

**Pine Barrens Commission Meeting Summary (FINAL
for Wednesday January 18, 2012 (Approved - 3/21/12)
Riverhead Town Hall
200 Howell Avenue, Riverhead, NY**

2:00 p.m.

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

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

Peter A. Scully
Chair

Steven Bellone
Member

Mark Lesko
Member

Anna E. Throne-Holst
Member

Sean M. Walter
Member

The meeting was called to order at approximately 2:00 p.m. by Mr. Scully, with a four member quorum present.

Public Comments

Summary: Members of the Encore Atlantic Shores Community, located adjacent to the Hamptons Club property including Ms. Shelley Corman and Ms. Andrea Spilka and Mr. Jim Gleason, representing the East Moriches Property Association, reiterated their concerns expressed at the December 21st Commission meeting related to the Hamptons Club hardship application. These concerns included that there should be no further extensions of the decision deadline for the Hamptons Club Applicant, this hardship application is setting a precedent for other projects to request extensions for the purpose of delaying decisions, and they are opposed to an approval for this project that would result in the transfer of sewage density into the Compatible Growth Area (CGA).

Mr. Amper reiterated the concerns he expressed at the December 21st, 2011 Commission meeting that political interests should not influence Commission decisions pertaining to the environment and development projects in the Pine Barrens should only be approved when they meet the provisions of the Act. He also expressed his concern that approval of the current Hamptons Club application would result in setting a precedent for the transfer of development from outside of the Pine Barrens into it and he agrees with Supervisor Throne-Holst's comment that the Hamptons Club applicant has been unprofessional in asking the Commission to delay its decision for this hardship waiver. Mr. Amper asked the Commission members to deny this application because it does not conform to the Plan Standards and he stated that the project should not be approved because the Applicant made a wrong business decision.

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Administrative

_____ Minutes for 12/21/11: review, approval

Summary: A motion was made by Ms. Throne-Holst and seconded by Mr. Walter to approve the 12/21/11 meeting summary. The motion was approved by a 4-0 vote.

Fire Tower Restoration Project

_____ *Summary: Mr. Pavacic discussed the attached memo dated January 17, 2012 and the Fire Tower Feasibility Analysis report that was distributed to the members prior to today's meeting. He noted that Ms. Carter and Mr. Milazzo were his co-authors of the Analysis and he thanked them for their contributing efforts. Mr. Pavacic noted there are three topics discussed in the Feasibility Analysis including the Fire Tower's Compliance with Article 57 and whether or not the Fire Tower is considered development or nondevelopment, the project's compliance with the Americans with Disabilities Act (ADA), and insurance liabilities in case of an accident occurring at the site.*

Mr. Pavacic explained the criteria used to evaluate possible sites for the Fire Tower that are outlined in Table 2 of the analysis such as Federally-owned sites including Brookhaven National Laboratory (BNL) which are considered exempt from the Statute. He noted according to the Statute the remaining potential sites would be considered development. Included in the analysis is an explanation of applicable criteria and sections of Article 57 that apply if the Fire Tower reconstruction is deemed development. Mr. Pavacic also noted there is a section of Article 57 concerning historic restoration projects within the Pine Barrens that would apply to a reconstructed fire tower.

Mr. Pavacic referred to the Feasibility Analysis and discussed how ADA requirements would affect the Fire Tower project and how ADA criteria can be met during the planning and construction of the project. Mr. Pavacic discussed the section of the analysis that pertains to liability issues and noted that there are no reported Federal or New York State cases of accidents at a public access forest fire lookout tower. It was also noted that the Commission's insurance company reserves the right to refuse coverage based on the specific facts involved in a loss and the contractor selected to construct the fire tower would need the appropriate comprehensive coverage with the Commission additionally insured.

Mr. Scully noted that if the project is deemed non development the project would be considered expanded recreational use and in order to address ADA concerns the Commission would need to seek a ruling from the New York State Historic Preservation office. Ms. Throne-Holst expressed concern about liability issues if the Fire Tower is located within Southampton Town. Mr. Walter stated that he does not anticipate that Riverhead would support approval of the project and that he is open to further discussion. Additional points discussed included researching alternative sites for the Fire Tower to address issues of liability, not to move forward with a decision for the project until other sites are researched and alternative uses for the funds. It was decided to defer action on this item.

Budget for Carryover funds

Summary: Mr. Scully noted that there was one item left open from the December Commission meeting's Carryover funds budget discussion. At that meeting it was determined that \$10,000 in State Carryover funds needs to be approved for use. Mr. Pavacic suggested that the \$10,000 be applied to the budget for the Ecological Inventory, Assessment, Monitoring and Management Plan category.

A motion was made by Mr. Scully and seconded by Mr. Walter to apply the \$10,000 in State Carryover funds to the budget for the Ecological Inventory, Assessment, Monitoring and Management Plan at the request of the Commission's Executive Director. The motion was approved by a 4-0 vote.

Science and Stewardship

2012 Annual Cooperators Meeting

Summary: Mr. Pavacic reported that this year's Annual Cooperators Meeting was successful and he stated at the meeting that Mr. Kim Darrow and Mr. Daniel Morris, were posthumously honored for their contributions to the development and implementation of the Pine Barrens Act and the Plan. Mr. Scully thanked the staff for their efforts that went towards the success of the meeting.

Education and Outreach

Summary: Mr. Pavacic distributed copies of Ms. Griffiths' report. There were no questions or comments.

Science and Stewardship Division

Summary: Ms. Carter discussed the attached Science and Stewardship Division report. She reported that Commission staff and members of the Protected Lands Council (PLC) continue to organize field work sessions and the last PLC meeting was held on December 6th at the Quogue Wildlife Refuge. Other items Ms. Carter discussed in the report included the PLC survey for a potential trail connection between the Town's Longwood and Yaphank Historic Districts, the Division's work with land managers to identify high priority stewardship projects on State and County land, the Division's assistance in compiling and presenting information related to the Commission's Fire Tower Project and staff attendance and participation in the annual Carmans River Partnership meeting on December 7th.

Ms. Carter noted that an Eagle Scout from Boy Scouts of America is helping with plans to develop and refurbish up to six trailhead kiosks in the Rocky Point area and that 95% of the trees transplanted for the Rocky Point Reforestation project on NYSDEC land in April 2011 have survived and rapid growth is predicted for the Spring. Ms. Carter further noted that the Commission hosted the Long Island Invasive Species Management Area (LIISMA) quarterly meeting on December 8th at SCWA's training facility in Coram and two presentations were provided by guest speakers from the Adirondacks and New Jersey on the subject of Invasive Species Management. On November 18th staff assisted the Long Island Native Plant Initiative (LINPI) in processing native grasses for seeds that will be used in future restoration projects.

Other items in the report that Ms. Carter discussed included the continuation of ATV Damage and Dumping Mitigation efforts in the Flanders/Hampton Bays area, the on-

going Division efforts to maintain and improve the trail and trailhead area at the Dwarf Pine Plains Trail in Westhampton and the successful securing of the ATV barrier on the land owned by SCWA near Halsey-Manor Road at Manorville Hills. Ms. Carter noted that there are plans to move ahead on blazing the Carmans River North South Trail when land managers and the Commission enter into an official agreement upon the Commission's approval of the project.

Ms. Lansdale and Mr. Lesko arrived at the meeting at 2:40 p.m.

Land Use

Compliance and Enforcement

Summary: Mr. Hynes discussed the attached, previously distributed Compliance and Enforcement Summary report for the period September 2011 through January 2012. The report included the status of three overclearing incidents in Brookhaven Town and an alleged ATV and dirt bike use in Riverhead Town. Also included in the report were clearing, dumping and mountain bike use incidents in the Core Preservation area and their status.

Mr. Hynes noted that there were 67 reports of illegal dumping activity in 2011 that resulted in 24 arrests and the Law Enforcement Council (LEC) impounded its 1000th ATV. Mr Hynes continues to work closely with the Environmental Crimes Unit and the LEC on illegal incidents occurring in the Pine Barrens. He mentioned that the 106th Rescue Wing at Gabreski Airport is interested in continuing its participation in the Water Bucket Training initiative that has been conducted in previous years. The Protected Lands Council (PLC), the Wildfire Task Force (WTF) and the LEC are continuing to work on the retrieval of abandoned vehicles in the Pine Barrens and the next LEC meeting is scheduled for January 26th at 1:00 pm at Southaven County Park.

Planning and Land Use

Land Use Division Report

Summary: Ms Hargrave discussed the attached, previously distributed Land Use Division update and noted that there are two pending applications in the Town of Brookhaven and one in the Town of Southampton including, the Hamptons Club at Eastport with a decision deadline of 1/18/12, the Kealos Subdivision with a decision deadline of 3/30/12 and the Westhampton Property Associates with a decision deadline of 3/7/12. The Land Use Division continues to assist in the preparation of the material for the Commission review of the CLUP Amendments and also assists with SEQRA coordination and referral requests from applicants regarding Commission jurisdiction. A list of projects that are being tracked for restoration activity included American Physical Society, Artist Lake Plaza, Bartlett Pond Park, Camp Wauwepex and others. The Division also provides support to the Commission's legal counsel on land use litigation matters and assists with matters related to the Compliance and Enforcement Division.

Proposed Amendments to Chapter 5 and 6 - Mandatory Credit Redemption Requirement and Non-Residential Credit Allocation Formula

Summary: Mr. Scully noted that because of the concerns expressed by Mr. Lesko and Mr. Walter at the December Commission meeting the discussion pertaining to the proposed Mandatory Credit Redemption Requirement was tabled. Mr. Lesko mentioned in order to address Town wide legal issues he has asked the Town Board to conduct a feasibility analysis for the proposed 15% mandatory redemption rate as it relates to public benefits. Mr. Walter reiterated his continued concerns pertaining to the EPCAL property and that Riverhead would not support the proposed Mandatory Credit Redemption Requirement if it does not exclude the EPCAL property from the provision.

Proposed Amendments to Chapters 4, 5 and 6

Summary: Mr. Scully noted there is a CLUP Amendment Technical Work Session for Commission members scheduled for February 15th, at Brookhaven Town Hall and it will begin at 10:00 a.m. Mr. Pavacic mentioned that all of the materials for the work session will be sent to the members and their representatives well before the meeting. He further noted in September of 2010 the Commission members were supplied with copies of the proposed amendments and the other materials they will be receiving include representative and staff commentary from discussions at the last four technical work sessions.

Compatible Growth Area

Hamptons Club at Eastport CGA Hardship / Eastport (200-563-5-1.1-1.50 and 200-594-1-5.1-5.23 decision deadline 1/11/12

Summary: Mr. Scully mentioned that the decision deadline for the Hamptons Club Application was today. Ms. Hargrave noted that on Monday January 16th the applicant submitted a letter requesting an extension of the decision deadline to the February Commission meeting.

Mr. Lesko mentioned, to his knowledge, the Hamptons Club Applicant is exploring the use of the Nitrex Wastewater System under a pilot program with the Suffolk County Department of Health Services. He further noted that he would like to give the Applicant an opportunity to present the proposal to the Commission before there is a final Commission decision on the Hamptons Club project. Mr. Lesko further noted that he supports the use of the Nitrex System as an alternative method for treating waste water.

Ms. Hargrave noted the Applicant's letter requesting a decision deadline extension mentions they are exploring alternative methods of treating wastewater at the site in conjunction with the purchase of Pine Barrens Credits. Ms. Throne-Holst noted that Southampton does not anticipate supporting an approval of the Hamptons Club project based on the use of a waste water system because there are other negative implications of the project. Mr. Scully asked if there was a motion to extend the decision deadline.

Mr. Lesko made a motion to extend the decision deadline for the Hamptons Club CGA Hardship to the February Commission meeting which was seconded by Ms. Lansdale. A vote was not carried.

Ms. Kathleen Deegan Dickson, the Attorney for the Applicant, asked the Commission to provide the Applicant an opportunity to address the Commission's concerns and to explore the implementation of a waste water system and the purchase of Pine Barrens Credits in an effort to bring the project into compliance. Mr. Amper expressed his concern that the use of waste water systems should not be encouraged in the Pine Barrens and that if the Hamptons Club project is approved it will result in setting a precedent for other projects asking for increased sewage intensity. An additional comment expressed by the Applicant's Attorney is that a request for extension of the decision deadline may be an inconvenience but it is not affecting the Commission's enforcement of the Act.

Additional points discussed included, the purchase of Pine Barrens Credits will help stimulate the Credit market and at the same time preserve a part of the Core Preservation Area, the Nitrex System has already been approved for use in Suffolk County and there may be elements of the System that need further exploration for this project. Ms. Dickson also noted the applicant needs additional time to evaluate the costs associated with a waste water system and the purchase of Credits for this project. Mr. Walter reiterated his position that the Applicant utilize Pine Barrens Credits. Mr. Milazzo advised that if the applicant returns with additional information pertaining to the implementation of the Nitrex System for the Hamptons Club project, it would constitute a new application for this project and a discussion ensued.

Mr. Lesko made a motion to amend his prior motion to extend the decision deadline for the Hamptons Club CGA Hardship from the February Commission meeting to the March Commission meeting. The motion was seconded by Mr. Walter. The motion was approved 3-0-2 with Mr. Scully and Ms. Throne-Holst opposed.

Hearings

Compatible Growth Area

Kealos Subdivision CGA Hardship / Manorville (200-209-7-13.10 and 13.11). (Decision deadline: 3/30/2012)

Summary: A separate stenographic transcript exists for this hearing. During the hearing, the attached staff report and applicant exhibits were distributed.

Mr. Lesko left the meeting at 4:00 pm.

Core Preservation Area, Compatible Growth Area and Critical Resource Area

Westhampton Property Associates / Westhampton (900-276-3-1 and 2) Core Preservation Area Hardship and CGA - CRA Application (Decision deadline: 3/7/12)

Summary: A separate stenographic transcript exists for this hearing. During the hearing, the attached staff report and appellant exhibits were distributed. There were three additional exhibits provided by staff and applicant.

A motion was made by Mr. Walter and seconded by Ms. Prusinowski to extend the decision deadline for this application to the March 21st Commission meeting. The motion was approved by a 4-0 vote.

Land Use

Pine Barrens Credit Clearinghouse

Summary: Mr. Tverdyy provided an update on the Credit Clearinghouse and he discussed points from the attached 2011 Pine Barrens Credit Clearinghouse Year End Report that included, a compilation of Core parcels preserved since the inception of the Program in 1995 and a total of 784 parcels were protected with conservation easements since the beginning of the Clearinghouse Credit Program. Also, included in the report was the total number of Credits issued, redeemed and in circulation since 1995. Mr. Tverdyy further noted that as a result of a 2011 Clearinghouse program to purchase Credits from Brookhaven Town Credit owners, the Clearinghouse owns 10.19 Credits. He mentioned in 2011, 17.33 Credits were redeemed and the total net inventory of outstanding Credits decreased by 14.

Additional points Mr. Tverdyy discussed from the report included, there were 29.34 Credits sold during 2011, the average "per Credit" sales price was \$85,000 and from the programs inception in 1995 to January 1, 2012 the PBC Program has recorded a grand total of \$33 million in sales. Other initiatives the Clearinghouse staff participates in include, site inspections with the Commission's CAE Coordinator, assisting in pursuing the adoption of a Comprehensive Plan Amendment to establish a required level of Credit redemptions for development projects, and a new outreach mailing that has resulted in the receipt of 30 new Letters of Interpretation Applications.

Adjournment

Summary: A motion was made by Mr. Walter and seconded by Ms. Prusinowski to adjourn. The motion was approved by a 5-0 vote. The meeting ended at approximately 5:15 p.m.

Attachments (in order of discussion):

1. Attendance sheet (1/18/12, 2 pages)
2. Fire Tower Issues Analysis (dated: 1/17/12)
3. Education and Outreach Division December 2011-January 2012 Update & End-of-Year Review
4. Science and Stewardship Division Update report (dated: 1/18/12)
5. Compliance and Enforcement Division Update report for September 2011- January 2012
6. Land Use Division Update for Mid-November 2011 to Mid-January 2012
7. The Hamptons Club at Eastport Extension of Decision deadline request letter (dated: 1/16/12)
8. Kealos Subdivision CGA Hardship Waiver Staff Report (dated: 1/13/12)
9. Westhampton Property Associates Core Hardship Waiver and CGA-CRA application staff report (dated: 1/13/12)
10. Pine Barrens Credit Clearinghouse Easement Protected Lands and PB Credits report as of 1/1/12
11. 2011 Pine Barrens Credit Clearinghouse Year End Report



**Pine Barrens Commission Meeting Summary (FINAL)
for Wednesday February 15, 2012 (Final approved-3/21/12)
Brookhaven Town Hall
(Media Room)
One Independence Hill
Farmingville, N.Y.
2:00 p.m.**

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

Peter A. Scully
Chair

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

Steve Bellone
Member

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

Mark Lesko
Member

Administrative

Anna E. Throne-Holst
Member

Public Comments

Sean M. Walter
Member

Summary: Members of the Encore Atlantic Shores Community including, Ms. Shelley Corman and Ms. Andrea Spilka, located adjacent to the Hamptons Club property and Mr. Jim Gleason, representing the East Moriches Property Association, reiterated their concerns expressed at the January 18th and December 21st Commission meetings related to the Hamptons Club hardship application. Previous concerns expressed included, this hardship application is setting a precedent for other projects to request extensions that result in unnecessary delays in Commission decisions, and they are opposed to an approval for this project that would result in the transfer of sewage density into the Compatible Growth Area (CGA). Additional concerns that were expressed today included, the applicant's proposal to use the Nitrex Waste Water Treatment System to mitigate increases of sewage flow for only a portion of the project, the amended project would still require septic systems and again result in increased sewage flow into the CGA. Ms. Corman further stated that the Nitrex System has not been used in Suffolk County, therefore the first application for use of the Nitrex System should not be in the CGA.

Mr. Gleason's comments included, the Hamptons Club Applicant has been allowed to amend their original hardship application twice which should require a new public hearing as well as revisiting the issues pertaining to the SEQRA process. He also noted that the letter dated, February 10, 2012 from the Applicant's representative, which is available on the Commission's website, that includes data comparisons related to the benefits of the Nitrex System for this project is questionable. Final comments expressed by Ms. Spilka included asking the Commission to deny the Hamptons Club amended hardship application because the applicant is not entitled to the additional density required for 119 units, the project will have adverse traffic impacts and that this hardship application should not be granted simply because the applicant made a poor business decision.

Ms. Gail Lynch-Bailey, representing The Longwood Alliance, distributed 2012 calendars and announcement cards for the Longwood Veterans Walk and the dedication ceremony unveiling a new monument honoring Longwood Veterans of Desert Storm that is scheduled for June 16, 2012 at Bartlett Pond Park. Ms. Lynch-Bailey thanked the

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Commission members and staff for their cooperation and assistance with the monument project honoring Longwood veterans.

Minutes for 2/15/12

Due to pending changes noted by Ms. Prusinowski and Mr. Scully the February Commission meeting minutes will be approved at the March Commission meeting.

Science and Stewardship

N.Y. Wildfire and Incident Management Academy

Summary: Mr. Pavacic noted that the Request for Proposal (RFP) that is required in order to advertise for a suitable candidate for the position of Academy Coordinator for this year's Academy has been placed in several journals including, Wildland Firefighter and several online publications as well as websites for wildland firefighting and incident management systems throughout the United States. He further noted that he hopes to have a candidate selected to hire through a Commission resolution at the March meeting.

Agreement between CWFIMA and NYWIMA for Registrar related service for 2012 NYWIMA

Summary: Mr. Pavacic mentioned that the Colorado Wildland Fire and Incident Management Academy (CWFIMA) provided technical support for registrar related services during the 2011 New York Wildfire and Incident Management Academy ("the Academy") and the Academy's success was attributed in large part to their support. He further stated the Academy Board has decided to procure the services of the CWFIMA again for this year's Academy. He discussed the previously distributed letter from the CWFIMA dated February 2, 2012 (attached), which outlines their proposal to provide registrar related services for this year's Academy including, maintaining the Academy's website and managing electronic transactions for registrations and other Academy activities.

Mr. Pavacic then discussed the attached Draft Resolution of the Central Pine Barrens Joint Planning and Policy Commission to Select and Contract with the Colorado Wildland Fire and Incident Management Academy to Provide Additional Support Services for the 2012 NYWIMA that includes the support outlined in the CWFIMA's February 2nd letter. He also mentioned there will be a separate agreement and draft resolution for the Academy staff to be trained on software used by the CWFIMA for the registrar related services.

The motion was made by Mr. Scully and seconded by Mr. Walter to approve the Draft Resolution (attached) for the Commission to contract with the Colorado Wildland Fire and Incident Management Academy to provide registrar and additional support services for the 2012 NYWIMA. The motion was approved by a 5-0 vote.

Land Use

Proposed Amendments to Chapters 4, 5 and 6 of the Central Pine Barrens Comprehensive Land Use Plan

Summary: Mr. Scully noted that the Commission conducted a work session this morning for the proposed Comprehensive Land Use Plan Amendments to Chapters 4, 5 and 6 and he thanked the Commission members and staff for a productive and successful meeting. Mr. Pavacic expressed his appreciation to the Commission Members and Designated Representatives for their participation in the meeting and he thanked Commission staff for their efforts. Mr. Pavacic summarized that today's meeting accomplished the Commission

reaching a consensus on a subset of Amendments which are considered ministerial and he asked for a public hearing to be scheduled in order to move forward with an action on that set of Amendments. Mr. Pavacic further noted that the staff will bring to the Commission in the near future text for proposed amendments to Article 57, which relate to the proposed CLUP Amendments, that if approved by the Commission would need to be presented to the N.Y. State Legislature for approval.

Project Review
Compatible Growth Area

Kealos Subdivision CGA Hardship / Manorville (200-509-7-13.10 and 13.11)

Summary: Mr. Scully explained the status of this application is that a public hearing was held at the February Commission meeting with a decision deadline of March 30th and that staff is asking the Commission members to provide a sense as to the direction they would like to take with this CGA Hardship Application. Ms. Hargrave reiterated the remarks made by the Chair and noted that the application is a two lot subdivision that is undersized for the zoning district. The Applicant purchased the subdivided lots after the Pine Barrens Act and is requesting to build a new home on the partially wooded second lot. She further noted that no other information has been received in connection with this application other than the attached hearing transcript.

Additional points discussed included, there are two separate tax bills for the lots associated with this application, this undersized subdivision has been submitted to the Board of Zoning Appeals, the upzoning occurred after the lots were subdivided in 1989 and the undersized lot is the only undeveloped lot of comparably sized lots in the area. Other points discussed included, if there is the possibility to restrict the use of fertilizer dependent vegetation in order to mitigate the 3% difference between the 15% fertilizer dependent vegetation standard and the applicant's proposal for 18%.

Mr. Walter stated that he supports the approval of the Kealos Application, with or without a fertilizer requirement. The question was raised as to whether an approval of this application would cause a precedent to be set and Mr. Milazzo noted that in the past similar applications have been approved by the Commission. He provided an example of one such application that occurred in Brookhaven Town and stated, therefore an approval of this application would be consistent with similar previously approved applications. Mr. Amper expressed his concerns about the Commission basing an approval of this application simply because similar applications were approved in the past. Mr. Milazzo further noted that he was not advising the Commission that they should consider approving this application because of past Commission decisions and a discussion ensued regarding Commission policy and precedent setting decisions.

Mr. Lesko arrived at the meeting at 2:25 p.m.

Mr. Walter expressed his concern that the Applicant was provided with poor legal advice when he purchased the lots and that is why he is before the Commission that acts as a relief valve and he supports the Kealos Application because he believes the Applicant has been able to prove a substantial financial hardship. Mr. Scully advised staff to move forward with the application process based on the points discussed at today's Commission meeting.

Island Water Park / Calverton CGA Hardship Application (600-135-1-7.34)

Summary: Ms. Hargrave discussed the previously distributed attached letter dated February 1, 2012 from Mr. Thomas Cramer, the Applicant's Representative. She explained

the letter requests an extension for the submittal of a site and revegetation plan from 60 days to 9 months from the date the Application was approved.

The motion was made by Mr. Walter and seconded by Mr. Lesko to approve the attached Draft Resolution (attached) extending the date for the submittal of a site plan from 60 days to 9 months. The motion was approved by a 5-0 vote.

The motion was made by Mr. Walter and seconded by Ms. Lansdale to move into an Executive Session. The motion was approved by a 5-0 vote.

The Commission went into Executive session on matters related to litigation at approximately 2:35 p.m. and returned to public session around 3:00 p.m.

Hearing 3:00 p.m.

Westhampton Property Associates / Westhampton (900-276-3-1 and 2) Core Preservation Area and CGA - CRA Hardship.

Summary: A separate stenographic transcript exists for this hearing. During the hearing, the attached applicant's exhibits were distributed. The Commission members agreed they would need additional time to review the new information.

The motion was made by Mr. Lesko and seconded by Mr. Walter to extend the decision deadline for Westhampton Property Associates Core, CGA and CRA Hardship to the April 18, 2012 Commission meeting. The motion was approved by a 5-0 vote.

Ms. Maryann Johnston, representing ABCO expressed concern that the public needs to be provided with the additional information submitted by the Applicant's representative at today's meeting. She stated that a February 2nd ruling was made by N.Y State that all documents related to open meetings must be made available to the public before final decisions are reached.

Mr. Pavacic suggested closing the hearing and leaving the public comment period open for 7 days after the new information is posted on the Commission website.

Adjournment

Summary: A motion was made by Mr. Walter and seconded by Ms. Scully to adjourn the meeting. The motion was approved by a 5-0 vote. The meeting ended at approximately 3:30 p.m.

Attachments (in order of discussion):

1. Attendance sheet (2/15/12, 2 pages)
2. Colorado Wildfire Academy letter (dated 2/10/12)
3. Draft Resolution of the CPBJPPC to Select and Contract with the CWFIMA to Provide Additional Support Services for the 2012 NYWIMA
4. Island Water Park request for extension of decision deadline letter (dated 2/1/12)
5. Westhampton Property Associates, copy of letter to applicant (dated 2/8/12)
6. Applicant's exhibit for Westhampton Property Associates, Response to staff report letter (dated 2/14/12)
7. Draft Resolution approving extension of decision deadline from 60 days to 9 months for the Island Water Park Hardship Application.



**Pine Barrens Commission Meeting Summary
for Wednesday March 21, 2012 (Final-Approved 4/18/12)
Riverhead Town Hall
200 Howell Avenue, Riverhead, NY**

2:00 p.m.

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

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

Peter A. Scully
Chair

Steve Bellone
Member

Mark Lesko
Member

Anna E. Throne-Holst
Member

Sean M. Walter
Member

The meeting was called to order at approximately 2:10 p.m. by Mr. Scully, with a four member quorum present.

Public Comments

Summary: Ms. Karen Blumer, Ecologist and member of the Open Space Preservation Trust expressed her concern about the revegetation plan that was submitted to the Commission from the Town of Brookhaven to meet the terms of the Consent Order devised to mitigate the Town's overclearing of an approximately one-acre wooded area at Bartlett Pond Park. Ms. Blumer distributed copies of her letter and attached "The Self-Heal Approach to Habitat Restoration" abstract to the Commission members and she discussed how the approach described in the abstract would be a better alternative to the Town's revegetation plan.

Ms. Blumer explained that the proposed alternative revegetation method has been implemented by the Town of Islip and at Wertheim Wildlife Refuge and it has received support from certain members of the Central Pine Barrens Advisory Committee. She suggested that if the alternative plan is implemented to mitigate the overclearing at Bartlett Pond Park it could serve as a pilot project for future restoration initiatives in the Central Pine Barrens. She concluded that her suggested changes to the current plan would result in no new plantings but would allow for efficient removal of invasive species and, if her plan is used as a pilot program, could result in a restoration procedure policy for the Commission to implement for future restoration initiatives in the Pine Barrens.

Mr. Amper mentioned that the Long Island Pine Barrens Society supports the alternative revegetation method proposed by Ms. Blumer and he asked Ms. Prusinowski to act as a liaison between the supporters of the current revegetation plan for Bartlett Pond Park and the supporters of the alternative method. Mr. Lesko stated that he would like the Town to further investigate Ms. Blumer's proposed revegetation plan since it may be a more cost effective revegetation method.

Mr. Pavacic stated that the current plan was previously endorsed by the Town and follows the criteria of the Consent Agreement for Bartlett Pond Park.

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Administrative

Minutes for 1/18/12: review, approval

Summary: A motion was made by Mr. Shea and seconded by Ms. Prusinowski to approve the 1/18/12 amended version of the meeting summary. The motion was approved by a 4-0 vote.

Minutes for 2/15/12: review, approval

Summary: A motion was made by Mr. Shea and seconded by Mr. Scully to approve the 2/15/12 meeting summary. The motion was approved by a 4-0 vote.

Science and Stewardship

2011 New York Wildfire and Incident Management Academy (NYWIMA) Report

Summary: Mr. Pavacic distributed the New York Wildfire and Incident Management Academy (NYWIMA) 2011 Final Report (attached) and he introduced Mr. Urevich, the Chairman of the NYWIMA. The 2011 Academy ran from 10/21/11-10/30/11 and was held at several locations including Brookhaven National Laboratory (BNL), the Suffolk County Fire Academy, Rocky Point Natural Resources Management Area and Randall Pond Nature Area where field exercises were conducted.

Mr. Urevich discussed highlights from the report including the fact that 288 students attended the Academy from 22 States and there was a 14 member group from the Spanish Forest Service, 27 courses were provided to students, 2 new courses were offered this year and 11 students attended an ATV course for national certification. Mr. Urevich also mentioned that approximately \$5,000 was raised for the Wildland Fire Fighter Foundation during the Academy's annual banquet held at BNL's Brookhaven Center and that although, in comparison to previous years this year's student attendance was slightly lower, the 2011 NYWIMA was a nevertheless a great success.

Mr. Urevich noted that currently there is no Academy Coordinator and Mr. Fonda, Academy Co-Vice Chair, is in the process of planning the 2012 Academy and he expects to have a formal proposal to present to the Commission at the April meeting. He further noted that the Academy expects to receive up to \$90,000 in grant reimbursements and a proposal for the use of the funds for this year's Academy will be submitted to the Commission.

(Ms. Lansdale arrived at the meeting at approximately 2:15 pm.)

2012 New York Wildfire and Incident Management Academy RFP

Summary: Mr. Pavacic explained that the Request for Proposal (RFP), which was advertised for an Academy Coordinator, resulted in no responses. He advised the Commission that an improved opportunity to find an Academy Coordinator could be provided by amending the original authorizing resolution (attached) to allow the membership of the Academy Board to include the Academy Coordinator as long as that Academy Coordinator was not serving as a paid contractor.

A motion was made by Mr. Walter and seconded by Mr. Shea to amend the Authorizing Resolution establishing a "Wildfire and Incident Management Academy" under the Central Pine Barrens Wildfire Task force and establishing reporting requirements and Policies and Procedures for the Academy. The motion was approved by a 5-0 vote.

(Mr. Lesko arrived at the meeting at 2:20 p.m.)

New York Wildfire and Incident Management Academy Audit

Summary: *Mr. Pavacic explained that the Commission issued an RFP for an independent Auditor to conduct a yearly audit of the Academy which resulted in the selection of Padilla & Company, LLC. He further explained that the yearly audit is required as per the reporting requirements outlined in the 2006 revised Resolution establishing a NYWIMA under the Central Pine Barrens Commission. Mr. Pavacic noted that the Commission contracted with the selected Auditor to perform the financial audit of the Academy under a 5 year contract commencing with the 2009 Academy. The audit performed for the Academy's fiscal year ending March 31, 2010 resulted in 4 minor findings and recommendations that are included in the NYWIMA Management Letter (attached).*

A motion was made by Mr. Shea and seconded by Mr. Lesko to accept the attached Draft Resolution that authorizes Padilla & Company, LLC to finalize the 2009 Academy Audit Report and to initiate the audit of the 2010 Academy. The motion was approved by a 5-0 vote.

Civil Air Patrol Agreement

Summary: *Mr. Pavacic noted that the 2009 Memorandum of Understanding (MOU) between the Central Pine Barrens Commission and the United States Air Force New York Wing of the Civil Air Patrol (CAP) will expire this month. He explained that the CAP has provided support for the Ecological Inventories initiative over the last several years and recently the staff met with the CAP to renew the MOU agreement for an additional 5 years. Under the new agreement the number of flights, if any, will be determined by the Commission and it approves the expenditure and disbursement of funds to the CAP for reimbursement of fuel expenses.*

A motion was made by Mr. Shea and seconded by Mr. Lesko to approve the Draft Resolution (attached) authorizing the renewal of the MOU between the Commission and the CAP. The motion was approved by a 5-0 vote.

2012 Annual Discovery Day Event

Summary: *Mr. Pavacic noted that the Central Pine Barrens Commission Annual Discovery Day Event that has been held since 2009 at Suffolk County Community College is proposed to held this year on June 9th. Ms. Griffiths explained that the Annual Discovery Day Event has successfully provided the public with an interesting program to promote public concern and appreciation for the ecological diversity of the Central Pine Barrens. She mentioned that the Discovery Day Committee decided that changing the venue to a more central location may result in increased public attendance at the festival and this year the U.S. Fish and Wildlife Service has invited the Commission to celebrate the event at the Wertheim National Wildlife Refuge New Visitors Center in Shirley. Ms. Griffiths introduced Ms. Williams, the Refuge Manager, and thanked her.*

Ms. Griffiths mentioned that Discovery Day will be held the same day as the first Annual Tri-Hamlet Day Event where attendance is expected to reach over 3000. She noted that the Discovery Day program will be adapted to the new location and she mentioned certain costs will be lower than in previous years because of the change in venue including advertising costs and costs for buses that will not be necessary.

A motion was made by Mr. Lesko and seconded by Mr. Scully to approve the attached Draft Resolution of the Commission authorizing Discovery Day 2012. The motion was approved by a 5-0 vote.

Wertheim Summer Program

Summary: Ms. Griffiths discussed a proposed Education and Outreach Division Summer program for local school children ages 6 - 12 which would be scheduled for July. The program will be held in conjunction with the US Fish and Wildlife Service's Wertheim National Wildlife Refuge and will be similar to the previous year's summer camp that was held at the Long Island Maritime Museum. The summer program will cost \$50 per week per student for 4 weeks and will include exploration and hands on, indoor and outdoor activities, with the goal to educate Long Island youth about the Central Pine Barrens, the Carmans River and Maritime ecosystem.

A motion was made by Mr. Lesko and seconded by Mr. Scully to approve the attached Draft Resolution of the Commission authorizing the Barrens to Bay Summer Program in partnership with Wertheim National Wildlife Refuge. The motion was approved by a 5-0 vote.

Education and Outreach

Summary: Ms. Griffiths distributed and discussed the February-March 2012 Education and Outreach Division report. Items that she reported on included the fact that in 2011 the division reached 30,451 Long Island citizens, 3,011 K-12 students, 43 teachers and 27, 397 citizens through speaking events, festivals and outreach programs. Other items Ms. Griffiths reported on were that the school outreach program continued through February and March where 505 students were reached. This included 55 students from Patchogue-Medford High school who learned about Long Island biodiversity and 50 students from Longwood High School who conducted a Water Quality Sampling Study of the Carmans River and participated in a Twinnings Web Conference.

Ms. Griffiths provided a list of upcoming events and their dates including the Annual Pine Barrens Discovery Day Event on June 9, 2012; the Pine Barrens Summer Program in July; the N.Y. State Outdoor Education Association Annual Conference on October 18-21, 2012 at Brookhaven National Laboratory (BNL); A Day in the Life of the Carmans River on September 28, 2012 and others.

Science and Stewardship Division

Summary: Mr. Pavacic discussed the attached Science and Stewardship Division report and highlights he mentioned include, staff continues to organize meetings and field work and offer overall support to the Protected Lands Council (PLC). Planning has commenced for the 17th Annual Research Forum that will be held at Brookhaven National Laboratory (BNL) on October 4 and 5, 2012 and staff continues to maintain and improve the trail and trailhead area at the Dwarf Pine Plains trail in Westhampton.

Mr. Pavacic noted that the N.Y. State Office of Parks, Recreation and Historic Preservation was consulted for an interpretation of the ADA regulations that would apply to the relocated refurbished Fire Tower Project. He noted that the project would qualify for an exemption in compliance if the fire tower's historic integrity is maintained and located on Federal land. The Commission was not prepared to discuss the Fire Tower Project at today's meeting.

Land Use

Compliance and Enforcement

Summary: Mr. Hynes provided a Compliance and Enforcement update for March and he discussed the status of overclearing incidents including Bartlett Pond Park in the CGA and another overclearing incident that occurred on Schultz Road in Manorville inside the Core Preservation Area. He mentioned that Brookhaven Town submitted a revised revegetation plan for Bartlett Pond Park on March 8, 2011. He also noted that the Town issued a stop work order and 4 tickets for the overclearing on Schultz Road and the case is pending.

Additional points that Mr. Hynes reported on included that he continues to receive support from the Towns, the Town Attorneys and Law Enforcement Agencies regarding incidents in the Pine Barrens; the Commission's Law Enforcement Council (LEC) meets monthly and officers have been noticing illegal 4X4 activity in the Pine Barrens as well as the typical ATV and illegal dirt bike activity. He mentioned the Agencies, the Towns and the Commission's Compliance and Enforcement Division continue to work together to enforce Article 57 requirements in the Pine Barrens and he will be meeting with the members of the 106th Rescue Wing at Gabreski Airport to develop an Memorandum of Understanding (MOU) between them and the Commission.

Land Use Division Report

Summary: Ms Hargrave discussed the attached, previously distributed Land Use Division update and noted that there are two pending applications in the Town of Brookhaven including the Hamptons Club at Eastport and the Kealos Subdivision. The Towns of Southampton and Riverhead each have one pending application including, Westhampton Property Associates in Southampton and Center Square at Wading River in Riverhead. Additional land use activity Ms. Hargrave reported on included the fact that revegetation and restoration activity will be commencing soon at Bartlett Pond Park in Middle Island, Eastport-South Manor Central School District and the LIPA Riverhead Substation Core Expansion. Other Division activity included the Comprehensive Land Use Plan (CLUP), State Environmental Quality Review Act (SEQRA) reporting, responding to inquiries from other agencies and assisting with land use litigation matters.

Proposed Amendments to Chapters 4, 5 and 6 of the Comprehensive Land Use Plan (CLUP)

Summary: Mr. Scully thanked the Commission Members for participating in the February 15, 2012 CLUP Amendment work session and he stated that it marked a historic moment in Commission history in moving forward with final decisions on the pending Amendments to the 1995 CLUP. He mentioned goals were exceeded for the work session when they were able to move forward with the approval of the Ministerial Plan Amendments that have been pending for several years.

Mr. Pavacic discussed the Draft Resolution to Schedule a Public Hearing on the Ministerial Amendments to the CLUP and to Provide Notice of the Commission's Intent to Vote to Adopt these Amendments (attached) that was prepared and distributed prior to today's meeting. He noted that Article 57 requires that 30 days notice be provided to the public prior to the Commission's decision. The Members decided to schedule the hearing for the April 18, 2012 Commission meeting, contingent on staff verifying the Amendments included in the resolution are those on which the Members agreed.

A motion was made by Mr. Lesko and seconded by Mr. Scully to approve the attached Draft Resolution on the Ministerial Amendments to the CLUP and to Provide Notice of the Commission's Intent to Vote to Adopt these Amendments (attached). The motion was approved by a 5-0 vote.

Proposed Amendments to CLUP Chapters 5 & 6 (Mandatory PBC Redemption, PBC Allocation
Proposed ECL Article 57 Amendments - Subdivisions of 5 lots or less & Complete Applications

Summary: Mr. Scully noted that the next step in the CLUP Amendment decision making process would be to schedule a vote in regard to the Proposed 15% Mandatory Credit Redemption Requirement. Mr. Walter mentioned that it would be interesting to see if an economic analysis would provide validation for a 15% Credit Redemption rate and he reiterated his concern about the status of the EPCAL property and that the Riverhead Town Board will not support the Amendment if EPCAL is included in Riverhead Town's receiving area. Mr. Lesko noted that there is general support at Brookhaven Town for the Proposed 15% Mandatory Credit Redemption Requirement; however, the Town continues to assess how the requirement will affect public benefits provided by development projects that redeem Credits.

Mr. Pavacic noted that as a result of the SEQRA review, Commission staff had prepared a Negative Declaration and he suggested that the Commission members could move to adopt the SEQRA document at the April meeting. He further stated that subsequently the Commission would need to advertise a public notice a minimum of 30 days prior to any vote.

Additional discussion included the history of the Credit Clearinghouse Board which was established under ECL Article 57 to provide the Commission with expertise on Clearinghouse policy. It was felt that a separate work session should be held to review the implications of the Chapter 5 and 6 Amendments on EPCAL, the importance of ensuring Core property owners are compensated and potential economic concerns of the Towns located outside of the Central Pine Barrens. Ms. Lansdale also asked the members for additional time to brief County Executive Bellone on the nature of these Amendments. The Members agreed to hold a work session on the Amendments to Chapter 5 and 6 and to invite the Clearinghouse Board Members to the meeting.

At previous work sessions it was decided that there was a need to amend the ECL Article 57 non-development definition for subdivisions of 5 or fewer lots to ensure that future subdivisions of the same lots would be subject to the development provisions of Article 57 and of the CLUP. In addition, it was noted that the Commission had expressed its desire to have a definition of Complete Application added to ECL Article 57 to properly deal with truly incomplete applications. Mr. Shea asked for clarification in regard to the language in the proposed amendment pertaining to the interplay of SEQRA with Article 57 and who would determine completeness. Mr. Milazzo indicated that the definition was consistent with that in ECL Article 70, the Uniform Procedures Act, which applies to NYSDEC permit applications, and noted that SEQRA would be deemed complete when either an environmental assessment form is submitted or a draft environmental impact statement. He added that the Commission could be the party which declares an application to be complete at the time it schedules a hearing on the application, based on a recommendation from staff.

A motion was made by Mr. Lesko and seconded by Ms. Lansdale to schedule a work session to further discuss the Amendments to ECL Article 57. The motion was deemed unnecessary and was withdrawn. A discussion ensued regarding the definition of complete applications and the time tables for the SEQRA process. It was agreed that a combined worksession would be scheduled to discuss both the Article 57 amendments as well as the previously-discussed Chapter 5 and 6 amendments.

Project Review
Compatible Growth Area

Bartlett Pond Park / Middle Island (200-432-1-8.2 and 8.4)

Summary: Ms. Hargrave distributed copies of Brookhaven Town's submitted Revegetation Plan for Bartlett Pond Park and she provided the history including that the Brookhaven Town Parks Department overcleared a two-acre wooded area at the Park in March of 2011, an Order of Consent was executed between the Commission and the Town for the revegetation of the overcleared area and the submitted plan includes provisions for monitoring invasive species over a 4-year period. The Revegetation Plan (attached) was established to include a series of time frames for work to be completed and mentions the use of herbicides to be applied, with the Town returning to the Commission for various approvals.

Mr. Pavacic stated that the intent of the revegetation plan was to re-establish the woodland ecological community that had existed on the park site prior to the clearing. This intent was made clear by the Commission when it authorized the Order on Consent. Mr. Pavacic distributed a copy of a pre-clearing aerial photograph to demonstrate the wooded condition which had previously existed. He noted that other experts expressed their belief that trees were required to be planted in order to shade out invasives and prevent them from becoming established. He noted further that Ms. Blumer had not been a party to the Order on Consent as it was solely between the Town and the Commission and that her proposal entails the establishment of a new ecological community which would be different from the condition present prior to the violation, the wooded condition which the Commission had indicated it wanted restored. He further indicated that the available planting season is short in duration and that if the revegetation plan is not implemented soon we may run out of time in which to complete its implementation.

A discussion ensued with Mr. Lesko indicating that, although he would recuse himself on any vote, he expressed his belief that the alternate revegetation plan discussed by Ms. Blumer should be considered before commencing with the current plan, especially in that Ms. Blumer's proposal may result in a cost savings to the Town.

It was determined that further action would be deferred until after the Commission staff, Ms. Blumer and the Brookhaven Town Planning Department meet to further discuss Ms. Blumer's plan and determine whether or not any elements of her proposal could be considered and incorporated.

Ms. Bailey, from the Longwood Alliance announced that on June 16, 2012 the Longwood Alliance will be dedicating a monument to Longwood Veterans of Desert Storm at Bartlett Pond Park.

Hamptons Club at Eastport CGA Hardship / Eastport (200-563-5-1.1-1.50 and 200-594-1-5.1-55.23).

Summary: Ms. Hargrave noted that the attached letter from the Applicant's Representative for the Hamptons Club Application at Eastport was received at the Commission office today and the letter stated they are withdrawing their current application. The letter also stated that the applicant will be submitting a new application shortly.

A motion was made by Mr. Walter and seconded by Mr. Shea to accept the Applicant's withdrawal of the Hamptons Club at Eastport hardship application. The motion was approved by a 5-0 vote.

The new application will be placed on the April 18, 2012 Commission Agenda for the hearing date to be scheduled for the May 16, 2012 Commission meeting.

Kealos Subdivision CGA Hardship / Manorville (200-209-7-13.10 and 13.11). (Decision deadline: 3/30/2012)

Summary: A draft resolution was sent to the Commission Members in the e-packet and Mr. Walter suggested three changes to the draft. The first was to change condition #5 to delete reference to specific NYSDEC regulations; the second was to change the expiration of approval from three to five years; and the third change was to add the words "construction" and "including building" to the first resolved clause on page 5.

A motion was made by Mr. Scully and seconded by Mr. Walter to accept the attached amended Resolution for the Kealos Subdivision CGA Hardship Application. The motion was approved by a 5-0 vote.

Westhampton Property Associates / Westhampton (900-276-3-1 and 2) Core Preservation Area Hardship and CGA - CRA Application (Decision deadline: 4/18/12)

Summary: At the February 15, 2012 Commission meeting a hearing was held for this Core Hardship, CGA and CRA Application. The public comment period was left open for 7 days with no comments received. It was noted that the Applicant prepared a revegetation plan for the property but that that clearing of vegetation was not the reason for the hardship. Instead, the applicant's decision to request a modification to their DEC mining permit prompted their need to apply for a Commission hardship waiver. Further discussion ensued with additional points expressed including the belief that the application for hardship may be premature as the applicant may have additional material and years remaining in which to mine, that the current permit expires in 2016 and that this is a request to expand the mining area in the Core and the Applicant is seeking a modification to the existing mining permit based on economic hardship. It was also noted that criteria for approval of a hardship are very narrow and that if those specific criteria are not met, the Commission is constrained from granting an approval.

Ms. Urvat, the Applicant's Representative, noted the Applicant was not aware of any outstanding questions regarding the application and she requested the Commission provide a favorable decision on the Application at the April meeting. The Commission deferred any decision to the April 18 meeting.

Adjournment

Summary: A motion was made by Mr. Walter and seconded by Mr. Lesko to adjourn. The motion was approved by a 5-0 vote. The meeting ended at approximately 4:15 pm.

Attachments (in order of discussion):

1. Attendance sheet (3/21/12, 1 page)
2. Karen Blumer memo to the Commission alternative proposal for PB Restoration at Bartlett Park (dated 3/21/12)
3. Final Report 2011 New York Wildfire and Incident Management Academy
4. Final NYWIMA Board Meeting Minutes for 11/22/11
5. Authorizing Resolution establishing a "Wildfire and Incident Management Academy" under the

- Central Pine Barrens WTF and establishing reporting requirements and Policies and Procedures for the Academy
6. Amended Authorizing Resolution establishing a “Wildfire and Incident Management Academy” under the Central Pine Barrens WTF and establishing reporting requirements and Policies and Procedures for the Academy
 7. NYWIMA Draft Management Letter for year ending March 31, 2010
 8. NYWIMA Financial Statements March 31, 2010 (With Independent Auditor’s Report Thereon)
 9. Draft Resolution to Accept the Independent Auditor’s Report Prepared by Padilla & Company, LLC for the NYWIMA (dated 3/21/12)
 10. Final Resolution to Accept the Independent Auditor’s Report Prepared by Padilla & Company, LLC for the NYWIMA (adopted 3/21/10)
 11. Memorandum of Understanding By and Between New York wing of the Civil Air Patrol and the Central Pine Barrens Commission
 12. Draft Resolution of the Commission to Authorize Renewal of the Memorandum of Understanding with the Civil Air Patrol (dated 3/21/12)
 13. Final Resolution of the Commission to Authorize Renewal of the Memorandum of Understanding with the Civil Air Patrol (adopted 3/21/12)
 14. Draft Resolution of the CPBJPPC Authorizing Discovery Day 2012 (dated 3/21/12)
 15. Final Resolution of the CPBJPPC Authorizing Discovery Day 2012 (dated 3/21/12)
 16. Draft Proposed Central Pine Barrens Commission Barrens to Bay Summer Program in partnership with Wertheim National Wildlife Refuge Summer 2012 (revised 3/21/12)
 17. Final Adopted Resolution of the Central Pine Barrens Commission Barrens to Bay Summer Program in partnership with Wertheim National Wildlife Refuge Summer 2012 (adopted 3/21/12)
 18. Education and Outreach Division February-March 2012 Update
 19. Science and Stewardship Division Update (dated 3/21/12)
 20. Compliance and Enforcement Division Update (dated 3/21/12)
 21. Land Use Division Update (dated 3/21/12)
 22. Draft Resolution to Schedule a Public Hearing on Ministerial Amendments to the CLUP and to Provide Notice of the Commission’s Intent to Vote to Adopt These Amendments (dated 3/21/12)
 23. Final Approved Resolution to Schedule a Public Hearing on Ministerial Amendments to the CLUP and to Provide Notice of the Commission’s Intent to Vote to Adopt These Amendments (approved 3/21/12)
 24. Proposed Amendments to Chapters 4, 5 and 6 of the CLUP
 25. Draft Resolution to Request Amendment to ECL Article 57 (dated 3/21/12)
 26. Town of Brookhaven letter and Revegetation Installation Implementation Plan (dated 3/16/12)
 27. Hamptons Club at Eastport letter from Applicants Representative withdrawing current Hardship Application (dated 3/20/12)
 28. Draft Resolution CGA Hardship Waiver Kealos Subdivision (dated 3/21/12)
 29. Final Amended Resolution CGA Hardship Waiver Kealos Subdivision (approved -3/21/12)



**Pine Barrens Commission Meeting Summary (FINAL)
for Wednesday April 18, 2012 (Approved-5/18/12)
Brookhaven Town Hall
One Independence Hill,
Brookhaven, NY**

2:00 p.m.

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

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.

Steve Bellone
Member

Mark Lesko
Member

The meeting was called to order at approximately 2:00 p.m. by Mr. Scully, with a four member quorum present.

Anna E. Throne-Holst
Member

Public Comments

Sean M. Walter
Member

Summary: Ms. Gail Lynch-Bailey, representing the Longwood Alliance, thanked the Commission and Brookhaven Town staff for their efforts in finalizing the revegetation plan for Bartlett Pond Park and for scheduling the approval of the plan for today's Commission meeting. She extended an invitation to everyone at the meeting to come to their event, "Thanking Every Home Town Hero" that is scheduled for Saturday, June 16th at 11:00 a.m. The event will feature Longwood fire fighters placing wreaths at individual veteran memorials.

Ms. Blumer thanked the Commission and Brookhaven Town staff for meeting with her at the over-cleared area at Bartlett Pond Park. The purpose of the meeting was to visit the area where there is natural vegetation growing and to identify areas where the "self heal" approach will be incorporated into the revegetation plan instead of new plantings. She asked the Commission members to amend the narrative for the revegetation plan to include that no ground cover will be applied to the "self healing" areas numbered one and two, on the plan.

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

Administrative

Minutes for 3/21/12 review, approval

Summary: **A motion was made by Mr. Lesko and seconded by Mr. Shea to approve the 3/21/12 meeting summary. The motion was approved by a 4-0 vote.**

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Science and Stewardship

Manorville-Ridge Wildfire

Summary: Mr. Pavacic discussed the wildfires that occurred in Manorville and Ridge last week that burned over 1,000 acres in the Pine Barrens. He acknowledged and thanked the volunteer fire fighters that put their own lives at risk to fight the wildfires, protect homes and save lives. Mr. Pavacic further noted there will be an after action review of the response to the wildfire that will assist with being able to prepare for, respond to, and minimize the risk of future wildfires. Mr. Pavacic pointed out that after the 1995 Wildfires there were a number of steps put into place to address wildfire risk in the Pine Barrens that included prevention measures. He noted that as a result of the wildfires, the Commission created the multi-agency Wildfire Task Force (WTF) that meets each year in order to improve communication and coordination between the volunteer fire departments and other involved agencies to create a more unified response to wildfires throughout the Pine Barrens region.

Additional points Mr. Pavacic discussed included that in 1999 the WTF prepared a multi-agency wildfire management and response plan for the Pine Barrens, established a fire weather monitoring system that includes a fire weather station located in Eastport and in 1998 the New York Wildfire and Incident Management Academy (“the Academy”) was established. Since its creation, the Academy has trained hundreds of individuals in wildland fire fighting, proper management and response to incidents, as well as the implementation of prescribed fire.

Mr. Pavacic noted that after the 1995 Wildfires the WTF and the Commission’s Protected Lands Council (PLC) commenced the development of a Prescribed Fire Plan. In addition, a draft Firewise standard has been prepared as part of the Commission’s Plan amendments to improve fire safety and protection of existing structures, including homes in particular. The Commission is also a member of the New York Firewise Council which promotes the creation of Firewise communities that implement various techniques to create “Defensible Space” around homes to protect them against an advancing wildfire. In addition, the Commission has implemented a Public Education and Outreach program to educate the public about fire danger and wildfire preparedness.

Mr. Pavacic noted that because of the multifaceted approach in dealing with wildfire one of the most important aspects is to monitor fire weather. In the past two weeks the dry windy weather and extremely low humidity has created a situation for red flag warnings and high fire danger. He further noted that Commission staff provides the daily fire danger rating for the Pine Barrens and interacts with the National Weather Service, the WTF and Suffolk County Fire, Rescue and Emergency Services (SCFRES) in that effort. The fire danger notification system allows for the agencies and fire departments to take the necessary precautions in preparing for a possible fire. Another approach to guarding against wildfires involves using aerial surveillance and the Commission has established a Memorandum of Understanding (MOU) with the Civil Air Patrol (CAP) which conducted surveillance flights over the Pine Barrens to monitor for unusual activity and possible fires this past week.

Mr. Pavacic further discussed the use of prescribed fire which involves the use of controlled burns on public lands for two reasons; the first is to maintain ecological characteristics since the majority of the Pine Barrens is a fire based ecosystem; the second is to reduce the amount of fuel load on the forest floor that builds up over time and can potentially increase the threat of a wildfire. He noted that prescribed fire is only one aspect

of a response and he referred back to the other elements he previously discussed, surveillance, weather monitoring, public education and Firewise. Firewise helps forestall certain areas from being damaged or destroyed. He gave the example of the Coast Guard housing area on Stewart Avenue, off of CR 31, where there was limited vegetation around the houses that bought time for the firefighters during the 1995 Wildfires to protect this area. Mr. Pavacic stated that the next step for the Commission to take in the effort to protect the Pine Barrens from the threat of wildfire would be to explore methods to strengthen the current resources. He discussed the Ecological Management Plan Request for Proposal that the Commission had authorized staff to prepare last year that has a prescribed fire component and will soon be ready for approval and release.

Mr. Pavacic then introduced Captain Timothy Byrnes, head of the NYSDEC Region 1 Forest Rangers and Mr. William Fonda, NYSDEC Region 1 Citizens Participation Specialist and a former federal fire fighter with the elite unit known as the Hot Shots. He noted that both individuals are on the Academy Board and have actively participated in the Wildfire Academy for many years.

Mr. Lesko noted there was a need to start a constructive broad discussion that draws on the experiences of the past week. The Commission is the appropriate entity to start this discussion in order to learn from these incidents. He noted based on Mr. Pavacic's presentation and prior experience with the Commission that the pieces are in place to comprehensively address wildfires and now what is needed is to make sure all these pieces are implemented and if funding is needed, to make sure the funding is in place. Mr. Lesko discussed the need to start a constructive dialog on completing the prescribed fire plan and to identify who should complete it and noted it is imperative to get that plan in place. He further stated that the RFP for the Ecological Management Plan should go out soon and lastly, that it needs to be discussed whether there is adequate funding in place. He wanted to hear from Captain Byrnes and Mr. Fonda as the experts on this issue.

Mr. Walter expressed his concern that certain homes in Manorville did not have water hydrants for fire fighters to access and perhaps the money allocated for the fire tower should be used toward installing fire wells in these areas. Mr. Walter felt this was an immediate need for the area. Mr. Walter asked for staff to inquire about the cost of installing fire wells from Suffolk County Water Authority. Captain Byrnes mentioned the use of assets such as water tankers and dozers to fight the wildfires. Mr. Walter stated the wells would be used to protect the neighborhood and homes rather than for fighting the forest fire.

Mr. Lesko asked whether the Firewise standard addresses mulching and fencing because when he was out at Oakwood Drive he noticed that it appeared the fire tracked along mulch lines and fence lines to homes. His first question was whether the Firewise standard addresses this or is it more structural. In his second question, Mr. Lesko asked what is the status of the prescribed fire plan and whether or not it has been completed, and who should complete it. His third question was what is the cost of the prescribed fire RFP and whether there is enough funding in place in the Commission's budget to cover it.

Mr. Pavacic discussed Firewise and that it creates a defensible space around a structure and promotes using fire retardant and fire resistant materials. Ms. Jakobsen explained the Firewise concept of defensible space and note that homes with defensible space allow fire fighters to focus their efforts on fighting the wildfire instead of having to save homes and the Firewise program educates homeowners on how to assess their home for its fire protection needs and identifies measures they can implement. The Firewise standard addresses the home's proximity to wooded areas, removal of flammable materials close to

the home, maintaining defensible space around the home, the use of nonflammable and fire retardant building materials, access to water and making the home's address visible. Ms. Jakobsen noted that the Commission's version of the Firewise standard was drafted as part of the Commission's Plan amendment; however, it needs additional work before it can be considered by the Commission. Ms. Jakobsen handed out Firewise pamphlets to the Commission members. Mr. Scully noted that the two agenda items related to the WTF and NY Firewise Council meetings which were coincidentally held prior to the wildfires would have been more of an information item rather than of specific interest if it weren't for the wildfires that occurred. Mr. Pavacic noted that there may be some funding available from the Firewise Program for a community to be a model Firewise community. Mr. Lesko reiterated his observation of the fire travelling along the mulch line and from what he was hearing the Firewise standard could significantly assist homeowners.

Mr. Lesko asked Captain Byrnes and Mr. Fonda about the fire season and its duration and what can be accomplished this season. Captain Byrnes described the fire season and its relationship to weather and greenup occurring. He discussed weather conditions that enable a running fire and that how long the fire season lasts is weather and fuel dependent. Mr. Fonda noted that not only short term, but long term goals should include training aspects that are crucial to having the resources available to do prescribed burns and have the tactics to deal with wildfire. Mr. Pavacic also discussed the importance of training in the Incident Command Systems (ICS) that would improve coordination and response.

Mr. Pavacic noted that the Commission's budget allocates approximately \$500,000 towards the Ecological Management Plan. He state there was flexibility in how the money is allocated, and that more money could be put toward the prescribed fire effort and the creation and implementation of prescribed fire burn plans. Mr. Pavacic discussed the preparation of prescribed fire burn plans and the qualifications required for contractors to perform prescribed fires.

Mr. Lesko asked for further information on the entities that have been involved in conducting prescribed fires. Mr. Pavacic provided a brief history of those entities that have participated in the prescribed fire initiative, including the New York State Department of Environmental Conservation (NYSDEC), The Nature Conservancy (TNC), Brookhaven National Lab, Suffolk County Parks, and the U.S. Fish and Wildlife Service at the Wertheim Wildlife Refuge.

Mr. Pavacic explained that TNC was a key leader in the Prescribed Fire initiative on Long Island; however it no longer has a prescribed fire program here. He also discussed Suffolk County Parks' use of prescribed fires which were performed by TNC. Mr. Fonda explained the requirements and qualifications for a person to participate on a prescribed fire. He provided descriptions of the classes associated with prescribed fire training including basic classes in wildland fire fighting such as S130/S190, which is also offered on line. He noted there should be a focus in trying to get local fire fighters to take the S130/190 course in order for them to get certified which would enable them to participate on prescribed fires. Captain Byrnes explained that the S130/190 provides basic certification that enables an individual to participate on a prescribed fire where they would be used as line crew. The people that implement the burn are trained at a higher standard and complete task books that require specific course work and experience. It was noted that there is only one qualified burn boss on Long Island. There are other burn bosses off island that can be brought in but the need is for ground troops to carry out the prescribed fire. It was reiterated that the S130/190 is free for local fire services to take and that it was the main mission of the Wildfire Academy to serve as a training resource for local fire fighters. Mr. Lesko noted the importance of ICS based on what he observed during the wildfires, that there are so

many agencies and departments involved which requires a high level of coordination.

Mr. Lesko pointed out the nominal cost to take courses at the Fire Academy and it was reiterated that S130/190 is free to local fire fighters. He also inquired whether the \$500,000 for the Ecological Management Plan and prescribed fire includes the Academy cost. It was clarified by Mr. Pavacic that the Academy is self funding through tuitions. Mr. Pavacic further explained the \$500,000 is a starting point with addressing the 100,000 acre Pine Barrens and that the public landowners would be deciding where prescribed fires would be performed. He referred to the more comprehensive global prescribed fire plan that had been initiated by the WTF and PLC, and discussed that the Ecological Management Plan would focus prescribed fire on specific sites which is a preferable approach.

Mr. Walter expressed his concern that they were having the same conversations as in 1995 and he would like the Commission staff to find out from SCWA what the cost would be to put in fire wells. He felt this would be a more significant immediate response than prescribed fires.

It was discussed that the Manorville fire district should help identify areas that need fire wells installed. Mr. Pavacic mentioned that the fire districts may have to initiate the request for well installation at sites that need them. Further discussion ensued on whether grants could be provided to fire districts to fund the installation of wells. It was noted that before the next wildfire occurs the first priority is to prevent homes from being destroyed, that the fire departments need to be ensured access to water, and that there should be a time line established to carry out the preventive measures discussed at today's meeting.

Approval of Draft Resolution Appointing Academy Coordinator

Summary: Mr. Pavacic noted that the Commission appoints an Academy Coordinator on an annual basis and he distributed copies of the draft Resolution to Select and Appoint an Individual to Serve as the Wildfire and Incident Management Academy Coordinator for 2012. He further noted that Mr. William Fonda, Academy Board Member was recommended by the Academy Board to be the 2012 Academy Coordinator.

The motion was made by Mr. Lesko and seconded by Mr. Walter to approve the attached Resolution to Select and Appoint an Individual to Serve as the Wildfire and Incident Management Academy Coordinator for 2012. The motion was approved by a 4-0 vote.

May 3, 2012 Water Bucket Training

Summary: Mr. Pavacic noted that Captain Byrnes and Mr. Hynes together, coordinated a Helicopter Water Bucket Training exercise that is scheduled for May 3, 2012 with a rain date of May 9th. The exercise will be performed by the Army National Guard Aviation Air Support Unit out of MacArthur Airport. The water for the water bucket drop will be taken from Wildwood Lake and then released over a specific area at the Sarnoff Preserve. He also noted that a public notice will be distributed.

Mr. Lesko expressed his gratitude to Mr. Fonda and Captain Byrnes and all of the members of the fire fighting community for their expertise and dedication to fighting fires throughout the County. He assured them that the Commission will support the Wildfire Academy in the effort to train more firefighters in wildland firefighting.

Hearing

Proposed ministerial amendments to Chapters 4, 5 and 6 of the Central Pine Barrens Comprehensive Land Use Plan

Summary: A separate stenographic transcript exists for this hearing.

The motion was made by Mr. Lesko and seconded by Mr. Walter to close the hearing. The motion was approved by a 4-0 vote.

Science and Stewardship (cont'd)

NY Firewise Council Meeting on 3/29/12

Summary: Ms. Jakobsen discussed the NY Firewise Council meeting that was hosted by Commission staff on March 22 and 23, 2012 and chaired by Mr. Dave Russell, NYSDEC Ranger and Wildfire Prevention and Education Specialist. She further noted the Firewise Council's primary focus is to help build Firewise communities through the use of structural and non structural concepts and creating defensible space. The Council is funded with grants from the federal government and it is a statewide organization. Additional discussion points included, the Firewise Council produces Firewise educational products including, Firewise brochures (attached), banners for events, a mobile trailer that is available for other agencies to use at events and public service announcement videos. Ms. Jakobsen noted the Council has some money available to contract for hazardous fuel reduction and they are interested in creating a Firewise pilot community on Long Island. The Commission members discussed sending out a targeted mailing of brochures to the areas that were affected by the recent wildfires in Ridge and Manorville and those areas that are currently at greatest risk of being affected by a wildfire.

Ms. Jakobsen noted that the N.Y. Firewise Council plans to offer a course at the 2012 Academy to train agency and fire department personnel on how to assist home owners in assessing their properties for fire hazards and to identify measures homeowners can implement to reduce their risk to wildfire. She mentioned that the WTF meeting on March 29, 2012 was well attended with a quorum present and the meeting focused on the N.Y. Firewise Council meeting and the oak tree mortality in the Flanders area that presents safety concerns for fire fighters. There was also a discussion of how to move forward with the Firewise Council programs.

Transfer of ATV from Town of Brookhaven to the LEC

***Summary:* A motion was made by Mr. Lesko and seconded by Mr. Walter to approve the attached Resolution for the Commission to Accept the Transfer of an ATV from Brookhaven Town for Enforcement Purposes. The motion was approved by a 4-0 vote.**

Mr. Lesko referred back to the previous discussion pertaining to the wildland fire fighting training and urged that the WTF ask the member fire departments to encourage their volunteer firefighters to attend the Academy to become certified in wildland firefighting.

Land Use and Planning

CLUP Amendments work session on ECL Article 57 amendments and Chapter 5 and 6 amendments including the Mandatory Credit Redemption and PBC allocation revisions

Summary: Mr. Pavacic mentioned that at the March Commission meeting the Members decided to hold a work session to discuss the proposed amendments to ECL Article 57, Chapters 5 and 6, the Mandatory Credit Redemption and the non-residential credit allocation revisions. He noted that the work session for these items is scheduled for May 16, 2012 at 12:00 p.m. at Brookhaven Town Hall.

Land Use

Project Review

Compatible Growth Area

Bartlett Pond Park / Middle Island (200-432-1-8.2 and 8.4)

Summary: Ms. Hargrave noted that the Commission staff met with Brookhaven Town staff to incorporate into the Bartlett Pond Park Revegetation plan areas where Ms. Blumer's "self heal" approach could be applied. The revised revegetation plan and narratives were received with the agreed to changes. Ms. Hargrave further noted that the Commission members may choose to approve the plan with Ms. Blumer's request for a minor revision to the narrative stating that ground cover would not be applied to "self heal" areas. Additional discussion points included the fact that all other planting will remain as originally proposed in the plan in quantity and species, the Landscape Manager will monitor for watering requirements and a water truck will be used to irrigate the plantings, there is a built in success rate in the restoration plan and the "self heal" portion of the plan will amount to about 4000 square feet.

Mr. Lesko recued himself from voting on a decision for this matter.

The motion was made by Mr. Shea and seconded by Mr. Walter to approve the revised Revegetaton Plan as amended and to delegate authority to the staff to oversee the completion of the plan and when to request additional approvals. The motion was approved by a 3-0-1 vote.

Hamptons Club at Eastport CGA Hardship / Eastport (200-563-5-1.1-1.50 and 200-594-1-5.1-55.23).

Summary: **A motion was made by Mr. Lesko and seconded by Mr. Walter to schedule the hearing for the Hamptons Club at Eastport hardship application for May 16, 2012 at 3:00 p.m. The motion was approved with a 4-0 vote.**

Westhampton Property Associates / Westhampton (900-276-3-1 and 2) Core Preservation Area Hardship and CGA - CRA Application (Decision deadline: 3/7/12)
Summary: Ms. Hargrave noted that the Applicant requested an extension of the decision deadline to the August Commission meeting.

A motion was made by Mr. Scully and seconded by Mr. Shea to extend the decision deadline for the Westhampton Property Associates Core Preservation Area Hardship Application to the August Commission meeting. The motion was approved with a 4-0 vote.

Adjournment

A motion was made by Mr. Walter and seconded by Mr. Lesko to adjourn. The motion was approved by a 4-0 vote. The meeting ended at approximately 3:30 p.m.

Attachments (in order of discussion):

1. Attendance sheet (4/18/12, 1 page)
2. Resolution of the Commission to Select and Appoint an Individual to Serve as the NYWIMA Coordinator for 2012 (dated, 4/18/12)
3. Firewise brochure and other materials
4. Review of Ministerial CLUP Amendments memo (dated, 4/12/12)
5. Westhampton Property Associates Request for Extension letter from Charles Voorhis (dated, 4/13/12)



**Pine Barrens Commission Meeting Summary
for Wednesday May 16, 2012 (Final-Approved 6/20/12)
Brookhaven Town Hall
One Independence Hill,
Brookhaven, NY**

2:00 p.m.

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

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

Peter A. Scully
Chair

Steve Bellone
Member

Mark Lesko
Member

Anna E. Throne-Holst
Member

Sean M. Walter
Member

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

Mr. Scully clarified that the public hearing scheduled for today would take place at 3:00 pm.

Public Comments

Summary: There were no public comments.

Manorville Fire Update and Prescribed Fire

Summary: Mr. Scully stated that today's discussion is a continuation of the discussion that occurred at the last Commission meeting where the Commission members decided to focus on prescribed fire, fire response, fire danger and training issues.

Mr. Pavacic introduced Mr. Herman Miller, a representative from the Suffolk County Water Authority, who was present to discuss wells and hydrants in relation to fire suppression needs and he also introduced Forest Rangers Kevin Slade and Bryan Gallagher that would be providing a Power Point Presentation pertaining to prescribed fire.

Mr. Scully mentioned that at the April 18th Commission meeting Mr. Walter raised his concern on the need for additional water supply in the areas where the wildfire occurred in Manorville and Ridge, since there were no fire wells or hydrants for the fire fighters to access. Mr. Scully mentioned that recently a member of the Suffolk County Legislature introduced a bill which is currently pending before the Legislature that directs the Suffolk County Department of Health Services (SCDHS) to install water well infrastructure in certain County parkland.

Mr. Miller discussed three different ways to provide water supply for fire protection purposes. He mentioned the most expensive method would be to extend public water into the forest area which could cost \$70 to \$100 a foot. Although this is the most expensive option, it is the most reliable since it is monitored 24 hours a day. He discussed the need to keep water circulated in long dead end street areas to prevent stale water. The second method discussed was the installation of fire wells which has been used in certain locations in the County where there is no public water available. This involves basically installing a pipe into the ground where the water table is high enough to the surface, usually within 15 feet, and the fire department would use a pump they would bring to the location to draw water out of the ground. If the water table

is lower than that, then a submersible pump and motor is required and the fire department would need to have a vehicle with a generator. If electric service is available in the area, then a starter can be provided and either the generator or the electric service can be used to power the pump. The cost of a typical fire well is in the range of about \$40,000 to \$50,000 that includes the cost of a pump installed. The third method discussed was the installation of dry hydrants that draw from a body of water nearby such as a lake that can support several hundred gallons a minute for several hours. This is being used by several communities like Patchogue Village that have a water source nearby. Mr. Miller estimated the cost of a fire well without an electric pump would be about \$15,000 to \$30,000 or more, which is dependent on the size and depth of the well, and other factors. He noted that typically the fire wells in use are in the 350-500 gallon range. Mr. Miller suggested that the Towns should work with the fire departments to determine the method and location of wells that would work best in their fire districts.

There was a discussion on how to move forward. Mr. Scully referred to a memo he had generated that discussed the four areas he felt should be addressed related to fire prevention and protection. Firewise was among the items mentioned, but with the water supply issue, he noted there needs to be a discussion with the fire districts in terms of their responsibility and for them to assist with identifying where fire wells may be needed. It was discussed that the Executive Director would serve as the liaison between the fire districts and the Wildfire Task Force to explore this issue further.

Mr. Pavacic distributed several handouts including, State fire related laws pertaining to fire districts, maps depicting locations where public water is available in the Pine Barrens area and other pertinent information. These maps will assist with identifying areas that do not have public water. He further noted that the Suffolk County Department of Health Services (SCDHS) indicated to him that they could provide the man power and the equipment to install the fire wells if the materials needed to construct the wells were purchased by another entity. The County could provide PVC wells that are 20 to 30 feet deep that would not require a submersible pump. Mr. Pavacic reintroduced NYSDEC Rangers Kevin Slade and Bryan Gallagher.

Forest Rangers Slade and Gallagher provided a power point presentation on prescribed fire. It was discussed how the purpose of prescribed fire is to reduce fuel loads and to maintain certain ecological conditions. They provided an overview of the criteria used for preparing burn plans, conducting a prescribed fire, and training requirements for burn crew members and a burn boss. They also discussed various tools to manage the public land that included the use of fire breaks, mowers, chain saws and prescribed fire. It was noted that although mechanical treatment is more costly, prescribed fire requires more training of people. There was further discussion on the limitations of being able to perform prescribe fires due to weather conditions and how smoke issues can affect public safety. It was mentioned that 2-3 million acres a year are burned nationwide that was followed by a discussion on the specific limitations on performing prescribed fires on Long Island. The requirements for burn plans were discussed along with the acreage and type of fuels burned on Long Island and the people involved in performing these burns. It was discussed how fire breaks have grown in and their maintenance requires constant attention and funding to maintain.

Additional discussion points included the maintenance of fire breaks, public perception, educational tools available, and the Firewise program. Mr. Scully thanked the Forest Rangers for their presentation and noted that along with the issues pertaining to prescribed fire and water supply another factor that needs attention is the matter of training. Mr. Scully noted the need for public landowners to invest in staff training in order to maintain an adequate staff level of qualified personnel to participate in burns.

Mr. Pavacic introduced Mr. William Fonda who is the NYWIMA Coordinator and a former Hot Shot fire fighter. Mr. Pavacic mentioned that NYWIMA has been committed to providing wildfire training to various entities as well as the Commission member agencies and their staffs. Mr. Fonda noted that it is important to have a large number of firefighters trained in wildland firefighting to ensure that there are enough firefighters available to conduct prescribed fires and fight wildfires. Mr. Pavacic noted that NYWIMA has offered classes not only during its October training academy, but at other times as well. He explained that since prescribed fires can be cancelled and rescheduled at a moment's notice it is important to have additional personnel trained to be able to fill in when others cannot rearrange their schedules.

Mr. Scully made the recommendation in light of the recent fire events that the Commission should coordinate with the various agencies, the fire marshals and the Towns to create a Firewise communities program and to initiate meetings with community leaders to try to get these programs in place. He further noted the importance of promoting community awareness and educating the public through programs like Firewise on how they can protect their properties from wildfires. Mr. Pavacic noted the next Wildfire Task Force (WTF) meeting is scheduled for May 24th at the Riverhead Fire Department which could provide an opportunity for Commission members to meet with the WTF members who represent various fire and emergency services agencies including Suffolk County Fire, Rescue and Emergency Services (SCFRES), the NYS DEC Forest Rangers, fire marshals from the fire districts in the Pine Barrens and other agencies and fire departments. Ms. Jakobsen mentioned that Mr. Russell, the NY Firewise Council Coordinator, will be attending the May 24th WTF meeting where he will provide a presentation on Firewise and Firewise Communities. Additional discussion points included, how Town Planning Departments could use Firewise concepts in the design of future projects to promote community protection from wildfire and whether the Towns would be interested in meeting with Mr. Russell while he was down next week for him to discuss with them Firewise and Firewise Communities and the possibility of creating a Firewise pilot program locally. It was discussed that it might be better to have separate meetings with appropriate Town staff rather than one large meeting for all to attend. It was left that Commission staff would coordinate the details with Town staff meeting with Mr. Russell.

Ms. Lansdale mentioned that she will inform County Executive Bellone about today's discussion and that each Fall, Suffolk County hosts a Planning Federation meeting that is attended by several hundred planners and perhaps Firewise and Firewise Communities could be at topic at this event. Mr. Pavacic suggested that the Commission members inform their staff about the opportunity to meet with Mr. Russell from the NY Firewise Council next week to see if they are available to meet with him on one of the days he is down. Mr. Pavacic suggested that the 1999 Fire Management Plan that was created after the 1995 wildfires should be reviewed by the Commission Members and Representatives and noted it is available on the Commission's website. He mentioned that the 1999 Fire Management Plan should be updated by incorporating current and future changes in wildfire management to keep it fresh in everyone's minds.

Mr. Lesko arrived at the meeting at 2:45 pm.

Mr. Lesko expressed his concerns that since the Carmans River Watershed Protection Plan has been turned down by the Brookhaven Town Board that the Carmans River, a precious natural resource, has been left unprotected. He noted that the draft version of the Carmans River Protection Plan included a requirement for a metes and bounds description of the proposed expanded Core Preservation Area and he asked if the Commission would authorize staff to complete the metes and bounds description as planned. He further noted that once the description is complete, he will urge the New York State Legislature to pass legislation to protect the Carmans River under the same

criteria and standards that apply to the Core Preservation Area. He further stressed the importance of protecting this precious natural resource. Credit redemptions and receiving areas would be addressed separately as a Town rather than Commission issue.

The motion was made by Mr. Lesko and seconded by Mr. Walter to direct staff to prepare the metes and bounds analysis for the proposed Core Preservation Area expansion as proposed in the Draft Carmans River Watershed Protection Plan and that metes and bounds analysis can be forwarded to the State legislature. The motion was approved by 5-0 vote.

There was a question on whether there was a specific deadline and it was noted the State legislature will end in June. Mr. Lesko further stated if there was ever a situation that merited state pre-emption, that this would be the case. Mr. Pavacic asked that the approved motion authorizing staff to complete the metes and bounds description allow staff to follow the same format as the current legislation and not be with fully surveyed boundaries. It was stressed that would be fine as long as the metes and bounds description of the Core Preservation Area that is submitted to the State legislature is in a format that they will accept as final.

Hearing

Hamptons Club at Eastport CGA Hardship / Eastport (200-563-5-1.1-1.50 and 200-594-1-5.1-5.23)

Summary: A separate stenographic transcript exists for this hearing. The hearing was closed at 4:50 p.m. and the public comment period was left open for a period of 30 days.

Mr. Walter left the meeting at 4:50 pm.

Administrative

Minutes for 4/18/12 review, approval

Summary: A motion was made by Mr. McCormick and seconded by Ms. Prusinowski to approve the 4/18/12 meeting summary. The motion was approved by a 5-0 vote.

Approval of NYS DEC Contract Extension

Summary: Mr. Pavacic discussed the previously distributed attached draft Resolution to approve the extension and amendment of the contract agreement (C304142) with the NY State Department of Environmental Conservation and to authorize the Commission Chair to sign this contract on behalf of the Commission. Mr. Pavacic noted that the State allocation includes funds carried over from prior years in addition to the \$1.1 million for the 2012 State fiscal year and is a one year contract extension through March 31, 2013. He further noted that at the June meeting a detailed budget will be provided to the Commission members for approval.

A motion was made by Ms. Throne-Holst and seconded by Mr. McCormick to authorize the Chair to sign the amended contract between the Commission and the NYSDEC for 2012 fiscal year. The motion was approved by a 5-0 vote.

Directors and Officers Insurance Renewal

Summary: Mr. Pavacic discussed the attached draft Resolution of the Central Pine Barrens Joint Planning and Policy Commission Authorizing Renewal of Officers and Directors Insurance Policy. He noted that ECL Article 57 requires the Commission to maintain an insurance policy. He further noted that if the Resolution is adopted it authorizes the Commission Chair to sign the application to renew the policy.

Mr. Milazzo recommended that the resolution pertaining to the insurance renewal should also include the Commission's authorization for payment of premiums that are associated with all of the Commission's insurance policies. The Commission insurance policies include an umbrella policy, a general liability policy, a business practice policy and Directors and Officers policy. All of these policies are due for renewal on June 1, 2012 at a total cost of less than \$20,000.

The motion was made by Mr. Scully and seconded by Ms. Lansdale to approve the attached amended Resolution that authorizes the renewal of the Commission's insurance policies with the amendment to authorize the payment of the associated premiums. The motion was approved by a 5-0 vote.

Authorization of Staff Training in support of NYWIMA

Summary: Mr. Pavacic explained that in previous years the NYWIMA Academy Coordinator had an individual assisting with the management and operation of the Academy. He further explained that due to the retirement of the previous Academy Coordinator from the NYSDEC and reassignment of his assistant at the NYSDEC, that the individual who was the assistant is no longer available to provide their services. Mr. Pavacic discussed the Resolution of the Central Pine Barrens Joint Planning and Policy Commission Authorizing Training for Commission Staff person in Support of the NY Wildfire and Incident Management Academy (attached) that was previously distributed in the e-packet. He noted the previous assistant performed duties related to the Academy's registration process and that the resolution authorizes Ms. Delligatti, Commission staff, to receive training on proprietary software used by the Academy for their web based registration process. Mr. Milazzo explained that the resolution includes a provision that authorizes either for the individual to travel to Colorado for training or for the trainer to come to New York to provide the necessary training.

The motion was made by Ms. Throne-Holst and seconded by Ms. Prusinowski to approve the attached Resolution authoring training for the Commission staff person in support of the NYWIMA. The motion was approved by a 5-0 vote.

Mr. Milazzo referred back to the earlier discussion pertaining to the Commission's insurance policies and he noted that the insurance renewal includes an endorsement for the camp that the Commission is sponsoring with the US Fish and Wildlife Service (USFWS) at Wertheim that has a premium of \$3,000. Ms. Griffiths will further discuss the camp in her report later in the agenda.

He further noted that the insurance carrier is notified in advance of all activities requiring liability coverage including, the NY Academy, the Annual Discovery Day and all other recurring Commission events.

Authorization of Memorandum of Understanding with Wertheim Wildlife Refuge

Summary: Mr. Pavacic discussed the attached draft Resolution of the Central Pine Barrens Joint Planning and Policy Commission Authorizing a Memorandum of Understanding with the U.S. Fish and Wildlife Service (USFWS) which was previously distributed in the e-packet. He mentioned upcoming events that the Commission will be hosting at the Wertheim Wildlife Refuge including the Annual Discovery Day event and a summer camp. He noted the MOU is a five year agreement between the Commission and the USFWS that will allow the Commission to use the Refuge for its annual events as well as conducting meetings for the various councils the Commission oversees and other Commission related activities.

Mr. Amper discussed the fact that this is a federal facility in the Core and inquired whether the MOU agreement includes a provision that ensures all activities within the Wildlife Refuge are conducted in compliance with ECL Article 57 which was not possible to obtain from other federal facilities in the past. The decision was made to amend the resolution to include language in the MOU to talk to the USFWS about compliance with Article 57.

The motion was made by Mr. Scully and seconded by Mr. McCormick to approve the attached amended Resolution to authorize the MOU between the Commission and the USFWS and to add language to talk to the USFWS about compliance on a voluntary basis with the Act. The motion was approved by a 5-0 vote.

Mr. Scully noted that the information items on the Commission agenda including all of the staff reports will be postponed to the June meeting.

Resolution to Adopt the Ministerial Amendments to the Central Pine Barrens Comprehensive Land Use Plan (CLUP).

Summary: Mr. Pavacic discussed the previously distributed Resolution to Adopt the Ministerial Amendments to the Central Pine Barrens Comprehensive Land Use Plan (CLUP)(attached). He noted that the required 30 day public notice announcing the Commission's intent to vote on the resolution at today's meeting was advertised. Mr. Pavacic further noted the resolution pertains to ministerial amendments to Chapters 4, 5 and 6 that the Commission had reached consensus on at a prior meeting.

The motion was made by Mr. Scully and seconded by Ms. Throne-Holst to approve the attached Resolution to adopt the Ministerial Amendments to the CLUP. The motion was approved by a 5-0 vote.

Mr. Milazzo explained that an outcome from the Commission's work session held today was the need for the Commission to schedule a vote on the ministerial CLUP Amendments to Chapter 6 that are related to the allocation of Pine Barren Credits and the allocation of Credits to Non Residential properties. He noted that last year a public hearing was held and that no comments were received after the hearing. The Commission discussed the Amendments to Chapter 6 at today's work session and Mr. Milazzo proposed that if there was no opposition, the Commission could schedule a vote to amend the Plan at the next meeting. Mr. McCormick noted that this should be subject to the submission of a map to Riverhead Town as discussed during the work session.

The motion was made by Mr. Scully and seconded by Ms. Prusinowski to authorize the publication of a notice of the Commission's intent to vote on the Chapter 6 Amendments related to the allocation of Pine Barrens Credits and the

Non Residential Credit Allocation formula as amended. The motion was approved by a 5-0 vote.

Mr. Scully noted Ms. Lansdale was not present during the work session held earlier today when there was a discussion about the proposed amendment to NYS ECL Article 57 pertaining to the definition of completeness of an application that is consistent with the Uniform Procedures Act. The other discussion Ms. Lansdale did not participate in was the proposed NYS ECL Article 57 amendment that would limit a landowner's right to subdivide 5 and fewer lots repeatedly. He noted that there was generally consensus at the work session that these two NYS ECL Article 57 amendments could be advanced in a sense resolution that would be submitted to the State Legislature. Mr. Pavacic mentioned that all of the related documents were circulated to the members and that the Resolution is ready for an approval.

The motion was made by Ms. Throne-Holst and seconded by Ms. Prusinowski for the Commission to submit a sense resolution from the Commission to the State Legislature to amend NYS ECL Article 57 concerning the completeness of an application and to limit the landowner's right to subdivide 5 and fewer lots repeatedly. The motion was approved by a 5-0 vote.

Adjournment

A motion was made by Ms. Throne-Holst and seconded by Mr. Scully to adjourn. The motion was approved by a 5-0 vote. The meeting ended at approximately 5:15 p.m.

Attachments (in order of discussion):

1. Attendance sheet (5/16/12, 2 pages)
2. Hamptons Club at Eastport CGA Hardship (200-563-5-1.1-1.50 and 200-594-1-5.1 5.23) staff report
3. Draft and Final Resolutions approving extension and amendment of agreement C304142 with the NYS Department of Environmental Conservation (dated, 5/16/12)
4. Draft and amended Final Resolution of the Commission Authorizing Renewal of Officers and Directors Insurance Policy and two attachments (dated, 5/16/12)
5. Draft and Final Resolutions of the Commission Authorizing Training for Commission Staff person in Support of the NYWIMA (dated, 5/16/12)
6. Draft and Final Resolution of the Commission Authorizing an amended MOU with the U.S. Fish and Wildlife Service (date, 5/16/12)
7. Memorandum of Understanding Between U.S. Fish and Wildlife Service Region 5 and the Commission
8. Draft and Final Resolution to adopt Ministerial CLUP Amendments (dated, 5/16/12)



**Pine Barrens Commission Meeting Summary
for Wednesday June 20, 2012 (Final-Approved 7/18/12)
Riverhead Town Hall
200 Howell Avenue
Riverhead, NY**

2:00 p.m.

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

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.

The meeting was called to order at approximately 2:00 p.m. by Mr. Scully, with a four member quorum present.

Peter A. Scully
Chair

Steven Bellone
Member

Mark Lesko
Member

Anna E. Throne-Holst
Member

Sean M. Walter
Member

Public Comments

Summary: Ms. Gail Lynch-Bailey, representing the Longwood Alliance, mentioned that on June 16th the event "Thanking Every Home Town Hero" and monument dedication ceremony took place as scheduled and it was a success. Ms. Bailey noted the event featured, local firefighters placing wreaths at seven fallen hero monuments, medals were awarded to additional honorees. A World War II Veteran was given a special award as the descendent of two Civil War heroes that worked located on the Bartlett Pond site years ago. Ms. Bailey distributed copies of the event's program and pictures (attached) and she noted that the Commission and its staff were among the individuals and agencies listed in the programs thank-you section for their contributions towards making the celebration a success.

Mr. Chic Voorhis, the representative for Westhampton Property Associates pending hardship application, noted the history of the application including, the application was submitted in November 2011, the public hearing was held at the January 2012 Commission meeting and the public comment period has been closed. Mr. Voorhis further noted that additional information was submitted on behalf of the applicant one week prior to this Commission meeting and he requested a public hearing to be scheduled for the July Commission meeting to formerly introduce the new information into the record. Mr. Scully asked Mr. Milazzo if there is a precedent for reopening a hearing to which Mr. Milazzo acknowledged such a precedent exists.

The motion was made by Mr. Shea and seconded by Mr. Lesko to schedule a public hearing for the July 18th Commission meeting at 3:00 pm to reopen the record for the new information submitted by Westhampton Property. The motion was approved by a 4-0 vote.

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Manorville Fire Update and Staff Presentation

Summary: Mr. Scully noted that at the last several meetings the Commission has been exploring actions it can implement to minimize potential property damage from future wildfires. He further noted Supervisor Walter had expressed the opinion that since the 1995 Wildfires there has been a lack of progress in implementing methods to mitigate wildfire damage to property. Mr. Scully noted that the current level of interest associated with the recent wildfires and the resulting firefighting issues should be maintained in order to move forward to implement preventative measures for future wildfires.

Mr. Pavacic noted that Commission staff members Ms. Hargrave and Ms. Carter have prepared a presentation of photographs that were taken of the wooded areas that were affected by the April 2012 wildfires. Mr. Pavacic mentioned after the presentation there would be a discussion related to Mr. Scully's memo that was recently sent to the Commission addresses wildfire issues and minimize property damage in the future wildfires.

Ms. Hargrave noted that Commission staff member Ms. Griffiths, also had participated in the preparation of the presentation. Ms. Hargrave stated that the photographs they will be viewing were taken of the Core Preservation Area that was affected during the April 2012 Ridge-Manorville wildfires. Ms. Hargrave displayed the first photograph of the presentation which was a map of a northern area at Brookhaven National Laboratory (BNL) that was burned in the wildfires. She stated the fire spread eastward due to high winds and low humidity and it burned approximately 1,100 acres and a perimeter measurement of eight and one half miles in the wooded area of the Core Preservation Area. The fires affected both the Towns of Brookhaven and Riverhead, rural communities of Wading River and Manorville, north of the Long Island Expressway.

The photographs were taken by the staff about two weeks after the wildfires and staff intends to revisit the sites over time to take photographs to document how the forest regenerates growth naturally after a wildfire. Photographs were taken at several sites north of the Peconic River and southwest of Wading River Manor Road in Suffolk County parkland that depicted the burned areas as a charred gray landscape with some exceptions on paths where bare mineral soils were exposed. There were photographs also taken from the area north of Schultz Road and the northern side of BNL at the edge of the burned section. Ms. Hargrave mentioned while taking photographs of the areas it was noted that the fire burned up to the canopy in certain areas and not in others and in some areas there were snags of dead trees left remaining.

Ms. Griffiths explained that the photographs the staff took two weeks after the April wildfire enabled staff to capture how the ecosystem in the Pine Barrens has adapted to harsh conditions such as wildfire. She discussed photographs that demonstrated how the ecosystem regenerates itself after a fire such as where the bark of a pitch pine's outer layer was burned, however the middle layers were left intact, a serotinous cone that requires fire to release its seeds, and others. Ms. Griffiths discussed the photographs that were taken nine weeks after the wildfire that showed new green growth in contrast to the superimposed over photographs taken two week after the fire that showed the gray ash floor and charring of the oak and pitch pine trees of the woods.

Ms. Carter explained that the NYSDEC Forest Rangers and Commission staff participated in four aerial surveillance missions one week after the Manorville wildfire while the fire weather danger was still very high. The aerial flight missions were approved as part of the 2009 Memorandum of Agreement (MOA) between the Commission and the NY State Civil Air Patrol. At an altitude of 1000 feet Ms. Carter took aerial photographs on April 24th of the burn areas looking northeast beyond BNL's new solar farm. On April 17th a brushfire was spotted near the New Brookhaven Airport and pictures were taken included an area where the wildfire jumped a fire break along the eastern section of BNL and an area at the north end of a former dog racing track in Calverton where all the trees were burned except for the crowns of a few pitch pines that are expected to green out and live. Additional items that Ms. Carter discussed included photographs of a wildland urban interface area

in Manorville as an example of where firewise practices should be Ms. Carter noted that after a wildfire the land managers secure the burned areas by closing roads to prevent ATV, four wheelers and dumping activity and she discussed photographs of an area where brush truck activity was observed.

Ms. Carter explained the additional benefits of the aerial survey that included: providing information related to land use and stewardship work by the Commission and its councils, assisting with monitoring for illegal clearing incidents and ATV activity. She discussed a photograph of an area that showed heavy ATV use and noted that it causes the destruction of native vegetation, the obliteration of hiking trails and the displacement of wildlife. Trail conditions can be assessed during aerial monitoring for erosion control work and rerouting when necessary. While on forest health monitoring missions, staff has been observing the oak mortality.

Additional photographs displayed by Ms. Carter included, an illegal clearing area in Flanders, development and restoration sites such as the LIPA substation and the Pine Meadow grasslands off of County Road 51, photographs of farmland in the Pine Barrens that will be used in a study under preparation by Commission staff. Ms. Carter noted that while conducting the April 24th mission for areas of smoke she took pictures of areas where there were abandoned vehicles and documented their positions for their removal through the Commission's LEC Helicopter Vehicle Airlift program. Ms. Carter ended the presentation with photographs of the Carmans River Watershed area and an area at Longwood Estate where the Protected Lands Council (PLC) is planning a trail from Rocky Point to Yaphank.

Action Items for Forest Management, Prescribed Fire, & Fire Response Issues

Mr. Pavacic distributed copies of the attached memo from Mr. Scully, dated June 11, 2012. Mr. Scully stated that an outcome from discussions at prior Commission meetings is a multi pronged approach that can be implemented in the short and longer term to address water supply issues, enhanced training for the volunteer firefighting community, forest management, prescribed burns and implementation of the Firewise communities program. He reiterated the need for the Commission to maintain its focus on a plan of action to keep the current momentum moving forward.

Mr. Pavacic distributed and discussed additional handouts including, the attached email from a representative of Suffolk County Department of Health Services (SCDHS) pertaining to the installation of fire wells, a SCDHS map of potential fire well sites, the Suffolk County Legislature's resolution authorizing the installation of the fire wells and Town of East Hampton code on design criteria for fire wells (all are attached). He further noted that certain technical information pertaining to the Health Department's proposal for the installation of fire wells, such as well depths required to maintain constant flow of water and the appropriate construction materials for the fire wells will be provided as they are determined. Mr. Pavacic mentioned that he would email the Commission members and their representatives the SCDHS map of the suggested well sites.

Mr. Scully asked if there were any further questions related to the April wildfires and Mr. Amper mentioned that the media reported that the cause of the Manorville wildfire was determined and he asked if that information is available. Mr. Scully stated that the document was a draft and he was not aware that the Suffolk County Arson Squad or Suffolk County Department of Fire, Rescue and Emergency Services (SCDFRES) had released information about the cause of the wildfires and they are the entities that would release that information. A discussion ensued concerning an after action report, its content, and availability.

Administrative

Minutes for 5/16/12 review, approval

Summary: A motion was made by Mr. Shea and seconded by Mr. Lesko to approve the 5/16/12 meeting summary. The motion was approved by a 4-0 vote.

2012-2013 FY Budget for \$1.1 million

Summary: Mr. Scully explained that appropriations from the N.Y. State Environmental Protection fund for the Commission's budget are dependent on the approval of the N.Y. State budget. Mr. Pavacic discussed the previously distributed 2012-2013 Commission budget memo and spread sheets pertaining to the Commission's operating budget and the carryover funds budget (attached). He noted that the documents indicate last year's and this year's budgeted amounts for each item. Mr. Pavacic distributed and discussed the attached staffing memo that included an organizational chart of the Commission's staff.

Mr. Pavacic noted that in 2005 the Commission authorized the staffing study that included two new positions. The first position was an Invasive Species Manager and the second was for a Fire Management Specialist. The newly proposed position of Field Ecologist combines the previously proposed positions from the 2005 staffing study and Mr. Pavacic distributed copies of the current organizational chart (attached) that incorporates the Field Ecologist under the Science and Stewardship Division. Mr. Lesko noted that the current fiscal climate may affect his ability to approve hiring additional Commission staff at this time and he stated that he does not speak on behalf of the other members.

Mr. Pavacic distributed copies of several hand outs from the Albany Pine Bush Preserve Commission (attached). The agency was created by the State Legislature to protect 3,200 acres of protected Preserve near Albany and Mr. Pavacic explained that the two entities, Albany Pine Bush and the Commission, were created essentially for the same purpose of protecting a State natural resource. Mr. Pavacic noted that the Albany Pine Bush protects an area of 3,200 acres with a staff of thirteen while the Commission has the responsibility to oversee an area two thirds larger, 100,500 acres, with a full time staff of only eight individuals.

Mr. Pavacic explained that if the Commission approves the Field Ecologist position that is described in the attached handout, the salary and benefits would be covered in the Commission's current annual operating budget. The Field Ecologist would oversee the work performed by contractors such as a Burn Boss who would be hired after a request for proposal (RFP) is issued and would not be hired until after a contractor is selected. The Commission also needs to establish land management agreements with the land owners before moving forward and the Field Ecologist would be responsible for additional stewardship duties.

Mr. Pavacic distributed and discussed copies of a document containing the titles and salaries of the Commission's full time staff. There was a discussion related to personnel salaries and the average percentage of salary increases over the last couple of years. Mr. Lesko expressed his concerns related to the full time staff salaries and the current fiscal constraints that he and the other Commission members are facing.

Mr. Scully noted that he was encouraged that appropriations are in the carryover funds budget for Prescribed Fire and the Firewise program and he acknowledged the fiscal concerns expressed by Supervisor Lesko. Mr. Lesko expressed additional concerns about the appropriations in the 2012-2013 budget for staff salaries and for hiring new staff. He asked for the opportunity to discuss the Commission's staffing needs further and if the vote to approve the Commission's budget could be postponed until the July Commission meeting. The vote was postponed to a future meeting.

Mr. Pavacic discussed the carryover funds budget that pertains to long term capital expenses. Last year the Commission staff submitted a series of documents containing a detailed analysis and description of major projects. The project descriptions included, Prescribed Fire, Ecological Management, ATV Mitigation and others that were listed in the attached Carryover funds budget spreadsheet. Mr. Pavacic noted the carryover funds budget has increased due to unused funds being rolled over and as Chairman Scully indicated funds are now available for the Firewise program. Mr. Pavacic asked if the staff could move forward with advertising RFPs for Ecological Management, Prescribed Fire, and possibly to evaluate encroachments on public lands, before the budget is approved and Mr. Scully granted the go ahead as long contracts are not signed before the Commission's 2012-2013 budget is approved.

Science and Stewardship

Resolution to approve LEC purchase of two new ATVs using EBF funds

Summary: Mr. Pavacic distributed and discussed the attached June 22nd memo and Draft Resolution which authorizes the purchase of two new All-Terrain Vehicles (ATVs) by the Law Enforcement Council (LEC) from their Environmental Benefit Funds. The new ATVs would be used by law enforcement agencies. He explained that approximately \$50,000 of EBF funds are available to purchase equipment for use by the law enforcement agencies. He further explained the funds come from a different source than the funds for the Commission's budget. In the past the LEC used the funds to purchase ATVs and two way radios. The current fleet of ATVs is aging and some of the ATVs the LEC acquired through seizures can't be repaired and are no longer usable. Mr. Pavacic stated if it is approved by the Commission the proposed draft resolution authorizes the LEC to spend approximately \$13,000 of funds to purchase two new ATVs. There is an institutional ceiling cap of \$15,000 on funds that can be used for equipment purchases of this kind.

Mr. Lesko mentioned that the Town of Brookhaven has an inventory of seized ATVs that are available to donate and he asked if anyone contacted the Town Public Safety Division to see if there are any ATVs there the LEC could use. Mr. Pavacic noted that in the past year the Commission has received a used ATV from the Town, but that it was unclear as to whether they would be able to secure additional ATVs in the same manner. Mr. Pavacic reiterated that it would be helpful to have new dependable ATVs available to the agencies since others currently being used are need repair. He noted the reason the LEC is seeking approval for the purchase at this time is that there is a particular model the LEC was interested in purchasing and the dealer is offering a \$1,000 rebate on the purchase. Mr. Pavacic suggested that the resolution be amended to approve the use of the funds for an ATV purchase subject to staff checking first with the Town's Public Safety Department for usable ATVs.

Mr. Hynes stated he visited the area where the Town houses the seized ATVs and found the ATVs there to be in bad condition and they couldn't be repaired. He noted the LEC has an inventory of twelve ATVs and four of them are currently out of service for repairs. He further noted that all the ATVs are used as long as the parts can be obtained and they can be serviced. Once an ATV is beyond repair and is no longer safe for the officer to drive they have to be replaced and that is why he is recommending the purchase of two new ATVs. Mr. Hynes further noted that the LEC has purchased ATVs in the past when it was necessary with EBF funds. Mr. Scully noted that the funds the LEC utilize for equipment purchases came from the penalty of a waste water violation and not from taxpayer funding.

The decision was made that Mr. Hynes would contact Brookhaven Town Public Safety to schedule a visit to view the ATV inventory to establish if any suitable ATVs are available that the Town can donate to the LEC. He will visit the inventory before the next Brookhaven Town Board meeting on Tuesday evening which will enable Mr. Lesko to draft a Resolution that authorizes the donation of one or two ATVs as soon as possible, if needed.

A motion was made by Mr. Lesko and seconded by Mr. McCormick to approve the attached amended Resolution authorizing the LEC to purchase two new ATVs that would be subject first

to exploring Brookhaven Town's inventory of seized ATVs for suitable replacements. The motion was approved by a 4-0 vote.

Education and Outreach

Summary: Ms. Griffiths distributed and discussed the attached April-May-June Education and Outreach Division report. Ms. Griffiths reported that between April and June, 630 students were reached through the Commissions Environmental Education program. Sweet Briar Nature Center and Star Flower Experiences contacted Ms. Griffiths to provide environmental summer programming. The Sweet Briar Nature Center program will focus on the recent wildfires and how the Pine Barrens restores itself after a wildfire. She provided photographs taken during the partnership activities with the school districts including, Patchogue/Medford, Longwood, Sachem, William Floyd and others.

Ms. Griffiths distributed and discussed a summary of photographs taken at the 5th Annual Pine Barrens Discovery Day that was held this year at the Wertheim National Wildlife Refuge Visitors Center in Shirley. On June 9th a total of 650 visitors attended the annual Discovery Day Event that in the past was held at Suffolk County Community College campus in Riverhead with attendances at or below 200 visitors. The change in venue, advertising the event this year through WALK and WSHU radio stations, along with the partnerships with the Wertheim Wildlife Refuge and the communities that organized Tri-Hamlet Day, that coincided with Discovery Day, ensured the success of this year's event.

Additional items Ms. Griffith reported on included, in the first week of July the Barrens to Bay Summer program at Wertheim Wildlife Refuge begins with all sessions booked as of now. The Day in the Life of the Carmans River program will be held on September 28th in partnership with six schools, the DEC, Cornell Cooperative Extension and other environmental agencies and civic organizations. The day will consist of activities and studies including, water data collection studies and biodiversity studies. Ms. Griffiths is working with BNL to develop protocols, data sheets and resources for the day and the plan is to make A Day in the Life of the Carmans River a yearly event. Other items Ms. Griffiths reported on included, an upcoming LI Natural History Conference in November at Wertheim Wildlife Refuge, and the NY State Outdoor Educators Conference in October at BNL and she discussed web conferences between Megliarino San Rossore Massaciuccoli (MSRMO) and Central Pine Barrens Commission as part of the Twinings program that took place on March 16th and June 7th. Ms. Griffiths mentioned that a trail cam was installed at Warbler Woods and the Wertheim Wildlife Refuge to capture Pine Barrens wildlife and the photos will be displayed on the Environmental Education web page of the Commission's website.

Mr. Walter arrived at approximately 3:00 pm.

Science and Stewardship

Summary: Ms. Carter discussed the attached Science and Stewardship Division report and highlights she mentioned included, staff continues to organize meetings and field work and offer overall support to the Protected Lands Council (PLC). On April 3rd, the PLC met in the field to continue the evaluation of the potential north-south trail connections between Rocky Point and Yaphank. The division is working with managers of protected lands, the PLC and the LEC in planning and coordinating ATV and dumping mitigation barrier work.

Additional activities Ms. Carter discussed included, the 17th Annual Research Forum on October 4th and 5th this year with cosponsors, BNL, the LI Groundwater Research Institute and the Foundation for Ecological Research in the Northeast. The division is supervising an inventory of agriculture in the Central Pine Barrens Core and CGA, including an analysis of agricultural activities, crop types, ecological communities, land ownership, soils and other attributes.

Ms. Carter discussed the Science and Stewardship Division's participation in the L.I. Invasive Plant Species Management Area (LIISMA) program and stated that on April 12th at the Cranberry Bog

County park invasive plant infestations were mapped using the State's centralized invasive species data management system. At the April 26th LIISMA meeting plans were discussed to hire a seasonal "Early Detection Survey Team" to conduct terrestrial on-the-ground invasive plant inventories to identify high priority infestation that is similar to past work performed by the Commission. Ms. Carter mentioned that the State has passed invasive species legislation similar to the Suffolk County ban.

Other Science and Stewardship Division activities include, maintenance of the Dwarf Pine Plains Trail head area, improvements to the Rocky Point Trailhead and kiosk areas with assistance from an Eagle Scout candidate from the Boy Scouts of America. Ms. Carter mentioned details of additional work and activities included in the Science and Stewardship Division report. Ms. Carter noted that in the area where the oak mortality occurred in Flanders most of the new growth is expected to be pitch pine and monitoring protocols were discussed.

Land Use and Planning

CLUP Amendments to Chapter 6 Non-Residential Credit Allocation formula and Limitations on Credit Allocations

Summary: Mr. Scully noted that earlier this year during an extended work session the Commission was able to reach an agreement on the Amendments to Chapter 6 which are still pending approval and a vote was scheduled for July 18th. He further noted that the Commission needs to discuss issues pertaining to the Chapter 5 proposed mandatory redemption requirement amendment and a work session should be scheduled. Mr. Scully suggested the work session be scheduled for July 18th before the 2:00 pm Commission meeting and before 12 noon. He also stated that the best outcome for these work sessions requires attendance by all of the principal Commission members. Mr. Walters noted he is not available to attend a work session on July 18th and the decision was made that additional meeting dates will be provided via an email poll to schedule the work session. Mr. Amper asked if he could be notified when the work session for the Proposed Mandatory Credit Redemption Requirement Amendment is scheduled.

ECL Article 57 Amendments Legislation

Summary: Mr. Scully discussed that there are two amendments to Article 57 that have been placed on hold because the current State legislative session has been closed. Mr. Pavacic mentioned that by the time the amendments to Article 57 were approved by the Commission it was too late to present them at the current legislative session and they will therefore be reintroduced at the beginning of the January 2013 State Legislative session.

Mr. Walters referred back to the earlier discussion pertaining to the Chapter 5 Mandatory Credit Redemption requirement and noted if EPCAL was included in the Riverhead Town receiving areas, too many Pine Barrens Credits would be required to be redeemed. He noted that Riverhead Town will conduct an analysis to ascertain if there are enough other Riverhead Town receiving areas to absorb the available Credits. Mr. Pavacic will contact Kevin Walsh at Riverhead Town to discuss the result of the analysis and a discussion ensued regarding expected development yields related to EPCAL.

Core Area Expansion Metes and Bounds

Summary: Mr. Scully noted that the Commission staff was asked to complete the metes and bounds description (attached) that was required in ECL 57 that was related to the Carmans River watershed Protection Plan that was recently voted down by the Brookhaven Town Board. Mr. Pavacic noted that the metes and bounds analysis has been delivered to the Clerks of the two houses of the State Legislature and he thanked Ms. Ann Carter, Ms. Julie Hargrave and Ms. Judy Jakobsen for their efforts in completing the analysis. Mr. Lesko also thanked the staff for completing the analysis and

stated that when the State Legislature is back in session the analysis will be presented to them to reconsider legislation to protect the Carmans River.

Compliance and Enforcement

Summary: Mr. Hynes provided a Compliance and Enforcement division update for June and he discussed the status of incidents including, overclearing, illegal dumping, illegal off road, ATV and dirt bike use since January. He noted there are currently three open cases in the Compatible Growth Area (CGA) and six open cases in the Core Preservation Area with one case in the process of being resolved. He noted the Compliance and Enforcement Division works closely with the three Commission Councils including, the WTF, LEC and the PLC. When the fire weather danger rating is high the LEC increases its patrols in the Pine Barrens.

Mr. Hynes provided a brief overview of LEC activities since January and he noted that the LEC apprehended twenty 4 X 4's and five of them were impounded with summonses written and a redemption fee of \$500. Additional items he reported on included, 15 dirt bikes and ATV's were apprehended, seven arrests have been made for dumping and over 37 summonses have been written. He discussed the key areas of illegal activity occurred in Suffolk Hills, Spring Meadows, Rocky Point and the AVR property in Yaphank. Mr. Hynes noted increased illegal 4 X 4 activity at night and there is a proposal to form a task force to patrol affected areas. He mentioned the next LEC meeting is scheduled for next Thursday June 28th at 1:00 pm at the National Wildlife Refuge.

Land Use Division Report

Summary: Ms Hargrave discussed the attached, previously distributed Land Use Division update and noted that there are two pending applications that include, in the Town of Brookhaven, Hamptons Club and in the Town of Southampton, Westhampton Property Associates. Additional land use activity Ms. Hargrave reported on included, the Land Use Division is currently managing twelve revegetation and restoration projects in all three Towns, assists with the preparation of materials for work sessions on the Comprehensive Land Use Plan (CLUP) Amendments, tracks submission of materials to comply with conditions of approval, respond to SEQRA referrals and inquiries and assists all of the other Commission divisions. Ms. Hargrave noted the office has received and is reviewing an expanded environmental assessment form for the proposed expansion of the Longwood Public Library that has received a prior waiver approval from the Commission.

Project Review Compatible Growth Area

Hamptons Club at Eastport CGA Hardship / Eastport (200-563-5-1.1-1.50 and 200-594-1-5.1-5.23)

Summary: Ms. Hargarve noted that the applicant for Hamptons Club submitted responses to the staff report. The public comment period has been closed and the applicant was sent the hearing transcript and copies of the eight public comment letters that were received at the office. She further noted the decision deadline is next month and that she was waiting to hear from the Town about the status of the findings statement.

Mr. Lesko stated that he was not aware that the applicant was going to consent to providing additional time for the Town to render a decision or that the Town was planning to amend its original findings statement. Mr. Scully asked if the Town's position was the result of the project not being different from the project that was previously submitted by the Hamptons Club applicant.

Mr. Milazzo noted there are several options the Commission can take in connection with the Hamptons Club application including, they can pass a sense resolution, deny the project, or the applicant could consent to extensions. He discussed each option and noted that if a sense resolution approves or denies the application, the SEQRA process still needs to be finalized by the Town.

Additional discussion points included, there are health department issues that need to be resolved, the proposed usage of the Nitrex Sewage Treatment System for this and the need for the Town to decide if it wants to amend its finding statement . Other points discussed included that the Commission is constrained from an action until the status of the Town's findings statement is established, and how an amended finding statement could affect the Commission's decision to provide a sense resolution to approve or deny the application.

Mr. Milazzo provided clarification that SEQRA needs to be completed prior to a Commission decision for all applications and he noted that conditional approvals are a separate issue from the SEQRA process. Mr. Milazzo cited the CLUP Standard 5.3.3.1.1 and a discussion ensued about how it applies to the Hamptons Club application. He noted that if the Commission renders a sense resolution it would include a description of what the applicant was seeking relief from and the criteria that the decision for an approval or denial would be based on by the Commission.

Ms. Throne-Holst expressed the concern that the Commission's decision should only be based on what the applicant was seeking relief from in the application. Mr. Lesko noted that the Town will inform Mr. Pavacic about whether or not it intends to amend the findings statement. Ms. Kathleen Deegan Dickson, the attorney for Hamptons Club, stated the applicant was prepared to receive the Commission's decision next month and that the Commission has all of the materials it needs to make its decision.

Mr. Amper expressed his concerns about the Commission deferring a decision on projects to other agencies that do not have a legal right to render such a decision. He strongly suggested the Commission either find out from the SCDHS whether the Nitrex system is viable for this project or they could address the actual conditions of the hardship waiver and render a decision today based on the appropriate standard that relates to this application which is the clearing standard. He stated further concerns about the Nitrex system and the Commission's ability to make a decision and the basis for that decision.

Ms. Hargrave noted that there was an issue related to the Hamptons Club Applicant's offer to redeem 15 Pine Barrens Credits for this project that needs to be included in an amended findings statement. Mr. Amper expressed his concerns that an amended findings statement and the redemption of Pine Barrens Credits for this application should not affect the Commissions moving forward with its decision on the Hamptons Club application at today's meeting.

Adjournment

A motion was made by Mr. Lesko and seconded by Mr. McCormick to adjourn. The motion was approved by a 4-0 vote. The meeting ended at approximately 3:40 pm.

Attachments (in order of discussion):

1. Attendance sheet (6/20/12, 1 page)
2. Longwood Veterans Thanking Every Home Town Hero Event handouts
3. 2012-2013 Commission budget memo and Draft 2012-2013 budget with Stewardship detail (dated, 6/13/12)
4. Central Pine Barrens Commission Carryover Funds budget Summary
5. Email from a representative of Suffolk County Department of Health Services
6. Suffolk County Department of Health Services map of potential fire well sites
7. Suffolk County Legislature's Resolution authorizing the installation of the fire wells
8. Town of East Hampton code design criteria for fire wells
9. Action Items for Forest Management, Prescribed Fire & Fire Response Issues memo (dated, 6/11/12)
10. Synopsis of Information provided to Commission in regard to Wildfire Management and Response memo (dated, 6/20/12)
11. Field Ecologist position description
12. Albany Pine Bush handout
14. Purchase of ATVs by LEC Using EBF Funds memo (date, 6/22/12)
13. Draft Resolution authoring the purchase of two new All-Terrain Vehicles (dated, 7/20/12)
14. Amended Resolution authorizing the LEC to purchase two new ATVs (dated, 7/20/12)
15. April-May-June Education and Outreach Division
16. Science and Stewardship Division report for June
17. Carmans River Core Preservation Area Metes and Bounds Description (dated, 6/18/12)
18. Land Use Division update (dated, 6/20/12)
19. Compliance and Enforcement division update (dated, 6/21/12)
20. Letter from Charles Voorhis, Hamptons Club Representative (dated, 5/30/12)



**Pine Barrens Commission Meeting Summary
for Wednesday, July 18, 2012 (Final-Approved 8/15/12)
Riverhead Town Hall
200 Howell Avenue
Riverhead, NY**

2:00 p.m.

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

Peter A. Scully
Chair

Steven Bellone
Member

Mark Lesko
Member

Anna E. Throne-Holst
Member

Sean M. Walter
Member

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 a four member quorum present.

Public Comments

Summary: There were no public comments.

Administrative

Minutes for 6/20/12 review, approval

Summary: A motion was made by Ms. Throne-Holst and seconded by Ms. Prusinowski to approve the 6/20/12 meeting summary. The motion was approved by a 4-0 vote.

Relocation of Commission Office and Staff

Summary: Mr. Pavacic confirmed that the Commission's office will be moved to the Suffolk County Water Authority's (SCWA) Westhampton office building located on County Road 31 in Westhampton, just south of Sunrise Highway, on or about the 3rd week of August.

The SCWA will be paying for the costs associated with moving the contents of the office. He noted that certain office equipment, such as a plotter and computer server that have been shared with the SCWA GIS and Engineering departments may need to be purchased by the Commission for the new office location.

Science and Stewardship

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

Summary: Mr. Pavacic discussed the memo that Chairman Scully sent to the

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Commission members that was distributed at the June Commission meeting. He noted that the memo contained a list of tasks and time frames for their implementation. A task currently being undertaken by staff includes the preparation of aerial maps that depict fire districts, water supplies, roads and the location of developments to identify potential locations to install fire wells. He noted that the installation of new fire wells in areas that need them will provide firefighters with a water supply to fight potential structural fires as well as possible wildfires. A final version of the maps will be distributed to the Commission members, the Wildfire Task Force (WTF), and the fire districts.

Mr. Pavacic stated that the New York Wildfire and Incident Management Academy (NYWIMA) is planning its Fall 2012 Fire Academy. The Academy has filed an application with the NYS Department of State to obtain continuing education credits for the "Assessing Hazards in the Home Ignition Zone" course it will be offering at the Fall Academy. Mr. Pavacic noted this would provide fire marshals and building inspectors who are required to maintain continuing education credits each year, an opportunity to obtain those credits. Mr. Pavacic mentioned the WTF Executive Committee has met to discuss concepts that need to be incorporated into the Fire Management Plan update and a preferred method for its distribution. Mr. Scully requested the Supervisors be provided with an update on Firewise initiatives.

Ms. Lansdale arrived at 2:10 pm and Mr. Lesko arrived at 2:20 pm.

International Wildland Urban Interface Code Presentation

Summary: Ms. Jakobsen introduced Ms. Dorothy Harris and Mr. Dan Nichols, both from the International Code Council and Mr. Ron Piester, who is the Director for the NYS Department of State, Division of Code Enforcement and Administration. The purpose of their visit today is to provide a presentation on the International Code Council's (ICC) Wildland Urban Interface (WUI) Code that was developed to address mitigation measures to safeguard the public against wildfires. Ms. Jakobsen noted that in 2010 she worked with Bruce Johnson (a former Riverhead Fire Marshall and member of the WTF that now works for the ICC) to develop a Hazard Mitigation Standard (HMS) as part of the CLUP Amendments based on the ICC WUI Code. Ms. Jakobsen mentioned that she hopes to have a revised HMS to provide to the Commission for their review in September or October.

Mr. Piester explained that Mr. Nichols is the Chair of the NYS Technical Subcommittee that periodically updates the State Fire Codes and he acknowledged Mr. Bruce Johnson as a colleague of Ms. Harris at the ICC. He noted that he will be discussing the NYS Department of State's role as it oversees the promulgation and enforcement of the State Building Codes and how it interplays with the national model codes that the Commission has been using to develop its own WUI standard.

Mr. Piester explained that the NYS Department of State, Division of Code Enforcement and Administration is the agency that is responsible for overseeing the State's program that administers and promulgates the State's Building, Fire Prevention and Energy Codes. The Code Enforcement Division oversees the local governments responsible for enforcement of the State Codes, provides training for code enforcement officials, education assistance for architects, engineers and the general public regarding State Codes and administers a continuing education certification program. Technical assistance is offered to those seeking information on how to understand the proper application of the State Codes.

Additional items that Mr. Piester discussed included, the Energy Code and the Building and Fire Prevention Code are two categories of State Codes contained under separate statutes. He mentioned there are color coded books that the energy, construction, building and fire prevention code officials use in New York State that are modeled after the International

model codes and customized for New York State and local communities. When the Central Pine Barrens WUI Code is completed it will be added to the other documents included under the State Uniform Code. The local legislative process is used when local governments are setting higher or stricter standards for fire prevention and building construction codes and a petition is filed with the New York State Code Enforcement Division that reviews these proposed codes for approval. He discussed how the process would apply to the local communities in the Pine Barrens and he explained that the International Code is used as a model in New York State because it ensures the same codes are used throughout New York State and he noted the fact that they are also updated every three years.

Ms. Jakobsen briefly discussed the draft Hazard Mitigation Standard (HMS) that would be part of the CLUP Amendment process. The standard would address access, identification of structures, defensible space and water supply. Mr. Piester explained the primary documents that would be useful to staff in developing criteria for a Pine Barrens WUI code would be the State Fire Code, the Property Maintenance Code and the State WUI Code. Other items that were discussed included many options exist for the development of a Pine Barrens WUI code. According to Mr. Nichols, the current statewide Fire Code for all structures may already contain some of the criteria that the Pine Barrens Commission is incorporating into their WUI standard and that may help narrow the scope of what the Commission is trying to do in their Plan Amendments. The Code Council requires a waiver process to be incorporated into the local regulations. The Commission HMS appears to include a waiver process by trying to hedge one part of the model code with another and that is where perhaps the ICC staff and Mr. Piester can assist the Commission staff on how to better craft their proposed standard with what is in the existing code. Mr. Scully thanked Mr. Piester for providing the WUI Code presentation.

Land Use and Planning

CLUP Amendments to Chapter 6 Non-Residential Credit Allocation formula and Limitations on Credit Allocations

Summary: Mr. Pavacic referred briefly back to the previous Commission discussion of the April wildfires and he distributed a copy of a recent Newsday article that discussed the Commission's response to the wildfires in Manorville and Ridge. Mr. Pavacic then moved on to distribute the attached Draft Resolution to Adopt Central Pine Barrens CLUP Amendments to Chapter 6 Concerning the Non-Residential Credit Allocation and Limitations on Credit Allocation. Mr. Scully explained that the Chapter 6 Amendments are a limited subset of Amendments that were discussed at previous work sessions and agreed upon by the Commission.

Mr. McCormick stated that Mr. Walter has asked for an adjournment on the vote of the Chapter 6 Amendments until he can be present because he intends to propose an additional amendment to Chapter 6 concerning Section 6.3.3.1. This section refers to a credit allocation restriction regarding municipal properties and he would like the opportunity to discuss with the Commission members the possible partial or entire rescission of this section.

Mr. Scully asked Mr. McCormick if the reason for Mr. Walter's request is because he believes that publically owned land should not be prevented from receiving credit allocations to which Mr. McCormick agreed that was the reason. It was noted that this was a new proposal that wasn't previously considered. Mr. Lesko felt the EPCAL issue requires further exploration and he suggested that a work session be scheduled that would focus on the discussion of issues related to EPCAL. Mr. Scully discussed that the broad administrative issues of the proposed Chapter 6 amendments are not tied to the concerns that Supervisor Walter has about EPCAL and municipal properties. The

decision was made that out of deference to Mr. Walter, that the proposed action to vote on the pending CLUP Amendments to Chapter 6 would be deferred.

CLUP Amendments to Chapter 5 Mandatory Credit redemption policy

Summary: Mr. Scully reiterated the need for a work session and a discussion of possible dates followed. Mr. Milazzo noted that if there were new changes and new proposed amendments, that SEQRA would need to be done, a public hearing would need to be held and the required 30 day public notice of intent to vote would need to be given. He further noted the current Amendments before the Commission today have already gone through all of that process and if action on these Amendments is to be deferred then it may be better if the Commission could meet to discuss all of these proposed Amendment changes so the process can move forward.

The decision was made that a work session would be scheduled for August 22nd from 1:00 p.m. to 5:00 p.m. to discuss Mr. Walter's concerns about the EPCAL property as it relates to the Pine Barrens Credit program and to also discuss Chapters 5 and 6 of the CLUP Amendments in order to move forward with the approval process for these Amendments. Mr. Scully mentioned he will try to meet with Mr. Walter prior to the work session to discuss his concerns.

Hearing 3:00 p.m.

Westhampton Property Associates / Westhampton (900-276-3-1 and 2) Core Preservation Area and CGA - CRA Hardship.

Summary: A separate stenographic transcript exists for this hearing. During the hearing, the attached applicant's exhibits were distributed. The decision deadline was extended to September 15, 2012.

Project Review Compatible Growth Area

Hamptons Club at Eastport CGA Hardship / Eastport (200-563-5-1.1-1.50 and 200-594-1-5.1-5.23)

Summary: Ms. Hargrave mentioned that the decision deadline for the Hamptons Club application was today and that the applicant's representative submitted the attached letter dated 7/18/12, also received today, that stated they were withdrawing their hardship application. It was noted that there is no application now pending before the Commission. Mr. Lesko mentioned it was his understanding that the Hamptons Club applicant would not be re-filing another application with the Commission.

Adjournment

A motion was made by Mr. McCormick and seconded by Ms. Lansdale to adjourn. The motion was approved by a 5-0 vote. The meeting ended at approximately 3:45 p.m.

Attachments (in order of discussion):

1. Attendance sheet (7/18/12, 2 page)
2. Newsday Article "Pine barrens group to improve fire response" by Emily Dooley (dated, 7/9/12)
3. Water Supply Issues Task-Location with & without Public Water memo (dated, 7/18/12)
4. Central Pine Barrens Water Supply Issues Task Map document
5. Draft Resolution to Adopt Central Pine Barrens CLUP Amendments to Chapter 6 Concerning the Non-Residential Credit Allocation and Limitations on Credit Allocation (dated, 7/18/12)
6. Westhampton Property Associates; Pending Hardship Supplemental Information on the Extraordinary and Immediate hardship of the Applicant NP&V No.11010 letter and report (dated, 6/15/12)
7. Letter from Ms. Kathleen Deegan Dickson, Attorney for Hamptons Club, withdrawing the Hamptons Club hardship application (dated, 7/18/12)



**Pine Barrens Commission Meeting Summary
for Wednesday, August 15, 2012 (Final – Approved 9/19/12)
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), 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. Carter, Ms. Griffiths, Mr. Tverdy and Ms. Ostrowski (from the Commission). Additional attendees are shown on the attached sign-in sheet.

Steven Bellone
Member

Mark Lesko
Member

Anna E. Throne-Holst
Member

The meeting was called to order at approximately 2:00 p.m. by Mr. Scully with three members present. Mr. Scully noted that no actions could be taken until a four member quorum was present.

Sean M. Walter
Member

Administrative and Public Comment

Public Comments

Summary: There were no public comments.

2012-2013 FY Budget for \$1.1 million

Summary: Mr. Scully explained that Supervisor Walter has asked that the other Commission members defer their approval of the Commission's budget. Mr. Pavacic noted that prior to this meeting he had redistributed the attached budget materials to the Commission members for them to review.

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Science and Stewardship

Education and Outreach

Summary: Ms. Griffiths distributed and discussed the attached July- August Education and Outreach Division report. She provided photographs of the Barrens to Bay Summer Camp program that was offered at the Visitor Center of Wertheim National Wildlife Refuge. One of the sessions included a tour of the burn area from the April wildfires and afterwards a wildfire and ecology presentation was provided at the Wertheim Wildlife Refuge.

Ms. Griffiths mentioned the "A Day in the Life of the Carmans River" program is scheduled for Friday, September 28, 2012 and the next training session for the event is on September 20th. She discussed that she is a member of the Steering Committee for the Long Island Natural History Conference that is scheduled for November 17th at Brookhaven National Laboratory (BNL) which will include 12 sessions and a key note speaker.

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Mr. Milazzo mentioned he was able to address concerns with liability issues related to the Wertheim Summer Camp. He noted that he and Mr. Pavacic visited the camp while it was in operation and that they were very satisfied with the program being offered.

Science and Stewardship

Summary: Ms. Carter discussed the attached Science and Stewardship Division report. Highlights she mentioned included, staff continues to work with the land managers, the Protected Lands Council (PLC) and the Law Enforcement Council (LEC) on ATV monitoring and placement of barriers in the Flanders and Hampton Bays areas. The effort has been expanded to include the upper Carmans region and staff met with LIPA and National Grid representatives on July 12th and August 1st to discuss mitigation strategies and observe designs and materials for right of way barriers. Staff visited the Cathedral Pines area and found a significant amount of debris that may be caused by poor drainage and a discussion ensued on how the problem could be resolved.

Ms. Lansdale arrived at approximately 2:15 pm.

Additional activities Ms. Carter discussed included, an aerial forest health survey was conducted on July 3rd with the New York State Department of Environmental Conservation (NYS DEC) Forest Health Unit which was piloted by the NY State Police, on August 7th members of the PLC met in the field to continue their work to identify a potential north-south regional trail corridor, and staff is making progress with the Commission's Agricultural Land Inventory in the Core and CGA. Mr. Tverdydy will provide more information on this project later on during the meeting.

Ms. Carter discussed the 17th Annual Pine Barrens Research Forum scheduled for October 4th and 5th at Brookhaven National Laboratory (BNL). She noted that this year's topics will include ecology, groundwater protection, planning, invasive species, environmental education, cultural resources, hydrology management, and wildland fire. On October 5th a field trip to the Visitor Center of the Wertheim Wildlife Refuge, will be held. Other Science and Stewardship Division activities included the maintenance of the Dwarf Pine Plains Trail head, staff participation in the New York State Long Island Invasive Species Management Area (LIISMA) meetings, preparing maps for fire management planning and exploring methods to manage hazardous forest fuels. Ms. Carter noted that the kiosk refurbishment project that is being performed by a Boy Scout of America Eagle Scout candidate is nearly completed.

Central Pine Barrens Agricultural Land Inventory

Summary: Mr. Pavacic explained that in June of 2011, an Amendment to Article 57 that would have expanded the Core Preservation area included a provision that required the Commission to undertake a comprehensive assessment and inventory of agricultural land in the Pine Barrens Core and CGA. He further explained that the Amendment contained a sunset provision should certain milestone requirements not be met which would prevent its final passage into legislation. He explained that the Amendment was not passed into legislation and noted that for future management purposes the Commission decided to move ahead with the Agricultural Land Inventory project.

Mr. Tverdydy provided a power point presentation on the Agricultural Inventory Study. He explained that agriculture continues to be an important industry in the Pine Barrens and he noted that the 1995 Comprehensive Land Use Plan (CLUP) contained some information pertaining to agriculture; however, it was not a complete analysis.

Mr. Tverdyy displayed a map of agricultural parcels depicting the majority are in the south and central area of the Pine Barrens and he noted that many of the parcels are associated with the Pine Barrens Credit program. He displayed and discussed a table that contained data describing locations of active farms, sand mines, structures, pastures, non agricultural activities and areas of natural vegetation, in addition to other features. Mr. Tverdyy noted some of the aerals shown were taken during an aerial flight mission after the fires in April. He used these aerals and others available to identify potential agricultural activity such as, fields and barns. He then visited the parcels to determine if active agriculture existed at the sites. Mr. Tverdyy explained that the analysis is not complete and he will be compiling additional information including, the acreage of farmland that is in the Core and the CGA.

Additional statistical information that Mr. Tverdyy discussed included, no development was found on parcels associated with Pine Barrens Credits and activity was limited to agriculture. Preliminary data results indicate there was a total of 698 acres of sod farms, 497 acres of nursery land, 258 acres of equestrian farms, 160 acres of agricultural structures and storage facilities and 13 acres of vineyards. The total amount of farmland in the Pine Barrens Core Preservation Area and the CGA is about 2,700 acres.

Ms. Griffiths introduced Ms. Sharon Ware, Refuge Manager, and Mr. Todd Westin, Ranger, both from the U.S. Fish and Wildlife Service Wertheim Wildlife Refuge. She explained that they assisted her in the management of the Wertheim summer camp and thanked them for their contributions which were instrumental in a successful outcome for this year's program. Mr. Westin noted that the staff from the Wertheim Wildlife Refuge enjoyed their participation in the summer camp program and he thanked the Commission for the opportunity. Mr. Scully thanked Mr. Westin and Ms. Ware for their visit to this meeting and for their assistance with the summer camp.

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

Summary:

Mr. Scully explained that the Commission has recently undertaken a multipronged effort to address problems the fire departments faced when they were fighting the April wildfires that occurred in Manorville and Ridge. Mr. Pavacic thanked staff for completing the task of redistributing hard copies through the U.S. mail and electronic versions by email of the 1999 Fire Management Plan to the Wildfire Task Force (WTF), the Fire Chiefs of the member fire departments and to the Chairman of the fire districts. He explained the 1999 Fire Management Plan was redistributed to apprise fire chiefs and officers about the Plan and to conduct seminars associated with updating the Fire Management Plan.

Mr. Pavacic discussed that the Air Force had requested Air National Guard members to be available to fight wildfires as they occur across the country. Due to the ongoing fire season, the 106th Air Rescue Wing at Gabreski Airport requested a specialized training in wildfire response for their members. The training session was arranged by Commission staff and provided through NYWIMA a few weeks ago at Gabreski Air Force Base. The training they received will enable the members to respond to wildfires and to participate in conducting prescribed fires.

Mr. Pavacic mentioned that the Firewise initiative is moving forward with plans for a Firewise class to be included at the October Academy. Staff has reached out to the New York State Department of State Continuing Education Department to obtain certification for the Academy to offer continuing education credits for this course which can be used by building inspectors, fire marshals and other code enforcement personnel to maintain their certifications. The Towns will be notified about the

opportunity for their building department officials to obtain credits for attending the Firewise training at the October Academy.

Mr. Pavacic mentioned that staff continues to work on maps detailing fire district areas in Rocky Point, Flanders, Manorville and Ridge that lack sufficient public water supply in order to identify areas for fire wells. He expects to have the maps ready for distribution in time for the October Commission meeting. The Ecological Resource and Management RFP will be issued this month which will include a fire component to develop burn plans on public lands and implement burn plans already prepared.

Additional items discussed included, adding the locations of additional manmade and natural sources of water supply to the fire district maps for fire departments to use, updating the Fire Management Plan on an annual basis prior to fire seasons and providing training seminars to the fire departments on the Plan.

Land Use and Planning

CLUP Amendments work session for 8/22/12

Summary: *Mr. Scully noted that a work session has been scheduled for August 22, 2012 at Riverhead Town Hall to discuss the Mandatory Credit Redemption Requirement and Mr. Walter's concerns about the pending Amendments to both Chapters 5 and 6 of the CLUP.*

Mr. Amper expressed his concerns about unnecessary delays in moving forward with the approval process for the Mandatory Credit Redemption Requirement and other pending Amendments to Chapter 5 and 6. He asked Riverhead Town to provide all of the information necessary to address the issues that the Town has with the EPCAL parcels as they relate to the Credit program at the work session so the issues can be resolved. Mr. McCormick noted that Mr. Walter plans to attend the August 22nd work session.

Compliance and Enforcement

Summary: *Mr. Hynes provided a Compliance and Enforcement Division update (report attached) for August and he discussed the status of two separate overclearing incidents that occurred on land surrounding the Carmans River. He noted that both incidents have concluded with one property owner receiving 8 tickets and a fine of \$1,500 and was ordered to submit a revegetation plan to the Division of Environmental Protection by October 25, 2012. The second property owner paid a \$250 fine and was ordered to meet with the Town's Division of Environmental Protection to discuss a revegetation plan. The owner did not respond to the request to meet with the Town within 45 days, therefore the Town is in the process of rewriting summonses. Mr. Hynes stated that the incidents were reported by other residents in the area and one of the incidents dates back to 2010. He also noted the locations of both incidents are on Middle Island Yaphank Road on the east side of the River and south of Cathedral Pines and that the incidents were resolved due to Commission staff working with the Towns.*

Mr. Hynes thanked the Commission for approving in June the purchase of two All Terrain Vehicles (ATVs) and stated the ATVs have been secured and are in the possession of the Law Enforcement Council (LEC). Other points Mr. Hynes discussed included, the role the public plays in reporting incidents and participating in overseeing illegal activity in the Pine Barrens, barricades have been effective at the AVR property in preventing illegal ATV and dirt bike activity, the Science and Stewardship Division is exploring the use of environmentally friendly materials for

barricades and the community attends the LEC meetings and continues to provide input. Mr. Scully thanked Mr. Hynes for his detailed report.

Land Use Division

Summary: Ms Hargrave discussed the attached, previously distributed, Land Use Division report and noted there is one pending application, Westhampton Property Associates with the decision deadline of September 19th. The Land Use Division continues to receive referrals from the Towns with currently twelve referrals being reviewed that include Coram Day Care and KRS Birchwood Park Homes at Middle Island Change of Zone. Ms. Hargrave's report also contained regular Division activity which includes the review and management of land use development applications, research and preparation of documents for the Commission's review of the CLUP Amendments, monitoring the implementation of revegetation plan and performing site inspections.

Project Review

Core Preservation Area/Compatible Growth Area

Westhampton Property Associates / Westhampton (900-276-3-1 and 2) Core Preservation Area Hardship and CGA – CRA Application

Summary: Mr. Scully noted that he received a copy of the attached letters from the Westhampton Property Associates Applicant that describe financial impacts if the hardship is not approved. Ms. Hargrave explained that the applicant's letters, received in the office yesterday, contained statements from customers of Westhampton Property Associates describing negative financial impacts they would endure if the sandmine stops operating. Ms. Hargrave noted the Commission has many options for a decision including approval, denial or approval with modifications.

Mr. Voorhis the Applicant's Representative noted that the letters were submitted as supporting information to address questions that were asked at a previous Commission meeting. The Commission accepted the Westhampton Property Associates letters into the hearing record without objection.

The meeting then returned to the Administrative portion of the agenda to approve the minutes from the last meeting.

Administrative

Minutes for 7/18/12 review, approval

Summary: A motion was made by Mr. McCormick and seconded by Ms. Lansdale to approve the 7/18/12 meeting summary. The motion was approved by a 4-0 vote.

Adjournment

A motion was made by Mr. Scully and seconded by Mr. McCormick to adjourn. The motion was approved by a 4-0 vote. The meeting ended at approximately 3:45 p.m.

Attachments (in order of discussion):

1. Attendance sheet (7/18/12, 2 page)
2. 2012-2013 Budget with Stewardship detail (dated, 6/13/12)
3. Education and Outreach Division update for July – August 2012
4. Science and Stewardship Division update (dated, 8/15/12)
5. Compliance and Enforcement Division update (dated, 8/15/12)
6. Land Use Division update (dated, 8/15/12)
7. Westhampton Property Associate's letters from the Applicant (dated, 8/13/12)



**Pine Barrens Commission Meeting Summary
for Wednesday, September 19, 2012 (Final – Approved 10/17/12)
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), Ms. Lewis and Mr. Murphree (for Riverhead), Ms. Throne-Holst and Mr. Shea (for Southampton) and Ms. Lansdale (for Suffolk County)

Others present: Staff counsel was Mr. Milazzo. Commission and other agency staff members included: Mr. Pavacic, Ms. Jakobsen, Ms. Hargrave, Mr. Hynes, Ms. Carter, Ms. Griffiths, Mr. Tverdy 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 four members present which constitutes a quorum.

Administrative and Public Comment

Public Comments

Summary: There were no public comments.

Administrative

Minutes for 8/15/12 review, approval

Summary: A motion was made by Mr. Shea and seconded by Ms. Prusinowski to approve the 8/15/12 meeting summary. The motion was approved by a 4-0 vote.

Authorization to proceed with actual purchase of new vehicle

Summary: Mr. Pavacic explained that information pertaining to the NY State contract for purchasing vehicles has not been received and therefore this item will be postponed to the next Commission meeting.

Authorization to proceed with the purchase of an enclosed cargo trailer

Summary: Mr. Pavacic discussed the previously distributed Draft Resolution to purchase an enclosed cargo trailer, dated September 19, 2012 (attached). He explained the Suffolk County Water Authority required a minimum of three quotes (attached) for the purchase. The trailer will be used by the Commission staff to transport materials and field equipment for events, fairs, festivals and for various Science and Stewardship projects.

A motion was made by Mr. Scully and seconded by Mr. Shea to approve the Draft Resolution authorizing the purchase of an enclosed cargo trailer. The motion was approved by a 4-0 vote.

Jeff Murphree arrived at 2:05 pm.

Peter A. Scully
Chair

Steven Bellone
Member

Kathleen A. Walsh
Member

Anna E. Throne-Holst
Member

Sean M. Walter
Member

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Science and Stewardship

17th Annual Pine Barrens Research Forum

Summary: Ms. Carter distributed and discussed copies of the Research Forum brochure (attached) and poster advertising the event. She explained that the Research Forum will be held on October 4th and 5th at Brookhaven National Laboratory (BNL) and she noted the event will be sponsored by BNL, FERN and the Long Island Groundwater Research Institute. Ms. Carter highlighted the wide variety of topics that will be presented. There will also be a tour of the area on BNL that was burned in the April wildfires. The speakers are from a variety of universities and organizations both locally and throughout the country including Dowling College, the University of Oregon, the New York Natural Heritage Program, Rutgers University, Albany Pine Bush Commission, among others.

Ms. Carter explained that on October 5th, the Student Science Symposium, "A day in the Life of the Carmans River" will be held and led by Ms. Griffiths, Commission Education and Outreach Coordinator. On October 5th there will be a field trip that includes a tour of the Wertheim National Wildlife Refuge Visitor Center in Shirley. In an effort to advertise the event the Graphics Arts Department at BNL created a poster which was mailed out to schools, universities and Long Island libraries.

Protected Lands Council (PLC) Recommendations on Rocky Point to Yaphank Trail

Summary: Mr. Scully provided some background information on the proposed North-South Trail which was one of the PLC's stewardship recommendations for the Carmans River. Mr. Casey discussed the previously distributed report "PLC Recommendations for a Hiking Trail East of the Carmans River" (attached) and explained that it provides specific information for a route for the hiking trail. He explained that areas of the trail need to be pruned and that most of the hiking trail is already there. He noted that the recommendation for this trail in the report is for hikers only at this time.

Additional items Mr. Casey discussed included, Nassau Suffolk Horseman's Association provided GPS maps of routes at the AVR property, trails already exist at Cathedral Pines for mountain bikers, Longwood library provides trail connections, CLIMB has expressed interest at connecting trails at Currans Road and he made the point that the interplay of trails for all three user groups would provide an enjoyable experience. He mentioned the reason the hiking trail is being submitted to the Commission first is because it is the easiest to establish in order to move forward with the trail effort.

Other items Mr. Casey discussed included, the route of the trail, the road crossing at Route 25, south of the former Lustgarten property is dangerous and will need a hiker crossing indicator, other crossings do not present a dangerous situation, and one trail parking area needs improvement. Mr. Casey also discussed a list of areas that need hiking and pedestrian signs and kiosks, and ATV mitigation should be conducted at historic Smith Road, Fox Lair, Warbler Woods and other areas. Mr. Casey noted that there would be a total of 30 miles of trails if all of the PLC recommendations are realized. Additional points Mr. Casey discussed included, the historic horse trails are still used, the PLC decision to request Commission approval for a hiking trail alone at this time, the land owners would need to approve the horse and biking trails as a separate issue and ultimately the trail may not be suitable for mountain biking.

The PLC's final recommendation that Mr. Casey discussed was that the Trail should be named after the late Raymond Corwin, former Vice President of the Greenbelt Trail Conference and former Executive Director of the Central Pine Barrens Commission. He noted that Mr. Corwin explored these areas that are included in the PLC's recommended route and he had envisioned a trail from

Shoreham to Fire Island. Mr. Scully acknowledged and agreed with the recommendation to dedicate the trail to Mr. Corwin's memory. To move forward with this effort he suggested that in the next 30 days the focus should be to address the short and long term needs that are listed in the report including, getting the necessary government approvals and to create an action plan.

Ms. Throne-Holst arrived at 2:20 pm.

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

Summary: *Mr. Pavacic explained that the Ecological Services Request for Proposal (RFP) has been issued and responses are due by the end of October. The RFP contains a significant component for prescribed fire with the goal to increase the amount performed each year. Mr. Pavacic mentioned that Ms. Jakobsen is the representative for the Commission on the NYS Firewise Council and she will be providing Firewise seminars to the member Town staffs. He noted that there was a positive response from Town staff to sign up for the seminars.*

Mr. Pavacic mentioned that the redistribution of the Fire Management Plan by email and hard copy to the entire WTF member fire departments, Fire Chiefs and fire district chairs has been completed. Progress has been made with an inquiry to the NYS Department of State to find out whether the New York Wildfire and Incident Management Academy (NYWIMA) would be able to provide continuing education credits for the "Assessing Hazards in the Home Ignition Zone" course. He discussed the recent meeting with the N.Y. Army National Guard at Islip MacArthur Airport related to future wildfire response and training and Mr. Hynes will be reporting on that topic. The Suffolk County Department of Health Services (SCDHS) has begun installing fire wells in the Manorville/Ridge area that was affected by the April 2012 wildfires.

Mr. Scully discussed the importance of Town staff being made available for Firewise training. Concerns were expressed about the Assessing Hazards in the Home Ignition Zone course and the ability of Town staff to attend the course since it was on a weekend. Mr. Pavacic explained that the National Fire Protection Association (NFPA) and the NYS Firewise Council is incurring the cost for an instructor who can only travel on the weekends. He further explained that Ms. Jakobsen, from the Commission and Mr. Dave Russell from the NYS Firewise Council will be providing additional training seminars during the week.

Ms. Lansdale arrived at 2:25 pm.

Summary: *Ms. Griffiths provided a power point presentation on the event, "A Day in the Life of the Carmans River" that will be held on September 28, 2012. The event will take place at Brookhaven National Laboratory (BNL) and was coordinated by the Commission's Education and Outreach Division, BNL and the NYS Department of Environmental Conservation (NYSDEC). Ms. Griffiths noted that there is a website for the event on BNL's Portal to Discovery. Students from the participating schools will be collecting data from the headwaters to the mouth of the Carmans River and then the data will be uploaded to the website for them to compare. The students will be placed in teams with environmental educators and they will be performing various scientific activities and tests on samples taken from the Carmans River. The information collected can be used by the teachers throughout the school year and its use will not limited to just science classes, but will be usable in other disciplines as well, such as English and photography.*

Ms. Griffiths noted that the event has been designed after the "A Day in the Life of the Hudson River", an event where 3,000 students each year have collected and compared data from the Hudson River for the last eleven years. Picture

slides that Ms. Griffiths displayed included, the students collecting data from the Carmans River, an aerial map and pictures of the 13 collection sites. The teachers will be provided with equipment to use and they are responsible for the travel arrangements and safety of the students. Ms. Griffiths' presentation referenced the agencies and schools that are participating in the event that included, Trout Unlimited, Cornell Cooperative Extension and William Floyd, Bellport, and Patchogue Medford High Schools, among others. There will be a final training session for the event on September 26th at Wertheim National Wildlife Refuge and the event will provide useful information about the overall health of the Carmans River.

Ms. Griffiths reported that the students in Pisa, Italy who participate in the Pine Barrens Twinings program, will also be collecting samples from the Arno River on the same day as the Carmans River event. All of the students will be able to compare their data, via webcam at this year's Student Symposium during the 17th Annual Research Forum.

Land Use and Planning

CLUP Amendments to Chapter 6 concerning Non-Residential Credit Allocation formula and Limitations on Credit Allocations

Summary: Mr. Scully provided background information pertaining to the decision to postpone the Commission's vote on the Chapter 6 Amendments since Supervisor Walter has expressed some reservations regarding the Non-Residential Credit Allocation formula as it relates to public lands. The matter will be placed on the agenda for the October meeting.

CLUP Amendments for Chapters 5 and 6

Summary: Mr. Pavacic noted that the next work session for the CLUP Amendments for Chapters 5 and 6 is scheduled for October 16th at 1:00 p.m. at Brookhaven Town Hall.

Project Review

Core Preservation Area

Westhampton Property Associates Core Preservation Area and Compatible Growth (CGA) Area Hardship (900-276-3-1 and 2)

Summary: Ms. Hargrave explained that the Applicant's letter dated September 19, 2012 (attached) that requests an extension of the decision deadline for this hardship application was received at the Commission office today, just prior to the meeting.

A motion was made by Mr. Scully and seconded by Ms. Lewis to extend the decision deadline for the Westhampton Property Associates Hardship application to the October 17th Commission meeting. The motion was approved 5-0.

Compatible Growth Area

Artist Lake Plaza CGA DRS / Middle Island (200-379-1-3.1, 5.1, 12)

Summary: Ms. Hargrave discussed the previously distributed letter from the Applicant's representative dated August 21, 2012 (attached) requesting an extension for the filing of the legal documents related to the Artist Lake Development of Regional Significance (DRS) application. The request for an extension by the

Applicant was made in response to the Commission's inquiry to the Applicant for a status update on the filing of legal documents for the project.

A motion was made by Mr. Scully and seconded by Ms. Prusinowski to approve the attached Draft Resolution to Extend the date of Filing of the Declaration of Covenants and Restrictions for the Artist Lake Plaza Development of Regional Significance Application. The motion was approved by a 5-0 vote.

Land Use

Pine Barrens Credit Clearinghouse

Summary: Mr. Tverdy provided an update on the Credit Clearinghouse Board meeting that was held on August 21, 2012. He noted as of July 21st the Clearinghouse financial report reflected a balance of \$2,500,000 in funds. Additional items discussed at the Credit Clearinghouse meeting included, this year 6.7 Credits were sold compared to 30 Credits in 2011, Mr. Pavacic provided the members with an update on the CLUP Amendments and members discussed their concerns about the Towns request to exempt certain publically owned parcels including EPCAL.

Mr. Tverdy explained that as a result of the 2011 reverse auction in Brookhaven Town, the Clearinghouse now owns a total of 10.19 Credits. He mentioned that the Clearinghouse received a letter from a business owner in Brookhaven that requested to purchase 23 Credits from the Clearinghouse. The Applicant had an opportunity to purchase Credits for his project from a Riverhead Town Credit owner, however he was notified by Brookhaven Town that he could only use Brookhaven Town Credits for his project. The Clearinghouse members then discussed the legality of intermunicipal Credit transfers.

Other items Mr. Tverdy discussed included, selling Clearinghouse Credits, holding additional reverse auctions and the role of the Clearinghouse as a mediator for the sale of Credits. He noted the factors to consider in determining the price of Clearinghouse Credits including, the program was established to compensate Core Credit Owners for their Core property and to promote the transfer of development rights program. He further noted an executive session was held by the Board members to discuss the terms to sell Credits. The Board after the executive session returned into public session and discussed the obstacles that Core owners face when they want to participate in the program including overlap and title issues. Mr. Tverdy noted the next Clearinghouse meeting is scheduled to take place on November 8th.

Executive Session

A motion was made by Ms. Throne-Holst and seconded by Ms. Lewis to enter into executive session to discuss a matter related to litigation. The motion was approved by a 5-0 vote.

The Commission members went into executive session at 2:50 p.m. and noted there would be no further business conducted after this session. The meeting ended at 3:20 p.m.

Attachments (in order of discussion):

1. Attendance sheet (9/19/12, 1 page)
2. Copies of three Cargo Trailer Price Quotes
3. Draft Resolution to Purchase an Enclosed Cargo Trailer (dated, 9/19/12)
4. 17th Annual Research Forum Brochure and Poster advertisement
5. PLC Recommendations for a Hiking Trail report (dated, 9/19/12)
6. "A Day in the Life of the Carmans River" Event Parameters report and Data Collection sheets
7. Request for extension of decision deadline letter from Charles Voorhis, Nelson, Pope and Voorhis, LLC, representative of the Applicant for Westhampton Property Associates (dated, 8/21/12)
8. Request for extension to file legal documents from Charles Voorhis, representative of the Applicant for Artist Lake Plaza (dated, 8/21/12)
9. Draft Resolution to Extend the date of Filing the Declaration of Covenants and Restrictions for the Artist Lake Plaza DRS (dated, 9/19/12)
10. Credit Clearinghouse Easement Protected Lands and Pine Barrens Credits, as of August 21, 2012 (table)



**Pine Barrens Commission Meeting Summary
for Wednesday, October 17, 2012 (Final Approved-11/21/12)
Brookhaven Town Hall
(Media Room)
One Independence Hill
Brookhaven, 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, Mr. Shea and Mr. Collins (for Southampton) and Ms. Lansdale (for Suffolk County)

Peter A. Scully
Chair

Steven Bellone
Member

Kathleen A. Walsh
Member

Anna E. Throne-Holst
Member

Sean M. Walter
Member

Others present: Staff counsel was Mr. Milazzo. Commission and other agency staff members included: Mr. Pavacic, Ms. Jakobsen, Ms. Hargrave, Ms. Carter, Ms. Griffiths 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 four members present which constitutes a quorum.

Administrative and Public Comment

Public Comments

Summary: Mr. Amper expressed his concerns related to the October 16th Comprehensive Land Use Plan (CLUP) work session discussion where Mr. Walter stated that the Commission should have no jurisdiction over the property at EPCAL. Mr. Amper's concerns included, the Commission has no authority to alter the Statute and the Riverhead Town Supervisor has a responsibility in his role as a member of the Commission to uphold NYS Environmental Conservation Law (ECL) Article 57.

Mr. Walter arrived at approximately 2:05 pm.

Administrative

Minutes for 9/19/12 review, approval

Summary: A motion was made by Ms. Throne-Holst and seconded by Ms. Prusinowski to approve the 9/19/12 meeting summary. The motion was approved by a 4-0 vote.

Commission office status of relocation

Summary: Mr. Pavacic explained that the Commission office is in the process of being moved to its new location in Westhampton Beach. He noted that communication with the office may be unavailable for a brief period of time due to the transition of phone and data lines.

Science and Stewardship

Education and Outreach

Summary: Ms. Griffiths distributed and discussed the Education and Outreach Division report (attached) and she noted that her report includes the typical

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information such as, 95 students and teachers were reached through activities, however this month her report includes a video on "A Day in the Life of the Carmans River" program that took place on September 28th. Ms. Griffiths explained that the video highlighted the activities of one of the schools that participated in the events of that day which included, taking samples from the Carmans River and the classroom experiments that followed. She noted that data collected by all of the students who participated in the program has been posted on the event's website. After the video Ms. Griffiths mentioned there are plans to make "A Day in the Life of the Carmans River" either an annual or bi-annual event.

Mr. McCormick arrived at approximately 2:15 pm.

Science and Stewardship

Summary: Ms. Carter discussed the October 17th Science and Stewardship Division report (attached). She noted that the 17th Annual Research Forum that took place on October 4th and 5th was well attended and successful. This year, advertising for the event was extended to include Long Island libraries and colleges which resulted in many new first time attendees.

Additional items that Ms. Carter discussed included, the Long Island Invasive Species Management Area (LIISMA) current strategies such as early detection and control, the new invasive species law that includes regulating the sale and purchase of invasive plants, and the coordination of the proposed Ray Corwin Trail from Rocky Point to Yaphank. Other items she mentioned from the report included, staff has been conducting an analysis of suitable water sources for use by wildfire responders, the Protected Lands Council (PLC) submitted the "Protected Lands Council Recommendations for a Hiking Trail East of the Carmans River" final report to the Commission in September and ATV damage and dumping mitigation efforts continue in the Flanders/Hampton Bays areas.

Ray Corwin Rocky Point to Yaphank Trail

Summary: Mr. Scully explained that at the September Commission meeting Mr. Casey submitted the "Protected Lands Council Recommendations for a Hiking Trail East of the Carmans River" report and as a result Mr. Casey was asked to move forward with an action plan for the trail and meet with the other two user groups including, bikers and equestrians in order to address their individual concerns with the PLC's recommendations.

Mr. Casey explained that the various agencies that oversee sections of the proposed trail have been indentified and he has calculated an approximate cost for trail materials and expenses including signage, posts and fencing, to be between \$10,000 and \$12,000. It was noted there is a need to grade part of the trail that is owned by Suffolk County Parks and that the Suffolk County Department of Public Works (SCDPW) may help with that effort. Agreements will be made with each agency and they will be assigned tasks they are responsible to establish the trail.

The attached letter from Ms. Denise Speizio, President of the Nassau-Suffolk Horsemen's Association (NSHA), discussed the user group's concerns with the PLC's recommendations for a hiking trail. Mr. Casey and Mr. Pavacic previously met with Ms. Speizio and they discussed the concerns expressed in her letter. Mr. Casey noted it was not the PLC's intention to exclude equestrians and mountain bikers in the recommendations for a hiking trail. He further noted the PLC submitted recommendations for a hiking trail first in order to move ahead with the portion of the trail that would be the least complicated to implement.

Ms. Speizio discussed the contents of her letter and explained that the NSHA has mapped a significant area of the trail using their GPS equipment. She further explained that NSHA has provided support to the PLC to create a management plan for a trail for all three user groups. She stated that the NSHA will continue to contribute towards creating a land use plan for all three user groups and asked that the conceptual plan the Commission approves to include all user groups, not just hikers.

It was noted that the concerns expressed by Ms. Speizio could be addressed when the Commission passes a resolution that all three user groups will be part of the conceptual plan for the trail. Mr. Pavacic explained that the meeting with Ms. Speizio was productive and positive and he noted that discussion included, certain areas of the trail will not be suitable for all three users groups, areas of the trail where the user groups converge should be identified for possible conflicts and special planning meetings will be arranged for Ms. Speizio to attend.

Mr. Scully stated that no action will be taken at today's meeting. He suggested that the NSHA should meet with staff to formulate a conceptual plan for the trail that would include equestrian users which could be submitted for approval at the November Commission meeting. He further noted that it is important that the user groups work together in order to expedite the North South Trail.

Ray Corwin Rocky Point-to-Yaphank Trail license agreement with Suffolk County Water Authority

Summary: Mr. Pavacic explained that the Suffolk County Water Authority (SCWA) owns a parcel of property east of the Yaphank Fire Department and they have plans to build a well field on this site. He noted the site has also been used by the Town of Brookhaven and Suffolk County Parks to access Fox Lair and Warbler Woods. In order to continue access to that area a license agreement between SCWA and the Commission is required. The agreement would include plans to build a trailhead at the eastern portion of the property. He further explained over the next couple of months the site is going to be developed quickly as a well field and the license agreement would demonstrate that the Commission is committed to moving forward with plans for the trail. The Commission would be responsible for the trail head, installation of a gate, and maintaining security. The trail would be named after the late Raymond Corwin.

The motion was made by Ms. Throne-Holst and seconded by Ms. Prusinowski to authorize the Chair to execute the attached License Agreement with the SCWA. The motion was approved by a 5-0 vote.

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

Summary: Mr. Pavacic explained that the Commission conducted an outreach effort soliciting volunteer firefighters to participate in the New York Wildfire and Incident Management Academy (NYWIMA) training program. The effort resulted in a significant amount of registered attendees including 24 firefighters who signed up for the October Fire Academy. There are also plans for a Spring Academy that will focus on prescribed fire training.

Additional items Mr. Pavacic discussed included, an Ecological Management Request for Proposal (RFP) has been issued with a deadline for responses by October 26 and a contractor could be ready for consideration by the December Commission meeting. An outreach effort has also been made to the municipalities in the Pine Barrens to encourage their staff members to attend prescribed fire training. A Firewise educational trailer has been obtained by the NY Firewise Council through a grant that will be on display during the October Academy at Brookhaven National Laboratory (BNL). The Fire Management plan

is being updated and staff has met with the Army and Air National Guard's to update the Memorandum of Understanding (MOU) the Commission has with both units. It was noted that some municipal employees may be restricted from attending the weekend Firewise training classes and additional training sessions on the weekdays will be made available in the future to those affected.

Mr. Pavacic mentioned that over 200 students have registered for the Academy that begins on Friday, October 26. Students are attending from across the Country as well as a contingency from Spain.

Land Use and Planning

CLUP Amendments for Chapters 5 and 6

Summary: *Mr. Pavacic explained that public notice through Newsday has been provided on the Commission's intention to vote on the Chapter 6, Non Residential Credit Allocation formula at its November Commission meeting. He noted that comments received as a result of the worksession for the CLUP Amendments held on October 16th will be organized into a document that will be available for review at the November Commission meeting.*

Compliance and Enforcement Division

Summary: *The Compliance and Enforcement report (attached) was distributed in the e-packet and there was no review of the written report as Mr. Hynes, the Compliance and Enforcement Coordinator was not present at today's meeting.*

Land Use Division

Summary: *Ms Hargrave discussed the attached, previously distributed, Land Use Division report and noted there are two pending applications, Westhampton Property Associates with the decision deadline of October 19th and Longwood Public Library with the decision deadline of January 4, 2013. The Land Use Division continues to receive referrals from the Towns. Ms. Hargrave's report also contained regular Division activity which includes the review and management of land use development applications, research and preparation of documents for the Commission's review of the CLUP Amendments, the coordination of land use matters with the Compliance and Enforcement Division, tracking the timely recording of legal documents in accordance with decisions, monitoring the implementation of revegetation plans and assisting other divisions and staff on land use and litigation matters.*

Project Review

Core Preservation Area

Westhampton Property Associates Core Preservation Area and Compatible Growth (CGA) Area Hardship (900-276-3-1 and 2)

Summary: *Ms. Hargrave distributed and discussed the attached Draft Resolution for Westhampton Property Associates Core Preservation Area and Compatible Growth Area (CGA) Critical Resource Area (CRA) application. She noted there was an addition to the conditions on page 12 stating there would be no future development activity, hardship applications or credit appeals allowed on this project site.*

A motion was made by Ms. Throne-Holst and seconded by Mr. Walter to approve the attached Draft Resolution Westhampton Property Associates Core Preservation Area, CGA CRA Hardship Application with an addition to the conditions on page 12. The motion was approved by a 4-0-1 vote, Mr. Scully abstained.

Compatible Growth Area

Longwood Public Library CGA Hardship Application

Summary: Ms. Hargrave discussed that in 2005 the Commission issued a hardship to the Longwood Public Library to allow them to overclear for a parking lot expansion. The current application is for a library expansion that would require additional clearing of vegetation above the clearing limit for the project site. The project site includes a new parcel acquired by the library.

The Riverhead Town Supervisor expressed concerns related to the Commission's jurisdiction over government property. Mr. Milazzo noted that since the property is in the Pine Barrens and the Commission has jurisdiction over property including, government property, the application is considered development. He further noted that if the library extension is deemed to be a public improvement, under the Statute it may be considered non development.

Mr. McCormick discussed the Suffolk County owned Trap and Skeet Shooting Range and the recent court decision indicating that alterations at the shooting range were considered a public improvement for recreational usage and therefore would not fall under the Commission's jurisdiction. Mr. McCormick expressed concerns related to other municipal properties and public improvements and whether they would fall under the Commission's jurisdiction. Mr. Walter made the motion that the Longwood Library CGA application be considered non development as supported by the court decision related to the Trap and Skeet Range; there was no second and the motion failed.

The motion was made by Mr. Scully and seconded by Ms. Prusinowski to schedule a public hearing for the Longwood Library CGA Hardship Application for November 21st at 3:00 p.m. The motion was approved by a 4-1-0 vote with Riverhead Town opposed.

Executive Session

A motion was made by Mr. Scully and seconded by Ms. Prusinowski to enter into executive session to discuss a matter related to litigation. The motion was approved by a 5-0 vote.

The Commission returned to public session.

The motion was made by Ms. Throne-Holst and seconded by Ms. Prusinowski to authorize the NYS Attorney General to represent the Commission in the matter of the alleged clearing violation on land owned by Dolores Alberto involving Dolores Alberto and Steven Affatato. The motion was approved 4:0:1 with Riverhead Town abstaining.

Attachments (in order of discussion):

1. Attendance sheet (10/17/12, 1 page)
2. Education and Outreach Division update (dated, 10/17/12)
3. Science and Stewardship Division update (dated, 10/17/12)
4. Ms. Speizio letter to Mr. Pavacic pertaining to the PLC Recommendations for a North South Hiking Trail
5. Resolution of the CPBJPPC to enter into a License agreement with the SCWA for Development of a Recreation Trailhead, Trail segment and Parking Area on SCWA property (dated, 10/17/12)
- 6 Ray Corwin Rocky Point to Yaphank Trail license agreement

7. *Compliance and Enforcement Division update (dated, 10/17/12)*
8. *Land Use Division Update (dated, 10/17/12)*



**Pine Barrens Commission Meeting Summary
for Wednesday, November 21, 2012 (Final Approved-12/19/12)
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 and Mr. McCormick (for Riverhead), Mr. Shea and Mr. Collins (for Southampton) and Ms. Lansdale (for Suffolk County)

Others present: Staff counsel was Mr. Milazzo. Commission and other agency staff members included: Mr. Pavacic, Ms. Jakobsen, and Ms. Hargrave (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 four 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: Mr. Amper stated that the Pine Barrens Society is currently suing the Commission over Westhampton Properties and went on to express the Society's concern that the Commission is making determinations that are beyond its jurisdiction. He provided several handouts (attached). He referred to the handout that provided a summary of ECL 57-0121 and suggested the Commission review this section that refers to Core Area and CGA hardship requirements. He referred to another handout that was prepared by the co-prime sponsor of the Pine Barrens Law, Steven Englebright which provided his summary of the legislative intent of the Act. Mr. Amper also mentioned that he sent a letter to the State Attorney General (attached) that asked him to have an advisory session with the Commission members on the intent of the Act and what applies to government in terms of hardships. He further stated that the exertion by Supervisor Walter at the last Commission meeting that government land is not subject to the Act is the most preposterous exertion he has ever heard and went on to discuss how this is not correct. He also distributed a chapter amendment to NYS ECL 57 (attached) which restricts government's ability to only obtain hardships of public health and safety. He discussed the towns' home rule and the role of Commission members as representing their individual agencies, but when serving on Commission they have the responsibility to protect the Pine Barrens resource.

Ms. Lansdale arrived at 2:15 pm.

Minutes for 10/17/12

Summary: A motion was made by Mr. Walter seconded by Ms. Lansdale to approve the 10/17/12 meeting summary. The motion was approved by a 5-0 vote.

Mr. Amper inquired whether the storage of cars at EPCAL that were damaged by hurricane Sandy will be discussed.

Commission Report for 2009 & 2010

Summary: Mr. Pavacic distributed the 2009-2010 Commission activity report that included a dedication to the prior Executive Director who passed away. He mentioned it would be posted on the Commission's website and distributed further after the Commission's review.

Science and Stewardship

Ecological Management Services RFP

Summary: Mr. Pavacic reported on the results of the Ecological Management Services RFP that had a response deadline of October 26th. He noted that several proposals were received and that they will be reviewed by a RFP review committee. A recommendation on the selection of the contractor for this work will be provided at the December Commission meeting and hopefully a contract can be executed in January. He noted that prescribed fire was a major component of this proposed work.

Ray Corwin Rocky Point to Yaphank Trail

Summary: Mr. Pavacic reported that a license agreement between the Commission and the Suffolk County Water Authority has been fully executed that will enable a trailhead and parking area to be established on part of the Authority's wellfield in Yaphank. Discussions with land managers followed by user groups will be held in order to develop plans for the trail that will then be provided to the Commission members for their review. Mr. Scully noted that discussions occurred at prior Commission meetings with Mr. Casey on developing action items to carry out establishing the trail.

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

Summary: Mr. Pavacic provided a status report on the various actions items. He mentioned that Ms. Jakobsen provided a Firewise seminar to Town of Brookhaven staff last week that was well attended and that she also recently attended a NY Firewise Council Meeting. He noted that another Assessing Hazards in the Home Ignition course may be offered for town staff to attend since the one during the Academy was on the weekend and difficult for them to attend. Currently staff is compiling existing prescribed fire plans and Ms. Hargrave and Ms. Carter have prepared GIS maps that indicate the Pine Barrens boundaries, fire districts boundaries, and locations of public water supply. Due to the security sensitivity of existing public water supply location information, he asked that these maps not be widely distributed. Mr. Pavacic further noted that the GIS maps are a snapshot in time and since the underlying data that creates these maps is constantly being update they can become obsolete which means the maps require the field verification. It is intended to provide these maps to the fire districts.

Mr. Walter inquired as to whether any wells have been installed in the Manorville area. Mr. Pavacic responded that he would check into whether the County has installed any wells and report back.

New York Wildfire and Incident Management Academy Training October 26 through November 2, 2012

Summary: Mr. Scully noted the significant challenges the Academy faced this year with hurricane Sandy that occurred during the Academy's training period. Mr. Pavacic noted the heroic efforts of Bill Fonda, the Academy Coordinator and

Kathy Delligatti, Academy assistant during this time period. More than half of the courses were able to be delivered by condensing down the courses. The incoming storm was seen as a positive situation for the IMAT trainees as it resulted in an incident (hurricane) being handled within an incident (Academy training period). It was noted that four of the cancelled classes will be offered in mid winter and that refunds or an opportunity to attend the rescheduled classes will be offered to the students. Mr. Scully state that bridging structural and wildfire fighting training through the Academy was a very important effort.

Land Use Planning & Land Use

CLUP Amendments to Chapter 6 concerning Non-Residential Credit Allocation formula and Limitations on Credit Allocations

Summary: Mr. Scully noted that this was a minor amendment that was originally scheduled to be voted on at the July meeting. The vote was held off at that time due to Mr. McCormick's request to review documents to ensure the proposed amendment's content is consistent.

Mr. Collins provided comment on the conditions of overlap section (Section 6.3.3.8) and offered a change to the last sentence that discussed overlaps with a government agency. There was a discussion on the process for amendment approval and notification requirements and whether this minor change would be significant.

Mr. Milazzo provided the modification indicated below to the wording in Section 6.3.3.8 that did not change the substance of the amendment and therefore could be voted on today as amended.

6.3.3.8 No allocation of Credits shall be made to any parcel or portion thereof upon which an ownership overlap condition exists among more than one competing owners unless and until such ownership overlap condition is resolved by the applicant to the satisfaction of the Commission. In addition, applications for Credits on such parcels where the overlap condition includes as one of the competing owners any governmental agency or body, the Commission shall be communicated in writing by the Commission to the relevant governmental agency or body with a request by the Commission for guidance on resolving the overlap condition.

The motion was made by Mr. Collins and seconded by Mr. Walter to approve the attached Draft Resolution to Adopt Central Pine Barrens Comprehensive Land Use Plan (CLUP) Amendments to Chapter 6 Concerning the Non-Residential Credit Allocation and Limitations on Credit Allocation (as amended), dated 11/21/2012. The motion was approved by a 5:0 vote.

Project Review

Core Preservation Area

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

Summary:

The motion was made by Mr. Scully and seconded by Mr. Walter to schedule the public hearing for the Kent Animal Shelter Core hardship application for December 19, 2012 at 3:00 pm. The motion was approved by a 5:0 vote.

Compatible Growth Area

Island Water Park CGA Hardship / Calverton.

Summary: Ms. Hargrave provided an overview of the request by Island Water Park for a 6 month extension to allow them more time to submit revised plans to the Town. The hardship approval they received from the Commission required them to submit revised plans and a revegetation plan within 60 days of that decision. In February they asked for a 9 month extension and now this October they have asked for an additional 6 months so they won't have to do as many revisions.

The motion was made by Mr. Walter and seconded by Mr. Collins to grant a 6 month extension for filing the plans. The motion was approved by a 5:0 vote.

Mr. Scully introduced a discussion on the storage of vehicles at EPCAL that were damaged from hurricane Sandy which was brought up earlier in the meeting and has been the subject of media coverage and the Commission's jurisdiction to assert over such activity. Mr. Pavacic reported that Mr. Hynes has been out to the site, the vehicles are intact and are from storm damage areas, and they are being stored on paved areas in EPCAL under controlled conditions with guards. Mr. Pavacic noted a preliminary review of the statute and the CLUP was performed and that it was not clear whether this would be under the Commission's jurisdiction. The Commission has not received anything formal on this matter. Mr. Walter discussed this was a temporary situation for six months with two, three month extensions allowed, it involves license agreements, it was implemented in response to Executive Order 63 to remove storm damaged vehicles and that they are being stored on the paved runways with twenty-four hour security. Mr. Amper mentioned the storage of vehicles on grasslands at the EPCAL site and inquired whether this is an intensification of use and a concern for the Commission since it is occurring in an SGPA and the protected Pine Barrens.

Mr. Scully discussed this issue from the standpoint of DEC that although DEC doesn't regulate vehicle storage, its concern would be the potential environmental impacts that could occur from storing vehicles on pervious services and that DEC's direct jurisdiction is over habit protection for listed and threatened species and EPCAL is a documented protected habitat area.

Mr. Amper questioned what are the Commission concerns if any to which Mr. Walter responded that it is problematic there are vehicles being stored on a dirt area, it would not be his choice, the Town is storing on impervious areas, but others are not. Mr. Scully noted in response to Mr. Amper's question this is the first opportunity the Commission is considering this matter and it has not reached a determination.

Hearing 3:00 pm

Longwood Public Library CGA Hardship application / Middle Island (200-402-1-23.1, 24.9, 200-403-1-3,4,17,18)

Summary: A separate stenographic transcript exists for this hearing. During the hearing, the attached applicant's exhibits were distributed. The public hearing was closed and the public comment period was left open for two weeks.

The motion was made by Mr. Scully and seconded by Mr. Collins to extend the decision deadline for the Longwood Library CGA hardship application to January 16, 2013. The motion was approved by a 5:0 vote.

The motion to adjourn was made by Mr. Walter and seconded by Ms. Lansdale. The motion was approved by a 5:0 vote.

Attachments (in order of discussion):

1. November 21, 2012 Commission Meeting Sign in Sheet
2. New York State Environmental Conservation Law Section 57-0121. Copy from pb.state.ny.us website, downloaded on 11/21/2012. (9 pages provided by Mr. Amper)
3. The Supreme Court of the State of New York, County of Suffolk, In the Matter of the Application of the Long Island Pine Barrens Society, Inc., Richard Amper, as Executive Director and in his Individual capacity, Robert McGrath and Thomas Casey as members of the Board of Directors and in their individual capacities (Petitioners) against The Central Pine Barrens Joint Planning and Policy Commission, and Westhampton Property Associates, Inc. (Respondents), Affidavit by Steven Englebright. (4 pages, provided by Mr. Amper)
4. Letter to Attorney General Eric Schneiderman from Richard Amper, Long Island Pine Barrens Society, dated November 19, 2012. (2 pages, provided by Mr. Amper)
5. Draft Commission Meeting Summary for October 17, 2012.(6 pages)
6. Draft Resolution to Adopt Central Pine Barrens Comprehensive Land Use Plan (CLUP) Amendments to Chapter 6 Concerning the Non-Residential Credit Allocation and Limitations on Credit Allocation, dated 11/21/2012. (1 page)
7. Adopted Resolution Central Pine Barrens Comprehensive Land Use Plan (CLUP) Amendments to Chapter 6 Concerning the Non-Residential Credit Allocation and Limitations on Credit Allocation, dated 11/21/2012. (1 page)



**Pine Barrens Commission Meeting Summary
for Wednesday, December 19, 2012 (Final-Approved 1/16/13)
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 Ms. Prusinowski (for Brookhaven), Mr. Walter and Mr. McCormick (for Riverhead), Ms. Throne-Holst, Mr. Shea and Mr. Collins (for Southampton) and Ms. Lansdale (for Suffolk County)

Peter A. Scully
Chair

Steven Bellone
Member

Edward P. Romaine
Member

Anna E. Throne-Holst
Member

Sean M. Walter
Member

Others present: Staff counsel was Mr. Milazzo. Commission and other agency staff members included: Ms. Jakobsen, Ms. Hargrave, Ms. Carter, Ms. Griffiths, 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 four members present which constitutes a quorum.

Administrative and Public Comment

Public Comments

Summary: Mr. Amper expressed his concerns that the Commission has not been addressing the issue of the vehicles that are being stored at various sites in the Pine Barrens. He urged the Commission Members to begin a discussion about how to deal with the issues surrounding the storage of cars in protected areas of the Pine Barrens. Mr. Scully noted that the Members did intend to discuss this matter later in the meeting.

Ms. Lansdale arrived at approximately 2:10 pm. (A five member quorum is now present).

Minutes for 11/21/12

Summary: **A motion was made by Ms. Lansdale and seconded by Mr. McCormick to approve the 11/21/12 meeting summary. The motion was approved by a 5:0 vote.**

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2013 Commission Meeting Schedule

Summary: **A motion was made by Mr. Shea and seconded by Mr. McCormick to approve the 2013 Meeting Schedule. The motion was approved by a 5:0 vote.**

Mr. Collins arrived at approximately 2:15 pm.

NYSDEC Contract

Summary: Ms. Jakobsen noted that the Commission's contract with the NYSDEC was signed and final copies have been received. The Commission's expenses have been reimbursed through August 2012 and an advanced payment of funds was received from the State. The Commission's expenses incurred from September and December 2012 will be submitted to the State next month.

Purchase of New Vehicle

Summary: Ms. Jakobsen explained that the Commission approved the purchase of a new vehicle as a line item in the Commission's 2011-2012 budget that was carried over and included in the 2012-2013 budget. The Commission had previously approved spending up to \$40,000 for the new vehicle and the advanced funds received from the State will now allow the Commission to purchase the vehicle. Since the vehicle is not on State Contract, a minimum of 3 price quotes will be obtained.

The motion was made by Mr. Shea and seconded by Mr. McCormick to approve the attached draft resolution that authorizes the Executive Director to move ahead with the Commission vehicle purchase and authorizes the Chair to sign the contract associated with the purchase. The motion was approved by a 5:0 vote.

Mr. Scully then asked to defer discussion on item 2a of the agenda, Ecological Services Contract, until some of the Supervisors are present since this is a significant item for the Members to consider and asked to move on to item 2b on the agenda to discuss the Ray Corwin Rocky Point to Yaphank Trail.

Science and Stewardship

Ray Corwin Rocky Point to Yaphank Trail

Summary: Ms. Carter explained that the Commission staff and the land managers have been discussing the plan for the proposed hiking trail and the feasibility of incorporating equestrian uses into the plan. She further explained that Mr. Pavacic contacted Ms. Speizio, President of the Nassau Suffolk Horsemen's Association (HSHA) to ask her to provide a description of a route the equestrians would like to use within the trail corridor that could be forwarded to the land managers for their consideration, and he is waiting for her response. A GIS map of the trail corridor was provided to Ms. Speizio to use for identifying a route.

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

Summary: Mr. Scully explained that at each Commission meeting since the April Wildfires updates are provided on the status of action items on the Commission's response strategy. Ms. Jakobsen noted that Ms. Carter and Ms. Hargrave have been working on identifying and mapping surface water supply sources for helicopter to access during wildfires. In addition, the Ecological Services RFP that was issued has a significant prescribed fire component included in it and when a contractor has been selected and approved, it will enable the Commission to make additional progress with prescribed fire in 2013.

New York Wildfire and Incident Management Academy Training – 2013 Spring

Summary: Ms. Jakobsen reported that the Spring Fire Academy brochure is currently being finalized for mailing. The Spring Academy will focus on prescribed fire training and if weather permits actual prescribed fires will be performed to compliment the training.

Appointment of Chair and Vice Chair of Protected Lands Council for 2013

Summary: Ms. Carter discussed the previously distributed Draft Resolution of the Commission to appoint the PLC Chair and Vice Chair for Calendar Year 2013 (attached). She stated that the PLC has recommended reappointing Mr. Tom Casey as PLC Chair and Mr. Tim Green as Vice Chair.

The motion was made by Mr. Scully and seconded by Mr. Collins to approve the attached Draft Resolution appointing Mr. Casey as PLC Chair and Mr. Green as Vice Chair for Calendar year 2013. The motion was approved by a 5:0 vote.

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

Science and Stewardship Report

Summary: Ms. Carter provided an overview of the Science and Stewardship Division report, dated December 19, 2012 (attached). She mentioned two recent meetings, the Protected Lands Council (PLC) meeting held on December 4th at the Quogue Wildlife Refuge and the Long Island Invasive Species Management Area (LIISMA) meeting that was held at the SCWA Coram Training Center on December 13th that was hosted by the Commission. Topics discussed at the PLC meeting included ecological impacts of Hurricane Sandy and response efforts and other current land management activities. At the LIISMA meeting the occurrence of Spotted Knapweed on Long Island, LIISMA's 2015 Strategic Plan (attached) and their recent island wide assessment of exotic plant species were discussed.

Ms. Carter mentioned that the Science and Stewardship Division has provided support in the following areas, the Ecological Restoration Services Contract, ATV Damage and Dumping mitigation project and GIS applications. She further mentioned that on December 1st a survey of the over 1,000 transplanted pitch pine trees on NYSDEC land was performed and a 90 percent survival rate was found. Ms. Carter also noted that the Agricultural Land Use Inventory analysis is ongoing.

Mr. Scully welcomed Mr. Edward Romaine the newly elected Brookhaven Town Supervisor and therefore a new Commission Member to the meeting. He noted that Mr. Romaine has a distinguished record as a long time advocate for the environment. Mr. Romaine introduced Mr. Garrett Swenson as his new Chief of Staff and then stated that he was looking forward to working with the other Commission Members.

Suffolk County Community College (SCCC) Informational Presentation

Summary: Mr. Scully stated that Representatives from SCCC Eastern Campus in Riverhead would be providing an informational presentation on the proposed Health and Wellness Facility.

Mr. George Gatta, SCCC Executive Vice President, thanked the Commission for the opportunity to provide the presentation on the Health and Wellness facility at the College's Eastern Campus and provided an overview of the eastern campus and chronology of its growth over the last 37 years. Other items in the presentation Mr. Gatta discussed included, SCCC is now the largest community college in the SUNY system with an enrollment of over 26,000 students, planning for the eastern campus began in the early 1970's, and the master plan for this campus laid out a 192 acre campus that included the facility that is the topic of today's discussion. He mentioned the components of the master plan that were completed in the 1970's included, the Peconic, Shinnecock and Orient buildings, the Central Energy Plant, the Sewage Treatment Plant and parking lots.

Mr. Gatta discussed the SCCC Master Plan ("Master Plan") for the Eastern Campus that was prepared prior to the Long Island Pine Barrens Protection Act in 1993 and the Commission's determination of non-development for projects under Phase 1 of this Plan. The Commission did not make a determination for Phase 2 and 3 at that time and the representatives from SCCC could not find an explanation as to why these Phases were not included in the Commission's determination. He further discussed the buildings completed under Phase 1 and that the Master Plan was resubmitted to the Commission in 2005. The Commission was notified in 2006 of their intent to move forward to build two buildings that included the Health and Wellness Center. Mr. Gatta discussed the public need for the Health and Wellness Center that included the growing student population, the need for an indoor facility for students to be able to meet athletic graduation requirements, the need for a nursing laboratory and how the swimming pool would also serve surrounding high schools and the community.

Mr. William Lavery from Niedersum Associates displayed several site plans of the Eastern Campus that indicated the proposed location for the Health and Wellness Center. He noted areas on the campus where encroachment into the Pine Barrens would be limited. Additional items he discussed in his presentation included, the proximity and capacity of the sewage treatment plant, no need for additional parking, the location of the multi-sports field and that clearing should amount to 2.5 acres.

Mr. Lavery stated that in 1995 only one of the three phases in the Master Plan was approved. He explained that Phase 2 and Phase 3 have been pending since 2005 and the purpose of the presentation is to show that the Commission may have set a precedent in approving the first phase. Mr. Milazzo noted that the presentation was for informational purposes only and that it should not be considered part of an application before the Commission, since currently there was no application from SCCC before the Commission. Mr. Shea mentioned that the greenhouses used by the not-for-profit agency, the Long Island Native Grass Initiative (LINGI) are located where the site plan indicates the athletic fields will be built and asked if the college plans to move the greenhouses to another location. It was noted that the greenhouses are in poor condition and if the college moves ahead with Phase 2 that the greenhouses would be demolished. The college will be looking into the relocation of the LINGI greenhouses when the issues surrounding the Phase 2 project are resolved.

Additional discussion points included, the Health and Wellness facility's fitness club will be open to the public during certain times and for a small fee, the time line for Phase 2 construction items, Suffolk County has allocated funds for the project and SUNY funds are also available for the project now.

Mr. Walter arrived at 2:45 pm.

Mr. Walter asked Mr. Milazzo to explain how the Commission determined Phase 1 of the SCCC Plan was non-development. Mr. Milazzo noted the Commission cited, "ECL Article 57, Definitions-0107(13) (i); public improvements undertaken for the health, safety or welfare of the public. Such public improvements shall be consistent with the goals and objectives of this article, and shall include, but not be limited to, maintenance of an existing road or railroad track." Mr. Milazzo further noted that the Commission's determination of non-development for the eastern campus project applied only to Phase 1 of the Master Plan at the time of the application in 1995. There was a discussion of the SEQRA process that was performed for the Master Plan.

Mr. Milazzo explained that if the Commission determines the Health and Wellness Center is development, then the College would need to submit a hardship

application using the new 2005 Standards. He noted that if the project is deemed non-development, it would be outside of the Commission's jurisdiction.

Education and Outreach Division Report

Summary: Ms. Griffiths distributed and discussed the Education and outreach Division's December 2012 Update and End of Year Review (attached). Highlights from the report included, on November 16th, 200 people attended the Long Island Natural History Conference that Ms. Griffiths helped organize and the event and workshops were recorded for online viewing. Ms. Griffiths completed the New York State Emergency Management Office (NYSEMO) Public Information Officer Awareness Course. She is in the process of developing a model interdisciplinary program using Pine Barrens as an integrating context for learning at two schools, a middle school in the Rocky Point School District and Eagle Avenue Elementary School in the Patchogue/Medford School District.

Ms. Griffiths explained that she is working with three new high schools, Southampton, Riverhead and Westhampton and she noted she is helping them incorporate Pine Barrens information into their curriculums. She also mentioned that 12,543 Long Island residents were reached at speaking events and festivals in 2012.

Land Use

Project Review - Compatible Growth Area

Longwood Public Library CGA Hardship application / Middle Island (200-402-1-23.1, 24.9, 200-403-1-3, 4, 17, 18)

Summary: Ms. Hargrave reported that Commission staff met with the director, attorney and consultant for Longwood Library to discuss issues that were raised at the November hearing held by the Commission. The issues that were resolved at the meeting included those related to the sanitary system on the southern end of the property and the issues related to the area in the headwaters of the Carmans River. She noted that signage will be installed in the headwaters area, there is extensive areas of landscaping on the site plan, and that the Applicant agreed to extend the Commission's decision deadline until the January Commission meeting. Mr. Voorhis mentioned that his letter dated December 12, 2013 to the Commission (attached) memorializes the items that were agreed upon.

Hearing 3:00 pm

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

Summary: A separate stenographic transcript exists for this hearing. The public hearing was closed and the public comment period was left open for two weeks.

The motion was made by Mr. Romaine and seconded by Mr. Scully to close the hearing for Kent Animal Shelter and to leave the record open for a period of 15 days. The motion was approved by a 5:0 vote.

Science and Stewardship (cont'd)

Resolution to approve contractor for Ecological Management Services

Summary: Mr. Scully discussed the attached memo from Mr. Pavacic dated December 14th and he explained that at the November Commission meeting the Commission had voted unanimously to approve an allocation of funds to retain an Ecological Services Contractor. Commission staff has worked with other stakeholders to administer a competitive procurement process to select a contractor.

Ms. Jakobsen noted that the Executive Director had sent all of the materials related to the RFP process to the Commission members in the e-packet which included a copy of the RFP and that copies of the responses received were made available to the Commission members through an unpublished link on the Commission's website due to the size of the documents.

Mr. Milazzo explained that there were two responses, Land Use Ecological Services, working with Mr. Charles Voorhis of Nelson and Pope and GEI, both Long Island firms. A third contract was rejected and not opened because it was received after the response date. An RFP review panel was created that selected the proposal submitted by Land Use Ecological Services. Mr. Milazzo further explained that there may be a conflict of interest issue with Mr. Voorhis and Mr. Bowman and their respective companies since they are currently representing applicants before the Commission.

Mr. Milazzo noted that the RFP process did not address the issue concerning a possible conflict of interest when the selected contractor represents Commission applicants. Mr. Milazzo explained that a condition could be written into the contract for the selected Ecological Management Services Contractor that would disallow the contractor or any individual working for the contractor to advocate for future applicants before the Commission during the term of the contract and a similar provision should be written into the Commission's resolution approving the contract.

The motion was made by Mr. Walter and seconded by Mr. Romaine to modify the approved version of the Ecological Management Services Draft Resolution (attached) with wording and a condition added that would prevent the Contractor, or an individual working for the Contractor, to represent any future applicants before the Commission for the term of the contract. The motion was approved by a 5:0 vote.

Land Use and Planning

Compliance and Enforcement

Summary: Mr. Hynes reported that Commission staff has been working with the State, Suffolk County and the Towns on the storage of vehicles from Hurricane Sandy in the Pine Barrens. He noted that 6 sites within the Pine Barrens have been identified where vehicles are being stored and a stop work order has been issued and 3 summonses were written for one of the sites that is located in Brookhaven Town. He provided a brief overview of the enforcement status of these parcels.

Mr. Milazzo explained that if the Commission decides that the storage of vehicles in the Pine Barrens is considered development, then it could assert jurisdiction. He discussed the hardship provisions of the Pine Barrens Act and its definitions of development that should be considered by them in their determination. Mr. Milazzo further explained how the Commission would need to coordinate with the Towns in the event that the vehicle

storage is deemed to be development. Additional issues which were discussed included, the Town's enforcement of Article 57 without the need for Commission involvement in the CGA, the storage of vehicles at EPCAL and DEC's jurisdiction as it relates to the protection of habitat, and the Towns joining together to stop the vehicle storage activity under the purview of the Commission.

Mr. Scully noted that the storage of vehicles in the Core needs to be viewed differently from those stored in the CGA. The Commission typically allows the Towns to decide handle enforcement activity in the CGA under the provisions of Article 57.

Mr. Amper expressed his concerns about the Commission placing limits on its ability to protect the Pine Barren and that a conflict of interest regarding EPCAL is unavoidable. He stated that bringing the vehicle storage activity to an end for the protection of the Pine Barrens is paramount.

Executive Session

A motion was made by Ms. Throne-Holst and seconded by Mr. Romaine to enter into executive session to discuss a matter related to litigation. The motion was approved by a 5:0 vote.

The Commission returned to public session at 4:30 pm

The motion was made by Mr. Romaine and seconded by Mr. Walter for the Commission to take enforcement action against the illegal storage of vehicles in the Core Area of the Pine Barrens. The motion was approved by a 5:0 vote.

Adjournment

The motion to adjourn was made by Mr. Walter and seconded by Ms. Lansdale. The motion was approved by a 5:0 vote.

Attachments (in order of discussion):

1. December 19, 2012 Commission Meeting Sign in Sheet
2. Draft Commission Meeting Summary for November 16, 2012. (5 pages)
3. Approved 2013 Commission Meeting Schedule (1 page)
4. Draft Resolution of the Commission to appoint the PLC Chair and Vice Chair for Calendar Year 2013 (1 page)
5. Final Resolution approving the PLC Chair and Vice Chair for Calendar Year 2013 (1 page)
6. Science and Stewardship Division Report (dated 12/19/12) (2 pages)
7. Education and Outreach Division Report for December 2012 and End of Year Review (2 pages)
8. Longwood Public Library Expansions & Renovation status letter from Charles Voorhis, dated 12/12/12 (3 pages)
9. Kent Animal Shelter Core Preservation Area Hardship Waiver staff report (dated 12/19/12) (6 pages)
10. Land Use Division update (dated 12/19/12) (2 pages)
11. Mr. Pavacic memo to the Commission, dated 12/14/12 Re: Ecological Service Request for Proposals (2 pages)
12. Draft Resolution to approve contractor for Ecological Management Service (dated 12/19/12) (1 page)
13. Modified Final Resolution approving contractor for Ecological Management Services (1 page)
14. Compliance and Enforcement Division Report (dated 12/19/12)(5 pages)