



**Pine Barrens Commission Meeting Summary (FINAL)  
for Wednesday January 19, 2011 (Approved- 2/16/11)  
at Brookhaven Town Hall  
1 Independence Hill  
Farmingville, NY**

**Commission members present:** *Mr. Scully (for New York State), Mr. Isles (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. Jakobsen, Ms. Carter, Ms. Hargrave, Ms. Sholl-Ostrowski, Ms. Griffiths and Mr. Hynes (from the Commission). Additional attendees are shown on the attached sign-in sheet.*

*The meeting was called to order at approximately 2:00 pm by Mr. Scully, with a five member quorum present. The Pledge of Allegiance was recited.*

Peter A. Scully  
*Chair*

Mark Lesko  
*Member*

Steve A. Levy  
*Member*

Anna E. Throne-Holst  
*Member*

Sean M. Walter  
*Member*

**Public Comment and Administrative**

**Summary:** *There were no public comments. Mr. Scully proceeded directly to the agenda.*

**(Mr. Lesko arrived at the meeting at approximately 2:10 pm.)**

**Minutes for 12/15/10**

**Summary:** *The motion was made by Ms. Throne-Holst and seconded by Mr. Walters to approve the 12/15/10 minutes. The motion was unanimously approved by a 5-0 vote.*

**Stewardship & Education**

**Summary:** *Ms. Carter distributed the Science and Stewardship division report (attached) and provided an update on the following division activities: the ATV Damage and Dumping Mitigation project in Flanders, the Protected Lands Council's (PLC) initiatives, and touched briefly on the PLC report on recommendations for public lands for the Upper Carmans River that will be discussed more by Mr. Casey, the PLC chair. She also discussed the status of the proceedings for the 2010 Annual Research Forum and planning efforts underway for the 2011 Research Forum.*

*Ms. Carter mentioned that the ATV damage mitigation committee is reviewing options for purchasing stronger vandal proof, yet appealing, barricades to use on trails in the Pine Barrens.*

*It was noted by Ms. Carter that LISMA plans to have roving work crews on Long Island to target invasive species removal.*

*A further discussion occurred on the vandal proof barriers and their cost which is approximately sixty five dollars per foot. Mr. Scully mentioned his experience with placing barricades at the Novak property along the Upper Carmans River that were later vandalized.*

**Protected Lands Council**

**Stewardship of Public Lands in the Upper Carmans River Watershed:  
Recommendations**

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**Summary:** Mr. Scully introduced Mr. Casey, the PLC Chair, who presented the PLC's recommendations for the Upper Carmans River Watershed to the Commission as provided in a written report (attached). Mr. Casey stated that illegal activities on public lands can be minimized through the establishment of legitimate uses. The report includes suggestions for greater public use of public lands with a focus on hiking, mountain biking, birding, photography, fishing and other similar outdoor activities.

The recommendations discussed creating an historic district atmosphere in the Pine Barrens by maintaining properties free of debris, removing dumpsters from view and enhanced signage. Mr. Casey referred to the map included in the report of an enhanced trail system through corridors along the Carmans River with the goal of connecting existing parks. He pointed out that the report contains specific recommendations for each property. Another suggestion he mentioned from the report is to increase the volunteer workforce and to have greater oversight of volunteer initiatives by hiring a volunteer coordinator.

The final PLC recommendation is for the Central Pine Barrens Joint Planning and Policy Commission Library. The PLC recognizes the Library as one of the Commission's greatest historical resources and recommends making the library a central repository for anything related to the Pine Barrens. Mr. Casey mentioned that the library was created by Mr. Ray Corwin, the recently deceased first Executive Director of the Central Pine Barrens Commission, and that as a tribute to Mr. Corwin's legacy, a full time librarian and IT person should be hired to maintain the library.

Mr. Scully thanked Mr. Casey and the PLC for all of their effort that went into producing the upper Carmans River Report and its well thought out recommendations. He reiterated the importance of increasing the number of volunteer presence in the Pine Barrens and he made the suggestion that a coalition of Pine Barrens representatives implement strategies to increase the volunteer base.

Mr. Pavacic thanked Ms. Carter for forwarding the report to the Town staff study group at the request of Dr. Koppelman. He noted that the key provisions of the PLC report will be incorporated into the Town Plan for the Upper Carmans River.

**The motion was made by Mr. Lesko and seconded by Ms. Throne-Holst to accept and implement the written report, Stewardship of Public Lands in the Upper Carmans River Watershed: Recommendations, as part of the Town's Plan for the Carmans River. The motion was unanimously approved by a 5-0 vote.**

### **Education and Outreach**

**Summary:** Ms. Griffiths distributed and discussed the attached Education and Outreach report for January. She provided a recap of 2010 outreach events and associated statistical data. The Environmental Education Committee met on December 1, 2010 and revised their mission statement and updated their goals. Ms. Griffiths mentioned a formal MOU agreement to partner with the Wertheim Wildlife Refuge is being explored and discussed the status of other partnerships including Brookhaven National Laboratory (BNL), the Twinings program, and Longwood High School that is exploring a student project for the Novak Property. Ms. Griffiths mentioned that the Discovery Day subcommittee will be meeting soon to begin planning the event.

### **Planning and Land Use**

**Summary:** Ms. Hargrave distributed and discussed the attached Land Use Division Update report. She referred to two applications pending before the Commission for decisions known as 7-Eleven, Inc., Ridge and Artist lake Plaza CGA Development of Regional Significance (DRS). Ms. Hargrave mentioned several new referrals have been received since November 2010 through SEQRA coordination from the Towns that include 3 projects in the Town of Brookhaven, three projects in the Town of Southampton and one in the Town of Riverhead that are further identified in the Division's report.

Ms. Hargrave mentioned that the three town Planning Divisions are currently participating in the review of

the Comprehensive Land Use Plan Amendments and briefly touched on the Carmans River Watershed Protection Plan work.

### **Compliance and Enforcement**

**Summary:** Mr. Hynes referred to the Compliance and Enforcement report (attached) that was distributed to the members and their representatives prior to today's meeting. He reviewed statistical data from the report including, types of incidents, number of occurrences, the different agencies or sources reporting incidents, and the location of incidents. The report included data for each year since 2007 through the end of last year. He stated that he was impressed with Brookhaven Town's Quality of Life Task Force program that has brought in approximately \$900,000 from fines imposed and the Department of Environmental Conservation that brought in over \$1 million in revenue from fines last year from incidents on DEC properties. Mr. Hynes suggested that maybe the Commission could look into the possible implementation of legislation that would allow the Commission to issue fines for incidents occurring in the Pine Barrens.

Mr. Hynes provided an update on the monitoring of easements owned by the Commission and concluded with stating his intention to encourage continued collaboration between the Law Enforcement Council and the Army National Guard in the water bucket training and the vehicle air lift initiatives.

Mr. Scully suggested that it would be of interest to the Commission for Mr. Hynes to include cases in his bimonthly reports that have been successfully brought to a conclusion.

### **Project Review**

**Artist Lake plaza DRS / Middle Island (200-379-1-3.1, 5.1, 12) Mr. Hargrave; decision deadline, 1/19/11**

**Summary:** Ms. Hargrave referred to the letter dated January 11, 2011 from Nelson, Pope and Voorhis, LLC (attached) that requested the decision deadline for the application to be extended to the February, 2011 Commission meeting.

**The motion was made by Mr. Lesko and seconded by Ms. Throne-Holst to extend the decision deadline for the Artist Lake DRS application to February 16, 2011. The motion was unanimously approved by a 5-0 vote.**

**7-Eleven Core Preservation area Extraordinary hardship application and Compatible Growth Area (CGA) hardship application / Ridge (200-351-2-6.1 and 20) hearing held 11/17/11; decision deadline today.**

**Summary:** Ms. Hargrave mentioned that a Draft Resolution, State Environmental Quality Review Act Negative Declaration, and Part 2 EAF(attached) were distributed prior to today's meeting. Ms Hargrave distributed a revised Draft Resolution (attached) denying the applicant's request for Core and CGA hardship waivers. Mr. Milazzo briefly described the details of the revised resolution stating the applications were denied on the basis that the applicant did not demonstrate the required showing for hardship. It was noted that the Core parcel was purchased after the Pine Barrens Act and the CGA parcel was purchased prior to the Pine Barrens Act.

Mr. Catalbiano from Catalbiano Engineering stated he submitted additional information and there was a discussion about the receipt of information related to when the properties were leased. Mr. Catalbiano requested that the 7-Eleven hardship waiver application be reconsidered. Mr. Milazzo stated that the additional information related to when the property was leased is unlikely to influence a reversal of the decision.

**The motion was made by Mr. Lesko and seconded by Ms. Throne-Holst to deny the 7-Eleven Core and CGA extraordinary hardship waiver applications as provided in the attached resolution. The motion was approved by a 5-0 vote. It was noted that the SEQRA negative declaration was included in the attached resolution.**

**Adjournment**

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

*The meeting ended at approximately 2:36 pm.*

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

1. Attendance sheet dated 1/19/11
2. Pine Barrens Commission Meeting Summary dated December 15, 2010
3. Science and Stewardship Division Report
4. Protected Lands Council: "Stewardship of Public Lands in the Upper Carmans River Watershed: Recommendations" report
5. Education and Outreach Update report
6. Land Use Division Update November 2010 to January 2011
7. Compliance and Enforcement Division Update report 2007-2010
8. Nelson, Pope and Voorhis, LLC letter; dated 1/11/11 (Request for Decision Deadline Extension) Artist Lake Plaza Development of Regional Significance (DRS) Application
9. AR-TI Court Reporting Stenographers hearing transcript; hearing dated 11/17/10 pertaining to 7-Eleven Core and Compatible Growth Area Hardship Applications (200-351-2-6.1 and 20)
10. Draft Resolution 7-Eleven, Ridge (200-351-2-6.1 and 20)
11. Draft: State Environmental Quality Review Act - Negative Declaration - Notice of Negative Environmental Impact Statement hardship applications 7-Eleven, Ridge .(200-351-2-6.1 and 20)
12. Draft EAF Part 2 - Project Impacts and their Magnitude report for 7-Eleven, Ridge
13. Revised Draft Resolution 7-Eleven, Ridge; dated 1/19/11
14. Final State Environmental Quality Review Act - Negative Declaration - Notice of Negative Environmental Impact Statement for 7-Eleven, Ridge, ( 200-351-2-6.1 and 20)
15. Adopted Resolution 7-Eleven, Ridge (200-351-2-6.1 and 20) dated 1/19/10

**Pine Barrens Commission Meeting Summary (Final)  
for Wednesday February 16, 2011 (Approved- 3/16/11)  
at Brookhaven Town Hall  
1 Independence Hill  
Farmingville, NY**



**Commission members present:** *Mr. Scully (for New York State), Mr. Isles (for Suffolk County), Mr. Lesko, Mr. Turner (for Brookhaven), Mr. Walter (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. Carter, Ms. Hargrave, Ms. Sholl-Ostrowski, Ms. Griffiths and Mr. Hynes (from the Commission). Additional attendees are shown on the attached sign-in sheet.*

*The meeting was called to order at approximately 2:00 pm by Mr. Scully, with a five member quorum present. The Pledge of Allegiance was recited.*

Peter A. Scully  
*Chair*

Mark Lesko  
*Member*

Steve A. Levy  
*Member*

Anna E. Throne-Holst  
*Member*

Sean M. Walter  
*Member*

**Public Comment and Administrative**

**Summary:** *Mr. Scully asked for a moment of silence for the passing of Daniel Morris, a member of the Open Space Council, who was an articulate advocate for the environment.*

*Mr. Mark Antos, Attorney and friend of Mr. James Eagan stated on behalf of Mr. Eagan his concern with the Clearinghouse's Title Policy requirement that requires Core parcel owners to purchase title insurance for each parcel, regardless of size in order to obtain Pine Barrens Credits. Mr. Antos referred to the regulatory agency, TIRSA which established the \$35,000 minimum insurance requirement per parcel over 30 years ago. This agency did not anticipate the current market that causes the amount of coverage to be cost prohibitive since the parcel's worth is not commensurate with the cost of the insurance required. Mr. Antos requested that the Commission review the title policy requirement.*

*Mr. Brendan Mooney from the law firm Gilbert, Stinzano, Heintz and Smith PC stated that his firm represents the Roanoke Sand and Gravel Company, who have concerns with the Draft Plan Amendments. Mr. Scully explained that today's draft resolution concerning the Plan Amendments is for the proposed mandatory redemption of Pine Barrens Credits requirement and non residential allocation formula and that Mr. Mooney could decide if he wanted to make comments after listening to that discussion.*

*Ms. Donna Ferrara stated that she and her husband, Robert Gregory, own five Pine Barrens Credits obtained in March of 2009 and they have not been able to find a buyer for these credits. The Gregory's were approached by the owners of the American Physical Society (APS) to purchase their credits, but when the owners discovered they were PBCs rather than sanitary credits, they decided not to purchase them. The owners of APS, a project requiring 3.29 waste water credits, informed the Gregorys that due to the Commission's decision, PBCs can not be used to satisfy density requirements for their project located in the Core Preservation area.*

*Mr. Lesko arrived at approximately 2:15 pm.*

*Mr. Pavacic explained that Article 57 Environmental Conservation Law (ECL) states that development rights are to be transferred from the Core area in order to preserve the Core area. Credits are to be used for greater density outside of the Core. He acknowledged the Gregorys' concern about their inability to sell their credits and stated that this was a unique circumstance that did not allow APS to use Pine Barrens Credits for their project.*

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*Mr. Scully suggested the Gregory's speak with the Commission staff to assist them with their issues.*

*Mr. Amper, representing the Pine Barrens Society, reiterated Mr. Pavacic's explanation stating that this is a unique circumstance and not likely to occur again and suggested the issue the Commission needs to address is joining buyers with sellers of Pine Barrens Credits.*

*Mr. Antos referred back to his prior discussion and stated that it is possible to have a title policy for less than \$35,000.*

#### **Minutes for 1/19/11**

***Summary: The motion was made by Mr. Shea and seconded by Mr. Walter to approve the 1/19/11 minutes. The motion was unanimously approved by a 5-0 vote.***

#### **Stewardship & Education**

##### **Discovery Day**

***Summary:*** *Ms. Griffiths distributed and discussed the attached Education and Outreach report for February. She provided a recap of the February activities and outreach events and distributed photographs. Ms. Griffiths explained that the original Pine Barrens Discovery Day was held in 1999. The event was held again in 2009 that had 115 attendees and 2010 that had approximately 200 attendees. The focus of this event is to educate the public about the Pine Barrens Region and its ecosystem within the context of a family oriented festival. There is a Discovery Day Committee consisting of members from Brookhaven National Laboratory (BNL), the N.Y. State Department of Environmental Conservation (NYSDEC) and Suffolk County Community College, among others, that assist the Commission staff with organizing the yearly event.*

*The event includes workshops for all ages, nature walks, a fire education exhibition, children's activities, and displays and lunch time entertainment provided by a radio station. Ms. Griffiths explained that participation at the event increased by 30 percent in 2010 from 2009. This year the festival is scheduled to take place on June 11<sup>th</sup> with a rain date of June 12<sup>th</sup>.*

*Ms. Griffiths mentioned that Dr. David Krause, a professor at Stony Brook University, has accepted an invitation to provide the opening presentation on the evolutionary history and paleobiology of Mesozoic and Early Cenozoic vertebrates primarily in Madagascar and the Western Interior of North America.*

***The motion was made by Mr. Walter and seconded by Mr. Lesko to approve the draft resolution authorizing 2011 Discovery Day. The motion was unanimously approved by a 5-0 vote.***

##### **Wildfire and Incident Management Academy**

***Summary:*** *Mr. Pavacic referred to the distributed Draft Resolution to Select and Contract with an Individual to Serve as the Wildfire and Incident Management Academy Coordinator for 2011(attached) and he stated that there was one response to the bid by Mr. Charles Hamilton, recently retired from the NYSDEC. He mentioned that at the end of 2010, the Commission passed a resolution to hire an auditor to perform a five year audit of Academy activities. Mr. Pavacic explained the Wildfire and Incident Management Academy was first established in 1999 after the 1995 wildfires to address the potential dangers of wildfires occurring in the Pine Barrens. The Academy has been successfully supported by the N.Y. City Fire Department, Suffolk County Fire and Emergency Services and a multitude of other agencies.*

*The Draft Resolution includes a request to approve the hiring of Mr. Hamilton for an annual cost not to exceed \$12,000 and the execution of the contract between him and the Commission to manage the 2011 Fire Academy as the Academy Coordinator. Other items in the resolution addressed the need to replace*

NYSDEC staff who can no longer assist in the management of the Academy. The possibility of using some Commission staff to support the Academy was also mentioned by Mr. Pavacic.

Mr. Pavacic reiterated that the Academy's revenue is obtained primarily from tuition fees charged and paid by students attending the Academy. Current Academy funds are estimated to be \$70,000.

**The motion was made by Mr. Shea and seconded by Mr. Isles to approve the attached draft resolution to hire Mr. Charles Hamilton as the 2011 Academy Coordinator. The motion was unanimously approved by a 5-0 vote.**

### **Credit Clearinghouse**

**Summary:** Ms. Jakobsen stated the Credit Clearinghouse Board met on February 9, 2011 to discuss items that included the Town of Brookhaven's Carmans River Watershed Protection Plan that may involve the expansion of the Core Preservation area, the Town's proposed change to its Multi family (MF) code that will include credit redemption requirements, the proposed fifteen percent mandatory credit redemption requirement for all three Towns and the proposed reverse auction to buy Pine Barrens Credits from Credit owners in the Town of Brookhaven. Additional items discussed included sending a letter to Core property owners that have not participated in the Credit program to encourage them to apply for a Letter of Interpretation and changes the Suffolk County Department of Health Services is making to the Suffolk County Water Resources Plan that may affect the Credit Program. The next Clearinghouse Board meeting is scheduled for April 6, 2011.

Mr. Milazzo explained that the purpose of the reverse auction is to offer Credit owners an opportunity to set a price for their credits and for the Clearinghouse to purchase and hold an inventory of Credits to sell to potential buyers.

### **Planning and Land Use**

#### **Carmans River Watershed Protection Plan**

**Summary:** Mr. Bertoli provided an overview of the Carmans River Watershed Protection Plan that can be downloaded from the Town's website. He stated the goal of this effort was to determine basically where to preserve and where to allow building in this watershed. The plan provides for an expansion of the Core preservation area by ninety one hundred acres to capture the 0-5 year surface water influence area within the watershed. An additional Plan finding determined that there are areas affected by sprawl within the corridors of the Carmans River that need to be remediated. Acquisition and rezoning are other tools that will be used to protect this watershed area. He further explained how changes to the multi family (MF) code would require the redemption of Pine Barrens Credits at a rate of fifteen percent and that when building outside of the Core, the Town would require a donation to the Town's Macchia fund which is an Open Space fund. If the Core Preservation area is expanded, there will be more Pine Barrens Credits in circulation for developers to purchase.

Mr. Scully acknowledged the contributions of all those involved in the effort and a discussion ensued regarding the timely and successful collaboration between Town, Commission staff and other agency members. Mr. Lesko mentioned that a discussion of the Carmans River Watershed Protection Plan will be held at the Longwood Library on Saturday February 19<sup>th</sup> with the goal to educate the public about this complex plan. The point was made that the effort is primarily a planning solution for the region that will benefit and protect the watershed as well as addressing the issues and needs of the building community.

Ms. Throne-Holst arrived at meeting at 2:50 p.m.

#### **Mandatory Pine Barren Credit Redemption and Non Residential Credit Allocation**

**Summary:** Mr. Scully referred to the Draft Resolution to Schedule a Hearing on Amendments to CLUP Chapter 5 and Chapter 6 Concerning Mandatory Pine Barrens Credit Redemption, Non-Residential Credit Allocation and Limitations on Credit Allocation (attached) and he stated that this resolution was first discussed in 2009 and outstanding issues prevented the approval of the amendment at a twenty-five

percent redemption rate. At this time the Mandatory Redemption Requirement is being advanced as a stand alone Amendment and the redemption rate requirement has been changed to fifteen percent. Mr. Walter expressed his concerns about the amendment and its possible affect on EPCAL located in the Town of Riverhead and that no SEQRA determination has been made. He stated he is not prepared to vote on a hearing date until he meets with stakeholders.

Mr. Pavacic explained that the Mandatory Credit Redemption Requirement Amendment is a further refinement to legislation which already exists in the Pine Barrens Act for the purpose of transferring density out of the Core Preservation area. He mentioned that the second component to this Amendment refers to the non residential credit allocation formula which is a memorialization of past resolutions the Commission has previously adopted, but was not formally incorporated into the Plan. A discussion ensued about changes in zone and non residential Credit allocations.

Mr. Pavacic specified that the purpose of the Resolution before the Commission today is to set a hearing date for the Mandatory Credit Redemption Requirement and Non Residential Credit Allocation Amendment and that the Commission has full control over final approvals.

**The motion was made by Mr. Lesko and seconded by Ms. Throne-Holst to approve the attached draft resolution to set a hearing date for the Mandatory Pine Barren Credit Redemption and Non Residential Credit Allocation for March 16, 2011 at 3:00 pm. The motion was approved by a 4-1 vote, with the opposing vote cast by Mr. Walter.**

Mr. Scully asked Mr. Mooney if he understood that the previous discussion related to the Plan Amendments was for the purpose of setting a date for a hearing and inquired whether his concerns were addressed during that discussion. Mr. Scully also acknowledged the broad FOIA request that was made by Mr. Mooney's firm for all records pertaining to the Plan Amendments. A discussion ensued and it was determined that Mr. Milazzo and Mr. Mooney should meet after the meeting to discuss the FOIA request.

## **Project Review**

### **Deep Pond at Schiff Scout Reservation / Wading River (600-75-3-10.3)**

**Summary:** Ms. Hargrave provided an overview of the items previously distributed including, a conservation easement dated December 8, 2008 associated with the Schiff Scout Reservation, SCTM parcel number 600-75-3-10.003, a letter from Mr. Rick Balla, representative for the Deep Pond project at Schiff Scout Reservation and a Draft Resolution (all attached) pertaining to the to the Boy Scout request for permission to remove invasive species at Deep Pond. She distributed a revised Draft Resolution pertaining to the issue.

Ms. Hargrave referred to her letter to Mr. Balla dated October 26, 2010 that requested the applicant provide the Commission with a complete proposal to evaluate the project and render a determination of jurisdiction. Mr. Balla sent the aforementioned letter in response to her request and delivered to the Commission's office on November 30<sup>th</sup>, copies of two permit applications for wetlands management and pesticide use, dated July 22, 2010. He suggested that Ms. Hargrave should have all of the materials needed for a determination of jurisdiction.

Mr. Balla explained the reason for the request to remove the Phragmites was due to its overgrowth causing a significance disturbance to natural habitat that could eventually block off access to the pond. Mr. Balla described the proposed methods for Phragmites removal that included hand or mechanical removal and the use of pesticides. A discussion ensued regarding alternatives to the use of pesticides that could be endorsed by the Commission.

**The motion was made by Mr. Walter and seconded by Ms. Throne-Holst to approve the attached draft resolution for Phragmites removal at Deep Pond at the Schiff Scout Reservation with a modification to add before the word "mechanical", the words "hand and" . The motion was**



**approved by a 5-0 vote.**

**Artist Lake Plaza CGA DRS Application**

**Summary:** A letter was received from Nelson, Pope and Voorhis, dated February 10, 2011 (attached) requesting an extension of the decision deadline regarding the Artist Lake Plaza DRS application until March 16, 2011.

**The motion was made of Mr. Lesko and seconded by Mr. Walter to extend the decision deadline to the March 16, 2011 Commission meeting. The motion was approved by a 5-0 vote.**

**Other Business**

**Summary:** Mr. Walter inquired about the status of a project proposed by Venadetto and Tunis to be located along Route 25A in Wading River that was recently referred to the Commission by the Town of Riverhead. Ms. Hargrave stated that she made an inquiry to the Town requesting their comments about the clearing standard and whether the project would meet this standard. A discussion ensued regarding various new projects simultaneously being proposed in this area and whether a moratorium could be enacted. Mr. Walter stated since the area was rezoned only a few years ago, that a moratorium would not likely be possible.

Mr. Amper once again thanked Mr. Scully, Mr. Bertoli, Mr. Lesko, Mr. Pavacic and Mr. Kassner for presiding over the Carmans River Watershed study.

**The motion was made by Mr. Walter and seconded by Mr. Scully to move into an Advisory Session with no further business to be conducted after the session. The motion was approved by a 5-0 vote.**

**Adjournment**

Meeting adjourned.

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

1. Attendance sheet (2/16/11 1 sheet)
2. 1/9/11 meeting minutes for approval
3. Letter to Mr. Milazzo from Mark Antos dated 2/16/11, regarding Commission's Title Policy Requirement
4. Education/Outreach Coordinator February 2011 report
5. Suffolk County Community College Request for Use of Facilities application
6. Resolution Authorizing 2011 Discovery Day on June 11, 2011
7. NYWIMA Academy Board Member memorandum dated 2/14/11
8. Suffolk County Water Authority letter dated 12/14/10 Request for Proposal for Academy Coordinator
9. Letter and Resume from Mr. Charles Hamilton dated 1/2/11 in response to the Academy Coordinator RFP
10. Draft Resolution to Schedule Hearing on amendments to CLUP Chapter 5 and Chapter 6 concerning Mandatory Pine Barrens Credit Redemption, Non-Residential Credit Allocation and Limitations on Credit Allocation.
11. Conservation Easement dated 12/18/2008 (SCTM parcel 600-75-3-10.003)
12. Draft Resolution Core Preservation Area Nassau County Boy Scouts SCTM No. 600-75-3-10.3
13. Adopted Resolution Core Preservation Area Nassau County Boy Scouts SCTM No. 600-75-3-10.3
14. Artist Lake Plaza request for extension letter dated 2/10/11



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for Wednesday March 16, 2011 (Approved- 4/20/11)  
at Brookhaven Town Hall  
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**Commission members present:** Mr. Scully (for New York State), Mr. Isles (for Suffolk County), Mr. Lesko and Ms. Prusinowski (for Brookhaven), Mr. Walter (for Riverhead), Ms. Throne-Holst and Mr. Murphree (for Southampton)

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

The meeting was called to order at approximately 2:00 pm by Mr. Scully, with a five member quorum present. The Pledge of Allegiance was recited.

Peter A. Scully  
Chair

Mark Lesko  
Member

Steve A. Levy  
Member

Anna E. Throne-Holst  
Member

Sean M. Walter  
Member

**Public Comment and Administrative**

**Summary:** Mr. Scully acknowledged that this would be Mr. Tom Isles last meeting as the County Executive's designated representative to the Commission since he is retiring. He thanked Mr. Isles for his participation and contributions to the Commission and presented him with a Certificate of Appreciation.

Mr. Amper stated his concerns regarding the implementation of the Carmans River Plan and suggested that while the SEQRA process is being completed, and the change to the MF code is pending at the Town, he suggests that the legislative process should occur simultaneously.

**Minutes for 2/16/11**

**Summary:** Ms. Prusinowski indicated that the 2/16/11 minutes reflect that she was present and she was not. The last sentence of the first paragraph on page four was omitted and the motion on page five in the first paragraph was changed from a 5-1 vote to a 5-0 vote. The changes were made to the February 16, 2011 minutes (attached).

**The motion was made by Mr. Scully and seconded by Mr. Walters to approve the 2/16/11 minutes as amended. The motion was approved by a 4-0-1 vote with Brookhaven abstaining.**

**Education and Outreach**

**Summary:** Ms. Griffiths distributed and discussed the attached Education and Outreach report for February / March 2011. She is continuing her outreach activities with the schools and to date has reached approximately 500 students. She spoke about the existing and new partnerships, including the training she's currently providing to Eastern Suffolk BOCES for teachers on Biodiversity and Pine Barrens Ecology. Additional items Ms. Griffiths discussed included the integration of environmental education into ESL student curriculum, pursuing other avenues to educate citizens about Pine Barrens ecology in collaboration with Western Suffolk BOCES, Sweebriar Nature Center and other East End nature camps during the summer, and the library presentations she conducted.

Ms. Griffiths provided additional details in a handout (attached) about this year's Discovery Day key note speaker, Dr. David Krause who will be speaking on the subject of

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evolutionary history and paleobiology of Mesozoic and Early Cenozoic vertebrates primarily in Madagascar and the Western Interior of North America.

Ms. Griffiths mentioned that there will be new lunch time activities and filmed presentations in the cafeteria, at this year's Discovery Day.

### **Science and Stewardship**

**Summary:** Ms. Carter distributed the Science and Stewardship Division's report (attached) and provided an update on the following activities: the ATV Damage and Dumping Mitigation project in Flanders, breaches and vandalism inspections of NYSDOT right-of-way fence lines on the southerly boundary of the LIE at Manorville Hills, and the planning of the 16<sup>th</sup> Annual Research Forum. There will also be one or two aerial surveys scheduled for the Pine Barrens region, to be performed by the NYS DEC Forest Health Unit and the Civil Air Patrol to monitor forest health. She also mentioned the stewardship update she provided at the February 24, 2011 Law Enforcement Council (LEC) meeting.

Other items Ms. Carter discussed included her attendance at the Long Island Native Plant Symposium on March 11, 2011 and the status of the Long Island Native Grass Initiative. She mentioned that the last PLC meeting was held at the SCWA Training Center in Coram on March 1, 2011 and topics discussed included, uniform signage, PLC field projects, recommendations for the upper Carmans River area and trailhead kiosks.

Mr. Scully asked Ms. Carter to advise him of the actions that will be taken regarding the encroachment and breaches in the NYSDOT right-of-way fencing. He acknowledged the importance of the PLC's recommendations for the Carmans River Watershed and the need for them to be incorporated into the Town's Carman's River Plan.

### **NY Wildfire and Incident Management Academy**

**Summary:** Mr. Pavacic referred to the proposed draft resolutions pertaining to the Commission's Wildfire and Incident Management Academy (all attached). He explained that the Colorado Wildland Fire and Incident Management Academy (Colorado Academy), has in the past provided onsite training and support, as well as staffing during the NY Academy. The first resolution pertains to hiring the Colorado Academy under a separate contract to provide additional support services during the 2011 Academy. Those services include, on-line registration for both students and instructors, coordination of housing needs, and credit card transactions. Mr. Pavacic reiterated that costs associated with running the Academy are covered by Academy funds and that it's operation has always been self sustaining. The tuition for the 2011 Academy was increased from \$55 to \$65 dollars per day to try to offset the cost of the services provided by the Colorado Academy.

**The motion was made by Mr. Walters and seconded by Ms. Prusinowski to approve the Draft Resolution (attached) to hire Colorado Academy for support services for the 2011 Academy. The motion was unanimously approved by 5-0 vote.**

Mr. Pavacic explained the second draft resolution which pertains to approving additional activities, not directly relating to the workings of the October 2011 NY Academy, that would be performed by the Academy Coordinator. He stated that earlier this year the Academy Board adopted a series of resolutions that related to it's vision for the future of the NYWIMA. One of those visions included, partnering with the Northeast Compact, and potentially assisting them with training activities.

The resolution would allow the Commission's Executive Director and the Academy Board, to approve activities outside the scope of the 2011 Academy, when a timely approval is necessary to prevent the loss of opportunities.

**The motion was made by Mr. Walter and seconded by Ms. Throne-Holst to approve the Draft Resolution (attached) to allow the Executive Director and Academy Board to approve additional activities to be performed by the Academy Coordinator. The motion was unanimously approved by 5-0 vote.**

Mr. Pavacic distributed and discussed a revised third resolution that pertained to accepting the resignation of a current member of the Academy Board. Mr. Scully explained that this resolution is necessary since Mr. Hamilton was hired to serve as the 2011 Academy Coordinator and therefore, no longer be able to serve on the Board. The Academy Board, at its meeting on March 14<sup>th</sup> decided they would like to interview any candidates that might be selected as the new Board member and therefore the revised resolution deleted the provision related to the selection of a new board member at this point in time.

**The motion was made by Mr. Walter and seconded by Mr. Scully to approve the Draft Resolution (attached) to accept Mr. Charles Hamilton's resignation as an Academy Board member. The motion was unanimously approved by 5-0 vote.**

Mr. Pavacic explained the fourth draft resolution to amend the original authorizing resolution for the New York Wildfire and Incident Management Academy Board, which would strike language referring to the Academy Coordinator as a member of the Academy Board.

**The motion was made by Mr. Scully and seconded by Mr. Walter to approve the Draft Resolution (attached) to amend the original authorizing resolution for the New York Wildfire and Incident Management Academy Board to remove the reference of the Academy Coordinator as a Board member. The motion was unanimously approved by 5-0 vote.**

### **Compliance and Enforcement**

**Summary:** Mr. Hynes referred to the Compliance and Enforcement report (attached) that was distributed to the members and their representatives prior to today's meeting. His report included a summary of current land use project incidents according to their location in the Core and in the CGA and a list of dumping incidents by date.

**Mr. Lesko arrived at around 2:39 pm.**

### **Planning and Land Use**

**Summary:** Ms. Hargrave distributed and discussed the attached Land Use Division Update report for January-March. She provided an overview of the status of certain projects including, two DRS applications, three referral applications from Southampton Town, and four applications involved in restoration activities.

### **Project Review**

**Artist Lake plaza DRS / Middle Island (200-379-1-3.1, 5.1, 12) Ms. Hargrave; decision deadline, 1/19/11**

**Summary:** Ms. Hargrave referred to the letter dated March 10, 2011 (attached) from Mr. Charles Voorhis, the applicant's representative, that requested a decision deadline extension for the DRS project at Artist Lake Plaza.

**The motion was made by Mr. Walter and seconded by Mr. Lesko to extend the decision deadline for the Artist Lake DRS application to April 20, 2011. The motion was unanimously approved by a 5-0 vote.**

Ms. Hargrave referred to the previously distributed Groundwater Report for Artist Lake Plaza dated March 2, 2011 (attached), that was received March 9, 2011. The report provided additional data on the elevated

nitrate levels at the site. Mr. Voorhis discussed the sampling well locations, the samples collected and analyzed along with the data results that were presented in the Groundwater report. It was generally found that nitrate levels were within regulatory requirements. An exception to this was high nitrate levels found in two wells located in the southern parking lot that is likely due to the "wetland" like soils that are high in decaying organic material and therefore high nitrate levels. Mr. Voorhis mentioned the Final Environmental Impact Statement has been submitted for the second time to the Town Board and may be accepted by the Town in May. He inquired about the Commission possibly providing a sense resolution on the project at its April meeting.

**JCJC Holding Company Inc. / Hampton Bays (900-204-1-8) Schedule public hearing for 4/20/11**

**The motion was made by Mr. Lesko and seconded by Mr. Walter to schedule a public hearing on this Core Preservation Area Hardship application for the 4/20/11 at 3:00 pm. The motion was unanimously approved by a 4-0-1 vote with Southampton abstaining.**

**The motion was made by Mr. Lesko and seconded by Mr. Walter to go into Advisory Session at 2:50 pm. The motion was unanimously approved by a 5-0 vote.**

**Hearing:**

**Proposed Amendments to Chapter 5 and 6 regarding the Mandatory Pine Barrens Credit Redemption Requirement and to Chapter 6 regarding the non-residential Credit Allocation formula.**

**Summary: A separate stenographic transcript exists for this hearing. During the hearing public comments were heard, and written statements submitted by the Long Island Builders Institute (LIBI) and the family of Robert Liere (both attached). The hearing record was left open for public comment for 30 days.**

**Adjournment**

**The motion was made by Mr. Walter and seconded by Mr. Lesko to adjourn the meeting. The motion was unanimously approved by a 5-0 vote.**

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

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

1. Attendance sheet (3/16/11; 1 page)
2. Artist Lake Plaza, Request for extension of decision deadline
3. Education and Outreach February/March Update
4. Handout: David Krause Distinguished Service Professor
5. Science and Stewardship Division Update
6. Memorandum: dated 3/10/11, Fire Academy Resolutions
7. Resume of William Fonda
8. Four Draft Resolutions regarding the workings of the NYWIMA for 2011
12. Copy of the original Resolution establishing a NYWIMA
13. Compliance and Enforcement Update, 8/21/07-3/16/11
14. Summary of current Land Use Project Incidents March 2011
15. Land Use Division Update for 3/16/11
16. Groundwater Monitoring Report Artist Lake Plaza; dated 3/2/11
17. Core Area Hardship Application for JCJC Holding Company, Inc. SCTM# 473689-204-01-8
18. Public Hearing Notice: Proposed Amendments to Chapter 5 and 6
19. Speaker sign in List for Public Hearing
20. Long Island Builder Institute Position Paper
21. "Liere family"; letter dated 3/16/11



**Pine Barrens Commission Meeting Summary (Final)  
for Wednesday April 20, 2011 ( Approved 5/18/2011)  
Southampton Town Hall  
116 Hampton Road  
Southampton, NY  
2:00 pm**

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

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

Peter A. Scully  
*Chair*

*The meeting was called to order at approximately 2:00 pm by Mr. Scully, with a five member quorum present. The Pledge of Allegiance was recited.*

Mark Lesko  
*Member*

**Public Comment and Administrative**

Steve A. Levy  
*Member*

**Summary:** *Mr. Scully welcomed Mr. Brian Culhane as the newly appointed Commission designated alternate representative on behalf of Mr. Levy for Suffolk County.*

Anna E. Throne-Holst  
*Member*

*Mr. Amper expressed concerns regarding the over clearing incident that has occurred at Bartlett Pond Park in Middle Island. Mr. Scully acknowledged his concerns and explained that the Commission staff has received complaints regarding the incident and potential violation. Mr. Scully further stated that the Commission staff is conducting an investigation, and will provide a report on the incident at the May Commission meeting.*

Sean M. Walter  
*Member*

**Mr. Lesko arrived at 2:10 pm.**

**Minutes for 3/16/11**

**Summary:** *The motion was made by Ms. Throne-Holst and seconded by Mr. Walter to approve the 3/16/11 minutes. The motion was approved by a 5-0 vote.*

**Commission Financial Report**

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3525 Sunrise  
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**Summary:** *Mr. Pavacic discussed the status of the Commission's contract with the State for its portion of designated Environmental Protection Funds that will cover over two million dollars in Commission expenditures incurred since 2008.*

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*Mr. Pavacic mentioned the State contacted the Commission several months ago requesting the contract termination date be changed to March 31, 2011. The Commission authorized the amended contract and staff then reassembled and revised reimbursement vouchers to submit to the State. As a result of this submission, in the last month the Commission has received reimbursement in the amount of \$2.5 million that covers Commission expenditures through the end of February 2011. Staff is currently working on a fourth reimbursement voucher to submit to the State for expenditures incurred in the month of March 2011.*

*Additional points Mr. Pavacic discussed included, the possibility for State reimbursements to occur on a quarterly basis and the re-establishment of an operating budget in accordance with the State's fiscal year. A discussion ensued regarding current*

Commission reimbursement practices and other options.

### **NY Wildfire and Incident Management Academy**

**Summary:** Mr. Scully mentioned that the New York Wildfire and Incident Management Academy (NYWIMA) has been a topic of discussion at recent Commission meetings and several resolutions have been passed in regards to its management. He stated that typically within the first quarter of the year a representative for the NYWIMA provides a report on the prior year's Academy and introduced Mr. Urevich chair to the Wildfire Task Force (WTF) and Academy Board.

Mr. Urevich introduced himself and provided the details of his service as a volunteer fire fighter since 1983. He stated he is currently the representative for the Town of Southampton Fire Chief's Council for the WTF and the Chairman of the Board for both the WTF and the NYWIMA. He mentioned that the Commission established the WTF after the 1995 Wildfires and as it evolved other subcommittees were added, including the NYWIMA that is in its thirteenth year of operation.

Mr. Hamilton distributed a handout (attached) and provided a presentation that included background information about the Academy and details of the 2010 Academy. He stated there were twenty-six courses offered at the 2010 Academy that fell into two categories including training in All Hazard Incident Response Command Systems and Wildland Fire Fighting. Mr. Hamilton stated that each year class attendance is influenced by several factors including, updated national standards for all hazard incident response training, the availability of on line training, the focus of previous training, and changes in the wildland urban interface. Mr. Hamilton mentioned the NYWIMA provides prescribed fire training to fire fighters at Brookhaven National Laboratory that benefits the laboratory by reducing forest fuel loads and therefore wildfire occurrence.

Mr. Hamilton reviewed the data in his presentation that reflects variations in yearly attendance numbers by class category. He stated that each year classes are adapted to focus on current student needs and he described the demographics of the student base. Mr. Hamilton explained how Academy funds are generated and allocated to cover yearly Academy expenses as well as facilitating future growth.

Mr. Urevich explained that the Academy provides free training to all Nassau and Suffolk County fire departments and attendance at the Academy is strongly influenced by the current conditions associated with elevated fire danger locally, as well as throughout the Country. He also discussed future goals for the Academy including, partnering with the Northeast Compact in a mutually supportive contract, increasing the number of Academies from one to four each year and raising the level of training provided throughout the United States.

Mr Urevich completed the presentation by expressing his concerns regarding the oak tree mortality that is occurring in Southampton and the risks it poses to the safety of fire fighters and their equipment. He made the suggesting for the Commission to establish a multi-agency task force to address the problem. A discussion ensued regarding the need to schedule and perform prescribed burns in the pine barrens. Mr. Pavacic then discussed the addition of Mr. William Fonda from the NYSDEC, as a new member for the Academy Board.

**The motion was made by Mr. Culhane and seconded by Ms. Throne-Holst to approve the resolution (attached) appointing Mr. William Fonda as the new Academy Board Member. The motion was approved by a 5-0 vote.**

### **Fire Weather Station Datalogger**

**Summary:** Ms. Jakobsen distributed and discussed the attached draft resolution and a letter from Forest Technology Systems (FTS) (attached) that explained the need to replace the Commission owned fire weather station's datalogger that is now 12 years old. The vendor has acknowledged problems with the datalogger and its transmitter that have been experienced by other weather stations, no longer supports



its repair and therefore considers it obsolete. As she referred to the epacket materials including, a price list and additional information about the datalogger, Ms. Jakobsen explained the background and purpose of the fire weather station. Ms. Jakobsen explained that the datalogger stores data collected from its sensors and transmits the data to a repository the Commission staff accesses each day to determine the daily fire danger rating. The data is then permanently stored in the National Interagency Fire Management Integrated Database Library.

Ms. Jakobsen stated the fire weather station was purchased by the Commission based on WTF recommendations in its 1999 Fire Management Plan. The weather station's data is used by Commission staff to prepare a daily fire danger level report that is faxed to over fifty agencies to help them meet their fire suppression needs each day as the fire danger rating changes from low to high.

FTS uses proprietary software to operate its fire weather stations which required the Commission to purchase a station from them as a sole source vendor in order to be able to communicate with and obtain data also from the Wertheim station. Data from both stations is used to get a more accurate daily fire danger rating for the Central Pine Barrens area. The new datalogger has to be purchased from FTS because other vendor dataloggers would not be compatible with the Commission's station.

**The motion was made by Mr. Scully and seconded by Mr. Walters to approve the resolution (attached) for the purchase of a new datalogger for the fire weather station. The motion was approved by a 5-0 vote.**

### **Aerial Forest Health Monitoring**

**Summary:** Mr. Pavacic distributed and discussed a modified draft resolution pertaining to the approval of fuel costs for the Civil Air Patrol overflights (attached). He referred to the draft resolution and his memo that explains the background information regarding the agreement with the Civil Air Patrol that were included in the epacket and stated that the updated draft resolution reflected an increase in allowed fuel costs from \$1000 to \$1,500.

The memo prepared by Mr. Pavacic explained that the purpose of the MOU (attached) between the Commission and the Civil Air Patrol was to establish an agreement that allows the Commission to accomplish its duties and responsibilities while allowing the Civil Air Patrol the ability to fulfill its various missions and enable training opportunities for them. The draft resolution provided by Mr. Pavacic specifically relates to the concerns expressed by Mr. Urevich regarding the oak tree mortality that requires aerial monitoring which will be performed by the Civil Air Patrol, pursuant to the MOU. Mr. Milazzo recommended a change in language to the updated draft resolution that would allow the Commission to control the number of flyovers and the associated costs.

**The motion was made by Mr. Lesko and seconded by Mr. Culhane to approve the amended resolution (attached) to authorize reimbursement for fuel costs associated with Civil Air Patrol overflights in support of aerial forest health monitoring. The motion was approved by a 5-0 vote.**

### **Planning and Land Use**

#### **Proposed Amendments to CLUP Chapters 5 and 6**

**Summary:** Mr. Scully mentioned that there was a hearing at the March 16, 2011 Commission meeting pertaining to the proposed amendments to chapters 5 and 6 of the Comprehensive Land Use Plan and he asked about the status of public comments. Mr. Pavacic stated that the hearing regarding the CLUP amendments was closed at that time and that the current period for written comments was extended for a period of 30 days that ended on April 15, 2011. The staff is in the process of reviewing written comments that were received by the Liere family, the Long Island Builders Institute, the Towns of Riverhead and Southampton and others. He also stated, all of the comments were in regard to the Chapter 5 amendments and that a responsive summary report will be prepared by staff to address these comments

for distribution at a future Commission meeting.

Mr. Pavacic mentioned he attended a Southampton Town Board work session held on April 15, 2011 where he addressed concerns expressed by Supervisor Ms. Throne-Holst and Mr. Murphree in regards to the Chapter 5 Amendments and the mandatory credit redemption provision.

The suggestion was made that the Commission should move forward with voting on the Chapter 6 amendments since there have been no further questions or concerns in regard to them. Mr. Lesko requested that Commission staff arrange a meeting with Town staff and Mr. Walter requested a similar meeting be held with Riverhead's Town Board to address any concerns related to the Plan Amendments.

Mr. Murphree Southampton Town Commission Representative left the meeting.

#### **Hearing:**

#### **JCJC Holding Company Inc. Core Preservation Area Extraordinary Hardship Application / Use Variance Hampton Bays (900-204-1-8)**

**Summary: A separate stenographic transcript exists for this hearing. Commission staff presented exhibits for the record. The applicant described the project and addressed the hardship criteria. The applicant will submit an analysis of uses in the CR 120 Zoning District. The hearing closed with a two week comment period.**

#### **Pine Barrens Credit Clearinghouse**

**Summary: Mr. Tverdy provided an update on the Credit Clearinghouse meeting that occurred on April 8, 2011. He reviewed the items discussed at the meeting that including the financial report for the period ending on April 1, 2011, overall program statistics report (attached), the Plan Amendments to Chapter 5 and 6 and the nonresidential allocation formula, concerns expressed at the Commission hearing by the Towns of Riverhead and Southampton and the Long Island Builders Institute regarding the Chapter 5 amendments and the fifteen percent Mandatory Credit Redemption Requirement. He further stated that a motion was passed by the Clearinghouse Board to send a letter to the Commission addressing the questions and concerns of LIBI, and the Towns.**

Mr. Tverdy mentioned that other items discussed at the April 8<sup>th</sup> meeting related to the Plan Amendments included, the possible loss of public benefits for projects that are Planned Development Districts, the definition of community benefits and the purpose and effectiveness of the Pine Barrens Credit Program. He further stated that the decision was made to send out a letter by the end of April to the Core owners in Brookhaven Town inviting them to participate in the Credit program. He mentioned that Mr. Milazzo discussed his recommendation to redefine the words passive recreation in conservation easements to exclude ATV use on parcels with conservation easements. The last item discussed at the meeting was the decision to reinstate the Clearinghouse offer to spend up to \$1 million to purchase Pine Barrens Credits from Brookhaven Credit owners. The next Clearinghouse meeting is scheduled for May 13, 2011.

#### **Project Review**

**Gazza Credit Appeal / Westhampton beach (900-311-1-27.1) hearing date.**

**Summary: The motion was made by Mr. Walter and seconded by Ms. Throne-Holst to schedule a hearing date for the Gazza Credit appeal for May 18, 2011. The motion was approved by a 5-0 vote.**

**Artist Lake plaza DRS / Middle Island (200-379-1-3.1, 5.1, 12) Ms. Hargrave; status and request for extension.**

**Summary:** Ms. Hargrave provided an update on the status of the Artist Lake project and stated the Final Impact Statement was received on April 15, 2011 from the applicant. She mentioned Mr. Charles Voorhis, the applicant's representative, sent a letter requesting the decision deadline for the DRS project at Artist Lake Plaza be extended to the May 18th Commission meeting. The applicant also sent a letter (attached) dated April 13, 2011 responding to questions pertaining to their ground water monitoring report.

**The motion was made by Mr. Lesko and seconded by Mr. Culhane to extend the Artist Lake decision deadline until May 18<sup>th</sup>. The motion was approved by a 5-0 vote.**

**Adjournment**

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

*The meeting ended at approximately 4:40 pm.*

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

1. Attendance sheet (3/16/11; 1 page)
2. NYWIMA Fact Sheet
3. Draft Resolution to appoint a new member to the Academy Board dated 4/20/11
4. Fire Weather Station background report dated 4/20/11
5. Fire Weather Station System (GOES) diagram
6. Forest Technology Systems datalogger price quote dated 4/3/11
7. Upgrade letter from Forest Technology Systems dated 4/18/11
8. Draft Resolution to approve the purchase of a new datalogger dated 4/20/11
9. Memo dated 4/15/11, Civil Air Patrol Overflight
10. CAP MOU between NY Wing of the Civil Air Patrol and Central Pine Barrens Commission dated 3/18/09
11. Draft Resolution to authorize fuel costs associated with the Civil Air Patrol dated 4/20/11
12. Credit Clearinghouse Overall Program Statistics Reports as of 1/1/11 and 4/1/11
13. Joseph Gazza Appeal of Allocation letter dated 3/17/11
14. Artist Lake Plaza decision extension letter dated 4/12/11
15. Letter from Charles Voorhis to Julie Hargrave dated 4/13/11 regarding the responses to the ground water monitoring analysis performed at Artist Lake Plaza
16. Draft Staff Report for JCJC Holding company, Inc. Dated 4/20/11



**Pine Barrens Commission Meeting Summary (FINAL)  
for Wednesday May 18, 2011 (Approved 6/15/2011)**

**Riverhead Town Hall  
200 Howell Avenue  
Riverhead, NY  
2:00 pm**

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

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

Peter A. Scully  
*Chair*

*The meeting was called to order at approximately 2:00 pm by Mr. Scully, with a five member quorum present. The Pledge of Allegiance was recited.*

Mark Lesko  
*Member*

**Public Comment and Administrative**

Steve A. Levy  
*Member*

**Summary:** *Mr. Scully welcomed Ms. Sarah Lansdale as the newly appointed Commission designated representative on behalf of Mr. Levy for Suffolk County.*

Anna E. Throne-Holst  
*Member*

*Mr. Amper congratulated Ms. Lansdale on her appointment as a Commission representative and he provided a brief update on the progress Brookhaven Town has made in implementing the Carmans River Plan. He stated that the Brookhaven Planning Department is providing the necessary information for the State Environmental Quality Review (SEQRA) process to be completed in a timely manner and the Town Board has been provided with information it needed to complete the Multi Family (MF) zoning code change related to the Carmans River Plan. He further stated, it would be prudent for the Commission to pass a resolution that would encourage the New York State Legislature to expeditiously enact legislation that would expand the Core Preservation Area boundaries to include the changes associated with the Carmans River Plan.*

Sean M. Walter  
*Member*

*Mr. Lesko stated that the Carmans River Study Group has been working with the State to draft legislation for the purpose of adding an Amendment to NYS ECL Article 57 pertaining to the expansion of the Core Preservation Area as outlined in the Carmans River Plan. Mr. Lesko then on behalf of the Carmans River Study Group asked the Commission to pass a sense resolution to approve supporting the new legislation to expand the Core for the Carmans River Watershed Protection Plan.*

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***Ms. Throne-Holst arrived at the meeting at 2:10 pm***

***The motion was made by Mr. Lesko and seconded by Ms. Throne-Holst that the Commission endorses the proposed legislation to amend NYS Environmental Conservation Law Article 57 in order to expand the Core Preservation Boundary area as proposed by the Carmans River Watershed Protection Plan. The motion was approved by a 5-0 vote.***

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*Additional points discussed included, the effect the Core expansion would have on parcels in Yaphank and on County owned land and the expansion of the Credit market.*

## **Minutes for 4/20/11**

**Summary:** *The motion was made by Mr. Scully and seconded by Mr. Walter to approve the 4/20/11 minutes. The motion was approved by a 4-0-1 vote with the County abstaining.*

### **Commission Draft Budget**

**Summary:** *Mr. Pavacic distributed and provided an overview of a revised version of the Draft 2011-2012 Budget(attached) that replaced the version sent to the Commission members in the e-packet(attached). He mentioned that the State has informed the Commission that it will receive the full amount of funds from the NYS Environmental Protection Fund (NYS EPF)it was appropriated for the fiscal year 2011-2012 and the previous unspent balance of \$900,000 for a total of \$2 million dollars. He explained that at a subsequent Commission meeting he will provide the Commission with a written proposal demonstrating how those additionally unspent EPF funds in the amount of \$900,000 could be used to meet Science and Stewardship goals.*

*Mr. Pavacic explained that the \$1.1 million the Commission receives from the EPF is for the Commission's general operational expenses. He asked the Commission to approve the draft operating budget for \$1.1 million and also asked the Commission to authorize the Commission Chair to sign the renewable insurance policy that the Commission is required to maintain according to the provisions of ECL Article 57.*

*Mr. Scully explained that Suffolk County Water Authority (SCWA) extends credit to the Commission to cover its operational costs that are reimbursed by the State from the \$1.1 million appropriated EPF funds. The Commission staff submits reimbursement vouchers to the State during the year to obtain the reimbursement of funds that is owed SCWA. Additional points discussed included, other possible uses for the unspent EPF funds owed to the Commission, cash reserves are not possible under state law, the State Finance Law and State government determines how the funds can be used, and EPF funds can't be used for land acquisition. Mr. Scully mentioned that stakeholders outside of the Commission have influenced the passing of previous legislation that has afforded incremental increases in EPF available to the Central Pine Barrens Commission.*

**The motion was made by Mr. Lesko and seconded by Ms. Throne-Holst to authorize the Commission Chair to sign the application to renew the Commission's annual insurance policy. The motion was approved by a 5-0 vote.**

### **Education and Outreach**

**Summary:** *Ms. Griffiths distributed and discussed the attached Education and Outreach report for April-May. Items she discussed in the report included, the status of school outreach visits, and the status of partnerships with Brookhaven National Lab (BNL) and the Wertheim Wildlife Refuge. Ms. Griffiths also discussed the status of summer programs with Brookhaven National Laboratory (BNL) Open Space Stewardship Program (OSSP), Quogue Wildlife Refuge, Sweebriar Nature Center and Western Suffolk BOCES.*

*Ms Griffiths provided an update on the progress being made by the Pine Barrens Discovery Day Subcommittee in planning for the event. She noted that the following Items have been accomplished, the ordering and distribution of posters and postcards advertising the event, the days itinerary and start times for each exhibit, securing a key note speaker, Dr. David Krause, Palaeontologist from Stony Brook University, the set up of an event website, and advertising the event on local radio stations including WRCN and WSHU.*

### **Science and Stewardship**

**Summary:** *Ms. Carter discussed the attached Science and Stewardship division report and she provided an update on the following activities: the 16<sup>th</sup> Annual Pine Barrens Research Forum with this year's theme being "The Pine Barrens: an Urban Forest" that is scheduled for October 6<sup>th</sup> and 7th, the Forest Health*

Aerial Survey mission with the Civil Air Patrol and the NYS DEC Forest Health Unit on June 20<sup>th</sup> out of MacArthur Airport, the Grassland Stewardship Project at NYSDEC Rocky Point Management Area, the Long Island Native Grass Initiative (LINGI), and the Forest Restoration project where Pine Barrens volunteers transplanted 1000-1200 pitch pine seedlings along the edge of an ecologically significant grassland in Rocky Point. Volunteers for the transplanting at Rocky Point included participants from the Boy Scouts of America, Central Pine Barrens Commission Protected Lands Council (PLC) and staff, Concerned Long Island Mountain Bicyclists, Long Island Greenbelt Trail Conference, NYSDEC, Quality Parks, NY State Office of Parks, Recreation and Historic Preservation, National Park Service, Suffolk County Department of Environment and Energy, and Suffolk County Water Authority (SCWA).

Ms. Carter mentioned that as part of the Carmans River Watershed Protection Plan the Protected Lands Council recommended the establishment of a north/south regional trail corridor between Rocky Point and the Great South Bay. Several agencies met and visited parts of the AVR 1-2-3 parcel acquired by the State, County, and Town, the Weeks Pond area, and an LIE underpass to evaluate the possibilities for the construction of trails for biking, equestrian and hiking uses. There are plans to dedicate the Dwarf Pines Trail to the late Edwin "Buzz" Schwenk.

Ms. Carter stated that the ATV damage and mitigation project in Flanders and Hampton Bays continues with the planning and monitoring of barricades that have been placed in an effort to stop illegal ATV use and destruction. She explained that the Science and Stewardship Division continues to host the Long Island Invasive Species Management area meetings and the topic of the last meeting included ways to detect invasive species before over growth occurs, and she mentioned that the division also provides support to Land Use Planning, Compliance and the GIS Department.

Mr. Turner asked Ms. Hargrave about the current status of the restoration at the LIPA substation. Ms. Hargrave explained that the substation restoration was complete, but the off site restoration had not been started.

### **Law Enforcement Council**

**Summary:** Mr. Hynes reported that at the April meeting of the Law Enforcement Council (LEC) a resolution was passed to approve the purchase of 2 Motorola radios and 1 charger to be used for the ATV Task Force details and funding for the radios would be provided from the Environmental Benefit Fund (EBF). The radios would be owned by the Commission for use by the LEC. Currently, the Commission owns 15 radios used by 26 Law Enforcement Agencies and Mr. Hynes further stated that the radio frequency of the radios to be purchased is 800 megahertz which is the same frequency radio used by the Suffolk County Police Department.

**The motion was made by Mr. Scully and seconded by Mr. Lesko to approve the purchase 2 Motorola radios and one charger using funds from the EBF. The motion was approved by a 5-0 vote.**

### **Proposed Amendments to Chapter 5 and 6 - Mandatory Credit Redemptions Requirement and Non-Residential Credit Allocation Formula: Status**

**Summary:** Mr. Scully provided an update on the status of the Plan Amendments. He stated the comment period left open after the March 16<sup>th</sup> hearing was closed on April 15<sup>th</sup>. He mentioned that staff has met with the Southampton Town Board to discuss concerns regarding the proposed Amendments and will be meeting with Riverhead and Brookhaven Towns as well.

Mr. Pavacic confirmed the status of the proposed Amendments as explained by Mr. Scully and added that staff will be meeting with the Riverhead Town Board on May 19<sup>th</sup> to provide an overview of the proposed Amendments and to address any concerns they may have. He mentioned that a date will be scheduled to meet with the Brookhaven Town Board prior to the June Commission meeting to provide an overview of the proposed Amendments and to address any of their concerns.

Mr. Pavacic stated that after meeting with Brookhaven Town, staff will finalize a responsiveness summary for all comments received on the Plan Amendments that will include those received during the public hearing, the comment period and from subsequent meetings held with the Towns. A discussion ensued regarding how additional comments and concerns will be managed. Mr. Scully mentioned that the Chapter 6 Amendments pertain to changes the Commission has either previously approved by resolution or are current practice that just requires codification in the CLUP.

### **Compliance and Enforcement**

**Summary:** Mr. Hynes stated that the Pine Barrens Commission staff and the Wildfire Task Force, in cooperation with the New York State Army National Guard and the local Fire Departments will be conducting a helicopter training mission on May 19<sup>th</sup> at Sarnoff Preserve in Southampton. If the mission is cancelled it will be rescheduled for Monday May 23<sup>rd</sup>. Mr. Hynes distributed and discussed the Incident Action Plan that he prepared for the event.

Mr. Hynes stated that the LEC ATV Task Force has conducted two details to apprehend ATVs and dirt bikes and has been investigating dumping complaints with the DEC in the Manorville / Yaphank area where there is increased illegal activity. The LEC and PLC have been working together to create barriers at vulnerable locations where illegal ATV and dirt bike activity has been reported. Mr. Hynes mentioned that the LEC has confiscated 988 ATVs, and have issued 2376 summonses in the last 5 years.

Mr. Hynes referred to the Compliance and Enforcement report (attached) for the period 8/21/07-5/18/11 that was distributed prior to today's meeting and discussed its contents. His report included a summary of current land use project incidents up through 5/18/11 and those still open from 2010 and a list of dumping incidents by date. He also reported on conservation easement monitoring and development project compliance site visits, and overall incident statistics from 1/1/07-5/18/11.

Mr. Lesko stated that Brookhaven Town has conducted an investigation of the clearing incident that occurred at Bartlett Pond Park and found that the clearing was a well intentioned act to eliminate invasive species, vines and weeds with no malicious intent. The Town Planning staff met with Parks Department staff and devised a site restoration plan that includes the following elements, new shrubs and plantings, and an assessment of the survival potential of the remaining trees, which would all be under the oversight of a landscape architect, with the restoration activities to be initiated in the Fall. All materials would be provided by the Town. He further requested that there be no oversight or monitoring by the Commission.

Mr. Amper stated his concerns regarding the actions of the Longwood Alliance for condoning and encouraging the clearing at Bartlett Park when they knew that it was a violation of the Pine Barrens Act and he requested that the Commission take action to ensure that this type of incident would not happen again in either of the three Towns.

### **Hearing:**

#### **Gazza Credit Appeal/ Westhampton Beach (900-311-1-27.1)**

**Summary:** A separate stenographic transcript exists for this hearing. Commission staff presented exhibits for the record. The applicant described the hardship and addressed the hardship criteria. The hearing was closed.

### **Planning and Land Use**

**Summary:** Ms. Hargrave referred to the distributed land use division update as she discussed the status of pending hardship and DRS applications including, the Artist Lake Plaza project, the Brush Development CGA project, the Hamptons Club at Eastport CGA project, the Meadows at Yaphank DRS project and the

Silver Corporate Park project. She stated that the Brush Development, Hamptons Club and Silver Corporate Park applications, which are all in the Town of Brookhaven, are incomplete and that the applicants have been notified. Ms. Hargrave further stated that the applicant for the Artist Lake project has requested an extension of the decision deadline to the June 15<sup>th</sup> Commission meeting and the Meadows at Yaphank is a DRS and a hearing will be scheduled. Referrals are continually being received from the Towns and staff is being notified of restoration activities for tracking purposes at Longwood Public Library and LIPA Riverhead Substation.

### **Project Review**

Mr. Murphree left the meeting prior to the discussion of the following item.

#### **JCJC Holding Company Inc. Core Preservation Area Extraordinary Hardship application/ Use Variance Hampton Bays (900-204-1-8)**

**Summary:** Ms. Hargrave stated that on May 3<sup>rd</sup> the Commission receive additional information from the applicant concerning a detailed examination of the permitted and special exception uses for the 3 acre parcel. She stated that the applicant is attempting to make the use a legal use while they continue to occupy the property. Mr. McCully, representative to the applicant for JCJC Holding Company stated the applicant has filed the zoning board of appeals application and appeared before the Commission regarding the hardship application and the SEQRA process that is pending. He further stated if the hardship is granted the applicant would refer back to the Town for the Zoning change.

Mr. Murphree returned to the meeting at this point.

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

**Summary:** Ms. Hargrave stated she received a letter (attached) from Mr. Charles Voorhis, the applicant's representative, that requested a decision deadline extension for this project to be extended to the June 15<sup>th</sup> Commission meeting.

**The motion was made by Ms. Prusinowski and seconded by Ms. Lansdale to approve the request for the decision deadline to be extended to the June 15<sup>th</sup> Commission meeting. The motion was approved by a 5-0 vote.**

#### **Meadows at Yaphank DRS/Yaphank (200-552-1-1.3, 200-584-2-1.3)**

**Summary:** The motion was made by Ms. Prusinowski and seconded by Ms. Throne-Holst to schedule a public hearing on this application for the 6/15/11 meeting at 3:00 pm. The motion was approved by a 5-0 vote.

**The motion was made by Mr. Scully and seconded by Mr. Walter to move into an Advisory Session with no further business to be conducted after the session. The motion was approved by a 5-0 vote.**

The meeting ended at approximately 4:30 pm.

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

1. Attendance sheet (5/18/11; 2 pages)
2. Central Pine Barrens Joint Policy and Planning Draft Budge (2011 - 2012; 2 pages)
3. Education and Outreach Report (April -May 2011)
4. Science and Stewardship Division Update (May 18, 2011)
5. April 2011 Central Pine Barrens Commission Forest Restoration Project Report
6. Compliance and Enforcement Report (8/21/07- 5/18/11)
7. Land Use Division Update (March - May 2011)
8. Letter from Nelson, Pope & Voorhis requesting the extension of the decision deadline for Artist Lake DRS to June 15, 2011, dated May 17, 2011.





**Commission Meeting Summary (FINAL)  
for Wednesday, June 15, 2011 (Approved 7/20/11)  
Riverhead Town Hall  
200 Howell Avenue  
Riverhead, NY  
2:00 pm**

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

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

Peter A. Scully  
*Chair*

*The meeting was called to order at approximately 2:00 pm by Mr. Scully, with a five member quorum present. The Pledge of Allegiance was recited.*

Mark Lesko  
*Member*

**Public Comment and Administrative**

Steve A. Levy  
*Member*

**Summary:** *Mr. Scully welcomed Mr. Michael LoGrande, retired Chairman of Suffolk County Water Authority (SCWA) and his wife. He stated that each year at the Commission's Annual Cooperators meeting held in January, the Commission recognizes the outstanding contributions of those individuals that have supported and furthered the goals of NYS Environmental Conservation Law Article 57 that protects and preserves the Central Pine Barrens. This year's awards included individuals that retired during 2011, which included Mr. LoGrande who was unable to attend this meeting. Mr. LoGrande was present at today's Commission meeting to accept a Certificate of Appreciation as presented by Mr. Scully on behalf of the Commission.*

Anna E. Throne-Holst  
*Member*

Sean M. Walter  
*Member*

*Mr. Scully noted the outstanding contributions Mr. LoGrande has made in his role as the SCWA Chairman where he provided the Commission with the full support of the SCWA to advance the provisions of Article 57 and prior to that time in his role as the County Executive where he initiated the establishment of the Drinking Water Protection Program. He further stated that Mr. LoGrande began demonstrating his leadership and vision initially in his role as the Islip Town Supervisor when he attempted to restore the shell fish in the Great South Bay and in revitalization efforts in Islip Town. Mr. Scully presented the Certificate of Appreciation to Mr. LoGrande and thanked him for his many years of service.*

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3525 Sunrise  
Highway  
2<sup>nd</sup> Floor  
Great River, NY  
11739-0587

*The meeting continued with public comments provided by Mr. Amper who expressed his concerns regarding the status of the proposed mandatory credit redemption requirement. He asked the Commission to move forward with its approval to enable Core owners to receive value for their Core property while insuring public benefits for projects that require additional density beyond as of right limits. He mentioned his concerns with Riverhead Town Board members who at their last work session expressed their concerns with the mandatory credit redemption requirement and how this may impact development at EPCAL. He stated that if development conforms to the zoning in place at EPCAL, then no PBCs would need to be redeemed. Mr. Walter mentioned the Town may be re-examining the zoning at EPCAL and was not sure what the new zoning would be. He stated his concern was if there are only 186 PBCs left in Riverhead Town, that the Town may need to use credits from the other two Towns to further development in Riverhead because of the mandatory redemption requirement.*

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Mr. Amper reported there was ATV use going on at EPCAL. Mr. Walter replied that EPCAL is regularly patrolled and Mr. Hynes was working with the Riverhead Town attorney on the ATV use at EPCAL that was being allowed by the property owner.

Mr. Amper also mentioned the clearing violations at Bartlett Pond Park and discussed the provisions in ECL Article 57 that address penalties for violations in the Pine Barrens and limitations on government waivers. He stated that violations by government entities has increased over the last seven years. There needs to be annual communication with entities that clear to discuss Pine Barrens limits. Mr. Amper expressed his concerns with the Commission possibly granting a hardship waiver to JCJC and that the owner had a self-created hardship.

Ms. Firdous Naseer, who is the franchise owner of the 7-Eleven store in Ridge expressed her concern about not getting Commission approval to expand the parking lot for this store and asked how to pursue a solution to this problem. She claimed she was unaware of the hardship application before the Commission by the property owner. Mr. Scully suggested that Ms. Naseer should speak directly with the Commission staff for assistance with this matter.

Mr. Lesko arrived at the meeting at 2:30 pm.

Mr. Amper stated that the written legislation to expand the Core Preservation area as outlined in the Carmans River Watershed Protection Management Plan has been presented to the NYS legislature for approval and he thanked Mr. Lesko for his support in advancing the new legislation.

Ms. McConnell stated she was disappointed to hear that the court case pertaining to the Trap and Skeet Range with the Commission as defendant and the County as plaintiff was found in favor of the plaintiff. She thanked the Commission for its support regarding the issues surrounding the Trap and Skeet Range.

#### **Minutes for 5/18/11**

**Summary:** Ms. Lansdale noted that she had abstained from the approval of the April 20<sup>th</sup> minutes since she had not attended that meeting and therefore the vote needs to be corrected.

**The motion was made by Mr. Walter and seconded by Ms. Lansdale to approve the 5/18/11 minutes with the correction that Ms. Lansdale had abstained from the approval of the 4/20/11 minutes. The motion was approved by a 5-0 vote.**

#### **Commission Draft Budget**

**Summary:** Mr. Pavacic had distributed in the e-packet the attached draft budget for 2011-2012 and a memo providing background information pertaining to the Commission's operating budget, carryover funds and disbursement categories as they relate to New York State Environmental Protection Funds (NYS EPF). Mr. Scully explained that additional time was needed to review the draft budget for 2011-2012 (attached) and Mr. Pavacic's memo, and he stated approval will be deferred to the July Commission meeting. Mr. Lesko stated that he supports moving forward to vote on the operating budget and would like additional budget detail for the unspent funds that are owed the Commission from the NYS EPF.

#### **Science and Stewardship - Oak Mortality**

**Summary:** Mr. Pavacic stated that Commission staff has conducted a field inspection of the areas affected by the Oak Mortality in Flanders. He mentioned that staff has met with the Wildfire Task Force (WTF) Chair to discuss the Oak Mortality issues as they pertain to the fire departments in the area. A map depicting the oak mortality area has been prepared which includes, fire district boundaries, ATV mitigation sites, access ways, trails and area roads. Staff has received materials from California pertaining to their own similar problem, which they refer to as Sudden Oak Death. Mr. Pavacic mentioned that staff intends to meet with the Suffolk County Parks Department, the primary land owner in the area, regarding this issue.

## **Planning and Land Use**

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

**Summary:** Mr. Scully explained the Credit Clearinghouse Board has passed a resolution twice pertaining to the mandatory credit redemption requirement which is a pending amendment to Chapters 5 and 6. The proposed Plan amendment changes for Chapter 6 include modifying the non-residential Credit allocation formula and other ministerial changes related to limitations on credit allocation that will codify past Commission resolutions.

Mr. Pavacic stated that a meeting was held on June 9th at Brookhaven Town with Planning and Environmental staff to discuss their concerns regarding the Chapter 5 and 6 Amendments. It was anticipated that staff would meet with the Brookhaven Town Board members at their work session the same day, similar to the meetings held at Southampton and Riverhead Towns, however, the Town Board was unable to meet with Commission staff. This meeting with the Town Board may be rescheduled to another date. Mr. Pavacic explained that Commission staff has prepared a preliminary draft response to comments report that contains a compilation of all comments received during the public hearing on the Plan Amendments and from subsequent meetings held with the Riverhead and Southampton Town Board members and Brookhaven Town Planning and Environmental staff, with responses prepared by Commission staff. This report will be distributed prior to the July Commission meeting. Commission staff will not be recommending that the Commission take a vote on the Plan Amendments at the July Commission meeting in order to provide more time for the Commission to review the draft report.

## **Project Review**

### **Request for Determination of Jurisdiction on the Manorville Community Ambulance Company's New Headquarters Building (200-559-1-4.7)**

**Summary:** Ms. Hargrave mentioned that the attached memo provides background information pertaining to the request for a determination of jurisdiction on the Manorville Community Ambulance Company's new headquarters building which involves the expansion of an existing building. The land is owned by Brookhaven Town and is located on South Street in Manorville. Mr. Scully reiterated Ms. Hargrave's explanation and stated that the request is for the Commission's determination of jurisdiction rather than a formal application.

Mr. Tanzi, a representative from H2M Engineering, stated he is working with Mr. Kelsy the Brookhaven Town Engineer and the Manorville Community Ambulance Company on the new building expansion. He mentioned the proposal includes a 10,000 square foot new ambulance building and stated the site was previously cleared and they intend to revegetate a portion of the site. They are requesting the project to be exempted from the Commission's jurisdiction based on its need as a public benefit for health and safety reasons. Mr. Lesko requested that the Commission not exert jurisdiction over the project. The Commission took this matter under advisement.

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

**Summary:** Ms. Hargrave stated that staff received a request for an extension of the decision deadline for the Artist Lake Plaza application for one month to the July Commission meeting and she mentioned that Brookhaven Town had approved the project on June 14<sup>th</sup>.

**The motion was made by Mr. Lesko and seconded by Mr. Walters to approve the applicant's request for an extension of the decision deadline to the July Commission meeting. The motion was approved by a 5-0 vote.**

### **Gazza Credit Appeal/ Westhampton Beach (900-311-1-27.1)**

**Summary:** A draft resolution pertaining to the Joseph Frederick Gazza Credit appeal was previously distributed in the e-packet (attached) sent to the Commission members. Mr. Scully stated that a hearing was held at the 5/18/11 Commission meeting regarding the Gazza Credit appeal. At the hearing it was established that the subject parcel was not a parcel that includes road frontage which was confirmed by Mr. Gazza on the hearing record.

**The motion was made by Mr. Scully and seconded by Ms. Throne Holst to deny Mr. Gazza's Credit appeal as presented in the draft resolution (attached). The motion was approved by a 5-0 vote.**

Mr. Murphree left the meeting prior to the discussion of the following item.

**JCJC Holding Company Inc. Core Preservation Area Extraordinary Hardship application/ Use Variance Hampton Bays (900-204-1-8)**

**Summary:** Ms. Hargrave discussed the attached draft resolution pertaining to the JCJC Holding Company Inc. hardship application that recommended a conditional approval. She explained the seven conditions outlined in the draft resolution and then mentioned the section that refers to the applicant's violation of the Pine Barrens Act because they engaged in development activity without the Commission's approval. This section includes the statement that the Commission, in accordance with the provisions in ECL 57-0136, imposes a fine in the amount of \$5000. Mr. Milazzo stated that he recommends striking the words "to remedy the applicant's violation" in the third resolve cause on page 3.

Mr. McCully, the applicant's representative, referred to condition number 4 on page 5 of the draft resolution and asked for more specific language. Mr. Milazzo mentioned language that could be added that specifies the types of changes to square footage and increases to sewage flow that would be considered in violation of the Act.

Mr. McCully asked that the language in condition number 6 be limited to light fixtures in the rear of the building being shielded only and for lighting not to be placed on timers due to security reasons. The language referring to "night timers" was stricken from condition number 7. Mr. McCully asked for an extension on the time frame to pay the \$5000 fine and it was extended from 30 to 60 days.

**The motion was made by Ms. Throne-Holst and seconded by Mr. Lesko to approve the JCJC Core Area Hardship Application draft resolution (attached) with the aforementioned changes. The motion was approved by a 5-0 vote.**

**The motion was made by Mr. Lesko and seconded by Mr. Scully to move into an Advisory Session. The motion was approved by a 5-0 vote.**

**Hearing**

**Meadows at Yaphank DRS/Yaphank (200-552-1-1.3, 200-584-2-1.3)**

**Summary:** A separate stenographic transcript exists for this hearing. During the hearing public comments were heard and the public record was left open to July 20<sup>th</sup> with the written comment period left open for 10 days. The motion was made by Mr. Lesko and seconded by Mr. Walter to extend the decision deadline to the September Commission meeting and the hearing was closed. The motion was approved by a 5-0 vote.

**Adjournment**

**The motion was made by Mr. Lesko and seconded by Mr. Walter to adjourn the meeting. The motion was approved by a 5-0 vote.**

The meeting ended at approximately 5:00 pm.

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

1. Attendance sheet (6/15/11; 2 pages)
2. Central Pine Barrens Joint Policy and Planning Draft Budget and (2011 - 2012; 2 pages) and memo dated 6/9/11
3. Request for Determination of Jurisdiction Manorville Community Ambulance New Headquarters Building (SCTM 200-559-1-4.7) and Commission staff memo prepared by

J.Hargrave, dated 6/9/11

4. Joseph Frederick Gazza Credit Appeal (SCTM #900-311-1-27.1) Draft Resolution, dated 6/15/11
5. JCJC Holding Company, Inc. Core Preservation Area (SCTM #900-204-1-8) Hardship Application Draft Resolution, dated 6/15/11
6. Draft staff report for The Meadows at Yaphank Planned Development District (PDD) CGA Development of Regional Significance (CGA-DRS), dated 6/10/11

**Pine Barrens Commission Meeting Summary (FINAL)  
for Wednesday July 20, 2011 (Approved-9/21/11)  
SCWA Coram Training Center  
Route 112, Coram, NY  
2:00 pm**



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

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

Peter A. Scully  
Chair

The meeting was called to order at approximately 2:00 pm by Mr. Scully, with a five member quorum present. The Pledge of Allegiance was recited.

Mark Lesko  
Member

**Public Comment and Administrative**

Steve A. Levy  
Member

**Summary:** Mr. Eagan, owner of Eagan Environmental Solutions LLC, expressed some concerns about the overall Credit Program and he made the following points including, he believes there is a market for Pine Barrens Credits and the Clearinghouse should not buy Credits because the private market cannot compete with them; the real problem is that the banks are not approving construction loans; he agrees with the change to the minimum title insurance requirement in the Commission's title policy that was recommended by the Credit Clearinghouse Board; and he would prefer if the Credit Clearinghouse reinstated its old practices for performing title searches.

Anna E. Throne-Holst  
Member

Sean M. Walter  
Member

Additional points Mr. Eagan discussed included, the Commission should certify LOI credit allocations are accurate, allocations should be the same for similar parcels and there is no clear relationship between health department sanitary flow requirements, zoning and acreage. He mentioned a few examples of parcels that he thought should have received similar credit allocations and Mr. Scully asked him to provide more specific information pertaining to the parcels he discussed.

**Minutes for 6/15/11**

P.O. Box 587  
3525 Sunrise  
Highway  
2<sup>nd</sup> Floor  
Great River, NY  
11739-0587

**Summary:** The motion was made by Mr. McCormick and seconded by Ms. Lansdale to approve the 6/15/11 meeting summary. The motion was approved by a 4-0-1 vote with Mr. Shea abstaining since he was not present at the meeting.

**Draft NYSDEC Contract Amendment for 2011-2012**

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**Summary:** Mr. Pavacic discussed the DEC and Central Pine Barrens Joint Planning and Policy Commission contract C304142 Amendment #1 (attached) which extends the contract from April 1, 2011 through March 31, 2012. The Contract includes the \$1.1 million that was appropriated by the State legislature from the 2011-2012 Environmental Protection Fund (EPF) for the Commission's operating budget and \$900,000 in unspent funds carried over from prior years. The signed contract will allow the funds to be transferred from the EPF to reimburse the Commission for its operating expenses. The Commission still needs to decide how to use the carryover funds.

**The motion was made by Mr. McCormick and seconded by Mr. Lesko to authorize the Chair to sign the amended contract between the Commission and the NYSDEC for 2011-2012. The motion was approved by a 5-0 vote.**

#### **Draft Commission Operating Budget**

**Summary:** Mr. Scully stated that Mr. Pavacic had presented the draft operating budget (attached) for Commission approval at the May meeting where there was some discussion on what should be done with the \$900,000 in carryover funds that was re-appropriated from prior years. At the May meeting, the decision was made that the \$1.1 million operating budget could be approved prior to deciding on a budget for the carryover funds. At the June meeting, Ms. Lansdale had asked for additional time to review the overall budget, however, she was ready to vote today.

**The motion was made by Mr. Shea and seconded by Ms. Lansdale to approve the 2011-2012 Commission budget. The motion was approved by a 5-0 vote.**

#### **License agreement with Suffolk County Real Property Tax Service**

**Summary:** Mr. Milazzo explained that the Commission's data sharing license with Suffolk County Real Property Tax Service expired in 2005 and a new agreement is necessary in order to receive updated data. Mr. Milazzo asked the Commission to pass a resolution to authorize the Commission's Chair to sign the agreement on receipt to expedite receiving access to the updated data. There is no charge for the license, and the data sharing agreement includes access to land use codes as well as parcel assessment and size. The data is specifically used by Ms. Carter for the purpose of making maps.

**The motion was made by Mr. Lesko and seconded by Mr. McCormick to authorize the Chair to sign, on behalf of the Commission, the license agreement with Suffolk County Real Property Tax Service. The motion was approved by a 4-0-1 vote with Ms. Lansdale abstaining.**

#### **Science and Stewardship**

##### **Education and Outreach**

**Summary:** Ms. Griffiths distributed and discussed the attached Education and Outreach report for July 2011. She discussed the progress with summer programs that included partnerships with Western Suffolk BOCES, Sweetbriar Nature Center, L.I. Maritime Museum, BNL's Open Space Stewardship program and Dowling College. To date she has reached through these programs approximately 140 students and fifteen teachers. Ms. Griffiths mentioned that Dowling College has a new Center for Estuarine, Environmental and Coastal Oceans. Dowling has created a website to display data collected by students from Longwood, Patchogue Medford, Bellport and Sayville high schools who are participating in the Carmans River biodiversity research and it will also include a video of the students involved with this research.

Other items that Ms. Griffiths discussed included, the development of four new interpretive kiosks panels for the Dwarf Pine Trail in Westhampton, and the status of the future partnership with Wertheim Wildlife Refuge and possible uses for their nearly completed visitors center. She mentioned that there is a meeting scheduled for September in Pisa, Italy to discuss the future partnership between the Migliarino-San Rossore-Massaciuccoli (MSRM) and the Central Pine Barrens Commission (CPBC) and she discussed potential changes in the program and venue for next year's Discovery Day event.

## **Science and Stewardship**

**Summary:** Ms. Carter discussed the attached Science and Stewardship Division report and provided an update on the following activities including, the 16th Annual Pine Barrens Research Forum with this year's theme, "The Pine Barrens: an Urban Forest" that is scheduled for October 6<sup>th</sup> and 7<sup>th</sup>, and her work on the Forest Health Aerial Survey mission with the Civil Air Patrol and the NYS DEC Forest Health Unit on June 20<sup>th</sup>. Ms. Carter distributed a copy of a preliminary map of the flyover area and she explained that staff and the Forest Health Unit have been discussing the possibility of conducting additional ground monitoring using newly developed forest health protocols.

The next PLC meeting is scheduled for September 13<sup>th</sup> at Southaven County Park and additional activities Ms. Carter's discussion included, the Long Island Invasive Plant Management Area (LISMA) meetings, the IMAP website that was set up for participants to add and access invasive species management data, her appointment as the new Chair of LISMA's the Management Committee and the various LISMA committees and their duties. She mentioned that the ATV and dumping mitigation project effort continues, and that there are plans to dedicate the Dwarf Pine Plains Trail in Westhampton to the late Edwin "Buzz" Schwenk. Ms. Carter explained that a couple of the kiosk signs that were placed at the Dwarf Pine Plains trailhead in 2008 will need to be replaced because they have faded and have some surface damage, however, they are covered under a warranty. She also mentioned that the Science and Stewardship Division continues to provide support to the land management staff. Ms. Carter encouraged the Towns to have their land management staff attend the various committee meetings that she discussed today.

## **Protected Lands Council**

**Summary:** Mr. Casey discussed the attached PLC report and he provided an update on the following activities including, the PLC has been examining the north-south corridor on the east side of the Carmans River for trail connections from the Paumanauk Path south to Southaven County Park, the need to inventory a network of ATV eroded paths on the AVR property, the Nassau-Suffolk Horsemen's Association has offered to help with GPS mapping, and he discussed the various options for these trails after they are mapped. Other areas that were explored during the May 3<sup>rd</sup> and May 12<sup>th</sup> field work sessions for trail connections included, the Carmans River Nature Trail and Sanctuary (Homan House), the underpass of the LIE into Southaven Park, historic Smith Road, the former Lustgarten property and the Rocky Point Preserve.

At the June 7<sup>th</sup> PLC meeting at BNL, discussions included identifying trail connections for the north-south corridor of the Carmans River, uniform signage for permitted uses, facilities and to identify public land ownership in the Core Preservation Area, and that ATV breaching still is occurring in some places, but seems to be happening less often in recent months. It was also noted that there are plans to GPS the Carmans River headwaters nature preserve. Mr. Casey also discussed PLC recommendations to address concerns about the conditions on Smith Road that included, asking the DPW to regrade the entire road, closing off vehicle access to traffic at Longwood Road and the need to replace missing manhole covers that poses a possible dangerous situation to pedestrians and vehicles. Mr. Scully asked how the Towns are informed about PLC recommendations and Mr. Casey explained that the Towns send staff to its meetings.



## **Planning and Land Use**

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

**Summary:** Mr. Scully explained the Credit Clearinghouse Board has passed a resolution twice pertaining to the mandatory credit redemption requirement which is a pending amendment to Chapters 5 and 6. He stated the Clearinghouse Board brought this issue to the Commission in March of 2010 when the Board had originally unanimously recommended a fifty percent redemption requirement which has since then been reduced to the current proposal for fifteen percent mandatory credit. The proposed Plan amendment changes for Chapter 6 include modifying the non-residential Credit allocation formula and other ministerial changes related to limitations on credit allocation that will codify past Commission resolutions.

Mr. Pavacic distributed copies of the response to comments document that contains all of the original public comments received on the proposed CLUP amendments related to the proposed mandatory credit redemption requirement and other ministerial changes. He stated that Commission staff has met with all three Towns since the hearing on these CLUP amendments to further discuss the proposed mandatory credit redemption requirement. Mr. Pavacic stated that he believes some of the amendments could be adopted as early as September after the SEQRA process is completed and he further stated that Article 57 requires public notice be provided 30 days prior to the adoption of the amendments.

## **Compliance and Enforcement**

**Summary:** Mr Hynes referred to the Compliance and Enforcement report (attached) for the period 8/21/07-7/20/11 that was previously distributed and discussed its contents. His report included a summary of current land use project incidents through 7/20/11 and those still open from 2010. He also reported on conservation easement monitoring, development project compliance site visits, and overall incident statistics from 1/1/07-7/20/11.

Mr. Hynes stated that he has been in contact with the Town of Riverhead to discuss two reported notices of violation at EPCAL related to possible illegal dirt bike and ATV use and a possible illegal hookup to water, and a possible clearing incident that was reported on River Road in Calverton.

Mr. Hynes stated that he has been working with the Towns to resolve the open incident cases that are reflected in his report and he is satisfied with the progress in this effort. He is also working with the LEC to increase patrols in areas affect by ATV and dirt bike use.

## **Project Review**

**Summary:** Ms. Hargrave referred to the distributed Land Use Division's update as she discussed the status of pending CGA hardship and DRS applications including, the Artist Lake Plaza, the Hamptons Club at Eastport, and the Meadows at Yaphank DRS projects. She mentioned there maybe a potential DRS application for a proposed project in Riverhead known as Central Square. Other items mentioned in the report that Ms. Hargrave has been working on include, the Plan Amendments response to comments

document, the Carmans River Watershed Protection Plan, and SEQRA coordination and referrals from the Towns.

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

**Summary:** Ms. Hargrave referred to the distributed draft resolution and findings statement for the Artist Lake Plaza project (attached) and noted a correction on page two, second paragraph, that should read 314,330 square feet instead of 341,330 square feet. Ms. Hargrave then referred to the draft resolution and discussed the conditions for approval including, no further increase in the intensity of land use, an easement must be filed for the area of the project that will remain in its natural state, fencing must be placed along the clearing lines, adherence to the clearing limit, the area that is to remain natural must equal 29.41 acres and the applicant needs to inform the Commission about construction activity. Ms. Hargrave mentioned the Town approved the project in June after completion of the Town's finding statement. Mr. Scully asked Ms. Hargrave what are the factors the Commission uses to approve a Development of Regional Significance (DRS). Ms. Hargrave stated that the project must demonstrate compliance with the standards and guidelines in the Plan since it is a DRS in order to be approved by the Commission and the Artist Lake project was found to meet all of the criteria.

Mr. Amper asked when the Artist Lake project was officially approved and Ms. Hargrave stated that the Town approval was conditioned on the Commission's approval of the project. The question was raised as to what the effective date of the approval would be for this project and a discussion ensued regarding the SEQRA process and coordination among involved agencies. Additional discussion occurred on how the Commission prepares decisions on projects.

**The motion was made by Mr. Lesko and seconded by Mr. McCormick to approve the Findings Statement and the Draft Resolution on the Artist Lake Plaza DRS application. The motion was approved by a 5-0 vote.**

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

**Summary:** Ms. Hargrave distributed copies of the Hamptons Club application which is a new application for this project site. She explained that the project site had a received a prior approval from the Commission in 2005 for a CGA hardship application for 64 single family residential homes, however after initial construction of a few homes, a second application for a different project involving 119 duplex units was submitted which was subsequently withdrawn in November 2010. The second application was for a CGA hardship to allow additional clearing above the allowed limit. The original approval was for relief of clearing that was approved, however not all clearing had been performed for the project site when the developer submitted the second application for a different project. Ms. Hargrave stated that the most recent, third application involves the same number of units as the second application with some minor changes. The applicant is seeking to increase the number of residential units from 64 which is allowed as of right under current zoning to 119 units through a change of zone, which would be an extra 55 units over what is allowed by current zoning. The applicant was asked by the Commission to prove financial hardship in 2010 and when the application was withdrawn the Commission predicated any new applications submitted on this project site would be subject to a new review by the Commission.

**The motion was made by Mr. Scully and seconded by Mr. Lesko to schedule a public hearing on this Compatible Growth Area Hardship Application for the 9/21/11 Commission meeting at 3:00 pm. The motion was approved by a 5-0 vote.**

**Bartlett Pond Park Clearing Violation / Middle Island (200-432-1-8.4)**

**Summary:** Mr. Scully explained that the Commission and Brookhaven Town have come to agreement on the appropriate measures the Town will be taking to rectify the over clearing incident that occurred at

*Bartlett Pond Park. The Town was found to be in violation of ECL Article 57 when the Town Parks Department removed natural vegetation and cut down trees at the Park beyond what is allowed under Article 57 and the CLUP's development standards.*

*Mr. Pavacic referred to the attached Order On Consent that Brookhaven Town and the Commission have agreed to sign that will provide remedies for the over clearing of Bartlett Pond Park and satisfy Commission requirements in order to avoid litigation on this matter. The consent agreement contains a suspended penalty of \$15,000 pending complete compliance with the terms and conditions of this agreement. Mr. Pavacic explained some the agreement's provisions including, respondent will submit within 90 days a revegetation plan, the plan will be prepared by a registered landscape architect, a survey shall be prepared by a licensed land surveyor, and other conditions. Also included in the Order on Consent is a follow up reporting plan that includes milestones to be reached by specific timed intervals and a plan for the monitoring of invasive species. Mr. Pavacic explained the agreement has a provision for planting to occur during mutually acceptable time frames in order to avoid planting during the winter months and there is also an educational component in the agreement to have staff from Brookhaven Town Parks Department attend a workshop and training session in ECL Article 57 and the Comprehensive Land Use Plan.*

***The motion was made by Mr. Shea and seconded by Mr. McCormick to authorize the Chair to execute the Order On Consent. The motion was approved by a 4-0-1 vote with Mr. Lesko abstaining.***

#### **Pine Barrens Credit Clearinghouse**

**Summary:** *Mr. Tverdy provided an update on the Credit Clearinghouse meeting that occurred on June 28, 2011. He reviewed the items discussed at the meeting that including the financial report for the period ending on June 1, 2011, the overall program statistics report (attached), the Plan Amendments to Chapter 5 and 6, and the Commission's title policy requirement. He further stated that a motion was passed by the Clearinghouse Board to amend the Commission's title policy requirement to eliminate the last eight words of the 2<sup>nd</sup> paragraph.*

*Mr. Tverdy mentioned that Mr. Freleng stated at the Clearinghouse meeting that Suffolk County supports the mandatory credit redemption requirement, that there was a discussion on intermunicipal redemptions and the possibility of a sunset provision being built into the proposed redemption requirement. There was also a discussion about the amendment to expand the Core Preservation Area for the Carmans River Watershed Protection Plan and its provisions that include milestones which must be met prior to the adoption of the Amendment.*

*Mr. Tverdy explained the current initiatives by the Clearinghouse that include, a mailing to Brookhaven Town Core parcel owners inviting them to apply for their Letters of Interpretation (LOI) to participate in the Credit program and the Clearinghouse offer to buy Credits from Brookhaven Town Credit owners. He mentioned that thirty Core parcel owners responded by sending in LOI applications, half of which were eligible to receive Credit allocations resulting in the potential for five additional Credits generated and nine Credit holders have been selected for the Commission to purchase their Credits. The next Clearinghouse meeting is scheduled for July 26<sup>th</sup>.*

#### **Pine Barrens Credit Program Title Policy Requirements**

**Summary:** *Mr. Milazzo referred to the distributed draft resolution on the Commission's Title Policy and he discussed the current policy and the rationale behind the proposed change. He explained that the current title policy requires applicants to purchase a minimum of \$35,000 in title insurance for parcels with credit allocations of .35 Credits or less which is more than the value of the parcel or Credits. The new policy would require applicants to obtain insurance equal to the value of a Credit based on \$100,000 per credit,*

which would reduce the cost of insurance for parcels that are allocated less than 35 hundredths of a credit.

**The motion was made by Mr. Scully and seconded by Mr. Lesko to approve the draft resolution on the Commission's Title Policy. The motion was approved by a 5-0 vote.**

#### **Adjournment**

**The motion was made by Mr. Lesko and seconded by Mr. McCormick to adjourn the meeting. The motion was approved by a 5-0 vote.**

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

**The meeting was reopened and the motion was made by Ms. Lansdale and seconded by Mr. McCormick to cancel the August Commission meeting and the motion was approved by a 5-0 vote.**

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

1. Attendance sheet (7/20/11; 2 pages)
2. Memo dated June 9, 2011 regarding Central Pine Barrens Commission Operating Budget
3. 2011-2012 Commission Draft Budget dated 5/12/2011
4. DEC and Central Pine Barrens Joint Planning and Policy Commission contract C304142 Amendment #1
5. Resolution approving extension and amendment of agreement C304142 with the NYS DEC (dated July 20, 2011)
6. Science and Stewardship Division Update (dated July 20, 2011)
7. LISMA Committees and their duties 2011
8. Protected Lands Council summary of May 3, 2011 field work
9. Protected Lands Council summary of meetings May 3 - July, 2011
10. Education and Outreach Report (July 2011 update)
11. Compliance and Enforcement Incident report May to July 2011
12. Incident Statistic Report 1/1/7 - 7/20/11
13. Land Use Division update table Mid May - Mid July 2011
14. Findings Statement for Artist Lake Plaza CGA Development of Regional Significance Draft July 20, 2011.
15. Draft Resolution Artist Lake Plaza DRS (dated July 20, 2011)
16. Order on Consent between Brookhaven Town and the Central Pine Barrens Joint Policy Planning Commission for clearing violations at Bartlett Pond Park
17. Easement Protected Land and Pine Barrens Credits report table as of June 28, 2011
18. Resolution on the proposed change to the Commission's Title Policy (dated 7/20/11)

**Pine Barrens Commission Meeting Summary (Final)  
for Wednesday September 21, 2011 (Approved-10/20/11)**

**SCWA Coram Training Center  
Route 112, Coram, NY**

**1:00 pm**

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

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

The meeting was called to order at approximately 1:00 pm by Mr. Scully, with a five member quorum present.

**The motion was made by Mr. Scully and seconded by Mr. McCormick for the Board to go into an advisory session to receive advice from Counsel.**

At 2:13 pm the Board came back into public session and the Pledge of Allegiance was recited.

**Public Comment and Administrative**

**Public Comment**

**Summary:** There were no public comments.

**Minutes for 7/20/11**

**Summary:**

Mr. McCormick noted that Mr. Walter was not present at the 7/20/11 Commission meeting, therefore he did not make the motion to approve the 6/15/11 meeting summary as indicated. The correction was made to the 7/20/11 meeting summary that Mr. McCormick made the motion to approve the 6/15/11 meeting summary.

**The motion was made by Mr. Lesko and seconded by Mr. Scully to approve the 7/20/11 meeting summary with the correction noted. The motion was approved by a 4-0-1 vote with Mr. Walter abstaining since he was not present at the meeting.**

**NY Wildfire and Incident Management Academy**

**Summary:** Mr. Pavacic explained that the National Park Service is providing a Federal grant to the NY Wildfire and Incident Management Academy (NYWIMA) as it has in previous years, which will offset the costs of running this year's Academy. In order to expedite receiving the \$60,000 grant, it is necessary for the Board to authorize the Chair to sign the Cooperative Agreement H4504070105 between the U.S. Department of the Interior National Park Service, the Commission and NYWIMA. Mr. Milazzo noted that the National Park Service agreement is a renewal of last year's agreement.

**The motion was made by Mr. Murphree and seconded by Mr. Walter to**



Peter A. Scully  
Chair

Mark Lesko  
Member

Steve A. Levy  
Member

Anna E. Throne-Holst  
Member

Sean M. Walter  
Member

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**authorize the execution of the Cooperative agreement H4504070105 between the U.S. Department of the Interior National Park Service, the Commission and NYWIMA. The motion was approved by a 5-0 vote.**

## **Science and Stewardship**

### **Education and Outreach Division**

**Summary:** Ms. Griffiths distributed two handouts and discussed the attached Education and Outreach report for August and September 2011. She provided a report on previously established programs that include partnerships with Patchogue/ Medford, Sayville, South Country and Longwood school districts that are participating in the Twinings program and are involved with water sampling programs for the Carmans River. She is also implementing a new program with Riverhead schools that includes various studies involving the Peconic River.

Ms. Griffiths provided the status of other programs including, the National Synchrotron Light Source (NSLS) project at Brookhaven National Laboratory (BNL) where 5 teachers are working with students on heavy metal detection in collected biodiversity samples and performing DNA analysis, and the Sayville High School that is involved as a Twinning partner with 3 teachers and 8 students. In addition she has continued working with the Long Island Maritime Museum and has reached out to 160 campers and others through various educational programs.

Ms. Griffiths reported that she and Henry Bokuniewicz, a member of the Commission's Environmental Education Committee, visited Pisa, Italy the second week of September as discussed in the attached handout. During the visit they met with the "Twin" park partners at the Migliarino-San Rossore-Massaciuccoli (MSRM) Park and discussed implementing two new programs and ways to improve on the existing Twinning education programs that compare the rivers in Pisa, Italy with the Carmans River in the Pine Barrens. Another new initiative discussed during the visit was the establishment of a Cooperative Committee consisting of 5 members representing the Central Pine Barrens Commission and 5 members representing MSRM to oversee and direct the implementation of the "Twinings" agreement.

Ms. Griffiths mentioned the upcoming Pine Barrens Research Forum taking place on October 6<sup>th</sup> and 7<sup>th</sup> that will include a web conference between Patchogue Medford High school, Sayville High school and the Istituto Technio Industriale from Pisa, Italy. She discussed the status of the four new interpretive kiosks that will be placed at the Dwarf Pine Trail in Westhampton and mentioned the subject of each one. Two signs are related to the biodiversity of the Pine Barrens and symbiotic relationships of lichens, and the other two pertain to fire adaptations and geologic formation. Upcoming events Ms. Griffiths mentioned included, the National Hunting and Fishing Day sponsored by the Suffolk Alliance of Sportsmen (SASI) on September 24<sup>th</sup> and the Riverhead Country Fair on Sunday October 9<sup>th</sup>.

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### **Science and Stewardship Division**

**Summary:** Ms. Carter discussed the attached Science and Stewardship Division report and she provided an update on the final preparations for the 16<sup>th</sup> Annual Pine Barrens Research Forum and the Protected Lands Council's (PLC) August 12<sup>th</sup> field work session. The purpose of the field work session was to explore the feasibility of a north/south trail connecting the NYSDEC Natural Resource Management Area in Rocky Point to the Great South Bay. Other items Ms. Carter discussed included, PLC agencies and user groups evaluated a section of the corridor between Brookhaven's Longwood Estate and the LIE and the PLC met on September 13<sup>th</sup> at Southaven Park to discuss uniform signage, trail planning and ATV issues in Flanders and at the Carmans

River Headwaters. She noted that the ATV Damage and Dumping mitigation project is continuing with ATV activity increasing due to the cooler weather. The Science and Stewardship Division and Brookhaven Town staff are continuing to work on the tax parcel analysis related to the expansion of the Core Preservation Boundary Area and the Carmans River Watershed Protection Plan.

Ms. Carter noted she continues to attend the Invasive Species Management Area (LISMA) quarterly meetings and that the last meeting was held on August 11<sup>th</sup> at Fort Totten in Queens. Ms. Carter and other Commission staff spruced up the trailhead at the Dwarf Pine Trail in Westhampton for the August 16<sup>th</sup> dedication to the late Edwin "Buzz" Schwenk. A boulder with a bronze plaque was placed at the trailhead in memory of Mr. Schwenk. Ms. Carter also mentioned there are three interpretive signs that will be installed at the existing kiosks to replace damaged or faded signs.

## **Land Use**

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### **Planning and Land Use**

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

**Summary:** Mr. Scully acknowledged the Commission staff for their work on the response to comments report pertaining to the proposed Plan Amendments. Comments were received from the public during the March 16<sup>th</sup> hearing and the work sessions which were held with the Town Boards and Planning Departments. Mr. Pavacic noted no additional comments were received after the response to comments report was distributed to the Board members at the July Commission meeting and that the SEQRA process needs to be completed to move forward. He stated that the Commission will be provided with documents to review at the October meeting in order for them to move forward and take action on the Amendments by the end of the year.

Mr. Pavacic mentioned that a work session to be held with planning and other technical staff is scheduled for September 27<sup>th</sup> to complete the review of Chapter 5. He further explained there will be one final work session with this group to discuss outstanding "parking lot" items pertaining to Chapters 4, 5 and 6. A separate work session will be held afterwards with the Commission members.

Mr. Walter stated his concerns pertaining to the mandatory credit redemption requirement and reiterated that Riverhead can't support this amendment if EPCAL remains a receiving area. Mr. Scully acknowledged his concerns and indicated that staff will be addressing the issue of EPCAL before the Commission takes action on the amendment related to the mandatory credit redemption requirement. Mr. Amper asked if the Commission's Advisory Committee will be given a second chance to review the Amendments and provide its comments. Mr. Pavacic stated that there will be an opportunity for the public, including the AC members, to submit comments at the Commission's work session and before the Amendments' SEQRA process is complete.

#### **Carmans River Watershed Protection Plan**

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**Summary:** Mr. Pavacic reported that the Commission staff, the Towns and other interested parties have met through a series of meetings over the last month to analyze the parcels proposed for the new expanded Core Preservation Area. He acknowledged the efforts of staff in mapping a well defined Core Boundary area and stated Town staff is completing a compilation of the parcels with Ann Carter's assistance. He noted that the Town is currently completing the SEQRA process for the expanded Core Preservation Area and the State Legislature has sent the bill to the Governor for consideration and action.

### **Compliance and Enforcement**

**Summary:** Mr Hynes referred to the Compliance and Enforcement report (attached) for the period July to September 2011 that was previously distributed and discussed its content. His report included a summary of pending cases in Riverhead and Brookhaven Towns that he and the Towns are attempting to resolve. This year 20 incidents were reported to the Commission, eleven of those incidents are closed and nine incidents are pending resolution.

Mr. Hynes mentioned that he is establishing a schedule of monthly meetings with law enforcement agencies and land managers to review cases of dumping and other illegal activity in the Pine Barrens. He noted the Towns, the LEC and the landowners are coordinating their efforts to resolve issues. He discussed an incident in Brookhaven Town near the Carmans River that was investigated by Brookhaven Town Environmental staff who then reported it to the Commission and NYSDEC. The incident involved illegal clearing of trees and the operation of an illegal nursery on Middle Island Yaphank Road behind the Carmans River headwaters area.

### **Land Use Division**

**Summary:** Ms. Hargrave referred to the distributed Land Use Division report and discussed the status of pending hardship and DRS applications including, the Hamptons Club at Eastport CGA project, the Meadows at Yaphank DRS project and the Colgate Design Group, 7-Eleven in Ridge project. Other items Ms. Hargrave has been working on include, a newly received application for Island Water Park, the Plan Amendments response to comments document, the Carmans River Watershed Protection Plan review and the analysis of Core parcels in the proposed expanded Core Area.

### **Project Review**

#### **The Meadows at Yaphank DRS/ Yaphank (200-552-1-1.3 and 3 and 200-584-2-1.3)**

**Summary:** Ms. Hargrave mentioned that staff received a request for an extension of the decision deadline from the applicant for the Meadows at Yaphank application for one month, until the October 19<sup>th</sup> Commission meeting. She mentioned the findings statement for this project has not yet been received from the Town for staff to review.

**The motion was made by Mr. Scully and seconded by Mr. Lesko to approve the applicant's request for an extension of the decision deadline to the October Commission meeting. The motion was approved by a 5-0 vote.**

Mr. Amper asked the status of the Town's Draft Generic Environmental Impact Statement (DGEIS) pertaining to the Meadows at Yaphank project and Mr. Lesko explained the DGEIS hearing was closed and a 45 day comment period was left open. He further stated the change of zone hearing is scheduled for the next Town Board meeting on October 4<sup>th</sup> and he expects a decision on the change of zone on that date. The change of zone would not become effective at the Town level until after the Commission renders its decision.

#### **Colgate Design Corp./Franklin Johnson, Inc. (7-Eleven, Ridge)**

**The motion was made by Mr. Scully and seconded by Mr. Lesko to schedule a public hearing on this Core Preservation Area Hardship application for the 10/19/11 meeting at 3:00 pm and to extend the decision deadline to the 11/16/11 Commission meeting date. The motion was unanimously approved by a 5-0 vote.**



### **Pine Barrens Credit Clearinghouse**

**Summary:** Mr. Tverdy provided an update on the Credit Clearinghouse meeting that occurred on August 26, 2011. He reviewed the items discussed at the meeting that included the financial report for the period ending on August 1, 2011 and the Sandy Hills and Meadows at Yaphank Projects and the number of Credits each project proposes to retire. He mentioned that a motion was passed by the Clearinghouse Board to write a letter to the Commission suggesting the Meadows at Yaphank project should retire at least the same amount of Credits that would be required under the proposed mandatory credit redemption requirement.

Mr. Tverdy provided an overview of other items discussed at the August meeting that included, the Carmans River Watershed Protection Plan and the results of the Brookhaven Town reverse auction. He mentioned the suggestion was made by the Clearinghouse Board to draft a letter to the Commission explaining the Clearinghouse's experience with as of right and non as of right Credits, how they have been used, and the importance of maintaining the one to one sending to receiving area ratio. He noted the Brookhaven Town reverse auction is nearly completed with the Clearinghouse purchasing 10.19 Pine Barrens Credits and that the Board members discussed establishing a policy for selling those Credits. The next Clearinghouse meeting is scheduled for September 30<sup>th</sup>.

Mr. Millazzo explained that the Clearinghouse funds used to buy the Credits originated from a \$5 million loan received by the Clearinghouse from the NYS DEC's Natural Resources Damages Fund in 1995. It is the \$3 million in interest earned on the original \$5 million that was used to purchase the Credits. The original \$5 million loan was returned back to the State, as required, in 2005.

### **Hearing**

**Hamptons Club at Eastport CGA Hardship / Eastport 9200-563-5-1.1-1.50 and 200-594-1-5.1-5.23)**

**Summary:** A separate stenographic transcript exists for this hearing. The applicant requested an extension of the decision deadline to October 19<sup>th</sup>. Since the applicant will be submitting additional information, the public comment period will remain open for 30 days. It was agreed the Commission decision deadline would be extended to December 21<sup>st</sup>.

**Mr. Lesko left the meeting at 3:50 pm.**

**The motion was made by Mr. Scully and seconded by Mr. Walter to extend the decision deadline for this application to 12/21/11. The motion was approved by a 5-0 vote.**

### **Adjournment**

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

The meeting ended at approximately 5:00 pm.

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

1. Attendance sheet (9/21/11; 2 pages)
2. Resolution to authorize the Cooperative Agreement H4504070105 between the U.S. Dept. Of the Interior National Park Service, NYWIMA and the Central Pine Barrens Commission (dated 9/21/11)
3. Education and Outreach Division update (dated Sept. 2011)
4. Science and Stewardship Division update (dated 9/21/11)
5. Compliance and Enforcement Division update (July to Sept. 2011)
6. Land Use Division update (mid-July to mid Sept. 2011)

7. *Federal Emergency Management Agency letter submitted by Nelson, Pope & Voorhis (dated March 21, 2011)*
8. *Letter requesting Extension of Decision Deadline for The Hamptons Club at Eastport (dated 9/9/11)*

**Pine Barrens Commission Meeting Summary (Final)  
for Wednesday October 19, 2011 (Approved-11/16/11)  
SCWA Coram Training Center  
Route 112, Coram, NY**

**2:00 pm**

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

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

Peter A. Scully  
Chair

The meeting was called to order at approximately 2:15 pm by Mr. Scully, with a four member quorum present. The Pledge of Allegiance was recited.

Mark Lesko  
Member

**Public Comment and Administrative**

Steve A. Levy  
Member

**Public Comment**

Anna E. Throne-Holst  
Member

**Summary:** Ms. Johan McConnell, representing the South Yaphank Civic Association, expressed her concerns regarding the recent court decision in favor of the County on litigation related to the site of the Trap and Skeet Range at Southaven County Park. She stated that the Civic Association was disappointed in the Commission's decision not to appeal, and she displayed a board containing photographs from 2001 and 2006 she felt supported the fact that the trap and skeet range was abandoned.

Sean M. Walter  
Member

**Minutes for 9/21/11**

**Summary:** The motion was made by Mr. Murphree and seconded by Ms. Lansdale to approve the 9/21/11 meeting summary. The motion was approved by 4-0 vote.

**NYS DEC contract with the Commission**

**Summary:** Mr. Pavacic noted that at the July 20<sup>th</sup> Commission meeting, a resolution was approved by the Commission that authorized the Chair to sign the DEC and Central Pine Barrens Joint Planning and Policy Commission contract C304142 extension. Since then, the contract has been signed and the Commission has received its first reimbursement check from the State for the first quarter of the 2011-2012 fiscal year. At the same meeting the operating budget for \$1.1 million was approved by the Commission. There will be a work session scheduled with the Commission members to discuss a budget for the \$900,000 in carryover funds due to the Commission from the State.

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Mr. Pavacic noted that capitol projects and projects requiring management agreements will need RFPs. Materials related to the proposed budget items for the carryover funds will be provided to the Commission members for review prior to the work session.

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**Science and Stewardship**

**Summary:** Mr Pavacic mentioned that the 16<sup>th</sup> Annual Research Forum was held on October 6<sup>th</sup> and 7<sup>th</sup> at Brookhaven National Laboratory (BNL). He noted that the October 7<sup>th</sup> Twinings web conference between the students of Pisa Italy and local high schools was a successful event. Copies of the Research Forum program were distributed at the meeting to the Commission members.

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**New York Wildfire and Incident Management Academy**

**Summary:** Mr. Pavacic mentioned that the 2011 NY Wildfire and Incident Management Academy (NYWIMA) at Brookhaven National Laboratory (BNL) will begin on October 21<sup>st</sup> and end on October 30<sup>th</sup>. He noted there are approximately 300 attendees expected from the northeast, the east coast, Canada, Colorado and other western states, and 10 attendees are coming from Spain. For the first time a Damage and Debris Cleanup course is being offered at the Academy that will focus on storm damage recovery such as what happened with Hurricane Irene in August of this year. The Academy's office has been moved from its location in Rocky Point to an office in the SCWA Training Center in Coram.

**Commission FY 2010 Audit**

**Summary:** Mr. Pavacic discussed the previously distributed KPMG Audit report (attached) and he stated, as in previous years, there were no adverse findings.

**The motion was made by Mr. Murphree and seconded by Mr. Scully to accept and approve the KPMG Audit Report. The motion was approved by 4-0 vote.**

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

**Summary:** Mr. Pavacic discussed the previously distributed Draft SEQRA documents (attached) related to the proposed CLUP Amendments for a Mandatory Credit Redemption Requirement and Credit allocation formula. He asked the Commission members to consider adopting the negative declaration proposed for these CLUP amendments adoption at the November meeting along with authorizing the issuance of public notice of the Commission's intent to vote on the Plan Amendments at the December meeting. He mentioned that a Plan Amendment Technical Work Session was held on September 27<sup>th</sup> to review the latter half of the Chapter 5 Amendments and a final work session will be scheduled to review all of the items that were placed in the parking lot at the previous work sessions. After the final work session with Commission representatives, a work session will be scheduled with the Commission members to review all of the proposed Amendments.

**Pine Barrens Presentation to the Town of Brookhaven Parks and Recreation Department**

**Summary:** Mr. Pavacic noted that on October 3<sup>rd</sup>, Commission staff provided a training seminar to the staff from the Town of Brookhaven Parks and Recreation Department. As part of the terms of the Order on Consent agreement between the Commission and Brookhaven Town, the Parks Department's staff was required to attend the seminar in order to prevent future over clearing incidents. The training session included a power point presentation, and maps and a letter was also sent to the Commissioner of Parks stating that if necessary additional training can be provided. According to the Order on Consent agreement, the next milestone for the Town to meet involves the submittal of a revegetation plan to the Commission.

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**Project Review**

Compatible Growth Area (CGA)

**The Meadows at Yaphank DRS / Yaphank ( 200-552-1-1.3 and 3, 200-584-2-1.3)**

**Summary:** Ms Hargrave discussed the attached Draft Findings Statement and the attached Draft Resolution that was previously distributed for The Meadows at Yaphank DRS and she stated the project complies with the Standards and Guidelines of the Comprehensive Land Use Plan (CLUP). She noted that the conditions for approval include, redemption of 5 Pine Barrens Credits, a Conservation Easement to be placed on the area that will remain natural, and the filing of all maps and permits associated with the project from other agencies. Ms. Hargrave noted that the approval will expire in ten years and if all phases of the project are not fully constructed and completed, the applicant would need to come back to the Commission for reauthorization. Mr. Pavacic further highlighted the condition for approval that states that the Commission will review future site specific development projects that are not addressed in the project's GEIS to ensure their consistency with the Standards and Guidelines of the CLUP. A clarification to condition number 4 of the approval resolution was made by adding that the approval will expire in 10 years from the date of approval and the applicant will need to reapply.

**The motion was made by Mr. Murphree and seconded by Ms. Lansdale to approve the Resolution as modified for the Meadows at Yaphank DRS project. The motion was approved by 4-0 vote.**

**Island Water Park CGA Hardship /Calverton (600-135-1-7.39) schedule public hearing**

**Summary:** The motion was made by Mr. Scully and seconded by Mr. Murphree to schedule a public hearing for this application for the November 16<sup>th</sup> meeting at 3:00 p.m. The motion was approved by a 4-0 vote.

**The motion was made by Mr. Scully and seconded by Mr. Murphree to go into advisory session to discuss an enforcement matter. The motion was approved by a 4-0 vote.**

The Commission Board went into an advisory session approximately at 2:30 pm and returned to public session approximately at 2:45 pm. Mr. Lesko arrived at the meeting at approximately 2:45 p.m. He asked that the record reflect that if he had been present during the decision on the Meadows at Yaphank Project that he would of voted in favor of it.

**Hearing 3:00 p.m.****Colgate Design Corp./ Franklin Johnson, Inc. (7-Eleven, Ridge) Core Preservation area CGA Extraordinary Hardship**

**Summary:** Ms. Hargrave presented and discussed maps of the project site and during the hearing staff exhibits were distributed. A separate stenographic transcript exists for this hearing.

**Adjournment**

**Summary:** A motion was made by Mr. Murphree and seconded by Mr. Lesko to adjourn. The motion was approved by a 5-0 vote, and the meeting ended at approximately 3:35 pm.

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

1. Attendance sheet (10/19/11; 1 page)
2. KPMG Auditors Report; dated 9/23/11
3. Colgate Design Corp. Draft Staff Report; dated 10/14/11
3. The Meadows At Yaphank PDD, Draft Findings Statement; dated 10/14/11
4. The Meadows At Yaphank; draft Resolution
5. The Meadows At Yaphank; final Resolution

**Pine Barrens Commission Meeting Summary (Final)  
for Wednesday November 16, 2011 (Approved - 12/21/11)**

**Coram Training Center  
Route 112, Coram, NY  
1:00 p.m**



**Commission members present:** Mr. Scully (for New York State), Ms. Lansdale and Mr. Culhane (for Suffolk County), Mr. Lesko and Ms. Prusinowski (for Brookhaven), Mr. Walter and Mr. McCormick (for Riverhead), Ms. Throne-Holst and Mr. Murphree (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, Mr. Tverdy, Ms. Ostrowski, (from the Commission). Additional attendees are shown on the attached sign-in sheet.

Peter A. Scully  
Chair

The meeting was called to order at approximately 1:07 p.m. by Mr. Scully, with a four member quorum present.

Mark Lesko  
Member

Steve A. Levy  
Member

Anna E. Throne-Holst  
Member

Sean M. Walter  
Member

**Administrative**

**Budget for Carryover Funds Presentation**

**Summary:** Mr. Scully noted that today's Commission meeting time was changed from 2:00 pm to 1:00 pm in order to provide sufficient time to discuss the budget for the carryover funds.

Mr. Pavacic noted that for the purpose of the carryover funds discussion, staff had previously sent out the attached documents to the Commission members by email that included, a memo dated November 14, 2011 and the carryover funds narrative and budget summary for the 2011-2012 fiscal year. Mr. Pavacic stated that earlier this year the members approved the \$1.1 million operational budget for the Commission and decided to defer the discussion of the carryover funds budget to a later date. He further stated that all of the carryover funds are available to the Commission from the State.

Mr. Pavacic discussed each line item specified in the carryover funds budget which included potential contracted services for an Ecological Inventory Assessment, Prescribed Fire Ecological Restoration Projects, Invasive Species Restoration Projects, Grassland Restoration Projects and others items as indicated. He mentioned that these categories are considered "capital budget" projects that require one time funding. Mr. Pavacic noted that the expenditures for each project are estimates, therefore some of the funds are interchangeable and may shift from one category to another when final project costs are determined through an RFP process. He discussed budget items that would assist with continuing and expanding certain existing projects such as the ATV Damage and Dumping Mitigation project and the need for a replacement vehicle for field work along with a trailer, and the need to upgrade the Commission's website to provide the public with easier access to information on the site.

Mr. McCormick arrived at 1:20 pm.

Mr. Pavacic distributed and discussed the draft resolution that related to the carryover funds budget. He explained that the Commission's approval of the resolution would enable staff to move forward with RFPs and RFQs for the projects that require them.

Mr. Walter, Ms. Throne-Holst and Mr. Lesko arrived around 1:30 pm.

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The Commission members expressed their concerns related to the budget allocations for certain projects, in particular the purchase of a replacement vehicle to be used by Commission staff and the fire tower project. Mr. Pavacic mentioned there was a detailed budget and siting evaluation document that were previously prepared and discussed before the Commission for the fire tower project. In addition, Quogue Wildlife Refuge and Wertheim Wildlife Refuge were among the sites being considered as potential sites for the fire tower. It was noted that the fire tower was a cultural resource restoration project which was not intended to bolster fire protection in the area. There was some discussion by Mr. Lesko concerning the significant invasive species issues in the Upper and Lower Lakes of the Carmans River and whether the fire tower money should instead be used toward invasive species projects. It was noted by Mr. Pavacic that the line item in the budget was for terrestrial rather than aquatic invasive species management projects due to the more involved permits required for the aquatic projects. It was discussed again as to whether the budget funds are interchangeable between categories.

Mr. Scully provided background on the purpose and need for the budget discussion. Mr. Pavacic mentioned that he envisioned for certain larger projects such as the ecological inventory that an RFP review committee would be created comprised of Commission staff and interested agencies to review the project proposals and to provide a recommendation to the Commission as to which contractor to select. He further noted the significance of the prescribed fire initiative as a mission of the Commission, and urged members to approve an amended version of the Draft Resolution in order to move forward with this project and the other projects that require RFPs and RFQs. The suggestion was made that supporters of the fire tower project provide a brief presentation on this project at the December 21<sup>st</sup> Commission meeting. There was a discussion that the amount allocated for a replacement vehicle should be reduced.

Mr. Pavacic mentioned that the State advised the Commission that funding for a project can be provided by the State in advance if a contract is executed before March 31, 2011 with the selected contractor. He explained that the carryover funds will allow the Commission to move forward with projects that have been postponed for several years that can not be realized without these funds. Mr. Scully explained that approving the carryover funds budget resolution does not also approve the budget estimates included in the budget summary. The cost of each project will be reviewed on a case by case basis and would require Commission approval.

**The motion was made by Mr. Lesko and seconded by Ms. Throne-Holst to approve the attached Draft Resolution Approving Budget for and Expenditure of \$894,969 in New York State Funds that was amended to exclude the fire tower for now until a presentation was provided at the next Commission meeting and to limit the cost of the replacement vehicle to up to \$40,000. The motion was approved by a 5-0 vote.**

#### **Public Comment**

**Summary:** Ms. Beth Motschenbacher, representing the Pine Barrens Society, speaking on behalf of Mr. Dick Amper, stated that the Pine Barrens Society supports the Commission projects that will be financed with the carryover funds, with the exception of the fire tower project. Ms. Motschenbacher expressed the Society's concerns on where it will be located and that it may require additional clearing in the Pine Barrens. She requested further information on the proposed locations.

#### **Minutes for 10/19/11**

**Summary:** The motion was made by Mr. McCormick and seconded by Mr. Lesko to approve the 10/19/11 meeting summary. The motion was approved by a 5-0 vote.

#### **2012 Meeting Schedule Approval**

**Summary:** Mr. Pavacic discussed the previously distributed 2012 Commission meeting schedule (attached). The members agreed on two changes to the meeting schedule, to meet at Southampton Town Hall on March 20<sup>th</sup> and to meet at Riverhead Town Hall on June 20<sup>th</sup>.



**The motion was made by Mr. Scully and seconded by Mr. Walter to approve the amended 2012 meeting schedule. The motion was approved by a 5-0 vote.**

#### **2012 Academy Coordinator RFP**

**Summary:** Mr. Pavacic distributed and discussed the Draft Resolution of the Commission to Authorize the Preparation and Issuance of a new Request for Proposal to Hire a New York Wildfire and Incident Management Coordinator for calendar year 2012. Mr. Pavacic stated that the Academy Board members will be attending the January Commission meeting to report on the 2011 Academy. He stated that the Academy Board members recommend to the Commission that the Academy Coordinator should be continued to be hired as an independent contractor for just a one year term. He further explained that this year the RFP will be advertised in firefighting magazines and journals to reach out to a broad base of potentially qualified coordinators for the Academy. In order to select a candidate by the Spring of 2012, an RFP review committee comprised of Academy Board members and Commission staff will be formed. He also requested that the contract amount should be increased from \$12,000 to \$15,000 to allow for additional services to be provided that were previously billed for separately under the current contract. It was noted that the Academy Coordinator is paid out of Academy and not Commission funds.

**The motion was made by Mr. Walter and seconded by Ms. Throne-Holst to approve the attached Resolution of the Commission to Authorize the Preparation and Issuance of a new Request for Proposal to Hire a New York Wildfire and Incident Management Coordinator for Calendar year 2012. The motion was approved by a 5-0 vote.**

#### **Education and Outreach**

**Summary:** Ms. Griffiths distributed and discussed the attached Education and Outreach report for November 2011. She noted that in the last 2 months 508 students were reached through school initiatives. Ms. Griffiths provided the status of other programs including, the partnership with Wertheim Wildlife Refuge where on November 10<sup>th</sup> she attended a preliminary opening ceremony for the Interpretive Visitor Center and Exhibits. She further stated the "green" Visitors Center includes, a conference room, multi purpose room and an environmental education lab, all financed with funds from the federal stimulus package. Ms. Griffiths mentioned the education and outreach division is exploring the development of an agreement with Wertheim to partner with the Commission in educational efforts including, a summer camp and on-site educational outreach programs at the Visitors Center.

Ms. Griffiths noted that she and Commission staff members Ms. Hargrave and Mr. Tverdy attended the S130/190 classes at the New York Wildfire and Incident Management Academy (NYWIMA) in October and they are now certified in Firefighting & Wildfire Behavior. Other items Ms. Griffiths reported on included, the Twinning Program Cooperators Committee meeting and the students' web conference, and "A Day in the Life of the Carmans River", which is scheduled for December 15<sup>th</sup>. At the conference, students will perform biodiversity and water quality studies on the Carmans River. Ms. Griffiths also mentioned that she is now the Chair of the Hospitality Committee of the New York State Outdoor Education Association (NYSOEA) and the next meeting will be held in October of 2012.

#### **Science and Stewardship**

**Summary:** Ms. Carter discussed the attached Science and Stewardship Division report. She noted that in 2011 there were four PLC meetings and seven PLC field work sessions. The next PLC meeting on December 6<sup>th</sup> will continue a discussion on the feasibility of a north-south multi use trail corridor from Rocky Point to the Great South Bay that was recommended in the Carmans River Watershed Protection Plan. Other items that will be discussed at the PLC December 6<sup>th</sup> meeting include, uniform signage, stewardship at the Carmans River Headwater Preserve and the 2012 PLC work plan.

Ms. Carter noted the success of several events including, the PLC and LEC field work day on November 1st in the Flanders area and the 16<sup>th</sup> Annual Pine Barrens Research Forum on October 6<sup>th</sup> and October 7<sup>th</sup>. She further noted that at the October 13<sup>th</sup> Long Island Invasive Species Management Area (LIISMA) meeting at Cornell Cooperative Extension in Riverhead the establishment of Invasive Plant Protection Zones (ISPZs) was discussed. She mentioned that staff met at the Schiff Boy Scout Reservation to discuss Phragmites control in Deep Pond. Ms. Carter mentioned that the ATV Damage and Dumping Mitigation effort continues and a new multi-party monitoring plan will be prepared and implemented. The Science and Stewardship Division continues to provide data analysis and mapping support for the Commission office and is performing a tax parcel analysis in support of the Town's Carmans River Watershed Protection Plan.

Other items Ms. Carter discussed included, the maintenance of the Dwarf Pine Plains Trail and that three replacement interpretive signs were installed. The Stewardship Division is working with Compliance and Enforcement staff on various mitigation projects, and on October 12<sup>th</sup> staff participated in a meeting with representatives from the Wildfire Task Force (WTF) to discuss oak tree mortality issues in the Flanders area.

### **Compliance and Enforcement**

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**Summary:** Mr. Hynes discussed the previously distributed Compliance and Enforcement Summary report (attached) and he noted that he is in the process of handling eight open incident cases, three in the Core Preservation Area and five in the Compatible Growth Area. Mr. Hynes explained that when the Commission receives reports of an incident Commission staff follows up with a visit to the site where they take pictures and gather other necessary information about the incident.

Mr. Hynes further explained the process the staff follows to investigate incidents and provided examples including, an incident involving a mountain bike track built by youngsters. He reported there was an illegal dumping incident on private land in the Pine Barrens and on County Road 91 in Eastport there was a complaint received that a trail head was being blocked by a truck.

Mr. Hynes noted that on October 27<sup>th</sup> a Law Enforcement Council (LEC) meeting was held at the NY Air National Guard 106<sup>th</sup> Rescue Wing at Gabreski air force base in Westhampton. He mentioned that the Rescue Wing would like to continue its participation in the initiatives of the WTF, the PLC and the LEC.

Additional items Mr. Hynes discussed included, the 469 Law that upgrades ATV violations to a misdemeanor on the first offense and he noted that Town of Huntington Town recently passed a similar law. He also noted that the Compliance and Enforcement Division continues to monitor dumping activity in the Pine Barrens.

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### **Planning and Land Use**

#### **Project Review**

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**Summary:** Ms Hargrave discussed the attached Land Use Division update and noted the decision deadlines for pending applications including, Hamptons Club at Eastport, Island Water Park, and a new application, Westhampton Property Associates. She also noted that the Colgate Design Corporation (7-Eleven, Ridge) has asked for an extension of the November 16<sup>th</sup> decision deadline.

Ms. Hargrave mentioned that the Land Use Division is providing a compilation of "parking lot" items from prior Technical Work sessions on the Comprehensive Land Use Plan (CLUP) Amendments to Commission related technical staff for them to review prior to a final Technical Work Session scheduled for November 29<sup>th</sup>. Additional staff activities included, assisting

Brookhaven Town with the preparation of the Environmental Impact Statement (EIS) for the Carmans River Watershed Protection Plan, and monitoring hardship permit compliance and restoration activity on Commission approved projects and enforcement actions.

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

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**Summary:** Mr. Pavacic distributed and discussed the Draft Resolution for the Commission to adopt the Negative Declaration for this subset of CLUP Amendments to Chapters 5 and 6. He noted that the SEQRA Negative Declaration and Environmental Assessment form documents were distributed at the October meeting for the Commission members to review prior to this meeting. He further noted ECL 57 requires the Commission to issue a public notice 30 days in advance of its intent to vote on the Plan Amendments.

Mr. Walter expressed the concern of the Riverhead Town Board regarding the approval of the Mandatory Credit Redemption Requirement and he stated that the Town Board is not prepared to vote on this Amendment because it would impact projects at EPCAL. Mr. Scully noted that in order to discuss the Mandatory Credit Redemption Requirement the members should move forward with a motion on the draft resolution.

**The motion was made by Mr. Scully and seconded by Ms. Throne-Holst to approve the attached Resolution of the Commission to Adopt the Negative Declaration for Amendments to CLUP Chapter 5 and Chapter 6 Concerning Mandatory Pine Barrens Credit Redemption, Non-Residential Credit Allocation and Limitations on Credit Allocation and to issue Official Notice, pursuant to NY ECL 57-0121(13), that it intends to vote on this amendment at the regular 12/21/11 meeting.**

Mr. Scully reiterated Mr. Walter's statement with regard to Riverhead Town Board's concern pertaining to the Mandatory Credit Redemption Requirement Amendment in Chapter 5. Mr. Walter emphasized that the Town Board does not support the Amendment as it relates to EPCAL and there needs to be additional discussion about the impact the Amendment has on the EPCAL parcels.

Additional items discussed included, the Long Island Builders Institute (LIBI) position that a 15% Credit Redemption should constitute the total amount of public benefits for a project and how this relates to the Carmans River Protection Plan. Ms. Throne-Holst mentioned that Southampton Town originally supported the Mandatory Credit Redemption Requirement and is now prepared to participate in further discussion of the requirement due to the concerns expressed by the other Towns. Mr. Walter reiterated that Riverhead Town Board would support the Amendment if it does not include the EPCAL parcels as receiving areas.

**The motion was made by Mr. Lesko and seconded by Mr. Walter to table the discussion pertaining to the Draft Resolution of the Commission to adopt the Negative Declaration for Amendments to CLUP Chapter 5 and Chapter 6. The motion was approved by a 4-1 vote, with Mr. Scully opposed.**

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**Project Review**

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**Core and Compatible Growth Area**

**Colgate Design Corp./Franklin Johnson, Inc. (7-Eleven, Ridge) Core Preservation Area and Compatible Growth Area (CGA) application / Ridge (200-351-2-6.1 and 20) decision deadline**

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**Summary:** Ms. Hargrave stated she received a letter (attached) from Ms. Leigh Rate, the

applicant's representative, that requested the decision deadline for this project be extended to the December 21<sup>st</sup> meeting. Mr. Lesko mentioned that the parcels involved in this application require the Town to review prior hardship decisions for parcels in close proximity to this project.

**The motion was made by Mr. Lesko and seconded by Ms. Lansdale to approve the request for the decision deadline to be extended to the December 21<sup>st</sup> Commission meeting. The motion was approved by a 5-0 vote.**

#### **Pine Barrens Credit Clearinghouse**

**Summary:** Mr. Tverdyy provided an update on the Credit Clearinghouse meeting that occurred on October 27<sup>th</sup>. He reviewed the items discussed at the meeting including, the letter sent from the Clearinghouse Board to Brookhaven Town advising the Town of the Clearinghouse position regarding the Carmans River Watershed Protection Plan and the Mandatory Credit Redemption Requirement, the financial report for the period ending in September, and the overall program statistics report (attached).

Additional items that were discussed at the Clearinghouse meeting included, status of the SEQRA materials pertaining to the Carmans River Plan, the status of the revision to the Core Boundary expansion, the potential of 700 new Credits that may be generated in the expanded Core area and Brookhaven Town's review of new receiving sites. Mr. Tverdyy also noted that at the meeting discussion continued regarding the change in Brookhaven Town's multi family code and how increasing receiving sites may affect the Pine Barrens Credit Program. At the meeting the Board went into an executive session to discuss Clearinghouse policy to sell Credits owned by the Clearinghouse. Mr. Tverdyy closed with the next Clearinghouse meeting is scheduled for December 16<sup>th</sup>.

**The motion was made by Mr. Lesko and seconded by Ms. Throne-Holst to go into advisory session to discuss a matter related to a litigation. The motion was approved by a 5-0 vote.**

Mr. McCormick left the meeting at approximately 2:30 pm. The Commission returned to public session at approximately 3:00 pm.

#### **Hearing 3:10 p.m.**

**Island Water Park / Calverton CGA Hardship application (600-135-1-7.34).**

**Decision deadline 1/1/12.**

**Summary:** A separate stenographic transcript exists for this hearing. During the hearing, staff and appellant exhibits were distributed.

After the hearing Mr. Lesko asked members to vote on a motion pertaining to the recent Supreme Court decision in relation to the Trap and Skeet litigation between Suffolk County and the Central Pine Barrens Commission.

Mr. Lesko then asked the Riverhead and Southampton Town Commission members to support the motion for the purpose of exploring the merits of an appeal on behalf of the Brookhaven Town residents which does not commit the Commission to actually moving ahead with the appeal. Ms. Throne-Holst stated that Southampton Town supports the motion, Mr. Walter stated Riverhead Town does not support the motion and Mr. Scully abstained.

**The motion was made by Mr. Lesko and seconded by Ms. Throne-Holst to authorize the Attorney General to file a notice of Appeal on behalf of the Commission regarding the Supreme Court's judgement against the Commission and in favor of Suffolk County, in the matter commonly known as Trap and Skeet. The motion failed by a 2-1-1 vote with Mr. Scully abstaining and Riverhead opposed.**

#### **Adjournment**

**Summary:** A motion was made by Ms. Throne-Holst 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 (11/16/11; 1 page)
2. Commission Carryover Funds Detailed Narrative dated 11/16/11
3. Draft 2011-2012 Carryover Fund Budget Summary dated 11/14/11
4. Draft Resolution approving Budget for and Expenditure of \$894,869 in New York State Funds
5. 2012 Commission Meeting Schedule
6. Draft Resolution of the Commission to Authorize the Preparation and Issuance of a new RFP to Hire a NYWIMA Coordinator for Calendar Year 2012
7. Education and Outreach Division update report for November 2011
8. Science and Stewardship Division update report for November 2011
9. Compliance and Enforcement Division update report for September- November 2011
10. Land Use Division Update dated 11/16/11
11. Draft Resolution of the Commission to Adopt Negative Declaration for Amendments to CLUP Chapter 5 and 6 concerning Mandatory Pine Barrens Credit Redemption, Non- Residential Credit Allocation and Limitations on Credit Allocation and to Issue Official Notice, of intent to vote on this amendment at its regular 12/21/11 meeting.
12. Draft SEQRA Negative Declaration
13. Colgate Design Corp. Request for Extension Decision Deadline Letter dated 11/15/11
14. Island Water Park Draft Staff Report dated 11/16/11
15. Credit Clearinghouse Easement Protected Lands report dated 11/20/11

**Pine Barrens Commission Meeting Summary  
for Wednesday December 21, 2011  
(Final Approved - 1/18/12)  
Riverhead Town Hall  
200 Howell Avenue, Riverhead, NY**

**2:00 p.m.**

**Commission members present:** Mr. Scully (for New York State), Mr. Culhane (for Suffolk County), Mr. Lesko and Ms. Prusinowski (for Brookhaven), Mr. Walter and Mr. McCormick (for Riverhead), Ms. Throne-Holst and Mr. Murphree (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. Carter, and Ms. Ostrowski (from the Commission). Additional attendees are shown on the attached sign-in sheet.

Peter A. Scully  
Chair

Mark Lesko  
Member

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

Steve A. Levy  
Member

**Public Comment - Overview of 2011**

Summary: Mr. Scully discussed the year 2011 in terms of Commission goals which have been achieved as well as those goals that were not realized. He noted that the Commission was effective in using its authority to further the protection of the Pine Barrens on a judicial level and by advancing important economic development and redevelopment projects, including the DRS at Artist Lake Plaza. He noted that in certain cases the Commission appropriately did not advance projects because they did not meet Standards in the Land Use Plan.

Anna E. Throne-Holst  
Member

Sean M. Walter  
Member

Additional Commission accomplishments that Mr. Scully discussed included the resolution of long standing contract issues associated with the State's reimbursement of funds related to the Commission's yearly budget, the ground work performed for Stewardship projects beginning in 2012 and the passing of legislation which expanded the Core for the Carmans River Watershed Protection Plan. Mr. Scully thanked both the Protected Lands Council (PLC) Chair, Mr. Casey, and the PLC, for their hard work and efforts in the development of a plan for the protection of the Upper Carmans River. Other items Mr. Scully acknowledged did not move forward as planned included the Plan Amendment for a Mandatory Credit Redemption Requirement and implementation of the Carmans River Watershed Protection Plan, but he hoped they would advance in 2012.

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**Public Comment**

Summary: Mr. Clifford Fredrickson, a resident of the Encore Community in Eastport which is a development adjacent to the Hamptons Club property, distributed copies of his written statement as he expressed his concerns related to the Hamptons Club hardship application for 119 duplex units. His statement included a history of his advocacy for the protection of the Pine Barrens Region, facts about how permitted uses for the property at the

*Hamptons Club have been abused and other reasons the application should be denied. After Mr. Fredrickson spoke other members of the public including Ms. Shelley Corman, Ms. Diane Valentini, Mr. Jim Gleason and other residents of the Encore Community, similarly stated their concerns and asked Commission members to deny the Hamptons Club hardship application. The residents reiterated each others' concerns and stated that they supported the original application for 64 single family homes, but they do not support the current hardship application for 119 duplex units.*

*Additional concerns of the residents included, the negative impacts of zone changes from the transfer of density into the CGA if this hardship waiver is approved that will have long term consequences to the Pine Barrens.*

*Mr. Gleason, representative of the East Moriches Property Owners Association, noted that he disagrees with the Commission's decision to accept a letter from the Hamptons Club Owner dated November 16, 2011, which was posted on the Commission's website after the project's hearing comment period closed on October 27<sup>th</sup>. Mr. Gleason also noted his objection to the possibility that outside agencies could decide if the application is in compliance with the standard. He further noted that the SEQRA findings statement was not adopted by all of the members of the Town Board and that the Councilman in the council district in which the site is located and who is most familiar with the Hamptons Club project is against it.*

*Mr. Amper expressed his concern 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 Plan. He asked the Commission to vote today to deny the Hamptons Club current hardship application because it does not meet the Plan Standards.*

*Mr. Amper noted that the County Legislature is considering relocating the Trap & Skeet Range to 75 acres north of Gabreski Airport, which is in the Core of the Pine Barrens. He expressed the opinion that it would be an unwise decision to relocate the Trap and Skeet Range from its current Core area location to Core area elsewhere. He asked if the Commission's Counsel would explore a legal path that would prevent this project, which is considered development, from being relocated back into the Core. He also mentioned that there are two other sand mines, one in Wainscott and another in Westhampton, that are being considered for expansion. He further stated that it should be investigated by the Commission's Counsel as to whether these projects constitute development in the Core.*

*Ms. Leigh Rate, representing Certilman Balin, stated that she is the attorney for the owners of Colgate Design Corp., 7-Eleven, Ridge whose development application is scheduled to be voted on today. Ms. Rate stated that the owners are requesting to withdraw their application.*

**Summary: A motion was made by Mr. Walter and seconded by Mr. Lesko to accept the withdrawal of the 7-Eleven, Ridge, Core/CGA hardship application. The motion was approved by a 5-0 vote.**

## **Science and Stewardship**

### **Fire Tower Restoration Project**

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**Summary: Mr. Scully explained that in recent months the Commission staff has been recommending various projects to the Commission that could be financed with the State Carryover Funds Budget. He noted that one of the projects is the**

restoration of a historical Fire Tower which would be located at an appropriate site in the Pine Barrens at an estimated cost of \$135,000 to complete the project. He further noted that Mr. Larry Paul will provide a presentation on the history of Fire Towers in New York State as well as the background information related to the Pine Barrens Fire Tower project.

Ms. Carter explained that the Fire Tower project began in June 2007 when the Commission asked staff to explore the possibility of bringing a Fire Tower back into the Pine Barrens and in 2008 the staff conducted a Fire Tower feasibility study that identified 17 potential sites for the location of the Fire Tower. The Fire Tower feasibility report was submitted to and accepted by the Commission who instructed staff to move forward with a plan.

Ms. Carter noted that there are over fifty references in Article 57 and the Plan stating a goal of the Commission is to preserve and restore historically important resources in the Pine Barrens and then she introduced Mr. Paul, member of the Protected Lands Council (PLC) and advocate for the Fire Tower Project. Mr. Paul provided a slide presentation about Fire Towers in New York State that included an educational component, historical uses and locations, a viewshed analysis for specific locations and a cost analysis and he discussed how a reconstructed Fire Tower would benefit the Pine Barrens.

After Mr. Paul's presentation Mr. Walter and Mr. Lesko expressed their concerns related to the security at the Fire Tower's location and other liability issues related to the safety of the public. Mr. Pavacic noted that there are several methods of mitigating safety and liability issues including the Commission's insurance policy which would cover the Fire Tower under a Memorandum of Understanding (MOU) between the Commission and the property owner of the Fire Tower site. He also noted that Fire Towers in other parts of the Northeast are open to the public for use at their own risk.

Additional concerns that were expressed and then discussed by Ms. Carter and Mr. Pavacic included performing an analysis of plausible sites as they relate to the standards in the Plan and researching sites with a high level of security such as Brookhaven National Laboratory (BNL).

Staff Counsel recommended continuing the search for new Fire Tower locations with consideration of the issues discussed today including local municipality requirements at the site of the Fire Tower, Town Board approval requirements and taxpayer liabilities. The decision was made to continue the Fire Tower site discussion and its legal issues at the January Commission meeting.

## **Administrative**

Minutes for 11/16/11: review, approval

**Summary: A motion was made by Ms. Throne-Holst and seconded by Mr. Walter to approve the 11/16/11 meeting summary. The motion was approved by 5-0 vote.**

Budget for Carryover funds: review

**Summary: Mr. Pavacic noted that at the November 16<sup>th</sup> Commission meeting the members voted to lower the budget for the Commission replacement vehicle by \$10,000. Mr. Pavacic recommended that the \$10,000 be redistributed to the Ecological funds budget and the members decided to discuss this issue at the January 2012 Commission meeting.**



## Planning and Land Use

Advisory Committee Meeting of 12/15/11

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*Summary:* Mr. Amper explained the origin of the Central Pine Barrens Commission Advisory Committee (AC) and stated that it was formed as a requirement in Article 57.

*He further explained that AC members include various stakeholders and agencies that have interests in the Central Pine Barrens. The AC has been meeting and advising the Commission for over 17 years and the purpose of the last meeting was to discuss the CLUP Amendments for which approvals have been pending for several years.*

*Mr. Amper noted that three CLUP Amendment Technical Work Sessions were held by Commission staff with Commission representatives and member staffs to review and discuss the pending Amendments to Chapters 4, 5 and 6 of the Plan. Items where there was no consensus were placed in a parking lot and the AC met on December 15<sup>th</sup> to review and provide advice about how to proceed with those outstanding parking lot items. He explained that the AC agreed on recommendations for all but eight of the parking lot items, and he stated Mr. Pavacic will be presenting the final report to the Commission at the final Technical Work Session for Commission members.*

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

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*Summary:* Mr. Lesko expressed his concern that although he supports the Mandatory Credit Redemption Requirement, he does not know if the Brookhaven Town Board also supports it. He would like to obtain a sense resolution from the Town Board regarding its position. Mr. Lesko expressed a concern of his that if the mandatory credit redemption requirement is approved at the Commission level would it then be necessary for each of the three Town Boards to approve it as well? Mr. Milazzo noted that if the Mandatory Credit Redemption Requirement is approved by the Commission the Towns are not required to vote on it and he further noted that the Statute requires the Towns to conform their codes to any approved amendment. Additional discussion ensued.

*Mr. Scully recommended that the Commission move forward with voting on the Plan Amendments as soon as possible since they have been pending for over two years. Mr. Lesko agreed with the concerns expressed by the Chair. Mr. Lesko mentioned that he expects the Carmans River Watershed Protection Plan to be finalized by the end of February and that then would be an appropriate time for the Town Board to consider its position on the Plan Amendments and more specifically, the Mandatory Credit Redemption Requirement. Additional points discussed included the fact that the building community wants limits on Credit redemption amounts when public benefits are required for project conformance and that there may need to be changes to the Act concerning the conformance of the Towns with the Standards.*

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Proposed Amendments to Chapter 4, 5 and 6

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*Summary:* Mr. Pavacic noted that in 2010 the Commission directed staff to conduct Technical Work Sessions with Commission representatives to review the larger body of CLUP Amendments to Chapters 4, 5 and 6 and he mentioned the final work session, in regard to Parking Lot items, was held on November 29<sup>th</sup> at Southaven Lodge. He further explained staff is currently updating the parking lot item summary

report to include comments and recommendations from the last technical work session and the recently held AC meeting.

Mr. Pavacic explained that there is one final work session to be held with the Commission members. The final work session summary report and other materials gathered throughout the review process will be provided to the members for review and consideration. The Commission members decided to meet for the final work session on the morning of February 15<sup>th</sup>, the day of the next Commission meeting.

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## **Project Review**

### **Compatible Growth Area (CGA)**

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

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**Summary:** Mr. Voorhis, the applicant's representative, stated that a letter was sent to the Commission earlier today requesting an extension of the decision deadline for this CGA Hardship Application. Mr. Milazzo noted that he had not received the letter and Mr. Lesko mentioned that he knew the request was going to be made by the applicant. The project was expected to retire sanitary credits in order to comply with the Standard, but the applicant is asking for more time to explore other options, such as the purchase of Pine Barrens Credits. Ms. Throne-Holst expressed her concern that the applicant has had sufficient time to explore options for sanitary credits and it is inappropriate at this point to ask for an extension.

**A motion was made by Mr. Lesko and seconded by Mr. Walter to approve the request for the decision deadline to be extended to the January 2012 Commission meeting. The motion was approved by a 3-2 vote, with Mr. Scully, Chair, and Ms. Throne -Holst opposed.**

Island Water Park / Calverton CGA Hardship application (600-135-1-7.34): decision deadline 1/11/12

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**Summary: A motion was made by Mr. Walter and seconded by Mr. Lesko to approve the Island Water Park CGA Hardship application. The motion was approved by a 5-0 vote.**

The Meadows at Yaphank PDD CGA-DRS / Yaphank (200-552-1-1.3 and 3, 200-584-2-1.3)

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**Summary:** Ms. Hargrave discussed the attached letter dated November 22, 2011 from the applicant's representative for this project requesting modifications to the conditions of approval. The project was approved based on a clearing limit that was less than the project's maximum clearing allowance of 65% and the time frame for completion of the project was approved at 10 years. The applicant is now requesting to clear up to the maximum allowed clearing limit and to eliminate the expiration of approval. It was recommended by Commission staff that the expiration be changed from 10 to 20 years with requests for extensions every 5 years.

Mr. Milazzo explained that the Commission has in the past approved projects with time limits for completion, and the practice is consistent with the Town approval process.

Additional concerns that were discussed included time frames of phasing plans, conservation easement boundaries, approvals of site plans, and vested rights. It was agreed that the wording pertaining to the 35% uncleared land stating, "will be substantially consistent with the concept plan," will be included in the amended resolution to the October 19<sup>th</sup> approval. Mr. Milazzo discussed additional changes in

*language for the final amended resolution.*

**A motion was made by Mr. Lesko and seconded by Mr. Culhane to approve the Amended Resolution for the October 19, 2011 Approval of The Meadows at Yaphank Planned Development District (PDD) CGA - DRS including the modifications discussed today. The motion was approved by a 5-0 vote.**

Kealos Subdivision CGA Hardship / Manorville (200-509-7-13.10 and 13.11) (120-day decision deadline: 3/30/2012) / schedule public hearing

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**Summary: The motion was made by Mr. Scully and seconded by Mr. Walter to schedule a public hearing for this CGA Hardship Application at the Commission meeting on January 18<sup>th</sup> at 3:00 p.m. The motion was approved by a 5-0 vote.**

Westhampton Property Associates / Westhampton (900-276-3-1 and 2) Core and CGA-Critical Resources Area Hardship application for vertical mining expansion. (120-day decision deadline: 3/7/2012)

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**Summary: A motion was made by Mr. Scully and seconded by Ms. Throne-Holst to schedule a public hearing for this Core/CGA-CRA Hardship Application at the Commission meeting on January 18<sup>th</sup> at 3:00 p.m. The motion was approved by a 5-0 vote.**

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JCJC Holding Company Inc. Core Preservation Area Extraordinary hardship application/ Use Variance / Hampton Bays (900-204-1-8) (approved 6/15/11) Request to extend date to file Declaration of Covenants and Restrictions.

Mr. Murphree left the meeting at 3:50 p.m.

Mr. Milazzo explained that this approved hardship application is now pending litigation. Therefore, the applicant is requesting the Commission extend the deadline to file the Covenants and Restrictions within 60 days of the courts decision.

**Summary: A motion was made by Mr. Scully and seconded by Ms. Throne-Holst to extend the date to file Declaration of Covenants and Restrictions for this Core hardship application, approved on June 15<sup>th</sup>, 2011, to within 60 days after the court's decision. The motion was approved by a 5-0 vote.**

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## **Adjournment**

**Summary:** Mr. Scully thanked Mr. Culhane for his efforts and contributions as a Designated Commission Representative for the County while in his current position which is unfortunately being eliminated due to cutbacks in County personnel.

Mr. Lesko thanked Mr. Scully, Chairman, for his overall leadership during the past year, especially in helping to advance the Carmans River Watershed Protection Plan and in helping to support and advance other policy matters.

**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 3:15 p.m.**

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

1. Attendance sheet (12/21/11; 2 pages)
2. Clifford Fredrickson letter to the Commission regarding The Hamptons Club at Eastport
3. Island Water Park CGA Hardship Draft Resolution (dated October 21, 2011)
4. AVR Realty letter, RE: The Meadows at Yaphank PDD (dated November 22, 2011)
5. Draft Resolution to Amend the Approval October 19, 2011 for The Meadows at Yaphank PDD / CGA/ DRS
6. Final Draft Resolution to Amend the Approval October 19, 2011 for The Meadows at Yaphank, PDD / CGA / DRS

7. *Adopted Resolution to Amend the Approval October 19, 2011 for The Meadows at Yaphank PDD / CGA / DRS*
8. *Draft Resolution to extend the date of filing the Declarations of Covenants and Restrictions for the Core Area Hardship Application for the JCJC, Holding Company, Inc.*