject of long scrutiny, and they have spent six years going through environmental impact statements. All of the issues which have been brought up in tonight's meeting have been scrutinized, and agreed upon, and if these issues are brought up again, litigation will occur. Mr. Breslin stated that he has spent 2 million dollars in environmental impact statements, and the study has been approved by the Town. He stated that parcel 11 (as identified in the North Shore Properties GEIS) is probably the most important parcel ever to come to Long Island. Parcel 11 is going to bring quality affordable housing to

Long Island. This is extremely important to all of the young people of Long Island. Mr. Breslin then submitted that the Commission take the responsibility to make sure that the plans that they have for parcel 11 do not get disrupted.

Commissioner Thiele stated that the final decision will be made by the Commission. There are in fact many other areas in the Plan which are of great importance as well, and must be reviewed.

Mr. LoGrande made a motion to send all of the ideas which have been agreed upon by the Advisory Committee to the Commission. There would be two separate opinions; which would be forwarded separately, and have two separate groups submit small pieces on the buffer proposal, as well as parcel 11. With this information, the Commission would make their decision. At least then, something would come out that is unanimous with the Advisory Committee.

There were many oppositions to this motion. The motion was tabled by Dr. Koppelman, and seconded by Mr. Balin. Dr. Koppelman stated that the Towns should come up with a report of their findings regarding this issue.

Mitchell Pally thanked Mr. LoGrande for his efforts, and stated that the entire sub-committee spent a lot of time, effort, and planning while working on this special report.

The meeting was adjourned.

Central Pine Barrens Joint Planning and Policy Commission

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 John LaMura, *Vice Chairman*
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 Joseph F. Janoski, *Member*
 Fred W. Thiele, Jr., *Member*

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□ = 10/26 hearing
 put status on 10/26

Put TM #'s on agenda?

Commission Agenda (DRAFT) - October 13, 1994 Suffolk County Center / Riverhead 2:00 pm

Complete Receipt 30 day

Complete Receipt 30 day

1. Compatible Growth Area

- | | | |
|--|--|---|
| <ul style="list-style-type: none"> ⑧ 9/28 ⑪ 10/2 ⑦ 9/22 | <ul style="list-style-type: none"> 10/28 11/? 10/22 | <ul style="list-style-type: none"> • Rausch Site Plan / Middle Island: hearing • Park and Ride / Calverton: hearing • CSC Acquisition / East Quogue: hearing |
|--|--|---|

| | | |
|--------------|--------|------|
| New Concepts | ① 8/22 | 9/21 |
| Crystal Bay | ② 8/30 | 9/29 |

2. Core Preservation Area

- | | | |
|---|---|--|
| <ul style="list-style-type: none"> ③ 9/8 ① 7/8 ④ 9/4 ⑥ 9/21 ⑤ 9/19 | <ul style="list-style-type: none"> 10/8 10/8 11/3 11/5 10/21 10/17 | <ul style="list-style-type: none"> • Westhampton Ministorage / Tuccio: written decision and resolution • American Physical Society / Ridge: extension and hearing • Madelung / Middle Island: hearing • Lukas / Calverton: hearing • Saints Peter and Paul / Manorville: hearing • Gazza / Westhampton: hearing • Masso / Flanbur: hearing |
|---|---|--|

3. Plan Development

- Upcoming expert panel sessions reminder: 10/17, 10/25
- Upcoming community design workshop reminder: 10/29

4. Administrative

- 9/12 and 9/14 meeting minutes: adoption on 10/13
- 1994-95 funding
- Harriman School contract status: counsel
- Disposition of miscellaneous receipts and donations: SCWA authorization to

5. Executive Session Re New and Prior Litigation

6. Other Business

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
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Commission Agenda (FINAL) - October 13, 1994 Suffolk County Center / Riverhead 2:00 pm

1. Compatible Growth Area

- **Proposed 10/26 CGA hearings** (Brookhaven Town Offices, Building 4, 7:00 pm):
 - New Concepts ZBA residential lot division / Middle Island
 - Crystal Bay ZBA residential lot division / Middle Island
- **Proposed 11/2 CGA hearings** (Riverhead Town Hall, 7:00 pm):
 - Rausch office expansion / Middle Island
 - Park and Ride transportation center / Calverton
 - CSC Acquisition communications facility / East Quogue

2. Core Preservation Area

- Westhampton Ministorage / Westhampton: written decision and resolution text
- **Proposed 10/26 core hardship hearings** (Brookhaven Town Offices, Building 4, 7:00 pm):
 - American Physical Society office expansion / Ridge
 - Saints Peter and Paul church / Manorville
 - Madelung residence / Middle Island
- **Proposed 11/2 core hardship hearings** (Riverhead Town Hall, 7:00 pm):
 - Lukas residence / Calverton
 - Massa residence / Flanders
 - Gazza industrial building / Westhampton

3. Plan Development - Event Reminders:

- 10/17 Dr. James Nicholas, Univ. of Florida: TDR Program
 - Session 1: 10 am - 12 noon, Center Moriches Public Library*
 - Session 2: 3:30 pm, TDR Committee, Commission's Great River office*
- 10/25 Cape Cod Commission Experience: Armando Carbonell, Cape Cod Comm., and Andy Young, former Selectman, Town of Chatham, MA
 - Session 1: 3 - 5 pm, Session 2: 7 - 9 pm; Commission's Great River office*
- 10/29 Moriches Design Workshop: Center Moriches Public Library, 10 am - 1 pm
- 11/1 Riverhead Design Workshop: Pulaski Street School, 6:30 pm - 9:30 pm

4. Administrative

- 9/12 and 9/14 meeting minutes: adoption
- 1994-95 budget line item: status
- Harriman School contract: status
- Authorization of Suffolk Water to apply miscellaneous receipts to expenses

5. Executive Session Re New and Prior Litigation

6. Other Business

Central Pine Barrens Joint Planning and Policy Commission

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Commission Meeting Summary (FINAL) for October 13, 1994 (Approved 1/6/95) Suffolk County Center / Riverhead / 2:00 pm

Present: Mr. Gaffney and Mr. Dragotta (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. Gaffney at approximately 2:45 pm.

Other business (not on the original agenda)

- Long Island Builders Institute Draft Plan and GEIS comments
Summary: Mr. Schwenk of the Long Island Builders Institute presented the Institute's formal written comments on the Draft Plan. He stated that the Draft Plan and the DGEIS are incomplete and not sufficiently scientific. Mr. Schwenk also stated that the plan was not balanced, citing as an example the absence of an economic vision. He also asserted that more tiers of review are being added to the development approval process. Lastly, Mr. Schwenk mentioned that inverse condemnation was not addressed in the Plan and stated that it should be. All of the Commissioners and staff received copies of their comments to review.

Compatible Growth and Core Preservation Area hearings (from items 1 and 2 on the original agenda)

- Proposed 10/26 CGA hearings (Brookhaven Town Offices, Building 4, 7:00 pm):
 - New Concepts ZBA residential lot division / Middle Island
 - Crystal Bay ZBA residential lot division / Middle Island
- Proposed 10/26 core hardship hearings (Brookhaven Town Offices, Building 4, 7:00 pm):
 - American Physical Society office expansion / Ridge
 - Saints Peter and Paul church / Manorville
 - Madelung residence / Middle Island
- Proposed 11/2 CGA hearings (Riverhead Town Hall, 7:00 pm):
 - Rausch office expansion / Middle Island
 - Park and Ride transportation center / Calverton
 - CSC Acquisition communications facility / East Quogue
- Proposed 11/2 core hardship hearings (Riverhead Town Hall, 7:00 pm):
 - Lukas residence / Calverton

- Massa residence / Flanders
- Gazza industrial building / Westhampton

Summary: *The New Concepts and Crystal Bay hearings were added after the Commission, upon consultation with counsel, concluded that the Suffolk County Planning Commission review does not always apply to every application. A motion was made by Mr. Thiele and seconded by Ms. Filmanski to hold the hearings noted above. The motion was approved unanimously.*

2. Core Preservation Area

- Westhampton Ministorage / Westhampton: written decision and resolution text
Summary: *Counsel presented a draft written decision. After some discussion, a motion was made by Mr. Thiele and seconded by Mr. Cowen to adopt the Westhampton Ministorage written decision, findings and resolution text. The motion was adopted unanimously.*

3. Plan Development - Event Reminders:

- 10/17 Dr. James Nicholas, Univ. of Florida: TDR Program
Session 1: 10 am - 12 noon, Center Moriches Public Library
Session 2: 3:30 pm, TDR Committee, Commission's Great River office
- 10/25 Cape Cod Commission Experience: Armando Carbonell, Cape Cod Commission, and Andy Young, former Selectman, Town of Chatham, MA
Session 1: 3 - 5 pm, Session 2: 7 - 9 pm; Commission's Great River office
- 10/29 Moriches Design Workshop: Center Moriches Public Library, 10 am - 1 pm
- 11/1 Riverhead Design Workshop: Pulaski Street School, 6:30 pm - 9:30 pm
Summary: *Mr. Corwin summarized each event. Mr. Thiele raised the question of whether or not the visit by Mr. Nicholas was an open session. Mr. Thiele felt that if the first session was open to the public, then Dr. Nicholas's findings or opinions would be misconstrued as those of the Commission. Mr. Hopkins stated that Dr. Nicholas was coming here for an exchange of ideas regarding TDR among the Commissioners and himself. A lengthy discussion ensued over the issue of a lack of communication between the consultants and the Commissioners.*

4. Administrative

- 9/12 and 9/14 meeting minutes: adoption
Summary: *A motion was made by Mr. Thiele and seconded by Ms. Filmanski to adopt the draft meeting work summaries for the 9/12/94 and 9/14/94 meetings. The motion was approved unanimously.*
- 1994-95 budget line item: status
Summary: *Mr. Rigano stated that NYS DEC has the money now and that the Commission should receive it before the end of the fiscal year.*

- Harriman School contract: status
Summary: This was deferred to a future meeting.
- Authorization of Suffolk Water to apply miscellaneous receipts to expenses
Summary: A motion was made by Mr. Thiele and seconded by Ms. Filmanski to authorize Suffolk County Water Authority to apply miscellaneous receipts to expenses. The motion was approved unanimously.

5. Executive Session Re New and Prior Litigation

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

Adjournment

Summary: Upon returning to open session, the meeting ended immediately. No resolution of adjournment was made.

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Commission Agenda (DRAFT) - October 20, 1994 New Location: Riverhead Town Hall / Riverhead

*(Moved from Riverhead County Center
due to scheduling conflict)*

2:00 pm

1. Compatible Growth Area

No matters at writing of draft.

2. Core Preservation Area

No matters at writing of draft.

3. Plan Development

- Comment summaries

5. Executive Session

- Matters of litigation - ***Lengthy executive session to be expected.***

6. Other Business

Central Pine Barrens Joint Planning and Policy Commission

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Commission Agenda (FINAL) - October 20, 1994 New Location: Riverhead Town Hall / Riverhead

*(Moved from Riverhead County Center
due to scheduling conflict)*

2:00 pm

1. Plan Development

- Comment summaries

2. Executive Session

- Matters of litigation - ***Lengthy executive session to be expected.***

3. Other Business

Central Pine Barrens Joint Planning and Policy Commission

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Commission Meeting Summary (FINAL) for October 20, 1994 (Approved 1/6/95) Riverhead Town Hall / Riverhead / 2 pm (Moved from Riverhead County Center due to scheduling conflict)

Present: Mr. Gaffney (for Suffolk County), Ms. Pines and 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. Gaffney at approximately 2:20 pm.

1. Plan Development

- Comment summaries

Summary: The set of comments received upon the draft plan and draft GEIS was discussed. Mr. Corwin distributed transcripts from the 9/28/94 hearing, and a summary of comments which have been received through 10/19/94. He also described the role of the editorial board in reviewing and summarizing the comments, as well as its future role in assisting to reformat and revise the plan and GEIS as per those comments.

A motion was made by Mr. Gaffney and seconded by Mr. Cowen to accept all comments upon the draft plan and draft GEIS received by the Commission through the close of business today, and, further, to consider all additional comments received after today but through the time of the next meeting at that time. The motion thus officially extends the comment period through 10/20/94, with the possible later extension of the period through the next meeting. The motion was approved unanimously.

Mr. Eversoll and Mr. Schwenk both raised the issue of completeness of the GEIS, and that was discussed as well.

- The TDR Program

Summary: An extensive discussion was held regarding the role of the Suffolk County Health Code, and the Health Department, in designing and implementing the receiving area conventions and procedures. Mr. Baier of the Health Department spoke to the Commission on both the current case by case TDR policy of his department, as well as the proposed formalization of this policy for countywide TDR applications. He emphasized that the proposed formalization would not be applicable only to the Central

Pine Barrens, but would be available for other areas and programs which qualify. Among the points noted in the ensuing presentation and discussion were the lack of any reference to development transfers in the current Article 6 of the Health Code, the focus upon nitrogen as a groundwater contaminant, sewerage thresholds, etc.

Additionally, Mr. Minei and Mr. Dawydiak of the Health Department's Office of Ecology, who are involved with the County's federally-sponsored Peconic Estuary Program, were also present. They presented their concerns regarding the overlaps and contrasts between the Commission's statutory zones plus the draft plan's proposed receiving areas, and the Peconic Estuary Program's delineations of contributing areas to the Peconic estuary. These conflicts and needs for coordination were discussed extensively.

2. Executive Session - Matters of litigation

Summary: *A motion was made by Mr. Gaffney and seconded by Ms. Filmanski to enter into executive session to discuss matters pertaining to litigation. The motion was adopted unanimously, and the Commission entered into executive session.*

3. Other Business

Summary: *No other business was raised.*

Adjournment

Summary: *The meeting ended immediately following the return to open session. No resolution of adjournment was made.*

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Commission Agenda (FINAL) - November 7, 1994 Brookhaven Town Offices / Medford 9:30 am

1. Compatible Growth Area

- Rausch Site Plan / Middle Island: status
- Park and Ride / Calverton: status
- CSC Acquisition / East Quogue: status
- Suff. Cty. DPW sewage project: nondevelopment inquiry
(*partly compatible growth & partly core*)

2. Core Preservation Area

- Omnia Properties / Brookhaven & Southampton: correspondence
- Lukas / Calverton: status
- Manor Pines / Manorville: status and new correspondence
- American Physical Society / Ridge: status
- Saints Peter and Paul Church / Manorville: status
- Madelung / Middle Island: status and decision
- Keller / Manorville: nondevelopment inquiry
- Massa / Flanders: status
- Suffolk County Community College: master plan update
- Gazza / Westhampton: status

3. Plan Development

- Draft Plan: consideration of comments received from 10/21 through present
- Critical resource areas: information requested from Land Management Comm.
- Economic analysis work: discussion of work and draft final report

4. Administrative

- 10/11, 13 and 20 meeting minutes: distribution for adoption on 11/9
- 1994-95 operating funds: application through NYS DEC
- Riverhead Commission meetings: consideration of alternate meeting room

Central Pine Barrens Joint Planning and Policy Commission

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Commission Meeting Summary (FINAL) for November 7, 1994 (Approved 1/6/95) Brookhaven Town Offices / Medford / 9:30 am

Present: Mr. Gaffney and Mr. Proios (for Suffolk County), Ms. Pines and Ms. Swick (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Thiele (for Southampton) and Mr. Haynes 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 9:45 am. Mr. Gaffney arrived shortly thereafter and chaired the meeting from that point.

1. Compatible Growth Area

- Rausch Site Plan / Middle Island: status
Summary: Mr. Corwin noted that this application's hearing record closes on 11/14/94 and a decision is due on this by 1/26/95.
- Park and Ride / Calverton: status
Summary: Mr. Corwin noted that this application's hearing record closes on 11/9/94 and a decision is due on this by 2/10/95. However, the applicant strongly requested at the hearing that an expedited decision be reached. The Commission agreed that a decision would be made as soon as possible.
- CSC Acquisition / East Quogue: status
Summary: Mr. Corwin noted that this application's hearing record closes on 11/9/94 and a decision is due on this by 1/20/95.
- Suffolk County Dept. of Public Works sewage project: nondevelopment inquiry (partly compatible growth & partly core)
Summary: Mr. Corwin read letter of 10/13/94 from the SC Department of Public Works regarding their proposed upgrades to sewage facilities in the Longwood-Middle Island area. Mr. Corwin also noted that although this appears to clearly be a nondevelopment issue under the pine barrens statute, that the area of proposed work touches upon the much-discussed Longwood Greenbelt area (where a core boundary change request had been previously made). Consequently, he wanted the Commission to know of this particular project to avoid any future confusion.

2. Core Preservation Area

- Omnia Properties / Brookhaven & Southampton: correspondence
Summary: Mr. Corwin read the correspondence dated 10/11/94 from Mr. Fernbach, representative for the owners of the approximately 1500 acres of core property known as the Omnia Corporation holdings. A discussion followed regarding the status of the acquisition program with respect to these lands, and the need to address large, single holdings such as these in order to further the goals of the pine barrens statute.
- Lukas / Calverton: status
Summary: This project was discussed extensively, especially with regard to the degree of specificity in the application and the need to complete the SEQRA lead agency coordination. It was agreed that more information is needed before a hearing is scheduled and a decision can be made. The discussion here led directly to the next topic.
- Core area application checklist (not on original agenda)
Summary: During the discussion of the Lukas application, it was agreed that guidelines should be provided for applications in the core area, without attempting to legally interpret the core area permit provisions of the statute. Specifically, the guidelines should state that the Commission does not provide advisory opinions on future projects, and that full plans and descriptions of proposed actions, appropriate to the scale of the projects, should be submitted with core applications. These materials should be essentially the same as those that are filed with the town in which the project is located. The staff will provide a short first draft of such a checklist for the 11/9/94 meeting, if possible.
- Manor Pines / Manorville: status and new correspondence
Summary: Recent correspondence from Mr. Darrow of the Advisory Committee was read and discussed. The concern was raised by Mr. Darrow that the project sponsors would proceed without applying for a core permit from the Commission. A long discussion ensued, with several questions raised: the issue of approval dates and whether the project was exempt under the pine barrens statute, the status of the proposed open space area, the specific management concerns for the trails in this area in the project proceeded, etc.
- American Physical Society / Ridge: status
Summary: The hearing record on this project is closed and a decision is due by 12/14/94.
- Saints Peter and Paul Church / Manorville: status
Summary: The decision deadline for this application is 12/5/94, but the Commission agreed to make a decision at the 11/9/94 meeting. Ms. Swick discussed the stormwater runoff concerns which she has with this project.
- Madelung / Middle Island: status and decision
Summary: The Madelungs have sent a letter agreeing to postpone the decision

deadline for their application to 3/31/95, after a final plan is expected to be in place. A motion was made by Mr. Gaffney and seconded by Ms. Filmanski to accept the new decision deadline of 3/31/95 for the Madelung core hardship application. The motion was approved unanimously.

- Keller / Manorville: nondevelopment inquiry
Summary: Mr. Corwin read a letter from the owner's attorney regarding their nondevelopment status. Staff has referred the correspondence to counsel for a reply.
- Massa / Flanders: status
Summary: The Massas have agreed to delay a decision on their application till after a final plan is in effect. A motion was made by Mr. Cowen and seconded by Ms. Filmanski to adopt the date of 3/31/95 as the decision deadline for the Massa core hardship application. The motion was approved unanimously.
- Suffolk County Community College: master plan update
Summary: Mr. Corwin read the recent correspondence from Mr. Strahs-Lorenc of the community college re their future plans for the eastern campus, as per their recently revised master plan. It was generally agreed that an application cannot be made to the Commission prior to one of the tasks in the master plan being actually proposed. Further discussions with the college administration will be held to clarify this.
- Gazza / Westhampton: status
Summary: The lead agency status and the need for an extension in order to coordinate that status with the town was discussed. It was also noted that a definition of the amount and location of clearing needs to be clarified. A letter regarding the extension must be composed by the 11/9/94 meeting.

3. Plan Development

- Draft Plan: consideration of comments received from 10/21 through present
Summary: This will be deferred to next meeting.
- Critical resource areas: information requested from Land Management Committee
Summary: Distributed by Mr. Corwin.
- Economic analysis work: discussion of work and draft final report
Summary: Proposed final report is almost complete. Staff will speak with contractors on this.

4. Administrative

- 10/11, 13 and 20 meeting minutes: distribution for adoption on 11/9
Summary: Mr. Corwin noted that these had not yet been completed.

- 1994-95 operating funds: application through NYS DEC
Summary: Staff and counsel briefly described the process for obtaining the Commission's 1994-95 operating funds.
- Riverhead Commission meetings: consideration of alternate meeting room
Summary: Alternate meeting sites in the Riverhead vicinity were discussed, as the Riverhead County Center is a less desirable meeting site. The Town Hall appears to be the preferred choice.

Adjournment

Summary: A motion to adjourn was made by Mr. Proios and seconded by Ms. Filmanski. It was approved unanimously.

Central Pine Barrens Joint Planning and Policy Commission

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Commission Agenda (DRAFT) - November 9, 1994 Riverhead County Center / Riverhead 2:00 pm

1. Compatible Growth Area

- Park and Ride / Calverton: status
- CSC Acquisition / East Quogue: status

2. Core Preservation Area

- Lukas / Calverton: acceptance of request for delay till 12/14
- Saints Peter and Paul Church / Manorville: status and decision by 12/5
- Gazza / Westhampton: acceptance of request for delay till 12/14

3. Plan Development

- Critical resource areas: information requested from Land Management Comm.
(*Distribution of report to those not receiving it at 11/07 meeting*)
- Scheduling of economic analysis detailed presentation
(*Suggestion is for early next week*)

4. Administrative

- 1994-95 operating funds: application through NYS DEC

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Commission Agenda (FINAL) - November 9, 1994 Riverhead County Center / Riverhead 2:00 pm

1. Compatible Growth Area

- Park and Ride / Calverton: status
- CSC Acquisition / East Quogue: status

2. Core Preservation Area

- Lukas / Calverton: acceptance of request for delay till 12/14
- Saints Peter and Paul Church / Manorville: status and decision by 12/5
- Gazza / Westhampton: acceptance of request for delay till 12/14
- Draft Hardship Application Checklist for completeness

3. Plan Development

- Critical resource areas: information requested from Land Management Comm.
(Distribution of report to those not receiving it at 11/07 meeting)
- Scheduling of economic analysis detailed presentation
(Suggestion is for early next week: Monday or Tuesday)

4. Administrative

- 1994-95 operating funds: application through NYS DEC

Central Pine Barrens Joint Planning and Policy Commission

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Commission Meeting Summary (FINAL) for November 9, 1994 (Approved 1/6/95)

Riverhead County Center / Riverhead / 2:00 pm

Present: Mr. Proios and Mr. Dragotta (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.

1. Compatible Growth Area

- Park and Ride / Calverton: status
Summary: The hearing record for this project closes today, and the decision deadline is 2/10/95. However, at the hearing, the applicant requested a greatly accelerated decision, and the Commission has agreed to decide this sooner. A decision may be made at the next meeting.
- CSC Acquisition / East Quogue: status
Summary: The hearing record for this project closes today, and the decision deadline is 1/20/95.

Scheduling of additional meeting (not on the original agenda)

Summary: A motion was made by Mr. Thiele and seconded by Ms. Swick to hold an additional meeting on 11/14/94. The motion was approved unanimously.

2. Core Preservation Area

- Lukas / Calverton: acceptance of request for delay till 12/14
Summary: Mr. Lukas has agreed to the extension of his decision deadline to 12/14/94. A motion was made by Mr. Thiele and seconded by Ms. Filmanski to accept the extension of the Lukas decision deadline to 12/14/94. The motion was approved unanimously.
- Gazza / Westhampton: acceptance of request for delay till 12/14
Summary: This item was taken up before the discussion of the Saints Peter and Paul application, counter to the original agenda's sequence. Mr. Gazza has forwarded a letter to the Commission granting an extension of his project's decision deadline to 12/14/94. The Commission discussed the lead agency status of this project, and the

fact that either the Commission or a Town of Southampton body could become lead agency. Mr. Proios suggested that the Commission wait for the completion of the 11/21/94 Southampton Town Board meeting before proceeding further with the lead agency question. **A motion was made by Mr. Thiele and seconded by Ms. Filmanski to accept the postponement of the decision deadline on this application to 12/14/94. The motion was approved unanimously.**

- Saints Peter and Paul Church / Manorville: status and decision by 12/5
Summary: Mr. Smith, a representative of the applicant, was present to answer questions and discuss details of the project. The Commission, attendees and Mr. Smith reviewed several aspects of the project. A decision must be made by 12/5/94.
- Draft Hardship Application Checklist for completeness
Summary: Distributed by Mr. Corwin, the proposed checklist responds to the 11/7/94 request by the Commission for draft written guidance for core applicants. Further action was delayed to the next Commission meeting.

3. Plan Development

- Critical resource areas: information requested from Land Management Committee
(Distribution of report to those not receiving it at 11/07 meeting)
Summary: Mr. Corwin distributed the 10/31/94 Land Management Committee report requested by the Commission at its 10/20/94 meeting to those who did not receive it at the last meeting. The report adds details to the prior Land Management Committee critical resource area nominations, specifically to the topic of how the Commission should handle projects which arise in the future in these areas.
- Scheduling of economic analysis detailed presentation
(Suggestion is for early next week: Monday or Tuesday)
Summary: The economic analysis draft report will be treated as a work in progress until the Commission has had an opportunity to review it more carefully.

4. Administrative

- 1994-95 operating funds: application through NYS DEC
Summary: Ms. Roth, counsel, distributed and went over a proposed resolution permitting the Commission to enter into an agreement with the NYS DEC to obtain the Commission's 1994-95 \$150,000 budget allocation from the state. **A motion was made by Mr. Thiele and seconded by Ms. Swick to this effect. The motion was approved unanimously.**

Adjournment

Summary: The meeting ended without a resolution of adjournment.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ulric S. Haynes, *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) - November 21, 1994 Brookhaven Town Offices / Medford 1:00 pm

1. Compatible Growth Area

- Park and Ride / Calverton: decision
- CSC Acquisition / East Quogue: decision

2. Core Preservation Area

- Saints Peter and Paul Church / Manorville: decision
- Draft Hardship Application Checklist for completeness

3. Executive Session

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
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Commission Agenda (FINAL) - November 21, 1994 Brookhaven Town Offices / Medford 1:00 pm

1. Compatible Growth Area

- Park and Ride / Calverton: decision
- CSC Acquisition / East Quogue: decision
- Presta / Lake Panamoka: set hearing

2. Core Preservation Area

- Saints Peter and Paul Church / Manorville: decision
- DeMauro / Ridge: new hardship; set hearing

3. New Business

- Request from Buzz Schwenk to address Commission regarding public outreach

4. Executive Session

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ulric S. Haynes, *Member*
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Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for November 21, 1994 (Approved 1/6/95)

Brookhaven Town Offices / Medford 1:00 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). Additional attendees are shown on sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 1:10 pm.

1. Compatible Growth Area

- Park and Ride / Calverton: decision
Summary: After a brief discussion, a motion was made by Mr. Thiele and seconded by Ms. Filmanski to adopt the negative declaration of the Town of Riverhead of 4/5/94 and to approve the project. The motion was approved unanimously.
- CSC Acquisition / East Quogue: decision
Summary: After a brief discussion, a motion was made by Mr. Thiele and seconded by Ms. Filmanski to adopt the negative declaration of the Town of Southampton and to approve the project. The motion was approved unanimously.
- Presta / Lake Panamoka: set hearing
Summary: This project was briefly described by the staff. A motion was made by Mr. Thiele and seconded by Ms. Swick to schedule a hearing for this project on 11/30/94 at 7 pm at a location to be determined by the staff (preferably in the Town of Brookhaven offices). The motion was approved unanimously.

3. New Business (out of order from the original agenda)

- Request from Buzz Schwenk to address Commission regarding public outreach
Summary: Mr. Schwenk expressed his dissatisfaction with the extent and progress of the public outreach program. The need for more details re the various aspects of the plan, especially the many parts of the transfer of development rights program, was strongly stated. An extensive discussion ensued among the Commissioners, and other attendees regarding which groups have not been contacted or fully involved, what strategy should and could be taken now while the plan is still being formulated, and how to best involve the town-level constituencies during the next several months. In

particular, Mr. Thiele noted that it was difficult to sell a plan without those details.

Part of the discussion centered upon the need for an analysis of the draft plan and GEIS comments (which will be presented by the staff at the 11/30/94 meeting) and the need for an open discussion of the transfer program, especially the pine barrens credit allocation formulas.

2. Core Preservation Area

- Saints Peter and Paul Church / Manorville: decision
Summary: A discussion of several issues occurred, and covered the questions of stormwater runoff and recharge (by Ms. Swick) and the need to distinguish between the physical hardship basis and the compelling public need basis for the application. Mr. Amper opposed the application's compelling public need basis, and urged the Commission not to grant relief upon that part of the application. Extensive discussion of that question arose. Eventually, a motion was made by Mr. Cowen and seconded by Mr. Proios to approve the application upon the basis of physical hardship only, and to incorporate the conditions imposed by the Town of Brookhaven in the Commission's approval. The motion was approved by a vote of 4 to 1, with Mr. Thiele casting the dissenting vote.
- DeMauro / Ridge: new hardship; set hearing
Summary: This project was summarized by the staff, and a hearing recommended. A motion was made by Ms. Swick and seconded by Mr. Thiele to hold a hearing on this application on 11/30/94 at 7 pm at the same location as the Presta hearing previously scheduled. The motion was approved unanimously.

4. Executive Session

Summary: A motion was made by Ms. Filmanski and seconded by Ms. Swick to enter into executive session to discuss legal matters related to litigation. The motion was approved unanimously, and the Commission entered into executive session.

Adjournment

Summary: Upon exiting the executive session, the Commission adjourned immediately. No motion of adjournment was made.

Central Pine Barrens Joint Planning and Policy Commission

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Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

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Commission Agenda (FINAL) - November 30, 1994 Brookhaven Town Offices / Medford 4:00 pm

1. Compatible Growth Area

- Miniwarehouse Facility - MTK Ent. / Ridge: new application

2. Core Preservation Area

- Lukas / Calverton: additional hardship correspondence
- Suffolk County Community College / Riverhead-Speonk: new hardship
- Draft Hardship Application Checklist / Revision

3. Plan Development

- Draft Plan and GEIS Comment Analysis
- TDR discussion and update

4. Executive Session

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ulric S. Haynes, *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 November 30, 1994 (Approved 1/6/95) Brookhaven Town Offices / Medford / 4:00 pm

Present: Mr. Gaffney and 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). Mr. Gaffney arrived shortly after the start of the meeting, and chaired the meeting upon arrival. Additional attendees are shown on sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 4:10 pm.

1. Compatible Growth Area

- Miniwarehouse Facility - MTK Enterprises / Ridge: new application
Summary: Mr. Corwin introduced the most recent submittal of this project. The Commission had previously received a version of this same project which involved a rezoning component. It rejected that prior version, on advice of counsel, as an invalid application under the statutory provisions for the planning period. The current application is for a change of use rather than a rezoning. After discussion of this new application, it was rejected as an incomplete application, since there appear to be additional steps (involving approvals) which Brookhaven Town must first take. The staff will convey this determination to the applicant.

2. Core Preservation Area

- Lukas / Calverton: additional hardship correspondence
Summary: Mr. Corwin introduced a letter from Mr. Lukas describing the additional detail which the Commission had requested of him at his project's recent core hardship hearing. The information addresses the specific type and size of the single family structure which he is proposing on the building lot in Calverton. This application will be on the 12/12/94 agenda.
- Suffolk County Community College / Riverhead-Speonk: new hardship
Summary: The College's recent application for hardship relief was read by Mr. Corwin, and extensively discussed by the Commissioners, counsel and attendees. It was noted that master plan provisions such as the College is proposing might not be appropriate for hardship applications until they are to be actually implemented. It was also noted that the planning process for the overall pine barrens is now so close to

fruition that a better approach to addressing the College's concerns might be to see what provisions could be placed in the pine barrens plan to address both the statutory goals for the core area and the long term planning goals of the college. Staff members will contact the college officials to address this, and to request that the application be deferred pending the pine barrens plan completion.

- Draft Hardship Application Checklist / Revision

Summary: This item was deferred to the 12/8/94 meeting, as copies of the revised draft were not available.

- LILCO Right of Way Clearcutting / Ridge (not on original agenda)

Summary: The recent clearing of an approximately one half to three quarter mile long and 50 foot wide stretch of the LILCO right of way in the core preservation area south of NYS Route 25 in Ridge was discussed. Mr. Cowen has spoken with LILCO personnel re this, and reports that such periodic clearing is a routine procedure for the utility. The nondevelopment provisions of the statute were discussed, and it was generally agreed that maintenance of such right of ways was nondevelopment. Concern was expressed, however, that the use of such exemptions should be in keeping with the ecological management intent of the law. Mr. Cowen suggested setting up a meeting between Commission staff and appropriate LILCO personnel regarding the utility's policies and practices in right of way management in the pine barrens core area.

3. Plan Development

- Draft Plan and GEIS Comment Analysis

Summary: Mr. Hopkins distributed copies of the comment summaries prepared by the editorial board. He discussed the major issues which the commentators addressed.

- TDR discussion and update

Summary: Mr. Hopkins summarized the major issues in the overall TDR work. These included the designation of sending areas, the procedures which the bank (or clearinghouse) will follow, the type and operation of "as of right" uses in the receiving areas, and the amount of the overall core preservation task which the transfer program will handle, as distinguished from the acquisition program. Mr. Thiele emphasized the importance of the last issue, and a discussion ensued on this topic. Additional discussion was held on the possible bases for allocation of development rights to core area owners.

Other Business (not on original agenda)

- Decisions on Critical Resource Area nominations

Summary: This task was briefly addressed, including appropriate methods for sifting through the nominations and making decisions. The question arose as to whether sufficient information existed, and general agreement was reached that the

Commission has sufficient information and exposure to the issues to proceed with the work. The task will be undertaken at the 12/12/94 and 12/14/94 (if necessary) meetings.

- Scheduling of Additional meetings

Summary: The need for additional Commission meetings was agreed upon, and the dates selected were 12/8/94 and 12/21/94 (both at 2 pm at locations to be determined). A motion was made by Ms. Swick and seconded by Ms. Filmanski to schedule these additional meetings. It was approved unanimously.

4. Executive Session

Summary: The Commission entered into executive session to discuss matters of litigation.

Adjournment

Summary: Upon return to open session, the meeting ended immediately without a resolution of adjournment.

Central Pine Barrens Joint Planning and Policy Commission

MEETING FOR:

PINE BARRENS COMMISSION

LOCATION:

Brookhaven Town Offices

DATE/TIME:

11/30/94 4:00

| NAME | REPRESENTING | ADDRESS | TELEPHONE/FAX |
|----------------------|--------------------------|------------------------------|--------------------|
| Lorraine Trezza | SCWA/CPBC | 3525 Sunrise Hwy Great River | 563-0385 |
| ^{Ray Cowin} | SCWA/CPBC | | |
| Barbara Wyluck | Town/Brookh. | 3233 Nte 112 | 451-6512 |
| Tom MORRIS | NEWSDAY | MELVILLE | 843-2768; 8593 |
| Tim Hopkins | SCWA | 3525 Sunrise Hwy Great River | 563-0308, 277-4697 |
| Yi HOGLUND | 37 DIETZ AVE. LAKE GROVE | | 588-8459 |
| D Platt | SCWA | | |
| Sue Windesheim | SCPh/CPB | 220 Rabro Dr., Hauppauge | 853-4099 |
| Fred J. Jurek | Southampton | 116 Hampton Rd, Southampton | 283-6055 |
| Ray Cowen | NYSDEC | BLDG 40 SUNY | 444-0345 |
| James Rigano | CPBC | | 694-8005 |
| C Swick | TOPB | | 451-6200 |
| Brenda Filagnola | Purkhead | 20 Howell Ave. Rhd | 727 3200 x240 |
| George Boios | S.C. Exec | 888 Vets Highway, Hauppauge | 853-4654 / 4086 |
| Kelley Kelly | SC Exec | " " " " | 853-4667 |
| Bill Spitz | NYSDEC | SUNY CAMPUS S.B. Road | 444-0419 |
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2/11

Central Pine Barrens Joint Planning and Policy Commission

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

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Commission Agenda (DRAFT) - December 8, 1994
 Brookhaven Town Offices / Medford
 2:00 am

- 12/12 Agenda
- CRA
 - Lukas discussion (12/14)
 - DeMama (12/18)
 - Garza (12/14 ??)
 - APS (12/14)
 - New Concepts (12/20)
 - Crystal Bay (12/28)

1. Compatible Growth Area

No items scheduled.

2. Core Preservation Area

- Draft Hardship Application Checklist *(for planning period)*
- Manor Pines / name: *Stalvo*

3. Plan Development

Policy Draft Procedures for Review of Development Projects by Commission following Plan Adoption

3A → In

- Draft Standards for Land Use following Plan Adoption
- Analysis of Existing Pine Barrens Development Patterns

3C → In

Field Management Reports *(for dist'n only & discussion at late Dec. Mtg.)*

- Ecology Committee Management Report
- Trails Group
- Hunting & Fishing

3D → In progress

- Ecological Res & Mon.
- Cult & Arch.
- Prot'd Lands Comal
- Law Enforcement

3B → Policy reports In progress

- Economic Analysis
- TDL Valuation
- Town specific TDL specific's
- A

12/14: BK T. Plan discussion
 Lu Stals

Release of economic analysis (discussed at 12/7/94 AC)

Rick Haynes' resignation

Omnia

Central Pine Barrens Joint Planning and Policy Commission

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Commission Agenda (Final) - December 8, 1994 Brookhaven Town Offices / Medford 2:00 pm

1. Compatible Growth Area

No items scheduled.

2. Core Preservation Area

- Manor Pines / Manorville: status
- Draft Hardship Application Checklist (*for planning period*)

3. Plan Development - Committee & Working Group Status

Policy Topics:

- Draft Procedures for Review of Development Projects by Commission following Plan Adoption
- Draft Standards for Land Use
- Discussion of Existing Pine Barrens Development Patterns
- In progress work

Field Management Topics:

- Ecology Committee
- Trails Working Group
- Hunting & Fishing Working Group Report
- In progress work & work session for management policies

4. Administrative

- Meeting schedule through mid-January 1995

Central Pine Barrens Joint Planning and Policy Commission

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P.O. Box 587
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Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for December 8, 1994 (Approved 1/6/95) Brookhaven Town Offices / Medford / 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). Additional attendees are shown on sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:15 pm.

Other Business (not on the original agenda)

- Northville Corp. / DEC Natural Resources Damage Settlement
Summary: Mr. Cowen discussed the recent public meeting held by the NYS DEC on the terms of the natural resources damage settlement between the Northville Corp. and the NYS DEC regarding the spill to groundwater at the company's Setauket facility. Mr. Cowen reported that the Setauket community suggested a termination date on the use of the \$5 million of the settlement marked for capitalizing the transfer of development rights bank for the Central Pine Barrens plan. The community members would like to see any unused balance (or a percentage of the balance) of the funds returned to purchase open space in the Setauket area after some fixed number of years. Periods of 5-10 years were discussed by the Commission.

After some discussion, general agreement was reached that a ten year period would be reasonable, and, in addition, that a minimum balance of \$500,000 be retained in the Central Pine Barrens TDR bank at the end of that time. This would ensure the continued viability of the bank over a long term.

1. Compatible Growth Area

No items scheduled.

2. Core Preservation Area

- Manor Pines / Manorville: status
Summary: Mr. Rigano summarized conversations he had with representatives of the Manor Pines project. The project sponsors are aware of the requirements of the pine barrens statute, but have not indicated that they will be applying for a core area

hardship permit, as they believe that the project is grandfathered.

- Draft Hardship Application Checklist (for planning period)
Summary: Mr. Corwin distributed the revised draft (dated 11/18/94) of the core area hardship checklist for applicants. The revised version incorporates the changes suggested by Mr. Cowen and Ms. Filmanski. The revised draft will be discussed and possibly acted upon at the 12/12/94 meeting.

3. Plan Development - Committee & Working Group Status

Policy Topics:

- Draft Procedures for Review of Development Projects by Commission following Plan Adoption
- Draft Standards for Land Use
Summary: A single work-in-progress document containing both of the above was given to the Commissioners and counsel for their review by Mr. Corwin. He noted that this document is the integration of several constituencies' contributions. He also explained that this document was the first step toward the new organization which the proposed final plan will utilize, namely that of a two or three volume document. The first volume will contain the most significant policy, regulatory and management statements, along with an executive summary and references to background material to be housed in the other two documents. Volume 2 would contain inventory and research information, and a possibly separate Volume 3 would contain the revised generic environmental impact statement.
- Discussion of Existing Pine Barrens Development Patterns
Summary: Ms. Plunkett presented the results of the core area vacant road-front land analysis which she, Mr. Hopkins and Mr. Milazzo performed in response to the Commission's request at the 11/30/94 meeting. A poster-sized overlay on the Commission's June 1994 land use map was displayed, and a report containing area-specific maps was distributed. Tabulations were performed for the approximately two dozen separate regions of existing core development.
- In progress work
Summary: Mr. Corwin summarized the policy work which is still in progress.

Field Management Topics:

- Ecology Committee
- Trails Working Group
- Hunting & Fishing Working Group Report
- In progress work & work session for management policies
Summary: Copies of the draft reports from the above groups (all works-in-progress) were distributed to Commissioners and counsel for review. Mr. Corwin indicated the desirability of the Commission setting aside a full work session to address policies and

recommendations regarding field management which the Commission wishes to include in the final plan. He noted that the Protected Lands Council and the Law Enforcement Council are both working on their reports which will be available within the next few weeks.

4. Administrative

- Meeting schedule through mid-January 1995

Summary: The Commissioners discussed setting two additional meetings (in addition to the already scheduled 12/21/94, 1/9/95 and 1/11/95 meetings). The two dates suggested were 12/28/94 at 2 pm and 1/4/95 at 2 pm (both locations to be determined). Selection of actual dates will be made at the 12/12/94 meeting.

Mr. Thiele left at this time.

Other Business (not on the original agenda)

- Expected resignation of Mr. Haynes.

Summary: Mr. Cowen noted that Commissioner Haynes had called him to say that he was resigning his appointment as the state representative to the Commission effective 1/1/95. Mr. Haynes also called Mr. Corwin, and indicated that he would be forwarding a letter of resignation.

*A discussion ensued regarding Mr. Cowen's role as state representative. The Commission members stated that they wanted him to remain, and would like to convey that to Governor-elect Pataki. It was agreed that such a message should be sent from Mr. Gaffney's office. **A motion was made by Ms. Swick and seconded by Ms. Filmanski recommending that Mr. Cowen be retained as the state's representative to the Commission. The recommendation passed 3-0, with Mr. Cowen abstaining.***

Adjournment

Summary: The meeting ended without a resolution of adjournment.

Central Pine Barrens Joint Planning and Policy Commission

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Overall Commission Agenda (DRAFT) - for meetings of

- **December 12, 1994: Brookhaven Town Offices / Medford / 9:30 am**
- **December 14, 1994: Riverhead Town Hall / 2:00 pm**

1. Compatible Growth Area

- New Concepts / Middle Island: decision on 12/14 (12/20 deadline)
- Crystal Bay / Middle Island: decision on 12/14 (12/28 deadline)

2. Core Preservation Area

- Draft hardship application checklist for planning period: approval
- Suffolk Community College Master Plan: brief presentation
- American Physical Society / Ridge: decision on 12/14 (12/14 deadline)
- DeMauro / Ridge: discussion & possible decision on 12/14 (1/8 deadline)
- Lukas / Calverton: lead agency, decision on 12/14 (12/14 deadline)
- Omnia / Brookhaven & Southampton: update
- Gazza / Westhampton: status re lead agency & deadline

3. Plan Development

- Critical resource areas discussion & decisions (12/12 and 14 as needed)
- Discussion of draft standards and review procedures (from 12/8 meeting)
- Brookhaven planning presentation (requested by C. Swick)

4. Administrative

- Selection of work session dates and times for:
 - Week of 12/26/94: Tentatively set for Wed 12/28/94 at 2:00 pm
 - Week of 1/2/95: Tentatively set for Wed 1/4/94 at 2:00 pm

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Overall Commission Agenda (FINAL) - for meetings of

- **December 12, 1994: Brookhaven Town Offices / Medford / 9:30 am**
- **December 14, 1994: Riverhead Town Hall / 2:00 pm**

1. Compatible Growth Area

- New Concepts / Middle Island: decision on 12/14 (12/20 deadline)
- Crystal Bay / Middle Island: decision on 12/14 (12/28 deadline)

2. Core Preservation Area

- Draft hardship application checklist for planning period: approval
- Suffolk Community College Master Plan: brief presentation
- American Physical Society / Ridge: decision on 12/14 (12/14 deadline)
- DeMauro / Ridge: discussion & possible decision on 12/14 (1/8 deadline)
- Lukas / Calverton: lead agency, decision on 12/14 (12/14 deadline)
- Omnia / Brookhaven & Southampton: update
- Gazza / Westhampton: status re lead agency & deadline

3. Plan Development

- Critical resource areas discussion & decisions (12/12 and 14 as needed)
- Discussion of draft standards and review procedures (from 12/8 meeting)
- Brookhaven planning presentation (requested by C. Swick)

4. Administrative

- Selection of work session dates and times for:
 - Week of 12/26/94: Tentatively set for Wed 12/28/94 at 2:00 pm
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Central Pine Barrens Joint Planning and Policy Commission

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Commission Meeting Summary (FINAL) for December 12, 1994 (Approved 1/6/95) Brookhaven Town Offices / Medford / 9:30 am

Present: Mr. Gaffney, Mr. Gatta 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. Gatta (chairing the meeting prior to Mr. Gaffney's arrival) at approximately 9:47 am.

Other Business (not on the original agenda)

- Northville Corp. / DEC Natural Resources Damage Settlement
Summary: Mr. Gatta briefly discussed the status of a portion of the \$10 million of the settlement which has been slated for Central Pine Barrens acquisitions, and noted that he was told that a portion of the money might be temporarily unavailable. This question will be pursued further.
- Manor Pines development project / Manorville
Summary: George Fernandez spoke to the Commissioners regarding the new clearing that is occurring at the Manor Pines development site at the southeast corner of Halsey Manor Road and Mill Road in Manorville. Mr. Fernandez described the clearing of three lots (of the 15 which the Town-approved project contains). He also noted that the site is on the state's acquisition list, as described at the 12/7/94 Advisory Committee meeting. Ms. Swick stated that this is a difficult case, as the Town is unable to refuse issuing the appropriate permits. Mr. Amper spoke strongly that the time had come to enforce the law. Mr. Scro of the Long Island Builders Institute stated that this action strikes at the heart of the agreement and framework of the Pine Barrens statute regarding preservation of the core.

Mr. Rigano provided an overview of the facts in the case. Mr. Thiele noted that the law is clear in this regard, and he believes that the project is not grandfathered. Mr. Gatta asked whether Mr. Cowen could have his officers investigate to see exactly what clearing had occurred, and Mr. Cowen discussed investigation and enforcement options.

Mr. Rigano outlined three options for the Commission. They include doing nothing at this time, requesting the project sponsors to apply for a hardship, or seeking a

temporary restraining order. Ms. Wiplush asked whether these options could be discussed in executive session, and it was agreed that they would.

1. Compatible Growth Area

- New Concepts / Middle Island: decision on 12/14 (12/20 deadline)
- Crystal Bay / Middle Island: decision on 12/14 (12/28 deadline)

Summary: Ms. Plunkett summarized these two projects, and Mr. Voorhis (representing both of the separate sponsors of the two projects) answered several questions from the Commissioners. The projects are consonant with the well-established development pattern in the area, and both appear to meet the interim goals and standards. It was specifically noted that a portion of the Crystal Bay project contains steeper slopes (approximately 10-12%) than the remaining area. A discussion was held regarding the need for careful construction procedures in the steeper-sloped areas, and the best means for assuring this.

A motion was made by Mr. Cowen and seconded by Mr. Thiele to adopt a negative declaration and to approve the New Concepts project. The motion was approved unanimously.

A second motion was made by Ms. Swick and seconded by Ms. Filmanski to adopt a negative declaration and to approve the Crystal Bay project subject to the condition that all precautions be made to protect the steep slopes on the northernmost parcel in the proposal, both during design of the building footprint and during construction. The motion was approved unanimously.

2. Core Preservation Area

- Draft hardship application checklist for planning period: approval

Summary: The checklist was deferred for action until the 12/14/94 meeting.

- Suffolk Community College Master Plan: brief presentation

Summary: Mr. Steven Schrier and Mr. Fred Strahs-Lorenc of Suffolk Community College gave a brief presentation on the College's master planning process and the motivation for their seeking a hardship approval now for certain construction activities. The 192 acre site currently has approximately 21 developed acres, and the master plan calls for an additional 25 acres of development, mostly proposed on already cleared land. Considerable discussion and questioning followed.

Mr. Cowen felt that the application as submitted needed clarification, and that many of the specific projects which the College listed may be nondevelopment. Mr. Schrier noted that the College needs to show progress on each of the items listed prior to approximately April of 1995 in order to be assured of funding. They are aiming to break ground on or about June 1, 1995. The conclusion of the discussion was that the Commission counsel and the College staff will speak later today, and start to determine

what action would be legally appropriate for the College to pursue.

- American Physical Society / Ridge: decision on 12/14 (12/14 deadline)
Summary: The issues in this application were summarized by staff and Commissioners. Lead agency coordination has been completed.

A motion was made by Mr. Cowen and seconded by Mr. Thiele to declare lead agency status for the Commission, to adopt a negative declaration and to approve the application subject to the conditions that (1) there be a physical delineation in the field of the limit of clearing for the building and associated construction activities, and (2) that the building addition be designed and constructed in such a manner that any future expansion needs can be accommodated by upward expansion on top of the new addition. The motion was approved unanimously.

- DeMauro / Ridge: discussion & possible decision on 12/14 (1/8 deadline)
Summary: This application for a single family residence was discussed briefly, including its location within the NYS Wild, Scenic and Recreational River corridor for the Peconic River. The proposed construction requires a NYS WSRR permit, but will not require a wetlands permit since the building will be more than 100 feet from the edge of the wetland.

A motion was made by Mr. Cowen and seconded by Mr. Gatta to approve the application with the condition that the project adhere to all requirements of the Town of Brookhaven, especially regarding freshwater wetlands. The motion was approved unanimously.

Mr. Gaffney arrived at this time, and chaired the meeting.

- Lukas / Calverton: lead agency, decision on 12/14 (12/14 deadline)
Summary: The application was deemed to be prospective in nature at this time, and the Commissioners generally agreed that action on such an application would set a poor precedent. Two prior applications received for similar applications elsewhere in the core are currently on hold for a decision until late March of 1995, in order to permit the Commission to finish work on the Final Plan. The Final Plan may address the issues raised by these types of applications. This applicant had consented to a delay in a decision until 12/14/94, but the Commission would like to request a further delay once again until March of 1995. Staff will contact Mr. Lukas regarding this and discuss the matter again on 12/14/94.
- Omnia / Brookhaven & Southampton: update
Summary: Mr. Corwin discussed the recent conversations he had with the representative of the Omnia Corp, Mr. Fernbach. He expressed Mr. Fernbach's concern that the combined offers of acquisition by the county and the state would leave him with a portion of land which is not usable. The current status of the two real estate agencies' work on the Omnia Corp. property is needed, and Mr. Corwin will speak with those departments.

- Gazza / Westhampton: status re lead agency & deadline
Summary: Ms. Roth explained that the applicant had agreed to an indefinite extension of the decision on this project, pending completion of the Town's SEQRA process.

3. Plan Development

- Critical resource areas discussion & decisions (12/12 and 14 as needed)
Summary: Mr. Corwin distributed additional correspondence he had received opposing certain CRA designations. Mr. Gaffney initiated a long discussion involving Commissioners and other attendees regarding the definition of CRAs, the meaning of statewide or regional significance as used in the statute, and the methodology to be used in reviewing the nominations. A detailed discussion and decisions will be the principal focus of the 12/14/94 meeting.

Mr. Gatta left at this time.

- Discussion of draft standards and review procedures (from 12/8 meeting)
- Brookhaven planning presentation (requested by C. Swick)
Summary: These items were delayed, possibly to the 12/14/94 meeting if time permits.

4. Administrative

- Selection of work session dates and times for:
 - Week of 12/26/94: Tentatively set for Wed 12/28/94 at 2:00 pm
 - Week of 1/2/95: Tentatively set for Wed 1/4/95 at 2:00 pm*Summary: The dates of 1/3/95 and 1/6/95 were chosen for additional meetings of the Commission. Both meetings will be held at Brookhaven Town Offices at 2 pm.*

Other Business (not on the original agenda)

- Executive Session
Summary: A motion to enter executive session to discuss litigation was made by Mr. Gaffney and seconded by Mr. Thiele. It was approved unanimously. The Commission entered into executive session at approximately 12:40 and returned to open session at approximately 1:35.

Mr. Cowen and Ms. Swick left during the executive session.

Adjournment

Summary: A motion to adjourn was made by Mr. Thiele and seconded by Ms. Wiplush. It was approved unanimously. The meeting ended at approx. 1:35 pm.

Central Pine Barrens Joint Planning and Policy Commission

MEETING FOR:

Central Pine Barrens Comm

LOCATION:

Brodchamers

DATE/TIME:

12/2/94 9:30am

| NAME | REPRESENTING | ADDRESS | TELEPHONE/FAX |
|-------------------|--------------------|-----------------------------------|----------------|
| Giuseppe Toppo | SCWA/PBC | 3525 Sunrise Hwy Great River | 563-0385 |
| Chic Viorzys | New Concord/CVA | 54 N. Country Rd. M.P. NY | 331-1455 |
| Bill Spitz | MTSD SC | R-1 | 444-0419 |
| Ray DeGotta | Suff. Cty | Hempstead Hwy 11787 | 853 5133 |
| Tim Hopkins | SCWA | 3525 Sunrise Hwy, Great River | 563-0308 |
| Herbert M Baly | ABL1 | 90 Mensch Ave East Meadow | 296-7018 |
| Janet Donnelly | LIBI | 572 Wall W. Westbury Rd. Westbury | 427 5665 |
| Joe Bergelson | Y.B. Farm Bur. | 1281 Old Country Rd Riverhead | 727-3277 |
| Tom Morris | NEWSOON | MELVILLE | 843-2768; 2950 |
| David A. Seo | LIPBS | ISADIA | 471-7272 |
| Richard J. Taylor | LIPBS | Box 429 Monacaville | 369-3900 |
| FRED STRANS-LOREN | Suff. Comm. Coll. | 533 College Rd. SELDEN | 451-4233 |
| John C. Milazzo | SCWA | 3525 Sunrise Highway Great River | 563-0385 |
| Steve Scharier | Suff. Comm Coll | 533 College Rd. Selden | 451-4113 |
| Elizabeth Blake | Suff. Comm College | 2 Spronke-Riverhead Rd Riverhead | 548-2564 |
| Sima Mahfuz | SMA INC | 300 Wheeler Rd. Hempstead, N.Y. | 234-6560 |
| Vi Hoglund | 37 DIETZ | AVE. LAKE GROVE, NY | 588-8459 |
| R.C. Ryan | RYAN'S COMPANY | P.O. Box 321, Laurel, NY 11948 | 298-9623 |
| Vincent De Rosa | | Middle Island | 924 1858 |
| D. P. Pankett | SCWA | | |
| Ray Cowen | Gov. | SUNY BLDG 40, Stony Brook | 444-0345 |
| Ray Cowen | ABC | | 563-6307 |
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Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ulric S. Haynes, *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 December 14, 1994 Riverhead Town Hall / 2:00 pm

1. Compatible Growth Area

No items scheduled.

2. Core Preservation Area

- Draft hardship application checklist for planning period: approval
- Lukas / Calverton: status since 12/12 session

3. Plan Development

- Critical resource areas discussion & decisions

If time permits:

- Discussion of draft standards and review procedures (from 12/8 meeting)
- Brookhaven planning presentation (requested by C. Swick)

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Commission Agenda (FINAL) for December 14, 1994 Riverhead Town Hall / 2:00 pm

1. Compatible Growth Area

- Center Manor Plaza / Center Moriches: completeness and hearing

2. Core Preservation Area

- Draft hardship application checklist for planning period: approval
- Manor Pines / Manorville: correspondence
- Lukas / Calverton: status since 12/12 session (12/14 decision deadline)

3. Plan Development

- Update of statistics for vacant, core area roadfront parcels (from 12/8/94 discussion)
- Village of Quogue correspondence
- Critical resource areas: correspondence, discussion & decisions

If time permits:

- Discussion of draft standards and review procedures (from 12/8 meeting)
- Brookhaven planning presentation (requested by C. Swick)

4. Administrative

- Mr. Haynes' correspondence

Central Pine Barrens Joint Planning and Policy Commission

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Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for December 14, 1994 (Approved 1/6/95) Riverhead Town Hall / 2:00 pm

Present: Mr. Gaffney and Mr. Gatta (for Suffolk County), Ms. Pines and 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. Gatta at approximately 2:18 pm (prior to Mr. Gaffney's arrival). The meeting sequence differs from the original agenda sequence.

Compatible Growth Area

- Center Manor Plaza / Center Moriches: completeness and hearing
Summary: Ms Plunkett summarized this application for the Commissioners. Following placement of this item on the agenda for today, a closer examination revealed that several items need additional clarification and opinion of counsel. Specifically, the original application called for a gas station to be constructed as part of the overall project. That portion of the work is now being deleted, and a revised site plan, with Suffolk County Health Department approval, has been provided by the sponsor. After review by counsel, the particular changes which are needed in the written application will be given to the sponsor. Thus, the completeness determination and the scheduling of the hearing should occur following that change.

Core Preservation Area

- Draft hardship application checklist for planning period: approval
Summary: This item had been deferred from prior meetings. It is intended only for core hardship applications submitted during the remainder of the planning period, and not for the period following adoption of the final plan. That permanent period will be covered by the plan provisions itself.

A motion was made by Mr. Thiele, and seconded by Mr. Gatta, to adopt the checklist officially. The motion was approved unanimously.

- Manor Pines / Manorville: correspondence
Summary: The 12/14/94 correspondence from Mr. Darrow of the Advisory Committee was distributed by Mr. Corwin. A discussion among the Commissioners led to the agreement to hold a brief executive session today to permit the Commission to select its legal option(s) to respond to the clearing. The executive session was postponed to a later point in the agenda (prior to the critical resource area discussion).
- Lukas / Calverton: status since 12/12 session (12/14 decision deadline)
Summary: Mr. Lukas, the applicant, was in attendance. The project was summarized by Ms. Plunkett. Counsel also spoke briefly on the application. Discussion then centered upon the nature of the application, and the applicability of the various portions of the statute to this case.

The Commissioners indicated that their recent discussions of the policies which the upcoming plan might contain regarding vacant parcels in the core area which are located upon improved roads would apply to parcels such as this. Mr. Gatta asked Mr. Lukas whether he would consent to an extension of the decision deadline for this application to the completion of the plan, which would be in March 1995. Mr. Lukas declined.

A motion was made by Ms. Pines to approve the application for a core area permit. No second was made, and the motion did not progress further.

A second motion was made by Mr. Cowen to deny the application, and that motion was seconded by Mr. Thiele. The motion to deny was approved by a vote of 4 to 1, with the dissenting vote cast by Ms. Pines.

Administrative

- Mr. Haynes' correspondence
Summary: This was distributed by Mr. Corwin. Mr. Haynes letter of resignation to Governor-elect Pataki is effective 1/1/95. The Commissioners discussed the desirability of having Mr. Cowen retained as the state's representative after Mr. Haynes' departure. The County Executive's office is forwarding such a recommendation, and will include the Commission's resolution of 12/8/94 to that effect.

Plan Development

- Update of statistics for vacant, core area roadfront parcels (from 12/8/94 discussion)
Summary: This update from Ms. Plunkett was distributed by Mr. Corwin as an information update to the 12/8/94 discussion. No further discussion occurred.
- Village of Quogue correspondence
Summary: This was distributed by Mr. Corwin. The Commission discussed the extent to which the village is currently, and would be permanently, affected by the pine

barrens statute and plan. The land area within the core and compatible growth areas was discussed, as well as the existing development and zoning for the compatible growth area. The fact that no critical resource areas are currently proposed within the village's boundaries was noted, leading to the conclusion that the village, after enacting any necessary amendments to their zoning laws following adoption of the plan, was likely to be little affected by the Commission.

Core Preservation Area

- Manor Pines / Manorville: executive session

Summary: Pursuant to the earlier discussion, a motion was made by Mr. Gatta and seconded by Ms. Pines to enter into executive session to discuss legal options for responding to the Manor Pines situation. The motion was approved unanimously, and the Commission entered into executive session at approximately 2:50 pm. The executive session ended at approximately 3:15 pm, and the Commission returned to open session.

After a brief discussion, a motion was made by Mr. Thiele and seconded by Mr. Cowen to authorize counsel to take all necessary steps to enforce the pine barrens statute. The motion was approved by a vote of 4-0-1, with Ms. Pines abstaining.

Plan Development

- Brookhaven planning presentation (requested by C. Swick)

Summary: Utilizing the poster-sized map prepared by her office for the Brookhaven Town portion of the transfer of development rights program, Ms. Swick described the overall planning considerations which the town has incorporated into both its receiving area definitions and its response to the proposed critical resource areas of the various committees. This presentation led into the larger critical resource area discussion.

During the following critical resource area discussion, Mr. Gaffney arrived and chaired the remainder of the meeting.

- Critical resource areas: correspondence, discussion & decisions

Summary: Mr. Corwin summarized the critical resource area work to date, touching upon the three committees which have contributed recommendations (the Ecology and Land Management Committees, plus the Special Committee which attempted to reconcile the two original reports). Copies of the reports and several of the maps which accompanied them were distributed, and the large poster-sized maps were placed on display. Mr. Corwin summarized the issues of geographic scale, specificity of features within the nominated areas, the need to consider the reasons for each nomination and what lessons might be learned from them for other parts of the plan (such as performance standards). The methodologies by which the nominations could be reviewed were described, and included an area by area review and a policy-driven review (e.g., policies on parklands inclusion or exclusion, etc.).

Mr. Pavacic from Brookhaven Town's Environmental Protection Division, who participated in both the Ecology and Land Management Committee deliberations, provided a technical overview of several of the nominations in Brookhaven. During this time, questions centered initially upon the specific features within, and motivations for, each nomination.

After several site-specific reviews, the discussion centered upon broader policies which would simplify the selection of nominations. Parklands, the presence of approved and/or grandfathered development projects, the definition of "statewide or regional significance", the size of an area needed in order to both capture a feature and provide design flexibility within it during project review, and other topics were raised. This discussion involved Commissioners, staff, counsel, Advisory Committee members, members of the Ecology and Land Management Committees, landowners and representatives, and other members of the audience.

Eventually, a general agreement was reached to define the critical resource areas narrowly, while specifying the enclosed features of statewide or regional significance as definitively as possible. This led to a general agreement to not use the Land Management recommendations in their entirety, and to more closely examine the Ecology Committee recommendations. Further discussions centered around the type of planning recommendations which the Ecology Committee had made for their nominations. The Commissioners would like to address as many of those recommendations as possible through performance standards which would apply to all similar situations, not just those in the nominated areas.

Additionally, several areas were recommended by the Ecology Committee for preservation. It was agreed that those areas would become critical resource areas.

Specific concerns of the towns were then addressed. The two nominations of the Ecology Committee which are within Riverhead Town were first discussed, with both being removed from consideration. One of those two nominations is within the developed Grumman site, which was deemed to be a valuable future economic base, and to be already protected through existing statutes. Mr. Thiele expressed satisfaction with the Ecology Committee nominations within Southampton, with the possible addition of one Land Management Committee recommendation (Land Management area #24, containing surface waters and wetlands) at the southwest corner of CR 105 and NYS Route 24. That possible addition will be addressed by Mr. Thiele's staff in the next few days.

The culmination of this lengthy discussion was a motion by Mr. Gaffney, seconded by Ms. Filmanski, to adopt the following critical resource area nominations as official and to be included in the proposed final plan:

- (1) In Brookhaven, the Ecology Committee recommendations numbered 10, 11, 19, and 20;*
- (2) In Riverhead, no critical resource areas;*
- (3) In Southampton, all recommendations of the Ecology Committee; and to permit the*

possible inclusion, following review by Southampton Town, of one additional area identified by the Land Management Committee report as nomination #24, located at the southwest corner of CR 105 and NYS Route 24, in the Flanders-Riverside vicinity.

It was emphasized that these areas are being officially adopted for geographic delineation only at this time, and that area-specific planning policies would be considered for these later.

The motion was adopted unanimously.

- Discussion of draft standards and review procedures (from 12/8 meeting)

Summary: This was deferred to the 12/21/94 meeting.

Adjournment

Summary: The meeting ended at approximately 5:50 pm. No resolution of adjournment was made.

Central Pine Barrens Joint Planning and Policy Commission

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Commission Agenda (DRAFT) for December 21, 1994 Riverhead Town Hall / 2:00 pm

1. Compatible Growth Area

- Rausch Site Plan / Middle Island: decision by 1/26
- Center Manor Plaza / Center Moriches: status

2. Core Preservation Area

- Gazza / Westhampton: status and formal acceptance of extension
- Manor Pines / Manorville: status

3. Plan Development

- Correspondence regarding standards and procedures (2 letters)
- Discussion of draft standards and review procedures
- Vacant, roadfront core parcel policy discussion
- Transfer of development rights: detailed discussion with Committee

4. Administrative

- Confirmation of 1/3/95 and 1/6/95 meetings
- Draft meeting summaries for Oct-Dec for review and approval on 1/3/95

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Commission Agenda (FINAL) for December 21, 1994 Riverhead Town Hall / 2:00 pm

1. Compatible Growth Area

- T.K. Builders / Medford: new application, completeness & hearing
- Center Manor Plaza / Center Moriches: status

2. Core Preservation Area

- Gazza / Westhampton: status and formal acceptance of extension
- Manor Pines / Manorville: hardship application

3. Plan Development

- Standards and review procedures (12/8 version): correspondence, discussion
- Vacant, roadfront core parcels: policy discussion
- Calverton Joint Planning and Redevelopment Commission: correspondence
- Transfer of development rights: detailed discussion with TDR Committee chairs

4. Administrative

- Confirmation of 1/3/95 and 1/6/95 meetings
- Draft meeting summaries for Oct-Dec for review and approval on 1/3/95

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Great River, New York 11739-0587

Commission Meeting Summary (FINAL) for December 21, 1994 (Approved 1/3/95) 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). Additional attendees are shown on sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:18 pm. The following items are in a different order than the original agenda.

Administrative

- Confirmation of 1/3/95 and 1/6/95 meetings
Summary: A motion was made by Ms. Filmanski and seconded by Ms. Swick to formally confirm the previously agreed upon additional Commission meetings of 1/3/95 and 1/6/95, both at 2 pm at the Brookhaven Town offices. The motion was approved unanimously.
- Draft meeting summaries for Oct-Dec for review and approval on 1/3/95
Summary: Mr. Corwin distributed these for review and possible correction. They will be considered at the 1/3/95 meeting. They cover the ten (10) meetings held prior to today's.

Compatible Growth Area

- T.K. Builders / Medford: new application, completeness & hearing
Summary: Ms. Plunkett summarized the project for the Commission. It is a 4 lot land division in Medford. Some questions were posed regarding the detail of clearing on the plans. The application was informally deemed complete. A hearing will be scheduled later in this meeting, in conjunction with other projects on the agenda.
- Center Manor Plaza / Center Moriches: status
Summary: Mr. Rigano summarized this application, noting that the original version involved a gas station (with an underground fuel storage tank) and a convenience store. It now involves only the convenience store. Mr. Rigano noted that the plan submitted shows the gas station, as originally proposed, but not the accompanying Health Department approval (which is no longer needed), leaving the site plan not

matching the current proposal. He also noted that the town planning or zoning appeals board may want to reexamine the proposal, since it is now different than what their original approval was for. Mr. Rigano will speak with the sponsor.

Core Preservation Area

- Gazza / Westhampton: status and formal acceptance of extension
Summary: A motion was made by Mr. Cowen and seconded by Mr. Thiele to accept the indefinite extension of the deadline for the Gazza decision pending completion of the Town of Southampton's SEQRA process. The motion was approved unanimously.
- Manor Pines / Manorville: hardship application
Summary: Mr. Rigano reported that the project sponsors have agreed to cease work on the development, and to file a core preservation area hardship application. He recommended that a hearing be set for the anticipated application in the first week of January, if possible. A hearing date of 1/4/95 was suggested, and will be set later in this meeting.
- Suffolk Community College / Riverhead-Eastport: hardship application (not on original agenda)
Summary: Ms. Plunkett went over new information which the College submitted, including a large aerial photograph of the developed portion of the Eastern Campus. The College reports that the County Legislature has approved funding for the projects listed in their hardship letter, and that they must show progress on these matters by approximately 4/1/95 in order to secure the funding. The Commission agreed that a hearing should be scheduled, that additional information will be requested from the applicants for some items, and that those items which are nondevelopment will be eliminated from the application and hearing.

Compatible Growth and Core Preservation Hearing

Summary: Two dates were discussed for the TK Builders and Manor Pines hearings. A resolution was delayed to later in the meeting to allow Ms. Trezza to determine the availability of the Brookhaven Town offices for those two dates.

Plan Development

- Vacant, roadfront core parcels: policy discussion
Summary: Mr. Cowen noted that one approach to the specification of any such plan policy would be to use the previously prepared maps to delineate the parcels of concern. Ms. Plunkett said that the character of the roadway could be used in determining the affected areas. Mr. Amper raised the question of whether the Commission has the statutory authority to promulgate such a policy. Ms. Swick observed that there are many other variables which could affect the Commission's selection of such lots, and that the simple use of geographic zones might not

accomplish the same result.

A general exchange then occurred among several participants as to whether this is best handled now through the plan development process, or later through statutory amendments. Mr. Amper urged that the Commission rely upon the hardship provision until such time as the plan is completed and approved. Mr. Rigano noted that the only basis for the Commission's discussion of this possible plan provision is ECL Section 57-0123(3)(c) regarding the redirecting of core area development. Mr. Proios offered the view that infilling of the sort being discussed does not affect the larger statutory goals.

Mr. Thiele noted that his desired focus at the present time is to start with the planning aspect of the issue under discussion, and then consider the implementation options available to the Commission under the law. He specifically observed that the Commission should define that subset of the overall parcels in this category which are the most likely candidates for any exclusion policy.

There was general agreement following this observation that (1) the three towns should review the overall parcels in this category and determine which ones would be appropriate for a vacant, roadfront core parcel policy, and (2) that these results would be determined by the 1/3/95 meeting if possible. Further discussion would be held at that time.

- Standards and review procedures (12/8 version): correspondence, discussion
Summary: Mr. Corwin noted that the 12/8/94 version (previously distributed to the Commission) does not yet contain the results of the cultural and archaeological working group. Mr. Cowen raised his concern over the lack of strong scientific work establishing the connection between nitrogen loading to groundwater and any ultimate affect upon surface water bodies. Mr. Proios offered several case study citations. Other discussion points dealt with the extent to which the Commission will see development projects. Mr. Thiele specifically raised the question of whether the Commission would see all nonconforming development. The question of whether projects which have received variances or exemptions from laws cited in the Commission's standards would be considered nonconforming.

A long detailed examination of approximately two-thirds of the standards in the 12/8/94 draft was held, with notes being taken by staff members and Commissioners. A revised version of the standards will be drafted, hopefully in time for the 1/3/95 meeting. Further discussion was withheld in order to permit the development rights transfer discussion to begin.

Compatible Growth and Core Preservation Hearing

Summary: A motion was made by Ms. Filmanski and seconded by Ms. Swick to hold the hearings for the TK Builders and Manor Pines applications on 1/4/95 at 7 pm at the Brookhaven Town offices. The motion was approved unanimously.

Plan Development (continued)

- Transfer of development rights: detailed discussion with TDR Committee chairs
Summary: Mr. Tripp and Mr. Eversoll, co-chairs of the Transfer of Development Rights Committee, spoke at length with the Commissioners and other attendees regarding the principal aspects of the TDR program. Discussion centered upon the allocation formula, the role of school districts and district boundaries, tdr-based compensation to owners of infill lots, etc. Mr. Thiele noted that he felt it crucial to not alter the character of his town's communities in order to save the pine barrens core.
- Calverton Joint Planning and Redevelopment Commission: correspondence
Summary: Mr. Corwin distributed the 12/13/94 correspondence from the new Calverton commission. Discussion on this matter was deferred to the 1/3/95 meeting.

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 6:20 pm.

Central Pine Barrens Joint Planning and Policy Commission

MEETING FOR:

Central Pine Barrens Commission

LOCATION:

Riverhead, Town Hall

DATE/TIME:

12/21/94 2:00pm

| NAME | REPRESENTING | ADDRESS | TELEPHONE/FAX |
|---------------------------|----------------------------|-------------------------------------|-------------------|
| John | SCWA/CPBC | Sunrise Hwy, Great River | 563-0385/277-4097 |
| Ann Hallowell | S'H Bus. Ass. | P.O. Box 240, S' Hampton | 287-2287/283-0515 |
| Eda Pol | LCPS | Box 429 Otisville | 369-3300 3389 |
| Hester Band | PBS | Box 553 Westhampton | 11 |
| Michael Seung | NYS Reg. Water Com | 11 Middle Neck Rd, Rm 200, Gt. Neck | PL9-3368/482-6975 |
| Stuart Lourie | TNC | East Hampton | 329-7689 |
| JAMES Zizzi | LIBI | Quogue NY | 653-9676 |
| Buff Johnson | LIBI | Islander 11702 | 232-2345 |
| Joe Bengke | Farm Bureau | 1281 Rt 58 Riverhead | 727-3777 |
| Peter Bergin | ABLZ | 500 Old County Rd Garden City | 741-7582 |
| David A. Sao | LIBI | Rutherford, N.Y. | 471-7276/467-1202 |
| John Milazzo | SCWA | Sunrise Hwy, Great River | 563-0385 |
| Tom DeLaud | | POB 110 Aquebogue | 722-3203 |
| RICHARD HANLEY | Downs Riverhead | 200 Town Hall | |
| HENRY DITTMER | C.P.R. | P.O. Box 202, BRIGHTWATERS | 665-2020-727-5696 |
| Kim SHAW | SCDHS | Riverhead County Contr, Riverhead | 852-2077 |
| Barbara Wight | Town Brook | | 451-6512 |
| Carol Shuck | Town Brook | | 451-6201 |
| George Proter | S.C. Executive | 888 Vets Highway - Hamppage | 853-4654 |
| Frederic Filmandi | Sunny Riverhead | 201 Howell Ave, Riverhead | 727-3200 X210 |
| Bill Sirtz | NYSDEC REG 1 | SUNY CAMPUS BLDG 40 | 444-0419 |
| Ray Cowen | NYSDEC Reg 1 | SUNY Campus Stony Brook | 444-0345 |
| Fred Threlk | Southampton Town | 116 Hampton Rd, Southampton | 283-6055 |
| Jim Rignano | PBC - council | 395 N Service Rd, Melville | 694-8000 |
| D. Munkett | SCWA | | |
| P. Cowie | PBC " | | |