

Commission Meeting of January 8, 2013

**Brookhaven Town Hall
One Independence Hill
Farmingville, New York**

**Resolution of the Central Pine Barrens Joint Planning and Policy Commission (“Commission”)
to Undertake Appropriate Action in Regard to Alleged Violations Associated with Storage
of Vehicles Damaged by Superstorm Sandy on Property Owned by
the Ringhoff Family Limited Liability Company**

Present: Mr. Scully (for the New York State Governor)
Ms. Lansdale (for the Suffolk County Executive)
Ms. Prusinowski (for the Brookhaven Town Supervisor)
Ms. Lewis (for the Riverhead Town Supervisor)

Whereas, the Commission is aware of operations (the “Operations”) involving the temporary placement and storage of vehicles damaged by Superstorm Sandy on real property, owned by the Ringhoff Family Limited Liability Company, in the Core Preservation Area of the Central Pine Barrens identified on the Suffolk County Tax Map as parcels 200-512-1-15 (“Lot 15”), 200-512-1-17 (“Lot 17”), 200-512-1-18 (Lot “18”), 200-512-1-21 (“Lot 21”), and 200-562-4-21 (“Lot 4-21”) and

Whereas, development activities, as defined by the Long Island Pine Barrens Protection Act (the “Act”) and as codified in Article 57 of the New York State Environmental Conservation Law (the “ECL”), are regulated by the Commission, and

Whereas, regulated development under the Act includes, but is not limited to, “the making of any material change in the use or intensity of use of any structure or land,” “a change in type of use of a structure or land,” “a material increase in the intensity of use of land or environmental impacts as a result thereof” or the “material failure to comply with the conditions of an ordinance” (ECL §57-0107(13)), and

Whereas, no application for development within the Core Preservation Area shall be granted, unless such approval or grant conforms to the provisions of the Comprehensive Land Use Plan (the “CLUP”) adopted by the Commission, and

Whereas, Section 4.5.1 of the CLUP incorporates the Act’s prohibition on development in the Core Preservation Area, unless such development receives a Commission waiver, and

Whereas, the Commission, pursuant to ECL §57-0123, may waive strict compliance with the CLUP’s prohibition on development in the Core, and

Whereas, the Commission has not waived strict compliance with the CLUP to authorize the Operations, and thus the Operations may violate the Act, and

Whereas, the Commission finds that the Operations may result in adverse impacts on Central Pine Barrens resources, including groundwater and ecological resources, due to the location of the Operations on permeable surfaces in the Core Preservation Area, as there exists the potential for leaks of oil and other fluids from vehicles stored there and there exists the potential for fire as the location is adjacent to significant publicly-owned open spaces and parkland, and

Resolved, the above recitals are incorporated herein and made a part hereof, and be it further,

Resolved, the Commission finds that the Operations may cause harm to the resources of the Central Pine Barrens, and be it further

Resolved, the Commission hereby authorizes and empowers Commission staff to issue a Notice of Violation to the Ringhoff Family Limited Liability Company for the subject tax lots, and each other entity involved in the Operations, and be it further

Resolved, the Commission directs Commission staff to take appropriate measures pursuant to the Act to prosecute the violation, including coordination and cooperation with the Town of Brookhaven and the County of Suffolk.

Motion by: Ms. Lewis

Second by: Ms. Prusinowski

Ayes: Mr. Scully, Ms. Lansdale, Ms. Prusinowski and Ms. Lewis

Nays: None

Abstentions: None