



**Pine Barrens Commission Meeting Summary
For Wednesday, June 18, 2014 (Final Approved-7/16/14)
Brookhaven Town Hall
One Independence Hill
Farmingville, NY
2:00 pm**

Commission members present: Mr. Scully (for New York State), Mr. Romaine and Ms. Prusinowski (for Brookhaven), Mr. Walter and Mr. McCormick (for Riverhead), Ms. Throne-Holst and Mr. Shea (for Southampton), Mr. Freleng and 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, Mr. Hynes, Ms. Parrott, Ms. Carter, and Ms. Ostrowski (from the Commission). Additional attendees are indicated on the attached sign-in sheet.

Peter A. Scully
Chair

Steven Bellone
Member

Edward P. Romaine
Member

Anna E. Throne-Holst
Member

Sean M. Walter
Member

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

1. Administrative and Public Comment

a. Public comments

Summary: Ms. Speizio, from the Nassau-Suffolk Horsemen's Association mentioned that she had attended the Protected Lands Council meeting which was held this month and that she has met with John Pavacic from the Commission and Heather Amster from the NYSDEC to plan the route for an equestrian trail on the RCA property. She also mentioned that a safer crossing on Whiskey Road has been identified which will be mapped. Ms. Speizio discussed a parking area owned by the Town of Brookhaven on Ridge Road that would be suitable for parking horse trailers and would enable access to the equestrian trail in the area. She mentioned that she has spoken with Brookhaven Town staff about the parking area and that a possible land swap between NYSDEC and the Town of Brookhaven is being explored which would enable the use of this parking area by equestrians to park horse trailers. She wanted to make the Commission aware that the Association is looking into a new location for parking.

Supervisor Romaine requested an update on a potential violation involving an illegal ATV track on farmland in the Core Area that was discussed at the last Commission meeting. It was suggested that this should be discussed in an executive or advisory session since the discussion would involve an enforcement strategy. It was mentioned that there was some discussion with the Attorney General's office concerning this matter. Supervisor Romaine discussed the extensive ATV damage and dumping that is occurring in the Pine Barrens and questioned who is in charge of enforcement especially now that the Suffolk County Park Police are being dissolved. Supervisor Romaine would like to review the Commission's budget and how money and staff resources are allocated, particularly toward law enforcement, at the next Commission meeting.

Mr. Scully discussed the amendment made by the NYS legislature to NYS ECL Article 57 in 2003 which added enforcement provisions that gave the three Towns the primary enforcement authority for violations in the Pine Barrens rather than the Commission. It was noted that the Towns were against an initial bill that was proposed by the NYS legislature that did not give the Towns the primary enforcement authority for violations in the Pine Barrens. Mr. Scully acknowledged that the ATV problem is a significant ongoing problem on the broad scale and

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explained how ATV enforcement has never been the responsibility of the Commission because it does not have peace officers to write summons or patrol cars for enforcement and therefore the Commission relies on the Law Enforcement Council.

Mr. Freleng arrived at 2:14 pm.

Supervisor Walter discussed how the primary enforcement in the Pine Barrens is performed by the Suffolk County Parks Police Department and he provided an update on the pending legislation which would cause the transfer of the Suffolk County Parks Police into the Suffolk County Police Department, therefore dissolving the Suffolk County Parks Police Department. He made the recommendation, in light of this change, to reach out to Suffolk County Sheriff Vincent De Marco to see if his agency would be willing to be the primary law enforcement agency for the Pine Barrens since the Sheriff's Office is the only entity that can come into all of the towns for enforcement purposes.

There was additional discussion on who was representing the Town of Brookhaven on the Law Enforcement Council (LEC). Formerly Town Park Rangers who had peace officer status would attend the LEC; however, they were eliminated under a prior administration. Mr. Pavacic discussed the reliance on the LEC for enforcement on issues such as illegal ATVs and how they have performed ATV enforcement operations in the field through the ATV Task Force. He mentioned that the LEC is looking into technology that can be used in the field and also on how to strengthen the existing Suffolk County law that pertains to illegal ATV use. He discussed the current ATV legislation that is in effect in Suffolk County and how after three times the ATV offense is considered a misdemeanor, however, there is no centralized database to share this information with officers in the field. The possibility of creating a centralized database is being explored; however, it has to be retained by a law enforcement entity due the nature of the information. The other issue is when ATVs are seized and not redeemed by the perpetrator that they are sold at auction and not destroyed and therefore end up back in circulation. PR efforts are being explored such as PSAs to develop a campaign to get the message out that it is illegal to ride ATVs on public land and on private land without the owner's written consent. Mr. Pavacic mentioned that there used to be a 1-877-Barrens telephone number that individuals could call to report environmental violations such as illegal ATVs that was operated by the Suffolk County Parks dispatcher on a 24 hour basis, however the dispatchers and radio operators were eliminated a number of years ago. It was discussed how individuals are reluctant to use the 911 number for this type of reporting since it is not a medical or life threatening situation; instead the 852-COPS number is suggested for these individuals to use since it is meant for more quality of life issues and goes through the same 911 operator. It was suggested that further discussion on potential enforcement operations should be reserved for executive session.

It was further discussed to send a letter to explore requesting the Sheriff's Office to be the Pine Barrens enforcement arm. It may require an MOU between the Sheriff and the Commission that might require approval of the Suffolk County legislature. Mr. Walter discussed having the 1-877-Barrens number go through the Riverhead dispatch.

A motion was made by Supervisor Walter and seconded by Mr. Freleng to draft a letter to be signed by the Chairman to reach out to the Suffolk County Sheriff to explore the possibility of this agency becoming the Pine Barrens primary enforcement arm. The motion was approved by a 5:0 vote.

There was a discussion about the Commission's website and the need for it to be updated.

- b. Minutes for 5/21/14: review, approval

Summary: A motion was made by Mr. Freleng and seconded by Supervisor Walter to approve the 5/21/14 meeting summary. The motion was approved by a 5:0 vote.

2. Science and Stewardship

- a. Education and Outreach Division

Summary: Ms. Griffiths provided a handout (attached) on the Education and Outreach Division's activities that have occurred over the past few months such as Discovery Day that had over 860 visitors. She also discussed the upcoming events such as the Barrens To Bay Camp at Wertheim, the Day in the Life of the Carmans River and Peconic River events planned for the fall, and the Long Island Natural History Conference that is planned for the Spring 2015 as a two day event. Supervisor Romaine asked that the Commission members be emailed reminders about these events. She also discussed the Open Space Stewardship Program's annual student celebration that highlighted a number of programs that Ms. Griffiths has worked closely on with the students.

- b. Science and Stewardship Division

Summary: Ms. Carter provided a handout (attached) on the Science and Stewardship activities that have occurred over the past few months. She discussed the field work being performed as part of the ongoing ATV damage and dumping project that has identified over 200 problem access points for ATVs. She also discussed other barricades and measures that are being used to deter ATV access. Ms. Carter mentioned that attendance at the Protected Lands Council (PLC) meetings has been increasing and that the PLC wants to do some field work over the summer. She discussed the work being performed under the Ecological Services contract and other science and stewardship initiatives currently underway. Ms. Carter mentioned that she has met the new DEC Forester and has taken him on a tour of certain key areas in the Pine Barrens.

- c. Wildfire Response, Forest Management, Prescribed Fire & Response

Summary: Mr. Pavacic provided an update on wildfire response activities. He mentioned that Brookhaven National Laboratory intends to perform some prescribed burns during the summer, possibly starting this weekend. He discussed that the NYWIMA will be offering the brush truck training course again this year at the end of October.

Ms. Jakobsen discussed the Community Wildfire Protection Plan and the funding that is available from the NY Firewise Council that would enable the stakeholders to hire a contractor to prepare a plan for an area in the Pine Barrens. At this point it is important to try to bring the stakeholders together soon to try to identify a possible location. The plan requires a community outreach and participation component. Manorville and Ridge were discussed briefly as possible areas. Once the plan is completed, it opens the door to apply for federal funding to implement mitigation activities.

- d. Ray Corwin Rocky Point-to-Yaphank Trail

Summary: Mr. Pavacic provided an update on the Ray Corwin Trail. He reiterated that the Nassau-Suffolk Horsemen's Association attended the last PLC meeting where they discussed they have performed additional ground-truthing of the trail. The maps have been revised with this information and forwarded to the

landowners for their review. Now the only item left related to the trail is to obtain additional information from NYS DOT on the south end of the trail where it hits Main Street in Yaphank and to meet with them. The information request to the NYS DOT has been treated like a FOIL request. Mr. Scully requested that a copy of the draft trail map be sent to him. It was noted by Ms. Carter that the trail map has been revised to reflect the crossing location at Whiskey Road that was coordinated between the Nassau-Suffolk Horsemen's Association and NYS DEC.

3. Land Use

Planning & Land Use

a. CLUP Amendments

Summary: Mr. Scully noted that there was good progress made during today's worksession and that there will be another worksession before the Commission meeting in July.

b. Rock of Salvation Church CGA Hardship Waiver application / Hampton Bays/ expansion of existing church (SCTM #: 900-221-3-8)

Summary:

A motion was made by Supervisor Romaine and seconded by Supervisor Walter to schedule a public hearing for the Rock of Salvation Church on July 16, 2014 at 3:00 pm. The motion was approved by a 5:0 vote.

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

Summary:

A motion was made by Mr. Freleng and seconded by Mr. Scully to schedule a public hearing for Armand Gustive, LLC on July 16, 2014 at 3:00 pm. The motion was approved by a 5:0 vote.

d. Sunderland Core Preservation Area Hardship Waiver application / Manorville/ construction of a single-family residence (SCTM #: 200-460-1-11.1)

Summary: Mr. Milazzo provided an update on this pending application. He noted that the Commission at its last meeting accepted a request from the applicant's attorney, Richard Scheyer, for an extension of the application's decision deadline, however no specific date for the new deadline was provided in Mr. Scheyer's request. Through additional discussion with Mr. Scheyer, Mr. Milazzo was made aware of his desire to withdraw the current application and submit a new application. Mr. Milazzo noted that he had made Mr. Scheyer aware of the need for him to submit a withdrawal letter for the application; however, it has not been received to date. Mr. Milazzo made the recommendation to the Commission to deny the application without prejudice in order that no default approval occurs.

A motion was made by Supervisor Romaine and seconded by Mr. Freleng to deny the Sunderland Core Preservation Area Hardship Waiver application without prejudice. The motion was approved by a 5:0 vote.

e. Compliance and Enforcement Division

Summary: Mr. Hynes distributed information and photos on the water bucket training recently completed with the New York Army National Guard and other photos that showed dumping incidents and ATV apprehensions. He noted that the LEC celebrated the 20 year anniversary of its creation this year. Mr. Hynes discussed the cooperation and communication he coordinates with the member agencies of the LEC to stress the importance of maintaining a presence in the Pine Barrens through patrols in this area.

He discussed his concern and disappointment with the dissolution of the Suffolk County Parks Police Department and the transfer of the Parks Police into the Suffolk County Police Department. Mr. Hynes noted that he was a former Chief of the Suffolk County Parks Police Department. He mentioned that the Suffolk County Police are a member of the LEC and that they will need to become more active once the transfer occurs and also that he and Mr. Pavacic plan on meeting with the Suffolk County Police at that time. Further discussion occurred on the pending State legislation to transfer the Suffolk County Park Police into the Suffolk County Police.

Mr. Hynes provided statistics on recent ATV stings and mentioned the increasing issue of illegal 4 X 4s. The next LEC meeting is scheduled for June 26th at 1:00 pm at Southaven County Park. Mr. Scully asked Mr. Hynes to send a notification to Supervisor Romaine on the meeting in case he would like to attend, should his schedule allow.

f. *Land Use Division*

Summary: Ms. Hargrave mentioned that she had previously provided her report in the e-packet that was sent to the Commission members and that she has two hardship applications, Gustive, LLC and Rock of Salvation to distribute. She provided a brief overview of the applications. She mentioned that Celi Electric may come before the Commission next month for an amendment to their prior hardship that was granted by the Commission. She briefly described the changes they would be seeking to their permit approval. She mentioned that the conservation easement for the Westhampton Properties sand mine was recently received. She noted she continues to receive many referrals from the Town to which responses are provided and that she participates on the staff level in the review of work under the Ecological Services contract.

A motion was made by Mr. Romaine and seconded by Mr. Scully to go into executive session to discuss an enforcement matter. The motion was approve by a 5:0 vote.

The Commission entered into executive session at approximately 3:30 pm.

The meeting ended at approximately 3:45 pm.

Attachments (in order of discussion)

1. June 18, 2014 Commission Meeting Sign in Sheet (1 page)
2. Draft Commission Meeting Summary for May 21, 2014 (3 pages)
3. Education and Outreach Division June 2014 update (2 pages)
4. Science and Stewardship Division Update, dated 6/18/14 (3 pages)
5. Compliance and Enforcement Division report dated 6/18/14 (3 pages)
6. Land Use Division Update: for the meeting of 6/18/14 (2 pages)
7. Gustive, LLC CGA Hardship Application, (34 pages)
8. Rock of Salvation CGA Hardship Application, May 20, 2014 (30 pages)