



**Pine Barrens Commission Meeting Summary  
for Wednesday, January 16, 2013 (Final-Approved 2/20/13)  
Brookhaven Town Hall  
(Media Room)  
One Independence Hill  
Farmingville, NY**

**2:00 p.m.**

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

Peter A. Scully  
*Chair*

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

Steven Bellone  
*Member*

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

Edward P. Romaine  
*Member*

Anna E. Throne-Holst  
*Member*

Sean M. Walter  
*Member*

### **Administrative and Public Comment**

#### *Public Comments*

Summary: Mr. Robert Kessler, representative from the Coalition to Save the Yaphank Lake discussed his concerns related to the pair of swans that have been returning to Yaphank Lake each year since 2009. He stated that a hunter shot the male swan of the pair, with an arrow. Mr. Kessler is concerned about hunters in the Pine Barrens randomly shooting birds and violating hunting codes. Mr. Scully acknowledged Mr. Kessler's concerns and thanked him for bringing the matter to the attention of the Commission.

Mr. Walter and Ms. Throne-Holst arrived at approximately 2:10 pm.

Mr. James Eagan distributed and discussed the attached handout that contains information about some parcels he purchased in 2007. He explained that he purchased a number of parcels and afterwards he discovered that the parcels had overlap issues with other parcel owners. He noted that the Commission requires property owners to provide title insurance and a clear title on parcels receiving Pine Barrens Credits.

Mr. Eagan explained he had discussed the overlap issue with several people including representatives from Suffolk County Real Property and the Suffolk County Legislature and he was advised by several people that there were no current overlap issues on his parcels. He stated that he has been waiting patiently for several years for the Clearinghouse to recognize that his parcels have clear title and for them to award his parcels Credits. Mr. Eagan asked the Commission to create a policy that allows a parcel owner with title insurance to obtain Pine Barrens Credits in lieu of Suffolk County Real Property tax map information indicating that there may be an overlap issue. Mr. Scully assured Mr. Eagan that the Commission would consider his request.

#### *Minutes for 12/19/12*

Summary: A motion was made by Mr. Scully and seconded by Ms. Throne-Holst to approve the 12/19/12 meeting summary. The motion was approved by a 5:0 vote.

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Mr. McCormick arrived at the meeting at approximately 2:15 pm and Mr. Romaine arrived at the meeting at approximately 2:20 pm.

*Disposition of Pine Barrens Credits owned by the Clearinghouse/presentation and discussion.*

Summary: Mr. Scully introduced the members of the Credit Clearinghouse Board including, Mr. Jim Tripp who is the Board's Chair, Mr. Mitch Pally, Mr. Robert Anrig and Mr. Andrew Freleng and he noted that they were attending today's meeting to discuss a policy for the sale of Pine Barrens Credits.

Mr. Tripp provided background information related to the Pine Barrens Credit Clearinghouse including, in 1995 when the Plan was adopted there was 13,000 acres of privately owned land in the Core area of the Pine Barrens. He explained that the most important goal of the Statue was to permanently legally protect the 13,000 acres through land acquisition and conservation easements. He mentioned that many of the Credits allocated to the protected parcels have not been used or redeemed and he noted that there is an additional 2,000 acres that have not received Credit allocations due to overlap conditions.

The current goal of the Clearinghouse is to facilitate the completion of the Pine Barrens Credit Program that includes permanent protection or acquisition of the entire Core Preservation Area. He explained that for the program to succeed it needs to be economically viable and there needs to be a demand for the Credits. He noted that commercial and residential developers who want to increase density or sewage flow intensity need to purchase Credits at a cost effective price from private property owners in the Core.

Other points Mr. Tripp made included, developers have used Credits most often to satisfy Suffolk County Department of Health Services (SCDHS) requirements for increases in sewage flow intensity, the goal of the proposed mandatory Credit redemption requirement is to accelerate the use Credits and the as-of-right program specific to residential areas has rarely been used. Mr. Tripp also discussed the Clearinghouse's proposal of a 15% Credit redemption rate for zone changes.

Mr. Scully summarized that the Towns have not used the Credit program as it was designed for residential development and the Clearinghouse's 15% mandatory Credit redemption requirement was proposed to resolve this issue. He reiterated points made by Mr. Tripp in relation to the overlap issues of the Core property owners that might possibly be addressed with a less than precise Credit allocation formula for those parcels. Mr. Tripp noted that the Clearinghouse Board can provide a recommendation for the overlap issues at a future Commission meeting.

Mr. Tripp explained that the Clearinghouse would be willing to hold additional reverse auctions for the purpose of moving the Credit program along to a conclusion. He noted that the Clearinghouse Board suggests the sale of Credits currently owned by the Clearinghouse should be limited to builders that have current projects requiring Credit redemptions. Mr. Pally expressed his concerns that the Credit program only works if property owners can obtain Credits, sell them and then have them redeemed by developers. He noted that the mandatory Credit redemption requirement was proposed by the Clearinghouse to make sure the Credit program works. He further noted that the reverse auction is another tool devised by the Clearinghouse to facilitate the buying, selling and redemption of Credits and it is the intention of the Clearinghouse to offer a recommendation to the Commission to limit Credit sales to only those builders that have pending projects requiring Credits.

Mr. Scully stated that the Commission intends to consider the 15% mandatory Credit redemption requirement and he asked the Clearinghouse members to

*provide a recommendation that addresses the overlap issue. He explained that for the Commission to consider approving a policy that targets selling Credits to builders with pending projects alone would require them to meet in a closed advisory session to discuss this issue with Council.*

## **Science and Stewardship**

### *Wildfire Response, Forest Management, Prescribed Fire & Response Action items*

*Summary: Mr. Scully explained that since the April Wildfires, every 30 days the Commission is provided with an update on the status of the action items for the Commission's response strategy. Mr. Pavacic reported that in the middle of March, the Wildfire Academy is offering make up classes to fire fighters who signed up for classes in the Fall which were cancelled due to Hurricane Sandy that will include, I-300 and I-400, and advanced level fire fighting courses. He noted the Spring Academy will be held at Brookhaven National Laboratory (BNL) in April.*

*Mr. Pavacic explained that the NYS Department of State expects to schedule a meeting next month with Commission staff to review the draft hazard mitigation standard that was proposed for the CLUP Amendments several years ago. After that meeting he hopes to be able to present the revised draft standard to the Commission for review.*

*Mr. Pavacic reported that Ms. Hargrave and Ms. Carter have completed maps that identified areas in the Central Pine Barrens with and without public water supply. Ms. Hargrave distributed copies of the attached document, "Water Supply Issues Task, Locations with and without Public Water." Mr. Pavacic noted that the document which includes maps of the fire districts and water main lines, will be shared with the various fire districts and fire departments to help them with their planning and staging for future wildfire response.*

*Mr. Romaine discussed that while he was a member of the Suffolk County Legislature he wrote legislation related to the installation of fire wells which was adopted by Suffolk County. The legislation directed the Suffolk County Department of Health Services (SCDHS) to install fire wells in the Central Pine Barrens. He noted that the funding was made available and that the well drilling unit at SCDHS was notified to move ahead with the installation of approximately nine fire wells. Mr. Faulk reported that SCDHS has plans to begin the installation of the fire wells in the Spring of 2013.*

### *Ray Corwin Rocky Point-to-Yaphank Trail*

*Summary: Mr. Pavacic mentioned that at the December Commission meeting he advised the Commission members that he had contacted the Nassau Suffolk Horsemen's Association (NSHA) about submitting a description of a route the equestrians would like to use within the trail corridor. A GIS map of the trail corridor was provided to Ms. Speizio from NSHA to use for identifying a route which has not yet been received back from her.*

### *CLUP Amendments*

*Summary: Mr. Scully explained that the Pine Barrens Protection Act of 1995 requires the Commission to review the Plan every five years to determine if amendments are warranted. He noted that since 2007, the Commission has been reviewing the amendments to the Plan and last year some ministerial amendments were approved. He further noted that there are important pending amendments that have been outstanding and require action. Mr. Pavacic reviewed the attached previously distributed document, "CLUP Amendments Schedule of Potential Worksessions to Discuss Remaining Topics" that would provide an opportunity for the Commission to discuss their concerns with the*

*outstanding amendments in manageable increments. He explained the schedule is subject to change and the first worksession in February would focus on the ministerial amendments that memorialize past Commission resolutions and existing policies. He mentioned he scheduled the mandatory Credit redemption requirement discussion and review for the June 19<sup>th</sup> worksession.*

## **Land Use**

### **Project Review – Core Preservation Area**

#### **Hearing 3:00 pm**

Kent Animal Shelter Core Hardship / Calverton (600-138-1-6.2 and 7.1)

*Summary: Ms. Hargrave explained that the Commission held a public hearing last month on the Kent Animal Shelter Core Hardship with a decision deadline for February 22<sup>nd</sup>. She noted the Pine Barrens Society submitted comments, the hearing transcripts were received and the Applicant's response to the staff report was received last week. A letter was received from the New York State Historic Preservation office requesting an Archeological Survey, Phase 1B, and she further noted that the SEQRA determination and the SCDHS Board of Review approval is pending. It was noted by Mr. Scully that the Commission Board would go into an advisory session to discuss further, however they would move on in the agenda first to discuss the Longwood Library application.*

Longwood Public Library Compatible Growth Area Hardship / Middle Island (200-402-1-23.1, 24.9; 200-403-1-3, 4, 17, 18)

*Summary: It was discussed why the word "development" was contained in the resolution. It was noted that this word was in the 2005 approval resolution for Longwood Library.*

***The motion was made by Mr. Walter and seconded by Mr. Romaine to approve the attached draft Resolution on the CGA Hardship Application of Longwood Public Library Property located at 800 Middle Country Road, Middle Island, Town of Brookhaven Tax Map Number: 200-402-1-23.1 and 24.9; 200-403-1-3,4,17, and 18. The motion was approved by a 5:0 vote.***

#### **Advisory Session and Adjournment**

***A motion was made by Mr. Scully and seconded by Mr. Romaine to enter into an Advisory Session to discuss a matter related to the Kent Animal Shelter Hardship application. The motion was approved by a 5:0 vote.***

***The meeting concluded at 4:05 pm.***

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

1. January 16, 2013 Commission Meeting Sign in Sheet
2. Mr. Eagan Handouts (dated 1/16/13) (19 pages)
3. Draft Commission Meeting Summary for December 19, 2012. (7 pages)
4. Water Supply Issues Task Locations with & without Public Water report (dated 1/16/13) (3 pages + 8 maps)
5. CLUP Amendments: Schedule of Potential Worksessions to Discuss Remaining Topics (dated 1/8/13) {1 page}
6. Draft Resolution on the CGA Hardship Application of Longwood Public Library (dated 1/16/13) (8 pages)
7. Final Approved Resolution on the CGA Hardship Application of Longwood Public Library (dated 1/16/13) (8 pages)



**Pine Barrens Commission Meeting Summary  
for Wednesday, February 20, 2013 (Final-Approved 3/20/13)  
Brookhaven Town Hall  
(Media Room)  
One Independence Hill  
Farmingville, NY**

**2:00 p.m.**

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

Peter A. Scully  
Chair

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

Steven Bellone  
Member

The meeting was called to order at approximately 2:05 p.m. by Mr. Scully with five members present which constitutes a quorum.

Edward P. Romaine  
Member

Anna E. Throne-Holst  
Member

**Administrative and Public Comment**

Sean M. Walter  
Member

**Public Comments**

Summary: Mr. James Eagan, owner of Eagan Environmental Solutions distributed and discussed copies of the attached handout and he expressed his concerns related to the Pine Barrens Credit Program and its method for allocating Credits. He discussed in particular the parcels owned by Mr. and Mrs. Sunderland. Mr. Scully assured Mr. Eagan that his concerns have been acknowledged and the Commission will consider a course of action.

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

Minutes for 1/16/13

Summary: A motion was made by Ms. Prusinowski and seconded by Mr. Shea to approve the 1/16/13 meeting summary. The motion was approved by a 5-0 vote.

**Science and Stewardship**

*Wildfire Response, Forest Management, Prescribed Fire & Response Action items*

Summary: Mr. Pavacic mentioned that on February 15<sup>th</sup> the Commission staff met with representatives from the International Code Council (ICC) and the Department of State Codes Division at the Commission's office to discuss the Commission's proposed Hazard Mitigation standard that incorporates portions of the ICC Wildland Urban Interface Code. He distributed the attached handout for a workshop entitled "Wildfire Safe, Sound and Code Smart" that is a workshop offered by the ICC that covers the ICC's model Wildland Urban Interface Code ("the Code") and wildfire prevention. He noted this model code has been adopted by a number of states and local communities. The ICC representatives reviewed the Commission's proposed Hazard Mitigation standard and recommended that the Commission incorporate by reference the portions of the WUI Code that it wants to implement directly into the proposed Plan amendment instead of incorporating the actual Code's text since the Code is revised every three years. He discussed the process involved in getting this

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*Code adopted by the Commission which included the need for its review and approval by the State Fire Prevention and Building Code Council. He noted that New York State decided not to adopt the ICC WUI Code statewide because there are only a few WUI areas in the State where this would apply. He mentioned that the State is encouraging WUI areas such as the Pine Barrens region to adopt the Code. The New York State Codes Division is willing to assist the Commission in hosting workshops and worksessions promoting the implementation of the model WUI Code.*

*Mr. Pavacic reported that the next Wildfire Task Force (WTF) meeting is scheduled for March 28<sup>th</sup> and he mentioned topics on the agenda included wildfire training, Firewise, the Fire Management Plan, and prescribed fire. Ms. Griffiths, the Commission's Environmental Education Coordinator, has been working with Mr. Urevich, WTF Chair, on a Wildland Urban Interface Education outreach initiative for the Pine Barrens.*

*Other items that Mr. Pavacic reported on included, Ms. Jakobsen is developing Firewise outreach programs for the Towns and local communities and planning is in progress for the Spring Fire Academy. Makeup classes for the Fall Academy have been scheduled for mid-March. Ms. Carter and Ms. Hargrave are working with Mr. Urevich to identify alternative surface water sources to use for aerial wildfire fighting.*

*Mr. Pavacic explained that three towns, Ridge, Flanders and Eastport, have been selected to target their communities for outreach on the Firewise and Firewise Communities Program. Planning is in progress for the water bucket training missions with the Army and Air National Guard units and Commission staff will be meeting with the NY State Office of Emergency Management (NYSEMO) to review and update the State's Memorandum of Understanding (MOU) between the participating agencies. It was noted that Suffolk County Department of Health Services (SCDHS) and the Manorville Fire Department are working together to install new fire wells in the Manorville area.*

#### *Ray Corwin Rocky Point-to-Yaphank Trail*

*Summary: Mr. Pavacic mentioned that he received information earlier today from the Nassau Suffolk Horsemen's Association indicating they would submit an equestrian route proposal for the Ray Corwin Trail corridor by next month. He mentioned that the Suffolk County Department of Public Works has a conservation easement on a portion of the trail corridor at Smith Road and the Commission and the Town are developing a plan to secure that area of the trail to prevent access from 4X4s, ATVs and dirt bikes.*

#### *Education and Outreach*

*Summary: Ms. Griffiths discussed the previously distributed Education and Outreach Division January-February 2013 Update (attached). She reported that 530 students and teachers were reached in the last two months and that she is working with several schools to integrate Pine Barrens into the core curriculum. She reported that in visiting various fire department open house events last year, she and Mr. Urevich realized that there is a need to educate the public about the Pine Barrens Commission, its various initiatives and its role in wildfire prevention and education to show the public that it is not just an agency that enforces regulations. Ms. Griffiths has developed an hour long PowerPoint presentation with Mr. Urevich to use for outreach to the public on these topics.*

*Ms Griffiths reported that the "6<sup>th</sup> Annual Pine Barrens Discovery Day" is scheduled for Saturday, June 1<sup>st</sup> and for the second year, it will be held at Wertheim National Wildlife Refuge. This event will occur concurrently with two*

other events that involve the Refuge that day, "Tri-Hamlet Day" and "International Migratory Bird Day".

The 2013 Summer Camp will be held from June 24<sup>th</sup> - August 9<sup>th</sup> and plans are being made for the 2<sup>nd</sup> Annual "A Day in the Life of the Carmans River" event. Ms. Griffiths noted that she may speak about the "A Day in the Life of the Carmans River" event at the North American Association of Environmental Educators annual conference. She reported that she is finalizing the plans for two interpretive kiosks to be placed along the Dwarf Pine Plains Trail in Westhampton Beach.

## Science and Stewardship

Summary: Ms. Carter discussed the February 20th Science and Stewardship Division report (attached). She reported the next meeting of the PLC will be held on March 5<sup>th</sup> at Wertheim National Wildlife Refuge. She mentioned that plans are in progress for the Ray Corwin Hiking Trail and there is substantial space within the trail corridor for equestrian use. Ms. Carter noted that fallen trees from the recent storms need to be cleared along the trail route.

Ms. Carter explained that the aerial monitoring program has been collecting valuable information related to land cover and has assisted in spotting smoke due to wildfire. The equipment that has been purchased for aerial monitoring is functional and ready to use for the aerial survey flights that will be scheduled as part of the Commission's comprehensive fire management planning initiative.

Additional items Ms. Carter reported on included, salt spray from Hurricane Sandy has caused bronzing that affected white pines and other species, surface water bodies are being identified for fire fighters to use in wildfire fighting, the Science and Stewardship division met with the land managers to discuss priorities for ecological restoration, and the 18<sup>th</sup> Annual Research Forum will be held on October 3<sup>rd</sup> and 4<sup>th</sup> at BNL.

Ms. Carter mentioned that there is heavy ATV activity on 150 acres north of Longwood Estate that has affected Old Historic Smith Road. Staff has been working with Suffolk County Parks to place barricades in the area to prevent ATV and 4X4 activity, which has become an ongoing issue. LIISMA had a meeting on February 14<sup>th</sup> at Fort Totten in Queens and Ms. Carter distributed the results of a 2012 growing season survey for low abundance exotic species and other invasive species on Long Island (attached). Areas in the Pine Barrens included in the survey were, Cathedral Pines and European Frog-bit was found in the Peconic River region in Calverton.

Mr. Hynes discussed how ATVs are entering areas from nearby neighborhoods or they are being transported in trailers that drop off the riders and leave the scene. Another area where ATV use is heavy is along the LIPA transmission lines where they can ride for miles. Mr. Hynes noted that LIPA and the law enforcement agencies work together to issue violations.

Ms. Lansdale excused herself from the meeting at 2:50 p.m.

## Land Use

### CLUP Amendments and Worksession

Summary: Mr. Scully mentioned that the CLUP Amendment worksession that was scheduled for today was rescheduled due to a conflict with another meeting. Mr. Pavacic noted the Commission's Secretary will call each of the members' offices to confirm their attendance at future worksessions. Mr. Pavacic discussed the next worksession's agenda which will include, non-consensus ministerial amendments, changing guidelines to standards, and a presentation on

the Commission's development review process and the Credit Program. The next CLUP Amendment Worksession will be held on March 20<sup>th</sup> at 12:00 pm at Riverhead Town Hall.

#### Compliance and Enforcement

Summary: The Summary of Compliance and Enforcement Incidents Activity report dated February 20, 2013 (attached) was previously distributed. Mr. Hynes discussed a violation that occurred in 2009 in the Town of Riverhead. The violation was by a private property owner that had cleared property and stored debris and equipment on adjacent Suffolk County parkland. Mr. Hynes explained that a compliance meeting was held with the Riverhead Town Attorney, Suffolk County Parks, Commission staff and the owner's attorney. He reported as of last week the debris has been removed and the property is now in compliance.

Additional items Mr. Hynes mentioned included, Commission staff will be receiving CPR, First Aid and Workplace Safety training, the 1999 Water Bucket Training Manual is being updated and he noted the next LEC meeting is scheduled for March 27<sup>th</sup> at Southaven County Park Police Headquarters.

Mr. Amper expressed his concerns pertaining to the illegal storage of storm damaged vehicles in the Pine Barrens and he noted that a significant portion of the grasslands at EPCAL in Calverton has been destroyed and an extreme amount of damage has been done to the ecosystem. He mentioned that pictures of the destroyed area will be provided to the Commission. Mr. Walter stated he agreed with Mr. Amper's observations and that the area has been turned into a swamp. He mentioned that the Town plans to place barriers to prevent vehicles from accessing the taxiway to remove the cars and that it will be taking additional actions. Mr. Scully noted the DEC has enforcement actions underway for the impacts to the habitat and noted the Town can move ahead with enforcement actions as well.

#### Land Use

##### Planning and Land Use

Summary: The attached Land Use Division Update for Mid-January 2013 to Mid-February 2013 was previously distributed and Ms. Hargrave mentioned that no new development applications have been submitted.

#### Project Review – Core Preservation Area

##### Kent Animal Shelter Core Hardship / Calverton (600-138-1-6.2 and 7.1)

Summary: Ms. Hargrave explained that the Applicant for Kent Animal Shelter withdrew their Core Area hardship application (Letter from Land Use Ecological Services, dated January 30, 2013, attached).

**The motion was made by Mr. Walter and seconded by Ms. Prusinowski to accept the withdrawal of the Kent Animal Shelter Core Hardship Area application. The motion was approved by a 4:0 vote.**

##### Schiff Scout Reservation (Camp Wauwepex) / Wading River (600-75-3-10.3)

Summary: Mr. Scully provided background information pertaining to the Schiff Boy Scout Reservation and the current request from them to replace a dining hall that was destroyed in a fire. He noted that the conservation easement (attached) that was placed on the property includes strict language that addresses the replacement of buildings that were in existence at the time the conservation easement was recorded.



*Ms. Hargrave noted the dining hall destroyed by the fire was larger and the porch was smaller than the proposed plan for the new dining hall. The new dining hall foot print is different from the previous building's foot print. Mr. Milazzo explained that the conservation easement for the property includes language that when buildings are replaced the foot print cannot be different from the original structure. In order to approve the construction of the new dining hall the conservation easement language would need to be revised. Mr. Milazzo suggested amending the conservation easement by including a new page which states that the parties agree that a new dining hall can be built, with a revised footprint, and an updated survey should be provided.*

*Ms. Hargrave displayed a plan of the new structure and discussed the changes to the building's foot print. Mr. Amper expressed his concerns about making changes to conservation easements and precedent setting situations. Mr. Milazzo noted that language is contained in the Commission's conservation easement which states, as long as both parties agree to the changes in the conservation easement it can be amended. The changes must be consistent with the basic purpose of an easement with no amendments that can result in disqualifying the easement as being valid under Article 49 of NY State ECL. Mr. Milazzo further explained that the purpose of submitting a new survey is to document the changes to the conservation easement which also allows the Commission staff to monitor adherence to the revised easement. Mr. Milazzo also noted that in the history of the Commission there has rarely been an instance where a change to a conservation easement was needed. It was discussed that the new building would be a de minimus increase in footprint and a discussion ensued on what constitutes de minimus.*

*Mr. Amper reiterated his concerns that the Commission always needs to be careful when approving changes that could be misconstrued in the future as changes that set a new precedence. Additional discussion ensued that included future requests for changes to a conservation easement should be made on a case by case basis. Mr. Scully instructed staff to draft a resolution to be presented at the March Commission Meeting that addresses there will be no precedent set in allowing a modification to this particular conservation easement.*

### **Advisory Session and Adjournment**

***A motion was made by Mr. Scully and seconded by Mr. Romaine to enter into an Advisory Session to discuss a pending matter related to enforcement and noted they would not return to public session. The motion was approved by a 4:0 vote.***

***The meeting concluded at 3:20 pm.***

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

1. February 20, 2013 Commission Meeting Sign in Sheet (1 page)
2. Handouts from Mr. Eagan concerning the Credit Program and allocation of Credits (9 pages)
3. Draft Commission Meeting Summary for January 16, 2013. (4 pages)
4. "Wildfire Safe, Sound and Code Smart" or WCC&CS, Fact Sheet (1 page)
5. Education and Outreach Division January-February 2013 Update (1 page)
6. Science and Stewardship Division report (dated 2/20/13) (2 pages)
7. 2012 Growing Season Survey for low abundance exotic species and other invasive species on Long Island
8. The Summary of Compliance and Enforcement Incidents Activity (dated 2/20/13) (2 pages)
9. The attached Land Use Division Update for Mid-January 2013 to Mid-February 2013 (1 page)
10. Kent Animal Shelter letter withdrawing hardship application from Land Use Ecological Services (dated 1/30/13) (1 page)
11. Materials related to Schiff Boy Scout Reservation, Camp Wauwepex including, Conservation Easement, James P. Rigano letters dated 10/17/12 and 11/13/12 current dining hall plan, emails related to project (40 pages)



**Pine Barrens Commission Meeting Summary  
for Wednesday, March 20, 2013 (Final-Approved 4/17/13)  
Riverhead Town Hall  
200 Howell Avenue  
Riverhead, NY**

**2:00 p.m.**

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

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

The meeting was called to order at approximately 2:05 p.m. by Mr. Scully with five members present which constitutes a quorum.

### **Administrative and Public Comment**

#### **Public Comments**

Summary: Ms. Denise Speizio, President of Nassau Suffolk Horseman's Association explained that she had attended a Commission meeting several months ago and at that meeting she expressed her concerns related to the Ray Corwin Trail and the Protected Lands Council (PLC) recommendations for the trail that did not include an equestrian use. In response to her concerns, Ms. Speizio was asked by the Commission to submit a proposal for an equestrian trail route and she explained that she was submitting a report and map at today's meeting. Mr. Scully thanked Ms. Speizio for updating the Commission and invited her to attend the April Commission meeting when the hiking and equestrian uses at the Ray Corwin Trail would be discussed in further detail.

#### **Minutes for 2/20/13**

Summary: A motion was made by Ms. Romaine and seconded by Mr. Walter to approve the 2/20/13 meeting summary. The motion was approved by a 5-0 vote.

### **Science and Stewardship**

#### **Wildfire Response, Forest Management, Prescribed Fire & Response Action items**

Summary: Mr. Pavacic noted there has been significant progress in several areas related to the Commission's Wildfire Response Strategy. He explained that Ms. Jakobsen is scheduled to meet with civic groups in the Flanders Riverside area in April to provide a presentation that will introduce the Firewise Program. He noted that staff has also reached out to the Eastport Fire district. He reported that Ms. Heidi Wagner, from the National Fire Protection Association (NFPA), who has successfully started a Firewise community in the Catskill region, has agreed to assist with the Firewise effort in the Pine Barrens.

Mr. Urevich, WTF Chair and the NY State Forest Rangers have been working with Commission staff to identify surface water sources that can be used for water bucket drops by helicopters to fight wildfire and for practice training during prescribed fires. A goal of the surface water project is to provide maps of those

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surface water areas that can be used by emergency response teams such as the Army and Air National Guard units.

Mr. Pavacic mentioned a prescribed fire was performed on property just south of EPCAL on March 15<sup>th</sup>. Commission staff participated in the prescribed burn that was led by the NY State Forest Rangers working with the Army National Guard out of MacArthur Airport. He noted the initiative resulted in a successful burn that will provide fuel reduction and promote ecological management of the area. Mr. Pavacic mentioned that there are plans to schedule a course related to Hazards in the Home Ignition Zone that will be discussed in more detail later in today's meeting and he also mentioned that on April 2<sup>nd</sup> Mr. Urevich will be providing a presentation on wildfire prevention at a local rotary club meeting with Ms. Griffiths, the Commission's Education and Outreach Coordinator. Mr. Pavacic acknowledged staff and Mr. Urevich for their valuable input in the development of this informative outreach presentation.

Ms. Lansdale arrived at the meeting at 2:20 pm.

He discussed how due to weather conditions, prescribed fires are not scheduled in advance, but instead with only a few days notice. He noted that it is almost the one year anniversary of last year's April wildfires. Mr. Scully stated it is important to keep moving forward with the host of initiatives associated with the Commission's Wildfire Response Strategy. The Commission staff has prepared aerial maps that depict the location of public water supply infrastructure, where it exists and where it is currently not available. These maps will be provided to the fire districts to be used only for planning purposes since they are a static representation of information. Mr. Romaine inquired about the status of the installation of fire wells in the Manorville area that he was involved in approving when he was with the Suffolk County Legislature. The Manorville Fire District is working directly with the Suffolk County Department of Health Services (SCDHS) on the installation of fire wells. The Commission members expressed their concerns about how the Towns can best assist the Fire Districts with implementation of the fire response initiatives.

#### *New York Wildfire and Incident Management Academy 2012 Fall Academy*

Summary: Mr. Fonda, NY Wildfire Incident Management Academy (NYWIMA) Coordinator, discussed the highlights of the 2012 New York Wildfire Academy. He reported that Superstorm Sandy presented challenges, however, for the most part the 2012 Fire Academy was successful and it resulted in additional revenue for the NYWIMA. He noted the NY Wildfire Academy is self sufficient and it receives most of its income from tuition. Students attended the 2012 Academy from many areas of the Country and internationally, which included a contingent from Spain.

Mr. Fonda reported the Academy has partnerships with the NY State Forest Rangers and the Northeast Compact and receives additional significant support from the NYSDEC, Brookhaven National Laboratory (BNL), Suffolk County and the Wildfire Task Force (WTF). Grants from the National Park Service have reimbursed the funds used for the 2010 and 2011 Academies and additional grant funding is expected to reimburse the 2012 Fire Academy. Mr. Fonda mentioned that due to Hurricane Sandy, course delivery time was accelerated and students were able to take tests home with them, six courses were canceled and 12 courses were provided. He noted that 299 students attended the Fall Academy and last week makeup classes were offered to replace the six classes which were cancelled in the Fall. Refunds were made for cancelled classes and events and grant funds are expected to mitigate losses due to the Fall cancellations. Other items Mr. Fonda reported on included, last year the basic fire fighting course was delivered to the 106<sup>th</sup> Rescue Wing Air National Guard, he attended the National Conference sponsored by the Northeast Forest Fire Protection Compact, and

that 65 students attended the Fall makeup classes which included the NY State Forest Rangers. The Spring Academy is scheduled for the beginning of April and there are plans to offer additional fire fighting training courses separate from the regular Fall and Spring Academies. Mr. Fonda noted that positive feedback has been received from previous Academy attendees that the courses have been instrumental in moving them forward in their fire fighting careers.

Mr. Urevich, WTF Chair, explained that the WTF Board has concerns about the fiscal constraints local governments are facing that may be preventing them from sending staff to the Academy and that options are being explored to allow them to attend at reduced tuition rates or at no cost. Other points Mr. Urevich made included, the next WTF meeting is scheduled for March 28<sup>th</sup> at the Westhampton Fire Department and that fire districts are preparing for this year's fire season. He reported that he attended an open house at the Flanders Fire Department last year where he found there is a need to inform the public that they live in a high risk fire danger area. He reiterated what was previously reported by Mr. Pavacic that he plans to visit local civic groups to educate them about the Commission's role in fire prevention and to discuss fire hazards in the Pine Barrens. The first visit planned is to the Westhampton Rotary Club on April 2<sup>nd</sup> where he will present for the first time the 45 minute program he developed with Commission staff.

Mr. Urevich mentioned he was asked to participate in a review of the Crescent Bow Wildfires due to his experience with the 1995 Wildfires. The results of the review will be submitted to Commissioner Williams at SCFRES. Mr. Romaine expressed his concern that the report should be made available to all of the elected officials in Suffolk County. Mr. Urevich thanked Ms. Hargrave for her hard work and input on the available water resources documentation project. He mentioned that he will ask the Manorville Fire Chief about the status of the fire wells that were slated for installation in Manorville.

#### **Upper Arkansas Valley Wildfire & Incident Management Academy Contract for 2013**

Summary: Mr. Pavacic explained that each year the NYWIMA enters into an agreement with the Colorado Wildland Fire & Incident Management Academy (CWFIMA) to provide support to the NY Academy and related events. The previously distributed letter from Ms. Fischer, Director of the CWFIMA, dated February 12, 2013 (attached) explains the parameters of the support that will be provided.

Mr. Pavacic reported that last year, training was provided by CWFIMA to Ms. Delligatti, NYWIMA's Technical Assistant on the Events Pro Software program used to track information related to registration and other activities. He noted that a contract with CWFIMA is renewed each year for a one year period and this year less direct support was necessary since the Academy's Technical Assistant has been trained on the Events Pro Software program.

**A motion was made by Mr. Romaine and seconded by Ms. Throne-Holst to approve the attached Draft Resolution of the Commission to Contract with the Upper Arkansas Valley Wildfire Foundation, representing the Colorado Wildland Fire and Incident Management Academy, to Provide Additional Support Services for the 2013 NYWIMA. The motion was approved by a 5-0 vote.**

#### **Assessing Hazards In the Home Ignition Zone Course for Town and County Staff**

Summary: Mr. Pavacic discussed that last year a nationally-certified Firewise training course, "Assessing Wildfire Hazards in the Home Ignition Zone" was offered during the 2012 NY Academy. He explained that due to Hurricane Sandy and budget constraints many of the municipal employees were not able to attend the course. He noted the Commission has expressed the desire to provide the

course this year to municipal employees, including fire marshals, planners and building inspectors and those involved in fire mitigation.

Mr. Pavacic mentioned that last year the NYS Department of State gave the approval for the Commission to offer continuing education credits for the Assessing Wildfire Hazards in the Home Ignition Zone course to those employees who require annual continuing education credits for their positions. Mr. Pavacic noted that the attached materials related to the training describe the workshop and the associated cost to be paid by the Commission.

**A motion was made by Mr. Romaine and seconded by Mr. Walter to approve the attached Draft Resolution of the Commission to Contract with the National Fire Protection Association the "NFPA" to Conduct an "Assessing Hazards in the Home Ignition Zone" Training course. The motion was approved by a 5-0 vote.**

#### Ray Corwin Rocky Point-to-Yaphank Trail

Summary: Mr. Pavacic mentioned that recent progress on plans for the trail has been in the area of including equestrian uses. As Ms. Speizio reported earlier, a trail route for equestrian use was submitted and it will be reviewed shortly. He noted that Mr. Casey, PLC Chair and Commission staff will be reviewing the maps of both the hiking and the equestrian routes to coordinate the two areas and move forward on steps to implement the trail. Mr. Scully thanked all those volunteering their time on the trail project.

#### **Land Use**

##### Planning and Land Use

#### CLUP Amendments and Worksession

Summary: Mr. Scully mentioned that scheduling the CLUP Amendment worksessions has been challenging in terms of getting all of the Commission members together at one time. He suggested that it may be more feasible to hold CLUP Amendment discussions at the regular scheduled monthly Commission meetings. He explained that the CLUP Amendment process has been a long arduous task that began in 2005 and he'd like to see the process that has encompassed a significant amount of staff time come to fruition. He expressed his concern that decisions should be made on the disposition of the outstanding CLUP Amendments.

It was suggested that a portion of the work at the worksessions could be eliminated if the Commission Members and their Representatives met with Commission staff to discuss CLUP Amendments as they relate to individual municipalities prior to the worksessions. This process may allow the Members to move forward to take action on outstanding CLUP Amendments. The decision was made to hold the next CLUP Amendment worksession on April 17<sup>th</sup> at 12:00 pm, as previously scheduled.

#### **Project Review – Core Preservation Area**

##### Schiff Scout Reservation (Camp Wauwepex) / Wading River (600-75-3-10.3)

Summary: Mr. Milazzo explained that the application submitted by the Schiff Scout Reservation is a request for approval to build a new dining hall to replace an existing dining hall that burned down. He noted that there is a conservation easement on the property that was issued in 2008 which includes a survey of the

property with existing buildings. One of the conditions incorporated into the easement is that the camp can replace existing buildings within the same footprint if they are burned down or destroyed. The application before the Commission is for a dining hall that is one square foot larger and shifts the footprint of the facility. Mr. Milazzo noted that the conservation easement would need to be amended and a revised map that shows all of the buildings as well as the new dining hall and its footprint would be required. The same terms that exist in the conservation easement now would apply to the amended version.

Mr. Milazzo explained there was a draft resolution (attached) circulated that included the word "de minimus" referring to the increase in size of the dining hall and the decision was made to remove that word to avoid confusion over its meaning. Ms. Throne-Holst expressed her concern that allowing a change to a conservation easement may be viewed as a precedent setting decision. She suggested incorporating a provision into the revised easement that prevents future applicants from using this approval decision as a mechanism to request similar approvals for their projects. Mr. Milazzo suggested inviting the Scouts' representative to a meeting to advocate on their behalf.

Mr. Amper expressed his concern that the Commission needs to address the issue that if they approve this minor change to the Boy Scout Camp conservation easement, that it not be viewed by future applicants as a reason they can ask for similar changes. There needs to be a rationale developed by Counsel that will illustrate this situation as being unique from future possible scenarios where applicants could argue that a precedent was set with this approval. A discussion ensued about language Mr. Milazzo could incorporate into the revised Boy Scout conservation easement that addresses the issue of avoiding this approval becoming a precedent setting situation.

Mr. Milazzo explained how the language in the revised easement including an updated map with the new dining facility addresses the precedent setting issue. Additional discussion points included, as a matter of practice the Commission should avoid approving changes that create the need to revise or modify easements and adding a resolve clause to the Boy Scout approval resolution that links it to the conservation easement language that limits the rebuilding of structures to when they are destroyed by fire.

**The motion was made by Mr. Walter and seconded by Mr. Romaine to approve the Core Preservation Area Schiff Scout Reservation revised draft Resolution (attached) with two additional Resolves including, "The Commission finds that the dining facility was destroyed by fire and the Conservation Easement allows construction of a new facility in a location proposed by the Boy Scouts as shown on the BBS plan", "The Commission finds that the construction of the new facility would be consistent with the paragraph 4, the reserved rights section of the easement." The motion was approved by a 5:0 vote.**

Suffolk Community College Eastern Campus Wellness Center Northampton (900-212-2-7.2)

**Summary: The motion was made by Ms. Throne-Holst and seconded by Mr. Romaine to approve the attached draft Resolution for Suffolk County Community College Eastern Campus. The motion was approved by a 4-0-1 vote with Suffolk County abstaining.**

Advisory Committee Meeting 3/12/13

**Summary: Mr. Amper reported that at the March 12<sup>th</sup> Advisory Committee meeting a portion of the discussion related to the upcoming 20<sup>th</sup> Anniversary of the passage of the Pine Barrens Act. The suggestion was made that a focus of**

*the celebration should be on public awareness and to develop a calendar of events, including those already scheduled, that incorporates recognition of the milestones the Commission has made in protection of the Pine Barrens and the aquifer over the last 20 years.*

***Advisory Session and Adjournment***

***A motion was made by Mr. Walter and seconded by Mr. Romaine to enter into an Advisory Session to discuss a litigation matter and noted they would not return to public session. The motion was approved by a 5:0 vote.***

***The meeting concluded at 3:30 pm.***

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

1. March 20, 2013 Commission Meeting Sign in Sheet (1 page)
2. Draft Commission Meeting Summary for February 20, 2013 (5 pages)
3. Letter dated February 12, 2013 from Ms. Wendy Fischer, CWFIMA Executive Director
4. Draft Resolution of the Commission to Contract with the Upper Arkansas Valley Wildfire Foundation, representing Colorado Wildland Fire and Incident Management Academy, to Provide Additional Support Services for the 2013 NYWIMA, dated March 20, 2013 (2 pages)
5. Adopted Resolution of the Commission to Contract with the Upper Arkansas Valley Wildfire Foundation, representing Colorado Wildland Fire and Incident Management Academy, to Provide Additional Support Services for the 2013 NYWIMA, dated March 20, 2013 (2 pages)
6. Assessing Wildfire Hazards in the Home Ignition Zone description of workshops (5 pages)
7. Draft Resolution of the Commission to Contract with the National Fire Protection Association the "NFPA" to Conduct an "Assessing Hazards in the Home Ignition Zone" Training Course dated March 20, 2013 (2 pages)
8. Adopted Resolution of the Commission to Contract with the National Fire Protection Association the "NFPA" to Conduct an "Assessing Hazards in the Home Ignition Zone" Training Course dated March 20, 2013 (2 pages)
9. Draft Resolution Schiff Scout Reservation SCTM#: 600-75-3-10.3, dated March 20, 2013 (2 pages)
10. Adopted Resolution Schiff Scout Reservation SCTM#: 600-75-3-10.3 dated March 20, 2013 (3 pages)
11. Draft Resolution Suffolk County Community College Eastern Campus SCTM#: 900-212-2-7.2 dated March 20, 2013 (3 pages)
12. Adopted Resolution Suffolk County Community College Eastern Campus SCTM#: 900-212-2-7.2 dated March 20, 2013 (3 pages)



**Pine Barrens Commission Meeting Summary  
for Wednesday, April 17, 2013 (Final-Approved 5/15/13)  
Riverhead Town Hall  
200 Howell Avenue  
Riverhead, NY**

**2:00 p.m.**

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

The meeting was called to order at approximately 2:00 p.m. by Mr. Scully 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

### **Administrative and Public Comment**

#### *Public Comments*

Summary: There were no public comments.

#### *Minutes for 3/20/13*

Summary: A motion was made by Mr. Walter and seconded by Ms. Throne-Holst to approve the 3/20/13 meeting summary. The motion was approved by a 5-0 vote.

### **Commission Budget Approval**

Summary: Mr. Pavacic presented the previously distributed Draft 2013-2014 CPBC Operating Budget, dated 4/11/13 (attached).

**A motion was made by Mr. Walter and seconded by Ms. Throne-Holst to approve the attached Resolution of the Commission Approving State Fiscal Year 2013-2014 Operating Budget. The motion was approved by a 5:0 vote.**

### **Science and Stewardship**

#### *Wildfire Response, Forest Management, Prescribed Fire & Response Action items*

Summary: Mr. Pavacic mentioned that it is close to the one year anniversary of the April 2012 wildfires and that there has been significant progress in several areas related to the Commission's Wildfire Response Strategy. He further noted that the news organizations have been instrumental in providing updates to the public about the Commission's initiatives related to fire management such as, Firewise education and opportunities for firefighting training. He noted that there has been significant support for the Commission's fire management proposals and that the Commission's staff has met with the Flanders Riverside Northampton Civic Association on April 8<sup>th</sup> to provide a presentation on the Firewise program, the first in a series of planned visits to other civic and rotary groups.

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*Additional discussion points related to fire management included, funding the costs associated with fire management, scheduling discussions about new ideas related to fire management and the removal of debris and brush in those communities at high wildfire risk.*

*Mr. Pavacic reported the first Spring Academy was held last week and the focus was on executing prescribed fire and prescribed fire management. The Academy was well attended and the folks that participated were from the local area which included fire departments, and also from the northeast and other areas of the Country. The S234 class, Ignition Operations was offered and the first prescribed burn of this season was performed on DEC property in the Middle Island - Rocky Point area. Eighty acres were burned successfully, which is the largest burn to be performed on Long Island and Mr. Pavacic noted there was significant media coverage.*

*Mr. Romaine arrived at the meeting at 2:15 pm.*

*Mr. Pavacic mentioned that the Commission has been moving forward with the ecological management component of the Ecological Management Restoration work planned for public lands. He noted that the funds are available to implement this week. Mr. Scully acknowledged the Commission staff for taking a leadership role and for their dedication that has been a significant factor in bringing national and international attention to the NYWIMA and other fire management activities. It was mentioned that the Suffolk County Department of Health Services' (SCDHS) well drilling unit has been coordinating the installation of fire wells with the Manorville Fire District. Mr. Romaine added that the installation of fire wells is a public safety issue that would preclude any cuts to this funding by the County.*

#### *Ray Corwin Rocky Point-to-Yaphank Trail*

*Summary: Mr. Pavacic mentioned that Ms. Speizio, President of Nassau Suffolk Horsemen's Association submitted a draft proposal for an equestrian trail route as part of the overall Ray Corwin Hiking Trail. The Commission staff met with Ms. Speizio to determine whether both hiking and equestrian uses could be accommodated on the proposed trail and staff is currently finalizing the associated maps. He explained the next step in the process would be to consult with the land managers from the Department of Environmental Conservation (DEC), Suffolk County Parks and the Town of Brookhaven to receive their comments on both the hiking and equestrian trail proposals. When the land managers and the user groups have agreed on all aspects of the proposed trail, the final proposal will be submitted to the Commission for approval.*

#### *Education and Outreach*

*Summary: Ms. Griffiths discussed the previously distributed Education and Outreach Division March-April 2013 Update (attached). She reported that she and Mr. Urevich, the WTF Chair, attended a meeting of the Westhampton Rotary Club where they provided the presentation "Introduction to the Pine Barrens". At the meeting they discussed Commission sponsored activities that educate and protect the public from wildfire such as the Firewise program and they provided information about other Commission initiatives that benefit the public. Ms. Griffiths noted that she, Ms. Jakobsen and Ms. Heidi Wagner, who is the Northeast Regional Firewise Advisor, visited the Flanders Riverside Northampton Community Association where a presentation on the Firewise program was provided. She further noted that future Firewise presentations are planned at a number of other civic groups and associations in the Pine Barrens.*

*Ms. Griffiths discussed upcoming outreach events including, the 6<sup>th</sup> Annual Pine Barrens Discover Day, scheduled for Saturday, June 1<sup>st</sup> from 10:00 a.m. to 4:00 p.m. The event will be held at Wertheim National Wildlife Refuge for the second*

year and is partnered with two other events that are on the same day, Tri-Hamlet Day and International Migratory Bird Day. Ms. Griffiths discussed planned event highlights for Discovery Day that included, the Firewise trailer and exhibit will be onsite, Trout Unlimited will provide a presentation on the natural history of the American Eel and Alewife, Biologist Michael Fishman, will be presenting "Bats of the Pine Barrens" with a mist net demonstration and other exciting topics and activities. She noted that about 700 visitors attended last year's Discovery Day event and this year approximately 1,000 visitors are expected. Plans are underway for the 2013 Summer Camp the Commission co-sponsors with Wertheim National Wildlife Refuge that will run from June 24th – August 9th.

Ms. Griffiths mentioned that the annual program, "A Day in the Life of the Carmans River" has been scheduled for September 27<sup>th</sup>. She stated last year over 200 students participated and the event was well publicized. This year the Rocky Point Middle School, four additional elementary classes and two Bellport High School classes will be participating in the event. Other items she discussed pertaining to the Carmans River program included, additional testing locations are being considered along the river, the possible inclusion of a kayak trip and that Mr. Stephen Terracciano, Cornell Cooperative Extension biologist, will also be participating.

Mr. Walter invited Ms. Griffiths to attend a future Riverhead Rotary Club meeting for the opportunity to reach out to the public with the presentation discussed at today's meeting.

#### Science and Stewardship

Summary: Ms. Carter discussed the April 17<sup>th</sup> Science and Stewardship Division report (attached). She mentioned the Protected Lands Council (PLC) meeting that was held on March 5<sup>th</sup> at Wertheim National Wildlife Refuge was well attended. At the meeting Mr. Green, Cultural and Natural Resource Manager at Brookhaven National Laboratory (BNL), provided a presentation on BNL's natural resource management programs. The next PLC meeting is scheduled for June 4<sup>th</sup> at 9:15 a.m. at the Pine Barrens Trails Information Center in Manorville.

Ms. Carter reported that next week an aerial reconnaissance mission is scheduled for the Pine Barrens region. These missions are performed with the Civil Air Patrol as part of a Memorandum of Understanding (MOU) with the Commission for documentation of land cover conditions, the identification of dumping sites, to locate abandoned vehicles, identify damage from ATV activity and for forest health monitoring.

Additional discussion points included, the Law Enforcement Council (LEC) manages reports of abandoned vehicles and the DEC Forest Rangers are making plans to remove four abandoned vehicles that were spotted during an air reconnaissance mission and the methods used to identify the owner of an abandoned vehicle. Plans are underway for the 18<sup>th</sup> Annual Research Forum scheduled for October 3<sup>rd</sup> and 4<sup>th</sup>. Ms. Carter also mentioned that ATV damage and dumping mitigation project has been focusing on the Flanders area.

Mr. Hynes reported that ATV and dirt bike activity complaints have been increasing over the last few weeks in the Manorville area. Mr. Romaine expressed his concern that the police department covering the area of Manorville needs additional ATVs for patrol officers to use and a discussion ensued pertaining to the current inventory of seized ATVs. Mr. Hynes discussed the plans for upcoming ATV details that the LEC will conduct.

Ms. Carter mentioned that the last NYS Long Island Invasive Species Management Area (LIISMA) meeting was held on April 11<sup>th</sup> at the Cornell Cooperative Extension in Riverhead. Topics discussed at the meeting included,

microalgae species on Long Island and alternatives to horticultural invasive plants. The next LIISMA meeting has been scheduled for June 13<sup>th</sup> at Wertheim National Wildlife Refuge. A training session on the use of IMap Invasives will be held at the end of the June 13<sup>th</sup> LIISMA meeting.

#### CLUP Amendments and Worksession

Summary: Mr. Scully noted that he felt some progress was made at the CLUP worksession that was held prior to today's Commission meeting. The next worksession is scheduled for May 15<sup>th</sup> at Riverhead Town Hall.

#### Compliance and Enforcement

Summary: Mr. Hynes discussed the highlights in the attached previously distributed Summary of Compliance and Enforcement Incidents Activity report, dated April 17, 2013. He reported that the LEC has been asked to attend the next Flanders, Riverside and Northampton Community Civic Association meeting on May 13<sup>th</sup> and the Southampton Police Chief also plans to attend that meeting to discuss issues related to dumping and other environmental violations. Mr. Hynes noted that on April 24<sup>th</sup> he will be participating in an aerial flight mission over the Pine Barrens during which a land inventory will be performed.

Mr. Hynes reported that today the LEC is conducting an environmental truck stop in Westhampton and the agencies involved included, Southampton Town, Suffolk County Park Police, Department of Transportation (DOT), NYS Environmental Conservation Police (ENCON), New York State Police and the Suffolk County Sheriff's Office. He noted that as of 11:30 a.m. this morning, three vehicles were impounded and 32 summonses had been written.

Mr. Hynes explained that two ATVs were purchased last year with the LEC's Environmental Benefit Funds. The LEC uses them directly and also loans them to the various law enforcement agencies for ATV activity patrols. It was mentioned that Suffolk County has an inventory of confiscated ATVs that may be available for donation to the LEC and Southampton Town offered to assist with making an inquiry on their availability. Mr. Hynes noted that the next LEC meeting is scheduled for Thursday, April 25<sup>th</sup> at Suffolk County Park Police Headquarters in Yaphank. He mentioned that there has not been an LEC representative for the Brookhaven Town Code Enforcement Division in attendance at the meeting in the last four months. Mr. Romaine assured Mr. Hynes that an individual will be designated.

Mr. Scully expressed the importance of building a relationship with the Flanders community through the Firewise program. He noted that the Commission's presentation about the Firewise program at civic group meetings will hopefully assist in advancing the Firewise pilot project in Flanders. Mr. Hynes noted that he has been following up with dumping activity in Southampton, on State, Town and Suffolk County owned land and he frequently touches base with the Southampton Code Enforcement Division. He further noted that last year the Commission subcommittees worked together and removed three truck loads of debris.

#### **Land Use**

##### *Planning and Land Use*

Summary: Ms. Hargrave mentioned that no recent hardship applications have been received and she discussed other items related to the attached Central Pine Barrens Joint Planning and Policy Commission Land Use Division Update for Mid-February 2013 to Mid-April 2013. She noted that Town referrals continue to be received and reviewed by staff.

*Ms. Hargrave mentioned that the Meadows at Yaphank project that was approved by the Commission last year has submitted plans to the Town for its first phase of development. She explained that there were conditions in the Commission's approval and they will be monitored for compliance as development progresses. She reported that LIPA is completing its final phase in the restoration of vegetation at the LIPA substation which was a Commission approved hardship several years ago. There will be approximately 1,000 pitch pines planted on the NY State owned land, located behind the Commission's office in Westhampton Beach.*

**Project Review - Compatible Growth Area (CGA)**

*Artist Lake Plaza CGA DRS (SCTM #s: 200-379-1-3.1, 5.1, and 12)*

Summary: *Ms. Hargrave discussed the attached letter, dated March 14, 2013, that is a request for an extension of 90 days for the submittal of the Covenants and the Conservation Easement for the Artist Lake Project.*

***A motion was made by Ms. Throne-Holst and seconded by Mr. Romaine to approve the request for an extension on the submittal of Covenants and Conservation Easement for the Artist Lake CGA DRS. The motion was approved by a 5:0 vote.***

**Adjournment**

***A 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 concluded at 3:30 pm.***

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

1. April 17, 2013 Commission Meeting Sign in Sheet (1 page)
2. Draft Commission Meeting Summary for March 20, 2013 (6 pages)
3. Draft 2013-2014 CPBC Operating Budget report, dated 4/11/13 (1 page)
4. Education and Outreach Division March-April 2013 Update (2 pages)
5. April 17, 2013 Science and Stewardship Division report (2 pages)
6. Summary of Compliance and Enforcement Incidents Activity report dated April 17, 2013 (5 pages)
7. Central Pine Barrens Joint Planning and Policy Commission Land Use Division Update for Mid-February 2013 to Mid-April 2013 (2 pages)
8. Request for extension letter for Artist Lake Plaza CGA-DRS, dated March 14, 2013 from John LaMura.



**Pine Barrens Commission Meeting Summary  
for Wednesday, May 15, 2013 (Final –Approved 6/19/13)  
Riverhead Town Hall  
200 Howell Avenue  
Riverhead, NY**

**2:00 p.m.**

**Commission members present:** Mr. Scully (for New York State), Mr. Faulk (for Brookhaven), Mr. Walter and Mr. McCormick (for Riverhead), Ms. Throne-Holst, Mr. Shea and Mr. Collins (for Southampton), Ms. Lansdale and 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, Mr. Hynes, and Ms. Ostrowski (from the Commission). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:00 p.m. by Mr. Scully 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

### **Administrative and Public Comment**

#### **Public Comments**

Summary: Ms. Speizio, President of Nassau Suffolk Horsemen's Association explained the purpose of her attendance at today's meeting was to obtain an update on the proposed plan for the Ray Corwin Rocky Point to Yaphank Hiking Trail. At the April Commission meeting she had submitted recommendations for equestrian use on the proposed trail. Mr. Pavacic reported that the staff met with the Suffolk County Department of Public Works (SCDPW) to discuss making improvements to Smith Road and requirements for the sewer main. At that meeting progress was made on formulating a strategy to reduce illegal activities such as, ATVs at vulnerable areas of the Smith Road portion of the trail. Mr. Pavacic explained that once all of the details are assimilated into one proposal, a final hiking and equestrian trail route will be submitted to the Commission for its approval.

#### **Minutes for 3/20/13**

Summary: A motion was made by Mr. Walter and seconded by Ms. Throne-Holst to approve the 4/17/13 meeting summary. The motion was approved by a 5:0 vote.

#### **Resolution to authorize RFP to Solicit Auditor to Review SCWA Administrative Cost Analysis**

Summary: Mr. Scully explained that over the years the Commission has maintained a contract with Suffolk County Water Authority (SCWA) to provide the Commission with administrative services and housing on a reimbursement basis and he noted that the current contract with SCWA expired on March 31, 2013. He further explained that the SCWA had recently performed an internal cost analysis that indicated the fee they have been charging to cover administrative services was not adequate. He explained that the Commission should consider performing a separate audit to validate the SCWA findings and the staff was asked to prepare a Request for Proposal (RFP) to advertise for an auditor.

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**A motion was made by Mr. Walter and seconded by Ms. Throne-Holst to approve the attached Resolution of the Commission to Authorize the Preparation and Issuance of a Request for Proposal for Auditing Services to review SCWA Administrative Cost Analysis and Basis for New Fee in Renewed SCWA-Commission Agreement. The motion was approved by a 5:0 vote.**

## **Science and Stewardship**

### *Wildfire Response, Forest Management, Prescribed Fire & Response Action items*

Summary: Mr. Pavacic reported that the NYSDEC Forest Rangers successfully conducted a prescribed fire on grasslands last Monday, May 13<sup>th</sup> and additional burns are planned for the end of May. Ms. Jakobsen has reached out to the Towns to coordinate schedules to ensure that Town staff who are interested in taking the Firewise course, "Assessing Hazards in Home Ignitions Zone" will be able to attend. Ms. Jakobsen will continue to coordinate with the Town Supervisors' offices in that effort.

Mr. Pavacic mentioned that several of the planned fire well installations in the Manorville Fire District area have been successfully completed and he noted that originally anticipated pumpage rates have been exceeded with actual rates between 600 and 800 gallons a minute. The wells have been in a testing stage until now and will be approved for use when the success of the installation has been determined by the Manorville Fire District and the Suffolk County Department of Health Services (SCDHS).

Mr. Walter expressed his concerns about heavy fire fuel loads and fire roads that have been impassable at EPCAL. Ms. Throne-Holst expressed similar concerns and asked if there are funds available to use for reducing fire fuel loads. Mr. Scully noted that the land owners bear some of the responsibility for addressing fire related problems on their properties. The suggestion was made that the Town of Riverhead should contact the NYSDEC Forest Rangers and Mr. Fonda, the NYWIMA Coordinator, to discuss the situation at the EPCAL property.

Additional points were made and items related to fire management were discussed such as, the Ecological Services contract and realistic measures for addressing fire fuel loads in the interior and perimeter areas of public lands and adjacent properties. Suitable roads need to be identified for fire trucks to access wooded areas and Mr. Pavacic emphasized that no single strategy alone can accomplish all of the fire management goals. Mr. Scully noted that he feels it is important to keep fire management and response issues on the monthly Commission meeting agenda, and to also extend the dialogue to the NY State Forest Rangers and the Town Fire Marshals. Mr. Pavacic noted when fire management meetings are scheduled with the Towns' Fire Marshals, that Commission staff should attend as well to address issues related to the Commission's jurisdiction. Supervisor Walter offered to arrange a Town fire management meeting.

### *Ray Corwin Rocky Point-to-Yaphank Trail*

Summary: Mr. Pavacic reported that the Commission is waiting for additional information pertaining to existing uses and for required permissions from public landowners for the use of properties associated with the proposed Rocky Point to Yaphank Trail. He stated that he hopes to have a final trail plan ready to

*submit to the Commission at the June or July Commission meeting.*

**Land Use**

*Planning and Land Use*

*CLUP Amendments and Worksession*

Summary: *Mr. Pavacic distributed and discussed the attached updated CLUP Amendment Worksession Master Schedule and he noted that the worksession meetings have been extended to November of this year. The new master schedule included updates on the status of the CLUP Amendments discussed until now and today's open space standard discussion will continue at the June meeting.*

**Adjournment**

***A motion was made by Mr. Walter and seconded by Ms. Throne-Holst to adjourn the meeting. The motion was approved by a 5:0 vote.***

***The meeting concluded at 2:35 pm.***

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

1. May 15, 2013 Commission Meeting Sign in Sheet (1 page)
2. Draft Commission Meeting Summary for April 17, 2013 (5 pages)
3. Resolution of the Commission to authorize the Preparation and Issuance of a Request for Proposal for Auditing Service to review SCWA Administrative Cost Analysis and Basis for New Fee in Renewed SCWA-Commission Agreement, dated May 15, 2013 (1 page)
4. Updated version of the CLUP Amendment Worksession Schedule, dated 5/13/13 (1 page)



**Pine Barrens Commission Meeting Summary  
for Wednesday, June 19, 2013 (Final – Approved 7/17/13)  
Riverhead Town Hall  
200 Howell Avenue  
Riverhead, NY**

**2:00 p.m.**

**Commission members present:** Mr. Scully (for New York State), Mr. Romaine and Ms. Prusinowski (for Brookhaven), Mr. Walter and Mr. McCormick (for Riverhead), Mr. Shea (for Southampton), Ms. Longo and 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, Mr. Hynes, Ms. Carter, Ms. Griffiths, Mr. Tverdyy and Ms. Ostrowski (from the Commission). Additional attendees are 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.

After reciting the Pledge of Allegiance, Mr. Scully asked for a moment of silence in memory of Mr. Lawrence Paul. "Larry", as we knew him, was a long time advocate and ardent volunteer in the effort to protect the Pine Barrens. Mr. Scully explained that Mr. Paul had passed away on June 3rd at the age of 82 and that Larry was a retired NY State Fire Warden and long time member of the Protected Lands Council (PLC) and the Law Enforcement Council (LEC), a park steward, volunteer for the Nature Conservancy and historian on the subject of fire towers. At the Commission's 2012 Annual Cooperators meeting, Mr. Paul was recognized and presented with an award in appreciation of being a great supporter of the Commission's many missions. Mr. Paul's extensive knowledge of fire towers was of great assistance to the Commission when it was considering the construction of an "historical fire tower" at a location within the Pine Barrens.

### **Administrative and Public Comment**

#### **Public Comments**

##### Summary:

Mr. Richard Amper, Long Island Pine Barrens Society Director, explained that the NY State Assembly unanimously passed a bill that adds certain lands in the Carmans River Watershed to the Central Pine Barrens Compatible Growth Area and the Core Preservation Area. Brookhaven Town has scheduled public meetings on the Carmans River Watershed Plan in all of its districts and there will be a hearing on this Plan on July 30th.

Supervisor Walter mentioned that he had a discussion with Mr. Urevich, Chair of the WTF with respect to the wildfire mitigation needs of Flanders and EPCAL. He explained that Mr. Urevich recommended that the Commission members should pass a resolution asking the Commission's WTF to move forward in assessing the firefighting and response needs at both locations.

#### **Minutes for 5/15/13**

Ms. Prusinowski noted that she did not attend the May 15th Commission meeting as noted in the minutes and therefore the minutes would need to be corrected.

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***Summary: A motion was made by Mr. Freleng and seconded by Mr. Walter to approve the 5/15/13 meeting summary, with the noted correction. The motion was approved by a 5:0 vote.***

#### *Directors & Officers and General Liability Insurance*

***Summary: Mr. Pavacic explained that under the NYS Environmental Conservation Law (ECL) Article 57, the Commission is required to carry its own insurance policies. He noted that annually, the Commission is required to authorize the Chair to sign the renewal documents for each of the Commission's insurance policies including, General Liability and Directors and Officers. Mr. Milazzo noted that the insurance coverage has been enhanced to include all of the Commission's activities and events such as, the Annual Discovery Day event, the Wertheim Wildlife Refuge Summer Camp program and the NYWIMA.***

***A motion was made by Mr. Scully and seconded by Mr. Walter to ratify the applications that were submitted to the Commission's insurance carrier for the Commission's Directors and Officers, and General Liability insurance and other related insurance renewal applications that provide expanded coverage for Commission activities. The motion was approved by a 5:0 vote.***

#### **Science and Stewardship**

##### *Wildfire Response, Forest Management, Prescribed Fire & Response Action items*

***Summary: Mr. Pavacic reported that the two day course "Assessing Hazards in the Home Ignition Zone", which is offered through the National Fire Protection Association (NFPA,) will be provided by the Commission on June 24<sup>th</sup> and 25<sup>th</sup> for government employees at the SCWA's Coram Training Center. He mentioned that specific town staff such as fire marshals, building inspectors, and planners would benefit from taking the NFPA course and he reported that the Towns of Brookhaven and Southampton have not yet responded to enroll staff in the class. He urged the Supervisors to encourage their respective Town staff to sign up for the course.***

***Mr. Pavacic discussed that the course will provide continuing education credits that the NYS Department of State Division of Code Enforcement requires code enforcement positions such as fire marshals and building inspectors to obtain in order for them to retain their professional certification. He mentioned that previous Commission meeting discussions after the April 2012 wildfires have emphasized the need to promote Firewise education. Mr. Pavacic also stated the course provides training in Firewise techniques for fireproofing structures within the Pine Barrens. He explained that if the Commission adopts the Firewise code as a CLUP Standard, the Towns would need trained staff to implement the new standard. The Town representatives stated they would encourage Town employees to attend the course.***

***Mr. Pavacic reported that he will be meeting with members of the WTF Board tomorrow to discuss a strategy for updating the Fire Management Plan. Sections of the Plan will be discussed at the upcoming WTF meetings for the members to review and provide their comments. He noted that Commission staff has completed drafts of surface water maps, which will also be available to the WTF members to review.***

***Additional discussion points related to the Commission's wildfire response strategy included, new fire wells have been installed in Manorville, which are exceeding the expected pumping rates and that the Commission should direct the WTF to evaluate and formulate a plan to address the dead oak issue in Flanders and at EPCAL. The Commission's Ecological Services Contractor will be developing proposals for addressing needs related to prescribed fire, wildfire***

prevention and strategies for clearing fire roads to allow fire departments access during wildfires. Mr. Scully noted that the NYSDEC has acquired a piece of equipment that they would loan to other entities to clear large trees and debris where it is necessary.

#### *Ray Corwin Rocky Point-to-Yaphank Trail*

Summary: Mr. Pavacic reported that Commission staff has been working on plans for to include equestrian use on a portion of the proposed Ray Corwin Rocky Point-to-Yaphank Trail. Ms. Carter has been preparing an aerial map that includes both hiking and equestrian uses. When ready, Ms. Speizio, President of the Nassau Suffolk Horseman's Association will be provided with a copy of the map to review the equestrian portion. Mr. Pavacic mentioned that Brookhaven Town, Suffolk County Department of Public Works (DPW) and Suffolk County Parks have been working together on a plan to secure the Smith Road gate to restrict ATV and other illegal activities along the trail

#### *Education and Outreach*

Summary: Ms. Griffiths discussed the previously distributed Education and Outreach Division May-June 2013 Update (attached). Ms. Griffiths discussed school outreach programs such as the 4th grade class at the Patchogue Medford School that she visited throughout the year and that culminated with a two-day field trip to the Wertheim Wildlife Refuge. Other items that Ms. Griffiths discussed included the Commission and WTF presentation on June 12th at the Riverhead Rotary Club on the Commission's fire management initiative, the successful Annual Discovery Day Event on June 1st and the end of year web conference between Longwood High School students and the students in Pisa, Italy. The web conference provided all of the students that participated an opportunity to discuss their yearlong studies of both the Arno River in Italy and the Carmans River on Long Island. Currently, Ms. Griffiths is conducting a staff training session for the summer camp at Wertheim National Wildlife Refuge that will start on June 24th and run through August 9th. She has also been preparing for the upcoming events "A Day in the Life of the Carmans River scheduled for September 27th and the Long Island Natural History Conference at Dowling College on November 22nd.

#### *Science and Stewardship*

Summary: Mr. Pavacic discussed the attached Science and Stewardship Division update, dated June 19th, prepared by Ms. Carter who was not present at today's meeting. Items from the report which Mr. Pavacic discussed included, the status of the Ecological Restoration Services Contract, the public land managers' ecological restoration priorities and the May 24th aerial monitoring of ground conditions in the Pine Barrens performed with the Civil Air Patrol (CAP). Mr. Pavacic noted that the agreement with CAP has become a valuable and successful venture for the Commission.

#### **Land Use**

##### *Planning and Land Use*

##### *CLUP Amendments and Worksession*

Summary: Mr. Scully stated that he felt there was progress made on the overall status of the CLUP Amendments during today's worksession.

#### *Compliance and Enforcement*

Summary: Mr. Hynes discussed the attached previously distributed Summary of Compliance and Enforcement Incidents Activity report, dated June 19, 2013. He distributed an aerial photograph of a cleared area that was discovered during the

*last CAP overflight in May. The clearing violation was the size of an acre and is located near the Carmans River Preserve. Mr. Hynes explained that he and Ms. Carter conducted a site inspection and took photographs of the cleared area where they discovered that a paint ball course was installed. The Suffolk County Park Police Department is conducting an ongoing investigation into the clearing violation. Brookhaven Town asked to receive updates on the status of the investigation.*

*Mr. Hynes discussed other items in his report such as the LEC continues to patrol for illegal activity and has issued 18 summonses to date this year, eight of which were for illegal 4X4 activity with the remainder for ATV and other illegal activities. Mr. Hynes noted that the next LEC meeting is on Thursday, June 27th.*

#### *Land Use Division*

*Summary: Ms. Hargrave explained that Town referrals continue to be received and reviewed by staff and she discussed other items related to the attached Central Pine Barrens Joint Planning and Policy Commission Land Use Division Update for Mid-April 2013 to Mid-June 2013. She noted that she attends the Ecological Services Contract meetings and participates in related field outings to selected sites. Ms. Hargrave discussed additional items in her report including, the Land Use Division provides technical assistance and coordination on land use matters, assists with processing of FOIL requests and updating the Commission's website, among other tasks. She noted that there are no pending hardship applications.*

#### *Credit Clearinghouse*

*Summary: Mr. Tverdy reported that the last Credit Clearinghouse Board meeting was on May 31, 2013. The Board members reviewed the financial and program statistics reports (attached). The Clearinghouse bank balance as of April 30, 2013 was \$2,495,340.82, which did not reflect recent disbursements. It was noted that Mr. Anrig at the Clearinghouse meeting made a suggestion that in addition to the treasurer's report, a separate Pine Barren Credits inventory report should be provided that would indicate the amount of Credits owned by the Clearinghouse, which is currently 10.19 Credits.*

*Mr. Tverdy reported that 4.36 Credits were generated in 2012 and currently there are a few Conservation Easements in the final stages of the process. He noted Mr. Pavacic provided an update on the CLUP Amendments to the Board Members and that the Clearinghouse members discussed the change to the Brookhaven Town Multi Family Code and the availability of Pine Barrens Credits for redemptions associated with zone changes. It was mentioned that the Clearinghouse Board will be required to attend a mandatory two-hour State ethics training to be provided by Mr. Pavacic that is also required for the Commission members and their Designated Representatives. The training needs to be completed by August 15, 2013. Mr. Pavacic further explained the details related to the NY State Ethics Law training that is required. He explained that he would be contacting the Towns to schedule a date and time for him to visit each Town to conduct the training class.*

*Mr. Tverdy reported that an executive session was held to discuss the allocation of PB Credits to Mr. Ed Tuccio's shooting range parcel, core area parcels with title issues and selling the PB Credits owned by the Clearinghouse. The Clearinghouse Board passed a motion to allocate 5.11 PB Credits for Mr. Tuccio's shooting range parcel, based on the current formula and consistent with past actions. Another motion was made by the Clearinghouse Board to sell the Pine Barrens Credits they have purchased to the highest bidder, with the elimination of the requirement for the purchaser to have an application pending before a municipal entity. The members approved the motion by a vote of 4:1 with Mr. Tripp, Clearinghouse Chair opposed. The Clearinghouse members have also asked the Commission staff to*

*send a letter to the Commissioner of the Suffolk County Department of Economic Development and Planning to request a meeting between the Commissioner and the Clearinghouse and Commission staff. The purpose of the meeting would be to discuss overlap parcels in the Central Pine Barrens Core Preservation Area for which the County is listed as one of the owners. Mr. Tverdy also noted that at this time the Clearinghouse has no plans to purchase additional Pine Barrens Credits. The average monetary value of the 2012 credits was \$88,000.*

*Mr. Amper inquired how much of the \$2.5 million the Clearinghouse will they use to purchase Credits. Mr. Tverdy explained they were not currently purchasing additional Credits as they currently have purchased Credits they obtained through a reverse auction. Mr. Amper inquired whether the Clearinghouse has determined the shortfall in receiving areas. It was noted that the Clearinghouse has not made a determination on that issue. It was also mentioned that there is proposed legislation that affects the indemnification of towns that do not meet the receiving area requirements.*

#### ***Advisory Session and Adjournment***

***A motion was made by Mr. Romaine and seconded by Mr. Walter to enter into an Advisory Session to discuss a litigation matter and noted they would not return to public session. The motion was approved by a 5:0 vote.***

***The meeting concluded at 2:50 pm.***

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

1. June 19, 2013 Commission Meeting Sign in Sheet (1 page)
2. Draft Commission Meeting Summary for May 15, 2013 (3 pages)
3. Education and Outreach Division May-June 2013 update (2 pages)
4. Science and Stewardship division update, dated June 19, 2013 (2 pages)
5. Summary of Compliance and Enforcement Incidents Activity report, dated June 19, 2013 (3 pages)
6. Land Use Division Update for Mid-April 2013 to Mid-June 2013
7. Easement Protected Lands and Pine Barrens Credits report as of May 31, 2013 (1 page)
8. Suffolk County Treasurers Credit Clearinghouse financial report for the months of November 2013 through April 2013 (2 pages)



**Pine Barrens Commission Meeting Summary  
For Wednesday, July 17, 2013 (Final-Approved 8/21/13)  
Wertheim National Wildlife Refuge  
Visitor Center  
Shirley, NY**

**2:00 p.m.**

**Commission members present:** Mr. Scully (for New York State), Ms. Prusinowski (for Brookhaven), Mr. Walter and Mr. McCormick (for Riverhead), Mr. Shea and Mr. Collins (for Southampton), Ms. Longo and 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, Mr. Hynes, and Ms. Ostrowski (from the Commission). Additional attendees are 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. Mr. Scully noted that this month's meeting is being held at the Wertheim National Wildlife Refuge Visitor Center for the first time and he acknowledged the success of the Commission's growing partnership with Wertheim National Wildlife Refuge in conducting activities such as the Discovery Day Event and the Commission's summer camp program, which is currently underway.

### **Administrative and Public Comment**

#### **Public Comments**

Summary: There were no public comments.

#### **Minutes for 6/19/13**

Summary: **A motion was made by Mr. Freleng and seconded by Mr. Shea to approve the 6/19/13 meeting summary. The motion was approved by a 5:0 vote.**

#### **Resolution to approve Auditor**

Summary: It was reported that at the May Commission meeting it was discussed that the Suffolk County Water Authority (SCWA) performed a cost analysis of the fee that they charge the Commission for administrative services. Their analysis indicated the fee they currently charge does not cover all of the SCWA's administrative costs and therefore they will likely seek an increased fee in their contract renewal with the Commission. At the May Commission meeting, the Commission members decided to issue a Request for Proposal (RFP) to hire an independent auditor to review SCWA's cost analysis before the Commission renews its contract with SCWA. Mr. Scully explained that price quotes from three auditors were received that differed by such a degree that they require further review. He stated that at the next Commission meeting he expects the Commission would be able to select an auditor to approve.

#### **Suffolk County Historical Society Pine Barrens related exhibit "Barren and Wasteland"**

Summary: Mr. Scully reported that on Monday July 15th, Wertheim National Wildlife Refuge hosted an event sponsored by the Long Island Pine Barrens Society in recognition of the 20<sup>th</sup> anniversary of the signing of the Pine Barrens Protection Act. He then noted that the Commission plans to commemorate the

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signing of the Pine Barrens Protection Act on Monday, July 22<sup>nd</sup> at a grand opening ceremony of a Pine Barrens exhibit at the Riverhead County Center.

Mr. Pavacic reported that the Commission, in conjunction with its co-sponsors, the Suffolk County Historical Society, which also developed the exhibit, and Suffolk County, will be observing the opening of the Society's renowned "Barren and Waste Land: Long Islanders and the Pine Barrens" exhibit that explores the rich past of Long Island's key wilderness area. Mr. Pavacic mentioned that the Commission members and their designated representatives were mailed invitations to the exhibit's grand opening ceremony.

The exhibit is open to the general public from July through September 30, 2013, from 8:30 am to 4:30 pm, Monday through Friday, in the lobby of the Evans K. Griffing building. The exhibit explores topics such as, the glacial origin of the Pine Barrens and the dry, acidic and nutrient-poor soils found in much of the area, which helped shape the types of habitats found there. Other exhibit subjects include the influence of humans on the evolution of the Pine Barrens over thousands of years, such as the harvesting of native wild berries, cultivation of cranberries, cordwood cutting, ice harvesting and brick making.

### **Science and Stewardship**

#### *Wildfire Response, Forest Management, Prescribed Fire & Response Action items*

*Summary:* Mr. Scully reiterated some of his previous remarks pertaining to progress with the action items developed in response to the April 2012 wildfires. He discussed his concerns that over time folks could lose sight of the fire danger issues in the Central Pine Barrens if long term planning was not actively pursued. It was mentioned that the Commission offered the course, "Assessing Hazards in the Home Ignition Zone" in June to government employees. It was noted that the public has the ability to significantly improve the ability of their homes to withstand the effects of a wildfire by implementing Firewise measures, and that a tutorial version of the Firewise course should be placed on the Commission's website and provided to libraries located within the Pine Barrens.

Mr. Scully mentioned the need to continue educating the public about Firewise concepts. He stated that the Town governments should be involved in the process in order to help identify communities that are at an increased risk from the effects of wildfire in order to advance the Commission's multi-pronged approach. Additional discussion points included, the Assessing Hazards in the Home Ignition Zone course was well attended by the staff from the Towns, Commission staff continues with their Firewise outreach effort and a presentation has been scheduled with Leisure Village, a community in Ridge.

Mr. Pavacic explained he and staff met with Mr. Urevich, the Wildfire Task Force (WTF) Chair, to discuss a strategy to update the 1999 Fire Management Plan. A decision was made to approach the update in increments over the course of the next year and finished sections would be released as the update progresses. The suggestion was made to develop portions of the fire management plan into a format that could be used by firefighters during fire incidents. Mr. Pavacic mentioned that he plans to meet with Mr. Urevich tomorrow to discuss concerns about dead oak trees in the wooded areas at EPCAL. The Riverhead Chief Fire Marshall has already provided input on this issue.

#### *Ray Corwin Rocky Point-to-Yaphank Trail*

Summary: Mr. Pavacic reported that Commission staff has met with the major stakeholders associated with the Ray Corwin Rocky Point-to-Yaphank trail including the hikers, the equestrians and the landowners. He explained that a draft map of the trail would be ready to submit to the Commission when additional information for the trail's design has been received from the equestrians and the land managers. He mentioned that a portion of the trail could be ready to open in the fall including an area that extends north from Whiskey Road and south to Longwood Road. He noted the hiking section of the trail could be ready to blaze by the end of this year.

Resolution to approve the purchase of an all terrain vehicle by the LEC for the NYS DEC Forest Rangers

Summary: Mr. Scully discussed the origin of the Environmental Benefit Fund (EBF) and he explained that it was formed from proceeds collected from an environmental enforcement matter. The funds collected were provided to the LEC to use to purchase equipment such as all terrain vehicles (ATVs) that are needed for enforcement purposes. Mr. Hynes explained that the attached draft resolution to purchase an All-Terrain Vehicle by the Law Enforcement Council pertains to an ATV that would be purchased for use by the NYS DEC Forest Rangers. He noted that the cost of the ATV was \$7,700 and that three price quotes were obtained.

**A motion was made by Mr. Collins and seconded by Ms. Prusinowski to approve the attached draft Resolution authorizing the LEC to purchase an ATV for use by the NYSDEC Forest Rangers. The motion was approved by a 5:0 vote.**

Mr. Walter asked about the name and location of the vendor that the LEC chose for the purchase of the ATV. It was noted that the LEC accepted the bid received from Long Island Yamaha, which was mentioned in the attached memo dated, July 2, 2013 that was prepared by Mr. Hynes.

### **Land Use**

#### *Planning and Land Use*

#### *CLUP Amendments and Worksession*

Summary: Mr. Scully reported that he thought progress has been made at the CLUP worksession's even though the amendments have been reviewed at a slower rate than what the schedule outlined.

NYS Legislation to add certain lands in the Carmans River Watershed to the Central Pine Barrens Area

Summary: Mr. Pavacic distributed and discussed copies of the attached NY State Senate's summary of legislation that pertains to legislation they passed to include certain lands in the Carmans River Watershed in the Core Preservation area and the Compatible Growth Area (CGA). Mr. Scully explained that last year the Town of Brookhaven had previously voted against a plan that was designed to protect the Carmans River, which would have also expanded the Core and CGA of the Central Pine Barrens. He explained that this year the Town decided to vote in favor of adding land in the Carmans River Watershed area to the Core and CGA, thereby expanding the Central Pine Barrens area. The legislation that passed is ready for the Governors signature.

Mr. Pavacic distributed and discussed the attached map of the Central Pine Barrens that illustrates the area affected by the new legislation expanding the boundaries of the Pine Barrens and he noted the map dated May 16, 2013, was

*provided by Brookhaven Town. Mr. Pavacic discussed areas depicted on the map such as the expansion of the Core area and the CGA on both sides of the Carmans River and south of the Long Island Expressway (LIE). He pointed out the areas on the map that showed the expansion on both sides of Southaven County Park and Wertheim Wildlife Refuge, west of the William Floyd Parkway, and on the east and west sides of County Road 21 through the area of Yaphank up to Rocky Point. Mr. Pavacic further noted the expansion of the Pine Barrens included both private and public lands and that the expansion has the potential of adding new receiving sites for Pine Barrens Credits. It was noted that the bill would not take effect until the first of the next year after the Governor signs it.*

*Mr. Pavacic explained that this year's version of the legislation is different from the bill that was proposed last year because last year's bill included a plan to protect the Carmans River Watershed. This year's version of the law did not include a protection plan and only included a metes and bounds description of the expansion of the Central Pine Barrens, the Core and the CGA. He further explained that Brookhaven Town has been conducting a series of meetings with folks from the Town's communities to obtain input for a new plan to protect the Carmans River and when a new plan is completed, a hearing will be scheduled for further review and to receive comments on the draft plan. Additional points discussed included, Environmental Conservation Law (ECL) Article 57 does not require the Commission to map the lands of the Central Pine Barrens and the Pine Barrens Protection Act contains a metes and bounds description of the Core and the CGA. Mr. Pavacic mentioned that questions from the public related to the location of the Central Pine Barrens, Core and CGA are answered by the Commission staff referring them to the metes and bounds description in ECL Article 57. It was further mentioned that no matter what the outcome of the Town's plan to protect the Carmans River Watershed, the Commission has jurisdiction over the expanded Pine Barrens area.*

#### **Advisory Session and Adjournment**

***A motion was made by Mr. Freleng and seconded by Mr. Walter to enter into an Advisory Session to discuss a litigation matter and noted they would not return to public session. The motion was approved by a 5:0 vote.***

***The meeting concluded at 2:25 pm.***

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

1. July 17, 2013 Commission Meeting Sign in Sheet (1 page)
2. Draft Commission Meeting Summary for June 19, 2013 (3 pages)
3. Draft Resolution for the Commission to Authorize the Purchase of One All Terrain Vehicle by the LEC, dated 7/17/13 (1 page)
4. Final approved Resolution for the Commission to Authorize the Purchase of One All Terrain Vehicle by the LEC, dated 7/17/13 (1 page)
5. NY State Assembly summary of legislation that expands certain lands in the Carmans River Watershed to the Central Pine Barrens Area (20 pages)
6. Brookhaven Town map depicting the Central Pine Barrens expanded areas, dated 5/16/13 (1 page)





**Pine Barrens Commission Meeting Summary  
For Wednesday, August 21, 2013 (Final – Approved 9/18/13)  
Riverhead Town Hall  
200 Howell Avenue  
Riverhead, NY**

**2:00 p.m.**

**Commission members present:** Mr. Scully (for New York State), Ms. Prusinowski (for Brookhaven), Mr. Walter, Mr. Murphree and Mr. McCormick (for Riverhead), Ms. Throne-Holst and Mr. Shea (for Southampton), Ms. Lansdale, Ms. Longo and 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, Ms. Carter, Mr. Hynes, and Ms. Ostrowski (from the Commission). Additional attendees are 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.

**Administrative and Public Comment**

**Public Comments**

Summary: There were no public comments.

**Minutes for 6/19/13**

Summary: A motion was made by Mr. Walter and seconded by Ms. Lansdale to approve the 7/17/03 meeting summary. The motion was approved by a 5:0 vote.

**Resolution to approve Auditor to review SCWA Administrative Cost Analysis and Basis for New Fee in renewed SCWA-Commission Agreement**

Summary: At the June Commission meeting, the Commission authorized the issuance of an RFP for an auditor to review the cost analysis the Suffolk County Water Authority (SCWA) performed related to the fee they have been charging the Commission for their administrative services. Mr. Scully discussed the RFP responses and the fact that the lowest bidder was not responsive, therefore, it was recommended that the firm with the next lowest bid be hired by the Commission. This firm would perform the audit for \$30,000. The results of the Auditor's review should provide the information necessary to renegotiate a contract with SCWA. Mr. Pavacic noted that the attached draft approval resolution includes the details of the Commission's RFP and the Auditors' bid responses that were received.

**A motion was made by Ms. Lansdale and seconded by Mr. Scully to approve the attached Draft Resolution that pertains to the selection of an Auditor to review the SCWA Cost Analysis. The motion was approved by a 5:0 vote.**

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**Science and Stewardship**

Summary: Mr. Pavacic discussed how Ms. Hargrave is commencing outreach to various fire districts about the work product that was done to identify areas that lack public water supply. Additional items that Mr. Pavacic reported on included, staff continues working on the 1999 Fire Management Plan update and Commission staff is working with the Ecological Services Contractor on plans for future prescribed fires and staff is continuing to perform Firewise outreach. There will be a Firewise presentation at Leisure Village on September 17<sup>th</sup>. Mr. Pavacic mentioned he plans to hold a field meeting with Mr. Urevich, WTF Chair, and Chief Fire Marshal Zitek from Riverhead Town, at EPCAL to discuss issues related to downed trees and access during wildfires. Mr. Scully mentioned the Fire Management Plan that is currently in the process of being updated and the approach that will be used to update that plan. He noted the recent Hot Shot fatalities and mentioned the devastation caused by wildfires that he observed during his recent visit to Wyoming and Montana.

#### Ray Corwin Rocky Point-to-Yaphank Trail

Summary: Mr. Pavacic reported that staff would be meeting with Brookhaven Town officials from the Planning Department, the Attorney's office and the Parks Department, in mid September to discuss the Longwood Road or northern portion of the trail that runs south to Main Street in Yaphank. He noted staff is working with the equestrians and hikers to finalize the trail design for both groups in the northern section of this trail. Additional points discussed included: Supervisor Romaine's letter expressing concerns that equestrian use was being limited on portions of the trail, that SCWA and the Suffolk County Parks Department have concerns related to the equestrian use of a portion of the trail that passes through their properties, and the possibility that the equestrian trail may need to be relocated on the southern segment of the trail. Mr. Pavacic noted that the land managers such as SCWA and the Suffolk County Department of Parks bear the responsibility to make decisions related to appropriate uses near well fields and other ecologically sensitive areas.

#### Historic Fire Tower Project at NYS DEC Ridge Property (SCTM# 200-325-1-11)

Summary: Mr. Scully provided background information on the Science and Stewardship Division and Protected Lands Council (PLC) Fire Tower project, which involved restoring a historical fire tower and locating it somewhere in the Pine Barrens. He noted that at prior Commission meetings details of the Fire Tower project were discussed, however, an appropriate site was unable to be located. He mentioned the recent passing of Larry Paul who was a major promoter of the fire tower restoration project and that there are external stakeholders that wish to donate funds towards this project in memory of Larry Paul.

Mr. Pavacic reiterated that the Commission office has received a number of private donations for the installation of a fire tower in memory of Mr. Paul who was a long time member of the PLC and LEC. He discussed the potential sites for a historical fire tower that were previously evaluated and mentioned that the National Fire Tower Association of which Mr. Paul was a member, has expressed support for installing a fire tower in Mr. Paul's memory. Other points discussed pertaining to the fire tower project included, the possible use of the DEC Ridge property that was one of the sites previously evaluation as a potential location, liability issues, the overall cost of a refurbished fire tower would be over \$100,000, and possible methods that could reduce such costs. Mr. Walter stated he could not support spending \$100,000 on a fire tower. Mr. Pavacic noted that the state of New Jersey still uses and staffs fire towers and more than half of the fire detections were from these fire towers.

*A discussion ensued on whether this was the most appropriate and practical way to honor Mr. Paul's memory using Commission funds, whether these funds should be used instead for training firefighters, how the Commission provides free training opportunities to local firefighters, and this was more of a historical restoration rather than to be used for wildfire detection. There was significant interest in finding a way to commemorate Mr. Paul, but the preference of the Commission members was to do this in a different way, other than the fire tower project.*

#### **Education and Outreach**

Summary: *It was noted that Ms. Griffiths was not present to provide the Education and Outreach Division update.*

#### **Science and Stewardship**

Summary: *Ms. Carter discussed the previously distributed Science and Stewardship Division report for August (attached). She stated in addition to today's update provided by Mr. Pavacic on the Rocky Point to Yaphank Trail, the Science and Stewardship Division is working on a map for the trail segments. Ms. Carter mentioned that plans are underway for the 18<sup>th</sup> Annual Research Forum that will be held on October 3<sup>rd</sup> and 4<sup>th</sup> at BNL. She noted that the agenda for the event was finalized and she distributed a number of posters and registration brochures for the Town representatives to bring back to their respective Towns to advertise the event. Ms. Carter mentioned some of the topics at this year's Research Forum which included, Fire Management, the Open Space Stewardship Program and the October 4<sup>th</sup> field trip visit to the Fire Island National Seashore to observe the breach caused by Superstorm Sandy. Additional items Ms. Carter reported on included, the June 28<sup>th</sup> event where native seeds were collected that was sponsored by the Mid Atlantic Regional Seed Bank, that the next Protected Lands Council (PLC) meeting will be held on September 10<sup>th</sup>, the Aerial Forest Health Monitoring Program and other stewardship initiatives.*

*Ms. Lansdale asked about the status of the map of the new Core boundary related to the Carmans River Expansion and Ms. Carter explained that mapping the expanded area entails a metes and bounds description that is based on GIS coordinates. Additional discussion points included, Commission staff is working with Brookhaven Town to identify parcels included in the Carmans River Expansion area, Article 57 contains a metes and bounds written description of the Core Preservation area and once the new boundaries are identified the written metes and bounds description in Article 57 would be amended.*

#### **Land Use**

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

##### **CLUP Amendments and Worksession**

Summary: *Mr. Scully reiterated that today's CLUP Amendment worksession was productive and the process is moving forward. He noted the fall season is an active time for the Commission Members especially those seeking re-election and there may be scheduling conflicts for upcoming worksessions.*

##### **Compliance and Enforcement**

Summary: *Mr. Hynes discussed the previously distributed Summary of Compliance and Enforcement Incidents Activity report dated August 21, 2013, (attached). He reported on the status of the clearing violation in Middle Island where a paint ball course was created and that he met with the Suffolk County District Attorney's office on August 6<sup>th</sup> to discuss the details of the incident.*

Mr. Hynes mentioned that the Commission had previously approved the purchase of a new ATV for use by the NYS Department of Environmental Conservation (NYS DEC) Forest Rangers for enforcement purposes and noted that they took possession of the ATV on July 31<sup>st</sup>. He reported on a dumping violation in Manorville that is in the Compatible Growth Area (CGA) and he noted the next Law Enforcement Council (LEC) meeting is on September 26<sup>th</sup>.

#### Land Use Division

Summary: Ms. Hargrave discussed the previously distributed Land Use Division update for Mid-June 2013 to Mid-August 2013 (attached). Additional points Ms. Hargrave discussed included, there are no development applications pending at this time, a few of the Commission's previously approved projects with restoration components are still being monitored and the Land Use Division is assisting in the preparation of materials for the CLUP worksessions.

Ms. Hargrave explained that the Suffolk County Department of Economic Development and Planning recently generated current demographics that included estimates of population and housing units in the Central Pine Barrens. Suffolk County has generously shared the data with the Commission to use for the 1999 Fire Management Plan update. Included in the Land Use report were pictures of areas that were burned in the April 2012 Wildfires and recent pictures showing the regrowth that is occurring in the same areas.

Mr. Amper expressed his concerns on behalf of the Long Island Pine Barrens Society related to an ecologically sensitive parcel of land in the Town of Southampton that has been the subject of a couple of development applications. Ms. Throne-Holst explained that the Town's intention was to acquire and preserve the parcel in question and that the Town made an offer to purchase the land, however, the landowner declined the Town's offer. The Town is still interested in acquiring the parcel. Mr. Amper stated that the applicant has asserted the Commission does not have jurisdiction over the parcel and the Pine Barrens Society strongly disagrees with that assertion. Ms. Hargrave noted that the Commission office has received Town referrals related to the property in the past, but has not received the latest application to review.

Robert Ficken, Letter of interpretation (LOI) Credit allocation appeal:  
SCTM # 200-327-4-51

Summary: Mr. Scully stated that the Commission has received a request for a Credit allocation appeal in the attached letter from Cramer Consulting Group, dated July 8, 2013 who is representing the owner, Robert Ficken. The parcel is identified by SCTM #200-327-4-51 and is located in Ridge.

**A motion was made by Mr. Scully and seconded by Mr. Walter to approve the scheduling of a hearing for the credit appeal for Robert Ficken on September 18, 2013 at 3:00 pm. The motion was approved by a 5:0 vote.**

#### Advisory Session and Adjournment

**A motion was made by Mr. Scully and seconded by Mr. Walter to enter into an Advisory Session to discuss a litigation matter and it was noted they would not return to public session. The motion was approved by a 5:0 vote.**

**The meeting concluded at 2:55 pm.**

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

1. August 21, 2013 Commission Meeting Sign in Sheet (1 page)
2. Draft Commission Meeting Summary for July 17, 2013 (4 pages)
3. Resolution of the Commission to Select and Contract with an Auditor to review SCWA Administrative Cost Analysis and Basis for new Fee in Renewed SCWA-Commission Agreement, dated August 21, 2013 (2 pages)
4. Science and Stewardship Division update, dated 7/17/13 (2 pages)
5. Land Use Division Update: Mid-June 2013 to Mid-August 2013, dated 8/21/13 (23 pages)
6. Summary of Compliance and Enforcement Incidents, dated 8/21/13 (5 pages)
7. Cramer Consulting, letter dated 7/8/13 on behalf of his client requesting to appeal the Credit Allocation in the LOI issued for SCTM parcel number 200-327-4-51 owned by Robert Ficken (1 page)



**Pine Barrens Commission Meeting Summary  
For Wednesday, September 18, 2013 (Final- Approved 10/16/13)  
Brookhaven Town Hall  
One Independence Hill  
Farmingville, NY**

**2:00 p.m.**

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

**Administrative and Public Comment**

**Public Comments**

Summary: Mr. Tom Casey, Vice President of the L.I. Greenbelt Trail Conference distributed and discussed his letter to Mr. Scully, dated September 18, 2013, concerning the Fire Tower Project (attached). In the letter, Mr. Casey discussed the reasons for moving ahead with the Fire Tower Project. The Commission members at their August meeting had decided they were unable to support the project due to financial concerns. Mr. Casey pointed out that there were some valid reasons to construct a fire tower in the Pine Barrens, which he had outlined in his letter. It was noted by Mr. Scully that the Commission members would review and discuss his letter at the next Commission meeting.

Mr. James Eagan, President of Eagan Environmental Solutions introduced Ms.Carolynn Jolly, the owner of a horse farm located in the Core Area of Brookhaven Town. Mr. Eagan distributed copies of an expired Letter of Interpretation (LOI) and other materials (attached) related to the property. Mr. Eagan discussed the history of the property's zoning and he requested that the Commission consider increasing the amount of Credits that the property would be eligible to receive in a renewed LOI.

The LOI application process was briefly discussed and the fact that the applicant is currently applying for a LOI renewal. Mr. Eagan went through the documents he had provided and discussed the zoning as Horse Farm and Light Industrial and the use as agriculture. He discussed an LOI received by a property owner across the street that was zoned Horse Farm that had appealed their Credit allocation. He discussed the limitations on the property based on Town Zoning Code and SCDHS sanitary code. He discussed the Cavalleri property Credit appeal and Credit allocation and mentioned Ms. Jolly received five Credits. Ms. Jolly is looking to use Credits to sustain her business and horse rescue operation. Mr. Scully clarified that Mr. Eagan and Ms. Jolly were present today for informational purposes and that Ms. Jolly was just entering into the LOI process. It was mentioned that the LOI application process would take approximately a week.

Mr. McCormick arrived to the meeting at 2:10 pm.

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Minutes for 6/19/13

**Summary: A motion was made by Mr. Scully and seconded by Ms. Prusinowski to approve the 8/21/13 meeting summary. The motion was approved by a 5:0 vote.**

Science and Stewardship

*"A Day in the Life of the Carmans River" event*

*Summary: Ms. Griffiths provided a power point presentation on the "A Day in the Life of the Carmans River" annual event that occurred last year, in September. She displayed photographs that were taken last year at the event. She discussed the purpose and goals of the event, which included the fact that data was collected before Hurricane Sandy and the data collected next week at this year's event will provide insight about how the hurricane affected the environment. Ms. Griffiths noted that at this year's event, students will be collecting water quality and biodiversity samples at 17 locations along the 10 mile stretch of the Carmans River. The data generated from the samples will be uploaded to a website that was created at Brookhaven National Laboratory (BNL).*

*Ms. Griffiths explained that the teachers who will be participating in the event, will be provided with all of the necessary equipment including, Global Positioning Systems (GPS) units, manuals and interactive standardized protocols and devices for detecting wind speed and salinity at various points along the Carmans River. The equipment for the event was purchased using the proceeds from the Wertheim National Wildlife Refuge summer camp that was deposited into the "Friends of Wertheim" fund. Additional funds and donations of equipment came from BNL and Trout Unlimited. Other points Ms Griffiths discussed included, teachers participating in the event organized bus travel arrangements and lavatory accommodations for the students, life vests have been donated for students to use for seining procedures and the United States Geological Survey (USGS) is participating.*

*Ms. Griffiths noted that she and Mr. Mel Morris, Education Programs Administrator at BNL, plan to attend the upcoming 18<sup>th</sup> Annual Research Forum, the L.I. Natural History Conference and the North American Association of Environmental Education Conference where they will present the proceedings from the "A Day in the Life of the Carmans River" event. Students from Longwood and William Floyd High School that are participating in the Carmans River event will also be attending the 18<sup>th</sup> Annual Research Forum to present their findings. Ms. Griffiths noted that this year there will be six schools participating in the event, which totals to 379 students and 25 experts and she distributed copies of the day's schedule.*

*Wildfire Response, Forest Management, Prescribed Fire & Response Action items*

*Summary: Mr. Pavacic mentioned that the NY Wildfire Incident Management Academy is offering new courses this fall including a brush truck training course. He stated that a number of the volunteer fire departments have indicated that they are interested in taking the brush truck training course that is being offered on October 26<sup>th</sup> and 27<sup>th</sup> and November 2<sup>nd</sup> and 3<sup>rd</sup> and Mr. Pavacic distributed copies of this year's Academy brochure. It was noted that there is an increased number of volunteer firefighters from Nassau County attending this year's Fall Academy.*

*Mr. Pavacic reported that he will be meeting with the Wildfire Task Force Board members and Town of Riverhead officials at the EPCAL property next Monday to address the issues related to downed trees and fire truck access during wildfires.*

He mentioned that Ms. Jakobsen has been working on scheduling Firewise presentations at the Ridge and the Flanders, Riverside and Northampton Civic Associations.

#### Ray Corwin Rocky Point-to-Yaphank Trail

Summary: Mr. Pavacic reported that Commission staff met last week with folks from the Town of Brookhaven Attorney's office, Department of Parks and the Planning Department to discuss details of the portion of the trail that begins at Middle Country Road, Route 25 and ends at Main Street in Yaphank. He noted that the Town supports both the hiking and equestrian trail concepts and they provided input for the trail design.

Land Use Division

#### **Project Review - Compatible Growth Area (CGA)**

Artist Lake Plaza CGA DRS (SCTM #s: 200-379-1-3.1, 5.1, and 12)

Summary: Mr. Scully discussed the attached letter from Mr. Cramer, dated August 15, 2013, which requests an extension of 90 days for the submittal of the Covenants and Restrictions and the Conservation Easement for the Artist Lake Project. He noted that staff prepared a draft resolution to approve the extension, dated September 18, 2013 (attached).

**A motion was made by Ms. Prusinowski and seconded by Mr. Walter to approve the request for an extension on the submittal of Covenants and Restrictions and the Conservation Easement for the Artist Lake CGA DRS. The motion was approved by a 5:0 vote.**

Island Water Park CGA Hardship /Calverton Site plan and hardship amendment (600-235-1-7.34)

Summary: Mr. Scully provided background information on the Island Water Park Hardship application including, on December 21, 2011 the Commission approved a hardship for the project, the Applicant is currently requesting an amendment to the approved application and that Commission staff drafted the resolution to approve the amended hardship waiver, dated September 18, 2013 (attached).

Mr. Walter stated the Town would prefer if the amended resolution contained wording that only native grasses be used in the revegetation process to maintain the integrity of the grasslands at the property and he asked staff for clarification of the clearing standard requirements for this project. Mr. Cramer discussed the revegetation areas and the inconsistencies of the site plan with the Commission's approval. He also discussed the covenants and restrictions, the clearing and restoration requirements and the possibility the applicant may want to expand the project in the future. Additional points were discussed such as, including the requirement that the covenants be filed with the County so that it can be transferred to a new owner with the deed, limiting language pertaining to the clearing percentage and the difference between the percentage of required revegetation in the hardship approval and the amended percentage. It was discussed that the revegetation was a mitigation measure and that the existing 5.1 acres of natural vegetation is required to be included in the 35% to remain natural.

Mr. Scully summarized that the Commission approved the original hardship application, the Applicant is requesting an amendment to the approval and Supervisor Walter has made additional requests on behalf of the Town. Other points discussed pertaining to the amended resolution included, section 3D of the site plan can be eliminated, revised wording indicating there shall be no further disturbance to the areas that remain natural and revegetated, and that



*the applicant will submit a revised map that indicates areas to be cleared and the areas to remain natural and restored shall stay at 35%.*

***A motion was made by Mr. Walter and seconded by Ms. Throne-Holst to approve the amended draft resolution for the Island Water Park CGA Hardship Waiver. The motion was approved by a 5:0 vote.***

**Hearing 3:00 pm**

*Robert Ficken, Letter of interpretation (LOI) Credit allocation appeal:  
SCTM # 200-327-4-51*

*Summary: A separate stenographic transcript exists for this hearing. The applicant agreed to a 30 day decision deadline extension.*

***A motion was made by Mr. Walter and seconded by Ms. Throne-Holst to close the hearing and to adjourn the meeting. The motion was approved by a 5:0 vote.***

***The meeting concluded at 3:37 pm.***

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

1. September 18, 2013 Commission Meeting Sign in Sheet (1 page)
2. Draft Commission Meeting Summary for August 21, 2013 (5 pages)
3. Mr. Casey's letter to the Commission, dated September 18, 2013 (2 pages)
4. Expired LOI and other materials presented by Mr. Eagan on behalf of Ms. Jolly (55 pages)
5. Letter from John LaMura requesting a 90-day extension for Artist Lake Plaza, dated 8/15/13 (1 page)
6. Adopted Resolution for an extension to submit the Conservation Easement and Declaration of Covenants and Restrictions for Artist Lake Plaza CGA DRS (2 pages)
7. Draft Amendment of Island water Park CGA Hardship Waiver, dated 9/18/13 (5 pages)
8. Adopted Amendment to Island Water Park CGA Hardship Waiver, dated 9/18/13 (5 pages)



**Pine Barrens Commission Meeting Summary  
For Wednesday, October 16, 2013 (Final-Approved 11/20/13)  
Brookhaven Town Hall  
One Independence Hill  
Farmingville, NY**

**2:00 p.m.**

**Commission members present:** Mr. Scully (for New York State), Ms. Prusinowski (for Brookhaven) and Mr. McCormick (for Riverhead), Mr. Collins and Mr. Shea (for Southampton), Ms. Longo and 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, Mr. Hynes, Ms. Griffiths 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.

**Administrative and Public Comment**

**Public Comments**

Summary: Mr. Tom Casey, Vice President of the L.I. Greenbelt Trail Conference discussed the letter he sent to Mr. Scully dated, September 18, 2013 (attached) concerning the Fire Tower Project and copies of the letter were distributed. Mr. Casey explained that he wrote the letter in response to misconceptions he felt the Commission members had formed during previous meeting discussions pertaining to the purpose of the fire tower project and he felt the Commission needed some clarification on the true purpose of the project and how it would benefit the Pine Barrens.

Mr. Casey explained that in 2008 a fire tower feasibility study was performed that explored valid reasons for erecting a reconstructed fire tower in the Pine Barrens. He stated that his letter outlined the study's findings including, a reconstructed fire tower would create a sense of pride and place, it would help preserve Long Island's history of fire towers and it would augment other historical attractions in the Pine Barrens.

At prior Commission meetings, the Members had expressed concerns related to the costs as well as liability issues associated with erecting a fire tower. Mr. Casey addressed these concerns by providing them examples of how fire towers are managed elsewhere in the country. He gave an example of a fire tower that was erected in Minnesota by an individual that donated his labor. He mentioned that funds for a fire tower in the Pine Barrens might come from fire department donations as a memorial for the firefighters that participated in the 1995 and April 2012 wildfires and additional outside funding sources could include grants and friends groups. He provided the example of five fire towers in the Catskills located on land owned by the NY State Department of Environmental Conservation (NYSDEC) and he noted that the land manager at the location of the fire tower bears the responsibility for liability issues, as is the case for the five fire tower sites in the Catskills. Mr. Casey mentioned that the feasibility study identified possible sites for a fire tower location that included Twin Ponds in Middle Island and a site located in Ridge. Additional discussion points included, the Fire Tower project could move forward without the Commission's direct involvement, the location for the tower in the Core or the CGA would determine whether the project is development or not, exploring alternative sites should be considered that would enhance the quality of the experience, and a dialogue should remain open to explore fund raising opportunities.

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Minutes for 9/18/13

**Summary: A motion was made by Mr. Collins and seconded by Ms. Prusinowski to approve the 9/18/13 meeting summary. The motion was approved by a 5:0 vote.**

*Resolution to accept the KPMG Audit performed for the Commission*

**Summary: Mr. Pavacic distributed copies of the KPMG Independent Auditors Report for year ending March 31, 2013.**

**A motion was made by Mr. Scully and seconded by Ms. Longo to approve the KPMG Independent Auditors Report for the year ended March 31, 2013. The motion was approved by a 5:0 vote.**

Science and Stewardship

*Education and Outreach Division*

**Summary: Ms. Griffiths distributed and discussed the Education and Outreach Division September-October 2013 Update (attached). She reported that the "A Day in the Life of the Carman's River" event was successful and she distributed copies of a PowerPoint presentation (attached) related to the event that she provided at the NAAEE Annual Conference last week. Ms. Griffiths discussed items from the presentation that included, 400 students, 8 schools, 28 individuals including 13 teachers and 13 partner organizations participated in the event. Commission members Peter Scully and Supervisor Romaine visited the students during the day, and several media outlets reported on the event including, Chanel 12 News and Newsday that produced a video of the day.**

**Other items that Ms. Griffiths discussed that related to "A Day in the Life of the Carmans River" included, Suffolk County Girl Scouts expressed an interest in their location that is adjacent to the Novak property to be an additional collection site at the event next year, two schools presented data from the event at the Research Forum Student Science Symposium and there are other individuals and groups that have expressed an interest in holding a similar event along the Peconic River and the Forge River. She mentioned that 25 students attended the Brookhaven Town Board meeting held for the Carmans River Watershed Protection Plan to present some of their data and to advocate for protection of the Carmans River. Ms. Griffiths distributed a "Save the Date" flyer for the 2013 Long Island Natural History Conference (attached) that is scheduled for December 6<sup>th</sup> where she will provide another presentation on the "A Day in the Life of the Carmans River".**

*Science and Stewardship Division*

**Summary: Mr. Pavacic distributed and discussed the Science and Stewardship Division Report dated October 16<sup>th</sup> (attached) that was prepared by Ms. Carter who was not present at today's meeting. He reported on the 18<sup>th</sup> Annual Pine Barrens Research Forum that was held on October 3<sup>rd</sup> and 4<sup>th</sup>, which was well attended. Unfortunately, the field trip that was scheduled for October 4<sup>th</sup> to the Fire Island breach that was caused by Hurricane Sandy was canceled due to the government shut down. Mr. Pavacic discussed additional items from Ms. Carter's report including, ATV damage and dumping mitigation activities continue and that Ms. Carter participates in the Long Island Invasive Species Management Area (LIISMA) program, which meets quarterly.**

*Wildfire Response, Forest Management, Prescribed Fire & Response Action items*

Summary: Mr. Pavacic reported that the NY Wildfire Incident Management Academy (NYWIMA) was relocated to Southampton College from Brookhaven National Laboratory (BNL) due to the government shut down potentially affecting operations at BNL. He noted that 300 students have registered for classes and 25 students have registered to take the Brush Truck training course. Mr. Pavacic mentioned that due to the government shut down some of the instructors and students from certain government agencies will not be able to attend. He explained that because of the relocation to Southampton College, this year's Academy will be more of a challenge logistically since it will involve several locations where classes will be held. He noted that the Academy will be operating under realistic incident command system conditions.

Additional points that Mr. Pavacic discussed related to wildfire response included, Ms. Jakobsen continues working on the Firewise Outreach effort with the National Fire Protection Association (NFPA). Ms. Jakobsen has been working on a Draft CLUP amendment that relates to Hazard Mitigation for wildfire that will be the subject of the November worksession. Last month Mr. Pavacic visited the EPCAL site with Chief Fire Marshall Zitek and he stated that he will be reporting to the Commission next month about the poor emergency vehicle access conditions at this site due to downed trees.

In response to a question about fire well installation progress, Mr. Pavacic explained that when Supervisor Romaine was a member of the Suffolk County Legislature he introduced legislation that was approved for the Suffolk County Department of Health Services (SCDHS) to offer to install fire wells in areas not serviced by public water. He noted that only the Manorville Fire District responded to the offer and since then several fire wells have been installed. He further noted that the newly installed fire wells have surpassed anticipated pumpage rates. Mr. Pavacic stated that although the Firewise outreach effort to the various civic groups and communities has been vigorous interest has been waning.

#### Ray Corwin Rocky Point-to-Yaphank Trail

Summary: Mr. Pavacic reported that Ms. Carter has been working on the final draft of the proposed Rocky Point-to-Yaphank trail routes. It was noted that some portions of the hiking trail are in bad condition due to increased illegal ATV activity.

Land Use Division  
Planning and Land Use

#### CLUP Amendments

Summary: Mr. Scully noted that due to the upcoming Town Supervisor elections the Commission decided not to schedule a CLUP Amendment worksession for the month of October. An updated CLUP Amendment worksession schedule (attached) was prepared and previously distributed. Mr. Pavacic reviewed the updated schedule noting that the focus of the discussion at the November worksession would be on the Fire Hazard Mitigation Standard. He mentioned that the December, January and February worksessions would focus on Scenic and Cultural Resource Amendments, other proposed changes to the CLUP such as the inclusion of a development application fee, and the review of the CLUP Amendment sections in Chapter 4 and 5 where the Commission asked staff to rewrite certain sections. At the last worksession in February, the proposed Mandatory Credit Redemption Standard would be revisited. Mr. Pavacic noted that the Commission must publicly advertise thirty days in advance their intent to vote on the CLUP amendments.

## Compliance and Enforcement Division

Summary: Mr. Hynes discussed the previously distributed Summary of Compliance and Enforcement Incidents Activity report, dated October 16, 2013. He mentioned that during an aerial overflight in May, six hundred photographs were taken which included capturing a clearing violation off Ashton Road in Middle Island. He noted that a paint ball course was installed in the cleared area and that the current status of the case is pending while the Commission staff coordinates further action with the District Attorney's office. Other violations that Mr. Hynes reported on included the Town of Brookhaven issuing a stop work order to a landowner in Ridge who cleared land for a used car lot, and permit violations that staff is working on with the Town of Brookhaven's Environmental Protection Division.

Mr. Hynes discussed additional items from his report that included, the LEC has stepped up patrols for ATVs due to increased activity, the conservation easement monitoring site visits on a total of 770 parcels have been completed and there was a presentation at the last LEC meeting on rules and regulations for the 2014 hunting season. Mr. Hynes distributed a handout, which contained pictures taken at previous vehicle airlifts that the Commission conducted with the NY Army National Guard. He noted the airlifts provide a training opportunity to the National Guard as well as the benefit of removing abandoned vehicles from the Pine Barrens. He indicated that recent reports of abandoned vehicles are coming in from several user groups and there are plans to schedule a vehicle airlift with the NY Army National Guard to remove vehicles from the affected areas.

Sgt Pendzick, LEC Chair, reported that there was an increase in ATV activity in the month of August this year that was probably due to cooler weather and he noted that typically ATV activity increases in the fall. He further noted that local ATV users are responsible for most of the damage.

## Land Use

Summary: Ms. Hargrave discussed highlights from the previously distributed Land Use Division Update for Mid-August to Mid-October, 2013 (attached). She mentioned that The Oaks at Miller Place CGA Hardship waiver application has been received and the Division monitors development projects for compliance such as the restoration at Eastport South Manor School District and a replanting at the LIPA Riverhead Substation.

### **Project Review - Compatible Growth Area (CGA)**

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

Summary: **A motion was made by Mr. Collins and seconded by Ms. Prusinowski to schedule a hearing for The Oaks at Miller Place subdivision CGA hardship waiver for November 20, 2013 at 3:00 pm. The motion was approved by a 5:0 vote.**

**A motion was made by Ms. Longo and seconded by Mr. McCormick to enter into an Advisory Session to discuss a litigation matter and it was noted they would not return to public session. The motion was approved by a 5:0 vote.**

**The meeting concluded at 2:50 pm.**

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

1. October 16th Commission Meeting Sign in Sheet (1 page)
2. Draft Commission Meeting Summary for September 18, 2013 (4 pages)
3. Mr. Casey's letter to the Commission, dated September 18, 2013 (2 pages)
4. KPMG Auditors'4 Report year ended March 31, 2013 (6 pages)
5. Education and Outreach Division September-October 2013 Update (2 pages)
6. "Save the Date" flyer for the 2013 Long Island Natural History Conference (1 page)
7. A Day in the Life of the Carmines River NAAEE Annual Conference Thursday, October 10, 2013 power point presentation (30 pages)
8. Science and Stewardship Division Report dated October 16<sup>th</sup> (2 pages)
9. CLUP Amendments: Final Schedule of Worksessions to Discuss Remaining Topics (1 page)
10. Summary of Compliance and Enforcement Incidents Activity report, dated October 16, 2013 (5 pages)
11. Land Use Division Update for Mid-August to Mid-October, 2013 (2 pages)



**Pine Barrens Commission Meeting Summary  
For Wednesday, November 20, 2013 (Final-Approved 12/18/13)  
Brookhaven Town Hall  
One Independence Hill  
Farmingville, NY**

**2:00 p.m.**

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

Peter A. Scully  
*Chair*

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

Steven Bellone  
*Member*

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

Edward P. Romaine  
*Member*

**Administrative and Public Comment**

Anna E. Throne-Holst  
*Member*

*Public Comments*

Sean M. Walter  
*Member*

Summary: Mr. Henry Dittmer, a Core landowner, distributed copies of his letter to the Commission dated 10/30/13 (attached). He asked the Commission to consider the suggestions he made in his letter related to his property in the Core of the Pine Barrens and the Commission's Transfer of Developments Rights (TDR) program. The members accepted the letter and assured Mr. Dittmer that they would consider his suggestions.

Minutes for 10/16/13

Summary: **A motion was made by Ms. Prusinowski and seconded by Mr. Scully to approve the 10/16/13 meeting summary. The motion was approved by a 4-0-1 vote with Mr. Walter abstaining since he was not present at the meeting.**

Resolution to accept the NYSDEC-Commission 5 Year Contract for years April 1, 2013 through March 31, 2018 and authorize the chair to sign

Summary: Mr. Pavacic discussed the previously distributed Resolution Approving Agreement C304989 with the NYSDEC (attached) and he stated that the last five-year contract between the NYSDEC and Commission expired on March 31, 2013 and the new five-year contract will cover from April 1, 2013 through March 31, 2018. Mr. Pavacic explained the reason for variations in the proposed yearly budgets. Mr. Milazzo went over the general provisions of the contract, its content and the provision that allows a 25% advance payment.

**A motion was made by Mr. Walter and seconded by Ms. Lansdale to authorize the execution of the Resolution Approving Agreement C304989 with the NYSDEC. The motion was approved by a 5:0 vote.**

**SCWA Administrative Fee audit report**

Summary: Mr. Scully provided background information about the SCWA Administrative Fee audit and he noted that the Commission has maintained a contract with Suffolk County Water Authority (SCWA) to provide the Commission with administrative services on a reimbursement basis. He further noted that the current contract with SCWA expired on March 31, 2013. He explained that the SCWA had recently performed an internal cost analysis that indicated the fee they have been charging to cover the Commission's administrative services was not adequate. He explained that the Commission decided to hire an independent auditor to validate the SCWA's cost analysis findings. The Administrative fee analysis report (attached) was received at the Commission office and distributed to the Commission members at today's meeting for them to review before the December Commission meeting where the results of the

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report will be discussed and representatives from the auditing firm, Satty, Levine and Ciacco will be present to answer questions.

## Science and Stewardship

### *Wildfire Response, Forest Management, Prescribed Fire & Response Action items*

Summary: Mr. Pavacic explained that Mr. William Fonda, the Commission's NYWIMA Academy Coordinator, was present at today's meeting to report on the Fall Academy. He mentioned that despite the federal shutdown in October of this year and Hurricane Sandy last year, Mr. Fonda was still able to run two very successful Academies and he plans to continue in his role as Academy Coordinator.

Mr. Fonda distributed and discussed the 2013 Academy for Pine Barrens Commission report (attached) and he stated that due to the government shut-down that began on October 5<sup>th</sup>, the 2013 Academy had to be moved from its usual location at Brookhaven National Laboratory (BNL) to several other locations including, SUNY at Southampton, Dowling College and the Southampton Fire Department. He mentioned that this year 433 students attended the Academy, which is the highest number of attendees since the 2007 Academy, and that approximately 6,400 students have attended since 2008. Mr. Fonda noted highlights from his report such as, 382 courses were offered, several attendees came from Greece and Spain, there was a strong showing on behalf of the Nassau County Incident Management Team, and NYS Homeland Security sponsored the All Hazards Incident Management Team course that was well attended. Mr. Fonda reported that several Suffolk County fire departments participated in a brush truck-training course and a similar training is going to be held at the Maryland Park Service for 3 or 4 days with a focus on coastal storms. He discussed a letter that was sent from a member of the NY State Department of Fire Prevention and Control who had received the Academy brochure and subsequently attended this year's Academy. In the letter, the individual thanked the NYWIMA for the quality training he had received and for the opportunity to train with the NYSDEC Forest Rangers. Mr. Fonda mentioned that \$2,700 was raised at the Academy, which will be donated to the families of the 30 volunteer fire fighters that lost their lives over this last year.

Additional items that were discussed as they related to Mr. Fonda's report included, management of equipment during wildfire incidents, understanding the chain of command during incidents with more focus on Incident Command Systems (ICS) training. It was also noted that the effort should be made to improve the relationship between the Commission and the volunteer fire departments in Suffolk County and one method is the brush truck-training course that was offered this year. Additional items that were discussed included, the basic fire fighting course can be taken online with one day in the field, recognizing who would take on the role of incident commander when a state of emergency is declared, how the issue of command is handled elsewhere in the Country, and what is the role of the Town Supervisor and other public officials in emergency situations such as large wildfires.

Other points that were discussed related to the challenges that have been encountered in the implementation of prescribed fire such as, there are not enough trained firefighters to participate. The Ecological Services Contract's proposed prescribed fire work related to Rocky Point and Sarnoff was discussed. Mr. Pavacic mentioned he hopes to move forward with burn plans in those areas in June of 2014 and 2015. Mr. Pavacic distributed and briefly discussed his letter dated July 19, 2013 to Mr. Urevich (attached) pertaining to the Commission's request to investigate wildfire response access issues at EPCAL. He explained that the report was written after a meeting was held at EPCAL with Mr. Urevich and the Riverhead Fire Marshal to observe the current conditions. Mr. Pavacic mentioned that the report is a preliminary response that includes recommendations. After the Commission reviews the report and provides comments, the report will be revised and distributed to the various agencies that respond to incidents at EPCAL.



*Ms. Jakobsen explained that funding is available to the Commission to prepare a Community Wildfire Protection Plan for an area in the Pine Barrens, thanks to the NY Firewise Council.*

*Ray Corwin Rocky Point-to-Yaphank Trail*

*Summary: Mr. Pavacic reported that final input was received from the landowning agencies on the draft hiking trail route map proposed for the Ray Corwin Rocky Point-to-Yaphank Trail. The draft route map will be revised according to their comments and then sent out once again to the landowning agencies for their final sign off and then the map will be sent out to stakeholders such as trail organizations and the equestrian group for their review and then ultimately the route map could be finalized. He mentioned that invitations were recently sent out for the Pine Barrens Trails Information Center renaming ceremony to honor Ray Corwin. The ceremony will be held at the Trail Center in Manorville at 11:00 am on Thursday, December 5<sup>th</sup>.*

Land Use Division  
Planning and Land Use

**Hearing 3:00 pm**

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

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

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

***The meeting concluded at 4:47 pm.***

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

1. November 20th Commission Meeting Sign in Sheet (1 page)
2. Draft Commission Meeting Summary for October 16, 2013 (5 pages)
3. Henry Dittmer's letter to the Commission dated 10/31/13 (3 pages)
4. Academy Coordinator's 2013 Academy for Pine Barrens report (3 pages)
5. Draft Resolution Approving Agreement C304989 with the NYSDEC (1)
6. Final Resolution Approving Agreement C304989 with the NYSDEC (1)
7. Central Pine Barrens Joint Planning and Policy Commission Examination of the Administrative Fee Analysis for the Fiscal Years 2009 through 2013, presented by Frank W. Slater, CPA, Satty, Levine & Ciacco, CPAs, P.C. (16 pages & Exhibits A through S)
8. The Oaks at Miller Place CGA Hardship Waiver application staff report dated 11/15/13 (9 pages)
9. The Oaks at Miller Place CGA Hardship Waiver Application List of staff exhibits (36 pages)
10. Study Area Boundary and Parcel Size maps and photographs related to The Oaks at Miller Place (11 pages)



**Pine Barrens Commission Meeting Summary  
For Wednesday, December 18, 2013 (Final – Approved 1/15/14)  
Riverhead Town Hall  
200 Howell Avenue  
Riverhead, NY**

**2:00 p.m.**

**Commission members present:** Mr. Scully (for New York State), Ms. Prusinowski (for Brookhaven), Mr. McCormick (for Riverhead), Mr. Collins and Mr. Shea (for Southampton), Ms. Longo and 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, Ms. Parrott, Ms. Carter, Mr. Hynes 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.*

**Administrative and Public Comment**

**Public Comments**

Summary: Mr. Stephen Terracciano, representing the U.S. Geological Survey (USGS), explained that the USGS, in cooperation with other local agencies throughout the County, monitor water resource quality and since 1942 the USGS has been operating a stream gauge located on the Carmans River. Operation of the gauge will end on January 1, 2014 due to lack of funds.

*Additional points that Mr. Terracciano made about the importance of the gauging station included, without the gauge, the conditions of the watershed cannot be effectively monitored and since the gauging station was vandalized over a year ago, it needs to be rebuilt. The estimated cost of rebuilding the station is approximately \$30,000 – \$40,000 and additional funds are required to cover costs associated with the operation and maintenance of the gauge. Mr. Terracciano discussed the role the gauge has played in monitoring the Carmans River which included measuring water levels of the aquifer and the levels of nutrients in the water, determining activities taking place up river, as well as changes in flow. The gauge has also been used by outside agencies including the NYSDEC and schools to measure aquatic life and for the collection of other scientific data.*

*The cost to operate and maintain the gauge is \$12,000 a year. Mr. Terracciano mentioned that the Town of Brookhaven and the Open Space Council have expressed an interest in assisting with the funding of the operation and maintenance of the gauge over the next three years. The USGS would rebuild the gauge if it had assistance with continued funding to operate and maintain the gauge. He stated that his attendance at today's meeting was to inform the Commission about the history of the gauge on the Carmans River, the important data it collects, and the issue the USGS faces in regard to the lack of funding to continue to operate and maintain the gauge.*

**Minutes for 10/16/13**

Summary: **A motion was made by Mr. McCormick and seconded by Mr. Collins to approve the 11/20/13 meeting summary. The motion was approved by a 5:0 vote.**

Peter A. Scully  
Chair

Steven Bellone  
Member

Edward P. Romaine  
Member

Anna E. Throne-Holst  
Member

Sean M. Walter  
Member

## Examination of the SCWA Administrative Fee Analysis Report

Summary: Mr. Scully provided background information on the purpose of the SCWA Fee Audit that was recently performed. He mentioned that SCWA's own evaluation of the fee that they have been charging the Commission for administrative services was determined by them to be insufficient to cover these services. He explained that the Commission hired an independent auditor to validate the findings of the SCWA's cost analysis. The independent auditor's fee analysis report prepared by Satty, Levine & Ciacco, was distributed to the Commission members at their meeting last month in order to allow for discussion at today's meeting. He further explained that since 2004, the SCWA has charged a five percent fee for administrative services and the proposed fee increase is for ten percent. Mr. Scully introduced Ms. Jessica Laforge, the auditor from Satty, Levine & Ciacco, who was present at today's meeting to discuss her findings from the audit process as presented in her report. Ms. Laforge distributed the handout "Computation of Pine Barrens Commission Administrative Costs" (attached) and she discussed the methodology used in the fee analysis and the findings in the final report. She noted that the 16 page report included items such as, identifying the variations between the findings in the internal audit conducted by the SCWA and her findings based on her review of the fee analysis, the determining factors which support a fee increase to ten percent and a number of exhibits in support of the findings. Mr. McCormick asked Ms. Laforge to explain some of the findings in the fee analysis such as, was additional data requested and how differences in load rates affected the fee analysis. Additional questions were asked by the Commission members and representatives present which were responded to by Ms. Laforge. Ms. Laforge was asked to make recommendations on how to address the issue of determining fees for services in future agreements between the Commission and SCWA.

## Commission meeting schedule for 2014

Summary: Mr. Pavacic discussed the previously distributed 2014 Commission meeting schedule (attached). He noted that all of the locations have been verified with the exception of the November 19<sup>th</sup> meeting at Southaven Park Lodge.

**The motion was made by Mr. Freleng and seconded by Ms. Prusinowski to approve the 2014 Commission meeting schedule subject to change. The motion was approved by a 5:0 vote.**

## Science and Stewardship

### Education and Outreach

Summary: Ms. Griffiths distributed and discussed the Education and Outreach Division November - December 2013 Update (attached). Items Ms. Griffiths highlighted from her report included, a successful web conference with three schools comparing their data and studies of the Carmans River here and the Arno River in Italy, the "2nd Annual Long Island Natural History Conference" on December 6<sup>th</sup> and 7<sup>th</sup> at Brookhaven National Laboratory (BNL) which was very successful with 320 attendees, the "A Day in the Life of the Carmans River" event and plans for conducting a similar event along the Peconic River in the fall. Ms. Griffiths also noted that planning has begun for the Barrens to Bay Summer Camp at Wertheim National Wildlife Refuge.

### Science and Stewardship Division

Summary: Ms. Carter distributed and discussed the Science and Stewardship Division Update, dated December 18, 2013 (attached). Ms. Carter highlighted items from the report that included, the status of the ATV Damage and Dumping Mitigation Project and related monitoring and repair work performed by agency staff and volunteers in the

Flanders area, LIPA reconstructing a vandalized steel bar gate at Bellows Road and sections of steel guard rail barriers were repaired near Pleasure Drive. On December 3<sup>rd</sup>, the Protected Lands Council (PLC) meeting that was held was well attended. Ms. Carter also mentioned that the Ecological Services contractor is currently in the process of identifying priority work projects. Additional points Ms. Carter discussed included, the mapping of the boundary changes as a result of the recent amendments to NYS ECL Article 57 which expanded the Core and CGA in proximity to the Carmans River, that on December 12<sup>th</sup> the Commission hosted the Long Island Invasive Species Management Area (LIISMA) meeting at the SCWA facility in Coram, and that split rail fencing was replaced at the Dwarf Pine Trail in Westhampton Beach.

#### *Wildfire Response, Forest Management, Prescribed Fire & Response Action items*

Summary: Mr. Pavacic reported that there are plans to hold a meeting between the Riverhead Town Chief Fire Marshal and the Town Planning Department staff to discuss the emergency access issues at EPCAL due to downed trees.

Mr. Pavacic explained that due to the success of the brush truck training course offered at the Fall Academy, which had over 30 participants, a second brush truck training is being considered for the spring. He noted the spring is the optimal time of year for this type of training. Ms. Jakobsen has been scheduling Firewise meetings with local civic groups and arranging meetings with the town planning, building and GIS staff to discuss the Wildfire Hazard Mitigation Standard. Mr. McCormick stated that the Riverhead Town staff would be prepared to meet sometime toward the end of January to discuss the Wildfire Hazard Mitigation Standard. In response to a question concerning plans for future prescribed fires, Mr. Pavacic mentioned there is a possibility that prescribed fires will be conducted at BNL in 2014 and on NYSDEC land in 2015, particularly along the southeast corner of the Rocky Point Preserve and at the Sarnoff Preserve after the land has been prepared for safe burns. The NYSDEC's newly acquired forestry cutter will expedite clearing the land for the anticipated burns.

#### *Draft Resolution to appoint the Protected Lands Council (PLC) Chair and Vice Chair for 2014*

Summary: Mr. Pavacic provided background information about the organization of the PLC. He explained that a resolution was adopted by the Commission pertaining to how the PLC interacts with the Commission and the method for appointing a Chair and Vice Chair. He stated that the PLC is recommending to the Commission to appoint the current chair, Mr. Thomas Casey, to continue as Chair and for Ms. Heather Amster from the NYSDEC to serve as Vice Chair in 2014. Mr. Pavacic noted that Ms. Amster has been a long time member of the PLC and she possesses in depth knowledge of ecological management of public lands in the Central Pine Barrens.

**The motion was made by Mr. Scully and seconded by Mr. Freleng to approve the PLC Resolution appointing Mr. Thomas Casey, Chair and Ms. Heather Amster Vice Chair. The motion was approved by a 5:0 vote.**

#### *Ray Corwin Rocky Point-to-Yaphank Trail*

Summary: Mr. Pavacic reported that Commission staff has finished preparing a draft map for the hiking and equestrian route for the Ray Corwin Rocky Point-to-Yaphank Trail. The draft map is undergoing a final review by the land owning agencies including, Suffolk County Parks, the NYSDEC and Brookhaven Town. After final changes have been made by the landowners, the route map will be ready for the Commission's approval. Additional items that were noted included, surface repairs need to be done on the southern portion of the trail on Smith Road and that a mountain bike route proposal has not been submitted for the trail.

### CLUP Amendments

*Summary:* Mr. Scully noted that today another successful CLUP worksession was held which showed progress in moving forward with the Plan amendments. Mr. Pavacic explained that next month the discussion would focus on amendments that were put aside at previous worksessions because they needed further discussion.

### Draft Resolution on the CLUP Amendments related to the Carmans River

*Summary:* Mr. Pavacic provided background information related to the Draft Resolution on the Expansion of the Core Preservation Area (CPA) and Compatible Growth Area (CGA) Pursuant to Carmans River Watershed protection – Effective Zoning Date for Vegetation Clearing in the new CGA and Pine Barrens Credit Allocation in the new CPA (attached). He explained that on June 20, 2013, the New York State Legislature passed an Amendment to the Long Island Pine Barrens Protection Act to enhance the protection of the Carmans River Watershed through the expansion of the CPA and the CGA. He noted that the draft resolution addresses the need for an effective date of zoning for the expanded CGA, which according to the amended law would be January 1, 2014. Mr. Pavacic further noted that the draft resolution contains language that includes, the Commission adopted a negative SEQRA Declaration and that January 1<sup>st</sup> would be the effective date that the Commission's vegetation clearing limits would apply to development projects in the newly expanded CGA.

**The motion was made by Mr. Collins and seconded by Ms. Prusinowski to approve the Draft Resolution Expansion of the Core Preservation Area and CGA Pursuant to Carmans River Watershed Protection – Effective Zoning Date For Vegetation Clearing in the new CGA and Pine Barrens Credit Allocation in the new Core Preservation Area (attached) and adopts a negative declaration pursuant to SEQRA. The motion was approved by a 5:0 vote.**

### Compliance and Enforcement Division

*Summary:* Mr. Hynes discussed the previously distributed Summary of Compliance and Enforcement Incidents Activity report for the period from 8/21/07 – 12/18/13. Items that Mr. Hynes highlighted from his report included, the status of ATV and 4X4 activity in the Pine Barrens and that ATV mitigation meetings are planned with community groups such as the Friends of the Long Pond Green Belt. He noted that he and Ms. Hargrave continue to perform development site compliance monitoring visits and that there are plans to continue aerial reconnaissance missions with the Civil Air Patrol (CAP) and to conduct additional training sessions with the Army and Air National Guard units in 2014.

### Land Use Update

*Summary:* Ms. Hargrave discussed highlights from the previously distributed Land Use Division Update for mid-October to mid-December 2013 (attached). She mentioned that the Oaks at Miller Place is a pending application before the Commission with a decision deadline on January 31<sup>st</sup>. She discussed a letter, which was received from the attorney for the Oaks applicant, and other materials (attached) that she distributed afterwards. Ms. Hargrave noted that the attorney submitted information related to the historic resources for the two buildings at the site in response to NYSOPRHP's letter, clearing

*limits for the project site, and the proposed James Street that would pass through the project site.*

*After Ms. Hargrave concluded her report to the Commission, the issues concerning funding to assist the USGS to operate and monitor the stream gauge along the Carmans River were further discussed. Mr. Milazzo discussed the various legal implications associated with the Commission's capacity to provide grants to outside agencies as they relate to projects in the Pine Barrens, such as in the case of the USGS and the operation of the stream gauge on the Carmans River.*

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

***The meeting concluded at 4:33 pm.***

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

1. December 18th Commission Meeting Sign in Sheet (1 page)
2. Draft Commission Meeting Summary for November 20, 2013 (3 pages)
3. Computation of Pine Barrens Commission Administrative Costs FYE March 31, 2009- dated March 31, 2013 (4 pages)
4. 2014 Commission Meeting Schedule and Locations (1 page)
5. Education and Outreach Division November - December 2013 Update (3 pages)
6. Science and Stewardship Division Update, dated December 18, 2013 (2 pages)
7. Draft Resolution of the CPBJPPC to appoint the PLC Chair and Vice Chair dated 12/18/13 (1 page)
8. Final Adopted Resolution of the CPBJPPC to appoint the PLC Chair and Vice Chair (1 page)
9. Draft Resolution Expansion of the Core Preservation Area and Compatible Growth Area Pursuant to Carmans River Watershed protection – Effective Zoning Date for Vegetation Clearing in the new CGA and Pine Barrens Credit Allocation in the new Core Preservation Area, dated 12/18/13 (2 pages)
10. Final Resolution Expansion of the Core Preservation Area and Compatible Growth Area Pursuant to Carmans River Watershed protection – Effective Zoning Date for Vegetation Clearing in the new CGA and Pine Barrens Credit Allocation in the new Core Preservation Area, dated 12/18/13 (2 pages)
11. Summary of Compliance and Enforcement Incidents Activity report for the period from 8/21/07 – 12/18/13 (5 pages)
12. Land Use Division Update for Mid-October to mid-December 2013 (1 page)