



**Pine Barrens Commission Meeting Summary
For Wednesday, September 17, 2014 (Final Approved-10/15/14)
Town of Brookhaven
One Independence Hill
Farmingville, NY
2:00 pm**

Commission members present: Mr. Scully (for New York State), Ms. Prusinowski (for Brookhaven), Mr. Walter and Mr. McCormick (for Riverhead), Ms. Throne-Holst, Mr. Shea and Mr. Collins (for Southampton) Ms. Longo (for Suffolk County)

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

Peter A. Scully
Chair

Steven Bellone
Member

Mr. Scully called the meeting to order at approximately 2:00 p.m. with four members present, which constitutes a quorum.

Edward P. Romaine
Member

1. Administrative and Public Comment

a. Public comments

Summary: There were no public comments.

b. Minutes for 8/20/14: review, approval

Summary: **The motion was made by Ms. Prusinowski and seconded by Mr. Collins to approve the 8/20/14 meeting summary. The motion was approved by a 4:0 vote.**

Anna E. Throne-Holst
Member

Sean M. Walter
Member

Mr. McCormick arrived at approximately 2:10 pm

2. Science and Stewardship

a. Wildfire Response, Forest Management, Prescribed Fire & Response Action Items:

Summary: Ms. Jakobsen reported that a new page was added to the Commission's website which contains information pertaining to wildfire prevention that is entitled "What Homeowners Can Do To Better Protect Their Families and Homes from Wildfire".

Additional points related to Wildfire Response that Ms. Jakobsen discussed included, that she will be coordinating a meeting with all the stakeholders that will be involved in the CWPP for the Ridge-Manorville area and that she will be speaking at the Suffolk County Planning Conference that will be held at BNL on October 21st, and starts at 3:00 pm. She will be speaking on the subject of planning safer communities through the Firewise and Firewise Communities Program. She noted that Mr. Bruce Johnson from the International Code Council (ICC) is in the process of preparing responses to the questions that she had sent him which she had compiled from meetings held with the staff from the three Towns related to the Wildfire Hazard Mitigation Standard and the revised CLUP Amendment text. Ms. Prusinowski offered to assist with coordinating a representative from the Town to attend the CWPP stakeholder meeting. A

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Request for Proposal (RFP) will need to be prepared through the New York Firewise Counsel to hire a consultant for the CWPP work.

b. New York Wildfire and Incident Management Academy Fall Academy and Financial status

Summary: *Mr. William Fonda, Academy Coordinator for NYWIMA, was present at today's meeting to provide an update on the upcoming fall Academy. Mr. Fonda reported that the registrations for this year's Academy are in the low two hundreds, but it is anticipated that the number of registrations will increase, several new classes are being offered which includes special training for the Brookhaven Fire Safety Officers Association, the FDNY and the Suffolk County Police Department. Academy flyers have been distributed by the Suffolk County Fire Academy to all of the fire departments in Nassau and Suffolk Counties. The flyers advertise courses such as the brush truck training, urban search and rescue, social media and heavy equipment.*

c. Colorado Wildfire Academy/UAVWF Agreement

Summary: *Mr. Pavacic explained that the Colorado Wildfire Academy is the leading expert in the use of Events Pro which is a specialized software program used for event planning and management. The Colorado Academy has provided the NY Academy personnel with training on this software program that is used extensively by NYWIMA and they have also provided ongoing technical assistance in the use of the software for the last several years. He noted that the Commission has had a mutual beneficial and ongoing contract with the Colorado Wildland Fire Academy that currently needs to be renewed.*

The motion was made by Ms. Longo and seconded by Ms. Prusinowski to approve the Draft Resolution of the Commission to Contract with the Upper Arkansas Valley Wildfire Foundation, representing Colorado Wildland Fire and Incident Management Academy, to Provide Additional Support Services for the 2014-2017 NY Wildfire and Incident Management Academy (attached). The motion was approved by a 5:0 vote.

d. Ray Corwin Rocky Point-to-Yaphank Trail

Summary: *Mr. Pavacic reported that the Commission office is waiting for a written response from the Department of Transportation (DOT) that it has no plans to develop the Long Island Expressway (LIE) right of way at the Service Road between exit 66 and 68. After the formal response has been received, the final draft conceptual plan for the Ray Corwin Rocky Point-to-Yaphank Trail will be submitted to the Commission for its review and approval. Mr. Pavacic added that he hopes that the beginning stages of trail blazing can move forward soon after that from Route 25A to at least Whiskey Road.*

e. Draft resolution to transfer the title of an all terrain vehicle to the NYS Police

Summary: Mr. Pavacic explained that at last month's meeting the Commission authorized the Law Enforcement Council (LEC) to purchase an ATV for use by the NYS Police. He reported that the Commission staff was notified that the ATV is ready for pickup and that the ATV will be delivered directly to the NY State Police. Since the NY State Police do not own an ATV, getting this one into their hands as soon as possible will enable them to participate in the much needed patrols in the Northampton and the Riverside areas. He noted that the use of the ATV would further strengthen the role that the NY State Police has in supporting the efforts of the LEC.

The motion was made by Mr. Collins and seconded by Ms. Longo to approve the Draft Resolution to Transfer the Title of an All Terrain Vehicle to the NY State Police (attached). The motion was approved by a 5:0 vote.

Mr. Scully mentioned that at the June Commission meeting there was a discussion pertaining to the potential consolidation of the Suffolk County Parks Police with the Suffolk County Police Department. He noted that the Commission directed staff to write a letter to the Suffolk County Sherriff's office to request that the Sherriff's office explore whether they could take over patrols at Suffolk County Parks. He further noted that he received a call yesterday from Chief Deputy Sherriff Sharkey who expressed a willingness for the Sheriff's office to consider this possibility and suggested that a meeting be held to explore what this would entail.

Mr. Walter and Ms. Throne-Holst arrived at 2:30 pm.

3. Land Use

Planning & Land Use

a. CLUP Amendments

Summary: Mr. Pavacic discussed the previously distributed items that were provided to the Commission members that included a memo from him to the Commission members that was dated September 12th (attached), the second item was a minor Amendment to Chapter 6 to address fractional Credit transactions that result in multiple decimal point transactions, and the third item was the conservation design and the self heal manual and guides which he asked for comments on from the Commission members. A more refined final version of these documents will be provided to the Commission at the next meeting.

At the last meeting, the Commission members received the final version of the CLUP amendments for Chapters 4, 5, and 6. The Commission members have received in their packet a rough schedule that provides a timeframe and step by step process for adopting the amendments that have been endorsed by the Commission. Mr. Pavacic explained that NYS ECL Article 57 does not require a public hearing, however, it requires 30 days public notice prior to the Commission's intent to vote. He reviewed the proposed schedule for adopting the amendments and a discussion ensued on the final draft version of the amendments, how changes to the documents were tracked, and that more than 30 days will be required to review the final version. It was decided that the

Commission would have 60 days to review the documents and then in November it would be decided when to hold a public hearing. It was clarified that the final version of the CLUP chapters were provided at the August Commission meeting. Copies of the final version of the CLUP amendments will be redistributed to ensure everyone has the correct version.

Ms. Jakobsen discussed and distributed the handout CLUP Amendment Section 6.7.6.8. Transactions involving Pine Barrens Credits (attached), which was a simplified version of the same CLUP Amendment distributed in the e-packet. She explained that some Credit owners are performing transactions involving Credits that result in final Credit amounts that go beyond the one hundredth decimal place. These transactions are problematic to track and could potentially result in transactions that exceed the original Credit certificate amount. She noted that this had occurred once before with a Credit transaction made at the Town level

which was brought to the attention of the Credit Clearinghouse. The Credit Clearinghouse at that time resolved this issue by rounding up the Credit to get rid of the thousandth place. Currently in the CLUP there is a provision that Credit allocations are required to round to the nearest hundredth of a Credit, however there is nothing in the CLUP that addresses other Credit transactions. The proposed amendment would take care of this issue.

The Commission members agreed that the second version of Section 6.7.6.8 should be the one included in the CLUP Amendments.

b. "A Day in the Life" Program Update

Summary: Ms. Griffiths-Parrott thanked the Commission members for approving the receipt of grant funds from BNL which allowed the purchase of supplies and equipment for the "Day in the Life" programs. Ms. Parrott displayed one of the equipment purchases, a Go-Pro camera that will be used by students to take underwater pictures of the Peconic Estuary and Carmans River where they will be collecting samples. She invited the Commission members to attend either of the events that will take place a week from today's Commission meeting at the Carmans River and then a week later at the Peconic Estuary. Ms. Parrott distributed information on the sites that will be tested and she noted that over 1000 students, 23 school districts and 28 partner agencies are participating in this year's "A Day in the Life" programs and she will be providing a summary of both events at the next Commission meeting.

**Project Review
Core Preservation Area**

c. Armand Gustive, LLC Core Preservation Area hardship Waiver application / Manorville / construction of a single-family residence (SCTM# 200-460-1-10)

Summary: Mr. Milazzo explained that an application was received at the Commission office from Mr. Dick Scheyer on behalf of his client, Armand Gustive LLC and subsequently he submitted a second application for a different project on the same property. A letter of withdrawal for the first application has not been received; therefore, it is necessary to deny without prejudice the first application to avoid the possibility of the Commission having a default decision.

The motion was made by Mr. Walter and seconded by Ms. Prusinowski to deny the first application made by Armand Gustive, LLC without prejudice. The motion was approved by a 5:0 vote.

Compatible Growth Area

- d. Riverhead Central School District Bus Depot / Edwards Avenue/Calverton/ (SCTM# 600-117-1-8.3)/ Determination of Jurisdiction

Summary: Mr. Scully explained that the application from the Riverhead School District relates to a parcel that the School District intends to use as a bus depot. He noted that the School District representatives were present at today's meeting to ascertain whether the Commission would have jurisdiction over this project. The applicant's representative, Mr. David Wortman from VHB Engineering, Ms. Nancy Carney, Superintendent of Schools, Mr. Sam Schneider, the School District's Architect and Mr. Roger Smith from BHP Architects, were here today to help answer questions about the bus depot project. Mr. Wortman explained that the VHB correspondence, dated February 12, 2014 (attached) provided an outline of the reasons why VHB believes the project is not development. Mr.

Wortman further explained that Commission staff responded to his letter that the project does constitute development and he is at today's meeting to obtain a formal determination from the Commission.

Ms. Hargrave provided additional background information pertaining to the bus depot project including, the Applicant's first submission which was a SEQRA coordination letter and materials received at the office on January 23rd, a letter was sent to the applicant indicating that the Commission had no objection to the Board of Education serving as lead agency for the project, and she reported on other information pertaining to the timeline of correspondences. Additional materials received at the Commission office from the applicant included a request to come before the Commission, site plans and aerial photos. Ms. Hargrave stated that the proposal is to construct a bus depot and fueling facility. The site consists of 6.7 acres and is located in the Compatible Growth Area within the Town of Riverhead, on the west side of Edwards Avenue. Ms. Hargrave discussed the current clearing percentage of the site, existing site conditions including the grassy area and whether or not it should be considered a landscaped area or natural and how it relates to the clearing standard and that the site is currently being used as a truck storage facility. The applicant believes the project is a non-development because it is for public health and safety.

A discussion ensued that included, clearing limits, status of buildings at the site, intensity of usage, the definition of development, how this project compares with past actions with respect to schools and clearing thresholds. Mr. Milazzo discussed what happens with a project such as this when it is determined to be non development or development and that if it is determined to be development and does not comply with the CLUP Standards a hardship application would be required.

The motion was made by Mr. Walter and seconded by Ms. Prusinowski to move into Executive Session to receive legal advice. The motion was approved by a 5:0 vote.

The Commission entered into executive session at 2:53 pm. and returned to its regular session at 3:10 pm.

The regular Commission meeting resumed and Mr. Wortman discussed the project as it relates to current and past clearing conditions and other uses at the site. Mr. Wortman reiterated reasons why the bus depot project does not constitute development and is consistent with the current use of the site. Additional points were made related to the CLUP Standard Section 5.3.3.6 the definition of clearing limits, vegetation turf at the site, a history of vegetation at the site and Mr. Wortman distributed aerial photographs that were taken in previous years. Mr. Smith discussed that the site was originally approved as a bus garage with no further expansion of clearing.

Mr. Amper expressed his concerns related to the Commission's role in trying to protect the integrity of Environmental Conservation Law (ECL) Article 57 while at the same time the Commission must allow applicants to present their interests. He further expressed his concerns related to the use of the executive sessions and advice from the Commission's Council on these matters. Mr. Wortman expressed his concerns related to the bus depot project and the Commission's jurisdiction and he explained the reason for coming before the Commission today was to outline reasons the project should be determined to be non-development.

e. The Oaks at Miller Place Subdivision CGA Hardship Waiver application/ Miller Place (SCTM#s 200-212-1-9, 10, 11.1, 11.2 and 12)

Summary: *Ms. Hargrave explained that the applicant for the Oaks at Miller Place has requested a 120 day extension of the decision deadline.*

The motion was made by Ms. Prusinowski and seconded by Mr. Scully to approve the applicant's request for a 120 day extension of the decision deadline. The motion was approved by a 5:0 vote.

The motion was made by Ms. Longo and seconded by Ms. Prusinowski to adjourn the meeting. The motion was approved by a 5:0 vote.

The meeting ended at 3:30 pm.

Attachments (in order of discussion)

1. September 17, 2014 Commission Meeting Sign in Sheet (1 page).
2. Draft Commission Meeting Summary for August 20, 2014 (5 pages).
3. Memo from Mr. Pavacic to the Commission, dated 9/12/14, Extension and Modification of Agreement with UAWWF (3 pages).
4. Draft Resolution of the Commission to Contract with the Upper Arkansas Valley Wildfire

- Foundation, representing Colorado Wildland Fire and Incident Management Academy, to Provide Additional Support Services for the 2014-2017 NY Wildfire and Incident Management Academy. (1 page).
5. Final Resolution of the Commission to Contract with the Upper Arkansas Valley Wildfire Foundation, representing Colorado Wildland Fire and Incident Management Academy, to Provide Additional Support Services for the 2014-2017 NY Wildfire and Incident Management Academy. (1 page).
 6. Draft Resolution to Transfer the Title of an All Terrain Vehicle to the NY State Police, dated 9/17/14 (1 page).
 7. Final Resolution to Transfer the Title of an All Terrain Vehicle to the NY State Police, dated 9/17/14 (1 page).
 8. Memo dated 9/12/14 from Mr. Pavacic to the Commission, CLUP Amendment Review for 9/17/14 Meeting and Timeframes and CLUP Amendments – Potential Schedule Leading to Adoption, dated 9/17/14 (2 pages).
 9. Commission Endorsed CLUP Amendments, Chapters 4, 5 and 6. Dated 9/17/14 (98 pages)
 10. Draft Subsection 6.7.6.8 Transactions involving Pine Barrens Credits, dated 9/17/14 (1 page)
 11. Riverhead School District Request for Determination of Jurisdiction. Summary of school decisions, dated 7/13/14 (35 pages).
 12. Letter from the Oaks at Miller Place requesting a 120 day extension of the decision deadline, dated 9/5/14 (1 page).