



**Central Pine Barrens Commission Meeting Summary  
For Wednesday, January 23, 2019 (Final Approved-2/27/19)  
Brookhaven Town Hall  
One Independence Hill  
Farmingville, NY  
2:00 pm**

*Commission members present: Ms. Gallagher (for New York State), Mr. Romaine (for Brookhaven), Ms. Jens-Smith and Mr. McCormick (for Riverhead), Mr. Collins and Mr. Shea (for Southampton) Ms. Longo and Mr. Freleng (for Suffolk County)*

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

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

Carrie Meek Gallagher  
*Chairwoman*

Steven Bellone  
*Member*

Laura Jens-Smith  
*Member*

Edward P. Romaine  
*Member*

Jay H. Schneiderman  
*Member*

## **1. Administrative and Public Comment**

### *a. Public Comments:*

Summary: *Mr. Richard Amper, Executive Director of the L.I. Pine Barrens Society discussed the picture calendars distributed prior to the meeting and he noted that Mr. Wolf from the Pine Barrens Society staff created the complimentary calendars that include photographs from various locations within the Pine Barrens Region.*

### *b. Minutes for 12/23/18 review, approval*

Summary: ***The motion was made by Mr. Romaine and seconded by Ms. Jens-Smith to approve the 12/23/18 meeting summary. The motion was approved by a 5:0 vote.***

## **2. Land Use**

### **Planning and Land Use Project Review Core Preservation Area**

- a. FKK, Inc. Core Preservation Area Hardship / expansion and redevelopment of existing gas station / 1 Edwards Avenue, Calverton / SCTM# 200-299-2-21 /*  
Summary: *Ms. Hargrave discussed the FKK Hardship Waiver Application and she noted that the Applicant submitted a supplemental statement to the evidence provided at the public hearing that included information explaining that the gas station has been operating at the site since 1973, the sight was significantly disturbed, the assertion that there would be no impact to ecological resources and how the project would provide some public benefit. Mr. Romaine noted that the Applicant's Representative that appeared at the FKK public hearing in December failed to provide evidence to support Environmental Conservation Law, Article 57 criteria for a hardship waiver and the Commission members agreed. Mr. Milazzo explained that staff would benefit from the Commission's feedback on this project to prepare a written decision statement for the February meeting.*

***The motion was made by Ms. Jens-Smith and seconded by Mr. Romaine to move into an Advisory Session for the advice of Counsel. The motion was approved by a 5:0 vote.***

*Prior to the Advisory Session Mr. Eugene DeNicola, Attorney for the FKK Applicant, expressed his concerns pertaining to the Commission's decision to deny the project noting that the application could have been approved based on a public need. He compared the FKK hardship waiver with other applications*

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that received approvals from the Commission, including one that is located in the CGA.

**The motion was made by Ms. Gallagher and seconded by Ms. Jens-Smith to move out of the Advisory Session. The motion was approved by a 5:0 vote.**

**The motion was made by Ms. Gallagher and seconded by Mr. Romaine to approve the Commission Resolution on Accepting the revised Written Decision on the Letter of Interpretation Appeal of Eagan / Dittmer for Suffolk County Tax Map Number 200-529-5-36 (attached). The motion was approved by a 5:0 vote.**

### **3. Public Hearing**

- a. *Silver Corporate Park, LLC CGA Hardship Application for development of a residence / East Bartlett Road, Middle Island /SCTM # 200-499-3-4*

Summary: A separate stenographic transcript exists for this hearing.

**The motion was made by Mr. Romaine and seconded by Mr. Collins to adjourn the public hearing. The motion was approved by a 5:0 vote.**

- b. *Kogel Brother Core Preservation Area Hardship Application for development of residence / East Bartlett Road, Middle Island / SCTM # 200-499-3-4*

Summary: A separate stenographic transcript exists for this hearing.

**The motion was made by Mr. Romaine and seconded by Ms. Jens-Smith to close the public hearing and leave the record open for 30 days until February 22<sup>nd</sup>. The motion was approved by a 5:0 vote.**

### **6. Public Comment**

Summary: There were no public comments made.

**The motion was made by Mr. Romaine and seconded by Mr. Collins to adjourn the meeting. The motion was approved by a 5:0 vote.**

*The meeting ended at approximately 5:00 pm.*

### **Attachments (in order of discussion)**

1. January 23, 2019 Commission Meeting Sign in Sheet (1 page).
2. Draft Commission meeting summary for December 19, 2018 (6 pages)
3. Final Approved Commission meeting summary for December 19, 2018 (6 pages)
4. Supplemental submission for a hardship exemption pursuant to ECL Article 57 from Mr. Irfan Khawaja, FKK President and Applicant, dated January 17, 2019 (4 pages)
5. Kogel Brothers Core Hardship Waiver Draft Staff Report, dated January 23, 2019 (9 pages)
6. Silver Corporate Park CGA Hardship Waiver and Development of Regional Significance Draft Staff Report, dated January 23, 2019 (20 pages)



**Central Pine Barrens Commission Meeting Summary**  
**For Wednesday, February 27, 2019 (Final Approved 3/20/19)**  
**Southaven County Park**  
**Victory Avenue**  
**Yaphank, NY**  
**2:00 pm**

*Commission members present: Ms. Gallagher (for New York State), Mr. Romaine and Ms. Pines (for Brookhaven), Ms. Jens-Smith and Mr. McCormick (for Riverhead), Mr. Shea (for Southampton) Ms. Longo and Mr. Dale (for Suffolk County)*

**Others present:** *Commission and other agency staff members included Mr. Pavacic, Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Ms. Parrott, Ms. Weigand, Mr. Ziegler, Mr. Tverdyy, Mr. Huss, Mr. Lewis and Ms. Ostrowski (from the Commission). Additional attendees are indicated on the attached sign-in sheet.*

**The motion was made by Mr. Romaine and seconded by Mr. Shea to approve Mr. Pavacic as the temporary acting Chair and non-voting, member for today's meeting. The motion was approved by a 4:0 vote.**

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

## 1. Administrative and Public Comment

### a. Public Comments:

Summary: *Mr. Kevin McAllister, representing Defend H2O, expressed his concerns related to the dredging project at Lower Lake in Yaphank and points he made included, the location of the impoundment at Lower Lake being within the Core Preservation area and therefore should require Commission review, in 2013 the Commission advised the Town to perform an Environmental Impact Statement (EIS) and that a negative declaration is inappropriate for this project. Mr. McAllister recommended that instead of dredging the impoundment that the Town consider restoring the impoundment back to its historical wetland nature.*

*Additional public comments included, Mr. George Costa, representing Art Flick Trout Unlimited, expressed his concerns about the fate of the native Brook Trout in Lower Lake in the wake of the dredging project.*

*Mr. Amper requested information related to the status of an application from Kent Animal Shelter and it was noted that no application has been submitted.*

*Ms. Gallagher arrived to the meeting at approximately 2:10 p.m and assumed the chair position to lead the meeting.*

### b. Minutes for 12/23/18 review, approval

Summary: **The motion was made by Mr. Shea and seconded by Mr. Romaine to approve the 1/23/19 meeting summary. The motion was approved by a 5:0 vote.**

## 2. Science and Stewardship

### a. Education and Outreach Division

Summary: *Ms Parrott discussed the previously distributed Education and Outreach Division, February 2019 Update (attached) and items from the report that she highlighted included, the six week 2019 Barrens to Bay Summer Camp from July 8<sup>th</sup> through August 23<sup>rd</sup> and that the camp is currently booked up to 99 percent capacity with new interactive activities added this year. She also noted that the Long Island Natural History Conference will be held on March 22<sup>nd</sup> and 23<sup>rd</sup> and a flyer was distributed at today's meeting and the "A Day in the Life" 2019 program and dates for testing at various sites including, the Carmans River will be held on*

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September 20, Fire Island on September 27<sup>th</sup> and will include other locations on additional dates in the fall. Ms. Parrott noted she and Ms. Weigand will be presenting at the New Jersey Pinelands 30<sup>th</sup> Annual Pinelands Short Course on Saturday, March 9<sup>th</sup>. Then Ms. Parrott introduced students from Stony Brook University that were attending today's meeting for the purpose of learning about the Central Pine Barrens and the work of the Commission.

*b. Science and Stewardship Division*

Summary: Ms. Weigand discussed the previously distributed Science and Stewardship Division Update for February 27, 2019 (attached) and items Ms. Weigand highlighted included, administrative issues such as equipment procurement for the Empire Pollinator Study, the fire program and monitoring, the two day ESRI Field applications class that she and Shaun Ziegler participated in and information about the New Jersey Pineland Short Course that she and Ms. Parrott will be presenting at. Ms. Weigand mentioned she will be providing a conservation update at the L.I. Natural History Conference.

Mr. Ziegler provided highlights from the portion of the Science and Stewardship update related to the prescribed fire program including the status of the \$250,000 grant that NYSDEC will be providing to the Commission each year for five years, procurement of prescribed fire equipment and the division is working with the L.I. Pine Barrens Society on developing an educational video on Fire and Forest Management. Additional items that Mr. Ziegler discussed included, he attended the Northeast Compact meeting in Portland Maine with the goal of moving forward in coordinating with the NYSDEC on components of the prescribed fire program, the division has been performing invasive species monitoring and surveys of Phragmites infestations in the Sears Bellows County Park coastal plain ponds and he mentioned the field visit with S.C. Parks to identify potential auxiliary facilities to store prescribed fire equipment. Mr. Shea discussed a N.Y. State study with findings that last year's mild weather and intermittent cold snaps may have aided in the decline of the SPB population. Ms. Weigand provided additional information regarding the decline of the SPB population that may be the result of an increase in predator populations such as the Turpentine and Clerid beetles.

*c. USGS Water Resources Monitoring Program*

Summary: Ms. Amy Simonson, representing the U.S. Geological Survey (USGS) that is involved in the coordinated Water Resources Monitoring program effort with the Commission was present today to provide a power point presentation on the subject of Hydrologic Monitoring in the Central Pine Barrens that reported on some of the monitoring work being performed by the USGS that is being funded in part by the Commission. Highlights from the presentation that she discussed included, the creation of a publicly accessible database of hydrologic conditions, baseline water resource conditions, a data resource to monitor ecohydrologic stress, water quantity within the Pine Barrens, hydrographs covering three years of water levels for the Camans and Peconic Rivers and groundwater conditions and measurements over the last 20 years.

Other points from the presentation that Ms. Simonson discussed included, water quality data and development of baseline chemistry for the streams, testing for pharmaceuticals and pesticides on both of the Carmans and Peconic rivers, and Ms. Simonson discussed the methods in which the data collection and monitoring will be formatted and reported on the project website.

*3. Land Use*

*Planning and Land Use*

*a. Compliance and Enforcement Division (CAED)*

Summary: Mr. Huss discussed the previously distributed Compliance and Enforcement Division Update for 1/1/19 – 2/27/19 (attached) and he

highlighted items including, the Division has been working on open cases with the N.Y. State Attorney General's Office (AG) and he noted that he attended a meeting with the AG yesterday, there are a dozen open incident cases with three new dumping incidents this year and the division staff continues to participate with the NYS DEC Forest Rangers and other agencies associated with the Law Enforcement Council (LEC) on ATV Multi Agency Details.

Mr. Huss reported on the status of purchasing drones for surveillance purposes. Mr. Romaine invited the CAED to visit the Town's own drone program at the Command and Communication Center and Mr. Huss mentioned that the CAED staff have been accepted to attend a drone training program in Utica that is sponsored by the N.Y. State Division of Homeland Security and Emergency Services (NYS DHSES).

b. Land Use Division

Summary: Ms. Hargrave discussed the previously distributed Land Use Division Bi-Monthly Update for the Meeting of February 28, 2019 (attached). Items from the report that Ms. Hargrave highlighted included, the request by F.K.K. Inc. to withdraw their hardship waiver application and pending applications such as Kogel Brothers in Middle Island and Silver Corporate Park in Yaphank, which the Commission deferred lead agency status to the Town of Brookhaven. She mentioned that the Land Use Division continues working with the USGS on the water resources monitoring program and with the other divisions as needed including, on matters of clearing and encroachments.

Project Review

Core Preservation Area

c. F.K.K., Inc. Core Preservation Area Hardship / expansion and redevelopment of existing gas station / 1 Edwards Avenue, Calverton / SCTM# 200-299-2-21 /

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Dale to accept the Applicant's withdrawal of the FKK, Inc. Core Area Hardship Waiver. The motion was approved by a 5:0 vote.**

d. Kogel Brother Core Preservation Area Hardship Application for development of residence / East Bartlett Road, Middle Island / SCTM # 200-499-3-4

Summary: Ms. Hargrave discussed the Kogel Brothers Application and request for an extension of the decision deadline from April to July.

**The motion was made by Mr. Romaine and seconded by Mr. Shea to accept the Kogel Brothers request for an extension of the decision deadline. The motion was approved by a 5:0 vote.**

Compatible Growth Area

e. Silver Corporate Park CGA Hardship and Development of Regional Significance Applications / development of 55000 s.f. of commercial / industrial land uses on 72 acres / n/s of NYS Route 495 and west of Sills Rd / Yaphank / SCTM # 200-662-2-5.16 / public hearing held 1/23/19 / decision deadline 4/5/19

Summary Ms. Hargrave reported that on February 11<sup>th</sup> the Commission deferred lead agency status and sent the Town all of the materials the Commission had received related to the Silver Corporate Park application including the February 27<sup>th</sup> hearing transcript. She noted that the Applicant will be submitting an updated traffic study and that a State Environmental Quality Review Act (SEQRA) determination will be needed at some point.

**The motion was made by Mr. Romaine and seconded by Mr. Dale to grant an extension of the April decision deadline. The motion was approved by a 5:0 vote.**

4. Pine Barrens Credit Program

a. Credit program update

*Summary: Mr. Tverdyy provided a power point presentation on the history of the Credit program and he discussed the Credit program update including, in 2018 there were a total of 44 Letters of Interpretation (LOI) with fifteen of them from Brookhaven Town and 19 from Southampton Town, there were four LOI appeals with one of them being withdrawn. He noted that in 2018 there were 25.72 Credits redeemed. Mr. Tverdyy highlighted Credit program statistics over the history of the Credit program using charts in his presentation related to Credits generated, redeemed and sold.*

*Mr. Tverdyy discussed the Clearinghouse Financial Report for the year 2018 ending on December 31<sup>st</sup> including, the total balance as of December 31<sup>st</sup> was \$2.5 million with over \$10,000 interest earned and he noted that the Clearinghouse owns 10.19 Credits. Mr. Tverdyy discussed the previously distributed Core Boundary Map that has been updated to include the new Shoreham and Mastic properties that were added on January 1<sup>st</sup> to expand the Core area of the Pine Barrens. He mentioned that the properties have a potential to generate 90 Credits. Mr. Romaine expressed his concerns pertaining to the Shoreham LIPA owned property now included in the Core Area and the status of Pine Barrens Credits if the property is not acquired by the State.*

*Mr. Tverdyy noted that a letter will be sent to the Core property owners who have not yet applied for LOIs to inform them of the Credit program and how it may benefit them. In addition, letters will be sent to Core property owners that have conservation easements on their property to remind them of the terms of their easements and that easement signs are available to post their properties.*

## **6. Public Comment**

*Summary: There were no public comments made.*

*The motion was made by Mr. Romaine and seconded by Mr. Dale to enter into closed Advisory Session and afterwards no further Commission business would be conducted and therefore, the meeting was adjourned. The motion was approved by a 5:0 vote.*

*The meeting ended at approximately 3:30 pm.*

## **Attachments (in order of discussion)**

1. February 27, 2019 Commission Meeting Sign in Sheet (1 page).
2. Draft Commission meeting summary for January 23, 2018 (2 pages)
3. Final Approved Commission meeting summary for January 23, 2018 (2 pages)
4. Science and Stewardship Division Update February 27, 2019 (5 pages)
5. Hydrologic Monitoring in the Central Pine Barrens PowerPoint presentation provided by Amy Simonsen and Irene Fisher from the USGS, dated February 27, 2019 (22 pages)
6. Education and Outreach Division February 2019 Update (2 pages)
7. Compliance and Enforcement Division Update for 1/1/19 – 2/27/19 (3 pages)
8. F.K.K., Inc. Hardship Waiver Application, letter of withdrawal, to staff from Mr. DeNicola, dated January 28, 2019 (1 page)
9. Land Use Division Bi-Monthly Update for the Meeting of February 28, 2019 (1 page)
10. Credit Clearinghouse Program update for February 27th and Suffolk County Comptroller's Office report as of January 31<sup>st</sup> (2 pages)



**Central Pine Barrens Commission Meeting Summary  
For Wednesday, March 20, 2019 (Final Approved 4/10/19)  
Southampton Town Hall  
116 Hampton Road  
Southampton, NY  
2:00 pm**

*Commission members present: Ms. Gallagher (for New York State), Ms. Leigh Rate (for Brookhaven), Ms. Jens-Smith (for Riverhead), Mr. Schneiderman, Mr. Collins and Mr. Shea (for Southampton) Ms. Longo and Mr. Dale (for Suffolk County)*

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

*Ms. Gallagher 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: Mr. Richard Amper, Executive Director of the L.I. Pine Barrens Society expressed his concerns about the status of the review by the Commission of the Lewis Road project that is similar to the Hills application from the same Applicant five years ago. He submitted a written petition and noted that the Lewis Road Application is located partially in the Core Area of the Pine Barrens, in a Critical Resource Area (CRA) and that it can be defined as a Development of Regional Significance (DRS). He urged the Commission to assert its jurisdiction over the Lewis Road project.*

*There were additional public comments by members of the public expressing their concerns opposing the Lewis Road project that included, Mr. Bob DeLuca, representing the Group for the East End, Mr. William Kerns, resident of East Quogue, Ms. Maryann Johnston, representing Affiliated Brookhaven Civic Association (ABCO), Ms. Andrea Spilka, representing Southampton Town Coalition and Mr. Larry Penny. Ms. Cyndi McNamara, Chairwoman of the East Quogue Citizens Advisory Committee expressed the concerns of the East Quogue residents who support the Lewis Road project and she submitted a petition with their names.*

*Mr. Kevin McAllister, President of Defend H2O, discussed information he had previously submitted to the Commission as evidence that supports his assertion that dredging the impoundment at Lower Lake is detrimental to the ecosystem and he discussed reasons that the Environmental Impact Statement (EIS) process is a significant step that must be followed in all projects within the Pine Barrens including, the Hills, Lewis Road and the Lower Lake dredging project.*

*Ms. Gallagher discussed the draft letter from staff to the Southampton Town Board, dated March 20, 2019 (attached) and she noted that the letter is similar to the letter sent last year. Mr. Schneiderman noted he needed more time to review the letter before he could vote to send it. Ms. Hargrave discussed the contents of the draft letter including that there are references to the Standards and Guidelines in the Comprehensive Land Use Plan (CLUP) that apply to the Lewis Road project and that the project must meet the Standards. A discussion ensued pertaining to when the Commission could expect to vote to send the letter. Mr. Collins discussed the status of the Lewis Road application and the SEQRA process and he noted an outside consultant was hired by the Town to evaluate the SEQRA process requirement for the project.*

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*Additional points of discussion included, SEQRA findings for the Hills and Lewis Road may be the same, the SEQRA process may require a supplemental impact statement, the status of the Commission's assertion of jurisdiction and whether it still applies to Lewis Road application, and to date neither project application has been submitted to the Commission for review. Additional discussion ensued pertaining to the Town's review process and the status of the project as a Development of Regional Significance (DRS) and contains a Critical Resource Area (CRA). Other points were discussed such as previous letters that were sent from the Commission to the Town requesting information on the status of the Hills and now the Lewis Road application.*

*Mr. Schneiderman noted that it may be preferable to resend the previous letter that the Commission sent last year, since that letter was approved by the Commission. There were additional public comments from Ms. Andrea Spilka and others expressing concerns about the Hills application that has not been submitted to the Commission for review and that the town is handling the Lewis Road application in the manner.*

***The motion was made by Mr. Dale and seconded by Ms. Jens-Smith to resend last year's letter from the Commission to the Town Board pertaining to the Lewis Road application, with a new cover letter that requests a response. The motion was approved by a 5:0 vote.***

*Ms. Gallagher skipped to item 3a Eastern Wholesale Fence on the meeting agenda, since the powerpoint presentation for the sign project was not ready to be viewed.*

### **3. Land Use Planning and Land Use**

#### *Compatible Growth Area*

##### *a. Eastern Wholesale Fence Site Plan /Calverton / SCTM#600-135.20-1-6/ SEQRA Lead Agency Coordination*

*Summary: Ms. Hargrave discussed the draft letter dated March 20, 2019 from staff to the Town of Riverhead regarding the Eastern Wholesale Fence Site Plan referral (attached). She noted the project site is in the CGA of the Pine Barrens and that the Commission has no objection to the town assuming lead agency status for this unlisted action.*

***The motion was made by Ms. Jens-Smith and seconded by Mr. Shneiderman to approved sending the draft letter from staff to Riverhead Town Planning. The motion was approved by a 5:0 vote.***

##### *b. Shwonik/Guyder Farm (Finks Country Farm, Inc) SCTM# 600-115-1-9 Order on Consent*

*Summary: Ms. Hargrave discussed the Order on Consent No. CPBJPPC 1-2019 (attached) related to encroachment violations that occurred at the Finks Country Farm property. She noted that staff confirmed the Finks Farm owners met the requirements of the order on consent that required removing debris and installing markers on the boundary of the property and that the action today would be to authorize Mr. Pavacic's signature on the order of consent. Mr. Pavacic noted that the order includes a suspension of the \$10,000 penalty since the Finks complied with the terms of the Order on Consent.*

***The motion was made by Ms. Jens-Smith and seconded by Mr. Collins to authorize Mr. Pavacic's signature on the Order on Consent No. CPBJPPC 1-2019. The motion was approved by a 5:0 vote.***

*Ms. Gallagher then returned to item number 1b. to approve the minutes from the 2/27/19 Commission meeting.*

##### *1b. Minutes for 2/27/19 review, approval*



**Summary: The motion was made by Mr. Dale and seconded by Ms. Jens-Smith to approve the 2/27/19 meeting summary. The motion was approved by a 5:0 vote.**

Ms. Gallagher then went on to item 2b on the agenda for Central Pine Barrens Sign Project

## 2. Science and Stewardship

### b. Central Pine Barrens Sign Project

**Summary: Mr. Pavacic reported that the sign project began a few years ago by Ms. Parrott and Ms. Ostrowski of the Commission staff and was continued this past year by Mr. Tim Motz. Mr. Pavacic provided background information on the sign project including that several years ago staff met with the members of the Commission to discuss placing signs along the boundary to inform travelers that they are entering or leaving the Central Pine Barrens, similar to other NY State regions, such as in the Adirondacks. He went through the presentation prepared by Mr. Motz and highlighted that signs help inform the public that they are entering or leaving the Central Pine Barrens, thereby creating a sense of place, the signs would have a faux wood look and consist of laminate over an aluminum backing, metal poles and would be 18 X 24 inches in size. Examples of different styles were displayed and the signs would include the Commission logo. The cost of the sign project would list under \$5,000.**

Other points Mr. Pavacic discussed included, 40 locations were identified for signs and in the future the project could be expanded to include State roads and entrances to residential areas. Mr. Schneiderman noted that his concern would be that the signs needed to be approved by the Highway Superintendent and police department before moving ahead with installing them. Mr. Pavacic noted that the CAED staff have met with the town's highway departments and the office of public safety to discussed the signs project and that they received positive feedback from all of the entities involved. The Commission would be working with the local municipalities and highway departments to ensure signs are installed properly according to road and traffic safety guidelines.

**The motion was made by Mr. Schneiderman and seconded by Ms. Jens-Smith to approve the Draft Resolution to Authorize Purchase of Central Pine Barrens Boundary Signs, Commission meeting of March 20, 2019 (attached) with the condition that the project is approved by the towns Superintendent of Highways. The motion was approved by a 5:0 vote.**

### a. NYWIMA first quarter report

**Summary: Mr. Pavacic noted that the NYWIMA Current Status and Review of 2018 Activities for 3/20/19 Commission meeting was included in the epacket for the Commission's review.**

## 4. Pine Barrens Credit Program

### a. Pine Barrens Credit Auction to sell 10.19 Pine Barrens Credits

**Summary: Mr. Tverdyy reported that the Credit Clearinghouse owns 10.19 Credits and he explained that the Clearinghouse held a reverse auction last year to sell the Credits to builders with approved projects and one response was received. He noted that the Clearinghouse rejected the builder's offer because the bid price was lower than the 2017 appraised value of \$80,000 per Credit. Mr. Milazzo noted that the Clearinghouse Board is considering holding another reverse auction and that today's discussion is to decide if the Commission wishes to reauthorize the letter sent to builders last year or if a new letter should be drafted. He explained the minimum bid accepted last year was \$88,000 and this year the minimum bid accepted would be \$80,000, which is equivalent to the 2017 appraised value. Mr. Milazzo provided background information pertaining to the 10.19 Credits under Commission ownership and reasons for a reverse auction that included Brookhaven**

*Town's zoning code change related to the redemption of Pine Barrens Credits within the Town. Mr. Milazzo discussed reasons for selling the Clearinghouse owned Credits such as to facilitate Town Credit redemptions and discussion ensued pertaining to the amount of time the developer would be allowed from the date the Credits are purchased to redeem the Credits.*

***The motion was made by Mr. Collins and seconded by Ms. Jens-Smith to authorize the sale of the 10.19 Credits owned by the Clearinghouse at the appraised value of \$80,000 per Credit. The motion was approved by a 5:0 vote.***

## **6. Public Comment**

*Summary: Ms. Maryanne Johnston expressed her thanks to the Commission and the NYSDEC for the cleanup at Blue Green Farms.*

***The motion was made by Mr. Dale and seconded by Mr. Collins to adjourn the meeting. The motion was approved by a 5:0 vote.***

*The meeting ended at approximately 4:10 pm.*

## **Attachments (in order of discussion)**

1. March 20, 2019 Commission Meeting Sign in Sheet (3 pages)
2. Draft Commission meeting summary for February 27, 2019 (4 pages)
3. Final Approved Commission meeting summary for February 27, 2018 (4 pages)
4. Draft letter from staff to the Southampton Town Board Re: Lewis Road project status, dated March 20, 2019 (1 page)
5. Referral letter from the Riverhead Town Board to Commission staff Re: Eastern Wholesale Fence Site Plan, dated February 29, 2019 (21 pages)
5. Draft letter from staff to the Town of Riverhead regarding the Eastern Wholesale Fence Site Plan referral, dated March 20, 2019 (2 pages)
6. Order on Consent No. CPBJPPC 1-2019 for Finks Farm, Inc. dated March 5, 2019 (12 pages)
7. NEW YORK WILDFIRE AND INCIDENT MANAGEMENT ACADEMY Current Status and Review of 2018 Activities for 3/20/19 CPB Commission Meeting (3 pages)
8. Pine Barrens Credit Auction Appraisal as of August 28, 2017 (39 pages)



**Central Pine Barrens Commission Meeting Summary  
For Wednesday, April 10, 2019 (Final Approved 5/15/19)  
Brookhaven Town Hall  
116 Hampton Road  
Southampton, NY  
2:00 pm**

*Commission members present: Ms. Gallagher (for New York State), Mr. Romaine and Ms. Pines (for Brookhaven), Ms. Jens-Smith and Mr. McCormick (for Riverhead), Mr. Collins and Mr. Shea (for Southampton) Ms. Longo, Mr. Dale and Mr. Freleng (for Suffolk County)*

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

*Ms. Gallagher called the meeting to order at approximately 2:00 p.m. with five members present, which constitutes a quorum. Ms. Gallagher distributed information concerning Governor Cuomo's visit on Thursday, April 11<sup>th</sup> to Stony Brook University where he will be speaking about the N.Y. State Budget and the potential impacts to the Long Island Region.*

Carrie Meek Gallagher  
*Chairwoman*

Steven Bellone  
*Member*

Laura Jens-Smith  
*Member*

Edward P. Romaine  
*Member*

Jay H. Schneiderman  
*Member*

## **1. Administrative and Public Comment**

### **a. Public Comments:**

**Summary:** *Ms. Mr. Richard Amper, Executive Director of the L.I. Pine Barrens Society expressed his concerns about the status of the Lewis Road project and the Commission making the decision to assert jurisdiction in a reasonable time frame. Ms. Andrea Spilka, representing Southampton Town Coalition, expressed her concerns about the potential impacts from the Lewis Road project to the environment and water quality as reasons for the Commission's need to review the project. Ms. Annette Kattar, representing Affiliated Brookhaven Civic Association (ABCO) expressed her concerns regarding the Lewis Road project and supported the need for Commission review of this project.*

### **b. Minutes for 3/20/19 review, approval**

**Summary: The motion was made by Mr. Romaine and seconded by Mr. Collins to approve the 3/20/19 meeting summary. The motion was approved by a 5:0 vote.**

*Ms. Gallagher skipped to item 4d Lewis Road Subdivision for the members of the public that were present that may have an interest in the status of that item.*

### **4d. Lewis Road Subdivision/ East Quogue, town of Southampton / development of 118 lot residential subdivision and 18-hole golf course**

**Summary:** *Ms. Gallagher discussed the status of the Lewis Road project including that the Commission members agree on the need for the Commission to review the project, the Southampton Town Planning Board assured her that they would be responding to the Commission's letter they received last month and that the Board is interested in the Commission's comments on the Lewis Road project. She noted she expects to be able to discuss the response to the Commission's letter at the May Commission meeting.*

*Mr. Collins mentioned that the Town Planning Board has submitted a pre-application for the Lewis Road project to the Commission, the Commission's letter from last month was forwarded to the Lewis Road Applicant and there is a draft letter before the Planning Board that should be approved to send to the Commission at their next meeting on April 11<sup>th</sup>.*

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*Mr. Romaine discussed background information related to the Hills application and that Supervisor Throne-Holst, who was the Southampton Town Supervisor at the time, had made a motion to assert jurisdiction over the Hills. He stated that since the two applications appear to be the same, the Commission should assert jurisdiction over the Lewis Road project without delay. Mr. Collins discussed the steps in the referral review process for the Lewis Road project at the Town in relation to SEQRA. Mr. Romaine discussed the conditions under which the Commission typically asserts jurisdiction. A discussion ensued on what the process is for the Commission to assert jurisdiction.*

*Mr. Collins discussed a number of items including the status of the proposed Lewis Road golf course, the SEQRA timeline, the Town Planning Board has hired a consultant to determine whether there is a need for a supplemental impact statement, the overall timeline for the review of the project and the public hearing process and the merits of the Commission coordinating its review with the Town.*

*Mr. Milazzo discussed sections from the CLUP that provide specific conditions under which the Commission can assert jurisdiction over a project and he noted he can discuss and advise the Commission on specific aspects of the Lewis Road project in an Executive Session. There was additional discussion concerning the SEQRA process for the project and the process the Commission is required to follow in order to assertion of jurisdiction over a project. It was also discussed that it may be preferable to wait until the Planning Board has met with their consultant for input on the SEQRA process for the project and has provided a response to the Commission's letter. Mr. Romaine made a motion to assert jurisdiction over the Lewis Road project, however there was no second and therefore the motion did not move forward. Mr. Romaine stated that he will submit a written motion to assert jurisdiction over the Lewis Road project at the next Commission meeting.*

*Ms. Gallagher inquired if there was anyone else from the public that wanted to comment on the project. Mr. Mike Hurst from the public audience then expressed his concerns related to possible impacts of development such as this project and protecting resources.*

## **2. Science and Stewardship**

### *a. Education and Outreach Division*

*Summary: Ms Parrott discussed the previously distributed Education and Outreach Division, April 2019 Update (attached) and items from the report that she highlighted included, 385 students received educational outreach through her programs, the six week 2019 Barrens to Bay Summer Camp that runs from July 8<sup>th</sup> through August 23<sup>rd</sup> has reached capacity for registrations already. She discussed new activities that will be introduced to the camp program this year that will include tagging monarch butterflies and new visiting speakers. Ms. Parrott also noted that the Long Island Natural History Conference that was held on March 22<sup>nd</sup> and 23<sup>rd</sup> was very successful.*

*Additional items from the report that she discussed included the status of the "A Day in the Life" 2019 program and scheduled dates for the various rivers, the Carmans River and Gardiner County Park on September 20<sup>th</sup>, Massapequa Preserve and Fire Island on September 27<sup>th</sup>, Nissequogue River, Carlls River and Forge River on October 11<sup>th</sup>. She mentioned that between events she has been able to focus on climate change educational initiatives by attending local and regional climate change trainings and meetings and responding to requests from local schools for her to speak on climate change topics.*

**b. Science and Stewardship Division**

Summary: Ms. Weigand discussed the previously distributed Science and Stewardship Division Update for April 10, 2019 (attached) and items that she highlighted included the meeting held earlier today with the N.Y. State Department of Conservation (NYSDEC) Region 1, NYSDEC Division of Forest Protection and Commission staff to discuss collaboration, coordination and resources needed for the Commission's Fire Management program, the upcoming meeting with Suffolk County Parks Department to determine initial mutual goals for fire management and pre-treatment locations, the fuels calibration workshop staff, Mr. John Wernet from the NYSDEC and Ms. Kathy Schwager from Brookhaven National Laboratory (BNL) attended at Albany Pine Bush, and that Mr. Ziegler participated in prescribed fire operations for two burn units, 105 acres and 180 acres, respectively, with the New Jersey Forest Fire Service in New Jersey.

Other items from Ms. Weigand's report that she discussed included, staff participated in the annual wildfire refresher and engine refresher trainings that were conducted by the NYSDEC Forest Rangers, Mr. Ziegler attended ICS 300 Incident Command Systems for Expanding Incidents, he is currently taking NWCGS-491 Intermediate National Fire Danger Rating System in California and he participated in a chain saw refresher training at Pine Meadows County Park.

Ms. Weigand mentioned that Commission staff has been working with the L.I. Pine Barrens Society along with other participants including, NYSDEC staff, S.C. Fire Rescue and Emergency Services (SCFRES), on an educational video on Forest and Fire Management for the Central Pine Barrens and the video is scheduled to be broadcast in August. Ms. Weigand reported that the MOU and Contract with SUNY College of Environmental Science and Forestry is being finalized by staff, and that on April 25<sup>th</sup> at the Sisters of St. Joseph in Brentwood, staff is hosting the next L.I. Invasive Species Management Area meeting. A work session to remove *Miscanthus* has also been planned. She mentioned that on March 29<sup>th</sup> Ms. Samantha Fishman and Mr. Chris Steigerwald completed their internships with the Commission and she reported that due to their excellent skills they were able to advance the Southern Pine Beetle (SPB) surveying and reporting work as well as many other ecological activities. Ms. Weigand also noted that a Fire Management Specialist and new interns have been selected and that SCWA Board is in the process of approving these selections.

**3. Pine Barrens Credit Program**

**a. Credit Program**

Summary: Mr. Tverdy discussed the Easement Protected Lands and Pine Barrens Credits as of April 3, 2019 report (attached) and items he highlighted included, several conservation easements are being prepared, 4.5 Credits have been redeemed at the Suffolk County Health Department, 1.94 Credits were sold in the Town of Southampton and he noted the average price of a Credit is \$73,000. Mr. Tverdy discussed the Suffolk County treasures report for March 31<sup>st</sup> and he noted the balance in the Credit Program's account was \$2.5 million with \$2,600 interest earned for the period.

**4. Land Use and Planning**

**a. Compliance and Enforcement**

Summary: Mr. Lewis reported on the Compliance and Enforcement Division activities since the February division update including, the S.C. Sheriff's office has made two arrests related to dumping violations, the division worked with the Town of Brookhaven to close 30 old cases and he reported that the division

staff attended drone training in Utica N. Y. in preparation for receiving Federal Aviation Administration (FAA) licensing that will enable staff to fly drones for surveillance purposes. Additional items Mr. Lewis reported on included that CAED staff participated in was a recent ATV mitigation detail with the S.C. Park Rangers and the division purchased additional Reconyx cameras to aid in CAED surveillance activities. Mr. Romaine noted that Brookhaven Town has incorporated the use of drone technology at the Public Safety Communications Center and he encouraged the Commission members and staff to visit the center.

**b. Land Use**

Summary: Ms. Hargrave discussed the Land Use Division Bi-Monthly Update for the meeting of April 10, 2019 and items that she highlighted included, the status of the Kogel Brothers Core Hardship in Middle Island that is involved in acquisition negotiations, the status of the Silver Corporate Park project that involves a Hardship and Development of Regional Significance (DRS) application and she noted that they resubmitted their application to build on steep slopes that will be presented at the May Commission meeting. Additional items she discussed included that the division has been working on reviewing the plans for the Long Island extension of the Empire State trail and the Peconic Estuary Program (PEP) plan update and that she attended a PEP round table meeting on April 17<sup>th</sup> at Riverhead Town. Ms. Hargrave discussed the U.S. Geological Survey request in a letter, dated April 5<sup>th</sup> (attached) to reallocate \$700 of unused funds toward this year's annual groundwater synoptic within the Pine Barrens region.

**The motion was made by Mr. Romaine and seconded by Mr. Collins to authorize the reallocation of funds related to the USGS request in their letter dated April 5, 2019. The motion was approved by a 5:0 vote.**

**Project Review**

**Core Preservation Area**

**c. Gergela, Bartlett Road / Middle Island/ SCTM# 200-454-1-9.1 / Stipulation of Settlement**

Summary: Mr. Pavacic reported that the N.Y. State Attorney General's office. Stipulation of Settlement for the Gergela violation was emailed to the Commission members prior to the Commission meeting and the item is on today's agenda for the Commission to approve.

**The motion was made by Mr. Romaine and seconded by Ms. Jens-Smith to approve the Stipulation of Settlement for Gergela. The motion was approved by a 5:0 vote.**

**6. Public Comment**

Summary: There were no public comments.

**The motion was made by Ms. Gallagher and seconded by Mr. Romaine to adjourn the meeting. The motion was approved by a 5:0 vote.**

*The meeting ended at approximately 3:45 pm.*

**Attachments (in order of discussion)**

1. April 10, 2019 Commission Meeting Sign in Sheet (1 page)
2. Draft Commission meeting summary for March 20, 2019 (4 pages)
3. Final Approved Commission meeting summary for March 20, 2019 (4 pages)
4. Education and Outreach Division, April 2019 Update (1 page)
5. Science and Stewardship Division Update for April 10, 2019 (5 pages)

6. Pine Barrens Credit Program Easement and Protected Lands and Pine Barrens Credits As of April 3, 2019 table and S.C. Treasurers Report as of March 31, 2019 (2 pages)
7. Land Use Division Bi-Monthly Update for the meeting of April 10, 2019 (1 page)



**Central Pine Barrens Commission Meeting Summary  
For Wednesday, May 15, 2019 (Final Approved 6/19/19)  
Wertheim Wildlife Refuge  
Smith Road  
Shirley, NY  
2:00 pm**

*Commission members present: Ms. Gallagher (for New York State), Mr. Romaine and Ms. Pines (for Brookhaven), Ms. Jens-Smith and Mr. McCormick (for Riverhead), Mr. Schneiderman, Mr. Collins and Mr. Shea (for Southampton), Mr. Freleng (for Suffolk County)*

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

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

Carrie Meek Gallagher  
*Chairwoman*

Steven Bellone  
*Member*

Laura Jens-Smith  
*Member*

Edward P. Romaine  
*Member*

Jay H. Schneiderman  
*Member*

## **1. Administrative and Public Comment**

### *a. Public Comments:*

Summary: *Mr. Richard Amper, Executive Director of the L.I. Pine Barrens Society expressed his concerns about the status of the Lewis Road project that was originally submitted by the same Applicant several years ago under a different project name known as the Hills. He reiterated concerns he expressed at the March and April Commission meetings pertaining to the authority that the Commission has been provided under both, Environmental Conservation Law (ECL) Article 57 and the Comprehensive Land Use Plan (CLUP) to review projects.*

*Mr. Bruce Tria, Resident of East Quogue expressed his support of the Lewis Road project and he noted the Suffolk County Planning Board approved the project and it should move forward. Ms. Annette Kateau expressed her concerns against the Lewis Road project and she stated she agreed with Mr. Amper's statement that the role of the Commission is to review projects that are Developments of Regional Significance and may have adverse impacts on the ground water and the Pine Barrens region.*

*Ms. Andrea Spilka, representing Southampton Town Coalition, reiterated the concerns she expressed about the Lewis Road project at the two previous Commission meetings that included concerns related to impacts on traffic and water quality and she noted that she agrees with Mr. Amper's comments about the Lewis Road project today.*

*Ms. Barbara Daddino, representing the Incorporated Village of Shoreham, expressed her concerns pertaining to the problems related to the control of the deer population in the Pine Barrens, the burden placed on the community, the Commission's role and the need for leadership to lobby at the level of the N. Y. State legislature for the necessary funding.*

### *b. Minutes for 4/10/19 review, approval*

Summary: **The motion was made by Mr. Romaine and seconded by Ms. Jens-Smith to approve the 4/10/19 meeting summary. The motion was approved by a 5:0 vote.**

### *c. Insurance Renewal and Prescribed Fire Program Insurance*

Summary: *Mr. Pavacic explained that the Commission's insurance policy expires on June 8<sup>th</sup> and he noted that staff is working with the SCWA Risk Manager to search for an insurance provider that will include coverage for the prescribed fire program, since the current provider has declined including coverage for this program.*

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**The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to authorize the Executive Director to locate and secure a new insurance provider and policy for the Commission's insurance needs. The motion was approved by a 5:0 vote.**

## **2. Science and Stewardship**

- a. Draft resolution to approve the purchase of ATV helmets and goggles for the Law Enforcement Council members with Environmental Benefit Fund monies

**Summary: The motion was made by Mr. Schneiderman and seconded by Ms. Jens-Smith to approve the Draft Resolution for the Commission to Authorize the Purchase of Personal Protective Equipment for the Law Enforcement Council (attached). The motion was approved by a 5:0 vote.**

## **3. Land Use**

### **Planning & Land Use**

- a. Peconic Estuary Program Draft Comprehensive Conservation Management Plan Update / Draft comment letter

**Summary: Ms Hargrave discussed the draft letter from staff to Ms. Joyce Novack, Peconic Estuary Program Director, dated May 15th (attached) and she noted that the letter contains comments and suggestions related to the Peconic Estuary Revised Conservation Management Plan that includes sections on climate change, education and outreach, habitat and water quality.**

**The motion was made by Mr. Romaine and seconded by Mr. Freleng to approve sending the draft letter from staff to the Peconic Estuary Program. The motion was approved by a 5:0 vote.**

### **Project Review**

#### **Core Preservation Area, Compatible Growth Area and Critical Resource Area**

- b. Lewis Road Subdivision / East Quogue, Town of Southampton / development of 118 lot residential subdivision and 18-hole golf course

**Summary: Mr. Romaine discussed the previously distributed Sense Resolution on the Matter of Lewis Road Planned Residential Development Subdivision East Quogue, Town of Southampton (attached). There was concern that the draft sense resolution was provided to the Applicant's attorney since the attorney provided a letter in response to the Draft resolution. Mr. Romaine went on to discuss the contents of the resolution including each of the "Resolved" statements. He explained that in the CLUP, Section 4.5.3 it states that the Commission has the right to review all projects within the Compatible Growth Area (CGA) at any time whether or not the project has been reviewed by the Planning Board. He noted that considering the size of the project, that it should be reviewed by the Commission after extending the courtesy to the Southampton Town Planning Board to complete their review first.**

**The motion was made by Mr. Romaine and seconded by Ms. Jens-Smith to approve the Draft Resolution. Before finalizing the vote, there was a discussion on the circulation of the draft resolution to Mr. Wayne Bruyn, the Lewis Road Applicant's attorney and representative. Mr. Schneiderman discussed the two applications, Lewis Road and the Hills, and questioned whether the Commission would need to assert jurisdiction since the two projects are substantially the same and the Commission had already asserted jurisdiction over the Hills in 2015.**

**Mr. Milazzo provided background information on the history of the "Hills" project and that the Commission was considered an involved agency. He mentioned the Applicant's attorney sent a letter to the Commission in 2016 requesting that the Commission conduct its review of the project after the**

Town has finished with the SEQRA process and the application has been submitted to the Commission. He explained that Southampton Town completed the SEQRA review of the "Hills" project, however the Town did not issue a super majority vote to approve the project, therefore the project was not approved. The application was never submitted to the Commission for either project. He further explained the Commission's assertion of jurisdiction over the "Hills" application would still apply to the Lewis Road Project provided the projects are found to be essentially the same project.

Mr. Shneiderman expressed his concerns pertaining to the 120 day time frame the Commission is provided under the provisions of the CLUP to complete a project review and a discussion ensued about determining and documenting an accurate 120 day time frame in relation to the Lewis Road Subdivision. Mr. Milazzo discussed the CLUP criteria that establishes a 120 day review period in relation to the Hills and the Lewis Road applications. He then discussed how the Commission should proceed today to reaffirm its assertion of jurisdiction over the application know as the "Hill's and as the Lewis Road subdivision project or any project submitted by Discovery Land, DLV. Staff will prepare a draft resolution for the next Commission meeting that would reaffirm the Commission's prior assertion and would provide elements of concern and also that the project may have adverse impacts on the CLUP.

Mr. Romaine withdrew his draft sense resolution.

**The motion was made by Mr. Schneiderman and seconded by Ms. Jens-Smith to approve the attached Resolution on the Matter of Lewis Road Planned Development Residential Development District East Quogue, Town of Southampton. The motion was approved by a 4:0:1 with Suffolk County abstaining.**

#### **Compatible Growth Area**

- c. Silver Corporate Park CGA Hardship Development of Regional Significance  
Summary: Ms. Hargrave discussed the status of the Silver Corporate Park Hardship Waiver Application and she noted that additional information from the Applicant was distributed at today's meeting, the SEQRA process has not yet been completed, the Applicant requested an extension until the September Commission meeting and a public hearing may be scheduled in the summer if the SEQRA process is completed by the Town. She further noted there is a steep slopes component to this application.

#### **6. Public Comment**

Summary: Mr. Amper expressed his concerns about the Lewis Road Applicant's reasons for not submitting the application to the Commission. He supported the Commission's decision today to demonstrate that they already have the authority to review applications such as the "Hills" and the Lewis Road subdivision.

**The motion was made by Ms. Jens-Smith and seconded by Mr. Freleng to enter into a closed Advisory Session and afterwards no further Commission business would be conducted and therefore, the meeting was adjourned. The motion was approved by a 5:0 vote.**

The meeting ended at approximately 3:50 pm.

#### **Attachments (in order of discussion)**

1. May 15, 2019 Commission Meeting Sign in Sheet (1 page).
2. Draft Commission meeting summary for April 10, 2019 (5 pages)
3. Final Approved Commission meeting summary for April 10, 2019 (5 pages)
4. Draft Resolution for the Commission to Authorize the Purchase of Personal Protective Equipment

- for the Law Enforcement Council, dated May 15, 2019 (3 pages)
5. Final Approved Resolution for the Commission to Authorize the Purchase of Personal Protective Equipment for the Law Enforcement Council, dated May 15, 2019 (3 pages)



**Central Pine Barrens Commission Meeting Summary  
For Wednesday, June 19, 2019 (Final Approved 7/17/19)  
Riverhead Town Hall  
200 Howell Avenue  
Riverhead, NY 11901**

**2:00 pm**

*Commission members present: Ms. Gallagher (for New York State), Ms. Rate (for Brookhaven), Ms. Jens-Smith and Mr. McCormick (for Riverhead), Mr. Schneiderman, Mr. Collins and Mr. Shea (for Southampton), Mr. Dale, Mr. Freleng and Ms. Longo (for Suffolk County)*

**Others present:** *Commission and other agency staff members included Mr. Pavacic, Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Ms. Parrott, Ms. Weigand, Mr. Lewis, Mr. Mazzio, Mr. Huss, Mr. Tverdy and Ms. Ostrowski (from the Commission). Additional attendees are indicated on the attached sign-in sheet.*

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

Carrie Meek Gallagher  
*Chairwoman*

Steven Bellone  
*Member*

Laura Jens-Smith  
*Member*

Edward P. Romaine  
*Member*

Jay H. Schneiderman  
*Member*

## **1. Administrative and Public Comment**

### *a. Public Comments:*

Summary: *Mr. Richard Amper, Executive Director of the L.I. Pine Barrens Society expressed his appreciation and thanked all who attended the funeral services for his wife and who reached out to him afterwards.*

*Ms. Barbara Dodino thanked Ms. Gallagher for her support related to concerns she expressed at the May Commission meeting when she discussed the over population of deer that is seriously affecting the residents of the Village of Shoreham. Ms. Dodino stated that she and other local concerned groups plan to attend the August meeting where they will make the request for the Commission to petition the N.Y. State Legislature for additional funds necessary to use for controlling the deer population within the Pine Barrens.*

### *b. Minutes for 5/15/19 review, approval*

Summary: ***The motion was made by Mr. Collins and seconded by Ms. Jens-Smith to approve the 5/15/19 meeting summary. The motion was approved by a 5:0 vote.***

## **2. Science and Stewardship**

### *a. Education and Outreach*

Summary: *Ms. Parrott discussed the previously distributed Education and Outreach Division, June 2019 update (attached) and items from the report that she highlighted included, outreach was provided to six school districts and 400 students, the upcoming Barrens to Bay Summer Camp at Wertheim National Wildlife Refuge has 150 registrants and the camp will run for six weeks, planning is underway for the Annual Discovery Day event scheduled for September 14<sup>th</sup> and this year the event will include both a youth and an adult hike.*

*Other items Ms. Parrot reported on included, online GIS training for teachers participating in "A day in the life" program, Brookhaven National Laboratory (BNL) Open Space Stewardship Program (OSSP) Student Science Celebration on May 30<sup>th</sup> and the 2019 "A Day in the Life" spring teacher trainings.*

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**b. Science and Stewardship**

Summary: Ms. Weigand discussed the previously distributed Science and Stewardship Division Update, dated April 10, 2019 (attached) and she introduced Mr. Ryan Butler and Mr. Ian Hnizdo who are Commission staff summer interns. Items that she highlighted from the report included, the spring Protected Lands Council (PLC) meeting that was held on May 2<sup>nd</sup> at the Sisters of St. Joseph in Brentwood with a LIISMA iMap Invasive training, the Prescribed Fire program and securing insurance to finalize the contract with NYSDEC, and identifying a storage location to house the fire equipment. She mentioned trainings completed by Division staff such as Mr. Ziegler completed NWCG L280-Followership to Leadership and is currently taking ICS 400-Advanced Incident Command Systems. She noted that Mr. Ziegler is now certified as a Type 2 Faller.

Other items that Ms. Weigand highlighted and discussed from her report included, Southern Pine Beetle (SPB) surveying and suppression work with surveying continuing at Sears Bellows County Park and east of Red Creek Road in Hampton Bays, active SPB infestations are low in number indicating that suppression has been effective and the SUNY College of Environmental Science and Forestry (ESF) Forest Health Monitoring Study and finalized MOU. Ms. Weigand noted that the Division helped conduct two days of classroom and field orientation training at BNL. She also discussed invasive species monitoring and organized work days for the management of *Miscanthus sinensis* and she noted that the Division is working with the Town of Southampton to eradicate Caper spurge in Hampton Bays and East Quogue.

**3. Pine Barrens Credit Program**

**a. Credit Program**

Summary: Mr. Tverdy discussed the Easement Protected Lands and Pine Barrens Credits as of June 10, 2019 update (attached) and items he highlighted included, a milestone of 500 Town of Brookhaven parcels have been protected and the surpassing of the 1,000<sup>th</sup> Credit issued milestone for a total of 1,013.24 Credits that have been generated result in the protection of core parcels. He reported that 11.43 Credits have been redeemed at Brookhaven Town and 10 of them were for town density requirements with a total of 16.95 Credits redeemed this year. The average value of a Credit is \$79,127.

**b. Credit Auction**

Summary: Mr. Tverdy discussed the results of the recent Clearinghouse Credit auction and he noted that no offers were received to purchase the 10.19 Credits that the Clearinghouse owns. A discussion ensued pertaining to why there was a lack of interest in purchasing the 10.19 Credits including that only developers with shovel ready projects were allowed to bid, problems with the site plan process at the Town and the selling price being set at \$80,000.

**4. Land Use**

**Planning and Land Use**

**a. Brookhaven National Laboratory / Ethylene Dibromide (EDB) remediation project presentation**

Summary: Mr. Bill Dorsch, Manager of BNL Groundwater Protection Group provided a presentation on the plans for modifying an off-site groundwater treatment system that is south of Brookhaven National Laboratory and he provided back ground information including that in 2003 the Department of

Energy (DOE) and AVR Realty entered into a property access agreement for groundwater remediation work south of BNL and the Commission was briefed about the project in 2002. In 2014 a VOC plume was cleaned up at the property and a new contaminant, Ethylene Dibromide (EDB) was observed in 2015 that became a new plume detected in 2018.

Additional highlights from the presentation included, planned construction components such as two additional remediation wells to meet CERCLA cleanup goals and drinking standards by 2030, clearing trees for a 15 foot wide path leaving large trees if possible, the schedule to complete the work by 2020 and the system would operate through 2023 with monitoring occurring until 2026.

b. Compliance and Enforcement Division

Summary: Mr. Huss provided the CAED Highlights 1/1/19 – 06/06/19 report (attached) and items he highlighted included, since the beginning of 2019 there were 21 incident reports, one development site inspection and a major land clearing on Suffolk County land that was litigated by the Attorney General's office with a settlement outcome of \$50,000. Additional highlights that Mr. Huss discussed from the report included, the Division continues to work with the State, County and the three towns on violations, attend law enforcement meetings with S.C. Parks and the Law Enforcement Council (LEC) and three dumping cases were detected through camera surveillance and arrests were made by the N.Y. State Police. He further noted that the Division assists the LEC on weekend ATV mitigation details and that the drone program is moving forward with the CAED staff trained through a basic flight awareness course. In addition, he reported a drone has been purchased for the Commission.

c. Land Use Division

Summary: Ms. Hargrave discussed the previously distributed Land Use Division Bi-Monthly Update for the meeting of June 19, 2019 (attached) and items that she highlighted included, Kogel Brothers Core Hardship, single family residence in Middle Island with a decision deadline of July 17<sup>th</sup> and Silver Corporate Park CGA Hardship / DRS in Yaphank with an extension of the decision deadline until September 18<sup>th</sup>. She noted she has been involved with the Peconic Estuary Program (PEP) Comprehensive Conservation and Management Plan update.

**Project Review**

**Core Preservation Area**

d. Kogel Brothers / Middle Island / development of single-family residence / SCTM# 200-499-3-4 / deadline 7/17/19

Summary: **The motion was made by Mr. Dale and seconded by Mr. Collins to approve an extension of the decision deadline for the Kogel Brothers Core hardship application until the September meeting. The motion was approved by a 5:0 vote.**

e. Suffolk County CEQ SEQRA Coordination / Proposed improvements at Cathedral Pines County Park / Yaphank Middle Island Road / Middle Island / Town of Brookhaven

Summary: Ms. Hargrave discussed the attached SEQRA Coordination documents related to the proposed improvements at Cathedral Pines County Park in Yaphank including, a new park maintenance facility, a new campground check-in station, a new bathroom facility, upgraded utilities, improved camp site layout with added utilities and improved recreational facilities. It was determined that the proposed improvements are non development.

Ms. Jens-Smith left the meeting at this time.

## **Core Preservation Area, Compatible Growth Area, Critical Resources Area**

f. Lewis Road Subdivision / East Quogue, Town of Southampton / development of a seasonal resort community with 130 residences (118 seasonal single-family units and 12 year-round workforce housing units, 18-hole private golf course, other accessory structures and STP)

Summary: Ms. Hargrave discussed the previously distributed Draft Resolution Lewis Road Subdivision Planned Residential Development East Quogue, Town of Southampton, dated June 19, 2019 (attached) and she noted that the resolution identifies Standards and Guidelines and that the Commission has not yet received an application with August being the potential deadline for the Applicant to submit the application.

**The motion was made by Mr. Collins and seconded by Ms. Rate to approve the draft resolution related to the Lewis Road Subdivision. The motion was approved by a 5:0 vote.**

Mr. Schneiderman arrived at the meeting at 2:55 p.m.

## **Compatible Growth Area**

g. Nick DePierro / Wading River / Subdivision / SCTM #600-115-1-4.1/  
Determination of Jurisdiction

Summary: Ms. Hargrave discussed the letter from Mr. Nick DePierro related to a 17.5 acre parcel that his family owns in Wading River. She noted 10 acres of the property was cleared in 2018 and the agricultural development rights were sold to Suffolk County. The remaining seven acres are now for sale. Ms. Hargrave noted that Mr. DePierro is in attendance at the meeting today. Mr. Milazzo noted that the Commission does not have the capacity to counsel land owners without the submission of an application and Ms. Hargrave provided additional information about the property including that there was no formal subdivision and Mr. DePierro's brother owns the entirety of the property.

Additional information was provided by Mr. Nick DePierro including background history on the property and he explained that he was here today to inquire about how the property could be used by potential buyers. Mr. Milazzo explained that the question cannot be answered until an application is submitted to the Commission with specific plans for the property and then it could be determined if the application is considered development, non development or another outcome.

h. LI Solar Generation/Calverton Solar Energy Center / Referral/ Nextera 22.9 MW Solar Facility on 200 acres / Calverton / SCTM #s 600-136-1-2 & 600-137-1-2.1

Summary: Ms. Hargrave discussed the previously distributed draft letter from staff to the Riverhead Town Planning Department regarding referral and SEQRA Coordination for Nextera Calverton Solar Energy Center in the CGA, dated June 19<sup>th</sup> (attached). She noted that the project is a 200 acre parcel in Calverton that was a golf course and horse farm.

**The motion was made by Mr. McCormick and seconded by Mr. Dale to approve the draft letter related to the Nextera Calverton Solar Energy Center in the CGA. The motion was approved by a 5:0 vote.**

i. PSEG-LI / 135 West Bartlett Road / demolition of structure and restoration / SCTM# 200-527-5-14

Summary: Ms. Hargrave discussed the previously distributed draft letter from staff to PSEG-LI regarding 135 West Bartlett Road, Middle Island, dated June 19<sup>th</sup> (attached) that is located in the CGA. The letter responds to PSEG-LI's request for clarification on the process to demolish the existing dwelling and sanitary system at the property that is owned by LIPA and to

restore the site with natural vegetation. The proposed structure demolition and restoration was considered non-development requiring no further action by the Commission.

- j. Calverton Sewer District Sewage Treatment Plan Upgrade / NYSDEC Referral / Calverton / install upgrades, force main and recharge beds at EPCAL / SCTM 600-135.2-1-26, 200-135-1-7.33

*Summary:* Ms. Hargrave discussed the previously distributed draft letter from staff to the NYSDEC that pertains to their referral for a sewage treatment plant upgrade at EPCAL, dated June 19<sup>th</sup> (attached) and she explained that the project is to install upgrades and a force main with new recharge beds at Enterprise Park at Calverton. Ms. Hargrave noted the Central Pine Barrens Findings Statement dated June 12, 1995 stated the Commission supported the upgrade of the wastewater treatment plant at the Calverton site in order to protect ground and surface water resources.

**The motion was made by Ms. Gallagher and seconded by Mr. Schneiderman to approve sending the draft letter to the NYSDEC for the sewage treatment plan upgrade in Calverton. The motion was approved by a 5:0 vote.**

#### 6. Public Comment

*Summary:* Mr. Amper thanked Commission staff for providing the LIPBS with an extensive analysis pertaining to the amount of land preservation that has occurred as a result of the Credit Clearinghouse Transfer Development Rights program. He noted that the information that was provided was far more extensive than what was expected. Mr. Pavacic noted that a final report is being prepared and will be presented at an upcoming Commission meeting.

**The motion was made by Ms. Gallagher and seconded by Mr. Dale to enter into a closed Advisory Session and afterwards no further Commission business would be conducted and therefore, the meeting was adjourned. The motion was approved by a 5:0 vote.**

The meeting ended at approximately 4:00 pm.

#### Attachments (in order of discussion)

1. June 19, 2019 Commission Meeting Sign in Sheet (1 page).
2. Draft Commission meeting summary for May 15, 2019 (4 pages)
3. Final Approved Commission meeting summary for May 15, 2019 (4 pages)
4. Education and Outreach Division, June 2019 Update (2 pages)
5. Science and Stewardship Division Update for April 10, 2019 (9 pages)
6. Easement Protected Lands and Pine Barrens Credits as of June 10, 2019 and Suffolk County Treasurers Report as of May 31<sup>st</sup> (2 pages)
7. Groundwater Update Presentation to the Commission by Mr. Bill Dorsche, Manager Ground Water Protection Group, dated June 19<sup>th</sup> (9 pages)
7. CAED Highlights 1/1/19 – 06/06/19 (3 pages)
8. Land Use Division Bi-Monthly Update for the Meeting of June 19, 2019 (1 page)
9. SCDPW - SEQRA Coordination documents related to the proposed improvements at Cathedral Pines County Park in Yaphank, dated June 7, 2019 (39 pages)
10. Draft Resolution Lewis Road Subdivision Planned Residential Development East Quogue, Town of Southampton, dated June 19, 2019 (2 pages)
11. Final Approved Resolution Lewis Road Subdivision Planned Residential Development East Quogue, Town of Southampton, dated June 19, 2019 (2 pages)
12. Letter from Mr. Nick DePierro, dated April 30<sup>th</sup> related to property in Wading River (11 pages)
13. Draft letter from staff to the Riverhead Town Planning Department regarding referral and SEQRA Coordination for Nextera Calverton Solar Energy Center in the CGA, dated June 19<sup>th</sup> (58 pages)
14. Draft letter from staff to the NYSDEC pertaining to their referral for a sewage treatment plant upgrade at EPCAL, dated June 19<sup>th</sup> (5 pages)







**Central Pine Barrens Commission Meeting Summary  
For Wednesday, July 17, 2019 (Final-Approved 9/18/19)  
Riverhead Town Hall  
200 Howell Avenue  
Riverhead, NY 11901**

**2:00 pm**

*Commission members present: Ms. Gallagher (for New York State), Mr. Romaine (for Brookhaven), Ms. Jens-Smith and Mr. McCormick (for Riverhead), Mr. Schneiderman, Mr. Collins and Mr. Shea (for Southampton), Mr. Freleng and Ms. Longo (for Suffolk County)*

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

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

Carrie Meek Gallagher  
*Chairwoman*

Steven Bellone  
*Member*

Laura Jens-Smith  
*Member*

Edward P. Romaine  
*Member*

Jay H. Schneiderman  
*Member*

**1. Administrative and Public Comment**

**a. Public Comments:**

Summary: *Mr. Richard Amper, Executive Director of the L.I. Pine Barrens Society expressed his concerns pertaining to correspondence for the Lewis Road project and Ms. Gallagher mentioned that issue will be discussed later on in the meeting.*

**b. Minutes for 6/19/19 review, approval**

Summary: ***The motion was made by Mr. Romaine and seconded by Ms. Jens-Smith to approve the 6/19/19 meeting summary. The motion was approved by a 5:0 vote.***

**c. Commission budget for 2019-2020**

Summary: *Mr. Pavacic discussed the status of the Commission budget for fiscal year 2019-2020 and he explained that according to the terms of the five year agreement between the Commission and N.Y. State Department of Environmental Conservation (NYSDEC) a new budget needs to be submitted every year. He noted that the 2019 budget includes \$300,000 that is dedicated to Science and Stewardship projects such as Southern Pine Beetle (SPB), forest health monitoring, projects with the SUNY College of Environmental Science and Forestry, continuation of the USGS water monitoring program and the boundary sign project. There are also plans this year to hire two qualified part time environmental field technicians on a long term basis to assist with the stewardship program and the funds will also cover the recent purchase of a vehicle and storage facilities to house Commission ATVs and other equipment.*

***The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to approve the Draft Resolution Approving Attachment B-1 Budget Plan for State Fiscal Year 2019-2020 Pursuant to Agreement with the New York state Department of Environmental Conservation. The motion was approved by a 5:0 vote.***

**d. August Commission Meeting**

Summary: *Mr. Pavacic mentioned that there is no business other than the bi-monthly Division reports and no public hearing scheduled for the August Commission meeting and that in past years the August meeting has been cancelled. He noted that a special meeting can be held if an important matter arises.*

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**The motion was made by Mr. Romaine and seconded by Ms. Jens-Smith to approve the cancellation of the August meeting. The motion was approved by a 5:0 vote.**

## **2. Land Use**

### **Planning and Land Use**

#### *a. Draft Protected and Unprotected Lands Parcel Analysis report/ presentation*

Summary: Mr. Tverdy provided a Powerpoint presentation on the Central Pine Barrens Lands parcel analysis report dated July 2019 (attached). He explained that the purpose of the analysis was to identify protected, unprotected, developed, vacant lands and other land uses categories in the Compatible Growth Area (CGA) and Core Preservation Area of the Central Pine Barrens. Mr. Tverdy discussed the methodology that was used for the analysis and the sources of information used that included, information received from the S.C. Real Property Tax Service Agency (2018), aerial photography from Digital Orthoimagery, N.Y. State Orthoimagery Program NYSOCSCIC 2016 and geoprocessing tools in ARCGIS.

Mr. Tverdy discussed the Core and CGA land ownership categories reflected in the analysis that included, N.Y. State, town and federal governmentally owned land and the categories associated with land use on private properties such as agriculture, commercial, industrial in addition to other categories. He noted that 98,000 acres of land was analyzed and that no water bodies were included in the analysis. Mr. Tverdy discussed information from the analysis pertaining to the percentage of land that is protected according to ownership and he stated that Suffolk County owns the greatest percentage of protected properties and Brookhaven has the highest percentage of publicly owned Core property that is now permanently preserved. Mr. Tverdy explained that there were problems with acquiring the most current data that could be used in the analysis and it was noted that the analysis will be updated as new data becomes available.

### **Project Review**

#### *Compatible Growth Area*

#### *b. Woods at Hampton Bays Subdivision Preliminary application referral Hampton Bays / SCTM# 900-205-3-12*

Summary: Ms. Hargrave discussed the draft letter from staff to the Town of Southampton Planning Board regarding the Woods at Hampton Bays Subdivision – Preliminary Application, dated July 17, 2019 (attached). She explained that the project is on 16.51 acres and involves a 20 lot subdivision. The project was originally reviewed 12 years ago and this current project is different from the 2007 project. She discussed other conditions that were included in the letter related to sanitary flow being over the limit and a steep slopes element that needs to be addressed. It was noted that this project may need to retire Credits for sewage flow requirements.

**The motion was made by Mr. Schneiderman and seconded by Ms. Jens-Smith to authorize staff to send the draft letter to the Southampton Town Board. The motion was approved by a 5:0 vote.**

#### *c. Silver Corporate Park Preliminary Subdivision application referral / 15 lot subdivision, 550,000 sf building area also a CGA Hardship and DRS application before the Commission / Yaphank/ SCTM# 200-662-0200-5.16*

Summary: Ms. Hargrave discussed the draft letter from staff to the Town of Brookhaven Planning Division regarding Silver Corporate Park Preliminary Subdivision referral revised plans, dated July 17, 2019 (attached). She noted that the letter acknowledges that the referral was received by the Commission, the Town continues with the SEQRA process, the application has an extension until September 18<sup>th</sup> and that the public hearing held by the Commission may need to be reopened to accept the updated information from the traffic study that is underway.

**The motion was made by Mr. Romaine and seconded by Ms. Gallagher to authorize staff to send the draft letter to the Town of Brookhaven. The motion was approved by a 5:0 vote.**

Core Preservation Area, CGA, Critical Resource Area

d. Lewis Road Subdivision / East Quogue, Town of Southampton / Development of a seasonal resort community with 130 residences (118 seasonal single-family units and 12 year-round workforce housing units, 18-hole private golf course, other accessory structures and STP

Summary: Ms. Hargrave discussed the draft letter from staff to Mr. Mark Hissey the Vice President of Discovery Land Company (Applicant) regarding the Commission's assertion of jurisdiction over the Lewis Road project, dated July 17, 2019 (attached) and she explained the letter is to advise the Applicant of the May 15<sup>th</sup> resolution on the matter of the Lewis Road Planned Residential Development East Quogue and the Commission's reaffirmation of the October 21, 2015 assertion of jurisdiction over the project known as the Hills at Southampton.

Ms. Hargrave discussed additional information in the letter including, a formal application should be submitted or the applicant must grant an extension of the Commission's statutory review timeframes of 120 days otherwise the Commission would be required to deny without prejudice. It included the May 15<sup>th</sup> Resolution of the Commission that identified Standards and Guidelines of the Plan that would be reviewed under the Commission's assertion of jurisdiction. Ms. Hargrave noted that the Commission received preliminary application materials and a SEQRA compliance analysis along with other related materials. Mr. Collins provided the status of the Town's SEQRA process and noted that all the necessary information for the review process has been acquired and the Town Board has a hearing scheduled for this evening. It was noted that the Lewis Road Applicant has not yet submitted the formal Lewis Road application to the Commission. Mr. Milazzo provided guidance on the next steps the Commission should take depending on whether the application is submitted or not. He then noted that an extension would need to be granted by the Applicant in either case or the Commission would have to deny the application without prejudice. Mr. Pavacic mentioned that the applicant contacted the Science and Stewardship Division about the status of Southern Pine Beetle at the Lewis Road property.

Mr. Mark Hissey, Senior Vice President of Discovery Land Company expressed his concerns related to not receiving mail from the Commission and he provided the correct mailing address. Mr. Amper expressed his concerns about the lack of response from the Applicant to numerous letters from the Commission pertaining to the status of the Lewis Road application. Mr. Hissey reiterated that the Applicant has responded to all of the letters they have received from the Commission and he noted that the address he gave staff today is where all Discover Land mail should be sent.

**The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to authorize the Executive Director to accept any request for an extension from the Lewis Road Applicant. The motion was approved by a 5:0 vote.**

**The motion was made by Mr. Schneiderman and seconded by Ms. Jens-Smith to approve sending the staff letter for the Lewis Road Applicant. The motion was approved by a 5:0 vote.**

### 3. Credit Clearinghouse

a. Tuccio conservation Easement / Westhampton Beach / SCTM# 900-248-1-110.004/ revision to language to allow planting trees in lieu of installing split real fencing

Summary: Mr. Tverdy distributed copies of the Draft Resolution of the Commission on Approving the Conservation Easement for the Tuccio Property, dated July 17<sup>th</sup> (attached) and he mentioned that the location of the property is just north of Gabreski Airport. The property has a history of dumping and encroachments and the Commission notified the owner that all debris had to be removed before a conservation easement could be finalized. The owner originally agreed to the terms in the easement to place fencing around the property but last year the owner requested to plant trees as a natural barrier instead of fencing. Mr. Tverdy explained that the conservation easement needed to be modified with the updated terms and additional language added as a "Exhibit B - Tuccio Conservation Easement Boundary Plantings".

Mr. Millazzo provided background information on the Tuccio property including that the Tuccio mini storage property consists of 410 acres with the major portion already protected, history of past Credit allocations and related Credit appeals. Mr. Schneiderman expressed his concerns about the storage of fireworks at the facility.

Mr. Romaine made the motion to approve the Draft Resolution approving the conservation easement. The motion did not carry because Mr. Schneiderman had additional questions related to the conservation easement and the storage of the fireworks at the property. Mr. Milazzo noted that it would be at the discretion of the Town to address any problems with the storage of fireworks on the property through changes in the town zoning code. Mr. Schneiderman expressed further concerns about the safety of the ground water if the fireworks storage is allowed to continue at the site. Mr. Milazzo noted that today's draft resolution related to the conservation easement prevents further development activities on the property. Mr. Milazzo explained that the easement covers all 52 acres of the site, the terms of the conservation easement have been fully negotiated and the only change is related to the substitution of fencing with plantings.

Ms. Sherry Paterson, representative for Mr. Tuccio, explained that the only current uses at the storage facility consist of mini storage units and the three bunkers storing fireworks. Mr. Amper expressed his concerns pertaining to the execution of the conservation easement noting that the terms have already been negotiated and that the Commission should move forward to approve the easement. A discussion ensued pertaining to whether or not the conservation easement should be approved today based on concerns that the Town has with the storage of fireworks and the terms of the easement. Mr. Schneiderman explained that his hesitation in approving the easement today is related to the language in the easement that he would like to review further, recent concerns about ground water and contaminants and he would like to get legal advice from Counsel in executive session. Mr. Amper reiterated his concerns about the Commission not voting on the draft resolution to finalize the agreement on the Tuccio conservation easement and he stated that he is opposed to the Commission going into closed advisory session on this matter.

Mr. Milazzo mentioned that there is another matter in need of the Commission's attention that was not on today's agenda. Mr. Tverdy distributed copies of an affidavit from Mr. James Eagan stating that he transferred ownership of Eagan Environmental Solutions to Ms. Janet Eagan and fifty percent of his share to his son Mr. Armand Eagan who is present at today's meeting. Mr. Tverdy noted that after the documents were received at the office James Eagan sent emails that he was challenging the legitimacy of the documents. Mr. Tverdy noted that the issue for Commission staff is how to proceed to finalize the Eagan conservation easement and Mr. Milazzo explained that the matter is a legal matter between the Eagans and that the Commission currently does not know who has the capacity to sign the easement.

Mr. Armand Eagan expressed his concerns about the Commission's

*decision to not move forward to issue the Credits and approve the associated conservation easement. Mr. Romaine reiterated that the problem needs to be resolved in a legal court of law and the situation needs to be resolved before the Commission can move forward to issue the Credits. Mr. Milazzo advised Mr. Eagan that he should consult with his counsel, the Commission needs legal proof of ownership and that the Commission has made their decision on what is required.*

*Mr. Schneiderman referred back to the issues associated with the Tuccio conservation easement and he asked for clarification on approved uses in the Core of the Pine Barrens. Mr. Milazzo discussed the various circumstances related to core property use, changes in use and the restrictions of a conservation easement. A discussion ensued pertaining to the location of the mini storage facility, zoning codes and additional wording to add to the easement for clarification purposes. Mr. Milazzo suggested adding the wording "not constituting development or non development under Article 57 in accordance with the terms of this easement" to number four of the reserved rights section.*

***The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to approve the Commission's Final Adopted Resolution on approving the Conservation Easement for the Tuccio Property as amended. The motion was approved by a 5:0 vote.***

*It was noted that interruptions from the public during Commission business that occur outside of the public comment period can be disruptive to the meeting and that the rules enacted two years ago which limit comments from the public to the specified period need to be reinforced. Ms. Gallagher stated that the rules related to public comments included in the Commission meeting bi-laws will be reiterated at the beginning of the next meeting.*

#### **4. Public Comment**

Summary: *There were no public comments.*

***The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to adjourn the meeting. The motion was approved by a 5:0 vote.***

*The meeting ended at approximately 4:30 pm.*

#### **Attachments (in order of discussion)**

1. July 17, 2019 Commission Meeting Sign in Sheet (1 page).
2. Draft Commission meeting summary for June 19, 2019 (4 pages)
3. Final Approved Commission meeting summary for June 19, 2019 (4 pages)
4. Draft Resolution Approving Attachment B-1 Budget Plan for State Fiscal Year 2019-2020 Pursuant to Agreement with the New York state Department of Environmental Conservation, dated July 17, 2019 (2 pages)
5. Final Draft Resolution Approving Attachment B-1 Budget Plan for State Fiscal Year 2019-2020 Pursuant to Agreement with the New York state Department of Environmental Conservation, dated July 17, 2019 (2 pages)
6. Central Pine Barrens Land Parcel Analysis Report dated July 2019 (15 pages)
7. Draft letter from staff to the Town of Southampton Planning Board regarding the Woods at Hampton Bays Subdivision – Preliminary Application, dated July 17, 2019 (6 pages)
8. Draft letter from staff to the Town of Brookhaven Planning Division regarding Silver Corporate Park Preliminary Subdivision referral revised plans, dated July 17, 2019 (1 page)
9. The draft letter from staff to Mr. Mark Hissey the Vice President of Discovery Land Company Applicant regarding the Commission's assertion of jurisdiction over the Lewis Road project, dated July 17, 2019 (1 page)
10. Resolution on the Matter of Lewis Road Planned Residential Development East Quogue, Town of Southampton, dated May 15, 2019 (1 pages)
11. Draft Resolution of the Commission on Approving the Conservation Easement for the Tuccio Property, dated July 17<sup>th</sup> (2 pages)
12. Final Approved Amended Resolution of the Commission on Approving the Conservation Easement for the Tuccio Property, dated July 17<sup>th</sup> (2 pages)



Central Pine Barrens Commission Meeting Summary  
For Wednesday, September 18, 2019 (Final Approved 10/16/19)  
Southampton Town Hall  
116 Hampton Road  
Southampton, NY 11968

2:00 pm

Commission members present: Ms. Gallagher (for New York State), Emily Pines (for Brookhaven), Ms. Jens-Smith and Mr. McCormick (for Riverhead), Mr. Schneiderman, Mr. Collins and Mr. Shea (for Southampton), Mr. Freleng and Ms. Longo (for Suffolk County)

**Others present:** Commission and other agency staff members included Mr. Pavacic, Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Mr. Huss, Mr. Mazzio, Mr. Lewis, Mr. Tverdyy and Ms. Delligatti (from the Commission). Additional attendees are indicated on the attached sign-in sheet.

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

Carrie Meek Gallagher  
Chairwoman

Steven Bellone  
Member

Laura Jens-Smith  
Member

Edward P. Romaine  
Member

Jay H. Schneiderman  
Member

## 1. Administrative and Public Comment

### a. Public Comments:

Summary: There were no public comments.

### b. Minutes for 6/19/19 review, approval

Summary: **The motion was made by Ms. Jens-Smith and seconded by Mr. Freleng to approve the 7/17/19 meeting summary. The motion was approved by a 5:0 vote.**

### c. Resolution to approve the purchase of Workers' Compensation insurance from the NYS Insurance Fund and Prescribed Fire / Forestry Practices Liability Insurance from Hometown Insurance

Summary: Mr. Pavacic discussed the status of the five year grant the Commission received for the implementation of the prescribed fire program and he explained that the Commission's general insurance broker could not provide the Commission with the required insurance coverage for the work associated with the prescribed fire program. He noted that staff from Suffolk County Water Authority's Risk Management Department performed a search and was able to obtain workers' compensation insurance for staff that would be involved in prescribed fire work through the NYS Insurance Fund and prescribed fire liability insurance coverage from Hometown Insurance.

**The motion was made by Ms. Jens-Smith and seconded by Mr. Schneiderman to approve the Draft Resolution of The Commission Authorizing Purchase of Workmen's Compensation and Forest Practices Liability Insurance Policies in Support of the Commission's Prescribed Fire and Forest Management Programs (attached). The motion was approved by a 5:0 vote.**

Mr. Pavacic noted that the insurance coverage will be charged and paid for through the prescribed fire grant.

## 2. Science and Stewardship

### a. Draft Resolution to approve the hiring of a Fire Management Specialist

Summary: Mr. Pavacic discussed the previously distributed Draft Resolution of the Commission recommending that the SCWA Board approve the hiring of Robert Panko as Fire Management Specialist (attached) and he explained that Mr. Panko is a uniquely qualified individual for the position and that there were a number of factors related to his hiring as a SCWA part time employee that had to be addressed and negotiated with SCWA. Today's resolution recommends to the SCWA Board to hire Mr. Panko. Mr.

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*Pavacic explained that Mr. Panko has national certification as a burn boss and therefore he is equipped with the knowledge and expertise to train Commission staff and he further noted that there is only one NYSDEC Forest Ranger who has burn boss certification in NYS. Other points Mr. Pavacic discussed related to the hiring of Mr. Panko included that he would spend time on Long Island working on site specific burn plans and other times he would be working remotely from his home base in Connecticut under conditions that will be implemented such as meeting milestones and deadlines for work.*

***The motion was made by Mr. Schneiderman and seconded by Ms. Jens-Smith to approve the Resolution that recommends that the SCWA Board hire Mr. Panko as Fire Management Specialist. The motion was approved by a 5:0 vote.***

- b – e. Draft Resolution To Approve the Purchase of an ATV for NYSDEC Forest Rangers using Environmental Benefit Funds (EBFs), pursuant to recommendation of LEC.*

*Draft Resolution To Approve the Purchase of an ATV for Suffolk County Police Department using EBFs, pursuant to recommendation of LEC*

*Draft Resolution to Approve the Purchase of Remote Cameras, using EBFs, pursuant to recommendation the LEC*

*Draft Resolution to Approve the Purchase of Repellents for LEC using EBFs, pursuant to recommendation of LEC*

*Summary:* *Mr. Pavacic discussed the previously distributed draft resolutions pertaining to the purchase of ATVs for the NYSDEC Forest Rangers and Suffolk County Police Department and remote cameras and repellents for LEC members. Mr. Schneiderman asked about the possibility of using seized ATVs and Mr. Pavacic noted that typically ATVs that have been seized are not in good enough condition to be used by law enforcement agencies. He further discussed the process the LEC follows to use the EBF for purchases including, radios, helmets and other law enforcement equipment.*

***The motion was made by Mr. Schneiderman and seconded by Mr. Freleng to approve the Draft Resolutions to purchase ATVs for the NYSDEC Forest Rangers and for the SC Police, and the purchase of remote cameras and repellents for the LEC, using EBFs and pursuant to the recommendations of the LEC. The motion was approved by a 5:0 vote.***

### **3. Pine Barrens Credit Program**

- a. Gazza LOI application to allocate credits to non-overlap portion of parcel, County interested in appraisal for acquisition / North Ave. (Paper Street), south of Long Island Expwy / Calverton, Town of Brookhaven / SCTM# 200-412-3-6 / revise allocation based on survey*

*Summary:* *Mr. Tverdyy discussed the previously distributed staff report pertaining to Letter of Interpretation (LOI) for parcel SCTM# 200-412-3-6 under the ownership of Mr. Joseph Gazza and he explained that there are overlap conditions in certain locations on the parcel. Mr. Gazza is requesting an updated LOI allocation for the non-overlap portion of the parcel that consists of 25.5 acres that would potentially receive 4.08 PBCs. It was also noted that pursuing Credits for the overlap portion consisting of 10.9 acres is on hold until the overlap condition is resolved to the Commission's satisfaction.*

*Mr. Milazzo reiterated Mr. Tverdyy's description of the conditions associated with the Gazza property and LOI and explained that Suffolk County is interested in purchasing the portion of the parcel that has good title. Today's*



request from Mr. Gazza is to receive a new LOI for the portion of property with good title that will allow Mr. Gazza to sell only that portion of the parcel to the County.

**The motion was made by Mr. Schneiderman and seconded by Ms. Jens-Smith to authorize staff to issue Mr. Gazza a new LOI for the portion of his property with clean title. The motion was approved by a 5:0 vote.**

- b. Schmeltzer Letter of Interpretation Credit allocation / Hot Water Street / Eastport/ SCTM# 200-510-3-2 / to use survey instead of tax bill for allocation of Credits.  
Summary: Mr. Tverdyy discussed the previously distributed staff report pertaining to the LOI for parcel SCTM# 200-510-3-2 under the ownership of Erick and Ingrid Schmeltzer. Mr. Tverdyy explained that on February 7, 2018 an LOI was issued to the Schmeltzer's that allocated 2.69 PBCs for 16.8 acres based on the tax bill for the property. On August 29, 2019 the Commission received a survey prepared by Mr. Robert Brown, dated August 27, 2019 which indicates that the parcel size is 20.91 acres. He further explained that the applicant is requesting that an updated LOI allocation be issued that reflects the acreage from the recent survey submitted by Mr. Brown. It was noted that the boundary lines used in the survey were more accurate than what was reflected in the tax bill.

**The motion was made by Ms. Jen-Smith and seconded by Mr. Schneiderman to approve issuing an updated LOI allocation based on the recently submitted survey for the Schmeltzer's property. The motion was approved by a 5:0 vote.**

#### **4. Land Use and Planning**

##### **Project Review**

###### *Core Preservation Area*

- a. Kogel Brothers / East Bartlett Road, Middle Island / development of single-family residence / SCTM# 200-499-3-4 / Deadline 9/18/19 / Request for decision deadline extension

Summary: **The motion was made by Ms. Jens-Smith and seconded by Ms. Pines to approve the Kogel Brothers request for an extension of the decision deadline until the November 20<sup>th</sup> Commission meeting. The motion was approved by a 5:0 vote.**

- b. Peconic Land Trust Request for Letter of Support for NYSDEC grant application to purchase Schmeltzer properties / Nugent Drive & South River Road, Calverton / SCTM #s 200-270-1-5.1 through 200-270-2-5.6

Summary: Ms. Hargrave discussed the previously distributed letter to the Commission from the Peconic Land Trust (PLT), dated July 22, 2019 regarding Consolidated Funding application #91949 – Regional Aquifer Protection Land Acquisition Program. Ms. Hargrave explained that the PLT is requesting a letter of support from the Commission for them to acquire the Schmeltzer property located between South River Road and Nugent Drive in Calverton. In 1995, it was determined by the Commission that the property also known as "Georges Manor" was non development. Mr. Milazzo noted that the letter of support from the Commission would be only for the acquisition of the property that was deemed non development by the Commission.

**The motion was made by Ms. Pines and seconded by Ms. Longo to approve sending a letter of support for the Acquisition of the Schmeltzer property by the Peconic Land Trust. The motion was approved by a 5:0 vote.**

- c. *National Grid Southeast Suffolk Infrastructure Project gas main extension Request for Determination of Jurisdiction / CR 104/CR 31 / Town of Southampton*  
*Summary: Ms. Hargrave discussed the previously distributed letter from National Grid to the Commission, dated August 29, 2019 regarding the Southeast Suffolk Infrastructure Project request to extend the gas main running from north to south along CR 31 terminating in the vicinity of the Suffolk County Water Authority building. The project impacts would be minimal and temporary. It was determined that the project does not constitute development.*

*Core Preservation Area, CGA, Critical Resource Area*

- d. *Lewis Road Subdivision / East Quogue, Town of Southampton / development of a seasonal resort community with 130 residences (118 seasonal single-family units and 12 year-round workforce housing units), 18-hole private golf course, other accessory structures and STP*

*Summary: Ms. Hargrave explained that at the May 15<sup>th</sup> Commission meeting the Commission reaffirmed their asserted jurisdiction over the Lewis Road project that would require an application be submitted by the Applicant. She discussed the letter dated August 16<sup>th</sup> from Mr. Wayne Bruyn, the Applicant's Representative to the Commission that discussed an extension of the Commission's decision deadline for the project.*

*Additional points were discussed that included, the status of the deadline for the submittal of the Lewis Road application, the status of the Town Planning Board's decision on the preliminary application and their request for comments from the Commission on the application. A discussion ensued concerning referrals from the Town for projects in general, the process the Commission follows to respond to such referrals and how this applies to the current project. Further discussion ensued on the process and timing to submit comments to the Planning Board on this project and their decision deadline.*

*Mr. Milazzo explained that along with the Commission's decision to assert jurisdiction over the Lewis Road project, an application must be submitted to the Commission that must be in conformance with the standards and guidelines of the Comprehensive Land Use Plan (CLUP) and if the project does not conform then the Applicant would need to submit a hardship waiver application. A discussion ensued pertaining to the timelines for reviews, determinations, approvals, extensions and when related meetings would be necessary. Mr. Pavacic mentioned that the staff would need approximately two months to conduct a full review of the project.*

*Mr. Bruyn expressed his concerns about the status of the Lewis Road referral from the Town to the Commission and the status of the Commission's comments on the Lewis Road project. He mentioned that the Applicant is reluctant to give any further extensions to the Town Planning Board. It was noted that Commission staff would need additional time to review the project and that the applicant may want to consider giving the Planning Board a two month extension. A discussion ensued about a time frame for moving forward with the staff's review and preparation of comments on the project. The decision was made that staff should be given two days to provide an estimate of the amount of time that staff would need to review the project and a request for additional time would be sent to the Town Planning Board that would not exceed two months for Commission staff to submit comments on the Lewis Road project.*

Compatible Growth Area

e. Silver Corporate Park CGA Hardship Development of Regional Significance application / LIE North Service Road, Yaphank / SCTM # 200-662-2-5.16 / decision deadline 9/18/19 / request of six month extension / approve

**Summary: The motion was made by Mr. Schneiderman and seconded by Ms. Jens-Smith to approve the Silver Corporate Park Applicant's request for a six month extension of the decision deadline. The motion was approved by a 5:0 vote.**

f. Verizon Wireless Request for Determination of Jurisdiction / Develop a new wireless communication facility with a 160 foot monopole, 16 antennas on 111-acre Hampton Sand Mine site / 1 High Street / Eastport /Town of Southampton / SCTM#s 900-301-3-1 and 900- 326-1-4 & 17/ determination

Summary: Ms. Hargrave discussed the previously distributed request for a determination of jurisdiction letter, dated August 17<sup>th</sup> from Amato Law Group, the Applicant's Representative. The project proposes to construct a new wireless communication facility at 1 High Street, Eastport New York.

**The motion was made by Ms. Jens-Smith and seconded by Mr. Schneiderman to deem the Verizon Wireless application development. The motion was approved by a 5:0 vote.**

**4. Public Comment**

Summary: Mr. Richard Amper expressed his concerns pertaining to the conduct of the Lewis Road Applicant in the application process.

**The motion was made by Ms. Jens-Smith and seconded by Ms. Pines to enter into an Executive Session with no further business to conduct. The motion was approved by a 5:0 vote.**

The meeting ended at approximately 3:45 pm.

**Attachments (in order of discussion)**

1. September Commission Meeting Sign in Sheet (2 pages)
2. Draft Commission meeting summary for July 17, 2019 (4 pages)
3. Final Approved Commission meeting summary for July 17, 2019 (5 pages)
4. Draft Resolution of the Commission Authorizing the Purchase of Workmen's Compensation and Forest Practices Liability Insurance Policies in support of the Commission's Prescribed Fire and Forest Management Programs, dated September 18, 2019 (2 pages)
5. Final Approved Resolution of the Commission Authorizing Purchase of Workmen's Compensation and Forest Practices Liability Insurance Policies in support of the Commission's Prescribed Fire and Forest Management Programs, dated September 18, 2019 (2 pages)
6. Draft Resolution for the Commission to Authorize the Purchase of One All-Terrain Vehicle by the Law Enforcement Council for the NYSDEC Region 1 Forest Rangers, dated September 18, 2019 (1 page)
7. Final Approved Resolution for the Commission to Authorize the Purchase of One All-Terrain Vehicle by the Law Enforcement Council for the NYSDEC Region 1 Forest Rangers, dated September 18, 2019 (1 page)
8. Draft Resolution for the Commission to Authorize the Purchase of One All-Terrain Vehicle by the Law Enforcement Council for the Suffolk County Police Department, dated September 18, 2019 (1 page)
9. Final Resolution for the Commission to Authorize the Purchase of One All-Terrain Vehicle by the Law Enforcement Council for the Suffolk County Police Department, dated September 18, 2019 (1 page)
10. Draft Resolution to for the Commission to Authorize the Purchase of Tick Repellent for the Law Enforcement Council, dated September 18, 2019 (1 page)
11. Final Approved Resolution to for the Commission to Authorize the Purchase of Tick Repellent for the Law Enforcement Council, dated September 18, 2019 (1 page)
12. Staff Report related to the Joseph Gazza potential Credit Allocation, dated September 18, 2019 (4 pages)

13. Staff Report related to the Erick & Ingrid Schmeltzer request for an update LOI allocation for the subject parcel with the acreage based on the survey (20.91 acres) instead of the Tax Bill (16.8 acres) to receive 3.35 PBCs, dated September 18, 2019 (4 pages)
- 14 Letter from Eugene DeNicola, Kogel Brother Applicant's Representative to staff Re: Applicant's request for extension of the decision deadline until the November 20<sup>th</sup> meeting.
15. Letter from Josh Halsey to Mr. Pavacic Re: Consolidated funding Application #91949- Regional Aquifer Protection Land Acquisition Program, dated July 22<sup>nd</sup> (2 pages)
16. Letter from National Grid to staff Re: Nation Grid – Southeast Suffolk Infrastructure Project Request for a Determination of Jurisdiction, dated August, 2019
17. Letter from Wayne Bruyn to staff and Preliminary Application Re: Preliminary Application of Lewis Road Planned Residential Development Subdivision pending before the Southampton Town Planning Board, Dated August 16, 2019 and May 14, 2019 (27 pages)
18. Letter from Philip Butler, Silver Corporate Park Applicants Representative Re: Silver Corporate Park, Request for Hardship Waiver (Steep Slopes) and Development of Regional Significance Approval for Silver Corporate Park, Yaphank, NY, dated July 23, 2019 (3 pages)
19. Letter from Amato Law Group to Mr. Pavacic Re: Request for Determination of Jurisdiction to construct a new wireless communication facility at 1 High Street, Eastport, New York, dated August 27, 2019 (26 pages)



**Central Pine Barrens Commission Meeting Summary  
For Wednesday, October 16, 2019 (Final Approved 12/18/19)  
Southampton Town Hall  
116 Hampton Road  
Southampton, NY 11968**

**2:00 pm**

*Commission members present: Ms. Gallagher (for New York State), Mr. Romaine and Ms. Pines (for Brookhaven), Ms. Jens-Smith and Mr. McCormick (for Riverhead), Mr. Collins and Mr. Shea (for Southampton), Mr. Dale, Mr. Freleng and Ms. Longo (for Suffolk County)*

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

Carrie Meek Gallagher  
*Chairwoman*

Steven Bellone  
*Member*

Laura Jens-Smith  
*Member*

Edward P. Romaine  
*Member*

Jay H. Schneiderman  
*Member*

*Ms. Gallagher 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. Andrea Spilka, President of the Southampton Town Civic Coalition, expressed her concerns about the Lewis Road project and the proposed golf course that included, the project threatens the stability of the natural buffer to Weesuck Creek, increased risks from nitrogen in the groundwater, supplemental SEQRA analysis and rationale for conducting a dispersion analysis, removal of soil and changing topography and road widths. Mr. William Kerns, resident of East Quogue, distributed maps of areas with contaminated water near the project and he discussed his concerns related to potential additional impacts that the Lewis Road project could have on the area's drinking water.*

*Ms. Barbara Daddino, resident of Shoreham Village, expressed her concerns related to the proliferation of deer in the Pine Barrens having a negative impact on the surrounding communities and she urged the Commission to petition Albany for the necessary funding to support the N.Y. State Department of Environmental Conservation in the creation of a regional plan to control the deer population. Ms. Daddino distributed copies of the attached letter dated October 16<sup>th</sup> from Mr. John Rasweiler of the Town of Southold Deer Management Task force regarding the issues associated with deer management. A discussion ensued about what the Commission's potential role should be in devising a plan of action for deer management in the Pine Barrens.*

*Mr. Bob DeLuca, President of Group for the East End, expressed his concerns related to remarks circulated in an email today in relation to the Lewis Road comment letter from Commission staff to the Town, which is on today's agenda for approval. He urged the Commission to resist any further impediments that could adversely affect Commission staff from moving forward with sending the draft letter as it is and perform a thorough review of the Lewis Road application. Mr. Dick Amper of the Long Island Pine Barrens Society stated that the Commission has the responsibility to issue letter that was originally requested by the Town. Ms. Elizabeth Jackson, resident of East Quogue expressed her concerns related to groundwater testing.*

*Ms. Gallagher skipped to item number 4c on the agenda to accommodate members of the public who are in attendance specifically for the status of the Lewis Road application.*

**4c. Lewis Road subdivision Preliminary Application Referral / East Quogue, town of Southampton / development of a seasonal resort community with 130 residences (118 seasonal single-family units and 12 year-round workforce**

housing units). 18-hole private golf course, other accessory structures and STP on 588 acres

Summary: The motion was made by Mr. Romaine and seconded by Ms. Jens-Smith to approve sending the attached draft letter from staff, dated October 16<sup>th</sup> to the Southampton Town Planning Board regarding the Lewis Road Planned Residential Development (PRD) and the resolution was tabled for a discussion regarding the attached letter from Town staff to the Commission dated October 16<sup>th</sup> pertaining to the draft comment letter from staff that is on the agenda for approval today.

Mr. Collins discussed the correspondence to the Commission from the Town of Southampton on the draft of the Commission's letter in response to the Southampton Planning Board referral of the Lewis Road PRD application received early today via email at approximately 3:45 am and he explained that it contains the history of analysis of the Lewis Road project that has been conducted by the Town Board and the Town Planning Department. Mr. Collins indicated that the Commission's proposed letter contained inconsistencies and misinterpretation of the Project and that in the Town's opinion the Project conforms to the Plan. Mr. Collins stated that the Town's correspondence was provided to assist the Commission in its review of the Project. A discussion ensued pertaining to the suggestion made by Mr. Collins that the Town's analysis of the project should be incorporated into the draft comment letter from staff. The decision was made to approve the draft letter from staff as it was written. Mr. Milazzo noted that the Commission staff's review of the Lewis Road project was requested by the Commission due to the Commission's assertion of jurisdiction over the project and that the Town review and the Commission's review are separate.

**The motion was made by Mr. Romaine and seconded by Ms. Jens-Smith authorizing Commission staff to send the draft letter from staff containing comments about the Lewis Road project to the Town Planning Board was approved by a 4:1 vote with Southampton opposed. Mr. Collins in explaining the town's opposition noted, according to him, that the Commission's letter was based on "somewhat faulty information" and a mistaken interpretation as outlined in the correspondence from the Town.**

1b. Minutes for 9/18/19 review, approval

Summary: **The motion was made by Mr. Freleng and seconded by Ms. Jens-Smith to approve the 9/18/19 meeting summary. The motion was approved by a 5:0 vote.**

## 2. Science and Stewardship

a. Education and Outreach Update

Summary: Ms. Parrott discussed the Education and Outreach Division Update for October 2919 (attached) and items she highlighted included, the 8<sup>th</sup> Annual 2019 A Day in the Life program and testing at 10 rivers and ecosystems with over 3,000 students participating, teacher trainings and partnerships such as with Brookhaven National Laboratory, NYSDEC, Suffolk County Parks, N.Y. State Parks, Picnic Bay Keeper, L.I. Aquarium, South Shore Estuary Preserve, L.I. Science Center, 44 school districts and many others. Additional items Ms. Parrot reported on included, Barrens to Bay Summer Camp with 150 campers and the 12<sup>th</sup> Annual Pine Barrens Discovery Day 2019 with 600 attendees.

b. Science and Stewardship

Summary: Mr. Pavacic discussed the Science and Stewardship Division Update for October 16<sup>th</sup> (attached) and items that he highlighted included, Mr. Bob Panko has been hired as the Commission's Fire Management Specialist and he noted that the general liability and worker's compensation

insurance policy coverage has been acquired for the Prescribed Fire program.

c. *Presentation on Foundation for Ecological Research in the Northeast (FERN) Not for Profit to support Commission's Mission*

*Summary: Dr. Tim Green, Chairman of the Foundation for Ecological Research in the Northeast (FERN), provided a presentation on the Foundation for Ecological Research in the Northeast (FERN) and it was noted by Dr. Green that at a meeting last year Mr. Pavacic, Commission Executive Director, discussed the possibility of establishing a friends group or foundation for the Central Pine Barrens. Since that meeting Commission staff has conducted additional research on the possibility and has had discussions with similar not-for-profits, including FERN which has offered to transfer its support to the Commission and its mission.*

*Dr. Green provided the presentation and highlights included, the history and background of the foundation, sources of funding, the makeup of the Board of Advisors and other information about the foundation's mission to conduct research and he provided examples of projects that FERN supported for the Commission including those associated with Open Space Stewardship, Annual Research Forum and the Twinings project among others. Dr. Green discussed the changes that would need to be made if FERN was to transfer its support to Commission endeavors such as a new Board of Directors, modifying the By-Laws, advisory committees for areas of responsibility and a formal agreement with the Commission.*

*Mr. Pavacic discussed that since the Commission is a government entity it lacks the ability to secure funds from outside sources and he noted that a Friends group can receive private funding to support projects within the Commission's mission such as restoration of habitat and cultural resources. He mentioned a list of similar agencies that have friends groups including, the N.J. Pinelands, Albany Pine Bush and others. He explained that lack of funding has diminished the amount of original research conducted on Long Island and has impacted the Commission's ability to take on new research projects or to continue with research from the past. Mr. Tom Casey, President of the L.I. Green Belt Trail Conference (LIGBTC) expressed his support in using FERN as the platform for a Friends group for the Central Pine Barrens Commission. The Commission directed staff to continue exploring the options associated with the creation of a Friends Group and report back to the Commission at upcoming meetings.*

### **3. Pine Barrens Credit Program**

a. *Credit Program*

*Summary: Mr. Tverdy discussed the Credit Program update for October 10<sup>th</sup> including, Pine Barrens Protected Lands and Pine Barrens Credits As of October 8<sup>th</sup> and the Suffolk County Treasures report as of September 30<sup>th</sup> (attached). Mr. Tverdy highlighted items from the report that included, in 2019 to date over 14 Credits generated, two conservation easements are being finalized including the Tuccio property expected to generate 18 more Credits this year. There were over 18 Credits redeemed in the Town of Brookhaven and over 7.5 in the Town of Southampton for a total number of over 26 in 2019. In the Town of Brookhaven there were over 53.5 Credits that were sold and in Town of Southampton over 4 Credits were sold for a total of 57.68 Credits sold this year. The balance in the Clearinghouse bank account as of September 30<sup>th</sup> is over 2.5 million dollars and there were no recent disbursements.*

### **4. Land Use Planning and Land Use**

a. *Compliance and Enforcement (CAED)*

Summary: Mr. Huss discussed the previously distributed CAED report for the period of January 1<sup>st</sup> – October 3<sup>rd</sup> (attached) including that to date there have been forty one incident reports, two development site inspections, ten conservation easement inspections and the division continues to coordinate efforts with the state, county, towns and the Commission's Law Enforcement Council (LEC) on unpermitted activity in the Pine Barrens such as illegal clearings and ATV use.

He discussed the status of illegal dumping activity and he noted that Mr. James Mazzio, C&E Coordinator, as a former Detective at Southampton Town, was able to use his detective skills to apprehend suspects involved in illegal dumping activities and he mentioned that Mr. Mazzio will be retiring shortly from his position and that his presence will be missed. Other highlights from the C&E report included, the status of drone training and testing for FAA 107 licensing which Division staff have obtained and other staff are in training to obtain as well. The division worked jointly with the Science and Stewardship Division and S.C. Parks on the successful restoration in Middle Island on county land.

b. Land Use

Summary: Ms. Hargrave discussed the previously distributed Land Use Division Bi-Monthly update for meeting of October 16<sup>th</sup> and items that she highlighted included the two pending hardships including, Kogel Brothers with a decision deadline for November 20<sup>th</sup> and Silver Corporate Park with a decision deadline of March 2020. Other referrals have been received such as the PSEG Long Island referral for a cable project installation. Ms. Hargrave noted that the division's participation continues in the USGS-Commission Water Resources Monitoring Program and the Peconic Estuary Comprehensive Plan that has a meeting planned for next week.

Compatible Growth Area

c. Center Square at Wading River SEQRA Lead Agency Coordination / south side of Route 15A, wading River / SCTM# 600-75-3-4 /development of 52.612 square feet of commercial land uses on 17.8 acres/

Summary: **The motion was made by Mr. Collins and seconded by Ms. Jens-Smith to authorize staff to send the draft response letter for the Center Square at Wading River SEQRA Lead Agency Coordination request. The motion was approved by a 5:0 vote.**

4. Public Comment

Summary: Mr. Richard Amper mentioned that he supports today's decision by the Commission to authorize staff to send the draft comment letter from Commission staff to the Lewis Road Applicant.

**The motion was made by Mr. Romaine and seconded by Mr. Freleng to adjourn the meeting. The motion was approved by a 5:0 vote.**

The meeting ended at approximately 4:00 pm.

**Attachments (in order of discussion)**

1. October Commission Meeting Sign in Sheet (1 page).
2. Draft Commission meeting summary for September 18, 2019 (6 pages)
3. Final Approved Commission meeting summary for September 18, 2019 (6 pages)
4. Letter dated October 16<sup>th</sup> from Mr. John Rasweiler of the Town of Southold Deer Management Task force regarding the issues associated with deer management.
5. Draft letter from staff, dated October 16, 2019 to the Southampton Town Planning Board regarding the Lewis Road Planned Residential Development (15 pages)
6. Final Approved letter from staff, dated October 16, 2019 to the Southampton Town Planning Board regarding the Lewis Road Planned Residential Development (15 pages)
7. Email from Kyle Collins dated October 16, 2019, Town of Southampton corrections-clarifications on Pine Barrens commission Draft Staff Letter on Lewis Road
8. Education and Outreach Division Update, dated October 2019 (8 pages)



9. Science and stewardship Division Update, dated October 16, 2019 (4 pages)
10. Letter from Mr. Pavacic to the Commission members Re: Exploring the potential for creation of not-for-profit CPB Foundation, dated October 19, 2019 (134 pages)
11. Credit Clearinghouse report including, Easement Protected Lands and Pine Barrens Credits As of October 18, 2019 and the Suffolk County Treasurers Clearinghouse bank account, interest and disbursements report for the months of January – December 2019 (2 pages)
12. CAED Highlights 1/1/19 – 10/03/19 report (3 pages)
13. Land Use Division Bi-Monthly Update for the meeting of October 16, 2019 (1 page)
14. Draft letter from Commission staff to Riverhead Planning Re: SEQRA Lead Agency Coordination Central Square at Wading River SCTM # 600-75-3-4 Town of Riverhead CGA of the Central Pine Barrens, dated October 8, 2019 (42 pages)
15. Final Approved letter from Commission staff to Riverhead Planning Re: SEQRA Lead Agency Coordination Central Square at Wading River SCTM # 600-75-3-4 Town of Riverhead CGA of the Central Pine Barrens, dated October 8, 2019 (42 pages)



**Central Pine Barrens Commission Meeting Summary**  
**For Wednesday, November 20, 2019 (Final Approved 12/18/19)**  
**Brookhaven Town Hall**  
**One Independence Hill**  
**Farmingdale, NY 11738**

**2:00 pm**

*Commission members present: Ms. Gallagher (for New York State), Mr. Romaine and Ms. Pines (for Brookhaven), Ms. Jens-Smith and Mr. McCormick (for Riverhead), Mr. Schneiderman, Mr. Collins and Mr. Shea (for Southampton) Mr. Freleng and Ms. Longo (for Suffolk County)*

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

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

Carrie Meek Gallagher  
*Chairwoman*

Steven Bellone  
*Member*

Laura Jens-Smith  
*Member*

Edward P. Romaine  
*Member*

Jay H. Schneiderman  
*Member*

### **1. Administrative and Public Comment**

**a. Public Comments:**

Summary: *There were no public comments.*

**b. Minutes for 10/16/19**

Summary: *Due to Mr. Collins objections to wording in a portion of the October 16<sup>th</sup> meeting minutes, their approval was held until Mr. Milazzo reviews the minutes prior to the December meeting.*

**c. Commission meeting schedule for 2020**

Summary: ***The motion was made by Ms. Jens-Smith and seconded by Mr. Schneiderman to approve the 2020 Commission meeting Schedule. The motion was approved by a 5:0 vote.***

*Ms. Gallagher skipped to items 3e, 3h, 3d and 3g on the agenda to accommodate Legislator Al Krupsky attending today's meeting for specific agenda items and whose schedule required him to leave the meeting early.*

### **Core Preservation Area**

**3e. PSEGLI Riverhead to Canal Underground transmission line second cable installation / Town of Southampton / install electric cable in existing second conduit from Riverhead Substation to Canal Substation / amend decision dated January 26, 2000**

Summary: *Ms. Hargrave discussed the previously distributed Draft Amendment Resolution Riverhead to Canal Underground Electric Transmission Line Core Preservation Area of the Central Pine Barrens PLEGLI as agent for Long Island Power Authority (LIPA) (attached) and she noted that the Commission approved the old hardship application in 2000. She explained that the project is currently being modified in order to comply with current electric utility industry standards and occupational health and safety standards.*

*A revegetation plan will be submitted by PSEGLI before the work commences for the area along the road right of way where removal of secondary growth vegetation will occur. Mr. Milazzo proposed the same language be included in today's resolution that was included in the 2000 resolution for the protection of native species and the removal of invasive species. Mr. Scott Salmon, PSEGLI Representative, noted that the project timeline is imminent. Mr. Pavacic noted for the record that Ms. Weigand, Commission Science and Stewardship Program Manager was not involved with reviewing the proposed restoration plan. Ms. Gallagher mentioned a*

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[www.pb.state.ny.us](http://www.pb.state.ny.us)

printed copy of an email dated November 11th from Mr. John Turner to the L.I. Pine Barrens Society Executive Director concerning a field meeting Mr. Turner attended with PSEGLI officials was submitted at today's meeting. The email pertained to recommendations for invasive species control and relocation of specific native species.

**The motion was made by Ms. Jens-Smith and seconded by Ms. Pines to approve the PSEGLI second line installation project draft resolution with amended language pertaining to the revegetation plan for the project area. The motion was approved by a 5:0 vote.**

### **Core and Compatible Growth Area**

- 3h. Riverhead Solar 2 Stipulations (scoping) document / development of 36 MW solar energy facility on 290 acres, partly in the CGA on SCTM#600-136-1-1 / Calverton /Town of Riverhead / draft comment letter

Summary: Ms. Hargrave discussed the previously distributed draft comment letter (attached) from staff to the N.Y. State Public Service Commission and the attorneys related to the Solar Energy Facility Project. The project is located on 290 acres and Ms. Hargrave noted that the Commission had commented on the draft scope for the project last year. The letter before the Commission for approval today is to inform the applicant that the project is partially located in the Compatible Growth Area (CGA). She further noted that the comment period for the project ended today.

**The motion was made by Mr. Freleng and seconded by Ms. Jens-Smith to authorize sending the draft comment letter related to the Riverhead Solar Project. The motion was approved by a 5:0 vote.**

- 3d. SAS Industries Core Hardship Application / 939 Wading River Manor Road, Manorville / 6,400 square foot additional to existing industrial use on 1.3 acres / SCTM# 600-134-1-14.1

Summary: Ms. Hargrave discussed the previously distributed hardship waiver application (attached). She noted that the applicant wanted to explore options for expanding the facility and they were advised by staff that expanding on Core property would require a hardship waiver application. The project consists of a 6,400 square foot addition to an existing building on 1.3 acres and clearing of vegetation would be required.

**The motion was made by Ms. Jens-Smith and seconded by Mr. Freleng to schedule the SAS Industries Core Hardship public hearing for January 15<sup>th</sup>. The motion was approved by a 5:0 vote.**

- 3j. PSEGLI Wildwood to Riverhead Conversion Project / existing electric utility transmission line upgrades on existing utility poles to carry 138kV of electricity  
Summary: Mr. Milazzo discussed the Wildwood to Riverhead Conversion Project to upgrade existing utility poles and he noted that the project would be considered nondevelopment since PSEGLI is upgrading an existing system and there is no need for the Commission to take action.

- 3g. PSEGLI Eastport Overhead to Underground Project Request for Determination of Jurisdiction / pole replacements and burying electric lines in right of way on CR 55 (Eastport Manor Road)

Summary: Ms. Hargrave discussed the previously distributed letter from PSEGLI, dated October 25, 2019 regarding the removal of an overhead transmission cable that would be relocated underground along the same route. Ms. Pines mentioned the project is the result of a court ordered stipulation based on a lawsuit brought by the Town of Brookhaven and Town of Southampton, co-plaintives, against PSEGLI and LIPA concerning the overhead transmission pole lines installed without the Town's approval. Mr. Milazzo stated that there is no need for the Commission to take action since the project is nondevelopment.

Ms. Gallagher returned to the administrative portion of the agenda, item number 1d. Central Pine Barrens Commission Friends Group.

1d. Central Pine Barrens Commission Friends Group

Summary: Mr. Pavacic reported that he met with Mr. Tim Green, representative for Foundation for Ecological Research in the Northeast (FERN) to discuss the modifications that would be needed to the by-laws and its advisory committees to transition FERN to a friends group for the Central Pine Barrens Commission. He explained that Mr. Green presented the idea to the FERN Board Members and they were in favor of transitioning FERN to becoming a friends group for the Commission.

**2. Pine Barrens Credit Program**

a. Long Island Country Club request to remove trees on conservation easement property / Eastport / SCTM# 200-594-2-4

Summary: Mr. Tverdyy discussed the previously distributed letter dated November 13<sup>th</sup> from Mr. Jack Sellek, Manager of the Long Island Country Club. Included with the letter were pictures of 40 dead pine trees Mr. Sellek asked the Commission's permission to remove the dead pine trees along the roads on the property to ensure pedestrian safety from falling trees. Mr. Sellek who was in attendance at today's meeting, expressed his concerns pertaining to the dangerous conditions that are posed by the impacted trees. The Commission would need to approve the removal of the dead trees because they are located on a Commission held conservation easement property.

**The motion was made by Ms. Jens-Smith and seconded by Ms. Pines to authorize staff to send the draft letter approving the removal of the dead trees from the property at Eastport. The motion was approved by a 5:0 vote.**

**3. Land Use**

**Planning and Land Use**

a. Suffolk County Subwatershed Wastewater Plan / presentation (Ken Zegal, Suffolk County)

Summary: Mr. Ken Zegal, Representative from Suffolk County provided a PowerPoint Presentation from November 2019 on the S.C. Subwatersheds Wastewater Plan and highlights from the presentation included, the reasons to address the nitrogen levels in groundwater and the impacts from nitrogen contamination, drinking water priority areas, surface water priority areas and primary recommendations for a county-wide phased wastewater upgrade program.

Other discussion points included, goals of the program for 2020 such as, completion of the SEQRA process, pursuing a countywide district study and recurring revenue stream options for financing the long-term project. The presentation included various charts and graphs to illustrate all of the data associated with the long-term project.

b. Peconic Estuary Program

Summary: Ms. Hargrave discussed the draft letter from staff to the Peconic Estuary Program Manager dated, November 20<sup>th</sup> (attached) and she noted the letter is to acknowledge the Commission's continued partnership in the program.

**The motion was made by Ms. Jens-Smith and seconded by Mr. Schneiderman to approve the letter and authorize staff to send it to the Peconic Estuary Program Manager. The motion was approved by a 5:0 vote.**

### **Core Preservation Area**

- c. Kogel Brothers Core Hardship /East Bartlett Road, Middle Island/ development of single-family residence /SCTM# 200-499-3-4/ deadline 9/18/19 request for decision deadline extension

Summary: Ms. Hargrave discussed the letter dated November 8<sup>th</sup> from Mr. Eugene DeNicola who represents Kogel Brothers LLC (attached) and she noted that the letter requests an extension of the decision deadline for the application related to property at East Bartlett Road since they are in continued negotiations with NYSDEC for acquisition.

**The motion was made by Ms. Jens-Smith and seconded by Ms. Pines to approve the Kogel Brothers Applicant's request for an extension of the decision deadline until the January 2020 meeting. The motion was approved by a 5:0 vote.**

### **Compatible Growth Area**

- f. Request for Determination of Jurisdiction Verizon Wireless at Coram / remove 115-foot monopole and install 150-foot monopole and related structures / SCTM # 200-430-1-27

Summary: Ms. Hargrave discussed the previously distributed draft letter from staff, dated November 20<sup>th</sup> to Ms. Jessica Zalin, representative for Verizon Wireless at Coram and she noted that the letter acknowledges the Commission's receipt of Ms. Zalin's letter dated October 4<sup>th</sup> that is a request for a determination of jurisdiction. It was noted that since the project is on property owned by Suffolk County that the County would be performing the SEQRA review for the project that is to remove a 115-foot-tall monopole and install a 150 foot tall monopole. No clearing would be involved.

**The motion was made by Ms. Jens-Smith and seconded by Mr. Freleng to approve and authorize staff to send the draft letter regarding the replacement of the Verizon Wireless monopole. The motion was approved by a 5:0 vote.**

- i. Nicklan change of zone and site plan on 16.67 acres for a gas station, convenience store, motor vehicle repair facility and truck depot on a site with an existing office building with storage and vehicle repair shop / Middle Island / SCTMs: 200-431-3-9, 10, 11, 12, 13.1, and 13.2

Summary: Ms. Hargrave discussed the previously distributed draft letter from staff dated November 20<sup>th</sup> to the Town of Brookhaven regarding their SEQRA Lead Agency Coordination for the Nicklan, LLC application (attached) that was referred by the Town. She noted that wetlands are depicted on the site plan and there are violations associated with the property.

**The motion was made by Ms. Jens-Smith and seconded by Ms. Pines to authorize sending the staff letter pertaining to the Town's SEQRA coordination for the Nicklan LLC request for a change of zone. The motion was approved by a 5:0 vote.**

### **Core, Compatible Growth Area and CRA**

- k. Lewis Road Subdivision Preliminary Application Referral / East Quogue, Town of Southampton / development of a seasonal resort community with 130 residences (118 seasonal single-family units and 12 year round workforce housing units), 18-hole private golf course, other accessory structures and STP on 588 acres

Summary: Ms. Hargrave explained that the Town approved the Lewis Road Subdivision conditional preliminary application on October 24<sup>th</sup> and the finding statement was also adopted at that time. She noted that staff met with the Applicant at the Commission office during which the applicant told staff they would be submitting the Lewis Road application to the Commission within a few weeks. The decision deadline will be 120 days

*from the receipt of the application. Mr. Milazzo noted that extensions may be required.*

#### **4. Public Comment**

Summary: *There were no public comments made.*

***The motion was made by Ms. Longo and seconded by Ms. Pines to move into an Executive Session with no further business to be conducted. The motion was approved by a 5:0 vote.***

*The meeting ended at approximately 4:00 pm.*

#### **Attachments (in order of discussion)**

1. November Commission Meeting Sign in Sheet (1 page).
2. Draft Commission meeting summary for October 16, 2019 (4 pages)
3. Final Commission meeting summary for October 16, 2019 (4 pages)
4. Draft 2020 Commission meeting schedule
5. Approved 2020 Commission meeting schedule
6. Draft Amendment Resolution to Riverhead to Canal Underground Electric Transmission Line Core Preservation Area of the Central Pine Barrens PSEGLI as agent for Long Island Power Authority (LIPA), dated November 20, 2019 (34 pages)
7. Final Approved Amendment Resolution to Riverhead to Canal Underground Electric Transmission Line Core Preservation Area of the Central Pine Barrens PSEGLI as agent for Long Island Power Authority (LIPA), dated November 20, 2019 (34 pages)
8. Draft Letter from staff to the New York State Public Service Commission, dated November 20, 2019 RE: Case 17-F-0655, Riverhead Solar 2 Project, comments on Proposed Stipulations Calverton, Town of Riverhead, Suffolk County, NY Partially in the Compatible Growth Area of the Central Pine Barrens (61 pages)
9. Final approved Letter from staff to the New York State Public Service Commission, dated November 20, 2019 RE: Case 17-F-0655, Riverhead Solar 2 Project, comments on Proposed Stipulations Calverton, Town of Riverhead, Suffolk County, NY Partially in the Compatible Growth Area of the Central Pine Barrens (61 pages)
10. SAS Proposed Project at 939 Wading River Manor Rd. Manorville, NY 11949, hardship waiver application, dated, October 21, 2019 (6 pages)
11. PSEGLI Wildwood to Riverhead Conversion Project Overview, dated November 6, 2019 (7 pages)
12. PSEGLI October 25, 2019 letter to staff RE: Notification submittal Eastport Underground Conversion Project (15 pages)
13. Letter to staff from Jack Sellek, Manager of the Long Island Wyandanch Club at Eastport, dated November 13, 2019 RE: request to remove 40 dead pine trees from property (12 pages)
14. Ken Zegal, Suffolk County PowerPoint Presentation from November 2019 on the S.C. Subwatersheds Wastewater Plan
15. Draft letter from staff to Program Director of the Peconic Estuary Program, dated November 20, 2019 RE: PEP Comprehensive Conservation and Management Plan 2020 Update (53 pages)
16. Letter to staff from Mr. DeNicola dated November 8, 2019 RE: Kogel Brothers LLC Premises at East Bartlett Road Middle Island NY Request for an extension of decision deadline (1 page)
17. Draft Letter from staff to Ms. Jessica Zalin RE: Verizon Wireless at Coram determination of jurisdiction, dated November 20, 2019 (35 pages)
18. Final Approved Letter from staff to Ms. Jessica Zalin RE: Verizon Wireless at Coram determination of jurisdiction, dated November 20, 2019 (35 pages)
19. Draft letter from staff, dated November 20, 2019 to Town of Brookhaven RE: SEQRA Lead Agency Coordination Town Board application and Special Permit Nicklan, LLC Lot # 2019-024-CZ SCTM #s: 200-431-3-9, 10, 11, 12, 13.1, 13.2 56 Middle Country Road, west of Swezey Lane Compatible Growth Area Central Pine Barrens (28 pages)
20. Final approved letter from staff dated November 20, 2019 to Town of Brookhaven RE: SEQRA Lead Agency Coordination Town Board application and Special Permit Nicklan, LLC Lot # 2019-024-CZ SCTM #s: 200-431-3-9, 10, 11, 12, 13.1, 13.2 56 Middle Country Road, west of Swezey Lane Compatible Growth Area Central Pine Barrens (28 pages)



Central Pine Barrens Commission Meeting Summary  
For Wednesday, December 18, 2019 (Final Approved 1/15/20)  
Brookhaven Town Hall  
One Independence Hill  
Farmingdale, NY 11738

2:00 pm

Commission members present: Ms. Gallagher (for New York State), Mr. Romaine and Ms. Pines (for Brookhaven), Ms. Jens-Smith and Mr. McCormick (for Riverhead), Mr. Collins and Mr. Shea (for Southampton), Mr. Freleng and Ms. Longo (for Suffolk County)

**Others present:** Commission and other agency staff members included Mr. Pavacic, Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Ms. Parrott, Ms. Weigand, Mr. Ziegler, Mr. Huss, Mr. Lewis, Mr. Tverdy and Ms. Ostrowski (from the Commission). Additional attendees are indicated on the attached sign-in sheet.

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

Carrie Meek Gallagher  
Chairwoman

Steven Bellone  
Member

Laura Jens-Smith  
Member

Edward P. Romaine  
Member

Jay H. Schneiderman  
Member

## 1. Administrative and Public Comment

### a. Public Comments:

Summary: There were no public comments.

### b. Minutes for 10/16/19

Summary: **The motion was made by Mr. Shea and seconded by Ms. Jens-Smith to approve the revised 10/16/19 meeting minutes. The motion was approved by a 5:0 vote.**

**The motion was made by Mr. Shea and seconded by Ms. Jens-Smith to approve the 11/20/19 meeting minutes. The motion was approved by a 5:0 vote.**

## 2. Science and Stewardship

### a. Education and Outreach

Summary: Ms. Parrott discussed the previously distributed Education and Outreach Division update for December 2019 (attached) and items she highlighted from the report included, an overview of the Annual Long Island Natural History Conference that will be held on Friday and Saturday March 20-21, 2020, there is an opportunity to integrate the Conference with the Seatuck Environmental Center, and that the Day in the Life (DITL) program organizers will be meeting with Save the Great South Bay to discuss partnership opportunities. Additional items from her report that Ms. Parrott discussed included, plans for the DITL program in the spring, her attendance at various climate change conferences and she mentioned that students from Longwood High School and Instituto Tecnico Industriale (ITI) in Pisa, are reestablishing the collaboration of research on the two ecosystems of the Pine Barrens and San Rossore Park in Pisa.

Mr. Collins arrived at the meeting at 2:10 p.m.

### b. Science and Stewardship

Summary: Ms. Weigand discussed the previously distributed Science and Stewardship Division update for December 2019 (attached) and items that she discussed included, Bob Panko, Commission's Fire Management Specialist has begun his work on planning the Prescribe Fire program, interviews are being scheduled for two permanent part time Ecological Field Specialist and office space is being reconfigured to accommodate the new hires. Other topics from the report that Ms. Weigand discussed included, the PLC meeting that was hosted on December 12th at the Suffolk County Water Authority (SCWA) Coram Operations Center and

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election of the Chair and Vice Chair positions for 2020, assisting the NYSDEC on Southern Pine Beetle (SPB) suppression efforts at locations such as Sears Bellows and Robert Cushman Murphy Parks. Ms. Weigand mentioned that the SPB population seems to be stable and there were no new outbreaks of oak wilt this year. The Memoranda of Agreements with the S.C. Parks and NYSDEC are being finalized for prescribed fire work on their lands.

Mr. Ziegler provided updates on the prescribed fire program including that Mr. Panko has been gathering documents on Long Island fire history to aid in planning the strategy for prescribe fire and the prescribed fire contract with N.Y. State is finalized and ready for signatures.

**The motion was made by Ms. Shea and seconded by Ms. Longo to approve the Draft Resolution of the Commission to appoint the PLC Chair and Vice Chair for Calendar year 2020 (attached). The motion was approved by a 5:0 vote.**

### **3. Pine Barrens Credit Program**

#### *a. Pine Barrens Credit Program*

Summary: Mr. Tverdy discussed the previously distributed Credit Program statistics report, dated December 10<sup>th</sup> (attached) and he noted that there were four new parcels added in the Town of Brookhaven and seven were added in the Town of Southampton. In 2019 there were 34.7 credits generated, 29.5 Credits were redeemed and he noted that is atypical for more Credits to be generated then were redeemed. The 34.7 Credits generated included the Tuccio parcels and the requirements for finalizing the conservation easement for the Tuccio parcels included cleaning up debris and the planting of 50 pitch pines to mark the property boundaries. Mr. Tverdy mentioned that 65 Credits have been sold, the Commission owns 10.19 Credits and the balance in the Credit Clearinghouse bank account is 2.5 million dollars with \$11,000 interest earned.

### **4. Land Use**

#### **Planning and Land Use**

#### *a. Compliance and Enforcement*

Summary: Mr. Huss discussed the previously distributed CAED Highlights report for 1/1/19 -12/5/19 (attached) that included, the reporting of 49 incident violations to date and three incidents were the result of development site inspections, enforcement meetings were held with S.C. Parks, seven dumping cases documented using camera surveillance that resulted in arrests, staff is continuing drone training, the purchase of two additional drones with cameras and FAA licenses have been obtained by two staff members. He mentioned that CAED staff participated in the Middle Island revegetation project. He noted that 15 cases have been closed and others are pending including a violation on 15 acres on South Street. He further mentioned that the law enforcement agencies have met to discuss concerns about the recent legislation related to bail and discovery reform.

#### *b. Land Use*

Summary: Ms. Hargrave discussed the previously distributed Land Use Division Bi-Monthly Update for the Meeting of December 18, 2019 (attached) and items from the report she highlighted included, the Silver Corporate Park hardship waiver application consisting of a 12 lot industrial subdivision with a decision deadline in March 2020, the 7-11 in Ridge Core Hardship expansion of parking lot on 1.25 acres and yesterday's withdrawal of the SAS Industries Core Hardship Waiver in Calverton. Other items that Ms. Hargrave mentioned included the status of the S.C.



Veterans House in Yaphank referral and that the division continues with development project site inspections.

#### **Core Preservation Area**

- c. 7-11 Ridge Core Preservation Area Hardship application / SCTM #s 200-351-2-6.1 & 20 / 1670 Middle Country Road, Ridge / parking lot expansion / prior hardship denied on 1/19/11

Summary: **The motion was made by Mr. Romaine and seconded by Ms. Jens-Smith to schedule the 7-11 Ridge Core Area Hardship public hearing for January 15<sup>th</sup> at 3:00 p.m. The motion was approved by a 5:0 vote.**

- d. Suffolk County United Veterans House / Yaphank / SCTM # 200-611-3-1.5 / 300+ square foot expansion of existing residential facility

Summary: Ms. Hargrave discussed the S.C. United Veterans House referral from Mr. Thomas Kohlmann, NYSDEC Environmental Analyst request for a determination of jurisdiction dated November 19, 2019 (attached). She explained that since the request is to renovate the building by adding a second story with no clearing involved and that the building predates Environmental Conservation Law (ECL) Article 57 the project would be considered nondevelopment.

#### **Core, Compatible Growth Area and CRA**

- k. Lewis Road Subdivision Preliminary Application Referral / East Quogue, Town of Southampton / development of a seasonal resort community with 130 residences (118 seasonal single-family units and 12 year-round workforce housing units), 18-hole private golf course, other accessory structures and STP on 588 acres

Summary: Ms. Hargrave provided an update on the status of the Lewis Road Project noting that the Lewis Road Hardship Waiver Application has not yet been received at the Commission office.

#### **4. Public Comment**

Summary: Ms. Jens-Smith was presented with an award of merit plaque in recognition of her leadership during her tenure as Commission member representing the Town of Riverhead.

**The motion was made by Mr. Romaine and seconded by Mr. McCormick to move into an executive session. The motion was approved by a 5:0 vote.**

**The motion was made by Mr. Shea and seconded by Ms. Jens-Smith to return to public session. The motion was approved by a 5:0 vote.**

**The motion was made by Mr. Shea and seconded by Mr. Freleng to authorize the issuance of a Notice of Violation against the Westhampton Property Associate for non-compliance with the conditions of the approved hardship waiver application. The motion was approved by a 5:0 vote.**

**The motion was made by Mr. Romaine and seconded by Mr. Freleng to adjourn the meeting. The motion was approved by a 5:0 vote.**

The meeting ended at approximately 3:20 p.m.

#### **Attachments (in order of discussion)**

1. December Commission Meeting Sign in Sheet (1 page).
2. Draft Commission meeting summaries for October 16<sup>th</sup> (5 pages) and November 18<sup>th</sup> of 2019 (3 pages)
3. Final Approved Commission meeting summaries for October 16, 2019 (5 pages) and November 18, 2019 (4 pages)
4. Education and Outreach Division update December 2019 (1 page)
5. Science and Stewardship Division update, December 2019 (1 page)

6. Credit program statistics and Financial reports for December 2019 (2 pages)
7. CAED Highlights report for 1/1/19 -12/5/19 (3 pages)
8. Land Use Division Bi-Monthly Update for the Meeting of December 18, 2019 (1page)
9. 7-11 Ridge Core Preservation Area Hardship application / SCTM #s 200-351-2-6.1 & 20 / 1670 Middle Country Road, Ridge, dated November 15, 2019 (89 pages)
10. S.C. United Veterans House referral from Mr. Thomas Kohlmann, NYSDEC Environmental Analyst that is a request for a determination of jurisdiction dated November 19, 2020 (22 pages)