



Pine Barrens Commission Meeting Summary
For Wednesday, January 21, 2017 (Final-Approved 2/25/15)
Town of Brookhaven
One Independence Hill
Farmingville, NY
2:00 pm

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

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

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

1. Administrative and Public Comment

a. Public Comment

Summary: Mr. Amper expressed his concerns that executive sessions which are held during Commission meetings should be limited to matters that require legal counsel. He distributed copies of a document that contained the number of times the motion was made to move into executive sessions between January 2010 and August 2014.

b. Minutes for 12/17/14: review, approval

Summary: **The motion was made by Mr. Scully and seconded by Mr. Walter to approve the 12/17/14 meeting summary. The motion was approved by a 5:0 vote.**

c. Resolution to change the date of the February Commission meeting

Summary: It was noted that due to the public schools' winter recess, that the Commission meeting on February 18th needed to be rescheduled for February 25th.

The motion was made by Mr. Scully and seconded by Mr. Shea to approve the Draft Resolution of the Commission to Change the Date of It's February 2015 Meeting. The motion was approve by a 5:0 vote.

2. Science and Stewardship

a. Wildfire Response, Forest Management, Prescribed Fire & Response

Summary: Mr. Pavacic reported that Commission staff was working on a Request for Proposal (RFP) to hire a Consultant to prepare the Community Wildfire Protection Plan for the Ridge-Manorville area. He noted that the Northeast Compact, the entity that received the project grant, and the Commission, decided that the Commission would take lead role in the RFP process. The RFP should be ready to send out in month and a consultant would be hired shortly thereafter.

Additional wildfire response items that Mr. Pavacic discussed included, a NYWIMA meeting was held with Mr. John Bancroft, the newly elected

Chair, on January 7th and an Academy meeting will be held in February to discuss priorities for the remainder of the year.

A meeting has been planned with Mr. Bancroft, who is also the Wildfire Task Force Chair, to discuss the Task Force meeting schedule for the year and to review the existing Fire Management Plan.

Mr. Scully discussed the history of the wildfire response strategy, created after the Crescent Bow Wildfire in 2012 to address wildfire preparedness in the Pine Barrens. He explained the multipronged approach that included, informing the communities about wildfire risks, providing enhanced fire fighter training on wildfire techniques to the volunteer fire service and to move forward with prescribed fire. Mr. Scully mentioned that the proposed CWPP for Manorville and Ridge is another step forward in the effort to protect vulnerable areas in the Pine Barrens from the affects of wildfire.

Mr. Pavacic discussed the previously distributed Draft Resolution of the Commission to Authorize an Agreement with the County of Suffolk to Establish and Operate a Dedicated Brush Truck Training Facility via the NYWIMA (attached). He explained that a resolution for its approval should go before the S.C. Legislature in a couple of weeks.

Mr. Pavacic provided background information on the brush truck training proposal for a site in Suffolk County. He noted that within the last 20 years open space restrictions and preservation of the Pine Barrens placed limitations on the fire departments ability to practice using their equipment with the exception of during an actual brush or wildfire. The NYWIMA brush truck training course has been successful in providing training to young firefighters that have not had any experience with driving brush trucks. Mr. Pavacic noted the location of the brush truck training site is adjacent to the SC Fire Rescue and Emergency Services Department and the SC Fire Academy in Yaphank. The site is well known to firefighters throughout the County and the Academy's Brush Truck Training Course classroom session is held nearby at the SC Fire Academy. He mentioned the course could be laid out on the site with very little alteration by flagging the course and without significant cost.

The motion was made by Mr. Walter and seconded by Ms. Prusinowski to approve the Draft Resolution of the Commission to Authorize an Agreement with the County of Suffolk to Establish and Operate a Dedicated Brush Truck Training Facility via the NYWIMA. The motion was approved by a 5:0 vote.

Mr. McCormick arrived at the meeting at approximately 2:15 pm.

b. Ray Corwin Rocky Point-to-Yaphank Trail

Summary: Mr. Pavacic explained that at an earlier Commission meeting, a conceptual layout plan of the hiking and equestrian trail sections for the Ray Corwin Rocky Point-to-Yaphank Trail was submitted to the Commission for review and to try to move forward with blazing the northern section of the trail.

d. Detection of the Southern Pine Beetle on Long Island

Summary: Mr. Scully provided background information on the problem of the Southern Pine Beetle (SPB) including that the insect, which is native and not invasive, had reached Long Island, it was detected in October and government agencies such as Suffolk County Parks, NYSDEC and the United States Forest Service have been assessing the damage to Long Island pine trees. A SPB

stakeholder meeting is scheduled for Friday, January 23rd at Belmont Lake State Park, where the implementation of suppression activities will be discussed. Mr. Pavacic explained how cutting down affected Pines would prevent the spread of the infestation and he mentioned that an application would be submitted for federal funds to help fight and control the SPB infestation.

3. Land Use

Planning & Land Use

a. CLUP Amendments

Summary: Ms. Jakobsen discussed the status of the proposed Wildfire Hazard Mitigation (WHM) section and introduced Mr. Bruce Johnson, former Chair of the Public Education subcommittee of the Wildfire Task Force and former Riverhead Fire Marshall, who is now with the International Code Council (ICC). Ms. Jakobsen discussed the attached, previously distributed memo dated January 13, 2015 pertaining to the WHM section of the CLUP Amendments. Ms. Jakobsen explained that in November of 2013 the Commission was provided with a draft version of WHM Section that included standards related to emergency vehicle access, identification of structures, adequate water supply's and defensible space.

Ms. Jakobsen discussed additional points related to the WHM Section 5.3.3.13 which included that last year Commission staff met with the Towns' staff to discuss their concerns with the WHM standards. Comments from the Towns were compiled and sent to Mr. Johnson along with a revised WHM Section draft dated, 7/15/14. Ms. Jakobsen distributed copies of the 2012 ICC Wildland Urban Interface Code to the Commission that contains sections proposed to be included in the WHM CLUP Amendment.

Mr. Johnson provided background information on the ICC which included it is a not-for-profit membership association dedicated to building safety, fire prevention and hazard mitigation. He explained that the ICC codes, known as the I-codes, undergo a triennial review and publication every three years and he noted that the 2015 edition was just released. He noted that codes adopted on the city and town levels usually undergo modifications tailored to meet the needs of that community and he further noted that this is the case with the Pine Barrens WHM Section that is currently being proposed. Mr. Johnson provided background information on the Wildland Urban Interface (WUI) code and he mentioned that the WUI code establishes minimum regulations consistent with nationally recognized good practices for the safeguarding of life and property.

Additional points Mr. Johnson discussed included, the WUI code addresses fires that feed from both directions, between the wildland and structures, the WUI regulations are intended to be tiered with the relative level of hazard present, the WUI supplements the jurisdiction's building and fire codes and in the case of the Central Pine Barrens CGA, the NY State code. If the proposed standards are adopted, they will only affect a small number of parcels within the CGA of the Pine Barrens. Mr. Johnson explained the difference between adopting a code such as the WUI code for the Pine Barrens by reference versus entering into a license agreement with the ICC. Other topics that Mr. Johnson discussed related to the adoption of the WHM Section included issues concerning adequate water supply and defensible space requirements, and the next steps in the adoption process including, a possible workshop for the Towns' staff sponsored by the ICC. Ms. Jakobsen mentioned that if the WHM Section was adopted, only new homes and development would be impacted. Mr. Scully encouraged Town staff to participate in the ICC workshop when it is scheduled, possibly sometime in March.

Mr. Scully discussed the Commission had reached a consensus and agreement on a set of CLUP Amendments. There was a discussion on the Commission possibly reaffirming CLUP Section 9.2. in the CLUP Chapters 4 and 5 that pertains to EPCAL. Riverhead Town will work on formulating new language to be included in the CLUP Chapters that reference Section 9.2. It was noted that it may be possible to hold a public hearing at the March Commission meeting.

**Project Review
Core Preservation Area**

- b. Armand Gustive LLC and Eagan Environmental Solutions LLC / Core Preservation Area Hardship Waiver application (SCTM #: 200-460-1-10 and 11)
Summary: Mr. Milazzo reported that the Applicant plans to submit a new Application.

The motion was made by Mr. Shea and seconded by Mr. Freleng to approve the attached draft Resolution to Deny without Prejudice Armand Gustive LLC and Eagan Environmental Solutions LLC Core Preservation Area of the Central Pine Barrens Wading River Road Between 1st and 2nd Streets, Manorville, Town of Brookhaven. The motion was approved by a 5:0 vote.

- c. Kent Animal Shelter Core Preservation Area Hardship Waiver / Calverton / site plan redevelopment and expansion (SCTM #: 600-138-1-6.2 and 7.1)/ decision deadline 4/17/15

Summary: Ms. Hargrave explained that the Applicant for the Kent Animal Shelter Core Preservation Area Hardship Waiver (attached) submitted the application on December 19th and that the Applicant was notified a public hearing would be scheduled.

The motion was made by Ms. Prusinowski and seconded by Mr. Freleng to schedule a public hearing for Kent Animal Shelter Core Preservation Area Hardship Waiver for February 25th at 3:00 pm. The motion was approved by a 5:0 vote.

- d. The Oaks at Miller Place CGA Hardship Waiver application/ Miller Place / 18-lot subdivision (SCTM # 200-212-1-9,10,11.1,11.2,12)

Summary: Ms. Hargrave explained that the Applicant for The Oaks at Miller Place CGA Hardship Waiver application submitted a request dated, January 7th for a further 120-day extension of the decision deadline.

The motion was made by Ms. Prusinowski and seconded by Ms. Shea to approve the request for a 120-day extension of the decision deadline for The Oaks at Miller Place CGA Hardship Waiver application. The motion was approved by a 5:0 vote.

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

The meeting ended at 3:15 pm.

Attachments (in order of discussion)

1. January 21, 2015 Commission Meeting Sign in Sheet (1 page).
2. Draft Commission Meeting Summary for January 21, 2015 (5 pages)
3. Draft Resolution of the Commission to Change the Date of its February 2015 Meeting (1 page)
4. Final Resolution of the Commission to Change the Date of its February 2015 Meeting (1 page)
5. Draft Resolution of the Commission to authorize an agreement with the County of Suffolk To

- Establish and Operate a Dedicated Brush Truck Training Facility via the NYWIMA, dated 1/21/15 (2 pages)
6. Final Resolution of the Commission to authorize an agreement with the County of Suffolk To Establish and Operate a Dedicated Brush Truck Training Facility via the NYWIMA, dated 1/21/15 (2 pages)
 7. Wildfire Brush Truck and Multi-Purpose Training Facility Draft Proposal, dated 6/19/13 (13 pages)
 8. Suffolk County Legislature Resolution #1024-2015, dated 1/5/15 (5 pages)
 9. Brush Truck Training Course Track Map (1 page)
 10. Brush Truck Training Course Aerial Map (1 page)
 11. Memo from Ms. Jakobsen to the Commission, dated 1/13/14, Subject: Draft CLUP Section 5.3.3.13 Wildfire Hazard Mitigation (4 pages)
 12. Section 5.3.3.13 Wildfire Hazard Mitigation Standard mark-up (8 pages)
Section 5.3.3.13 Wildfire Hazard Mitigation Standard clean version (7 pages)
Section 5.3.3.13 Wildfire Hazard Mitigation Standard corrected for 11-20-13 meeting (7 pages)
 13. NYS Uniform Fire Prevention and Building Code (6 pages)
 14. Draft Resolution to Deny without Prejudice Armand Gustive LLC and Eagan Environmental Solutions LLC Core Preservation Area of the Central Pine Barrens Wading River Road between 1st and 2nd Streets, Manorville, Town of Brookhaven, dated 1/21/15 (1 page)
 15. Final Resolution to Deny without Prejudice Armand Gustive LLC and Eagan Environmental Solutions LLC Core Preservation Area of the Central Pine Barrens Wading River Road between 1st and 2nd Streets, Manorville, Town of Brookhaven, dated 1/21/15 (1 page)
 16. Correspondence from Mr. John Wagner to the Commission regarding The Oaks at Miller Place CGA Hardship application extension request, dated 1/7/15 (1 page)



**Pine Barrens Commission Meeting Summary
For Wednesday, February, 2015 (Final Approved – 3/18/15)
Riverhead Town Hall
200 Howell Avenue
Riverhead, NY
2:00 pm**

Commission members present: Mr. Scully (for New York State), Mr. Romaine and Ms. Prusinowski (for Brookhaven), Mr. McCormick (for Riverhead), Mr. Collins and Mr. Shea (for Southampton) Ms. Lansdale (for Suffolk County)

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

Peter A. Scully
Chair

Steven Bellone
Member

Edward P. Romaine
Member

Anna E. Throne-Holst
Member

Sean M. Walter
Member

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

1. Administrative and Public Comment

a. Public Comment

Summary: Ms. Carolyn Zenk, Vice President representing CLEAN, which is a citizens group from East Quogue, expressed her concerns related to The Hills at Southampton development project consisting of 594 acres. Ms. Zenk provided background information related to the legislation that protected Long Island's ground water and the Central Pine Barrens. She expressed her concerns that The Hills project, which is also a Planned Development District (PDD), exceeds the five-acre zoning limit that currently applies to the area. Ms. Zenk distributed comments and correspondence on the subject of the Hills at Southampton PDD application (documents attached). Ms. Zenk urged the Commission to assert its jurisdiction over The Hills development project.

Mr. Scully noted that the Commission staff is aware of The Hills project and that the concerns expressed by Ms. Zenk are likely to be addressed because the project is in a Critical Resource Area (CRA). It was noted that the application is currently in the SEQRA process.

Mr. James Eagan, President of Eagan Environmental Solutions, distributed and discussed documents he was submitting to the Commission which are related to a credit allocation and a Core Hardship Waiver for Suffolk County Tax Map (SCTM) number 200-460-1-5.

Mr. Amper expressed his concerns related to The Hills at Southampton development project and he stated it is the largest proposed project on the east end of Long Island that is located in an extremely ecologically sensitive area. He requested that the Commission encourage the staff to review this application and consistently apply Environmental Conservation Law (ECL) Article 57.

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b. Minutes for 1/21/15: review, approval

Summary: The motion was made by Mr. McCormick and seconded by Mr. Scully to approve the 1/21/15 meeting summary. The motion was approved by a 5:0 vote.

2. Science and Stewardship

a. Wildfire Response, Forest Management, Prescribed Fire & Response

Summary: Mr. Pavacic reported that the Suffolk County Legislature unanimously approved the Brush Truck Training facility and its location in Yaphank and S.C. Department of Public Works (DPPW) has been assisting with the design and layout of the course. A formal agreement with Suffolk County is being prepared and Mr. Krupski noted that he and many of his colleagues support the training facility.

Ms. Jakobsen reported that she was finalizing the Request for Proposal (RFP) for a consultant to prepare a Community Wildfire Protection Plan (CWPP) for the Ridge-Manorville area. She mentioned that once a consultant has been selected that work on the CWPP could begin and that she will provide the Commission with a project timeline as soon. It was noted that the Town of Brookhaven was instrumental in gaining support for the CWPP and that the CWPP includes other components such as, Firewise education in the community. Ms. Jakobsen further noted grant funds would pay for the consultant.

b. Ray Corwin Rocky Point-to-Yaphank Trail

Summary: Mr. Pavacic discussed the previously distributed Draft Resolution of the Commission to Endorse and Support the Implementation of Phase 1 of the Ray Corwin Trail (attached) and he explained that the draft conceptual plan and aerial map for the Ray Corwin Rocky Point to Yaphank Trail Corridor from Route 25A to Main Street in Yaphank was submitted to the Commission, prior to the new year, in 2014. He noted that there were still some issues that need to be resolved with trail uses south of Middle Country Road and he noted that today's resolution pertains only to the portion of the trail that begins at Route 25A and ends at Middle Country Road in Ridge.

The motion was made by Mr. Collins and seconded by Mr. McCormick to approve the Resolution of the Commission to Endorse and Support the Implementation of Phase 1 of the Ray Corwin Trail. The motion was approved by a 5:0 vote.

c. Detection of the Southern Pine Beetle on Long Island

Summary: Mr. Pavacic reported that the NY State Department of Environmental Conservation (NYSDEC) has been leading the Southern Pine Beetle (SPB) ground suppression effort and that affected pine trees are being cut down in the areas of Henry's Hollow and Munns Pond in Hampton Bays. He explained that suppression efforts included cutting down trees that are infested now to help prevent the infestation from spreading north to trees in the area of the Sarnoff Preserve and to other State and County lands.

Additional points Mr. Pavacic made pertaining to the SPB infestation included, some areas infested by the SPB are self limited and not spreading to other areas there have been issues with other species such as the Black Turpentine beetle, however, their impact was not as devastating Other discussion points included, next steps to continue in the suppression effort which includes ground-truthing the findings of the prior aerial survey. Additional aerial surveys will be scheduled for the Twin Forks. Mr. Pavacic noted that the NYSDEC is using the Incident Command Systems (ICS) to organize the effort to combat the SPB infestation and that they

have been developing protocols. He suggested that the Towns appoint an individual on their staff to serve as a point of contact between Town Officials and the NYSDEC to determine how SPB suppression activities will be handled on Town lands. Mr. Scully noted that federal grants would be necessary to support a long-term effort to fight the infestation.

Other methods to fight the SPB infestation were discussed such as prescribed fire, use of insecticides and tree thinning. Mr. Pavacic noted that insecticides would not be an option because their use would be too labor intensive and toxic to the rest of the ecosystem. He also noted that it is possible that the very cold temperatures this winter could have decreased the SPB population. Mr. Amper expressed his concerns about the magnitude of the SPB infestation and offered the support of the LI Pine Barrens Society in reaching out to elected officials for assistance at the legislative level.

d. Science and Stewardship Division

Summary: Mr. Pavacic discussed the previously distributed Science and Stewardship Division update from February 25, 2015 (attached) and he noted that Ms. Carter who is a trained Forester has been working with the NYSDEC and S.C. Parks on the SPB suppression effort. He further noted that Commission staff that included, Mr. Tverdyy and Ms. Hargrave has been assisting Ms. Carter with the ground-truthing activities. He noted the Civil Air Patrol (CAP), as part of its Memorandum of Understanding (MOU) with the Commission has been performing aerial reconnaissance flights to monitor forest health issues.

e. Resolution to approve the new Law Enforcement council co-vice chairs:

Summary: Mr. Pavacic discussed the previously distributed Draft Resolution of the Commission to appoint New Co-Vice Chairs of the Central Pine Barrens Law Enforcement Council (attached). He noted that since Lt. Dallas Bengel who was formerly the LEC's vice chair has taken the chair position, the vice chair position is now vacant. However, the LEC has voted to now have two co-vice chairs appointed. On January 22nd, the LEC voted to appoint Sgt. Mike Smith of the S.C. Sheriff's Office and Arthur Pendzick, Deputy Director of the S.C. Park Rangers as the new co-vice chairs of the LEC.

The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve the Draft Resolution of the Commission to Appoint New Co-Vice Chairs of the Central Pine Barrens LEC. The motion was approved by a 5:0 vote.

Mr. Pavacic reported that the S.C. Sheriff's office was reviewing the Commission's proposal for them to cover patrolling S.C. Parks in the east end, however, they have not yet responded to the proposal. Supervisor Romaine expressed his concerns that the S.C. Legislature has the responsibility to ensure that the S.C. Park land on the east end of Long Island has law enforcement coverage.

f. Education and Outreach Division

Summary: On behalf of Ms. Parrott who had a prior meeting engagement, Mr. Pavacic discussed highlights from the previously distributed Education and Outreach Division January-February 2015 Update (attached) and he reported that the 8th Annual Discovery Day event was going to be scheduled for September 12th, which was normally held in June. The Barrens to Bay Summer Camp will be held at Wertheim National Wildlife Refuge beginning on Monday June 29th, for six weeks.

Mr. Pavacic noted that planning is underway for the "A Day in the Life of the Carmans River & Peconic Estuary" programs and that the Commission received over \$4, 000.00 in grant funds from the Peconic Estuary Program. The funds have purchased supplies and equipment. The "A Day in the Life" program partners will be working with the Cold Spring Harbor DNA Lab to include a DNA component, known as Barcode Long Island, to their data collection activities.

3. Land Use

Planning & Land Use

a. CLUP Amendments

Summary: Mr. Scully explained that he was informed that the concerns expressed by Riverhead Town related to CLUP Section 9.2 which pertains to EPCAL were resolved. He noted that since the EPCAL issue was settled this allows the Commission to move forward with the vetted portion of the CLUP Amendments. Mr. Pavacic mentioned that at the March Commission meeting he plans to submit an outline of next steps in the CLUP Amendment process including, determining a timeline for the SEQRA process, establishing a schedule for a series of hearings and he noted that the Commission would be able to direct the process as it moves along.

b. Compliance and Enforcement

Summary: Mr. Pavacic reported that a clearing violation case in Middle Island has moved forward with an arrest. The cleared area was on S.C. Parkland and that was discovered during a CAP over flight. It was noted that a paint ball course had been created on this parkland and that the perpetrators have been charged with criminal mischief in the second degree. Mr. Romaine suggested that the County might want to pursue a civil law suit to recover damages to restore the cleared area.

c. Land Use Division

Summary: Ms. Hargrave discussed highlights from the previously distributed Land Use Division Bi-Monthly Update for the Meeting of February 25, 2015 (attached). Ms. Hargrave noted that Kent Animal Shelter Core Area Hardship Waiver hearing would likely be planned for next month based on correspondence received and that the Rock of Salvation Church CGA Hardship Waiver Applicant may ask for an extension.

Project Review

Core Preservation Area

- d. Eagan/Jolly Core Preservation Area Hardship Waiver application / Manorville/ subdivision of a 34 acre project site for 72 single-family dwellings on 24 acres and a 10 acre horse farm (SCTM#: 200-460-1-5) on another parcel.

Summary: Ms. Hargrave discussed the previously distributed Draft Resolution Commence SEQRA Lead Agency Coordination and Schedule a Public Hearing for Eagan Jolly Core Preservation Area Hardship Waiver Application (attached) and she noted that the application is classified as a Type 1 Action under SEQRA and the Commission is Lead Agency.

The motion was made by Mr. Scully and seconded by Mr. McCormick to approve the Draft Resolution for Eagan Jolly Core Preservation Area Hardship Waiver Application and schedule a public hearing for March 18th. The motion was approved by a 5:0 vote.

Mr. Milazzo explained that Mr. Eagan has two matters before the Commission. The first is a hardship application to subdivide the property for

72 building lots on 24 acres with the horse farm on 10 acres. The second matter is related to the credit allocation on this parcel. Other points that were discussed pertaining to the Eagan / Jolly pending hardship application included, what constitutes a complete or incomplete application and the contents of the related Environmental Impact statement (EIS).

- e. Nassau County Boy Scouts Camp Wauwepex / Wading River / accept conservation easement (SCTM #: 600-75-3-10.3)

Summary: Mr. Milazzo explained that the Nassau County Boy Scouts Camp Wauwepex conservation easement (attached) was before the Commission with the amendment the Commission had requested last year to address the new dining hall that was built to replace the one that has burned down. The amendment to the conservation easement included that there would be no new development and an updated survey.

The motion was made by Mr. Scully and seconded by Mr. Collins to accept the amended Conservation Easement for Nassau County Boy Scouts Camp Wauwepex / Wading River. The motion was approved by a 5:0 vote.

- f. Kent Animal Shelter Core Preservation Area Hardship Waiver / Calverton / site plan redevelopment and expansion (SCTM#: 600-138-1-6.2 and 7.1)

Summary: Ms. Hargrave explained that a letter was received at the Commission office from the Applicant's representative Christopher Nicolai, dated January 30 (attached) which requested a postponement of the public hearing until March 18th.

The motion was made by Mr. Romaine and seconded by Ms. Lansdale to approve the postponement of the Kent Animal Shelter Core Preservation Areas Hardship Waiver public hearing until March 18th. The motion was approved by a 5:0 vote.

- g. Henry Dittmer/ Letter of Interpretation Credit Allocation appeal for Parcels with SCTM#s 200-529-5-35 & 36 (both in Yaphank and 200-326-3-3 (Ridge))

Summary: Mr. Milazzo explained that the Commission might want to schedule three separate hearings one for each parcel. Mr. Eagan is the representative for Henry Dittmer on these credit appeals.

The motion was made by Mr. Scully and seconded by Mr. Romaine to schedule the hearing for Henry Dittmer/LOI Credit Allocation Appeal for April 15th. The motion was approved by a 5:0 vote.

The motion was made by Mr. Collins and seconded by Mr. McCormick To adjourn the meeting. The motion was approved by a 5:0 vote.

The meeting ended at 3:30 pm.

Attachments (in order of discussion)

1. February 25, 2015 Commission Meeting Sign in Sheet (1 page).
2. Draft Commission Meeting Summary for February 25, 2015 (5 pages)
3. Carolyn Zenk comments and correspondence on the subject of the Hills at Southampton PDD
4. Resolution of the Commission to Endorse and Support the Implementation of Phase 1 of the Ray Corwin Trail, dated February 25, 2015 (1 page)
4. Science and Stewardship Division update from February 25, 2015 (2 page)
5. Draft Resolution of the Commission to appoint New Co-Vice Chairs of the Central Pine Barrens Law Enforcement Council, dated February 25, 2015 (1 page)

6. Education and Outreach Division January-February 2015 Update (1 page)
7. Eagan/Jolly Core Preservation Area Hardship Waiver application / Manorville/
24 acres and 10 acre horse farm (SCTM#:200-460-1-5) (24 page)
8. Eagan/Jolly Core Preservation Area Hardship Waiver application, two maps submitted by Mr.
Eagan (2 pages)
9. Draft Resolution Commence SEQRA Lead Agency Coordination and Schedule a Public Hearing
for Eagan Jolly Core Preservation Area Hardship Waiver Application
Town of Brookhaven, February 25, 2015 (1 page)
10. Nassau County Boy Scouts Camp Wauwepex / Wading River conservation easement
(7 pages)
11. Letter from Kent Animal Shelter Applicant's representative Christopher Nicolia, dated
January 30, 2015 (1 page)
12. Request from Mr. Eagan who is Representative for the Henry Dittmer's / LOI Credit Allocation
appeal for parcels# 0200-529-5-35,0200529-5-36 and 0220-326-3-3 (2 pages)



**Pine Barrens Commission Meeting Summary
For Wednesday, March 18, 2015
Southampton Town Hall (Final-Approved 4/15/15)
116 Hampton Road
Southampton, NY
2:00 pm**

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

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

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

Peter A. Scully
Chair

Steven Bellone
Member

Edward P. Romaine
Member

Anna E. Throne-Holst
Member

Sean M. Walter
Member

1. Public Comment and Administrative

a. Public Comment

Summary: Dr. Chris Gobler expressed his concerns pertaining to The Hills development project in Southampton and its close proximity to Shinnecock Bay. It was noted that Dr. Gobler would submit his concerns regarding The Hills development project to the Commission in writing. Mr. Amper expressed his concerns that a portion of The Hills project is situated in the Core Preservation Area and inquired whether the Commission should serve as lead agency. Mr. Scully explained that the Commission staff would be examining The Hills project to provide some clarity on the disposition of the project.

b. Minutes for 1/21/15: review, approval

Summary: **The motion was made by Ms. Lansdale and seconded by Ms. Throne-Holst to approve the 1/21/15 meeting summary. The motion was approved by a 4:0 vote.**

2. Science and Stewardship

a. Wildfire Response, Forest Management, Prescribed Fire & Response

Summary: Mr. Pavacic reported that the first Task Force meeting for this year has been scheduled for Thursday, April 30th and that the location for the meeting has not been selected yet. He explained that there is a vacancy on the NYWIMA board and that nominees were being considered for the position. There were other points that Mr. Pavacic discussed related to the Task Force such as the upcoming Task Force meeting is the first meeting that Mr. Chip Bancroft will be attending as the new Chair and that Mr. Bancroft is developing the 2015 Task Force meeting schedule.

Items that Mr. Pavacic discussed related to Wildfire Response included, a water bucket training exercise with the local fire departments is anticipated to be scheduled in late Spring, Commission staff is working with the NYSDEC to schedule prescribed fires over the next two months, and the course for recertification to be able to participate on prescribed fires is

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scheduled for Monday, April 27th. Ms. Jakobsen discussed the status of the Community Wildfire Protection Plan (CWPP) and she reported that the Request for Proposal (RFP) for a Consultant to prepare the CWPP has been released and responses are due back by March 26th. She explained that she is working on finalizing the Wildfire Hazard Mitigation Section CLUP Amendment and that the changes being made will avoid requiring the Commission to obtain a license agreement with the International Code Council (ICC). When the changes are completed the revised section will be reviewed by the Towns.

b. NY Wildfire & Incident Management Academy Report

Summary: Mr. Bancroft was unable to attend today's meeting, therefore, the NY Wildfire and Incident Management Academy (NYWIMA) report will be provided at the April 15th Commission meeting.

c. Ray Corwin Rocky Point-to-Yaphank Trail

Summary: Mr. Pavacic reported that the severe winter weather conditions are preventing plans to be carried out for the northern portion of the Rocky-to-Yaphank Trail. When weather conditions improve, the trails will be marked out and a public trail opening will be scheduled. The Commission and the NYSDEC will work together to schedule a public trail opening event.

d. Detection of the Southern Pine Beetle on Long Island

Summary: Mr. Pavacic discussed the effects the intense cold weather has had on the Southern Pine Beetle (SPB) population and he noted that the cold temperatures inhibit SPB activity and can also cause their mortality. He stated that studies have proven that sustained temperatures of eight degrees below zero can kill off the SPB population. Additional points that Mr. Pavacic made about the SPB activity included, the intense cold has probably caused a decline in the Long Island SPB infestation, the snow causes an insulating affect on the lower portion of the tree trunks which aids in the SPB's ability to survive and that the snow has inhibited ground suppression and identification activities. Crews have been out at the Munn's Pond and Henry's Hollow areas performing suppression activities.

Mr. Collins arrived at 2:11 pm.

Other items related to the SPB suppression effort that were discussed included, 1,300 infested pitch pine trees have been felled that were on 15 acres of State, County and US Fish and Wildlife Service properties. In the warmer months, suppression activities will include the need to fell a measure of live trees equal to the height of the infested trees to prevent the infestation from spreading. An Incident Commands System (ICS) Conference call has been scheduled for March 20th with all of the stakeholders to provide an update on the next steps to take in suppression activities. The U.S. Fish and Wildlife Service is hosting a public meeting on Thursday, March 19th regarding their SPB management proposal. Progress has been made with the SPB ground-truthing activities and the data collected is then uploaded onto the NYSDEC website in Albany, which is used for mapping the SPB infestation.

3. Land Use

Planning & Land Use

a. CLUP Amendments

Summary: Mr. Pavacic discussed the previously distributed CLUP Amendments – Potential Schedule Leading to Adoption, dated March 13, 2015 (attached) and he noted that in the month of March the Commission staff will commence the 30-day SEQRA coordinated review with the Towns to establish the Commission as Lead Agency. In April, the Commission will declare itself as Lead Agency and will issue a SEQRA positive declaration. The decision was made to prepare a Draft Supplemental Generic Impact Statement (Draft SGEIS) in lieu of a long EAF and Part 3 since this would be a more comprehensive approach. The Draft SGEIS will be prepared in-house by staff who has experience in preparing such documents. He explained that between April and July the potential schedule indicates that the Commission should issue and circulate a Draft SEQRA Scoping Document with a 30-day comment period, as well as circulate the CLUP Amendments for a 30-day comment period, receive comments on these documents and prepare a Draft SGEIS. He noted that by September 2015, a Draft SGEIS should be ready to be submitted to the Commission for review and acceptance as complete and the notice of Acceptance of the Draft SGEIS and notice of public hearing would be published in the Environmental Notice Bulletin. Mr. Pavacic explained that it would not be until the middle of November that a series of three public hearings would be held. He further explained that the hearing process would include receiving public comments on the Draft SGEIS and the CLUP Amendments. If the Commission adheres to the schedule as outlined, the entire CLUP Amendment hearing and adoption process would run until April of 2016.

Project Review

Compatible Growth Area

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

Summary: Ms. Hargrave explained that the Applicant for the Rock of Salvation Church has requested an extension and a revised plan was received at the Commission's office yesterday.

The motion was made by Mr. Scully and seconded by Mr. Walter to approve The Rock of Salvation Church Applicant's request for a hearing extension. The motion was approved by a 5:0 vote.

Ms. Hargrave reported that the Applicant for the Eagan/Jolly Hardship Application has requested that the hearing be adjourned until the next Commission meeting. The decision was made that the hearing will be opened during the public hearing portion of the agenda at 3:00 pm in order to adjourn the hearing as requested by the Applicant.

- c. Other Items (not on the agenda)*

Mr. Milazzo explained that the Applicant for Enchanted Forest II LLC owns 136 parcels that comprise 44.86 acres in Yaphank. The parcels are located in the newly expanded Carmans River Watershed Core Preservation Area and the owner has applied for Letters of Interpretation (LOI) for these parcels. A preliminary estimate indicates that the parcels are entitled to 51.06 Pine Barrens Credits (PBCs). Enchanted Forest would grant a conservation easement to the Commission in exchange for its PBCs and give the underlying fee title to the Town of Brookhaven.

Mr. Milazzo stated that there are conditions that exist on six of the parcels that prevent the PBCs from being allocated. Three of the parcels do not appear in the 1995 tax map book and they do appear in the 2014 tax map book. The Comprehensive Land Use Plan (CLUP) states that a parcel is defined as a separately assessed Suffolk County Tax Parcel which existed on June 28, 1995. Mr. Milazzo explained that a proposed amendment to the CLUP related to the Carmans River Core expansion area states, "a parcel of land is defined in the expanded Core Preservation Area as a separately assessed Suffolk County Tax Parcel which existed on January 1, 2014." He further explained that in 2013, the Commission adopted a resolution establishing January 1, 2014 as the date for determining the development yield factor for allocating PBCs for parcels in the expanded Core area and the date they must have appeared on the tax map, which is consistent with the proposed Plan Amendment and the December 2013 Resolution. He noted that the Enchanted Forest Credit allocation would be the largest single PBC transaction based on the number of parcels alone.

Three other Enchanted Forest parcels that are entitled to 2.1 PBCs surround three parcels developed with two residences not owned by Enchanted Forest. Uses on the residential parcels have encroached onto Enchanted Forest's land. These areas will be removed from the three Enchanted Forest parcels and will not be included in the conservation easement. In order to resolve the problems associated with issuing the PBCs to Enchanted Forest II LLC, Mr. Milazzo suggested that the Commission approve a resolution to resolve the issues as he presented at today's meeting.

The motion was made by Mr. Scully and seconded by Ms Prusinowski to approve January 1, 2014 as the date that a parcel in the newly expanded Core Preservation Area must have appeared on the Suffolk County tax map for parcels in the newly expanded Core Preservation Area when allocating PBCs and to approve moving forward with the allocation of PBCs to the six Enchanted Forest parcels as discussed. The motion was approved by a 5:0 vote.

Public Hearing

- a. Eagan/Jolly Core Preservation Area Hardship Waiver application / Manorville/ subdivision of a 34 acre project site for 72 single-family dwellings on 24 acres and a 10 acre horse farm (SCTM#: 200-460-1-5) on another parcel.

Summary: The hearing for Eagan/Jolly Core Preservation Area Hardship was adjourned until the June Commission meeting. It was noted that as of the last Commission meeting that SEQRA lead agency coordination has commenced and that at the next Commission meeting a determination of significance under SEQRA could be made.

- f. Kent Animal Shelter Core Preservation Area Hardship Waiver / Calverton / site plan redevelopment and expansion (SCTM#: 600-138-1-6.2 and 7.1)

Summary: A separate stenographic transcript exists for this hearing. The record was left open for a period of 30 days.

The motion was made by Mr. Walter and seconded by Mr. Scully to adjourn the meeting. The motion was approved by a 5:0 vote.

The meeting ended at approximately 4:45 pm.

Attachments (in order of discussion)

1. March 18, 2015 Commission Meeting Sign in Sheet (1 page).
2. Draft Commission Meeting Summary for March 18, 2015 (5 pages)
3. CLUP Amendments – Potential Schedule Leading to Adoption, dated March 13, 2015 (2 Pages)



**Pine Barrens Commission Meeting Summary
For Wednesday, April 15, 2015 (Final Approved 6/17/15)
Brookhaven Town Hall
One Independence Hill
Farmingville, NY
2:00 pm**

Commission members present: Mr. Scully (for New York State), Mr. Romaine and Ms. Prusinowski (for Brookhaven), Mr. Walter (for Riverhead), Mr. Collins and Mr. Shea (for Southampton) and Mr. Freleng (for Suffolk County)

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

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

Peter A. Scully
Chair

Steven Bellone
Member

Edward P. Romaine
Member

Anna E. Throne-Holst
Member

Sean M. Walter
Member

1. Public Comment and Administrative

a. Public Comment

Summary: Mr. Richard Amper, Director of the LI Pine Barrens Society (LIPBS), introduced Ms. Katie Muether as the Society's new Office Manager that will be attending Commission meetings and he mentioned that Ms. Katie Rose Leonard, the former Office Manager has left for another position.

Mr. James Eagan expressed his concerns about the availability of documents related to Freedom of Information Act requests (FOIA) that he had submitted to the Commission's office. Mr. Scully noted Mr. Eagan's concerns and he stated he would look into the matter. Mr. Eagan submitted the attached FOIA request to the Commission at today's meeting.

b. Minutes for 3/18/15: review, approval

Summary: **The motion was made by Mr. Collins and seconded by Ms. Prusinowski to approve the 3/18/15 meeting summary. The motion was approved by a 4:0:1 vote with Mr. Walter abstaining.**

c. Commission Budget and Annual Report

Summary: Mr. Pavacic explained that the NY State Legislature increased the Commission's budget for the year 2015-2016 by an additional \$350,000 for a total of \$1.6 million. He noted that a list of items to be included in the new budget will be provided to the Commission over the upcoming months. Mr. Pavacic discussed the previously distributed Annual Commission Report for January 1, 2014 through December 31, 2014 (attached). It was noted that the Commission's budget was increased in part due to the challenges the Commission has faced related to wildfire response.

2. Science and Stewardship

a. Wildfire Response, Forest Management, Prescribed Fire & Response

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Summary: Mr. Pavacic distributed and discussed a memo from Ms. Jakobsen to the Commission, dated 4/14/15 regarding the status of the request for proposal (RFP) to hire a consultant to prepare a Community Wildfire Protection Plan. Mr. Pavacic explained that there were no responses to the RFP from potential bidders and that the Suffolk County Water Authority (SCWA), which provides administrative services under the Commission's contract with them, reached out to the bidders to find out what the problems were with the RFP. The results of that inquiry indicated that the budget amount for the proposed project was too low, travel requirements were excessive and the insurance requirements were too costly. Mr. Pavacic noted that he and the Northeast Compact, who allocated the CWPP funds from a US Forest Service grant, will be working with the Commission staff on resolving the problems with the RFP. He noted the CWPP grant funds have been increased by \$16,000 for a total of \$30,000. The next steps would involve looking into ways to reduce liability insurance and reissuing the RFP sometime in May.

b. NY Wildfire & Incident Management Academy Coordinator

Summary: Mr. Bill Fonda, the Academy Coordinator of the NYWIMA, reported on the 2014 Academy. Highlights from the report that Mr. Fonda discussed included, the Academy has been successful in attracting students from other regions, which includes two Canadian Provinces and 28-32 states, and that support for the Academy comes from their partnership with the Colorado Fire Academy, the Northeast Compact, Brookhaven National Laboratory (BNL), the NY State Department of Environmental Conservation (NYSDEC), Suffolk County and the Wildfire Task Force.

Mr. Fonda explained that the brush truck training course has been very successful with three trainings that were held in 2014 and he noted that fire departments including Flanders, Eastport, West Babylon and others from both Nassau and Suffolk Counties have attended the course multiple times. Mr. Fonda further explained that approximately 6,800 firefighters and emergency response personnel have received training through the NY Wildfire Academy since its inception in 1996 through 2014. He discussed the various training sessions offered in 2014 to the Brookhaven Town Safety Officers Association, the NY Fire Departments, and Suffolk County Police Department.

Other classes offered that Mr. Fonda discussed included, trainee courses for members of the ICS team including, Public Information Officer, Operations Officer and Operations Section Chief. Mr. Fonda noted that a total of 555 individuals attended the 2014 Academy and 26 courses were offered. Mr. Fonda discussed some of the fiscal issues pertaining to the Academy, including expenses for equipment and running the Academy, the amount of tuition received from the 2014 Academy, new technology that was purchased for the Academy, and courses such as the power saw course which are expensive to run.

Mr. Fonda reported on the 2015 classes that have been offered so far which included a chain saw class for the Air National Guard at Gabreski Airport in Westhampton Beach and the basic wildland firefighter field day course. He noted that plans are underway for the 2015 Academy. It was noted that the Academy's main source of income is from tuition. Mr. Walter offered the use of the property at EPCAL for the Academy training sessions related to brush truck training and chain saws.

Mr. Amper inquired about the recent media coverage concerning downed trees and firefighter safety in the Flanders area. Mr. Pavacic discussed the recent issues expressed in the media and explained that there are competing considerations related to these areas affected with downed trees that are located within areas that were set aside for preservation and the need for access into these areas by firefighters during wildfires. He explained that the oak mortality situation occurred from various stressors and is an episodic event, how the trees serve as habitat for rare species, birds, and squirrels, and once the trees fall to the ground they decompose quickly. The problem is that there have been situations where fire departments responding to wildfires in these areas have driven into the brush where their trucks have gotten snagged on tree stumps. He discussed how it would be cost prohibitive to remove all of the dead trees and how this could impact the forest and explained how some of these issues will be addressed through the work performed under the Commission's Ecological Services Contract that will include using prescribed fire and creating fire lines in the Flanders area.

Mr. Pavacic stressed the importance of addressing the competing concerns of the fire departments and the preservation of habitat, ecological management of the forest, as well as maintaining barriers to illegal ATV and vehicle use.

c. Ray Corwin Rocky Point-to-Yaphank Trail

Summary: Mr. Pavacic reported that there is a meeting scheduled for April 29th between Commission staff, staff at the NYSDEC and SC Parks to finalize the plans for the Ray Corwin Rocky Point-to-Yaphank trail.

d. Detection of the Southern Pine Beetle on Long Island

Summary: Mr. Pavacic reported that suppression activities including cutting down infested trees continue at several locations such as, Munn's Pond, Henry's Hollow, Wertheim National Wildlife Refuge and the Sunken Forest at Fire Island National Seashore. Future suppression activities may need to include felling unaffected pine trees to create a buffered area between SPB infested trees and trees that are not infested yet.

Ms. Carter reported that ground-truthing activities were performed throughout the winter months that are currently being continued. She explained that ground-truthing is being performed to verify the results of the mapping of affected areas that was completed by the NYS DEC during an aerial over-flight last fall. Ms. Carter explained that other agencies assisting in the ground-truthing effort and data collection activities included the NYS DEC Forest Health Unit in Albany and NYS DEC Region 1. She noted that Commission staff assisted with the SPB data collection activities on the east side of the Carmans River at Wertheim National Wildlife Refuge. Ms. Carter mentioned that approximately 7,000 pitch pines were found dead at the Refuge. She noted that Commission staff has provided ground-truthing training to staff at Brookhaven Town.

Mr. Amper mentioned that the LIPBS has taped a 30 minute television segment on the invasion of the SPB that will be aired on Cablevision and the website throughout the month of May. Mr. Amper expressed his concerns about financing the effort to combat the SPB infestation. Mr. Scully acknowledged that the effort would be an ongoing challenge.

e. Science and Stewardship Division

Summary: Ms. Carter discussed the previously distributed Science and Stewardship Division update from April 15, 2015 (attached) and she noted that SPB traps have been placed at various locations and that no SPBs have been found, however the Clerid beetle which is a major predator of the SPB has been found.

Additional items that Ms. Carter discussed from the report included upcoming planning meetings for the 20th Annual Research Forum which will be held on October 1st and 2nd, the Protected Lands Council (PLC) meeting on June 2nd at the Westhampton Beach Commission office and the LI Invasive Species Management Area (LIISMA) on June 11th at 10:00 am at the Wertheim National Wildlife Refuge.

f. Education and Outreach Division

Summary: Ms. Parrott discussed the previously distributed Education and Outreach division update and she noted that in the months of March and April she provided educational outreach at six schools and to 460 students. Ms. Parrott discussed additional items from the report including that plans are underway for the 7th Annual Pine Barrens Discovery Day on Saturday, September 12th from 10:00 am to 4:00 pm. She noted there is a new presentation that will include a remote rover underwater camera.

Ms. Parrott discussed the other events with planning underway such as the 2015 Summer Camp at Wertheim National Wildlife Refuge and the "A Day in the Life" program series at the Peconic Estuary, Carmans River and the Nissequogue River. Cold Spring Harbor is a new partner in the program with the Bar Code Long Island program. Ms. Parrott mentioned that data collected by the students would be uploaded at the collection sites using a mobile app that was developed by an NYU Fellowship student specifically for use for the "A Day in the Life" programs. An additional item that Ms. Parrott discussed was the successful Natural History conference that was held in March at BNL. The LIPBS filmed a segment about the "A Day in the Life" programs and Mr. Amper noted that Ms. Parrott helped co-produce the segment. Ms. Parrott mentioned that Seatuck Environmental Association contacted her and was interested in running an "A Day in the Life" program on the Carl's River.

3. Land Use

Planning & Land Use

a. CLUP Amendments

Summary: Mr. Pavacic discussed the previously distributed Draft Resolution Designation of Lead Agency, Adoption of a Positive Declaration and Conducting EIS Scoping in regard to the proposed Central Pine Barrens Comprehensive Land Use Plan Amendments (attached). Mr. Pavacic discussed the timeline leading to the adoption of the CLUP Amendments in 2016. He noted that if the Commission adopts today's draft resolution the next step would be for the Commission staff to draft an outline for the Supplemental Draft Generic Environmental Impact Statement (SDGEIS) for review and comment by the public during a public scoping period.

The motion was made by Mr. Romaine and seconded by Mr. Scully to adopt the Draft Resolution Designation of Lead Agency Adoption of a Positive Declaration and Conducting EIS Scoping in regard to the

proposed Central Pine Barrens CLUP Amendments. The motion was approved by a 5:0 vote.

b. Compliance and Enforcement Division

Summary: Mr. Hynes discussed the previously distributed Compliance and Enforcement Division update for April 15, 2015 and he noted that some of the cases he has been following have been open for more than three years. Mr. Hynes discussed the status of two of the cases in Brookhaven Town including, a clearing incident that is located in Manorville. Other items that Mr. Hynes reported on included that progress has been made on the draft rules and regulations under Article 57 for enforcement that he has been working on which will be presented in the near future. He has been working closely with Jerry Tverdyy on conservation easement monitoring and with Julie Hargrave on development projects to make sure they are in compliance with Commission permits. He has been working closely with Lieutenant Dallas Bengel, Chair of the Law Enforcement Council (LEC) on LEC activities. A vehicle airlift may be scheduled with the Air National Guard in the near future, to remove six abandoned vehicles from locations in the Pine Barrens.

c. Land Use Division Update

Summary: Ms. Hargrave discussed the previously distributed Land Use Division Bi-Monthly Update for the meeting of April 15, 2015 (attached) and mentioned that the report included all of the recent hardship applications and referrals received at the Commission office.

d. Long Island Commission on Aquifer Protection

Summary: Ms. Hargrave reported that Commission staff was invited to be on the Water Resources and Infrastructure subcommittee for the Long Island Commission on Aquifer Protection. She noted that Commission staff would be involved in the preparation of two chapters of the Ground Water Resources Management Action Plan that is being overseen by Ms. Carrie Meek-Gallagher, Chief Sustainability Officer at SCWA.

Project Review

Core Preservation Area

- e. Eagan/Jolly Core Preservation Area Hardship Waiver application / Manorville/ subdivision of a 34 acre project site for 72 single-family dwellings on 24 acres and a 10 acre horse farm (SCTM#: 200-460-1-5) on another parcel.**

Summary: Mr. Eagan, the Applicant for the Eagan/Jolly Core Preservation Area Hardship Waiver submitted a letter from Mr. Scheyer, the Applicant's Representative, requesting an extension of the decision deadline.

Ms. Hargrave discussed the Draft Resolution Designation of Lead Agency, Adoption of a Positive Declaration and Conducting EIS Scoping for the Eagan Jolly Core Preservation Area Hardship Waiver application dated April 15, 2015 (attached). She explained that the SEQRA process establishes the Commission as lead agency, it is a type one action and that adverse environmental impacts were identified that support the adoption of a positive declaration.

The motion was made by Mr. Romaine and seconded by Mr. Walter to approve the Draft Resolution Designation of Lead Agency, Adoption of a Positive Declaration and Conducting EIS Scoping for the Eagan Jolly

Core Preservation Area Hardship Waiver application dated April 15, 2015. The motion was approved by a 5:0 vote.

A discussion ensued related to the SEQRA process and the timing of the review of the project. The applicant discussed the possibility of asking for a core roadfront exception. After further discussion as to whether or not to postpone the SEQRA determination, the applicant agreed to let the current application move forward through the SEQRA process and asked for a copy of the reasons for the SEQRA determination.

- f. *Kent Animal Shelter Core Preservation Area Hardship Waiver / Calverton / site plan redevelopment and expansion (SCTM#700-138-1-7.2 and 7.1)*

Summary: Ms. Hargrave explained that Mr. Christopher Nicolia, the Applicant's Representative for the Kent Animal Shelter Core Preservation Area Hardship Waiver, submitted the attached letter dated March 30th, requesting an extension of the decision deadline until June 17th.

The motion was made by Mr. Scully that was seconded by Mr. Romaine to approve the extension of the Kent Animal Shelter Core Area Hardship Waiver Application decision deadline until the June 17th Commission meeting. The motion was approved by a 5:0 vote.

- g. *Henry Dittmer/Letter of Interpretation Credit Allocation Appeal for parcels with SCTM#s: 200-529-5-35 & 36 (both in Yaphank) and 200-326-3-3 (Ridge)*

Summary: Ms. Hargrave explained that Mr. Richard Scheyer, the applicant's representative for the Henry Dittmer LOI Credit Allocation Appeal submitted a letter dated March 10th that requested the hearing to be rescheduled to the June 17th Commission meeting.

The motion was made by Mr. Romaine that was seconded by Mr. Walter to approve scheduling the Henry Dittmer Credit Allocation Appeal hearing to June 17th. The motion was approved by a 5:0 vote.

- h. *Hampton Hills Golf and Country Club / Northampton / construction of 7,500 sq ft cart storage building (SCTM#: 900-294-1-3)*

Summary: Mr. Hynes reported that the footing for a cart storage building was found installed at the Hampton Hills Golf and Country Club in Northampton without the proper permits. Additional points that were discussed included, prior clearing violations at the site, there is a justice court hearing scheduled for April 24th related to the violation and stop work orders have been issued, but that were not abided by. Mr. Collins mentioned that two stop orders and notice of violations were issued at the site. The Commission staff is working with the Town of Southampton to resolve the issue.

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

The meeting ended at approximately 3:15 pm.

Attachments (in order of discussion)

1. April 15 Commission Meeting Sign in Sheet (1 page).
2. Draft Commission Meeting Summary for April 15, 2015 (5 pages)
3. FOIA request letter dated April 15, 2015 from Mr. Oliver provided by Mr. Eagan at the April 15, 2015 Commission meeting. (1 page)
4. Memo pertaining to the RFP to Hire a Consultant to Prepare a CWPP for Ridge-Manorville Area from Ms. Jakobsen, to the Commission Board, dated 4/14/15 (1 page)
5. Science and Stewardship Division update from April 15, 2015 (2 pages)
6. Education and Outreach Division March/April update (5 pages)
7. Commission January 1, 2014 through December 31, 2014 Report (77 pages)
8. CLUP Amendments. SEQRA Documentation including: EAF Part 1 & Part 2 Coastal Assessment form, EAF Part 3, Positive Declaration, ENB SEQRA Notice Publication Form
9. Draft Resolution Designation of Lead Agency, Adoption of a Positive Declaration and Conducting EIS Scoping in regard to the proposed Central Pine Barrens CLUP Amendments, dated April 15, 2015 (3 pages)
10. Final Resolution Designation of Lead Agency, Adoption of a Positive Declaration and Conducting EIS Scoping in regard to the proposed Central Pine Barrens CLUP Amendments, dated April 15, 2015 (3 pages)
11. Compliance and Enforcement Division update, dated 4/15/15 (5 pages)
12. Land Use Division Bi-Monthly Update for the Meeting of April 15, 2015 (1 page)
13. Eagan Jolly Core Hardship Waiver Application. SEQRA Documentation (six attachments) including: EAF Part 2, Coastal Assessment Form, EAF Part 3 with attachment, Positive Declaration, resolution to declare Lead Agency and adopt SEQRA Determination, ENB Form)
14. Kent Animal Shelter Core Area Hardship Waiver, letter dated 3/30/15 from Christopher Nicolia to Ms. Hargrave, request for extension of the decision deadline until June 17th Commission meeting (1 page)
15. Dittmer Credit Appeal Application letter dated 3/10/15 from Mr. Richard Scheyer re: Request for extension of decision deadline until May 20th Commission meeting (1 page)



Pine Barrens Commission Meeting Summary
For Wednesday, June 17, 2015 (Final Approved 8/19/15)
200 Howell Avenue
Riverhead, NY
2:00 pm

Commission members present: Mr. Romaine and Ms. Prusinowski (for Brookhaven), Mr. Walter and Mr. McCormick (for Riverhead), Ms. Throne-Holst, Mr. Collins and Mr. Shea (for Southampton) and Mr. Freleng (for Suffolk County)

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

Vacant
Member

Steven Bellone
Member

Edward P. Romaine
Member

Anna E. Throne-Holst
Member

Sean M. Walter
Member

Mr. Walter opened the meeting with a discussion with the other Commission members to have Mr. Pavacic, the Commission's Executive Director, chair the Commission meeting as a non-voting member, since the Governor's representative who served as the Commission's Chair has left his position with the State and has not been replaced.

The motion was made by Mr. Walter and seconded by Ms. Throne-Holst to authorize the Executive Director to chair the meeting as a nonvoting member, since the Governor's representative who served as chair has left his position with the State and since there is no vice chair. The motion was approved by a 4:0 vote.

Mr. Pavacic, acting in the capacity as the chair, called the meeting to order at approximately 2:05 p.m. with four members present, which constitutes a quorum.

1. Administrative and Public Comment

a. Public Comment

Summary:

Mr. Amper, Director of the Long Island Pine Barrens Society (LIPBS), discussed how Ms. Parrott, the Commission's Education and Outreach Coordinator has contributed as an Associate Producer to a LIPBS production that is airing on the Society's website on the subject of the Commission's "Day In the Life" program. Mr. Amper expressed his gratitude for Ms. Parrott's contribution and he also noted that the "Day in the Life" program that is co-sponsored by the Commission and Brookhaven National Laboratory is an excellent program with over 1,800 students that have participated and has a growing number of Long Island's water bodies included in the event.

Mr. Amper expressed his concerns related to the construction at the NYS DEC Fishing Access Site at Forge Pond in Calverton that he will discuss further when the Commission gets to this item later on in the meeting.

Mr. Pavacic announced that the Eagan / Jolly Core Area Hardship Waiver public hearing that is on today's agenda has been cancelled. He further noted that the application received a positive declaration from the Commission at a prior meeting and that the Applicant will need to submit to the Commission an Environmental Impact Statement (EIS). This morning a letter, dated 6/17/15 (attached) was received at the Commission office from

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www.pb.state.ny.us

the Applicant's representative requesting a hearing adjournment. It was mentioned that this Applicant has an application for a land division for this property before the Brookhaven Town Zoning Board of Appeals and the Board is adjoining the application indefinitely until the Commission acts. Mr. Pavacic explained that until the Applicant submits a Draft Environmental Impact Statement (DEIS) and the DEIS is accepted by the Commission that the 120-day decision deadline for the project is stayed.

c. Commission Budget for 2015-2016

Summary: Mr. Pavacic explained that over the last two weeks he has met with each of the Commission members to discuss the budget plans for the Commission's 2015-2016 fiscal year. He mentioned the Ecological Services contract work which is a line item in the budget and then he introduced Mr. Will Bowman from Land Use Ecological Associates, the main contractor on the project and Mr. James Remuzzi from Sustainable Solutions, a subcontractor who were present at today's meeting to provide a presentation on the work to be performed under the Commission's Ecological Services Contract. Mr. Bowman noted that the presentation is an update on the Ecological Services Contract and he discussed items such as, 40 sites were identified for fuel management and ecological restoration actions of which four project sites have been selected that include, the Sarnoff Preserve, Rocky Point Natural Resource Management area, Pine Meadow County Park in Eastport, and a forest health assessment for Suffolk County Park properties.

Other items in the presentation that Mr. Bowman discussed included, monitoring protocols and long term forest health assessments, timelines for fuel management implementation, SEQRQ requirements, the Commission would serve as lead agency, and that a SEQRA review is scheduled for September. Mr. Bowman explained that additional stakeholder groups will be contacted including, Flanders Fire Department, Flanders Civic Association, Suffolk County CEQ and Suffolk County Parks for their feedback on the plan which will be included in the final plan for fuel management that will be submitted to the Commission for approval at the October meeting. Mr. Bowman noted that the target date for implementing the fuel management plan is after November 1, 2015 and he discussed the major goals of the fuel management plan according to their location within the Sarnoff Preserve. The goals of the fuel management plan include improving suppression access for the fire fighters, defense of structures, managing hazardous fuels specifically in the northern areas of the Sarnoff Preserve and reducing the threat of active crown fires.

Mr. Turner inquired as to what extent is the NYSDEC Unit Management Plan being integrated into this proposed work. Mr. Casey brought up the concern of ATV use on fire access roads. Ms. Throne-Holst inquired whether the wooded areas behind the homes would look very different to the residents living there after the fuel management. It was noted that the fuel management plan will aid the SPB suppression effort. On July 13th a meeting is scheduled at the Flanders Riverside Northampton Civic Association to inform them about the fuel management plan and its safe implementation. This information will also be mailed to residents.

Mr. Pavacic discussed additional points related to the proposed fuel management and that the final fuel management plan should be ready to be submitted to the Commission sometime in September. After all the feedback is received from the community, the fire department and other

involved agencies, the required permits will be obtained from the NYSDEC and the plan will be ready for implementation. Mr. Amper requested that the Pine Barrens Society be included as a party of interest in the SEQRA process.

b. Minutes for 4/15/15: review, approval

Summary: Mr. Pavacic then returned to item 1b. on the agenda, approval of the Commission meeting minutes from 4/15/15.

The motion was made by Mr. Romaine and seconded by Mr. Walter to approve the 4/15/15 meeting summary. The motion was approved by a 4:0 vote.

c. Commission budget for 2015-16 (continued)

Summary: Mr. Pavacic then returned to the discussion on the Commission budget. He discussed the previously distributed State fiscal year 2015-2016 CPB Commission budget overview memo, dated 6/12/15 (attached) and he noted that the memo included plans for a Pine Barrens Boundary sign project. He noted that boundary identification signs are proposed to be created, purchased and installed on town, County and State roads which enter the Central Pine Barrens to increase the awareness and appreciation of the Central Pine Barrens.

Additional points discussed related to the sign project included, possible types of signs that would be appropriate, the project could be implemented over several years and how much of the 2015-2016 Commission budget would be allocated for the sign project. The decision was made that the Commission's staff would work with Brookhaven Town staff on a design concept to have ready to present at the July Commission meeting and the sign project would be discussed further at that time.

Other items Mr. Pavacic discussed related to the Commission budget included that a total of \$150,000 is allocated for wildfire prevention, response and management and the SPB infestation response. Mr. Pavacic noted that since these items are related, the allocation of \$150,000 will be divided equally between the two categories. He also discussed the Commission's 2006 Ford Escape which is used by Commission staff that has over 140,000 miles on its odometer and needs to be replaced. The budget includes a line item for a new vehicle to replace the Ford Escape.

The motion was made by Mr. Romaine and seconded by Ms. Throne-Holst to approve the Resolution to Purchase a vehicle (attached). The motion was approved by a 4:0 vote.

Mr. Pavacic discussed additional budget items included in the 2015-2016 budget which included, hiring a full time Field Ecologist and a part time Public Information Officer, maintenance of the Commission fire weather station and work related to the ecological services contract.

The motion was made by Ms. Throne-Holst and seconded by Mr. Freleng to approve the Draft Resolution Approving Attachment B-1 Budget Plan for State Fiscal year 2015-2016 Pursuant to Agreement C304989 with the NY State Department of Environmental Conservation (attached). The motion was approved by a 4:0 vote.

d. *Renewal of Commission Insurance Policies*

Summary: Mr. Pavacic explained that the Commission's insurance policies need to be renewed and he asked for the approval of the previously distributed Draft Resolution of the Commission authorizing renewal of the Commission's package of insurance policies which includes the Umbrella Policy, Directors and Officers (Errors and Omissions) Policy and Automobile Policy and Payment of any Associated Premiums (attached).

The motion was made by Ms. Throne-Holst and seconded by Mr. Walter to approve the Draft Resolution authorizing the renewal of all of the Commission's insurance policies. The motion was approved by a 4:0 vote.

2. **Science and Stewardship**

a. *Wildfire Response, Forest Management, Prescribed Fire & Response*

Summary: Ms. Jakobsen discussed the recent history related to the Commission's Request for Proposal (RFP) to hire a consultant to prepare a Community Wildfire Protection Plan for the Ridge-Manorville area. She noted that the first RFP advertised received no responses and that when SCWA made an inquiry to the potential bidders as to why they did not respond, most of them stated that there was not enough funds allocated for the project and for small companies the insurance requirements were difficult to meet. The Northeast Forest Fire Protection Compact provided an additional \$16,000 in grant funds for the project for a total project amount of \$30,000 and the RFP was revised and released. The second RFP advertised resulted in two responses, one from Risky Business Incident Management and another from SWCA Environmental Solutions. Risky Business could not meet the insurance requirements, but SWCA met and exceeded the RFP requirements. Ms. Jakobsen further noted that SWCA has 12 years experience preparing fire management plans, and has produced over 26 county, regional and community level Wildfire Protection Plans. SWCA has over 28 offices throughout the Country and it was the SWCA Pittsburgh office that responded to the Commission's RFP.

Ms. Jakobsen discussed the previously distributed Draft Resolution of the Commission to Select SWCA Environmental Consultants to Prepare a Community Wildfire Protection Plan for the Ridge-Manorville Area (attached) and she mentioned that Commission staff will oversee the project and monitoring the consultant. Ms. Jakobsen explained that she would be preparing the community background description for the Ridge-Manorville area including its fire history. It was mentioned that through the use of various fire models, SWCA will gather information to develop a wildfire risk assessment and the CWPP will include outreach to the community, in addition to serving as a template for future CWPPs for other areas within the Pine Barrens.

The motion was made by Mr. Romaine and seconded by Ms. Throne-Holst to approve the Draft Resolution to Select SWCA Environmental Consultants to prepare a CWPP for the Ridge-Manorville Area. The motion was approved by a 4:0 vote.

b. Resolution to approve the WTF nomination to fill the at-large position on the NY Wildfire and Incident Management Academy Board

Summary: Mr. Pavacic discussed that a NY Academy Board position was left vacant last year when an individual resigned. He discussed the previously distributed Draft Resolution of the Commission to Appoint a new board member to the NYWIMA Board (attached) and the previously distributed resume for Mr. James F. Hay, a retired FDNY Captain and member of the Miller Place Fire Department, nominated by the WTF to fill the vacant Academy board position.

The motion was made by Mr. Romaine and seconded by Ms. Throne-Holst to approve the Draft Resolution of the Commission to Appoint a new member to the Academy Board. The motion was approved by a 4:0 vote.

c. Detection of the Southern Pine Beetle on Long Island

Summary: Mr. Pavacic discussed and distributed copies of the PowerPoint presentation that he and Mr. John Wernet, NYSDEC Forester, provided recently at a SC Legislature's Parks Committee meeting. He noted that the Northeast Forest Fire Protection Compact sent a wildfire prevention and education outreach team to determine public outreach needs on the subject of the SPB and a team of NYS Foresters were sent to conduct a SPB risk survey in the Rocky Point preserve. There were other points related to the SPB infestation that Mr. Pavacic discussed such as, the SC Legislature approved a resolution to establish a SPB Commission which has not yet been established and that ground-truthing is ongoing with three SPB aerial reconnaissance flights scheduled to occur over the summer. Additional SPB discussion points included, Assemblyman Fred Thiele's letter asking the NYSDEC Commissioner to create a homeowner assistance cost-sharing program to defray costs of SPB suppression for private home owners. The State Legislature hopes to get funding set aside for this before the close of this session.

d. Dedicated Brush Truck Training Facility

Summary: Mr. Pavacic explained that in January the Commission adopted a resolution authorizing the Commission Chair to execute an agreement with Suffolk County to establish a permanent dedicated brush truck training facility at SC Fire Rescue and Emergency Services (SCFRES) in Yaphank. He noted that since the Commission Chair's position has been left unfilled, it is necessary to amend that resolution to enable any member of the Commission to execute the agreement with Suffolk County. Mr. Pavacic further noted the agreement has been finalized and that the County should be sending it to the Commission to sign soon. He mentioned that the SC Department of Public Works gave its permission for the team assembled to delineate the route for the brush truck training course to begin that work.

The motion was made by Mr. Romaine and seconded by Ms. Throne-Holst to adopt the amended Resolution of the Commission to Authorize an Agreement with the County of Suffolk to Establish and Operate a Dedicated Brush Truck Training Facility via the NYWIMA to allow any of the Commission members to authorize and execute the agreement with the County (attached). The motion was approved by a 4:0 vote.

3. Land Use

Planning & Land Use

a. CLUP Amendments

Summary: Mr. Pavacic noted that the Commission previously voted to require the preparation of a Supplemental Environmental Impact Statement (SEIS) as a supplement to the original Generic Environmental Impact Statement (GEIS) for the original CLUP. He further noted that Commission staff has developed a Draft Scope for the Supplemental Draft Generic Environmental Impact Statement for the Central Pine Barrens CLUP (attached) that was previously distributed for the Commission to review and consider.

The motion was made by Mr. Romaine and seconded by Ms. Throne-Holst to defer action on the CLUP Amendment Draft Scope until the July Commission meeting to provide time for the Commission members to review. The motion was approved by a 4:0 vote.

Project Review

Compatible Growth Area

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

Summary: Ms. Hargrave explained that a letter was sent from the Commission to the Rock of Salvation Church indicating that their project appeared to be in conformance with the standards and that it no longer required a hardship waiver. In response to the Commission, the Applicant sent a letter, dated June 16th (attached) that did not actually withdraw their application. A discussion ensued and it was decided that Commission staff would send a letter to the Applicant for them to send the Commission a letter that states they want to withdraw their application.

c. The Oaks at Miller Place CGA Hardship Waiver / Miller Place (SCTM#: 200-212-19, 10, 11.1, 11.2 and 12)

Summary: Ms. Hargrave explained that Mr. John Wagner, the representative for the Applicant, sent the attached letter dated June 9th requesting a 90-day extension of the decision deadline.

The motion was made by Mr. Romaine and seconded by Ms. Throne-Holst to approve a 90-day extension of the decision deadline for the Oaks at Miller Place until September 16th. The motion was approved by a 4:0 vote.

Core Preservation Area

d. Rockwell Collins Core Preservation Area Hardship Waiver / Westhampton / (SCTM#: 900-195-3-2)

Summary: Ms. Hargrave stated that the Rockwell Collins Core hardship waiver application requires a public hearing to be scheduled.

The motion was made by Mr. Walter and seconded by Mr. Freleng to schedule the Rockwell Collins Core hardship waiver hearing for July 15th at 3:00 pm. The motion was approved by a 4:0 vote.

e. Kent Animal shelter Core Preservation Area Hardship Waiver/ Calverton/
(SCTA#:600-183-1-6.2 and 7.1)

Summary: Ms. Hargrave noted that the Kent Animal Shelter Core Hardship Waiver Application requires an extension of the decision deadline. Mr. Christopher Nicolio from Certilman Balin, the Applicant's representative, stated that he was submitting a Memorandum of Law that supports the compelling public need for the project. It was noted that the Applicant plans to submit additional information in response to the request from the Commission office for additional documents. Mr. Milazzo suggested that the decision deadline be extended beyond the July 15th to enable the information to be posted on the Commission's website and to provide time for public comment. A discussion ensued concerning the status of the hearing, the submission of additional information by the Applicant and what date to extend the decision deadline to provide opportunity for public comment on the new information. It was decided to reopen the hearing at the August Commission meeting and to extend the decision deadline to the September 16th Commission meeting. New information must be submitted by July 15th. Mr. Nicolio requested an extension of the decision deadline for the Kent Animal Shelter Application until the September 16th Commission meeting.

The motion was made by Mr. Walter and seconded by Mr. Romaine to extend the Kent Animal Shelter Hardship waiver decision deadline to the September 16th Commission meeting with the public hearing to be reopened at the August meeting and for new information from the Applicant to be submitted by July 15th. The motion was approved by a 4:0 vote.

f. Hampton Hills Golf and Country Club / Northampton / construction of 7,500 sq ft cart storage building (SCTM#: 900-294-1-3)

Summary: Ms. Hargrave distributed and discussed the attached application for the Hampton Hills Golf Course Hardship Waiver Application and she noted that Ms. Barbara Rasmussen, Attorney for the Applicant submitted a copy of Southampton Town's resolution that states the Town is allowing the applicant to complete the golf cart storage facility. Ms. Rasmussen explained that the Applicant felt that the wording in the conservation easement for the site allowed for expansion of the established buildings. The Town is permitting the owner to complete the work started for safety reasons and to ensure that they are structurally sound. Mr. Milazzo noted that this project is before the Commission today to schedule a public hearing and he further noted that this site has an enforcement action against it and advised the Commission to enter into a closed session to discuss further.

Ms. Throne-Holst explained that the Town Planning Board should make a decision following its own process, while the Commission moves forward to schedule a hearing on the matters related to the hardship waiver. Mr. Amper expressed his concerns related to the status of the enforcement action at the site, the Applicant's perceived right to commence work at the site and the relationship to the Core Hardship Waiver Application.

The motion was made by Mr. Walter and seconded by Mr. Romaine to schedule a public hearing for the Hampton Hills Golf and Country Club Core Area hardship waiver for August 19th at 3:00 pm. The motion was approved by a 4:0 vote.

Pine Barrens Credit Program

- g. Resolution to authorize the Commission's Executive Director to sign documents
Summary: Mr. Pavacic discussed the previously distributed Draft Resolution Authorizing the Executive Director to Sign Pine Barrens Credit Program Documents (attached) and explained that since the Clearinghouse Chair and Vice Chair who currently sign documents are not always available that it would be helpful for the Commission's Executive Director to have the authority to sign documents to expedite Clearinghouse transactions.

The motion was made by Mr. Walter and seconded by Mr. Romaine to approve the Draft Resolution Authorizing the Executive Director to sign Pine Barrens Credit Program Documents. The motion was approved by a 4:0 vote.

- h. Henry Dittmer/Letter of Interpretation Credit Allocation appeal for parcels with (SCTM#s: 200 529-5-35 & 36 and 200-326-3-3)

Summary: **The motion was made by Ms. Throne-Holst and seconded by Mr. Walter to reschedule the Henry Dittmer/LOI Credit Allocation Credit appeal public hearing to the July 15th Commission meeting. The motion was approved by a 4:0 vote.**

- i. Eagan/Jolly Core Preservation Area Hardship Waiver application / Manorville/ subdivision of a 34 acre project site for 72 single-family dwellings on 24 acres and a 10 acre horse farm (SCTM#: 200-460-1-5) on another parcel.

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Freleng to adjourn the Eagan/ Jolly Core Area hardship public hearing until the September 16th Commission meeting. The motion was approved by a 4:0 vote.**

5. Other Business

- a. NYS DEC Fishing Access at Forge Pond/Calverton/Site upgrades (SCTM#:200-270-1-3.3)

Summary: Mr. John Turner from the Brookhaven Town Division of Land Management provided a presentation and distributed a handout pertaining to the Town's position on the NYS DEC Boat Ramp project on the Peconic River in Calverton. Mr. Turner discussed the issues of the project, including the location of the project in the Core Preservation Area and within 535 feet of a tiger salamander pond.

Other items discussed by Mr. Turner concerning the Boat Ramp Project included, a description of the prior boat ramp and parking lot and how in 2015 the NYSDEC undertook a significant expansion of the existing parking lot that resulted in the clearing of 21,522 square feet of property which impacted undisturbed oak-pitch pine forest and caused the destruction of riverbank vegetation. Mr. Turner explained the many reasons why the project constitutes development and that the project caused an increase in the intensity of use of land and other environmental impacts. Mr. Turner disagreed with NYSDEC's position that the project does not constitute development and that the project fits within the parameters of public improvements undertaken for public health, safety and welfare and expanded recreational use.

Mr. Amper expressed his concerns regarding the precedent setting nature of this project where the NYSDEC made a decision without coming to the Commission, and moved ahead with the project. He stated that the Commission should hold the NYSDEC responsible for not following the procedure for submitting a Core hardship waiver application.

The motion was made by Mr. Freleng and seconded by Mr. Romaine to adjourn the meeting and move into executive session. The motion was approved by a 4:0 vote.

The meeting ended at approximately 4:10 pm.

Attachments (in order of discussion)

1. June 17 Commission Meeting Sign in Sheet (2 page).
2. Draft Commission Meeting Summary for April 15, 2015 (8 pages)
3. State fiscal year 2015-2016 CPB Commission budget overview and highlights, memo dated 6/12/15 (3 pages)
4. Draft Resolution Approving Attachment B-1 Budget Plan for State Fiscal year 2015-2016 Pursuant to Agreement C304989 with the NY State Department of Environmental Conservation
5. Final Resolution Approving Attachment B-1 Budget Plan for State Fiscal year 2015-2016 Pursuant to Agreement C304989 with the NY State Department of Environmental Conservation
6. Draft Resolution to Purchase a Vehicle, dated 6/17/15 (1 page)
7. Final Approved Resolution to Purchase a Vehicle, dated 6/17/15 (1 page)
8. Draft Resolution Approving Attachment B-1 Budget Plan for State Fiscal Year 2015-2016 Pursuant to Agreement C304989 with the NYSDEC, dated 6/17/15 (1 Page)
8. Draft Resolution Approving Attachment B-1 Budget Plan for State Fiscal Year 2015-2016 Pursuant to Agreement C304989 with the NYSDEC, dated 6/17/15 (1 Page)
9. Draft Resolution of the Commission authorizing renewal of the Commission's package of Insurance Policies that includes the Umbrella Policy, Directors and Officers (Errors and Omissions) Policy and Automobile Policy and Payment of any Associated Premiums, dated 6/17/15 (1 page)
10. Final Approved Draft Resolution of the Commission authorizing renewal of the Commission's Package of Insurance Policies that includes the Umbrella Policy, Directors and Officers (Errors and Omissions) Policy and Automobile Policy and Payment of any Associated Premiums, dated 6/17/15 (1 page)
11. Draft Resolution of the Commission to Select SWCA Environmental Consultants to Prepare a Community Wildfire Protection Plan for the Ridge-Manorville Area, dated 6/17/15 (1 page)
12. Final Approved Resolution of the Commission to Select SWCA Environmental Consultants to Prepare a Community Wildfire Protection Plan for the Ridge-Manorville Area, dated 6/17/15 (1 page)
13. Draft Resolution of the Commission to Appoint a new board member to the NYWIMA Board, dated 6/17/15 (1 page)
14. Final Approved Resolution of the Commission to Appoint a new board member to the NYWIMA Board, dated 6/17/15 (1 page)
15. Resume and letter of Intent for Mr. James F. Hay, dated 4/15/15 (5 pages)
16. Draft Resolution of the Commission to authorize an Agreement with the County of Suffolk To Establish and Operate a Dedicated Brush Truck Training Facility via the NYWIMA, dated 1/21/15 (2 pages)
17. Draft Resolution (Amended) of the Commission to authorize an agreement with the County of Suffolk to Establish and Operate a Dedicated Brush Truck Training Facility via the NYWIMA,

- dated 6/17/15 (2 pages)
18. Final Approved Resolution (Amended) of the Commission to authorize an agreement with the County of Suffolk to Establish and Operate a Dedicated Brush Truck Training Facility via the NYWIMA, dated 6/17/15 (2 pages)
 19. Draft Scope for the Supplemental Draft Generic Environmental Impact Statement for the Central Pine Barrens CLUP
 20. Copy of email from Arthur Rast, Rock of Salvation Church Applicant, withdrawing the application, dated 6/12/15 (1 page)
 21. Letter of consent for extension of decision deadline from John Wagner, Representative for The Oaks at Miller Place applicant
 22. Hampton Hills Golf and Country Club Core Preservation Area Hardship Waiver Application /Northampton / construction of 7,500 sq ft cart storage building (SCTM#: 900-294-1-3), dated 6/12/15 (44 pages)
 23. Town of Southampton Adopted Planning Board Resolution 2015-114 related to Hampton Hills Golf & County Club, dated 5/14/15 (1 page)
 24. Draft Resolution Authorizing the Executive Director to Sign Pine Barrens Credit Program Documents, dated 6/17/15 (1 page)
 25. Final Approved Resolution Authorizing the Executive Director to Sign Pine Barrens Credit Program Documents, dated 6/17/15 (1 page)
 26. Letter from Richard Scheyer, Henry Dittmer's Representative, requesting the postponement of the public hearing for Dittmer Credit Appeal application, dated 3/10/15 (1 page)
 28. Letter from Eagan/Jolly Applicants Representative requesting the Town of Brookhaven Position on the NYSDEC Boat Ramp project on the Picnic River in Calverton in relation to ECL Article 57-01079130 (15 pages)
 29. Town of Brookhaven's Position on the New York State Department of Environmental Conservation Boat Ramp project on the Peconic River in Calverton in relation to ECL Article 57-0107(13), submitted by John Turner, Town of Brookhaven Division of Land Management on behalf of the Town of Brookhaven.



**Pine Barrens Commission Meeting Summary
For Wednesday, July 15, 2015 (Final Approved 8/19/15)
200 Howell Avenue
Riverhead, NY
2:00 pm**

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

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

Vacant
Member

Steven Bellone
Member

Edward P. Romaine
Member

Anna E. Throne-Holst
Member

Sean M. Walter
Member

Mr. Pavacic, acting in the capacity as the chair, called the meeting to order at approximately 2:05 p.m. with four members present, which constitutes a quorum.

1. Administrative and Public Comment

b. Minutes for 6/17/15: review, approval

Summary: The motion was made by Mr. Shea and seconded by Mr. Romaine to approve the 6/17/15 meeting summary. The motion did not pass. The vote was 3:0:1 with Mr. McCormick abstaining.

Mr. Pavacic noted that the approval of the June 17th Commission meeting minutes will be added to the August Commission meeting agenda.

a. Public Comment

Summary: None.

c. Commission budget for 2015-16

Summary: Mr. Pavacic explained that the Commission members had decided at the last Commission meeting in June, that they would defer until today's meeting their decision as to whether to include the signs project in the 2015-2016 Commission budget. Mr. Pavacic noted that Brookhaven Town has expressed concerns about the project and felt that the funds slated for the signs project should instead go towards the Commission's more significant issues, such as activities devoted to fighting the Southern Pine Beetle (SPB) infestation. Mr. Pavacic noted that the money budgeted for the signs project would be redirected toward the SPB suppression effort.

d. Resolution Authorizing Executive Director to endorse NYS Reimbursement Checks

Summary: Mr. Pavacic explained that the Commission's budget is paid by the State on a reimbursement basis and he stated that in the past the checks received were signed by the Commission's chair. He further explained that since the chair position is vacant, it is necessary to have someone else designated to endorse checks.

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The motion was made by Mr. Romaine and seconded by Mr. Shea to approve the Draft Resolution authorizing the Executive Director to endorse New York State Reimbursement Checks (attached). The motion was approved by 4:0 vote.

2. Science and Stewardship

a. Wildfire Response, Forest Management, Prescribed Fire & Response Action items

Suffolk County Brush Truck Training Facility

Summary: Mr. Pavacic reported that the Brush Truck Training Facility agreement was received at the Commission office and that it is ready to be signed. He explained that the amended Resolution for Designation and Management of the Brush Truck Training Facility that was approved at the June Commission meeting allows for any Commission member to sign the agreement. Mr. Romaine offered to sign the agreement.

b. New York Wildfire & Incident Management Academy Report

Summary: Mr. Pavacic reported that the Fall Academy is scheduled to begin on October 22nd and that it will run until November 1st. Mr. Pavacic distributed the NYWIMA July 2015 Report (attached) and he discussed other items related to the Fall Academy that included, several Academy planning meetings were held, the Academy bank account has a substantial balance of funds of over \$50,000, 26 courses will be conducted such as ICS and basic Wildfire fighting and Fire Behavior in addition to other courses that were requested by prior participants. This year the Brush Truck Training Courses will be held for the first time at the new County Brush Truck Training Facility. He noted that additional copies of the Academy training brochure were available at today's meeting.

c. Education and Outreach Division

Summary: Mr. Pavacic discussed the previously distributed Education and Outreach Division May/June/July 2105 Update (attached) and he highlighted several items in the report that included, the BNL Open Space Stewardship Program and the ongoing "Barrens to Bay Summer Camp" at Wertheim National Wildlife Refuge. He noted that the "Day in the Life" programs have expanded to include additional water bodies.

d. Science and Stewardship Division

Summary: Ms. Carter discussed the previously distributed Science and Stewardship Division Update dated, July 15, 2015 (attached). She highlighted actions that were being undertaken in response to the SPB infestation including, staff is working with Cornell Horticultural Research Laboratory and the NYSDEC Forest Health Unit to acquire samples of the insect using baited traps. Sample findings indicated that the traps contained higher populations of the Clerid Beetle which is a predator of the SPB and lower amounts of the SPB. Mr. Romaine suggested contacting the Entomologist on staff at the S.C. Department of Health Services for their assistance with processing the collected samples.

Additional points were discussed pertaining to the SPB infestation including that results from two recent aerial surveys conducted by the DEC Forest Health Unit indicated that the infestation appears to have not spread much farther beyond the areas that were found during an aerial survey conducted last fall. To aid the suppression effort the NYSDEC, NY State Parks and

Brookhaven Town land managers have cut down 5,500 trees. Other potential suppression methods such as the use of pheromones and insecticides that Ms. Carter discussed were found to be less useful. The use of insecticides could be problematic since they need to be applied directly to the bark of trees prior to an infestation. A decision was made that Commission staff should review additional research information related to the various suppression methods to present for further discussion at the August Commission meeting.

Ms. Carter mentioned that insect outbreaks are part of the disturbance ecology of the Pine Barrens and she noted that there are other pests that have been observed that cause oak tree defoliation. The Cherry Scallop Shell Moth was found in Rocky Point and the Middle Island-Yaphank area, and the Gypsy Moth was observed in the area of Smith Road in Manorville. Other points Ms. Carter discussed in relation to forest health included the US Forest Service recently conducted studies that found other stressors affecting forest health such as Lophodermium needle cast, turpentine beetle, pine needle scale, and that there are white pines in the region that exhibit symptoms of stress and were found dying in the area of Coram. A significant amount of Cherry Scallop Shell moth and Gypsy moths were found in various locations including Upton, Ridge, Middle Island and Manorville. Ms. Carter discussed the ongoing debate among scientists who question the use of the various suppression methods to control pests as opposed to no interventions to allow for a natural cycle of forest regeneration.

Ms. Carter discussed additional items from the report such as staff from S.C. Parks pruned a section of the Dwarf Pine Trail at the Commission office in Westhampton Beach, the 20th Annual Research Forum is scheduled for October 1st and 2nd, on June 10th Commission staff attended an advanced I-Map Invasive training and the northern portion of the Ray Corwin Rocky Point to Yaphank Trail from Route 25A down to Middle Country Road is being formalized by the land managers. On June 2nd, the Protected Lands Council (PLC) met and discussed ATV mitigation and other Pine Barrens stewardship issues.

3. Land Use

Planning & Land Use

a. CLUP Amendments

Summary: Mr. Pavacic noted that the draft SEQRA Scope for the CLUP Amendments was submitted for review by the Commission at its last Commission meeting and that there have been no comments received since that time. Mr. Collins noted that in reviewing the SEQRA handbook that it specifies that the analysis in the SGEIS should be related back to the GEIS analysis for each section. Mr. Pavacic noted that Commission staff would follow up based on Southampton's comments, and review the SEQRA handbook to update the SEQRA draft scope accordingly. The updated version of the draft scope would be available for review at the August Commission meeting.

Ms. Jakobsen reported that on June 18th, Commission staff met with the staff from the three Towns to review the revisions to the draft sections of the Draft Wildfire Hazard Mitigation (WHM) Section. She noted that the discussion at the meeting was focused on how to implement the various aspects of the WHM Section in relation to homeowner requirements,

defensible space and clearing standards and that she will be exploring how other areas of the Country have implemented their Wildland Urban Interface (WUI) codes.

b. Compliance and Enforcement Division

Summary: Mr. Hynes discussed the previously distributed July 19th Compliance and Enforcement Division report (attached) and he reported that illegal ATV use is high and the Law Enforcement Council (LEC) has been aggressively responding to the situation with 27 ATV impounds reported in the last few months. Additional points that Mr. Hynes made related to ATV mitigation included that only the owners of three of the impounded ATVs redeemed their vehicles and the remainder were being stored at Southaven County Park. The owners must pay \$500 plus an additional \$150 in administrative fees to retrieve their vehicles, as well as other costs associated with the summonses. Mr. Hynes explained that the unredeemed ATVs are stored at Southaven County Park and that the owners have up to one year to redeem their vehicles under the NY State Vehicle and Traffic Law. After a year, the unredeemed ATV vehicles are transported to a junk yard located in Westhampton. Mr. Romaine expressed his concerns related to the fate of impounded ATV vehicles and discussed the lack of medical ATVs to support the emergency services, costs associated with purchasing ATVs for use by the various emergency and law enforcement services and how the funds from summonses and redemptions could be better utilized.

Mr. Hynes reported that the next LEC meeting is scheduled for July 30th at 1:00 pm. Other items Mr. Hynes discussed from the report included, staff had a meeting with the 106th Rescue Unit at Gabreski Airport yesterday as part of the MOU between the Rescue Unit and the Commission and that staff continues to inspect conservation easements and development projects for compliance under Environmental Conservation Law (ECL) Article 57. Mr. Amper asked for a status on the violation related to Hampton Hills and Mr. Pavacic responded that the status of Hampton Hills will be discussed during an advisory session at the end of today's meeting.

c. Land Use Division

Summary: Ms. Hargrave discussed the previously distributed Land Use Division Bi-Monthly Update for the meeting of July 15, 2015 (attached) and she mentioned that the report lists four Core Preservation Area Hardship Applications and one in the Compatible Growth Area (CGA) which are Hampton Hills, Rockwell Collins, Kent Animal Shelter, Eagan/Jolly and the Oaks at Miller Place. There have been other Town referrals such as the Peconic Bay Keeper project that is located in the CGA.

Project Review

Compatible Growth Area

d. Kent Animal shelter Core Preservation Area Hardship Waiver/ Calverton/ (SCTA#:600-183-1-6.2 and 7.1)

Summary: Mr. Milazzo explained that at the last Commission meeting the Representative for the Kent Animal Shelter application stated that they were planning to submit new information on the application. Ms. Hargrave reported that the new information was received at the Commission office today which she then distributed. Mr. Pavacic explained that the information would be placed on the Commission's website and that a public hearing would be held at the August meeting.

- f. NYSDEC Rocky Point Ballfields Request for Determination of Jurisdiction / proposal to install four, 70-foot tall lights for nighttime play (SCTM#: 200-238-1-1.3)

Summary: Ms. Hargrave discussed the previously distributed Summary of the NYSDEC Rocky Point Ballfields proposed installation of four 60 to 70 foot tall light poles and 18 light fixtures on property occupied by the North Shore Little League (attached) and it was noted that the property was owned by the NYSDEC. Mr. Gary Catalanotto, Representative for the North Shore Little League provided background information including that the property was donated to the NYSDEC in 1968 by the original landowner, it was donated with the understanding that it would be used as a ballfield and North Shore Little League is the responsible party to maintain the property.

The North Shore Little League researched environmentally green lighting sources that focus light directly onto the ball field with no brightening affects beyond the area. Additional discussion points included, the Commission has not yet made a determination of jurisdiction, other light sources in the area, the property is used on a seasonal basis and other comparable projects that were determined to be non-development. It was noted that the issues associated with the project would be discussed further during an advisory session.

Public Hearing

- a. Rockwell Collins Core Hardship/Construction of two 45 Ft. tall wireless communications towers

Summary: **A separate stenographic transcript exists for this hearing. The motion was made by Mr. Romaine and seconded by Mr. Collins to close the hearing. The motion was approved by a 4:0 vote.**

- b. Henry Dittmer/Letter of Interpretation Credit Allocation appeal for parcels with (SCTM#s: 200 529-5-35 & 36 and 200-326-3-3)

Summary: Mr. Pavacic reported that a letter dated, July 7th from Mr. Richard Scheyer, Applicant's representative for the Henry Dittmer LOI Allocation Appeal was received at the Commission office requesting a hearing adjournment. Mr. Milazzo advised the Commission to accept the request for an adjournment and not to reschedule the hearing. It was noted that there were multiple hearing adjournment requests made for this application.

The motion was made by Mr. McCormick and seconded by Ms. Throne-Holst to adjourn the Henry Dittmer / Letter of Interpretation Credit Allocation appeal hearing. The motion was approved by a 4:0 vote.

- 3e. Forge Pond fishing access improvements/Calverton (SCTM#:200-270-1-3.1)

Summary: Mr. Pavacic returned to Item 3e on the agenda, the Forge Pond fishing access improvements. Mr. Craig Elgut, the Regional Counsel for NYSDEC Region 1 explained that he appreciated the opportunity to present to the Commission information on the improvements at the Forge Pond Fishing Access site in Calverton. Mr. Elgut stated that he had written a letter in response to the Brookhaven Town Council's letter to the NYSDEC about concerns with the work that was completed at the Forge Pond fishing site. Copies of Mr. Elgut's letter, (attached) were distributed and he noted that he would answer questions from the Commission in relation to the improvements at the fishing site or about the content of his letter.

Mr. Elgut explained that the improvements at the Forge Pond fishing site were necessary to serve the user groups and to meet the requirements of the Americans with Disabilities Act (ADA) to be able to accommodate people with mobility issues. He mentioned that Mr. Rob Marsh from NYSDEC Region 1, Natural Resource Director and Ajay Shah, the Acting Regional Director, were both present at today's meeting to help answer questions. Mr. Elgut discussed additional points related to the concerns expressed in the Town Attorney's letter such as that the Town lacked awareness that improvements were being made at the fishing site until they were completed, the DEC performed outreach to local civic groups and user groups informing them about the project and he noted the NYSDEC filed the necessary permits to move forward with the project. Mr. Elgut discussed letters that he received from the L.I. Pine Barrens Society related to the planned improvements at the Forge Pond fishing site and the Society's concerns related to vegetative clearing. Copies of the letters were distributed during the meeting.

Mr. Romaine discussed other points related to the fishing site improvements including, the Peconic Lake Community Civic Group was opposed to the proposed improvements and that the NYSDEC was informed that the project required Commission approval when the permit was issued at the Town. Mr. Romaine made the point that the NYSDEC had not come to the Commission for a determination of jurisdiction as to whether the project was development or non-development. He stated that regardless of what the NYSDEC believed, the Town and the Commission staff knew about the status of the project and that the NYSDEC should have presented the application to the Commission. He further stated that Commission staff does not represent the Commission's position on any project and does not speak for the Commission members.

Mr. Elgut noted that the public users of the site were positive about the improvements made at the site and Mr. Romaine made the point that the local homeowners opposed the project. Additional points related to the improvements were made that included, work completed at the site helped alleviate drainage issues in the local neighborhood, safety concerns and habitat issues were addressed and invasive species were being monitored at the site. Mr. Elgut noted that access to the site was greatly improved and lighting plans for the site would be motion activated, solar and lit for limited amounts of time. Mr. Romaine expressed his concerns that the lights should not be installed and that the local homeowners are opposed to their use.

Mr. Romaine discussed that he wrote a response to a letter he received from the President at the North Fork Environmental Council and that he expressed his concerns in the letter about the Forge Pond fishing site project. He noted that a copy of his letter was sent to the NYSDEC Regional Director. He further explained the Commission alone determines the status of a project as development or non-development and that it was the Town's Attorney and Mr. Turner, a member of Town staff, who brought this matter to his attention. Mr. Elgut stated that it was his understanding that various parties including, Commission staff and Mr. Turner reviewed the plans for the site improvements and that the application was brought to the Town's attention before its completion. Mr. Romaine noted that it was unfortunate the permit application did not come to his attention because he knew that the local Civic Association opposed the fishing site project. He stated that neither Commission staff nor the Executive Director have authority to speak for the Commission.

Mr. Amper, representing the L.I. Pine Barrens Society, expressed his concerns that the NYSDEC should have known to bring the Forge Pond fishing site application before the Commission and that regardless of any explanations provided at today's meeting that the situation needs to be resolved.

Ms. Annette Eaderesto, Brookhaven Town Attorney, stated that she agreed with Mr. Amper that it was not the Town's responsibility to inform the NYSDEC how to proceed with a project in the Pine Barrens that is not a permitted use and she noted that scouting was the only permitted use. Mr. Romaine stated that any further discussion pertaining to the Forge Pond fishing access site improvements should be discussed during executive session and he strongly advised that the NYSDEC should not move forward with installing lights at the Forge Pond fishing access site.

The motion was made by Mr. Romaine and seconded by Ms. Longo to adjourn the meeting. The motion was approved by a 4:0 vote.

The motion was made by Mr. Shea and seconded by Mr. McCormick to hold an Executive Session. The motion was approved by a 4:0 vote.

The meeting ended at approximately 4:45 pm.

Attachments (in order of discussion)

1. July 15 Commission Meeting Sign in Sheet (1 page)
2. Draft Commission Meeting Summary for June 17, 2015 (10 pages)
3. Draft Resolution authorizing the Executive Director to endorse New York State Reimbursement Checks, dated 7/15/15 (1 page)
4. Final Approved Draft Resolution authorizing the Executive Director to endorse New York State Reimbursement Checks, dated 7/15/15 (1 Page)
5. NYWIMA July 2015 Report (1 page)
6. Education and Outreach Division May/June/July 2105 Update (2 pages)
7. Science and Stewardship Division Update dated, July 15, 2015 (2 pages)
8. July 19th Compliance and Enforcement Division report (5 pages)
9. Land Use Division Bi-Monthly Update for the meeting of July 15, 2015 (1 page)
10. Summary of the NYSDEC Rocky Point Ballfields proposed installation of four 60 to 70 foot tall light poles and 18 light fixtures on property occupied by the North Shore Little League (56 pages)
11. Rockwell Collins core Preservation Area Hardship Waiver Staff Report (48 pages)
12. Mr. Elgut letter in response to Brookhaven Town Council letter
13. L.I. Pine Barrens Society related to the planned improvements at the Forge Pond fishing site



**Pine Barrens Commission Meeting Summary
For Wednesday, August 19, 2015
200 Howell Avenue (Final Approved-9/16/15)
Riverhead, NY
2:00 pm**

Commission members present: Mr. Romaine and Ms. Prusinowski (for Brookhaven), Mr. McCormick and Mr. Walter (for Riverhead), Ms. Throne-Holst, Mr. Collins and Mr. Shea (for Southampton) and Mr. Freleng (for Suffolk County)

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

Mr. Pavacic, acting in the capacity as the chair, called the meeting to order at approximately 2:05 p.m. with four members present, which constitutes a quorum.

1. Administrative and Public Comment

a. Public Comment

Summary: None.

b. Minutes for 6/17/15 and 7/15/15: review, approval

Summary: **The motion was made by Mr. Shea and seconded by Mr. Romaine to approve the 6/17/15 meeting summary. The motion was approved by a 3:0:1 vote with Mr. McCormick abstaining.**

The motion was made by Mr. Romaine and seconded by Mr. Shea to approved the 7/15/15/ meeting summary. The motion was approved by 4:0 vote.

2. Science and Stewardship

a. Wildfire Response, Forest Management, Prescribed Fire & Response Action items

CWPP for Ridge-Manorville area

Summary: Mr. Pavacic reported that a Community Wildfire Protection Plan (CWPP) meeting has been scheduled for Friday, September 18th at the Wertheim National Wildlife Refuge in Shirley. The meeting will be the first of three meetings between the CWPP team consisting of landowners and the fire departments and the contractor. He noted that that the plan will be developed over the next six months.

Mr. Pavacic discussed the upcoming 20th Year Anniversary of the 1995 Wildfires that began on August 21, 1995 in the Pine Barrens forest which then spread to Sunrise Highway affecting the area of Northampton and Westhampton on Monday August 24th. On this upcoming Monday, August 24th at 10:30 a.m, the Commission will observe the 20th Year Anniversary of the wildfires, at a media event that will be held on Stewart Avenue, west of County Road 31 in Westhampton Beach. Mr. Pavacic thanked the individuals that were present at today's meeting who are planning to participate in the event.

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- b. Draft Resolution to approve the purchase of a trailer by the Law Enforcement Council using monies from the Environmental Benefit Fund

Summary: Mr. Pavacic discussed the previously distributed Draft Resolution for the Commission to Authorize the Purchase of One Trailer by the LEC (attached) and he noted the reason for the purchase is that the LEC needs an additional trailer to assist with transporting confiscated ATVs. He further noted Commission approval is necessary when the LEC utilizes Environmental Benefit funds for its purchases.

The motion was made by Mr. Romaine and seconded by Mr. Freleng to approve the Draft Resolution for the Commission to Authorize the Purchase of One Trailer by the LEC. The motion was approved by a 4:0 vote.

- c. Draft Resolution to approve the purchase of 3 batteries and 1 battery tender by the Law Enforcement Council using monies from the Environmental Benefit Fund

Summary: Mr. Pavacic discussed the previously distributed Draft Resolution for the Commission to Authorize the Purchase of Three Batteries and One Battery Tender by the LEC (attached) and noted the purchase is to support LEC activities.

The motion was made by Mr. Romaine and seconded by Mr. Shea to approve the Draft Resolution for the Commission to Authorize the Purchase of Three Batteries and One Battery Tender by the LEC. The motion was approved by a 4:0 vote.

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

Summary: Mr. Pavacic explained that the Commission had previously approved moving forward with the first phase of the Ray Corwin Rocky Point to Yaphank trail from Route 25 A in Rocky Point to Route 25 in Ridge. He noted that both the equestrian and hiking trails have been mapped out, the NYSDEC is finalizing a project that involves developing trail heads at the south end of the Lustgarten property along with a parking area, a handicap accessible loop trail and signage. Mr. Pavacic expects completion of the work and installation of all signage sometime in the fall.

Mr. Walter arrived at the meeting at approximately 2:30 p.m.

- e. Detection of the Southern Pine Beetle (SPB) on Long Island

Summary: Mr. Pavacic explained that the NYSDEC was conducting additional aerial reconnaissance over the areas in Suffolk County where the SPB infestation has occurred and that mapping from aerial reconnaissance performed last year will be updated in a couple weeks. He mentioned that ground truthing activities will recommence in September and October to verify the findings of the aerial reconnaissance and to identify other species of beetles. In those areas where the infestation is found to be active, crews will be scheduled to conduct suppression activities in November. The NYSDEC will also be exploring possibilities to perform thinning activities in other areas affected by the SPB.

Mr. Pavacic distributed and discussed the attached information related to the use of pesticides to combat insect infestations. The information included NY State's regulations and the considerations that need to be taken into account before applying pesticides to forest trees. He mentioned that Cornell Cooperative Extension is working with private property owners and at the Bayard Cutting Arboretum where there are 100 year old trees and the use of pesticides may be

warranted. He noted that there are no current plans to use pesticides on public lands owned by NYSDEC. Additional discussion points included gypsy moth outbreaks and defoliation cycles of the white oaks, weather conditions affecting insect outbreaks and prospects for additional funding resources for SPB suppression.

Ms. Throne-Holst arrived to the meeting at approximately 2:35 pm.

3. Land Use

Planning & Land Use

a. CLUP Amendments

Summary: Mr. Pavacic noted that the at the last meeting comments were received from Southampton Town related to the Draft Scope and that the revised version should be ready to submit to the Commission at the September meeting.

Project Review

Compatible Growth Area

b. NYSDEC Rocky Point Ballfields Request for Determination of Jurisdiction / proposal to install four, 70-foot tall lights for nighttime play (SCTM#: 200-238-1-1.3)

Summary: Mr. Pavacic discussed the previously distributed Draft Resolution on the Core Preservation Area Jurisdiction Determination application of NYSDEC Rocky Point Ballfields and the North Shore Little League South side of NY State Route 25A, Rocky Point (attached).

The motion was made by Mr. Romaine and seconded by Mr. Freleng to approve the Draft Resolution declaring the NYSDEC Rocky Point Ballfields as non development. The motion was approved by a 4:0 vote.

c. McDonalds Request Determination of Jurisdiction on potential changes to the site layout/ Ridge (SCTM #: 200-351-3-1.1)

Summary: Ms. Hargrave discussed the previously distributed materials related to the McDonalds Request for a Determination of Jurisdiction that included a letter and site map dated July 17, 2015 from Mr. Thomas Cramer the Applicant's Representative. Mr. Cramer discussed background information related to the building site that included it was being utilized as a McDonald's, the site is in the Core, the permit that was issued to build a fast food restaurant was approved prior to 1993 and that the use at the site will remain the same when the McDonald's fast food restaurant relocates. He asked the Commission to deem the project site as non development on any future applications submitted by this owner.

Mr. Milazzo explained that the Commission cannot provide advice on interpretation of development in advance of a project being submitted to the Commission for review and also that the Commission cannot provide assurance that future applications for this project site would be determined as non development. It was noted that the owner will not be submitting a plan for this property to the Commission until after the current tenant relocates.

d. Rockwell Collins Core Hardship/Construction of two 45 Ft. tall wireless communications towers

Summary: Mr. Pavacic discussed the previously distributed Draft Resolution Core Preservation Area Compelling Public Need Hardship Waiver Application of Rockwell Collins Located at 1370 Quogue Riverhead Road (DR 104), Flanders and noted that this Resolution was ready for a vote.

The motion was made by Mr. Romaine and seconded by Ms. Throne-Holst to approve the attached Draft Resolution for the Rockwell Collins Core Preservation Area Hardship Waiver Application. The motion was approved by a 4:0 vote.

It was noted that there was an error on the 2nd page, 2nd paragraph of the Rockwell Collins Draft Resolution and that the word "west" would be replaced with the word "east".

Core Preservation Area, Compatible Growth Area & Critical Resource Area

- e. *The Hills at Southampton 118-lot Subdivision and Golf Course Mixed Use Planned Development District / Request for Determination of Jurisdiction/ East Quogue/ (597 acre project site over 185 parcels in SCTM#: 900- Sections 203, 219, 250, 288, 314) / determination*

Summary: Mr. Pavacic provided background information related to The Hills at Southampton Planned Development District (PDD) Application. He noted that the project involves land that is both in the Core and the CGA, the applicant submitted an application to Southampton Town and the project is located within a Critical Resource Area (CRA). Commission staff sent letters to the Applicant informing them that the Application was subject to Commission review and the Applicant requested to come before the Commission for a determination of jurisdiction.

Mr. Milazzo explained that a letter was received at the Commission office from Mr. Voorhis who along with Mr. Wayne Bruyn, Esquire represent Discovery Land Group, LLC the owner of the property. In his letter, Mr. Voorhis states that he believes the determination that the proposed project is subject to the Commission's jurisdiction is unfounded and he requested that the Commission reverse the determination or that a hearing be scheduled to formalize the review. Mr. Milazzo explained that the purpose of a hearing for this project would be to determine jurisdiction and he noted that the hearing could be scheduled in October for the matter related to jurisdiction and if the Commission's decision verifies the Commission has jurisdiction for the project another hearing would be scheduled for the matter related to a Critical Resource Area application.

Mr. Wayne Bruyn, Representative for Discovery Land Group, LLC, explained that there are many facts related to this project and he would like the opportunity to present the facts as they relate to the Applicant's request for a change of zone for the parcels related to this project. Ms. Throne-Holst stated that the Town supports the need for transparency regarding the jurisdictional issues of this project and Mr. Bruyn replied that he believes that the issue of jurisdiction is one of misinterpretation of the facts and he mentioned that one portion of the project is in a Critical Resource Area (CRA) and that the Applicant intends to transfer the development rights of the CRA onto the CGA portion of the project site.

Mr. Milazzo explained that jurisdictional issues related to this project and previous projects have always been open to discussion and that it is typical for the Commission to exert jurisdiction in development projects that are within CRAs. Mr. Milazzo advised the Commission to move forward with a formal or informal hearing process for the jurisdictional issues as they relate to The Hills project site. Mr. Amper expressed his concerns related to the Town of Southampton and the assertion that the Commission may not have jurisdiction for this project after the Commission staff has already deemed the project to be within the Commission's jurisdiction.

The motion was made by Mr. Walter and seconded by Mr. Romaine to schedule a hearing for The Hills at Southampton PDD and request for Determination of Jurisdiction for Wednesday, October 21st. The motion was approved by 4:0 vote.

Public Hearing

- a. *Kent Animal Shelter Core Preservation Area Hardship Waiver / Calverton / site plan for redevelopment and expansion (SCTM #s: 600-138-1-6.2 and 7.1)*
Summary: A separate stenographic transcript exists for this hearing. The motion was made by Mr. Walter and seconded by Mr. Freleng to close the public hearing and keep the record open to receive written comments until September 11th and to approve the applicant's request to extend the decision deadline to the October 21st Commission meeting. The motion was approved by a 4:0 vote.
- b. *Hampton Hills Golf and Country Club Core Preservation Area Hardship Waiver / Northampton / construction of 7,500 sq ft cart storage building/ (SCTM #: 900- 194-1-3)*
Summary: A separate stenographic transcript exists for this hearing. At the conclusion of the hearing, a motion was made by Mr. Shea and seconded by Mr. Walter to cancel the public hearing, authorize and commence an enforcement proceeding against Hampton Hills Associates, suspend the Commission's review of the application pursuant to Article 57 and to authorize the New York State Attorney General to represent the Commission, investigate the alleged violation and to take any appropriate enforcement action. The motion was approved by a 3:0:1 vote with Ms. Prusinowski abstaining

The meeting ended at approximately 6:05 pm.

Attachments (in order of discussion)

1. August 18th Commission Meeting Sign in Sheet (2 pages).
2. Draft Commission Meeting Summary for July 15, 2015 (7 pages)
3. Draft Resolution for the Commission to Authorize the Purchase of One Trailer by the LEC dated, 8/19/15 (1 page)
4. Final Approved Resolution for the Commission to Authorize the Purchase of One Trailer by the LEC, dated 8/19/15 (1 page)
5. Draft Resolution for the Commission to Authorize the Purchase of Three Batteries and One Battery Tender by the LEC, dated 8/19/15 (1 page)
6. Final Approved Resolution for the Commission to Authorize the Purchase of Three Batteries and One Battery Tender by the LEC dated, 8/19/15 (1 page)
7. Southern Pine Beetle Pesticide Review, dated 8/19/15 (1 page)
8. Draft Resolution on the Core Preservation Area Jurisdiction Determination application of NYSDEC Rocky Point Ballfields and the North Shore Little League south side of NY State Route 25A, Rocky Point
9. Final Approved Resolution on the Core Preservation Area Jurisdiction Determination application of NYSDEC Rocky Point Ballfields and the North Shore Little League south side of NY State Route 25A, Rocky Point, dated 8/19/15 (2 pages)
10. Letter from Thomas Cramer and site map regarding Interpretation of Definition of Development for the McDonald's site plan at Ridge, dated July 23, 2015 (5 pages)
11. Draft Resolution Core Preservation Area Compelling Public Need Hardship Waiver Application of Rockwell Collins Locate at 1370 Quogue Riverhead Road (CR 104), dated 8/19/15 (4 pages)

12. Final Approved Resolution Core Preservation Area Compelling Public Need Hardship Waiver Application of Rockwell Collins Locate at 1370 Quogue Riverhead Road (CR 104), dated 8/19/15 (4 pages)
13. The Hills at Southampton MUPDD Request for Determination of Jurisdiction and copies of four staff letters (35 pages)
14. Kent Animal Shelter summary of current information, June 17, 2015 Applicant's Memorandum (19 pages)
15. Hampton Hills Golf and Country Club staff report and Draft Resolution to Undertake Enforcement Action in Regard to Alleged Violations at the Hampton Hills Golf and Country Club Commission Meeting of August 19, 2015 (8 pages)
16. Final Adopted Resolution to Undertake Enforcement Action in Regard to Alleged Violations at the Hampton Hills Golf and Country Club, dated 9/19/15 (1 page)



Pine Barrens Commission Meeting Summary
For Wednesday, September 16, 2015 (Final Approved-10/21/15)
116 Hampton Road
Southampton, NY
2:00 pm

Commission members present: Ms. Prusinowski (for Brookhaven), Mr. McCormick and Mr. Walter (for Riverhead), Mr. Collins and Mr. Shea (for Southampton) Mr. Freleng and Ms. Lansdale (for Suffolk County)

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

Vacant
Member

Mr. Pavacic, acting in the capacity as the chair, called the meeting to order at approximately 2:05 p.m. with four members present, which constitutes a quorum.

Steven Bellone
Member

1. Administrative and Public Comment

a. Public Comment

Summary: None.

Edward P. Romaine
Member

b. Minutes for 8/19/15: review, approval

Summary: Two errors were found in the 8/19/15 Commission meeting minutes; for Item 3B concerning the NYSDEC Rocky Point Ball fields, the motion was reworded to "the Draft Resolution declaring the NYSDEC Rocky Point Ball Fields as non development" and on page 4, in the second paragraph "Esq." was added after Mr. Wayne Bruyn.

Anna E. Throne-Holst
Member

Sean M. Walter
Member

The motion was made by Mr. Walter and seconded by Ms. Prusinowski to approve the 8/19/15 meeting summary as amended. The motion was approved by a 4:0 vote.

c. Revitalization Plan for Riverside, Town of Southampton / Presentation by the Town of Southampton and Renaissance Riverside

Summary: Mr. Collins explained that over the last few years Southampton Town has been involved in exploring possible strategies for the redevelopment of the Riverside community. He mentioned studies that were performed for the area which resulted in recommendations that were never implemented. Over the last few several years, a plan that included the recommendations from previous studies was developed and the Master Developer, Renaissance Downtown was hired as the result of an RFQ process. Renaissance Downtown worked with the Community and developed a draft plan that was submitted to the Town which is currently in the SEQRA process. Mr. Sean McLean, Representative for Renaissance Downtown, started to provide a presentation on the revitalization plan for Riverside, however due to technical difficulties Mr. Pavacic skipped to Item 1d on the agenda while the equipment problem was being resolved.

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Mr. McCormick arrived at the meeting at 2:15 p.m.

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d. Commission Insurance Policy: review, selection and approval of insurance renewal package

Summary: Mr. Pavacic discussed the Commission's insurance renewal package and the related costs for coverage. He explained that AIG, the Commission's insurance carrier was quoting higher deductible rates for the Commission's insurance that were as high as \$250,000 and provided less coverage. Subsequently, SCWA's Risk Manager was able to find an insurance policy with a highly rated carrier that included a deductible of \$100,000 and the Commission could use any counsel it chooses when necessary for litigation situations. Mr. Pavacic distributed copies of the various insurance company quotes provided by SCWA and other related materials. He recommended that the ACE Insurance Company be approved by the Commission to provide the Commission's insurance policy.

The motion was made by Mr. Collins and seconded by Ms. Prusinowski to approve the ACE Insurance Company to provide the Commission's Insurance policy. The motion was approved by a 4:0 vote.

c. Revitalization Plan for Riverside - continued.

Summary: Mr. Pavacic returned to Item 1c, the presentation on the Riverside Plan provided by Mr. McLean. Mr. McLean provided some background information related to the revitalization plan for Riverside that included; the Town of Southampton sought a Master Developer to enter into a public/private partnership with local stakeholders, civic associations and other local developers to develop an action plan that takes into account environmental, social and economic concerns.

Mr. McLean highlighted additional items from the presentation such as, the plan includes over 300 acres of property in a Planned Development District (PDD) or overlay zone, the underlying zoning remains in place and the optional overlay is available to landowners to use if they choose. He noted that the Riverside plan is in the SEQRA process for approval and discussed the timeframe for the plan's approval.

Mr. McLean noted that the Riverside community is one of the most economically distressed areas on Long Island and provided additional statistical information comparing it to other distressed areas of Long Island, such as Gordon Heights and Wyandanch. He noted that the goal of the plan is to create a viable community that can compete with surrounding areas. Mr. McLean noted that there are additional goals of the plan such as, attracting investors and developers to the area, allowing homeowners access to the riverfront and the public parks and creating activity on the waterfront. Additional items he discussed included past Riverside crime statistics, economic development opportunities that will result from the plan, educating area youth about the Peconic River and that sewage treatment will be brought into the plan area. He further noted that Renaissance Downtown intends to work closely with the Commission in order to comply with the standards of ECL Article 57 of the Comprehensive Land Use Plan (CLUP). He further noted that the project is recognized as a Development of Regional Significance (DRS) and is located in the Compatible Growth Area (CGA) of the Pine Barrens.

Mr. Walter explained that Riverhead Town supports the plan for Riverside and he expressed the Town's concerns related to Peconic Avenue and traffic. He explained that the Town had hired the engineering firm Nelson, Pope and Voorhis to perform a traffic study and that the results from the study showed there were conflicts that require the traffic to be redirected up north of the traffic circle. Mr. Collins assured Mr. Walters that as Southampton Town moves forward

with the SEQRA process that it will be considering the Town's concerns with the Peconic Avenue traffic issues.

Mr. McLean discussed further how the plan for Riverside will benefit all five eastern Towns including, establishment of work force housing, increasing job opportunities and improving the quality of life for all that live in the area. Individuals attending today's meeting spoke in support of the revitalization plan for Riverside including, Mr. Richard Yastrzemski, Southampton Village Trustee; Ms. Susan Tocci, Resident of Flanders; and Mr. Ronald Fischer who is a member of the Southampton Town Housing Authority.

Mr. Collins made additional points that included, the public comments from today will be added to the draft scope for the EIS, meetings have been scheduled with both the schools and the fire district for their input, a public hearing is scheduled for September 29th in Riverside and the public comment period is a total of 30 days with the draft EIS being circulated 15 days prior to the hearing. Mr. Pavacic mentioned that there have been preliminary discussions with staff about the Riverside plan and the Commission's role in the SEQRA process.

Ms. Lansdale arrived at the meeting at 2:30 pm.

e. **Website Redesign RFP**

Summary: Ms. Jakobsen reported that the redesign of the Commission's website was included as a line item in the Commission's budget and that an RFP was released in September which received five bid responses. She noted that the total cost of the new website design would not exceed \$15,000.

2. Science and Stewardship

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

Summary: Mr. Pavacic reported that the Commission office received the fully executed copies of the agreement between the Commission and Suffolk County for the operation of a brush truck training course facility located in Yaphank. He noted that the training course will be ready for the upcoming Academy that begins on October 23rd.

Ms. Jakobsen reported that an initial conference call meeting was held in July between herself, Mr. Pavacic and Ms. Vicky Amato, who is the project manager from SWCA that is the Contractor that was hired by the Commission to prepare the Community Wildfire Protection Plan (CWPP). The first CWPP meeting between the Contractor and the CWPP team is scheduled for Friday, September 18th at 9:30 a.m. at the Wertheim National Wildlife Refuge in Shirley. The focus of this meeting will be on the CWPP process, the risk assessment methodology that will be used and the schedule for completing the project. On September 22nd, some of the members of the CWPP team which will include representatives from the Ridge Fire Department, BNL, and SCFRES, in addition to Commission staff and the consultant will meet in the field to become familiar with the study area and to examine potential areas of wildfire concern.

b. **Education and Outreach**

Summary: Ms. Parrott discussed the previously distributed Education and Outreach division update for June-September 2015 (attached) and she noted that the six week Barrens to Bay Summer Camp at Wertheim Wildlife Refuge was successful with 90% of the campers from previous years returning and with some of the prior campers now in training to become counselors. Highlights from the report that Ms. Parrott discussed included, scholarships were offered through Colonial Youth Services in Shirley to a couple of the students each week to

attend the camp at no cost, the new Monarch Butterfly rearing project at the summer camp that involved rearing 20 butterflies that were released at the Refuge, and the 8th Annual Pine Barrens Discovery Day which was held last week for the first time in the fall.

Ms. Parrott discussed highlights from the "Day in the Life" programs on the Peconic Estuary, the Carmans River, the Nissequogue River and the Connetquot River and then she thanked the LIPBS and Mr. Amper for airing the segment about the "A Day in the Life" events on the Society's television program in July and August.

c. Science and Stewardship Division

Summary: Ms. Carter distributed copies of the upcoming 20th Annual Pine Barrens Research Forum flyer and registration brochure (attached) for the Commission Members and Representatives to distribute at their respective town hall. Ms. Carter discussed the Science and Stewardship Division update for September 2015 (attached) and she noted that the Research Forum is scheduled for October 1st and 2nd. She explained that on Thursday the program will cover a wide range of topics including climate change impacts, water quality, Southern Pine Beetle (SPB) and other forest pests, invasive plants, habitat management and pollution impacts, among other topics. On Friday morning, there is a technical field session where folks will tour natural areas at BNL including the Gamma Forest.

Additional topics Ms. Carter highlighted from the report included, forest health and the SPB infestation and she noted that results from the field assessments indicated that the number of SPB infestations have significantly decreased over the last year and that there are plans for continued management which will include aerial and ground surveillance, research, trapping and suppression activities. Ms. Carter discussed other factors affecting forest health such as the black turpentine beetle. It was noted that the Commission will be receiving an additional \$50,000 from the NY State Legislature and that the NYSDEC has received an additional \$1,000,000 for the SPB infestation suppression effort.

Ms. Carter mentioned that the NYSDEC is considering forest thinning as an option in the suppression effort for the SPB that would involve a timber sale of pitch pines with some oaks trees mixed in. Thinning the pine trees would disrupt the pheromone that attracts the beetles. This option is being considered for the Rocky Point area. The NYSDEC would oversee the thinning process using outside contractors and the contractors would sell the lumber in lieu of payment for cutting down the trees. Plans for this option have not been finalized.

Other items from the report Ms. Carter discussed included the photo she took in Ridge of the gypsy moths and she explained that gypsy moth activity has increased in areas of the Pine Barrens which include Middle Island and Ridge this year due to a dry spring affecting the prevalence of the fungus that fights the moth. Ms. Carter discussed the progress that has been made with the Ray Corwin North-South trail. A meeting is scheduled for next week between the Town of Brookhaven and Suffolk County staff to coordinate the Ray Corwin trail plan with the plans for the Meadows at Yaphank project at the south end of the Longwood Greenbelt trail and the LIE right of way.

She noted that the Commission will be hosting the next Long Island Invasive Species Management Area (LIISMA) meeting at SCWA's office in Coram on December 10th and the next Protected Lands Council (PLC) meeting will be held on December 1st. She pointed out that in her the report there is a photo of the

recent brush fire that occurred in the Dwarf Pine Plains across the street from the Commission's headquarters.

4 a. *Eagan Jolly Core Hardship for 72-lot subdivision and 10-acre equestrian facility/cancel hearing*

Summary: Mr. Pavacic skipped to the hearing section of today's agenda and he announced that due to the Applicant's withdrawal of their application, the hearing scheduled for 3:00 p.m. has been cancelled. Ms. Hargrave explained that the Commission adopted a positive declaration for the Eagan Jolly Core Hardship application in April and in August the Commission received a letter from the Applicant's Attorney that they would submit a new application for this project site.

The motion was made by Mr. Walter and seconded by Mr. Collins to cancel the hearing and approve the withdrawal of the Eagan Jolly Core Area Hardship for a 72-lot subdivision and 10-acre equestrian facility. The motion was approved by a 4:0 vote.

3. Land Use

Planning & Land Use

a. CLUP Amendments

Summary: Mr. Pavacic then returned to the next item on the agenda under Planning & Land Use that was related to the CLUP amendments. He reported that the Commission had previously adopted a Positive Declaration on the CLUP Amendments and that the staff has prepared an initial Draft Scope that has been revised based on comments received at a prior Commission meeting. Mr. Pavacic distributed copies of the revised Draft Scope and he suggested that there be a 45-day public comment period, noting that the recent comments received from the Town of Brookhaven would be included.

The motion was made by Mr. Walter and seconded by Ms. Prusinowski to adopt the revised Draft Scope for the Supplemental Draft Generic Environmental Impact Statement for the Proposed amendments to Chapters 4, 5 and 6 of the CLUP (attached). The motion was approved by a 4:0 vote.

b. Compliance and Enforcement Division

Summary: Mr. Hynes discussed the previously distributed Compliance and Enforcement Division report dated September 16th (attached) and he reported that the property owner associated with the illegal ATV track in Manorville lost his agricultural tax exemption status. He noted that on recent visits to this property that no activity has been observed at the site and it will be monitored on a regular basis. Additional items that Mr. Hynes highlighted from the report included on August 13th a Law Enforcement training session was held at the SCWA headquarters in Oakdale for the S.C. Park Rangers and the Sheriff's Department and there will be additional trainings for the other law enforcement agencies. Mr. Hynes distributed two documents including, a contact list of law enforcement agency personnel and the updated Central Pine Barrens Law Enforcement Handbook that contains rules and regulations under State, County and local laws. He noted that each law enforcement agency will receive copies. The next LEC meeting is scheduled for Thursday, September 24th at Southaven County Park and he noted that on August 28th the NYS DOT, S.C. Park Rangers, Deputy Sheriff's, NYSDEC ENCON Police and NYSDEC Forest Rangers performed truck inspections on County Route 31 on Friday, August 28th. He mentioned 22 summonses were issued for various equipment and other type of violations. Mr. Pavacic noted that the S.C. Sheriff's Office has assumed the additional responsibility of patrols in the Pine Barrens and will also be taking over the

control of the 24 hour 1-877 BARRENS phone line from the S.C. Parks Department that should be used by the public to report non-emergency incidents.

c. Land Use Division

Summary: Ms. Hargrave discussed the previously distributed Land Use Division Bi-Monthly Update for the meeting September 16th (attached) and she highlighted the applications that are currently pending before the Commission which includes the Eagan Jolly Determination of Jurisdiction, the Oaks at Miller Place that has a decision deadline of 9/16/15, the Kent Animal Shelter Core Hardship Waiver that has a decision deadline of 10/21/15 and the Hills at Southampton request for a determination of jurisdiction. She explained that the Land Use Division received several referrals from the Towns that included, the Riverside Revitalization Action Plan for a portion of the hamlet in Riverside, the St. Peter and Paul Church building site modifications and Sachem East High School building site modifications. Ms. Hargrave mentioned that the Commission's Land Use Division had knowledge of the revitalization plans for Riverside prior to the Division's official notification by the Town. She further stated that if the project is determined to be a Development of Regional Significance (DRS), which is anticipated, then the project would be required to meet the standards and guidelines of the CLUP.

Project Review

Core Preservation Area

d. Kent Animal Shelter Core Preservation Area Hardship Waiver / Calverton / site plan for redevelopment and expansion (SCTM #s: 600-138-1-6.2 and 7.1)

Summary: Ms. Hargrave reported that there have been two public hearings in March and August for the Kent Animal Shelter Core Area Hardship waiver. There were a total of 61 letters that were received at the Commission office from the public in support of the project and a petition that was signed by 637 individuals asking the Commission to approve the project.

Mr. Amper expressed his concerns related to the public's support of the expansion of the Kent Animal Shelter in relation to the Commissioners being prohibited by law from granting a hardship waiver to a non-conforming project in the Core Preservation Area of the Pine Barrens.

f. Eagan/Jolly Core Preservation Area Hardship Waiver application/ Manorville / subdivision of a 34 acre project site for 35 lot subdivision (the horse farm would cease to exist)/ determination of jurisdiction

Summary: Ms. Hargrave explained that on August 31st the Applicant's Attorney, Mr. Scheyer submitted a letter requesting the withdrawal of a 72 lot project on this site and that a new project has been submitted for this 34 acre project site that involves a 35 lot subdivision. On September 9th the Applicant and his Attorney submitted a letter explaining why they believed the project should be considered non-development.

Mr. Scheyer discussed why he believed that the Commission should view the 35 lot subdivision as simply a reuse of the 34 acre property in addition to other factors. He noted that the Applicant is not applying for a Core hardship waiver. He expressed his concerns related to the Commission's Credit Clearinghouse interpretation of Brookhaven's Town Code and the A-1 horse farm zoning that pre-dates the Pine Barrens Act. He discussed the sections of Article 57 that he felt supports the reason why the project being proposed for this site should not

be considered development, including that no additional clearing is necessary for the project site. Mr. Scheyer provided examples of what he felt were similar projects in the same area that were deemed by the Commission to be non-development. Mr. Scheyer distributed copies of exhibits including maps and other materials related to similar project sites that he felt supported his assertion that the project should not be considered development by the Commission. He explained that since the Credit Clearinghouse would not issue Pine Barrens Credits for the parcels and falsely interpreted the Town Code, the Applicant has lost the right to use the property under Residential A or horse farm. The decision was made by the Commission that the Application and materials submitted today by Mr. Scheyer should be referred to Mr. Milazzo, the Commission's Counsel.

Mr. Amper expressed his concerns about the 35 lot project stating that this project should be deemed to be development and that the Commission's previous approvals of Core hardship waivers on other projects in the vicinity of this project should not set a precedent for future applications.

Compatible Growth Area

g. The Oaks At Miller Place CGA hardship Waiver Application/ 18 lot subdivision on 14.16 acres/ East side of Helme Avenue, 350 ft south of Liberty Lane, Miller Place (decision deadline 9/16/15)

Summary: The motion was made by Ms. Prusinowski and seconded by Mr. Walter to approve the Applicants request for an extension of the decision deadline. The motion was approved by a 4:0 vote.

The motion was made by Mr. McCormick and seconded by Ms. Lansdale to adjourn the meeting. The motion was approved by a 4:0 vote.

The meeting ended at approximately 4:00 pm.

Attachments (in order of discussion)

1. September 16th Commission Meeting Sign in Sheet (1 pages)
2. Draft Commission Meeting Summary for August 19, 2015 (6 pages)
3. Education and Outreach division update for June-September 2015 (3 pages)
4. 20th Annual Pine Barrens Research Forum flyer and registration brochure (3 pages)
5. Science and Stewardship Division update for September 2015 (2 pages)
6. Draft Scope for the Supplemental Draft Generic Environmental Impact Statement for the Proposed amendments to Chapters 4, 5 and 6 of the CLUP, dated 9/16/15 (15 pages)
7. Compliance and Enforcement Division report, dated 9/16/15 (5 pages)
8. Land Use Division Bi-Monthly Update for the meeting 9/16/15 (1 page)
9. Letter from Richard Scheyer Applicants Attorney, related to Jolly Eagan 34 lot subdivision and other exhibits dated, 7/30/15 (22 pages)
10. Letter from John Wagner Landmark Properties Applicants Representative, requesting extension of decision deadline, dated 9/10/15 (2 pages)



Pine Barrens Commission Meeting Summary
For Wednesday, October 21, 2015 (Final Approved – 12/16/15)
Town of Brookhaven
One Independence Hill
Farmingville, NY
2:00 pm

Commission members present: Mr. Romaine and Ms. Prusinowski (for Brookhaven), Mr. McCormick and Mr. Walter (for Riverhead), Ms. Throne-Holst, Mr. Collins and Mr. Shea (for Southampton) Mr. Freleng (for Suffolk County)

Vacant
Member

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

Steven Bellone
Member

Mr. Pavacic, as acting chair, called the meeting to order at approximately 2:05 p.m. with four members present, which constitutes a quorum.

Edward P. Romaine
Member

1. Administrative and Public Comment

Anna E. Throne-Holst
Member

a. Public Comment

Summary: Mr. Pavacic explained that after public comments are received the meeting will continue with item 2b, the Ecological Services presentation and he noted further that no action is planned to be taken on the ecological services project at today's meeting. After the presentation, the meeting will continue with item 3b of the agenda's Land Use section and he stated that there will also be an advisory session after the Ecological Services presentation is provided by Mr. Will Bowman, the Commission's Ecological Services Contractor.

Sean M. Walter
Member

Mr. Amper expressed his concerns related to the Kent Animal Shelter Core Area Hardship Waiver and locating a suitable location for the Animal Shelter's proposed building extension. He further expressed his concerns pertaining to the Commission's decision to hold a public hearing on whether or not the Commission has the authority to exert its jurisdiction over The Hills at Southampton Development project. He stated that holding a public hearing to determine the Commission's jurisdiction undermines the provisions of the CLUP and ECL, Article 57 and that to do so would create a future precedent. Ms. Carolyn Zenk, Esq. expressed her concerns about the Commission's decision to hold a public hearing on whether the Commission has the authority to assert jurisdiction over The Hills at Southampton Development of Regional Significance (DRS) in a Critical Resource Area (CRA). Mr. Amper submitted a letter to the Commission and Ms. Zenk submitted materials to the Commission expressing their concerns about The Hills at Southampton project and the Commission's reasons for a public hearing on a jurisdictional matter.

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Ms. Throne-Holst discussed several factors that led Southampton Town to the decision to request a public hearing on whether or not the Commission should assert its jurisdiction over The Hills at Southampton. The factors she discussed included that the CLUP does not clearly establish the Commission's right to assert jurisdiction in situations where Town development

rights would be transferred from a CRA to the CGA. However Ms. Throne-Holst explained that as the Town has progressed through the SEQRA process, it was determined the project has the potential to pose significant impact to area natural resources, and as such appropriate for the Commission to assert jurisdiction, a motion she intended to make.

Since the Town of Southampton agrees that the Commission has jurisdiction over the project, Mr. Amper asked the Commission to assert jurisdiction over The Hills at Southampton. As the acting Chair, Mr. Pavacic made the decision to continue with the rest of the meeting agenda and mentioned that there would be another opportunity, later in the meeting, for the Commission to discuss the jurisdictional matters related to The Hills at Southampton project.

Mr. Peter Maniscalco, a local resident and energy activist, spoke about the proposed Caithness II power plant project and the ELI gas pipeline proposed to provide fuel to the plant. Mr. Maniscalco, who noted his work from the late 1970s to the early 1990s helping to lead opposition to the Shoreham nuclear power plant and the Broadwater energy facility in Long Island Sound, expressed his opposition to the Caithness II project, especially its associated natural gas fuel pipeline, which he stated was to extend from Shoreham through the headwaters of the Carmans River to the power plant's site in Yaphank. Mr. Maniscalco asked the Commission to investigate, review and act on this matter. Mr. Romaine noted that when the matter came to the Brookhaven Town Board, his was one of two votes in opposition to the proposal.

2d. Ecological Services Project Presentation

Summary: Mr. Pavacic continued the meeting by skipping to the Science and Stewardship section 2d of the agenda, the presentation by Mr. Will Bowman, Representative of Land Use Ecological Services on the status of the Ecological Services Contract.

Mr. Bowman explained that last June a conceptual plan for the Ecological Services Project in the area of Sarnoff Preserve and Pleasure Drive was submitted to the Commission and he noted that meetings have been held with Flanders Civic Association, Flanders Fire Department, Flanders Riverside Northampton Civic Association and the N.Y. State Department of Environmental Conservation (NYSDEC) and since the meetings the plans have been refined. Mr. Bowman discussed the goals of the project including the reintroduction of fire to the Pine Barrens fire dependent habitat at Sarnoff Preserve and the Pleasure Drive area, to improve oak germination and diversity in the understory, reduce susceptibility of pitch pine stands to the Southern Pine Beetle and to reduce other impacts from destructive wildfire. Mr. Bowman discussed public safety benefits of the project including the creation of safety zones for fire fighters and the removal of hazardous fuel conditions from within 400-500 feet of residential areas to reduce the possibility of wildfire and crown fires in a mature forest.

Mr. Bowman discussed specific refinements that were made to the plan for Sarnoff and Pleasure Drive including, the fire suppression line was adjusted to a 12 foot wide path, areas of debris were identified for removal behind residential properties and areas were identified to install gates to reduce illegal vehicle uses and dumping activities in the area. Mr. Bowman explained that discussions with N.Y. State and Suffolk County led to environmental protection measures being

included in the plan such as Tiger Salamander ponds would be left undisturbed and plan activities would not be allowed within 535 feet of their habitat.

Mr. Bowman discussed additional environmental protection measures such as the survey of populations of Box Turtles and other animal species prior to implementing the activities associated with the plan. He discussed other plan revisions related to the thinning of the pitch pines and the request from Flanders Fire Department for improved access to properties for firefighters and areas where mechanical thinning would replace prescribed fire. He stated that some revisions to the plan were generated by New York State, Suffolk County and community feedback.

Mr. Pavacic mentioned that Chief Joe Pettit had attended the community forum meeting for the ecological services plan for Sarnoff and Pleasure Drive that was held in August. Mr. Romaine asked if meetings were held with the local fire departments, Fire Chiefs and Board of Commissioners and Mr. Pavacic mentioned that he had met personally with the Flanders Fire Chief and the Flanders Fire Chief had attended and participated in both the FRNCA civic association meeting and the community forum conducted by staff. He also noted that the Flanders Fire District is the only district that covers the area in the plan. Both Mr. Shea and Mr. Romaine indicated they would like additional time to review the materials and Mr. Romaine reiterated his suggestion that the consultant and staff meet with the Flanders Board of Fire Commissioners and the Fire Chief. Mr. Pavacic and Mr. Bowman indicated that they would do so and were also planning on meeting with Southampton Town personnel. The decision was made to move into executive session.

Executive Session

The motion was made by Mr. Romaine and seconded by Mr. Walter to move into executive session. The motion was approved by a 4:0 vote.

The motion was made by Mr. Romaine and seconded by Mr. Freleng to end the executive session and return to the regular meeting agenda. The motion was approved by a 4:0 vote.

The motion was made by Ms. Throne-Holst and seconded by Mr. Freleng to cancel the scheduled public hearing for The Hills at Southampton determination of jurisdiction.

Prior to approving the resolution to cancel the public hearing for the Commission to determine jurisdiction over The Hills at Southampton, Mr. Milazzo noted that the motion to cancel the hearing was made due to the potential significant adverse impacts on the CLUP specifically on natural resources in the Pine Barrens. He further explained that with the passing of the resolution to assert jurisdiction the Applicant for The Hills at Southampton is required to submit a complete application to the Commission. Once submitted, the Commission has 120 days to reach its decision. However, the 120-day period does not start until the Town of Southampton's SEQRA review is complete. The application could be submitted at any time and the Commission's decision would be subject to the completion of the Town's SEQRA review. Mr. Walter suggested that the Applicant should submit the

application as soon as possible for the Commission to move forward with its review process.

After Mr. Milazzo's statement and prior to approving the resolution to cancel the public hearing for The Hills at Southampton Ms. Throne-Holst reiterated Southampton Town's rationale for asking for a public hearing on the matter of the Commission asserting jurisdiction over The Hills at Southampton and she stated that she fully supports the decision to cancel today's hearing. She stated further that it would be more appropriate for the Commission to clarify jurisdictional matters in the CLUP Amendments, separate from a specific application.

The motion was approved by a 4:0 vote.

The motion was made by Ms. Throne-Holst and seconded by Mr. Freleng for the Commission to assert jurisdiction over The Hills at Southampton. The motion was approved by a 4:0 vote.

Mr. Pavacic noted that at this point in the meeting he will be continuing to the Land Use portion of the agenda starting with item 3b.

3. Land Use Planning & Land Use

Project Review

Core Preservation Area

b. Kent Animal Shelter Core Preservation Area Hardship Waiver / Calverton / site plan for redevelopment and expansion (SCTM #s: 600-138-1-6.2 and 7.1)

Summary: Ms. Hargrave reported that the Applicant for the Kent Animal Shelter expansion has asked for an extension of the decision deadline until the November 18th Commission meeting. Mr. Walter and Mr. Romaine discussed possible locations in Brookhaven Town that are available for the Kent Animal Shelter to relocate, including in Moriches by the ball park and another potential location where a property owner is donating their property to the Town.

Mr. Walter made the motion that was seconded by Ms. Throne-Holst to approve extending the decision deadline for Kent Animal Shelter Core hardship waiver application until the November 18th Commission meeting. The motion was approved by a 4:0 vote.

c. Eagan Jolly Core Hardship subdivision determination of Jurisdiction/ subdivision of a 34 acre project site for a 35 lot subdivision Manorville (SCTM#200-460-1-5)

Summary: Ms. Hargrave explained that the Applicant for the Eagan Jolly Core Hardship subdivision has requested a determination of jurisdiction to develop a 34-acre project site for a 35-lot subdivision in Manorville. Ms. Hargrave discussed the draft summary of materials submitted by Mr. Scheyer at the Commission meeting of September 16, 2015 (attached).

Mr. Scheyer reviewed points that he had made at the September Commission meeting including that the owner has no beneficial use of the property and the

property did not receive Pine Barrens Credits. Mr. Scheyer explained that since the property did not receive Credits the Applicant should be allowed to develop the property.

Mr. Milazzo explained that a review of the project by Commission staff determined that this application is development and the Applicant was told they would have to submit a Core Hardship Waiver application. However, the Applicant disputes that the project is development and believes the application should be exempt from a Commission review. Mr. Romaine expressed his concerns that the Applicant needs to submit a Core Preservation Area Hardship Waiver application since the Commission has deemed the 34-lot subdivision development.

Mr. Scheyer restated his opinion that the project falls within A-Residential Horse Farm zoning and that since the parcels were not eligible to receive Pine Barrens Credits the application should not be deemed development by the Commission. Mr. Milazzo explained the definition of nondevelopment from the Act including, public improvements, work related to a utility, work related to existing structures and others that were not associated with 34-lot subdivision application.

The motion was made Mr. Romaine and seconded by Mr. Walter to adopt the Resolution declaring the Eagan/Jolly 34-lot subdivision in the Core Preservation Area as development and to require the submission of a Core Area Hardship Waiver application. The motion was approved by a 4:0 vote.

- d. Saints Peter and Paul Church / amend 1994 Core Hardship for site plan modifications/ Manorville (SCTM#200-461-1-32)

Summary: Ms. Hargrave discussed the previously distributed Draft Resolution to Amend the Core Preservation Area Hardship Waiver Saints Peter and Paul Parish Center 781 Wading River Road, Manorville, Town of Brookhaven Core Preservation Area (attached) and she noted that after the 1994 hardship waiver was approved the project was not developed to the maximum permitted limits of the waiver. Ms. Hargrave reported that the current application from this Applicant requests a modification to the original 1994 plan but remains within the area previously approved for development in the 1994 hardship waiver and would remain within the permitted flow of 1,800 gallons per day.

The motion was made by Mr. Romaine and seconded by Mr. Walter to adopt the Resolution to amend the Saints Peter and Paul Parish Center Core Preservation Area waiver application. The motion was approved by a 4:0 vote.

- e. Eagan Environmental Solutions LLC / Request for Determination of Jurisdiction / Two-lot Subdivision / Manorville (SCTM# 200-460-1-10 and 11.1)

Summary: Ms Hargrave explained that the Eagan Environmental Solutions application is a request for determination of jurisdiction for a two-lot subdivision in Manorville. She noted that there were four previous applications for the same lots including a three-lot subdivision.

Mr. Scheyer explained the project consists of two single and separate parcels with road frontage and the two lots need to be merged to conform with town code. Mr. Romaine explained that the Commission is only concerned with the disposition of whether the project is development or nondevelopment. Mr. Milazzo noted that

past applications that were similar to this one were deemed by the Commission as development.

The motion was made by Mr. Romaine and seconded by Mr. Walter to adopt a Resolution declaring the Eagan Environmental Solutions Two-lot Subdivision as development. The motion was approved by a 4:0 vote.

- f. Henry Dittmer – Three Core Area Hardship Waivers / Develop each parcel with a single family residence (SCTM#: 200-529-5-35 & 36, both in Yaphank and 200-326-3-3 in Ridge)

Summary: Ms. Hargrave reported that a Core Area Hardship application to build family residences on the three parcels was submitted to the Commission by Mr. Eagan on behalf of Mr. Henry Dittmer.

The motion was made by Mr. Freleng and seconded by Mr. Romaine to schedule a public hearing for the Henry Dittmer Core Area Hardship application for November 18th at 3:00 p. m. The motion was passed by a 4:0 vote

Prior to approving the motion to schedule a public hearing, Mr. Romaine stated that the survey related to the project and dated 10/16/15 (attached) indicates that the project requires access to William Floyd Parkway, which is a limited access highway. Mr. Milazzo noted that at the public hearing the Applicant would need to address the limited access issue and the location of a proposed access road that is located on a parcel with a conservation easement.

- g. Rockwell Collins / amend 2015 Core Hardship to reflect cable installation 1370 Quogue- Riverhead Road (County Route 104) Flanders (SCTM# 900-195-3-2)

Summary: Ms. Hargrave discussed the previously distributed Draft Resolution to amend the Core Preservation Area Compelling Public Need Hardship Waiver Application of Rockwell Collins (attached) and she noted that there was an amendment to the site plan to install a cable from the two tower masts to the equipment area. Mr. Greg Alvarez from the Amato Law Group, the Applicant's Representative explained that a cable necessary for operational purposes was inadvertently left off of the original site plan and he asked for the Commission's approval to amend the site plan to include the cable.

The motion was made by Ms. Throne-Holst and seconded by Mr. Romaine to approve the Draft Resolution to amend the Rockwell Collins site plan. The motion was approved by a 4:0 vote.

Compatible Growth Area

- h. Sachem East High School Request for Determination of Jurisdiction/ miscellaneous projects related to athletic fields and interior building improvements Farmingville (SCTM#200-604-3-11.1)

Summary: Ms. Hargrave explained that in February 2000 the Sachem East High School received a determination of non-jurisdiction from the Commission to develop the Sachem East High School campus. The project was determined to be non-development since it demonstrated conformance with CLUP Standards. She mentioned the current plan includes making improvements to the site such as conversion of grass surface fields to synthetic turf, repair and stabilization of

existing paved walkways, construction of a 300 square foot concession stand and several other improvements. Ms. Hargrave reported that Commission staff determined the project to be in conformance with the CLUP. Ms. Hargrave noted that the Draft Resolution Request for Determination of Jurisdiction Sachem Central School District at Sachem East High School (attached) includes both the Non-jurisdictional determination and project elements that constitute nondevelopment and those that constitute development and conform to the CLUP standards.

The motion was made by Mr. Romaine and seconded by Mr. Walter to approve the Draft Resolution Request for Determination of Jurisdiction that pertains to Sachem East High School project. The motion was approved by a 4:0 vote.

Mr. Pavacic noted that the meeting will continue by returning to item 1b, the approval of the previous month minutes and the Administrative portion of the agenda. Afterwards, the meeting will continue in numbered sequence and any items skipped on the agenda.

1. Administrative-continued

b. Minutes for 9/16/15 review, approval

Summary: The motion was made by Mr. Romaine and seconded by Mr. Walter to approve the 9/16/15 meeting summary. The motion was approved by a 4:0 vote.

c. Draft Resolution to approve the selection of a consultant to redesign the Commission's website.

Summary: The motion was made by Mr. Romaine and seconded by Ms. Throne-Holst to approve the Draft Resolution of the Commission to select Americaneagle.com as the Consultant to redesign the Commission's website.

2. Science and Stewardship-continued

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

Summary: Mr. Pavacic discussed the previously distributed memo from Ms. Jakobsen dated October 21st pertaining to the Community Wildfire Protection Plan CWPP for Ridge and Manorville and he noted that the plan is on schedule to advance the process with a team meeting scheduled for December. Mr. Pavacic further noted that the permanent dedicated brush truck training facility is open for business and barriers were installed and he noted that the first use of the facility would be at the fall Fire Academy.

b. Ray Corwin Rocky Point to Yaphank Trail

Summary: Mr. Pavacic reported Commission staff met with Suffolk County Parks, Brookhaven Town and AVR to address long-standing issues at the south end of the proposed trail at Smith and Old Colonial Roads and progress was made. A survey of the area is going to be performed by AVR to deal with encroachment issues. The NYSDEC is completing the parking area at the Lustgarten property adjacent to Rocky Point Preserve on Route 25.

c. *Detection of Southern Pine Beetle*

Summary: Mr. Pavacic explained that the latest aerial recognizance flyover mapping activities were completed and additional ground surveying will be conducted. The proposed suppression activities will begin in December during the SPB dormant season. Mr. Pavacic discussed an article in Newsday related to the NYSDEC pitch pine thinning activities.

Planning & Land Use-continued

3a. *CLUP Amendments*

Summary: Mr. Pavacic reported that the CLUP Amendment Draft SEQRA Scope was publicly noticed and circulated and the deadline for comments is November 2nd with several comments received from Town of Brookhaven staff.

The motion was made by Mr. Romaine and seconded by Ms. Walter to adjourn the meeting. The motion was approved by a 4:0 vote.

The meeting ended at approximately 4:05 pm.

Attachments (in order of discussion)

1. September 16th Commission Meeting Sign in Sheet (1 pages).
2. Richard Amper, LIPBS letter dated 10/21/15 to the Commission regarding the right of the Commission to review The Hills at Southampton PDD. (2 pages)
3. Carolyn Zenk, Attorney at Law materials related to The Hills at Southampton submitted to the Commission, dated 7/1/15 (99 pages)
4. Draft Resolution of the Commission to Authorize and Undertake an Ecological Services Project for the NYSDEC Sarnoff Pine Barrens Preserve/Suffolk County Pleasure Drive Property Complex
5. Central Pine Barrens Joint Planning and Policy Commission State Environmental Quality Review Negative Declaration and Notice of Determination of Non-significance
6. Full Environmental Assessment Form Sarnoff Preserve and Suffolk County Pleasure Drive Property Forest Restoration and Fuels Management Project
7. Land Use Sustainable Solutions Ecological Service Contract Technical Service Report and Draft Construction Treatment Plan and Specifications, dated October 8th (37 pages)
8. The Hills at Southampton Mixed Use Planned Development District Notice of Public hearing dated (1 page). Charles Voorhis letter dated 6/22/15 responding to the Commission's decision to assert jurisdiction over The Hills at Southampton PDD (13 pages)
9. Memo from Mr. Pavacic on the subject of The Hills at Southampton, dated 10/16/15 (3 pages)
10. February 25, 2015 letter from Charles Voorhis regarding the Hills at Southampton PDD (2 pages)
11. Letter from Kyle Collins, dated 3/30/15 regarding the Hills at Southampton CRA Jurisdiction (2 pages)
12. Letter from Commission staff to Sundry Schermeyer Town Clerk, dated 3/9/15 regarding SEQRA lead Agency Coordination for The Hills at Southampton project (8 pages)
13. Letter from Commission staf to Sundry Schermeyer Town Clerk regarding referral of the Draft Scope for the DEIS for the Hills at Southampton project (10 pages)
14. Draft summary of materials submitted by Mr. Scheyer at the Commission meeting of September 16th on Eagan Jolly Request for Determination of Jurisdiction (2 pages)
15. Draft Resolution to Amend the Core Preservation Area hardship Waiver Saints Peter and Paul Parish Center 781 Wading River Road, Manorville, Town of Brookhaven Core Preservation Area, dated 10/21/15 (10 pages)

16. Final Adopted Resolution to Amend the Core Preservation Area hardship Waiver Saints Peter and Paul Parish Center 781 Wading River Road, Manorville, Town of Brookhaven Core Preservation Area, dated 10/21/15 (3 pages)
17. Letter from Richard Scheyer dated 10/7/15 regarding Eagan Environmental Solutions LLC Tow-lot Land Division (16 pages)
18. Letter from Richard Scheyer dated 8/24/15 regarding Dittmer Parcel on Chesterfield Avenue Yaphank Middle Island Road (29 pages)
19. Letter from Richard Scheyer dated 10/19/15 regarding Application of Henry Dittmer (2 Pages)
20. Letter from Gregory Alvarez regarding Core Preservation Area Compelling Public Need Hardship Waiver Approval granted to Rockwell Collins by the Commission to construct new wireless communication facility masts, dated 10/16/15
21. Draft Resolution to amend the Core Preservation Area Compelling Public Need Hardship Waiver Application of Rockwell Collins (5 pages)
22. Adopted Resolution to amend the Core Preservation Area Compelling Public Need Hardship Waiver Application of Rockwell Collins (2 pages)
23. Letters dated 8/19/15 and 9/24/15 from KGO consulting, Inc. regarding SEQRA Lead Agency Coordination for Sachem Central School district proposed building and site improvements at Sachem High School
24. Draft Resolution Request for Determination of Jurisdiction Sachem Central School District at Sachem East High School
25. Adopted Resolution Request for Determination of Jurisdiction Sachem Central School District at Sachem East High School, dated 10/21/15 (2 pages)
26. Draft Commission Meeting Summary for September 16th (7 page)
27. Draft Resolution of the Commission to select Americaneagle.com as the Consultant to redesign the Commission's website. (1 page)
28. Final Adopted Resolution of the Commission to select Americaneagle.com as the Consultant to redesign the Commission's website. (1 page)
29. Memo from Ms. Jakobsen regarding the Community Wildfire Protection Plan for Ridge, Manorville and Calverton Communities, dated 10/21/15 (2 pages)



Pine Barrens Commission Meeting Summary
For Wednesday, November 18, 2015 (Final Approved-12/16/15)
Town of Brookhaven
One Independence Hill
Farmingville, NY
2:00 pm

Commission members present: Mr. Romaine and Ms. Prusinowski (for Brookhaven), Mr. Walter and Mr. McCormick (for Riverhead), Ms. Throne-Holst, Mr. Collins and Mr. Shea (for Southampton) Mr. Freleng (for Suffolk County)

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

Vacant
Member

Steven Bellone
Member

Edward P. Romaine
Member

Anna E. Throne-Holst
Member

Sean M. Walter
Member

Mr. Pavacic, acting in the capacity as the chair, called the meeting to order at approximately 2:14 p.m. with four members present, which constitutes a quorum. Mr. Pavacic explained that the Commission agenda was updated just prior to today's meeting with the addition of item number 3h and a clarification to item number 3g to reschedule the hearing.

1. Administrative and Public Comment

a. Public Comment

Summary: There were no public comments.

b. Minutes for 10/21/15 review, approval

Summary: Mr. Pavacic reported that the meeting minutes for 10/21/15 were updated just prior to the meeting today to add Mr. Maniscalco's comments pertaining to the Caithness II power plant project. Ms. Throne-Holst stated that the meeting minutes did not adequately reflect her comments during the public comment portion of the meeting. Approval of the October meeting summary was deferred to the next meeting.

c. Draft Commission meeting schedule for 2016

Summary: **The motion was made by Mr. Freleng and seconded by Ms. Throne-Holst to approve the 2016 Draft meeting Schedule (attached). The motion was approved by a 4:0 vote.**

2. Science and Stewardship

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

Summary: Mr. Pavacic reported that the fall Wildfire Academy was successfully completed in the beginning of November. The new brush truck training facility in Yaphank was used for the first time during the fall Academy which had good participation from local volunteer firefighters and fire departments.

Ms. Jakobsen reported that the Community Wildfire Protection Plan (CWPP) for the Ridge, Manorville, and Calverton communities is moving forward. The consultant is working on the wildfire risk assessment and has reached out to local forest rangers to discuss appropriate fuel models for the area. The wildfire hazard risk assessment will identify high risk areas and strategies to reduce the risks to public lands. Ms. Jakobsen distributed a milestone chart with a timeline for the

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work associated with the CWPP and she discussed additional points including, the next CWPP team meeting is scheduled for December 11th at the Wertheim National Wildlife Refuge Visitors Center that will focus on the results of the wildfire hazard risk assessment, on December 10th at 6:30 pm the CWPP consultant and Commission staff will provide a presentation on the CWPP at the BNL Community Advisory Council and that a Facebook page has been created for the project that currently has over 100 likes. A third CWPP meeting is scheduled for January and the goal is to submit a draft plan to the Commission in February. Other points that Ms. Jakobsen discussed included that SEQRA would be incorporated into the project timeline and it's anticipated that the CWPP will be finalized in March. She mentioned that she had reached out to civic associations in Lake Panamoka and Ridge via email and Facebook with information about the CWPP.

b. Proposed Enforcement Amendments to ECL Article 57

Summary: Mr. Pavacic stated that last week he sent to the Commission a memo and a set of proposed amendments to ECL Article 57 that relate to the enforcement of illegal activities in the Pine Barrens. He noted that the Pine Barrens Act does not address issues related to illegal activities in the Pine Barrens such as all terrain vehicles, off road vehicles, four wheel drive vehicles, dumping and other illegal activities and he mentioned that the main focus of the Act has been with respect to development related illegal activities. He explained that the law enforcement amendments would support Section 57-0136 of the Act, Penalties and Enforcement.

Mr. McCormick arrived at approximately 2:40 pm.

Mr. Pavacic discussed additional items that included, a resolution passed by the Commission's LEC that indicated their support for the law enforcement amendments, and the anticipated timeline to approve the enforcement amendments to ECL Article 57 which will require approval by the State Legislature and the Governor. Commission staff has been developing a set of enforcement regulations which they anticipate will be submitted to the Commission for approval early next year. Mr. Pavacic explained that the law enforcement agencies along with Commission staff would be given authority under the law enforcement amendments to enforce the regulations. He noted that the New York State Attorney General currently represents the Commission on enforcement cases and would continue to do so for future cases that arise under the new set of law enforcement amendments but that, in addition, the new amendments would now also authorize the Suffolk County District Attorney (SCDA) to enforce ECL Article 57. It was noted that the cases would be adjudicated within the jurisdiction of the violation.

Mr. Pavacic explained that a draft agreement has been developed between the Commission and the S.C. Sheriff's Office for the Sheriff to be responsible for patrols in the Pine Barrens and to manage calls coming into the 1-877-Barrens hot line. The Sheriff's Representative who attended the last LEC meeting was in support of sponsoring the new law enforcement regulations. He noted that several Deputy Sheriff's from the S.C. Sheriff's Office participated in the Pine Barrens enforcement training program provided by Commission staff earlier this year. Mr. Pavacic mentioned that Senator LaValle, Assemblyman Thiele and Assemblyman Englebright were prepared to sponsor the law enforcement amendments and he noted that to move forward it would be helpful for the Commission to approve a sense resolution on the amendments at the December Commission meeting.

2c. Ray Corwin Rocky Point-to Yaphank Trail (included in the Science & Stewardship report)

2d. Education and Outreach

Summary: Ms. Parrott distributed and discussed the Education and Outreach Division October – November 2015 Update (attached) and she reported that the “Day in the Life” program was very successful and encompassed all four major Long Island Rivers which included, the Peconic Estuary, the Carmans River, the Nissequogue River, the Connetquot River and this year two more water bodies were added, the Carlls River and Green’s Creek. Additional points that Ms. Parrott discussed included, 38 agencies and 107 experts participated in the event and collected data related to biodiversity, salinity, phosphates and nitrates. The data was uploaded onto the Facebook website for the event and each year the event grows with new participants and has renewed interest. Ms. Parrott reported that the success of the event has been widely attributed to the partners and grant funding received that was received from the Foundation for Ecological Research in the Northeast (FERN) and the Peconic Estuary program. Ms. Parrott discussed other highlights from her report which included that she is on the steering committee for the upcoming L.I. Natural History Conference scheduled for March 18th and 19th at BNL and that 263 students have been reached through classroom programs.

2e. Science and Stewardship Division

Summary: Since Ms. Carter could not attend today’s meeting, therefore Mr. Pavacic presented highlights from the Science and Stewardship Division Update for November 18th (attached). He discussed the Southern Pine Beetle (SPB) suppression activities including, the Northeast Forest Fire Protection Compact sent crews to Long Island to fell SPB infested trees, a team of forest rangers and foresters from NYSDEC worked on suppression activities in the area of Red Creek and a meeting was held last week with S.C. Legislators to update them on the status of the SPB suppression activities. Commission staff continues ground truthing and surveying areas and looking for newly infested sites that were not visible from aerial reconnaissance. Mr. Pavacic mentioned that this year’s 20th Annual Research Forum was a success and that progress is moving forward on the Ray Corwin Rocky Point to Yaphank trailhead.

He mentioned that Newsday has printed an article related to forest thinning of SPB infested pitch pines and that the NYSDEC has proposed to perform forest thinning techniques on approximately 200 acres of pines. The cost for thinning these trees was estimated to be \$2,000 per acre and the NYSDEC is exploring the possibility of using outside logging companies from upstate to cut the pitch pine trees for free and in return to allow the logging companies to also cut some oak trees since the pitch pines have little value or use as wood products. Mr. Pavacic discussed the status of federal grants and additional funding that was approved by the N.Y. State Legislature that would be devoted to the suppression effort.

2f. Ecological Services Project

Summary: Mr. Pavacic explained that at the October Commission meeting the Commission decided that he and Mr. Bowman should meet with Southampton Town personnel, the Flanders Board of Fire Commission’s and the Flanders Fire Chief to discuss the Ecological Services Project at Sarnoff Preserve. Last week they met with the Flanders Board of Fire Commissioners and Fire Chief Joe Petit with the fire manager subcontractor present by speaker phone. Mr. Pavacic mentioned that both meetings were positive and suggestions were made about work planned for particular areas at the Sarnoff Preserve and he noted further that many questions were raised and answered. The brush truck access issues that

were concerning to the Flanders Fire Department were addressed in the plans for Sarnoff and this seemed to satisfy Chief Petit and the Fire Commissioners.

Mr. Bowman from Land Use Ecological Services provided additional information about the meeting with the Board of Fire Commissioners noting that they were interested in speaking with the prescribed fire burn boss on topics including, how the public would be notified prior to a prescribed burn and how coordination would occur with the fire department during the event. Additional points from the meetings that Mr. Bowman discussed included standard procedures and the status of emergency services during a prescribed burn, public notification procedures and due to Town and fire department recommendations, there were additions and deletions to areas that would be treated under the prescribed fire plan at the southern end of Pleasure Drive. He noted that the next time the burn boss visits the site to develop the plan further, that he will meet with the Flanders Fire Department.

Mr. Pavacic explained that the Commission conducted a coordinated SEQRA review and it has assumed lead agency status with the recommendation that the Commission adopt a SEQRA Negative Declaration. Mr. Pavacic stressed that there is time sensitive urgency to move the NYSDEC permit review process forward since further delays may affect the potential for Spring 2016 prescribed fire activities. Mr. Shea stated that finalizing the SEQRA process should not prevent Southampton Town from looking at the management options for illegal activities occurring at the eastern section of Sarnoff Preserve. It was noted that Commission staff, the Contractor and Southampton Town will meet to discuss these issues prior to the December Commission meeting.

Mr. Pavacic discussed the Draft Resolution of the Commission to authorize and Undertake an Ecological Service Project for NYSDEC Sarnoff Pine Barrens Preserve/Suffolk County Pleasure Drive Property Complex (attached) and he noted that the last resolve describes the timeline of suppression activity including mechanical treatments and prescribed fire. He noted that the resolve specifies that the suppression activities at the easterly property boundaries would be deferred to a later date after further consideration of options for suppression access road improvements.

The motion was made by Ms. Throne-Holst and seconded by Mr. Walter to adopt the Draft Resolution of the Commission to Adopt a Negative Declaration, Determination of Non-Significance Pursuant to SEQRA in Regard to an Ecological Services Project for the NYSDEC Sarnoff Pine Barrens Preserve/Suffolk County Pleasure Drive Property Complex (attached). The motion was approved by a 4:0 vote.

Discussion occurred on a number of project units that the Commission members wanted to exclude for now from the resolution until further clarification and revisions of the proposed work for these units occurs. Units 4 through 8 were excluded from the resolution.

The motion was made by Ms. Throne-Holst and seconded by Mr. Walter to adopt the Draft Resolution of the Commission to Authorize and Undertake an Ecological Services Project for the NYSDEC Sarnoff Pine Barrens Preserve/Suffolk County Pleasure Drive Property Complex as amended (attached). The motion was approved by a 4:0 vote.

Planning & Land Use

3a. CLUP Amendments

Summary: Mr. Pavacic reported that comments were received at the Commission office on the CLUP Amendments Draft Scope including comments from L.I. Business Institute (LIBI), from Brookhaven Town and the Miller Place Civic Association (attached). The next step would be to incorporate the last set of comments into the documents and if possible to complete that task to submit the final draft scope in time for the December Commission meeting.

It was noted by Mr. Pavacic that the CLUP Amendment process is a required activity that is necessary every five years. Mr. Milazzo, Commission Counsel reiterated that point and it was noted further that staff has been very diligent in the process, has many other responsibilities and that if the Commission feels that they cannot come to a consensus on this set of Amendments it might be prudent to end the process so Commission staff can focus on other important Commission work. The Commission decided that it was worth moving forward and finalizing the CLUP Amendment process.

3b. Compliance and Enforcement Division

Summary: Mr. Hynes discussed the previously distributed Compliance and Enforcement Division report dated November 18th (attached) and he reported two cases in Manorville were closed since the owners complied with the Town and the Commission on a revegetation plan. He continues to coordinate with the other agencies on violations and incidents. Mr. Hynes reported that the LEC has been busy with ATV details and he noted that in the last seven years the LEC has issued over 2,600 summonses and over 1,000 ATVs and 44 4X4s were apprehended. The S.C. Sheriff's Office has taken over the control of the 24 hour 1-877 BARRENS phone line which the public was notified about in a press release. Mr. Hynes noted that the next LEC meeting is on December 3rd. Mr. Collins expressed his concerns on the status of the Hampton Hills development violation and Mr. Milazzo explained that the N.Y. State Attorney General's Office is reviewing the material for that case.

3c. Land Use Division

Summary: Ms. Hargrave discussed the previously distributed Land Use Division Bi-Monthly Update for the meeting of November 16th (attached) and she highlighted the applications that are currently pending before the Commission including, Armand Gustave, LLC Core development of a single-family dwelling and Dittmer Core hardship proposed residential development of two separate parcels. The applicant for the Kent Animal Shelter has requested an extension of the decision deadline. Mr. Hargrave noted that the pending application for The Hills at Southampton was not received yet and that the Riverside Revitalization Action Plan is on today's agenda. An application was recently received from the East End Christian Academy that is on today's Agenda.

Project Review

Core Preservation Area

- 3d. Kent Animal Shelter Core Preservation Area Hardship Waiver / Calverton/site plan for redevelopment and expansion (SCTM#s: 600-138-1-6.2 and 7.1)

Summary: The motion was made by Mr. Walter and seconded by Mr. Romaine to approve the Applicants request for an extension of the decision deadline. The motion was approved by a 4:0 vote.

- 3e. Armand Gustave LLC / Core Preservation Area Hardship Waiver / Manorville /develop 6,000 sq ft parcel with a single-family dwelling (SCTM# 200-460-1-10)

Summary: Ms. Hargrave noted that the Applicant requested that the Armand Gustave LLC Core Preservation Area Hardship Waiver public hearing be scheduled for the January 2016 Commission meeting. Mr. Romaine expressed his concerns pertaining to the motivation for this application which has come before the Commission several times for this property and he emphasized his position that this should be the last opportunity for a public hearing and a vote on this property.

The motion was made by Mr. Romaine and seconded by Mr. Freleng to schedule a public hearing for Armand Gustave LLC Core Preservation Area Hardship Waiver for January 20th with a final decision deadline shortly thereafter and no additional delays or postponements will be allowed for this project. The motion was approved by a 4:0 vote.

3f. Henry Dittmer Core Preservation Area Hardship Waiver/ Yaphank/
(SCTM# 200-529-5-35)

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Walter to reschedule the public hearing to December 16th. The motion was approved by a 4:0 vote.**

3g. Henry Dittmer Core Preservation Area Hardship Waiver/ Yaphank
(SCTM#: 200-529-5-36)

Summary: **The motion was made by Mr. Freleng and seconded by Mr. Romaine to reschedule the public hearing to February 17th. The motion was approved by a 4:0 vote .**

3h. East End Christian Academy at Manorville Community Church Core Preservation for a K-12 School on 2.68 acre project site/ Manorville (SCTM#: 200-461-3-40)

Summary: Ms Hargrave provided the description of the East End Christian Academy project in Manorville and she explained that there is an existing 102 year old church on the property and the applicant wishes to build a 15,000 square foot building for a K-12 school on the 2.68 acre project site.

The motion was made by Mr. Romaine and seconded by Mr. Walter to schedule a public hearing for December 16th. The motion was approved by a 4:0 vote.

Mr. Pavacic noted that there was a request that the public hearing for the Henry Dittmer Core hardship waiver be cancelled for today and rescheduled to a future date. He then skipped to item 4a on the agenda.

4a. Henry Dittmer Core Preservation Area Hardship single-family dwelling (SCTM#: 200-326-3-3)

Summary: **The motion was made by Mr. Romaine and seconded by Ms. Throne-Holst to cancel today's public hearing for Henry Dittmer Core hardship single family dwelling and reschedule the hearing for March 16th. The motion was approved by a 4:0 vote.**

Mr. Pavacic then returned to item 3i on the agenda

Compatible Growth Area

3i. Riverside Revitalization Action Plan (RRAP) DGEIS/Riverside Hamlet

Summary: Several Residents of Flanders expressed their concerns related to the poor economic and quality of life conditions that have existed for a long time in the Riverside Community and they expressed their support for the Riverside

Revitalization Plan. Mr. Amper expressed his concerns that the Commission needs to be careful to follow the provisions of ECL Article 57 when reviewing the revitalization plans for the Riverside Community.

Ms. Throne-Holst expressed her concerns that the Riverside Revitalization Plan should not be considered development by the Commission and she reiterated that the plan is a zoning overlay district and not an actual project site. A discussion ensued concerning the definition of development as per NYS ECL Article 57 and whether zoning overlays should be considered development. Mr. Walter inquired about the feasibility of incorporating into the zoning overlay district land to be set aside for an assisted living facility. Mr. Amper expressed his concerns about how important it is that the Town adheres to the provisions of the Act as it moves through the SEQRA process for the Revitalization plans for Riverside.

The motion was made by Mr. Walter and seconded by Mr. Romaine to enter into and Advisory Session. The motion was approved by a 4:0 vote.

The meeting ended at approximately 3:40 pm.

Attachments (in order of discussion)

1. November 18th Commission Meeting Sign in Sheet (1 pages).
2. Draft Commission meeting Summary for October, 21st (8 pages) and November 18th (7 pages)
3. Commission 2016 Draft Meeting Schedule
4. Final-Approved Commission 2016 Meeting Schedule
5. Ridge-Manorville-Calverton Community Wildfire Protection Plan Milestone Matrix, dated 10/30/15 (1page), CWPP "A Wildfire Can Happen in Your Community" flyer (2 pages)
6. Memo to the Commission from Mr. Pavacic regarding Ecological Services Sarnoff Project, dated 11/16/15 (2 pages)
7. Draft Resolution of the Commission to Adopt a Negative Declaration, Determination of Non-Significance, Pursuant to SEQRA in Regard to an Ecological Services Project for the NYSDEC Sarnoff Pine Barrens Preserve Suffolk County Pleasure Drive Property Complex, dated 11/18/15 (2 pages)
8. Draft Commission State Environmental Quality Review Negative Declaration Notice of Determination of Non-significance, date issued 10/21/15 (12 pages)
9. Full Environmental Assessment Form Sarnoff Preserve & Suffolk County Pleasure Drive Property Forest Restoration and Fuel Management Project, Part 1- Project and Setting, Part 2 - Identification of Potential Project Impacts and Part 3 - Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance (37 pages)
10. Education and Outreach Division October – November 2015 Update (22 pages)
11. Science and Stewardship Division Update for November 18th (2 pages)
12. CLUP Amendment Draft Scope comments from LIBI, Brookhaven Town and the Miller Place Civic Association (13 pages)
13. Compliance and Enforcement Division report dated November 18, 2015 (5 pages)
14. Land Use Division Bi-Monthly Update for the meeting of November 16, 2015 (1 page)
15. Richard Scheyer letter requesting the Armand Gustave Core Hardship be scheduled for a public hearing, dated 10/27/15 (1 page)
16. Richard Scheyer letters and requests for public hearings to be rescheduled for four applications related to SCTM#s 200-529-5-35, 200-460-1-10, 200-529-5-36 and 200-326-3-3, dated 11/13/15 (2 pages)
17. Letter received 11/16/15 from Catherine Meade of the East End Christian Academy and Hardship Waiver Application to build a 15,000 square foot building for a K-12 school on 2.68 acre project site. (18 pages)
18. Letter dated 11/12/15 to Mr. Collins and Ms. Schermeyer from Commission staff regarding DGEIS, Riverside revitalization Action Plan and Zoning Amendments. (11 pages)
19. Letter dated 11/13/15 to the Commission from Mr. Pavacic regarding Riverside RRAP DGEIS

Commission comments, dated (12 pages)



**Pine Barrens Commission Meeting Summary
For Wednesday, December 16, 2015 (Final Approved - 1/20/16)
Town of Brookhaven
One Independence Hill
Farmingville, NY
2:00 pm**

Commission members present: Mr. Romaine and Ms. Prusinowski (for Brookhaven), Mr. Walter and Mr. McCormick (for Riverhead), Ms. Throne-Holst, Mr. Collins and Mr. Shea (for Southampton) Mr. Freleng (for Suffolk County)

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

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

Steven Bellone
Member

Carrie Meek Gallagher
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Sean M. Walter
Member

1. Administrative and Public Comment

a. Public Comment

Summary: Mr. Richard Amper, Executive Director of the L.I. Pine Barrens Society distributed copies of a letter from the New York State Department of State's Committee on Open Government, dated December 8th, and he discussed the appropriateness of the Commission using Advisory sessions to discuss certain matters that should be, according to the Open Meetings Law, discussed in public session. His concern related to what may have occurred during the advisory session at the last Commission meeting where he felt that Commission's Counsel provided some advice on the definition of development as it relates to the Riverside Rezoning Overlay District and that the content of the final version of a letter sent by the Commission to the Town of Southampton on the proposed Overlay District related to whether it was development or not was changed from that which had appeared in a prior draft version. He cited a section from the Open Meetings Law under the Committee on Open Government that described criteria for what constitutes legal advice as opposed to criteria that constitutes matters of public record. Mr. Amper further noted that the role of the Commission is to protect water quality from the cumulative impacts of development under ECL Article 57 which was what originally led to the Central Pine Barrens area being created. He also stated that the directors of the Long Island Pine Barrens Society had directed him to commence litigation if the Commission does not properly review the Riverside RRAP project.

Mr. Steve Fratello from West Islip expressed his concerns related to ATVs and the destruction of public lands, particularly within Robert Cushman Murphy County Park, and the limitations placed on the law enforcement agencies to combat illegal ATV activity. He noted that significant damage is occurring to these environmentally-sensitive areas, especially within wetlands and rare habitat areas, and he urged the Commission to undertake whatever action it could to combat these illegal activities.

(Ms. Throne-Holst arrived at 2:25 pm.)

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b. Minutes for 10/21/15 and 11/18/15 review, approval

Summary: The motion was made by Mr. Walter and seconded by Mr. Collins to approve the 10/21/15 meeting summary as amended. The motion was approved by a 4:0 vote.

The motion was made by Ms. Throne-Holst and seconded by Ms. Prusinowski to approve the 11/18/15 meeting summary. The motion was approved by a 4:0 vote.

2. Science and Stewardship

a. Southern Pine Beetle (SPB) Response and Management Efforts

Summary: Mr. Rob Cole, NY State Department of Environmental Conservation Forester and Mr. Justin Perry from the NY State Department of Environmental Conservation Division of Lands and Forests, who is the Timber Sales Section Chief, came to today's meeting to provide a presentation on the management of the SPB. Two handouts were distributed and Mr. Perry discussed the Prescription for the Whiskey Timber Harvest handout (attached) which was written by Mr. John Wernet, NYSDEC Region 1 Forester, for the Rocky Point Pine Barrens State Forest. He noted that this is the first timber sale for Rocky Point and for Long Island. He described how there are two components to a prescription plan - the first component details what is present in the stand, such as the type of trees, basal area, and other physical attributes, and the second component specifies the proposed management of the stand. Additional points Mr. Perry discussed pertaining to prescription plans included risk assessments for SPB, areas that have a high priority for treatment to protect from future devastating infestations, assigning a prescription that includes thinning out and removal of oak along with the pitch pines to protect and enhance the health and vigor of the remaining pines, ecological impacts to the site, and mitigating measures for any potential endangered species identified by the Natural Heritage Program.

(Mr. Romaine arrived at the meeting at 2:45 pm.)

Mr. Walter asked if there are commercially-valuable trees present. Mr. Perry stated the prescription is in essence an experiment and that there is no certainty that this timber sale will be economically viable or that someone will even bid. Mr. Walter indicated that he felt it was unlikely that someone would bid considering the small size of the area being considered. Mr. Perry discussed the difference between timber sales and markets upstate versus Long Island and that bidder lists were obtained from various sources which they used to determine if there would be any potential interest in the proposed timber sale. He noted there were a number of timber companies that have expressed potential interest in the timber sale. He discussed the science behind the treatment proposed for Rocky Point. Mr. Amper expressed his concern as to whether the oaks are being sold to pay for the cost of the suppression of the SPB because government does not have the funds available. It was noted by Mr. Perry that this is a way to get the work done in lieu of government funds to pay for someone to do this work.

Mr. Perry discussed the Contract/Notice of Sale of Forest Products handout (attached) including restrictions of the contract, use of herbicides will not be used, no clear cutting is planned for the site, the NYSDEC Foresters would oversee the cutting of the trees and only marked trees will be cut. Mr. Romaine asked why oaks are being cut as well as the pitch pines. Mr. Perry noted that oak trees were also being cut along with the pine trees because the oaks are out competing the pine trees and therefore weakening the pines. A discussion ensued as to whether the thinning and removal of oaks in addition to the pines to benefit the health of the

remaining pine trees may interfere with the natural processes that are inherently part of the ecosystem. Mr. Romaine asked when will it be known as to whether or not the project was successful. It was noted by Mr. Perry that it will not likely be known for five to ten years whether the prescription for this 56 acre site is successful, especially in that the stand is currently not significantly infested and that the prescription is meant to be a preventative measure. He noted that alternative actions were considered and evaluated and that the treatment selected is based on what direction the NYS DEC wants to move the forest into. There was a discussion on the economic viability of the timber sale and it was noted that it was limited to 56 acres to enable proper oversight. Mr. Perry also noted that this treatment would not be applied to the entire 6,000 acres of Rocky Point.

He also stated that the purpose of today's presentation to the Commission was to provide information on the timber sale to the Commission and that no action by the Commission was required. Mr. Perry also noted that the DEC had the authority to reject any and all bids. A discussion ensued concerning the environmental review and SEQRA process for this work and it was noted by Mr. Perry that since the prescription was covered under the Generic Environmental Impact Statement for the Strategic Plan for State Forest Management prepared by the NYSDEC, there would be no additional SEQRA review performed or EAF prepared. He noted that the NYSDEC has this GEIS on its website. Mr. Amper expressed his concerns that there should be a more substantial case made for the necessity of thinning oak trees to save pine trees. It was suggested by Mr. Romaine that the Commission's Executive Director should meet with the NYSDEC Region 1 Director to discuss the thinning project and its objectives.

Public Hearing

- a. Henry Dittmer Core Preservation Area Hardship Waiver / Yaphank development of a 10,000 square foot parcel with a single-family dwelling and opening of a paper road, Chesterfield Avenue (SCTM#: 200-529-5-35) decision deadline 2/9/16
Summary: A separate stenographic transcript exists for this hearing. The motion was made by Mr. Romaine and seconded by Mr. Walter to close the public hearing and keep the record open to receive written comments for 30 days. The motion was approved by a 4:0 vote.

 - b. East End Christian Academy at Manorville Community Church Core Preservation Area Hardship Waiver / Manorville development of a 15,000 square foot building for a K-12 private school on 2.68 acre project site (SCTM#: 200-461-3-40) decision deadline 3/24/16
Summary: A separate stenographic transcript exists for this hearing. The motion was made by Mr. Romaine and seconded by Mr. Freleng to close the public hearing and keep the record open to receive written comments for 10 days. The motion was approved by a 4:0 vote.
- 2b. Wildfire Response, Forest Management, Prescribed Fire & response Action Items
Summary: Ms. Jakobsen distributed and discussed the attached Ridge-Manorville-Calverton Community Wildfire Protection Plan handout with information and updates on the status of the CWPP and she noted that information in the handout included Newsday articles related to the CWPP, the Community Advisory Council meeting held at Brookhaven National Laboratory (BNL), the 2nd CWPP Team meeting and plans for presentations on the CWPP draft plan at another public meeting and to the Commission in February.

At this point in the meeting Mr. Pavacic noted he was going to skip over certain agenda items requiring a vote until certain members re-entered the room.

2d. Ecological Services Project

Summary: Mr. Pavacic reported that a meeting was held with Town of Southampton officials to discuss plans for the eastern boundary of the Sarnoff Preserve and portions of the County's Pleasure Drive and that there may be modifications to the plan for that area.

Planning & Land Use

3a. CLUP Amendments

Summary: Mr. Pavacic reported that the Commission staff expects to have a final scope for the CLUP Amendments ready to submit to the Commission at its January meeting.

Mr. Pavacic returned to item number 2c of the agenda to approve the Draft Resolution related to the Enforcement Amendments to Article 57 and then items 2e and 2f, the draft resolutions related to the PLC and the LEC.

2c. Proposed Enforcement Amendments to Article 57

Summary: Mr. Pavacic stated that the proposed Enforcement Amendments were circulated prior to the October Commission meeting and that the previously distributed Draft Resolution of the Commission in Support of Amendments to New York State Environmental Conservation Law Article 57 in regard to Enforcement (attached) was submitted today for the Commission's approval.

The motion was made by Ms. Throne-Holst and seconded by Mr. Walter to approve the Draft Resolution of the Commission in Support of the Amendments to NY State Environmental Conservation Law Article 57 in regard to Enforcement. The motion was approved by a 4:0 vote.

2e. Draft Resolution to approve the purchase of an all-terrain vehicle for the Suffolk County Police Department by the LEC using monies from the Environmental Benefit Fund

Summary: Mr. Hynes discussed the previously distributed Draft Resolution for the Commission to Authorize the Purchase of One All-Terrain Vehicle by the LEC for the Suffolk County Police Department 5th Precinct and he explained that the 5th Precinct has been very active in its participation with the LEC. He noted that last year the LEC purchased a new ATV for the Suffolk County Sheriff's Office. He further explained that the only way to ensure the safety of all officers is by purchasing new ATVs for their use rather than trying to use confiscated ATVs that typically have been previously damaged and in poor condition.

The motion was made by Mr. Walter and seconded by Ms. Throne-Holst to approve the Draft Resolution for the LEC to purchase an ATV for use by the 5th Precinct. The motion was approved by a 4:0 vote.

2f. Draft Resolution to approve the selection of chair and vice chair for the Protected Lands Council (PLC) for 2016

Summary: Mr. Pavacic explained that each year the PLC needs to select a chair and co-chair and this year, Mr. Tom Casey was selected as the chair and Mr. John Wernet was selected as the vice chair.

The motion was made by Mr. Freleng and seconded by Mr. Walter to approve the Draft Resolution of the Commission to appoint the PLC Chair and Vice

Chair for Calendar Year 2016 (attached). The motion was approved by a 4:0 vote.

Project Review

Core Preservation Area

3b. Kent Animal Shelter Core Preservation Area Hardship Waiver / Calverton/site plan for redevelopment and expansion (SCTM#s: 600-138-1-6.2 and 7.1)

Summary: The motion was made by Mr. Walter and seconded by Mr. Throne-Holst to approve the Applicant's request for an extension of the decision deadline. The motion was approved by a 4:0 vote.

Mr. Pavacic noted that Ms. Throne-Holst is leaving her position as Southampton Town Supervisor and subsequently as a member of the Commission and he presented her with a certificate of appreciation, on behalf of the Commission, for her service. Ms. Throne-Holst will also receive an award plaque in her honor at the upcoming Annual New Years Staff and Cooperators meeting scheduled for January 15, 2016.

The motion was made by Mr. Romaine and seconded by Mr. Walter to adjourn the meeting. The motion was approved by a 4:0 vote.

The meeting ended at approximately 4:45 pm.

Attachments (in order of discussion)

1. December 16th Commission Meeting Sign in Sheet (1 pages).
2. Draft Commission meeting Summary for December 16, 2015 (4 pages)
3. Richard Amper letter from the Committee on Open Government, dated December 8, 2015 (3 pages)
4. Prescription for Whiskey Timber Harvest, dated 12/16/15 (5 pages)
5. Notice of Sale of Forest Products, dated 12/16/15 (15 pages)
6. Draft staff report for the Henry Dittmer Core Preservation Area Hardship (SCTM#:300-529-5- 35) Staff Exhibits, dated 12/16/15 (5 pages)
7. Draft Staff Report for East End Christian Academy at Manorville Community Church Core Preservation Area hardship, dated 12/16/15 (8 pages)
8. Community Wildfire Protection Plan for the Ridge, Manorville and Calverton Communities update, Press Releases and photos packet on CWPP Team Meeting and BNL Citizen Advisory Committee Meeting held in December 2016.
9. Draft Resolution of the Commission in Support of Amendments to New York State Environmental Conservation Law Article 57 in regard to Enforcement, dated 12/16/15 (2 pages)
10. Draft Resolution for the Commission to authorize the Purchase of One All-Terrain Vehicle by the LEC for the S.C. Police Department 5th Precinct, dated 12/16/15 (1page)
11. Draft Resolution of the Commission to appoint the PLC Chair and Vice Chair for Calendar Year 2016, dated 12/16/16 (1 page)