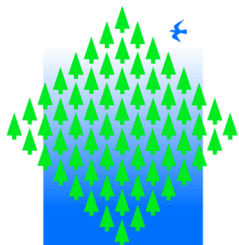


**Pine Barrens Commission Meeting Summary (FINAL)
for Wednesday, January 21, 2009 (Approved 2/25/09)
at the Brookhaven Town Hall,
1 Independence Hill, Farmingville, NY, 2:00 pm**



**CENTRAL
PINE
BARRENS**
JOINT
PLANNING
&
POLICY
COMMISSION

Peter A. Scully
Chair

Lori Baldassare
Member

Philip J. Cardinale
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Commission members present: Mr. Scully (for New York State), Mr. Isles (for Suffolk County), Ms. Prusinowski and Mr. Turner (for Brookhaven), Mr. McCormick (for Riverhead), and Ms. Kabot and Mr. Shea (for Southampton).

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, Ms. Carter, Ms. Hargrave, Ms. Griffiths and Mr. Hynes (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation (NYS DEC)), and Ms. Longo (from the Suffolk County Department of Environment and Energy). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:06 pm by Mr. Scully, with a four member quorum initially present consisting of the New York State Governor, Suffolk County Executive, Brookhaven Town Supervisor, and Riverhead Town Supervisor representatives. The Pledge of Allegiance was recited.

Public Comment and Administrative

Public comments

Summary: The first speaker was Ms. Johan McConnell, representing the South Yaphank Civic Association (SYCA). Ms. McConnell referred to a letter read by Ms. Gallagher at the December Commission meeting, and stated that she has checked the relevant facts. Ms. McConnell distributed and read the attached compilation of statements regarding lead contamination from May 2001 through January 2008. She displayed photographs from the trap and skeet range at Southaven County Park showing debris, test wells, remnants of clay shooting targets, shotgun shells, and the mingling of these items with the ground cover vegetation. She stated that any attempt to clean up the site would involve removal of vegetation unless painstaking hand removal was used.

The second speaker was Mr. John McConnell, representing the SYCA. He stated that in 2001 during a clean up at the range, he rode through the area to observe it. He stated that it makes no sense to have lead categorized as hazardous in one locale but not in others. He also described following one truck to the Town landfill, as well as his experience in attempting to determine whether the lead contaminated waste it was carrying could be dumped there.

The third speaker was Mr. Bill Raab, representing the Sportsmen Association for Firearms Education (SAFE). Mr. Raab stated that the high lead reading listed in one County report was due to an improperly installed sampling well that had a turbidity problem; that the County budget documents cited by a prior speaker are written incorrectly; that lead on an active shooting range is not categorized as hazardous as

long as there is a management plan; that the range vendor has been busy with other issues and not always able to clean up the site; and that the conflicting statements reported by a prior speaker regarding the town landfill are not surprising.

Ms. Kabot and Mr. Shea arrived during the following speaker's comments, and a five member quorum was present for the remainder of the meeting.

The fourth speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. He spoke about the proposed resolution presented to the Commission by Riverhead's representative at the December meeting regarding the pending EPCAL litigation appeal. Mr. Amper described his recent contact with the Riverhead Supervisor; stated that he will need to meet with the Town to see if some of the issues could be resolved; that the issues of concern here are not about the EPCAL site as much as they are about the Pine Barrens Act; that the proposed motion jeopardizes the Act; that the court decision on this matter went beyond the instant issue; and that the decision might mean that all development is economic development, and thus that all development is "nondevelopment". He stated that he never imagined that the Commission would countenance compromising the Act; that the Legislature should pass an amendment to the Act; that it is improper to have one Commission member sue the larger Commission and then seek to have the Commission not defend the case; and that home rule was altered when the Legislature passed the pine barrens act.

Mr. McCormick responded to Mr. Amper's remarks, and stated that he has great respect for Mr. Amper's past work and contributions, but he disagrees with what Mr. Amper said today. Mr. McCormick stated that Riverhead Town is dedicated to upholding the pine barrens standards in the Compatible Growth Area, and spoke about the content and application of Section 9.2 of the Pine Barrens Plan. Mr. Amper stated that he is concerned as to whether other Commission members believe that the Plan can override the Act; that other Commission members may try to obtain exceptions for sites within their towns; that the Commission cannot just get three votes and supercede state law; and that a legislative amendment may be needed.

The fifth speaker was Mr. Alan Cohen, representing SAFE. He stated that a "small fortune" was spent for one clean up at the trap and skeet range, and that the material there now is inert.

Minutes for 12/17/08: review, approval

Summary: *The following change was made to the draft 12/17/08 meeting summary: under Public Comments, the second paragraph's fifth sentence should read, in part: "The second item was the unanimous passage of the attached resolution ...". **A motion was then made by Ms. Prusinowski and seconded by Ms. Kabot to approve as final the amended summary of the 12/17/08 meeting. The motion was approved by a 5-0 vote.***

2009 Commission meeting schedule: review, adoption

Summary: *Mr. Corwin described the attached draft meeting schedule for the period February 2009 through January 2010. **A motion was then made by Ms. Prusinowski and seconded by Mr. McCormick to approve the meeting schedule. The motion was approved by a 5-0 vote.***

Extension of Commission - DEC contract ending 3/31/08: approval (awaiting copy from NYS DEC)

Summary: *Mr. Corwin explained that the five year contract between the Commission and*

the NYS DEC which expired on 3/31/08 needs to be extended by three months to 6/30/08 in order to allow using the remaining 2007-08 state fiscal year funds for the first part of the 2008-09 state fiscal year (see attached material). **A motion was made by Mr. Isles and seconded by Ms. Prusinowski (1) to approve and authorize the three month contract extension and (2) to authorize the Commission Chair to execute the extension on behalf of the Commission. The motion was approved by a 5-0 vote.**

Committee Needs and Structures Assessment: report from first (12/17/08) meeting of Advisory Committee (Mr. Turner, representing Commission at AC for this matter; from Commission meeting of 5/21/08)

Summary: Mr. Turner reported that the Pine Barrens Advisory Committee met on 12/17/08 (which he also attended) and commenced its review of the Commission's committees and structures. He also noted that this is a follow up study to the 2005 staffing and administrative study by the Commission; that the Advisory Committee will be commencing its detailed review of the individual committees and councils at its next meeting on 2/11/09; and that the first committee to be examined will be the Protected Lands Council (PLC), at the request of Mr. John Pavacic, Chair of the PLC.

Stewardship & Education

Environmental Education: January update (Ms. Griffiths)

Summary: Ms. Griffiths distributed and described the attached monthly update. Specifically, she noted that over 9,000 youths and adults were reached during 2008 through various speaking, school and community events, and that the January school programs involved the Sayville, Coram, Ridge and Longwood schools.

She also brought two matters to the Commission's attention for consideration and approval: renewal of the Barrens to Bay Summer Program with the Long Island Maritime Museum in West Sayville, and the offer of a second year of funding from the Brookhaven Science Associates (the contractor operating the Brookhaven National Laboratory) for the Park Twinning Program (including travel expenses) with the MSRM Regional Park in Pisa, Italy (for which the Commission has previously signed a Memorandum of Understanding in 2004). She described both programs' prior years.

A motion was made by Mr. Turner and seconded by Ms. Kabot to conceptually approve the second year of the Barrens to Bay Summer Educational program, subject to Commission counsel approval of a written agreement for the partnership with the Maritime Museum. The motion was approved by a 5-0 vote.

A motion was made by Mr. Turner and seconded by Mr. McCormick to accept the offer of funding for the Twinning Program from the Brookhaven Science Associates. The motion was approved by a 5-0 vote.

2008 Pine Barrens Research Forum: Proceedings (Ms. Carter)

Summary: Ms. Carter distributed and briefly described the attached copy of the final proceedings for the 13th annual Forum, held in October 2008. Mr. Scully complimented the quality of the Proceedings and thanked the staff.

Land Use

Compatible Growth Area (CGA)

The Condominiums at Sandy Hills Change of Zone / Middle Island (200-378-2-33.3): status; possible assertion of jurisdiction (*Ms. Hargrave; not an application*)
Summary: *Ms. Hargrave addressed this proposed 135 residential unit project on a 39 acre site in Middle Island, noting specifically that Brookhaven Town has received an environmental impact statement (EIS) that has not yet been submitted to the Commission. This project is not currently an application before the Commission.*

A brief discussion ensued regarding the comments previously submitted by the Commission on this project at the Draft EIS stage; the proposed use of Pine Barrens Credits and their quantity here; the question of whether the project meets the Pine Barrens Plan standards, including clearing; the redevelopment strategy for this region and the existing Middle Country Road Land Use Plan; the recommendation of the Suffolk County Planning Commission for the redemption of Credits here; the possibility of clarifying in the Pine Barrens Plan amendments the quantity of Credits that should be redeemed in situations such as this; the changes to the project since its first filing; and the fact that the project requires construction of a sewage treatment plant.

It was agreed that the latest materials on this project would be forwarded to the Commission for further examination, including an initial opinion as to its compliance with the Pine Barrens Plan.

Core Preservation Area

Gloria Holgerson Three Lot Subdivision / Calverton (200-270-3-10.103): completeness determination and scheduling of hearing (*Ms. Hargrave; decision deadline is 5/20/09*)
Summary: *Ms. Hargrave reported that this new Core hardship application is for the division of a 6 acre site on Pinehurst Boulevard north of Nugent Drive in Calverton, zoned A5 Residence, into three lots, one of which would contain an existing residence. The decision deadline is 5/20/09. **A motion was made by Ms. Prusinowski and seconded by Ms. Kabot to adopt the attached resolution to (1) determine that the application is complete, (2) commence the SEQRA review for this application, and (3) schedule a public hearing on this application for 3:00 pm at the Commission's 2/25/09 meeting. The motion was approved by a 5-0 vote.***

Jurevitz Property Residence and Accessory Structures / Ridge (200-326-3-1): completeness determination and scheduling of hearing (*Ms. Hargrave; decision deadline is 5/19/09*)
Summary: *Ms. Hargrave reported that this new Core hardship application is for the construction of a residence and accessory structures (a horse barn and paddock) on a 3.7 acre site south of Patrick Lane (in the vicinity of the northeast corner of NYS Route 25 and William Floyd Parkway) in Ridge zoned A2 Residence. The decision deadline is 5/19/09. **A motion was made by Ms. Prusinowski and seconded by Mr. McCormick to adopt the attached resolution to (1) determine that the application is complete, (2) commence the SEQRA review for this application, and (3) schedule a public hearing on this application for 3:00 pm at the Commission's 2/25/09 meeting. The motion was approved by a 5-0 vote.***

Pine Barrens Credit Program

Report from 1/9/09 Clearinghouse Board meeting (*Ms. Jakobsen*)
Summary: *Ms. Jakobsen reported on several items discussed at the 1/9/09 Clearinghouse Board meeting. Huntington Town has recently requested information on the Credit Program because their staff is looking at the design of a proposed density transfer program within the Town. The Clearinghouse Board reviewed the end of year*

totals for the Pine Barrens Credit Program that day. Some of the statistics presented are cited in the Commission's Annual Report of Activities for 2008 (see attached excerpt). The Clearinghouse funds managed by the Suffolk County Treasurer had a balance of approximately \$3.3 million at the end of the year. Through the end of 2008, approximately 1,753 acres have been protected since the start of the Program, and the average parcel size has risen to 2.61 acres.

One of the significant 2008 accomplishments was the protection of the 403 acre Nassau County Boy Scouts parcel known as the Schiff Reservation or Camp Wauwepex, in Wading River, for which the Scouts received 99 credits. Ms. Jakobsen reported today that the Scouts have just sold 1.64 of those Credits in 2009. Other items discussed at the Clearinghouse meeting include the parcel based analysis of remaining unprotected Core lands in the three towns, and the potential number of Credits that could be generated from them; the Pine Barrens Plan amendments that involve the Credit Program; the Long Island Pine Barrens Society's offer to assist with any future Credit Program mailings to property owners; and Brookhaven Town's Middle Country Road Land Use Plan for Coram, Middle Island and Ridge.

Planning & Land Use

Carmans River Watershed planning initiative: initial discussion (Mr. Turner)

Summary: Mr. Scully summarized some of the challenges facing the Carmans River area, including land protection and all terrain vehicle damage. He described the recent discussions of the informal Carmans River Partnership co chaired by Mr. James Tripp and Mr. Thomas Williams. He asked that the Science and Stewardship staff evaluate a possible replication of the ATV Damage Mitigation Project in the northern Carmans River areas. Mr. Turner then described some of the work completed and planned by Brookhaven Town officials and staff, including allocating funds for a Carmans River protection plan and establishing a steering committee for that effort.

Mr. Corwin described some of the Pine Barrens Plan and Pine Barrens statutory provisions that might be applicable to a Carmans River planning effort from the Commission's perspective. These include designation of Critical Resource Areas in the CGA, within which the Commission would have direct review authority over land use projects; and CGA voluntary sending areas which would allow owners to apply for Pine Barrens Credits. He also noted that there are many forms which a Carmans River plan or study could take, including a land preservation plan, a zoning and land use plan, a carrying capacity plan, and other forms.

Mr. Corwin also conveyed an offer from the Suffolk County Water Authority (SCWA) CEO Steve Jones to have the SCWA geographic information system staff provide a watershed based map of the Carmans River drainage system, and distributed the attached sample of a similar delineation drafted by the SCWA staff for the Nissequogue and Connetquot River valleys.

A discussion ensued regarding the overall Carmans River effort's focus, the possible relationships between the Town and the Commission involvement and goals, and the steps necessary to assure that any plan or study produces a feasible and effective set of recommendations and work products. Mr. Turner agreed to convene a meeting of the appropriate Town, Commission and other pertinent parties to begin that scoping effort.

Plan amendment update: preliminary parcel & acreage results (Ms. Carter)

Summary: Mr. Corwin explained that Ms. Ann Carter of the Commission staff and Ms.

Donna Waide of the SC Real Estate Division have been working closely together on identifying and analyzing all real property parcels within the Core Preservation Area, across all three pine barrens towns. The invaluable contribution of Ms. Waide's time from the SC Real Estate Division was noted appreciatively by the Commission.

Together, they have produced a data set that allows, among other queries, a quantitative estimate of all remaining privately held and unprotected acreage by town, and an estimate of the maximum remaining Pine Barrens Credits that could still be generated from the Core area. Mr. Corwin explained that estimates such as these are essential for the Pine Barrens Plan amendments to proceed. This is due to the fact that several of the proposed amendments involve new voluntary Credit sending areas within the CGA, and the current Plan requires that certain minimum ratios of Credit receiving capacity divided by Credit sending potential be maintained. The Clearinghouse Board has seen the initial results of this analysis, and its members will provide feedback to Ms. Carter which will be incorporated and addressed into a final report. That report will be used to advance the Plan amendments, including any necessary changes to abide by those ratios.

Ms. Carter distributed and described the attached overview charts. These show, among other results, that approximately 1,327 parcels remain in the Core area across the three towns which could potentially receive Pine Barrens Credits, and the approximate maximum total Credits that could still be generated from them is 647. She also reviewed the breakdown of these parcels by acreage size categories of less than one acre; 1 to 10 acres; 11 to 50 acres; and over 50 acres.

A discussion ensued regarding the need to look at all three towns' Credit situations, including the total receiving absorption capacity in each town (a process already underway by the Brookhaven Town staff). Ms. Kabot praised the value of the parcel and Credit analysis presented today, and discussed the Residential Receiving Area Districts for Southampton, as well as the logistics of updating the Southampton Credit absorption capacity estimates. She also touched upon some of the specific projects reviewed in Southampton in which Pine Barrens Credits were required.

Compliance and Enforcement: January update (Mr. Hynes)

Summary: Mr. Hynes distributed and discussed the attached Compliance and Enforcement summary through 12/31/08 showing the development project compliance, conservation easement monitoring, and incident reports. He noted that he has met with the Brookhaven Town staff regarding the activities at the Hampton Club development project site in Eastport, the accumulation of sand at the site, removal of debris, regrading, and the slowdown of construction at the site due to the current economic situation.

Mr. Hynes noted that there are currently 31 open incident reports of various types, some of which involve coordination with the towns or the NYS DEC. A brief discussion ensued regarding the Ridge Greens subdivision south of NYS Route 25, its design parameters, and its status under the pine barrens law.

Closed Advisory Session

Summary: A motion was made by Ms. Kabot and seconded by Mr. Scully (1) to enter into a closed advisory session for the purpose of receiving legal advice from counsel on the pending EPCAL litigation appeal, and (2) to exclude litigants from the closed advisory session. A discussion ensued on the motion, with Mr. McCormick questioning whether he could be legally excluded from the closed session, and Ms. Kabot stating that there is a conflict that should exclude him. Mr.

McCormick objected to the motion. The motion was approved by a 4-1 vote, with the dissenting vote cast by Mr. McCormick. However, the Commission did not enter into the closed session at this time. Instead, there was a break from approximately 4:15 pm to 4:23 pm.

Upon return, a motion was made by Mr. McCormick and seconded by Ms. Kabot for discussion purposes to request the NYS Attorney General to provide a written opinion regarding the legal acceptability of Ms. Kabot's motion. During the discussion, Ms. Kabot agreed that there should be a written opinion but stated that does not preclude the Commission from meeting in closed session today. The motion was then approved by a 5-0 vote.

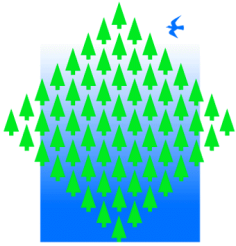
A brief discussion then followed regarding the possibility of delaying the originally approved closed session without the litigants to a future time. Instead, **a motion was then made by Ms. Kabot and seconded by Mr. McCormick to enter into a closed advisory session for purposes of receiving legal advice from counsel. The motion was approved by a 5-0 vote,** and the Commission entered into closed session from approximately 4:32 pm to 4:45 pm.

Adjournment

Summary: The meeting was adjourned immediately following the closed session without a formal adjournment resolution.

Attachments (in order of discussion):

1. Attendance sheets (1/21/09; 2 pages)
2. Project location map for today's meeting (1/21/09; 1 page)
3. Statements concerning lead contamination from Ms. McConnell (1/21/09; 3 pages)
4. Commission meeting schedule (1/21/09; 1 page)
5. Commission - NYS DEC contract extension materials (undated; 7 pages)
6. Education and Outreach January Update (Jan. 2009; 1 page)
7. Proceedings of 2008 Pine Barrens Research Forum (10/2/08; 52 pages)
8. Resolution on Holgerson Core hardship application (1/21/08; 1 page)
9. Resolution on Jurevitz Core hardship application (1/21/08; 1 page)
10. Pine Barrens Credit excerpt from 2008 Commission Annual Report (Jan. 2009; 8 pages)
11. Nissequogue and Connetquot River Valleys map from SCWA (undated; 1 page)
12. Analysis of Core Preservation Area Tax Parcels (1/21/09; 2 pages)
13. Compliance and Enforcement Summary through 12/31/08 (12/31/08; 1 page)



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**Pine Barrens Commission Meeting Summary (FINAL)
for Wednesday, February 25, 2009 (Approved 3/18/09)
at the Southampton Town Hall,
116 Hampton Road, Southampton, NY, NY, 2:00 pm**

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

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, Ms. Mills, Ms. Carter, Ms. Hargrave, Ms. Griffiths and Mr. Hynes (from the Commission), and Mr. Spitz (from the NYS Department of Environmental Conservation (NYS DEC)). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:10 pm by Mr. Scully, with a four member quorum initially present consisting of the New York State, Brookhaven Town, Riverhead Town and Southampton Town representatives. The Pledge of Allegiance was recited.

Public Comment and Administrative

Public comments

Summary: *There were no speakers.*

Minutes for 1/21/09: review, approval

Summary: *One change was noted to the draft, namely the removal of a spurious sentence fragment on page 4 between the Holgerson and Jurevitz summaries. **A motion was then made by Ms. Prusinowski and seconded by Ms. Kabot to approve the 1/21/09 minutes as final with that change. The motion was approved by a 4-0 vote.***

Ms. Gallagher arrived during the following item, and a five member quorum was present for the remainder of the meeting.

Committee Needs and Structures Assessment: report from second (2/11/09) meeting of Advisory Committee

Summary: *Mr. Turner reported that he attended the 2/11/09 Pine Barrens Advisory Committee meeting, at which the Committee specifically discussed the Protected Lands Council (PLC). Suffolk County Parks Commissioner, and PLC Chair, John Pavacic was also present at the 2/11 meeting. The Committee's discussion touched upon the origin, purpose and work to date of the PLC. The meeting concluded with the Committee members agreeing to forward comments to the Committee Chair, Mr. Stephen Jones of the Suffolk County Water Authority, so that he can prepare a draft set of recommendations regarding the PLC for consideration at the next Committee meeting.*

Public comments

Summary: *Mr. Scully asked again if there were any public comments, and there were no speakers at this time either.*

Stewardship & Education

Draft Science and Stewardship Division 2009–2010 Work Plan: review; approval

Summary: Ms. Carter described the attached Draft Science and Stewardship Division Plan for the upcoming 2009/2010 year. Major areas within the Division Plan include amendments to the Central Pine Barrens Plan relating to Science and Stewardship; natural resource monitoring and assessment; the ongoing ATV Damage Mitigation Project; support for the other Commission Divisions, especially Land Use; cartographic and geographic work, such as the protected areas and ecological communities maps plus the parcel analysis for the Core area; the fire tower replication project; invasive species field mitigation projects; the 2009 Research Forum; a recreational resource guide; a neighborhood watch program, and additional topics. She noted that the Division plan also includes the specific statutory and/or Pine Barrens Plan provisions that authorize each Division Work Plan item.

Mr. Shea and Mr. Turner spoke about the development of the Division Work Plan and the oversight of the Commission's Science and Stewardship Steering Committee (on which they serve). Mr. Shea emphasized the importance of being able to trace each effort to a specific statutory and/or Pine Barrens Plan section. A general discussion then ensued regarding the current Division Plan tasks principally relying upon staff time with minimal additional expenditures, and the possible implications of the proposed State Executive Budget on the Commission's stewardship efforts. **A motion was made by Ms. Kabot and seconded by Mr. Turner to approve the Science and Stewardship Division 2009-2010 Division Plan contingent upon available funding, and to prepare a list of projects that are not being proposed at this time due to the current financial uncertainty. The motion was approved by a 5-0 vote.**

Environmental Education: monthly update

Summary: Ms. Griffiths distributed and described the attached monthly Education and Outreach Division summary. She specifically noted an ecology class from the City College on New York will be visiting the Sarnoff Preserve as part of their studies; that the 2009 Barrens to Bay summer educational program flyer will be mailed to schools in twelve school districts next week; and that the Environmental Education Committee and other supporters are planning for the Saturday, 6/13/09 Pine Barrens Discovery Day at the Suffolk Community College Eastern Campus, with the rain date being the next day.

She reported that she has just returned from the second educational trip to the Commission's park "twin", MSRM Regional Park in Pisa, Italy. Ms. Griffiths reiterated the current funding policy of the Commission for this work, noting specifically that no Commission funds other than her staff time are being used for this effort, and that all travel and related expenses are reimbursed by the Brookhaven Science Associates (the not for profit contractor which operates the Brookhaven National Laboratory) through their generous offer of up to \$6,000 in 2009 to support the twinnings work.

She stated that the Pisa school's teachers and administrators are enthusiastic, and are working hard to further the web based joint biodiversity educational program between the Pisa and pine barrens schools, especially the Longwood High School in the pine barrens. Ivan Suarez, a teacher from Longwood, participated in the trip. Ms. Griffiths reported that there are two initial webcasts planned in May and September. The Commission will be using either Longwood or Brookhaven National Laboratory facilities for this, as the Commission does not have the technical facilities for webcasting.

As part of this three party educational work, the Pisa school administrators have

suggested that a three way agreement among the MSRM Regional Park, the Pisa school, and the Commission be created, and that a signing could perhaps occur in conjunction with the yearly Park Festival each May in Pisa.

Other components of the educational aspects of the twinnings program being discussed include a staff exchange between the two protected areas, and complementary exhibits in each protected area about the other. She noted that the location within the Central Pine Barrens where that exhibit would be placed would have to be discussed, as we do not yet have a visitor center.

She also spoke with MSRM officials about appointing persons with specific specialties or backgrounds to the joint Cooperation Committee called for in the existing Memorandum of Agreement (MOA) between MSRM Park and the Commission. Although the MOA does not specify the size of the Committee, it does specify an equal number of individuals from each party. The currently suggested number of individuals is ten, with five from each party. Finally, she noted that MSRM Park officials may attend the October 2009 Research Forum.

Land Use

Planning & Land Use

Compliance and Enforcement: monthly update

Summary: Mr. Hynes distributed and described the attached monthly Compliance and Enforcement Division statistical summary for development project monitoring, conservation easement inspection and monitoring, and incident report tracking. He specifically observed that the Commission office has received numerous calls regarding the Ridge Greens subdivision south of NYS Route 25 in Ridge; that he has met on site with Town officials overseeing the project field work; and that everything to date has been in conformance with the requirements of the Town.

To date in 2009, six incident reports have been filed with the Commission, and 28 incident reports remain open from 2008. He noted that the Pine Barrens Law Enforcement Council (LEC) meets tomorrow at County Park Police headquarters. The LEC is actively engaged in planning for resumption of the abandoned vehicle airlifts from the Central Pine Barrens with the NY Army National Guard's Aviation Support Facility #1 (a member of the LEC) based at MacArthur Airport. Six vehicles have been identified to date. Mr. Turner knows about one vehicle that is on Town property which he would like to have considered for an airlift removal, and Mr. Hynes will speak with him regarding that.

A discussion ensued regarding the approach used to address dumping sites and issues, with Mr. Scully raising the question of preventing dumping. Mr. Hynes stated that an initial priority with a known dumping incident after an investigation is finished with the site is to have it cleaned up, so as to avoid attracting additional dumping at the same location. Mr. Scully requested Mr. Hynes to provide further details about the dumping patterns and locations in order to see if the affected public landowning agencies can implement access restrictions and other preventive field measures. There was agreement that the Commission would like to see a breakdown of the types of incidents that have been occurring, and that will be provided in the future.

Core Preservation Area

Jurevitz Property Residence and Accessory Structures / Ridge (200-326-3-1): postponement to 3/18/09 (decision deadline is 5/19/09)

Summary: Ms. Hargrave reported that the attached written hearing postponement request for the Jurevitz Core application to the 3/18/09 Commission meeting has been received. She also noted that the applicant has agreed to an extension of the Commission's decision deadline on this application to 6/9/09.

A motion was then made by Mr. Turner and seconded by Ms. Gallagher to accept and agree to the hearing postponement request, to reschedule this hearing for the 3/18/09 Commission meeting at 3:00 pm, and to agree to the extension of the decision deadline to 6/9/09, all through adoption of the attached resolution. The motion was approved by a 5-0 vote.

Gloria Holgerson Three Lot Subdivision / Calverton (200-270-3-10.103) (deadline was 5/20/09)

Summary: Ms. Hargrave reported that this application was withdrawn in the attached 2/17/09 letter.

Compatible Growth Area (CGA)

McCarrick Two Lot Subdivision / Lake Panamoka (200-217-1-25, 26) (not on the original agenda)

Summary: Ms. Hargrave reported an application has been received for this two lot subdivision. No further discussion was held on this today, and no action was taken.

Wendy's Restaurant / Middle Island (200-379-3-9.3) (decision deadline was indefinite)

Summary: Ms. Hargrave reported that this application was withdrawn in the attached 2/23/09 e-mail.

Administrative

NYS Executive Budget: discussion (not on the original agenda)

Summary: Mr. Scully noted that the proposed NY State Executive Budget for the 2009-2010 fiscal year (which commences 4/1/09) reflects a reduction in Environmental Protection Fund monies overall, including the Commission's administrative funding. That is slated for \$700,000 in the proposed budget, a reduction from the annual \$1,100,000 in recent fiscal years.

A general discussion ensued regarding the Commission's responsibilities under the pine barrens law; the "on the ground" projects which the Science and Stewardship Division and the Science and Stewardship Steering Committee have been successfully promoting; the tangible results that are becoming evident as exemplified by the ATV Damage Mitigation Committee work in the Flanders Pilot Project area (approximately 5,700 acres) and the Dwarf Pine Plains Interpretive Trail; the firmly established Compliance and Enforcement Division work which is currently staffed by a single half time staff member; the various components of the just approved Science and Stewardship Division Work Plan and their principal reliance upon staff time, rather than separate expenditures, for accomplishment; some of the possible tasks or efforts that may not be feasible at the present time due to the State's fiscal uncertainty; the current legislative deliberations occurring in Albany; and the desire of the Commission to memorialize its concerns on the proposed funding levels to the Executive and Legislative branches.

Following a brief discussion regarding content and format, **a motion was made by Ms. Kabot and seconded by Ms. Prusinowski to direct staff to forward a separate, stand**

alone resolution to the Executive and Legislative branches stating that the Commission has become aware of the proposed cuts in the Environmental Protection Fund, how they will affect the Commission's work overall, and resolving that the Commission hereby memorializes its concerns about the effect of the proposed cuts upon the watershed and habitat protection responsibilities of the Commission under the state pine barrens law. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Mr. Scully.

Land Use

Core Preservation Area

Southaven County Park Trap and Skeet Range / Yaphank (200-745-1-1, etc.) / new motion (original proposed assertion of jurisdiction resolution tabled at 5/21/08 meeting; not on the original agenda; not an application)

Summary: Mr. Turner said that he has been requested by Brookhaven Deputy Supervisor Lori Baldassare to make the following motion regarding the Southaven County Park Trap and Skeet Range. A motion was then made by Mr. Turner "to have the Pine Barrens Commission assert review jurisdiction, pursuant to Article 57-0123(2)(a) of the Pine Barrens Act, over the trap and skeet facility situated within Suffolk County's Southaven Park, for the purposes of determining whether the trap and skeet operation constitutes development pursuant to Article 57-0107(13)." He then noted some of the concerns that exist regarding the operation of the range, and referenced prior actions of the Commission regarding the determination of jurisdiction over land use actions which he believes support the motion. There was no second at this time.

Closed Advisory Session

Summary: A motion was made by Mr. McCormick and seconded by Ms. Gallagher to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 5-0 vote, and the Commission entered into closed session from approximately 2:59 pm to 3:35 pm.

Land Use

Core Preservation Area

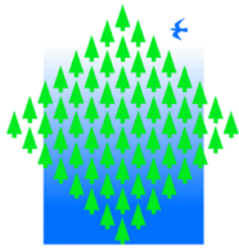
Southaven County Park Trap and Skeet Range / Yaphank (200-745-1-1, etc.) / continuation
Summary: Mr. Scully noted that the motion made by Mr. Turner regarding the trap and skeet range prior to the closed advisory session has not yet been seconded, and asked if there was a second. There was none, and the motion did not progress.

Adjournment

Summary: A motion was made by Ms. Prusinowski and seconded by Ms. Gallagher to adjourn. The motion was approved by a 5-0 vote, and the meeting ended at approximately 3:37 pm.

Attachments (in order of discussion):

1. Attendance sheets (2/25/09; 2 pages)
2. Project location map for today's meeting (2/25/09; 1 page)
3. Science and Stewardship Division Plan for 2009-2010 (2/10/09; 5 pages)
4. Education and Outreach Report (February 2009; 4 pages)
5. Compliance and Enforcement Report (2/25/09; 1 page)
6. Jurevitz Core application hearing postponement request (2/17/09; 1 page)
7. Jurevitz Core application hearing rescheduling resolution (2/25/09; 1 page)
8. Holgerson Core application withdrawal letter (2/17/09; 1 page)
9. Wendy's Restaurant CGA application withdrawal letter (2/23/09; 1 page)
10. Commission resolution re Environmental Protection Fund (2/25/09; 1 page)



**CENTRAL
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COMMISSION

**Commission Meeting Summary (FINAL)
for Wednesday, March 18, 2009 (Approved 4/15/09)
at the Brookhaven Town Hall,
1 Independence Hill, Farmingville, NY, 2:00 pm**

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

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, Ms. Carter, Ms. Hargrave, Ms. Griffiths and Mr. Hynes (from the Commission), Mr. Jones (from the Suffolk County Water Authority (SCWA) and Chair of the Pine Barrens Advisory Committee), Mr. Spitz (from the NYS Department of Environmental Conservation (NYS DEC)), and Ms. Longo (from the Suffolk County Department of Environment and Energy). Additional attendees are shown on the attached sign-in sheet.

Peter A. Scully
Chair

Lori Baldassare
Member

Philip J. Cardinale
Member

Linda A. Kabot
Member

Steve A. Levy
Member

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.

Public Comment and Administrative

Public comments

Summary: The first speaker was Ms. Johan McConnell, representing the South Yaphank Civic Association (SYCA). She distributed and read the attached handout regarding the Southaven Park Trap and Skeet Range. The statement discussed, in part, changes in the activity on the range; lead accumulation on the site; well testing results; golf cart usage; vegetation changes; the issue of abandonment; the zoning history of the land; the nonconforming use concept applied to this site; the Brookhaven Code regarding nonconforming uses; and her desire to have the Commission vote on the tabled motion to assert jurisdiction over the range.

The second speaker was Mr. John Palasek, representing the SYCA. He stated that the three pine barrens towns' codes are basically the same with respect to the issue of abandonment, and compared the provisions of those towns. He cited court decisions on this matter.

The third speaker was Mr. John McConnell, representing the SYCA. He distributed and read the attached handout re the range. He discussed the individual complaints that have been filed with the Commission regarding the range, and specifically addressed the period from January through July 2008. He stated that he would like to receive a written statement on the results of each complaint. He also spoke on the issue of abandonment; described a 2005 meeting that included the County Executive; and drew an analogy with the U.S. Environmental Protection Agency being sued several times over enforcement of laws.

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Land Use

Core Preservation Area

Southaven County Park Trap and Skeet Range / Yaphank (200-745-1-1, etc.) / continuation
Summary: Mr. Turner stated that he has been directed and authorized to offer the attached two resolutions for consideration by the Commission regarding the Southaven Trap and Skeet Range, and he distributed and read those resolutions.

A motion was then made by Mr. Turner and seconded by Mr. Shea to adopt both resolutions. An extensive discussion followed regarding the wording of the resolutions, and it was agreed that the two would be combined into one. Mr. Scully noted that he will recuse himself from a vote on this matter. The discussion centered upon numerous text changes, including, in part, clarifying that "support staff" refers to the Commission staff; replacing "Law Enforcement Council" with "law enforcement staff"; and changing the final paragraph of each section to require both a written findings of fact as well as a written legal opinion regarding the "abandonment" and "material alteration" issues. Further discussion centered upon legal issues; factors to be considered in the analysis such as clearing, construction, and excavation; and additional wording changes.

Mr. Turner and Mr. Shea both agreed to amend their motion to accept the text changes shown in the attached final resolution. The amended motion to adopt and approve the attached final resolution was then approved by a 4-0-1 vote, with the abstaining vote cast by Mr. Scully.

Public Comment and Administrative

Minutes for 2/25/09: review, approval (previously e-mailed)

Summary: **A motion was made by Mr. Shea and seconded by Mr. Turner to approve the minutes of the 2/25/09 meeting without changes. The motion was approved by a 5-0 vote.**

Commission Budget Update and 2009 - 2010 Draft Contingency Budget

Summary: Mr. Corwin and Ms. Jakobsen discussed the attached financial summary and contingency budget analysis in detail. Mr. Corwin summarized the previous funding history of the Commission from New York State; the expenditures to date for the current fiscal year including projections through 3/31/09; and the breakdown of salary and non salary expenses for the current fiscal year.

Ms. Jakobsen detailed the projections for both the next fiscal year (2009-2010) as well as longer term projections for the 2010-2011 fiscal year. A general discussion ensued regarding the various numbers and estimates in the document; the pending relocation of the Commission office; and the current discussions in Albany regarding the Environmental Protection Fund, through which the Commission receives its operating funds.

Stewardship & Education

Carmans River Watershed GIS Mapping and Information - (Steve Jones)

Summary: Mr. Jones explained that he requested that the SCWA Geographic Information Systems staff produce the attached two draft maps of the general Carmans River area,

using the same analytic techniques that the SCWA staff previously used to analyze the Nissequogue River basin. He presented and described poster sized versions of the two Carmans River maps, one entitled "Distance to Ground Water (Upper Glacial Aquifer): Differential between ground surface and ground water, based on Digital Elevation Models" and the second entitled "Surface Elevations above mean sea level, based on LIDAR Data (bare-earth) and Suffolk County Digital Elevation Model".

He oriented the Commission members to specific fixed locations on the two maps; discussed the LIDAR method that is used in compiling that data; pointed out both ground water table and surface features and their representations on the maps; explained how these could be used to show sensitivity of ground water to surface impacts; and explained that the SCWA staff could provide such analytic assistance to the Commission in a future Carmans River study or planning effort undertaken by the Commission.

A general discussion followed regarding the ground water sensitivity application of the maps; the calculation of the vertical distances to ground water shown; the color schemes used and their interpretation; the utility of such maps in delineating a Carmans River boundary; and the need for additional data for further analysis (such as ground water flow). The Commission members thanked Mr. Jones for the assistance and welcomed the SCWA's participation in future Carmans River work. Mr. Jones offered to provide copies of these maps to any interested party.

Land Use

Pine Barrens Credit Program

Presentation and Discussion on Program Status and Credit Use (Mr. Tripp and Mr. Pally)

Summary: Present for today's discussion were Mr. James Tripp, the Chair of the Pine Barrens Credit Clearinghouse Board of Advisors and Brookhaven Town representative, and Mr. Mitch Pally, the Governor's Appointee and New York State representative to the Clearinghouse Board.

Mr. Tripp distributed and discussed the attached document listing the Pine Barrens Credit Program's successes, based upon the Program statistics through January 1, 2009, and its challenges and solutions. Specifically, Mr. Tripp and Mr. Pally both emphasized that there is an urgent need for the pine barrens towns to consistently require redemptions of Credits for large projects which exceed the base density permitted by a site's zoning. They expressed their concerns regarding the current use of non Core lands in the towns - including as of right Credit receiving areas as well as other CGA and non pine barrens land - for density increases without commensurate redemptions of Pine Barrens Credits.

They explained that the Pine Barrens Plan requires the towns to maintain certain ratios of receiving capacity to sending potential, and that the continued viability of the Credit Program rests in part upon doing so. The handout also contains the current parcel and Credit estimates from the recent work of the Commission staff, especially Ms. Carter, and Mr. Tripp also went over those numbers.

A general discussion followed, focusing upon various solutions and recommendations that the Clearinghouse might wish to forward to the Commission, and which will be discussed at the Clearinghouse Board meeting in two days. One of those suggestions is to require the redemption of Credits equal to at least one half of the density increase above base zoning being considered for non Core development sites. The various details of such a policy were explored extensively. Mr. Tripp and Mr. Pally stated that the Clearinghouse

Board is unanimous in its concerns over this issue and in favoring a solution along these lines. It was agreed that the appropriate process for addressing this would be for the Clearinghouse to make a recommendation for a Pine Barrens Plan amendment to be included in the currently pending batch of Plan amendments, and to have this additional recommendation forwarded to the Advisory Committee for consideration. Mr. Scully thanked Mr. Tripp and Mr. Pally for taking the time from their schedules to personally present this issue to the Commission.

Stewardship & Education

Law Enforcement Council - Memorandum of Understanding with Civil Air Patrol: review, approval, possible signing (Mr. Corwin, Mr. Milazzo; to be e-mailed)

Summary: Mr. Corwin summarized the history of the Commission's (and the Law Enforcement Council's) previous attempt to secure a Memorandum of Understanding (MOU) with the Civil Air Patrol (CAP), the origins of that work and the field work with which the CAP personnel could assist (e.g., mapping, resource surveys, etc.). Mr. Milazzo summarized his review of the draft MOU, and the various insurance aspects of such an agreement, including responsibilities and rights of both parties. He explained that the agreement is a standard form, and advised the Commission that the CAP counsel and officials did not agree to the indemnity provisions that he had requested. He noted that the CAP is a national organization and that this is a standard format, and that it is the Commission's determination as to whether to accept the current form.

Following a brief discussion, a motion was made by Ms. Prusinowski and seconded by Ms. Gallagher to approve the attached MOU with the CAP, and to authorize the Commission Chair to execute the MOU on behalf of the Commission. The motion was approved by a 5-0 vote.

Law Enforcement Council - Environmental Benefit Fund: proposed purchase of an ATV trailer; bids to be solicited; possible purchase (Mr. Hynes; information item)

Summary: Mr. Corwin distributed and discussed the attached sample information for an all terrain vehicle trailer which the Law Enforcement Council wishes to purchase using the Environmental Benefit Fund established for the purpose of obtaining such equipment. The trailer would be purchased via the SCWA Purchasing Department under standard procedures, and the lowest responsive bid or quote would be brought to the Commission for approval.

Although the expected price is well below \$5,000, the item is a titled motor vehicle item, and the Commission will have to authorize its transfer after purchase, as per customary past practice with such items, with the intended recipient agency here being the NYS DEC. The trailer would then be available to other LEC agencies as needed. Today's item is informational.

Environmental Education: monthly update (Ms. Griffiths)

Summary: Ms. Griffiths distributed and discussed the attached March 2009 education and outreach update, noting that school programs are continuing with Longwood, Rocky Point, BOCES and SUNY Stony Brook. She also touched upon some of the details for the 2009 Barrens to Bay Program with the Long Island Maritime Museum, and the June 13th Discovery Day event at the Eastern Campus of Suffolk Community College. A brief discussion was held regarding the Discovery Day event, which is being cosponsored by several organizations, including the Long Island Pine Barrens Society which is providing extensive assistance.

Land Use

Planning & Land Use

Compliance and Enforcement: monthly update (Mr. Hynes)

Summary: Mr. Hynes distributed and discussed the attached monthly summary, and included in this month's report a breakdown of reported incidents by source, location, nature of the incident, referrals made, status, and disposition. Also included is a sample of the summary which Sgt. Pendzick, Chair of the LEC, provides after each Multi Agency ATV Task Force detail, with this one covering the 2/22/09 detail. Mr. Hynes also passed around photographs from recent field details.

Hearing (Material is at www.pb.state.ny.us/development/dev_apps.htm)

Core Preservation Area

Jurevitz Property Residence and Accessory Structures / Ridge (200-326-3-1): postponement to 3/18/09. Application Withdrawn - Hearing Cancelled (Ms. Hargrave)

Summary: Ms. Hargrave reported that the attached withdrawal letter has been received from the applicant's representative regarding the Jurevitz application originally scheduled for a hearing today. **A motion was made by Mr. Scully and seconded by Mr. Turner to accept the Jurevitz application withdrawal. The motion was approved by a 5-0 vote.**

Adjournment

Summary: **A motion was made by Mr. Shea and seconded by Ms. Gallagher to adjourn. The motion was approved by a 5-0 vote.**

Attachments (in order of discussion):

1. Attendance sheet (3/18/09; 2 pages)
2. Southaven Trap and Skeet handout from Ms. Johan McConnell (3/18/09; 3 pages)
3. Southaven Trap and Skeet handout from Mr. John McConnell (3/18/09; 1 page)
4. Draft Brookhaven Town resolution re Trap and Skeet Range (undated; 1 page)
5. Final Commission resolution re Trap and Skeet Range (3/18/09; 1 page)
6. Commission financial summary (undated; 3 pages)
7. SCWA Carmans River basin maps (undated; 2 pages)
8. Pine Barrens Credit handout from Mr. Tripp (undated; 2 pages)
9. Civil Air Patrol MOU (undated; 21 pages)
10. LEC ATV trailer information (undated; 4 pages)
11. Education and Outreach Monthly Report (March 2009; 1 page)
12. Compliance and Enforcement Report and additional materials (3/18/09; 3 pages)
13. Jurevitz Core hardship application withdrawal letter (3/12/09; 1 page)



**Pine Barrens Commission Meeting Summary (FINAL)
for Wednesday, April 15, 2009 (Approved 5/20/09)
at the Brookhaven Town Hall,
1 Independence Hill, Farmingville, NY, 2:00 pm**

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

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, Ms. Carter, Ms. Hargrave, Ms. Griffiths and Mr. Hynes (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation (NYS DEC)), and Ms. Longo (from the Suffolk County Department of Environment and Energy). 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 three members present (no quorum): Mr. Scully, Ms. Gallagher, and Mr. Shea. The Pledge of Allegiance was recited.

Philip J. Cardinale
Member

Linda A. Kabot
Member

Public Comment and Administrative

Public comments

Mark Lesko
Member

Summary: There were no speakers.

Steve A. Levy
Member

NYS budget: status (Mr. Corwin)

Summary: Mr. Corwin reported that the State Budget for the 2009-2010 fiscal year has been signed into law, and that includes the Environmental Protection Fund through which the Commission's operating funds are provided. The Commission's appropriation has been restored to \$1,100,000. Mr. Corwin reported that he and Ms. Jakobsen will return to the original contingency budget analysis, and will prepare a revised budget for the current fiscal year for discussion at the next meeting.

Commission - DEC Five Year Contract renewal (Mr. Corwin)

Summary: Mr. Corwin described the attached draft contract between the NYS DEC and the Commission for the five year period of 4/1/08 through 3/31/13. The first year of this period is the recently ended 2008-09 FY, and the current FY is the second year. He also noted that the contract draft from NYS DEC contains an overarching total dollar limit for the entire five year period of \$5,000,000, but that will likely require an amendment in the coming years, since the current rate of appropriation, even assuming no increases in the last three years, would total \$5,500,000. A vote on this was delayed until there was a quorum.

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Stewardship & Education

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Carman's River Watershed Preservation Plan: status and follow up from 4/7 organizational meeting (Mr. Corwin)

Summary: Mr. Corwin described the results of the 4/7/08 Carmans River

Partnership meeting at Brookhaven Town Hall, as documented in the attached summary. The meeting focused upon the extent, content, and tasks involved in a Carmans River preservation and protection plan. Topics addressed include the goals for the plan; the various existing boundaries that have been defined by several agencies for different purposes; studies completed, pending or needed regarding water quality, threats, and vegetation; the planning, regulatory, acquisition, and other tools available in the Carmans River basin, and which entities can use them; funding available for the costs of producing a plan; the roles of various agencies, including the Commission; coordination with the pending Pine Barrens Plan amendments; and the working groups that were identified.

Ms. Prusinowski and Mr. McCormick arrived at this point, and a five member quorum was present for the remainder of the meeting.

Public Comment and Administrative

Minutes for 3/18/09: review, approval

Summary: A motion was made by Mr. Shea and seconded by Ms. Prusinowski to approve the 3/18/09 Commission meeting minutes without changes. The motion was approved by a 5-0 vote.

NYS budget: status (Mr. Corwin)

Commission - DEC Five Year Contract renewal (Mr. Corwin)

Summary: Mr. Scully summarized the prior comments regarding the restoration of the Environmental Protection Fund, including the Commission's funding, and the new five year 2008-2013 contract with the NYS DEC.

A motion was then made by Ms. Prusinowski and seconded by Mr. Shea to approve the contract, and to authorize the Commission Chair to sign it on behalf of the Commission. The motion was approved by a 5-0 vote.

Stewardship & Education

Law Enforcement Council - Environmental Benefit Fund: ATV trailer purchase; quotes received; approval of purchase (Mr. Corwin)

Summary: Mr. Corwin reported that the attached quotes were received in response to the Suffolk County Water Authority Purchasing Department's request for quotes for the ATV trailer, to be purchased using the Environmental Benefit Fund for the support of the Pine Barrens Law Enforcement Council. The quotes include two models of trailers, but the one being considered today is the first one listed on each sheet, namely the CarMate 6x12 trailer. The lowest quote for that was \$3495.00 from Riverhead Trailers.

A motion was made by Mr. Shea and seconded by Ms. Gallagher to (1) authorize the purchase of the CarMate 6x12 trailer from Riverhead Trailers for \$3495.00 using the Environmental Benefit Fund, and (2) authorize the transfer of title of the trailer to the NYS Department of Environmental Conservation with the provision that the trailer be available for use by member enforcement agencies of the Pine Barrens Law Enforcement Council. The motion was approved by a 5-0 vote.

Protected Lands Council (PLC) 4/7 meeting: summary (Ms. Carter)

Summary: Ms. Carter distributed the attached two page photo report of the 4/7/09 PLC meeting held at the Camp Wauwepex / Schiff Scout Reservation in Wading River. She

briefly noted the highlights of the meeting and the tour of the site provided by the Boy Scouts Ranger Jim Gasowski.

ATV and Dumping Damage Mitigation Project: American Red Cross (ARC) Community Service Program - Memorandum of Agreement (Ms. Carter)

Summary: Ms. Carter explained that the American Red Cross is interested in assisting with the ATV and Dumping Damage Mitigation Project through the deployment of its community service enrollees. The participants are providing community service labor in response to nonviolent legal offenses. She explained that the ARC requires a memorandum of understanding (MOA). The community service program places these individuals in either an individual capacity with an organization, or as a team of people. She recommended the use of the team approach for the ATV and Dumping Damage Mitigation Project.

Mr. Milazzo noted that the ARC is asking the Commission to indemnify them, and he stated that the ARC should be indemnifying the Commission. He was told by the ARC staff that their organization would not indemnify the Commission, and that they have never done that in their agreements with other organizations. He explained that the Commission must decide whether the risk of signing the standard MOA is acceptable.

Discussion then focused upon the alternative approach to utilizing the ARC team, wherein the Commission simply introduces the concept to the several public lands agencies involved in the pilot project area, and separate agreements are reached between the ARC and the individual agencies without the Commission being a party.

Topics discussed included how the Commission is similar to, or different from, other branches and levels of government that utilize ARC resources; the possibility of legislatively clarifying the Commission's current status as a "public entity" in the pine barrens law; the lack of success to date in exploring the option wherein the Commission simply introduces the ARC to the individual agencies; and the availability of resources within those public land management agencies to pursue and consummate the individual MOAs that would be required for that option.

The discussion concluded with the Commission requesting the staff to further explore the "introduction" option with the pertinent land management agencies, and to report back to the Commission at the May meeting.

Environmental Education: monthly update (Ms. Griffiths)

Summary: Ms. Griffiths discussed the attached Education and Outreach report for April 2009. She noted that she has reached over 500 students in the past month. The Commission will be represented at both the 4/19/09 Indian Island County Park Earth Day event and the 4/25/09 Heckscher State Park Springfest.

The Commission will also be represented in late May at the annual Park Festival sponsored by the MSRM Regional Park (the Commission's "twin" park in Pisa, Italy) by Suffolk County Water Authority CEO and Pine Barrens Advisory Committee Chair Stephen Jones. Ms. Griffiths explained that the Festival will include a press announcement and signing ceremony for a formal agreement between the MSRM Regional Park and the Pisa secondary school for the web based, student biodiversity mapping project. The Commission is also involved in this effort as per its Memorandum of Agreement with MSRM Regional Park.

She also described the preparation for the 6/14/09 Pine Barrens Discovery Day at the Suffolk Community College Eastern Campus. Topics included sponsoring organizations,

times and admissions, publicity and media, use of web based registration, family audience, workshops, walks, entertainment, logistics, etc. Mr. McCormick stated that he will be introducing at the next Commission meeting a draft resolution to hold harmless the three pine barrens towns, the County, and the State with respect to liability for this event.

Ms. Griffiths noted that an agreement needs to be signed with the College for this event, and **a motion was then made by Ms. Prusinowski and seconded by Mr. Shea to authorize the Commission Chair to sign the necessary agreement with the Suffolk Community College for this event. The motion was approved by a 5-0 vote.**

Land Use

Compatible Growth Area (CGA)

McCarrick Two Lot Subdivision Hardship / Lake Panamoka (200-217-1-25, 26): schedule public hearing (Ms. Hargrave)

Summary: Ms. Hargrave briefly described this CGA hardship application for a two lot division of a 0.42 acre tract into two lots with a 70% clearing limit on one of the new lots. The site is zoned A1 Residence and is located on Sunset Trail near Lake Panamoka in Ridge in Brookhaven Town. **A motion was then made by Mr. Shea and seconded by Mr. McCormick to deem the application complete and to schedule a public hearing on the application for 3:00 pm at the 5/20/09 Commission meeting. The motion was approved by a 5-0 vote.**

Pine Barrens Credit Program

Pine Barrens Credit Clearinghouse 3/20 meeting: report (Ms. Jakobsen)

Summary: Ms. Jakobsen summarized the year to date statistics by Town for the Credit Program, including, in part, the acquisition of four new Southampton Town conservation easements totaling three acres, from which five Credits were generated; the acquisition of one new Brookhaven Town conservation easement covering 0.74 acre, from which 3 Credits were generated; and the redemption of approximately 7 Credits overall (3.00 in Brookhaven, 2.40 in Southampton, and 1.64 in Riverhead). She noted that the Towns have handled approximately 14% of the redemption transactions (different from the total Credits redeemed), while the remaining redemption transactions were accomplished through the Suffolk County Department of Health Services.

A discussion followed regarding the granting of increases in development density or intensity outside the Core area; the difficulty in assuring that such increases are accomplished through the redemption of Credits; the lack of a consistent policy on that matter; the amount of remaining private, unprotected land within the Core area that could still generate Credits; and the number of additional residential units that could be created by Credits redeemed on sites within the CGA and outside the pine barrens zone.

She then described the attached resolution adopted by the Pine Barrens Credit Clearinghouse Board at its 3/20/09 meeting. The resolution specifies a suggested Pine Barrens Plan amendment which would require a minimum number of Credits be redeemed through the relevant town when certain increases above base zoning density are being approved. A discussion ensued regarding the specific quantitative recommendations within the resolution; the basis for the recommendations; and the differences between "as of right" receiving areas that are within the CGA and those that are within the Towns but outside the pine barrens zone. The discussion concluded with

the observation that this matter is on the 4/22/09 Pine Barrens Advisory Committee meeting for discussion and possible recommendation by that Committee.

Mr. Turner arrived at this point; a five member quorum remained.

Planning & Land Use

Compliance and Enforcement: monthly update (*Mr. Hynes*)

Summary: Mr. Hynes discussed the attached Compliance and Enforcement Summary through 4/15/09. He reported that he has received seven new Incident Reports since the last Commission meeting. These included one clearing complaint; two ATV complaints, on which he is working with the Law Enforcement Council (LEC); and four dumping reports, on which he is working with the relevant Town, County, and State agencies.

He also reported that dumping areas along North Street and Weeks Avenue in Manorville have been cleaned up by the Brookhaven Town Highway Department, and that he has thanked that Department for its prompt response. He described the types of materials generally discarded in dumping incidents.

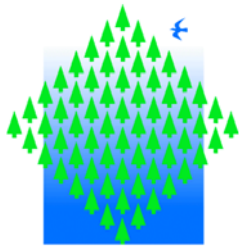
Mr. Hynes reported that he continues to monitor, along with the Brookhaven Town staff, the Ridge Greens development project site. He noted that the LEC will meet on 4/23/09 at 2 pm at Southaven Park, and also stated that he will be reviewing several of the conservation easement sites using the 2007 aerial photographs now available.

Adjournment

Summary: A motion was made by Ms. Prusinowski and seconded by Mr. Shea to adjourn. The motion was approved by a 5-0 vote, and the meeting ended at approximately 3:12 pm.

Attachments (in order of discussion):

1. Attendance sheet (4/15/09; 2 page)
2. Project location map for today's meeting (4/15/09; 1 page)
3. Commission - DEC 2008-2013 contract (undated; 23 pages)
4. Commission resolution approving 2008-2013 contract (4/15/09; 1 page)
5. Carmans River Partnership document from Mr. Tripp (4/8/09; 4 pages)
6. Quotes received for ATV trailer purchase (4/15/09; 4 pages)
7. PLC Camp Wauwepex meeting photo report (4/7/09; 2 pages)
8. Education and Outreach Monthly Report (April 2009; 1 page)
9. PBC Clearinghouse resolution on density increases and Credit redemptions (3/20/09; 5 pages)
10. Compliance and Enforcement Report (4/15/09; 2 pages)



**CENTRAL
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**Pine Barrens Commission Meeting Summary (FINAL)
for Wednesday, May 20, 2009 (Approved 6/17/09)
at the Brookhaven Town Hall,
1 Independence Hill, Farmingville, NY, 2:00 pm**

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

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, Ms. Carter, Ms. Eichelberger, Ms. Hargrave, and Mr. Hynes (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation (NYS DEC)), and Ms. Longo (from the Suffolk County Department of Environment and Energy). Attendees are shown on the attached sign-in sheet.

Mr. Scully called the meeting to order at approximately 2:05 pm, initially without a quorum. Initially present were Mr. Scully (for New York State), Ms. Prusinowski and Mr. Turner (for Brookhaven), and Mr. McCormick (for Riverhead). The Pledge of Allegiance was recited.

Peter A. Scully
Chair

Philip J. Cardinale
Member

Linda A. Kabot
Member

Mark Lesko
Member

Steve A. Levy
Member

Public Comment and Administrative

Public comments

Summary: There were no speakers.

2009-2010 budget: revisions (from 4/15/09; Mr. Corwin, Ms. Jakobsen)

Summary: Mr. Scully briefly noted that this will be revisited at the June meeting. Further discussion was held until a quorum was present.

Stewardship & Education

Science & Stewardship Division 2009-2010 Plan: review, approval

Summary: Mr. Scully noted that this is tied into the larger budget for the Commission. Further discussion was held until a quorum was present.

Environmental Education: monthly update

Summary: Ms. Jakobsen provided this month's report in place of Ms. Griffiths, and distributed the attached monthly summary. The report includes the 6/13/09 Pine Barrens Discovery Day at the Suffolk Community College Eastern Campus in Southampton. She noted the radio publicity, the distribution of posters and flyers, the planned walks and talks for that day, and the support of the sponsoring and cooperating organizations. The very strong support of the Long Island Pine Barrens Society and the donation from Southampton Town were highlighted. Also distributed was the attached printout of the Discovery Day website.

The report also describes the pending trip of Mr. Stephen Jones, CEO of the Suffolk County Water Authority and Chair of the Pine Barrens Advisory Committee, to the Commission's "twin" park in Pisa, Italy, Migliarino - San Rossore - Massaciucoli (MSRM) Regional Park. Mr. Jones will represent both the Commission and the Longwood School District at the MSRM Park's annual Park Festival, and will sign an agreement on 5/20/09 formalizing the

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Student Biodiversity Mapping project among the MSRM Park, the Pisa Schools, the Longwood School District, and the Commission. Also distributed and attached is a letter of support for the twinning work and the student mapping program from NYS DEC Commissioner Alexander Grannis to MSRM Park Director Sergio Paglialunga.

Public Comment and Administrative

Minutes for 4/15/09: review, approval

Summary: A motion was made by Mr. Shea and seconded by Ms. Gallagher to approve the 4/15/09 Commission meeting summary as drafted without any changes. The motion was approved by a 5-0 vote.

Directors and Officers insurance renewal, authorization of signing

Summary: A motion was made by Mr. Turner and seconded by Mr. McCormick to authorize the signing by the Commission Chair and the submitting of the attached renewal application for the Commission's public officials and employment practices insurance. The motion was approved by a 5-0 vote.

2009-2010 budget: revisions (from 4/15/09)

Summary: There was a brief discussion of the attached draft 2009-2010 Commission budget, and Mr. Scully noted that this will be referred to the Science and Stewardship Steering Committee for its input. He thanked the staff for their hard work on this matter.

Advisory Committee (AC) 4/22/09 recommendations (Mr. Richard Amper, Vice Chair)
Carmans River Preservation and Management Plan Draft Scope (from 4/15/09)

Summary: Mr. Amper reported that the Advisory Committee, at its 4/22/09 meeting, passed a resolution of support for the Pine Barrens Credit Clearinghouse's proposal to require redemption of Pine Barrens Credits by Compatible Growth Area (CGA) development projects which increase land use density or intensity above current zoning, including changes of zones (both resolutions are attached). The Clearinghouse made this recommendation at its 3/20/09 meeting. Mr. James Tripp, the Chair of the Clearinghouse Board, was present for today's discussion. Mr. Scully commented that Brookhaven Supervisor Lesko has requested additional time to examine this issue.

A discussion ensued regarding the Commission's intention to examine this at the June meeting; the clause regarding development project sites outside of the Central Pine Barrens; the distribution of Brookhaven's "as of right" Credit receiving areas in both the CGA and outside the Central Pine Barrens; the location of all of Southampton's "as of right" receiving areas within the CGA; the nonresidential nature of Riverhead's receiving areas and the non applicability of this recommendation to them; and the concern that redemption opportunities are lost in Brookhaven when density increases are granted.

The AC also passed a resolution supporting the proposed Carmans River Watershed Preservation Plan Study (outline attached). This originated with the informal Carmans River Partnership annual meeting on 11/14/08. Mr. Tripp serves as a co-chair of the Partnership along with Mr. Thomas Williams, who was also present at today's meeting.

Mr. Tripp described the River's resources and challenges, and the content of the study outline. He described the origin of concern for the Carmans River and the start of the Partnership; the involvement of government agencies; the individual sections within the outline (purpose, goals, boundaries, baseline conditions, studies, ecology, pending development, possible regulatory changes, tools available, and summary); the role of the

Town, the Commission, and other entities; the desire of the group for the Commission to have a leading role in the study; the desire to prevent future problems in the Carmans River such as those presently found in the Forge River; and the passionate support for the Carmans River within the local community.

Mr. Scully noted that one possible approach is to have the Commission and Town jointly work on the study, and he expressed his appreciation to everyone who worked on the outline. Discussion followed regarding whether there is a budget or cost estimate for this work; whether outside consulting or professional services will be required; the impact of both existing and proposed development in the area; the possible applicability of the New Jersey Pinelands Commission work to the water quality standards that might apply here; how each of the outline's components will be addressed and produced; and the integration of the overall river basin study with those existing efforts currently underway along the River, including those of the County and the Town.

Public Comment and Administrative

Public comments

Summary: *There were no speakers.*

Stewardship & Education

Science & Stewardship Division 2009-2010 Plan: review, approval

Summary: *Mr. Scully noted that the Division work plan contains a budget component, which is part of the larger Commission budget. He also noted that he would like to see a prescribed fire element in the Commission's stewardship work. Mr. Turner thanked the staff for its efforts on this, and noted that the attached draft work plan reflects the outcome of the last Science and Stewardship Committee meeting. This item will be revisited in conjunction with the larger budget item at the next Commission meeting.*

ATV Damage Mitigation Project: American Red Cross (ARC) Community Service Program - Memorandum of Agreement (from 4/15/09)

Summary: *Ms. Carter noted that, as a follow up to the April Commission meeting, she has communicated with each of the thirteen public landowning agencies regarding their preference for either executing individual agreements with the American Red Cross Community Service Program or benefitting from one single agreement between the ARC and the Commission on their behalf (see attached). The NYS Department of Transportation responded by simply expressing their support for the ATV Project overall.*

Following a brief discussion, a motion was made by Mr. Scully and seconded by Mr. Shea to approve the attached memorandum of agreement with the American Red Cross Community Service Program of Suffolk County and to authorize the Commission Chair to sign it on behalf of the Commission. The motion was approved by a 4-1 vote, with the dissenting vote cast by Mr. McCormick.

Fire Tower Project: status; next steps

Summary: *Ms. Eichelberger distributed and discussed the attached timeline for the fire tower project, along with the attached overview of the project. She noted the tasks which have been accomplished or commenced since the Commission's December 2008 adoption of the feasibility study. These include, in part, coordination with the Quogue Wildlife Refuge; preparation of a detailed plan; determination of Federal Aviation*

Administration restrictions due to nearby Gabreski Airport; initial drafting of a memorandum of agreement (MOA) with the Quogue Wildlife Refuge; coordination with the Gabreski Airport management; coordination with the Southampton Town Planning, Building and Fire Marshal departments; and submittal of the proposal to the NYS Office of Parks, Recreation and Historic Preservation.

She noted that a lift test is scheduled next week to confirm the viewshed from the tower cab at the proposed height, and that the next steps include, in part, completion of the MOA with the Quogue Refuge, communication with Quogue Village and the Quogue Fire Department, and preparation of the engineering request for proposals. A brief discussion followed, during which Mr. Amper asked whether the tower is consistent with the pine barrens act. Further discussion was held until after the hearing.

Hearing

Compatible Growth Area (CGA)

McCarrick Two Lot Subdivision Hardship / Lake Panamoka (200-217-1-25, 26) (Ms. Hargrave)
Summary: A separate stenographic transcript exists for this item. Materials are attached.

Stewardship & Education

Fire Tower Project: status; next steps (continued)

Summary: Mr. Scully expressed concern that this project not progress too far without firm funding or without addressing various thorny issues such as siting. He observed that the project would require significant funding resources. A brief discussion ensued regarding the various aspects of the project, including the importance of finalizing the MOA between the Commission and the Refuge as a vehicle to address several crucial questions. It was agreed that completion of the draft MOA is the next major step.

ECL Article 57 Bill S.4970 / A.7857 re prescribed burning

Summary: Ms. Jakobsen reported that the Wildfire Task Force executive board authorized a letter of support for this proposed amendment to the pine barrens law regarding prescribed burning (both are attached). Mr. Turner stated that this legislation formalizes and authorizes prescribed burning in the Central Pine Barrens, and he would like to support this bill. Mr. Shea asked whether this legislation would affect the role of the Commission in regard to prescribed fire. Mr. Scully noted that it provides clarification regarding negligence and liability for prescribed burning.

Ms. Alpa Pandya of The Nature Conservancy (TNC) stated that TNC came to this idea after discussions with its chapters about the need to change the liability standard from simple liability to gross negligence, and to address nuisance issues. She noted that this bill would further the reduction of hazardous fuels in the pine barrens, thus promoting community safety, and would enable DEC to lend its expertise to other public landowners to reduce multiple generations of dead forest fuels. Mr. Shea asked whether there was a provision for biological inventory in the bill, and Ms. Pandya noted that it may be covered in other sections of the Environmental Conservation Law.

A motion was then made by Mr. Turner and seconded by Mr. Scully to support this legislation, and to authorize staff to forward a resolution of support to the appropriate members of the Legislature. The motion was approved by a 5-0 vote.

Land Use

Core Preservation Area

LIPA installation of second underground conduit in 22 mile electric transmission line, Town of Southampton (multiple SCTMs) (permit issued 1/26/00)

Summary: Ms. Hargrave described this project to install a second power cable in an existing underground conduit, which was installed under a previously issued 2000 Commission permit (see attached map). She summarized the Public Service Commission review of this, and the alternatives to installing a second cable. A brief discussion followed regarding the environmental impacts associated with the alternate routes. It was agreed that the staff will send a letter supporting the second cable within the existing conduit and advising that it is not development under the pine barrens act.

Compatible Growth Area (CGA)

Flowerwood Development Site Plan Restoration / Yaphank (200-584-1-4.23, 4.24, 4.31, 4.32): possible notice of permit violation; proposed permit modification for restoration plan (permit issued 5/19/04)

Summary: Ms. Hargrave explained that this project involving the construction of three multi purpose industrial and commercial buildings in the Brookhaven Research and Development Park in Yaphank was permitted by the Commission in 2004, and part of the permit conditions was the implementation of a revegetation plan for portions of the site. The restoration plan has not been implemented, and minor natural regrowth has occurred.

A discussion ensued regarding the original revegetation plan (attached); a new plan proposed by the permittee (attached); the extent of natural regrowth that has occurred; whether this should be considered a violation of the permit; whether a fine should be imposed, and if, so, of what magnitude; the presence of invasive species; and the contrast between the approved plan and the new plan in terms of species and quantity of plantings. It was agreed that the original revegetation plan should be implemented.

Planning & Land Use

Planning and Land Use activity: summary

Summary: Ms. Hargrave distributed the attached summary sheet showing hardship applications and land use referrals for 2009 to date. There was a brief discussion of the two projects listed there which are not in conformance with the act or the Plan.

Compliance and Enforcement Division: monthly update

Summary: Mr. Hynes distributed and discussed the attached monthly compliance and enforcement report, which includes compliance visits to development sites, conservation easement monitoring, incident reports, a breakdown of incidents by various categories, and a field detail report from the Law Enforcement Council (LEC). Mr. Hynes noted that he will be using the 2007 aerials for updating the conservation easement monitoring reports; that ten Incident Reports have been received since the last meeting; that the NYS EnCon Police have made an arrest in a case involving tree and debris dumping; that the LEC agencies will be scheduling field details for late afternoon and evening hours to address the increase in illegal ATV activity during those times; and that East Hampton Town has requested information about the LEC's approach to ATV problems.

Core Preservation Area

Trap and Skeet Range, Southaven County Park / Yaphank (p/o 200-745-1-1): report (from 3/18/09)

Summary: Mr. Scully noted that the staff provided today the report on the Southaven Trap and Skeet Range required by the 3/18/09 Commission resolution, and that the Commission will need time to read and absorb it. He then recognized two speakers.

The first speaker was Ms. Johan McConnell, representing the South Yaphank Civic Association (SYCA). She stated that the Suffolk County Council on Environmental Quality's 6/15/05 meeting minutes addressed the question of whether an Environmental Assessment Form (EAF) needed to be prepared for the installation of public water supplies at the range. She asked whether such an EAF was filed with anyone; why the water supply line was installed; whether the existing water quality at the range site is bad; whether the digging involved in the installation of the line constitutes "material alteration"; and whether any permits were filed with Brookhaven Town.

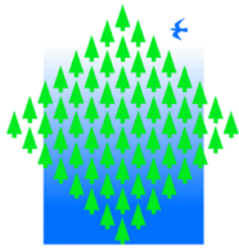
The second speaker was Mr. John McConnell, also representing SYCA. He stated that the Pine Barrens Advisory Committee recommended that the Trap and Skeet Range not be reopened; inquired as to how often the Advisory Committee's recommendations are followed; stated that a groundwater plume behind the Suffolk Police Headquarters in Yaphank is heading past the range towards the Carmans River at approximately 1.1 feet per day; and that this may be the reason for the public water supply connection.

Adjournment

Summary: A motion was made by Mr. Turner and seconded by Mr. Shea to adjourn. The motion was approved by a 5-0 vote, and the meeting ended at approx. 4:20 pm.

Attachments (in order of discussion):

1. Attendance sheets (5/20/09; 2 pages)
2. Project location map for today's meeting (5/20/09; 1 page)
3. Education and Outreach Monthly Report (May 2009; 1 page)
4. Pine Barrens Discovery Day web site printout (6/13/09; 5 pages)
5. Letter from NYS DEC Commissioner Grannis to MSRM Park re twinnings (5/13/09; 1 page)
6. Public officials and employment practices insurance renewal application (undated; 8 pages)
7. Overview of draft 2009-2010 budget proposal (5/15/09; 3 pages)
8. AC resolution re the Clearinghouse Credit redemption recommendation (4/22/09; 8 pages)
9. Carmans River Watershed Preservation Plan Study (5/19/09; 20 pages)
10. Draft 2009-2010 Science and Stewardship Division work plan (5/14/09; 6 pages)
11. Memo to public landowners re the ARC Community Service Program (4/24/09; 2 pages)
12. ARC Community Service Program of Suffolk County Memo of Agreement (3/31/08; 5 pages)
13. Fire Tower Project timeline (5/14/09; 1 page)
14. Fire Tower Project description (undated; 3 pages)
15. McCarrick application materials (various dates; 24 pages)
16. NYS Legislature Bill A.7857-A / S.4970-A re prescribed burning (5/11/09; 5 pages)
17. Wildfire Task Force support letter for Legislature Bill A.7857-A / S.4970-A (5/19/09; 2 pages)
18. LIPA cable installation map (1/12/09; 1 page)
19. Flowerwood Development original revegetation plan (12/6/03; 1 page)
20. Flowerwood Development proposed new revegetation plan (4/30/09; 1 page)
21. Hardship applications and land use referrals year to date summary sheet (5/20/09; 1 page)
22. Compliance and Enforcement Monthly Report (5/20/09; 4 pages)



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**Pine Barrens Commission Meeting Summary (FINAL)
for Wednesday, June 17, 2009 (Approved 7/15/09)
at the Brookhaven Town Hall,
1 Independence Hill, Farmingville, NY, 2:00 pm**

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

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, Ms. Carter, Ms. Eichelberger, Ms. Hargrave, Ms. Griffiths and Mr. Hynes (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation (NYS DEC)), Mr. Bertoli (from the Brookhaven Department of Planning, Environment & Land Management), and Ms. Longo (from the Suffolk County Department of Environment and Energy). Additional attendees are shown on the attached sign-in sheet.

Peter A. Scully
Chair

Philip J. Cardinale
Member

Linda A. Kabot
Member

Mark Lesko
Member

Steve A. Levy
Member

The meeting was called to order at approximately 2:00 pm by Mr. Scully, with a four member quorum present initially consisting of the New York State, Suffolk County, Brookhaven Town and Southampton Town representatives. The Pledge of Allegiance was recited.

Public Comment and Administrative

Introduction of Brookhaven Planning Commissioner

Summary: Mr. Scully welcomed Mr. Tullio Bertoli, the new Brookhaven Town Planning Commissioner. Mr. Turner has already provided a pine barrens tour for Mr. Bertoli.

Public comments

Summary: The first speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. He stated that he is not sure that we have figured out how to do enforcement yet; that the Town is supposed to be the first line of defense for handling violations, otherwise the Attorney General's office can handle them; and that the Commission should look at the open items which it has. A brief discussion ensued regarding the enforcement matters which are pending at the Town level and which the Commission is tracking, and it was agreed that Mr. Hynes would provide a detailed report on the current violations and other open matters at the next meeting.

The second speaker was Ms. Johan McConnell, representing the South Yaphank Civic Association. She thanked the Commission, the staff and everyone who participated in the recent Pine Barrens Discovery Day event at the Suffolk Community College Eastern Campus.

The third speaker was Ms. Marilyn England, representing the Open Space Council. She urged the Commission to take a proactive role in protecting the Carmans River watershed. She noted that the River is showing signs of stress from nitrate, that it needs to be addressed now, and that the Commission is the logical entity to do this.

Minutes for 5/20/09: review, approval

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Summary: A motion was made by Ms. Gallagher and seconded by Mr. Turner to approve the 5/20/09 minutes as drafted without any changes. The motion was approved by a 4-0 vote.

2009-2010 budget: update (from 5/20/09)

Summary: Mr. Scully noted that this should be held until next month pending receipt of further information about the status of the Environmental Protection Fund.

Stewardship & Education

Science & Stewardship Division 2009-2010 Work Plan: update (Ms. Carter; from 5/20/09)

Summary: Mr. Scully noted that the work plan is tied into the larger Commission budget, and thus this item should be addressed with the budget.

Mr. McCormick arrived during the following item, and a five member quorum was present for the remainder of the meeting.

Environmental Education: monthly update (Ms. Griffiths)

Summary: Ms. Griffiths discussed the attached monthly report, which summarizes recent school program activities with the Western Suffolk Board of Cooperative Educational Services, the Sayville School District, and the Brookhaven National Laboratory's Open Space Stewardship program. The report also lists the Barrens To Bay summer program with the Long Island Maritime Museum, educational aspects of the fire tower project, and the 5/27 Environmental Conservation Law Article 57 workshop with the Brookhaven Town Planning Board.

Ms. Griffiths summarized the 6/13 Pine Barrens Discovery Day event, and noted that there were 115 attendees, 15 exhibitors and vendors, 16 workshops, and 6 walks. She thanked all of the sponsoring and supporting organizations, especially the Long Island Pine Barrens Society and Mr. Amper. She specifically acknowledged the generous donations from the Town of Southampton and the Foundation for Ecological Research in the Northeast.

She then reported that Mr. Stephen Jones, CEO of the Suffolk County Water Authority and Chair of the Pine Barrens Advisory Committee, represented both the Commission and the Longwood School District at the 2009 Park Festival and conference at the Commission's twin park, MSRM Regional park in Pisa, Italy in mid May. As part of that visit, Mr. Jones attended the Education Forum portion of the event on 5/20, and signed an agreement among the Liceo Scientifico, the MSRM Regional Park, the Longwood School District, and the Commission which endorses the Student Biodiversity mapping program. See the attached written report from Mr. Jones, the photos of the event including the signing, and a copy of the agreement. Ms. Griffiths noted that NYS DEC Commissioner Alexander Grannis sent a letter of support for the Student Biodiversity Program to the cooperators.

*Mr. Milazzo suggested that the Commission ratify Mr. Jones' signature on the Student Biodiversity mapping program agreement. **A motion was then made by Mr. Scully and seconded by Mr. Turner to ratify Mr. Jones' signature on this agreement on behalf of the Commission. The motion was approved by a 5-0 vote.***

Land Use

Core Preservation Area

Trap & Skeet Range at Southaven County Park / Yaphank (p/o 200-745-1-1): factual findings and legal opinion (from 3/18/09)

Summary: Mr. Scully summarized the most recent discussions and actions of the Commission on this matter, and suggested that a closed session for the purpose of receiving legal advice from counsel on this matter would be appropriate at the end of the meeting. He noted that there is no resolution before the Commission to close the range, and explained that the Commission had previously requested a staff report, including a legal opinion, on the Range, which it received at the May meeting. **A motion was then made by Mr. McCormick and seconded by Ms. Gallagher to enter into a closed session at the end of today's meeting for this purpose. The motion was approved by a 5-0 vote.**

Pine Barrens Credit Program

Ringhoff / Manorville (200-512-1-15, 17, 18, 21; 200-562-4-21) / previously decided Credit appeal: follow up to Court decision; schedule hearing on status of Toppings Path (Mr. Milazzo; hearing held 10/17/07; appeal decided 6/18/08; litigation filed 7/17/08; court decision issued 4/8/09)

Summary: Mr. Milazzo summarized this Credit allocation matter, which involved a Credit allocation appeal for five parcels in the Manorville area which was decided by the Commission in June 2008; the allocation was left intact by the Commission's decision. That decision was followed by a 7/17/08 lawsuit filed by the appellant, which resulted in a 4/8/09 court decision upholding the Commission's decision. However, the court decision noted that the Commission's detailed decision was not clear as to whether one of the subject parcels is on an existing improved road.

Mr. Milazzo recommended that the Commission hold a hearing at the next meeting to review and decide this specific question. **A motion was then made by Mr. Scully and seconded by Mr. Shea to schedule a hearing on this matter at 3:00 pm at the 7/15/09 Commission meeting. The motion was approved by a 5-0 vote.**

Recommendation to require Credit redemptions for CGA land use density increases: status (from 5/20/09; proposed at 3/20/09 Clearinghouse meeting; endorsed at 4/22/09 Advisory Committee meeting)

Summary: Mr. Scully summarized the origin of this recommendation from the Pine Barrens Credit Clearinghouse, its review and endorsement by the Pine Barrens Advisory Committee, and the recently expressed desire by Brookhaven Town to review this recommendation more closely. Mr. Bertoli stated that the proposal is under review and that he would appreciate additional time to examine it.

Mr. Corwin then summarized the current status of the Plan amendments. Mr. Shea observed that there are additional issues that arise when additional density is considered on a site, beyond the amount of Credits that might be redeemed there. These include a wide range of environmental impacts, and may touch upon other standards in the Pine Barrens Plan. It was agreed that a staff level meeting would be scheduled to discuss some of these concerns.

Planning & Land Use

Carmans River Preservation and Management Plan Proposed Draft Scope: update (from

5/20/09; Ms. Hargrave)

Summary: Mr. Scully noted that this matter was also discussed at the last Commission meeting, and that the staff did a tremendous job of preparing the Carmans River study scope. He noted that Brookhaven Supervisor Lesko wishes to look closely at the question of whether the Town should be the lead agency in producing the study. It was noted that the Town would like additional time to examine the study scope and the lead agency question.

Mr. Amper noted that both the State and the County have ideas of what they can contribute to such a study. Mr. Corwin noted that a priority task is the delineation of a Carmans River area boundary. A brief discussion ensued regarding the role of the Carmans River Partnership in such a study, and the current work of the SC Health Department that may assist in delineating a Carmans River watershed boundary. It was agreed that this matter will be revisited by the Commission.

Compliance and Enforcement Division: monthly update (Mr. Hynes)

Summary: Mr. Hynes discussed the attached monthly report, and noted that there have been four new Incident Reports received since the last Commission meeting, two involving dumping, one pertaining to wood cutting, and one regarding wetlands. He noted that recent dumping incidents have included the disposal of fiberglass boats, and observed that the expense of properly disposing of them may prompt such dumping.

The Law Enforcement Council member agencies have been conducting weekday and evening patrols to match the changes in ATV usage patterns. The East Hampton Trails Preservation Society has requested the LEC's assistance with information on the problems of ATVs and dumping, as those issues are arising in East Hampton Town. The LEC is also offering its assistance on these matters to the Long Island Power Authority and the NYS Department of Transportation.

Mr. Hynes reported that the US Air Force conducted an evaluation drill for the Long Island branch of the Civil Air Patrol (an LEC member agency) last Saturday, involving a combined plane crash and lost hiker scenario. SC Parks provided the permits.

Mr. Scully requested that Mr. Hynes provide a detailed report next month on the open land use items, especially confirmed violations, which the Commission staff is tracking, including those sites where violations of a site plan or permit have been confirmed.

Closed Advisory Session

Summary: Mr. Amper of the LI Pine Barrens Society expressed concern about the balancing of the Commission's need for confidential discussions with the public's right to know about the Commission's handling of the Trap and Skeet Range matter. Mr. Scully noted that he envisions some discussion of this topic in public session following the closed session. **A motion was then made by Mr. McCormick and seconded by Ms. Gallagher to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 5-0 vote, and the Commission entered into closed session from approximately 2:31 pm to 3:10 pm.**

Land Use

Core Preservation Area

Trap & Skeet Range at Southaven County Park / Yaphank (p/o 200-745-1-1): factual findings and legal opinion (from 3/18/09)

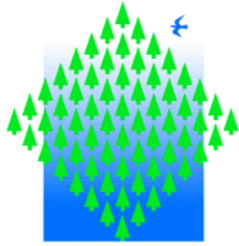
Summary: A motion was made by Mr. Turner and seconded by Ms. Gallagher to waive the Commission's privilege and to release to the public the document entitled "Compliance and Enforcement Investigation Report # 2009-001, Southaven County Park Trap & Skeet Range, Part I - Findings of Fact Report, May 7, 2009". The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Mr. Scully. It was agreed that the document would be provided in computer format tomorrow to any interested party.

Adjournment

Summary: A motion was made by Mr. Shea and seconded by Mr. Turner to adjourn. The motion was approved by a 5-0 vote, and the meeting ended at approximately 3:11 pm.

Attachments (in order of discussion):

1. Attendance sheet (6/17/09; 3 pages)
2. Project location map for today's meeting (6/17/09; 1 page)
3. Education and Outreach Monthly Report (June 2009; 1 page)
4. Park twinnings report (May 2009; 13 pages)
5. Compliance and Enforcement Report (6/17/09; 3 pages)
6. "Issue of abandonment" document submitted for record (6/17/09; 4 pages)
7. Letter from Sportsmen's Association for Firearms Education letter (4/17/09; 3 pages)
8. Trap and Skeet Range analysis submitted for record (undated; 6 pages)



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Chair

Philip J. Cardinale
Member

Linda A. Kabot
Member

Mark Lesko
Member

Steve A. Levy
Member

**Pine Barrens Commission Meeting Summary (FINAL)
for Wednesday, July 15, 2009 (Approved 8/19/09)
at the Quogue Wildlife Refuge,
3 Old Country Road, Quogue, NY, 2:00 pm**

Commission members present: Mr. Scully (for New York State), Mr. Isles (for Suffolk County), Ms. Prusinowski and Mr. Turner (for Brookhaven), and Mr. Shea (for Southampton).

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, Ms. Hargrave, and Mr. Hynes (from the Commission) and Ms. Longo (from the Suffolk County Department of Environment and Energy). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:05 pm by Mr. Scully, without a quorum initially present. The New York State, Suffolk County, and Brookhaven Town representatives were present. The Pledge of Allegiance was recited.

Public Comment and Administrative

Public comments

Summary: The first speaker was Ms. Johan McConnell, representing the South Yaphank Civic Association (SYCA). She distributed and discussed the attached document entitled "Issue of abandonment" regarding the Southaven County Park Trap and Skeet Range. She observed that each Town has specific criteria regarding what defines "abandonment"; cited several court cases regarding the discontinuance of an actual use and the question of intent; summarized the March 2002 Trap and Skeet Oversight Committee report regarding clean up objectives and alternatives; read an excerpt from the August 2002 Peddicord report regarding clean up; cited a part of the Suffolk County Council on Environmental Quality 1/21/04 meeting minutes; stated that Suffolk County had choices, and chose to keep the Range open in order to avoid the clean up costs that would be required if it were closed.

Mr. Shea arrived during the following speaker's comments, and a four member quorum was present for the remainder of the meeting.

The second speaker was Mr. John McConnell, representing the SYCA. He stated that he endorses what the prior speaker said. He referenced the possible reuse of the currently inactive horse stables facility at Southaven Park, stated that they have not been used for several years, and observed that the same principle is involved with both the stables and the Range. He stated that it seems that there is a lack of a will to have a vote by the Commission on the Range. He mentioned that he has been in communication with Earth Justice, an environmental group, and stated that Earth Justice is asking questions about the Range.

The third speaker was Mr. John Palasek, representing the SYCA. He commented upon case law regarding "abandonment", and stated that the Range has been described as a "nonconforming use". He argued that "nonconforming" must be defined in some context in order to have meaning, and that the logical context with respect to the Range is Brookhaven Town Code. He stated that Brookhaven only requires a "substantial

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discontinuance" of a use. He stated that the Commission should have a vote one way or the other on the Range, as the parties need a place to go from here.

The fourth speaker was Mr. Robert Kessler, representing the Coalition to Save Yaphank Lakes. He distributed and discussed the attached document entitled "Yaphank Taxpayers Civic Association Ideas - May 30, 2009". He stated that the SYCA wants to establish a walkway along part of the shoreline of the Upper Lake in Yaphank ending at the Swezey House. He stated that we have enough hardscape already. He also stated that there is a proposal to fill in a wet area along Lower Lake to provide for a fishing area, and to install a parking area nearby. He asserted that SYCA members had met in the field yesterday with Town and state officials. He stated that he is supportive of a walking path, but there should be some other way to accomplish it without a hard surface. Mr. Scully observed that there is a proposal to accomplish some projects through a fund set up under the Caithness energy project, but that no DEC permits would be issued without a proper administrative review. Mr. Turner then observed that Brookhaven Town would have to issue wetlands permits for any projects of the type described.

Minutes for 6/17/09: review, approval (e-mailed)

Summary: A motion was made by Mr. Scully and seconded by Mr. Shea to approve the 6/17/09 minutes as drafted without any changes. The motion was approved by a 3-0-1 vote, with the abstaining vote cast by Mr. Isles.

Stewardship & Education

Environmental Education: monthly update (Ms. Griffiths)

Summary: Ms. Jakobsen summarized the education report on behalf of Ms. Griffiths, who was not present today. Activities underway include efforts to connect with home schooling groups for environmental education purposes, which would reach an estimated 150 students. Discovery Day attracted approximately 150 attendees, and Ms. Griffiths hopes to increase the involvement of organized groups at the 2010 Discovery Day. Thank you messages have gone to the supporters and participants in this year's event.

The 2009 Pine Barrens Research Forum (October 1 and 2 at Brookhaven National Laboratory(BNL)) will include a web based student teleconference between the Longwood High School and the Pisa, Italy secondary school. The teleconference will be on the morning of day two of the Forum, and will focus upon the student biodiversity mapping project in which both schools are involved as part of the Commission's park twinning arrangement with the MSRM Regional Park of Pisa.

Additional efforts currently underway include cooperative work with the Open Space Stewardship Program at BNL; student research projects at Rocky Point High School; and the 2009 Barrens To Bay Summer Educational program with the Long Island Maritime Museum in Sayville.

A brief discussion followed regarding lessons learned from the 2009 Discovery Day, and the types of advertising and publicity that would increase attendance in the future.

Land Use

Compatible Growth Area (CGA)

McCarrick / Ridge (200-217-1-25, 26) / Notice of Violation

Summary: Ms. Hargrave summarized this pending Compatible Growth Area application

The site is 0.42 acre and is zoned A1 Residence. The project consists of the subdivision of the site into two lots with a 70 percent clearing limit on Lot 25. The Commission held a hearing on this on 5/20/09. Ms. Hargrave explained that the site has been over cleared (beyond the Plan standards) after 1993, and recommended issuing a notice of violation. She observed that a violation would also prohibit the Commission from acting upon the pending application. Mr. Corwin reported that the applicant could not attend today, and has requested an opportunity to speak with the Commission at next month's meeting.

Mr. Amper of the Long Island Pine Barrens Society spoke on this matter, noting that he is not involved with the applicant in any way. Mr. Amper stated that he is looking to be fair; that it is his understanding that redeeming Pine Barrens Credits for additional clearing is not a policy of the Commission; that the current matter appears to be another instance of a problem with the Brookhaven Zoning Board of Appeals (ZBA); that the ZBA approved the project and a building permit was issued by the Town; that he does not think that Mr. McCarrick ever thought that the Town would issue a building permit but not issue a Certificate of Occupancy; and that if there is a violation, it is on the part of the Brookhaven ZBA; and that the Brookhaven ZBA should pay any penalty.

A brief discussion followed during which it was noted that the Commission staff has corresponded and communicated regularly with the applicant regarding his obligation to apply for, and receive, Commission approval for this project. Mr. Scully noted that the Commission is sensitive to the Brookhaven ZBA issues. A brief discussion followed regarding rewording portions of the last two Resolved clauses in the draft resolution.

A motion was then made by Mr. Turner and seconded by Mr. Isles to adopt the attached resolution issuing a Notice of Violation on this matter and terminating review of the current application. The motion was approved by a 4-0 vote.

Pine Barrens Credit Program

Recommendation to require Credit redemptions for CGA land use density increases: status (from 6/17/09; proposed at 3/20/09 Clearinghouse meeting; endorsed at 4/22/09 Advisory Committee meeting)

Summary: Mr. Turner reported that he has met with the Town Planning Commissioner, and that the Town staff is now working on a revision to the original Clearinghouse recommendation that will be submitted to the Commission for consideration. Mr. Shea noted that it would be helpful to arrange a meeting with the Town planners and other interested parties to discuss this before the next Commission meeting. It was agreed that the Commission staff will arrange for that meeting to occur.

Planning & Land Use

Carmans River Preservation and Management Plan: update on Town role (Mr. Turner; from 5/20/09)

Summary: Mr. Turner reported that the Town needs additional time to propose a specific Town led approach to this preservation and management plan for the Carmans River. He noted that he is speaking with Town staff regarding amending the capital budget to allow the already approved Carmans River monies to be used for this purpose. A brief discussion occurred regarding the area to be delineated, including in part the groundwater contributing area to the Carmans River, and the current status of the NYS Environmental Protection Fund.

Planning and Land Use activity: summary (Ms. Hargrave)

Summary: Ms. Hargrave discussed the attached land use project update for the period May to July 2009. The summary reports that there are four violation sites being pursued;

three pending requests for determinations of jurisdiction; and numerous State Environmental Quality Review Act referrals. The Commission staff provided an educational update seminar for the Brookhaven ZBA on 7/13, and the Brookhaven Planning Board on 5/27. The sponsors of the BP Solar energy project at Brookhaven National Laboratory have offered to provide an informational presentation to the Commission; there was unanimous agreement to accept that offer, and Ms. Hargrave will arrange for that presentation.

Compliance and Enforcement Division: monthly update (Mr. Hynes)

Summary: Mr. Hynes discussed the attached monthly summary, noting specifically that 30 Incident Reports have been recorded to date in 2009, of which two were recorded since the last Commission meeting. These two included one soil dumping report being investigated by NYS Department of Environmental Conservation staff, and one clearing report which turned out to be just outside the Central Pine Barrens area.

With respect to the Law Enforcement Council (LEC), he and Council members are discussing the possibility of having confiscated and surplus usable ATVs transferred from Brookhaven Town to the SC Parks Police for use by the LEC agencies. Discussions are also underway with the NY Army National Guard (a member agency of the LEC) regarding restarting the abandoned vehicle airlift and recycling program. There are currently seven vehicles identified in the pine barrens, and a fall airlift is anticipated. A brief concluding discussion occurred regarding other possible abandoned vehicles and the follow up work on the open land use Incident Reports.

Hearings

Ringhoff / Manorville (200-512-1-15, 17, 18, 21; 200-562-4-21) / previously decided Credit appeal; hearing on status of Toppings Path (original appeal hearing held 10/17/07; appeal decided 6/18/08; litigation filed 7/17/08; court decision issued 4/8/09)

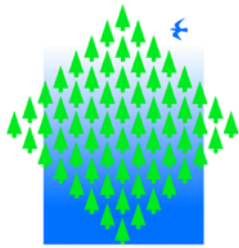
Summary: A separate stenographic transcript exists for this hearing. During the hearing, the attached staff exhibit was distributed.

Adjournment

Summary: **A motion was made by Mr. Turner and seconded by Mr. Shea to adjourn. The motion was approved by a 4-0 vote, and the meeting ended at approximately 3:20 pm.**

Attachments (in order of discussion):

1. Attendance sheet (7/15/09; 2 pages)
2. Project location map for today's meeting (7/15/09; 1 page)
3. Issue of abandonment from Ms. McConnell (7/15/09; 14 pages)
4. Yaphank Taxpayers Civic Association Ideas (5/30/09; 1 page)
5. Resolution on McCarrick violation notice (7/15/09; 3 pages)
6. Land Use Projects Update (7/15/09; 1 page)
7. Compliance and Enforcement Report (7/15/09; 3 pages)
8. Site visit report submitted for Ringhoff hearing (7/15/09; 6 pages)



**CENTRAL
PINE
BARRENS**
JOINT
PLANNING
&
POLICY
COMMISSION

**Pine Barrens Commission Meeting Summary (FINAL)
for Wednesday, August 19, 2009 (Approved 9/16/09)
at the Quogue Wildlife Refuge,
3 Old Country Road, Quogue, NY, 2:00 pm**

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

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, Ms. Carter, Ms. Hargrave, and Ms. Griffiths (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation (NYS DEC)), Mr. Freleng (from the Suffolk County Department of Planning, and Vice Chair of the Pine Barrens Credit Clearinghouse), and Ms. Lienau (from the Suffolk County Department of Environment and Energy). Additional attendees are shown on the attached sign-in sheets.

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.

Philip J. Cardinale
Member

Public Comment and Administrative

Linda A. Kabot
Member

Public comments

Summary: There were no speakers at this time.

Mark Lesko
Member

Minutes for 7/15/09: review, approval

Summary: **A motion was made by Mr. Shea and seconded by Ms. Gallagher to approve the 7/15/09 minutes as drafted without any changes. The motion was approved by a 5-0 vote.**

Steve A. Levy
Member

Stewardship & Education

Environmental Education: monthly update

Summary: Ms. Griffiths discussed the attached Education and Outreach monthly summary, noting that the Environmental Education Committee will meet in September to review the current projects, set revised goals, and address organizational issues.

She reported that the "twinning" with MSRM Regional Park of Pisa, Italy continues this fall, with two events at the 2009 Pine Barrens Research Forum (October 1 and 2) at Brookhaven National Laboratory. The first day features a twinnings presentation by Stephen Jones, CEO of the Suffolk County Water Authority and Chair of the Pine Barrens Advisory Committee. The second day features a morning web based teleconference on the student biodiversity mapping program among secondary school students at Longwood High School and the Pisa secondary school. MSRM Regional Park representatives are expected to attend this year's Forum.

The education work with area high schools continues, focusing upon research undertaken by students through the Brookhaven National Laboratory's Open Space Stewardship program. Four of the schools will

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likely provide poster displays at the Forum.

She also noted that the NYS DEC Commissioner's Office is commencing a blog and will feature the twinnings student biodiversity mapping program, and has also invited her to submit an article on that work for the Conservationist magazine published by DEC.

The seven week Barrens to Bay Summer Program with the Long Island Maritime Museum was very successful this year, having reached approximately 120 students. Topics included ecology, water quality, global positioning system, and many others.

Science & Stewardship Division: monthly update

Summary: Ms. Carter discussed the attached Science and Stewardship monthly summary. Topics included review and update of the Division budget, work plans, and equipment needs; establishment of a storage shed for tools and supplies; meeting with the Suffolk County Water Authority's Transportation Manager to identify a possible Division work truck; the ATV Damage Mitigation Project tasks (design, printing and mailing of over 5,500 brochures to project area residents, monitoring and repairs to access controls, dumping and abandoned vehicle identifications); Central Pine Barrens Ecological Communities mapping; Fire Tower Project draft agreement; Dwarf Pine Trail maintenance; invasive species control (Wertheim Refuge; Warbler Woods; small project specifications; web site updates; participation in the New York State data system); ecological restoration work (e.g., Long Island Native Grass Initiative cooperation); Pine Barrens Research Forum preparation; information services and mapping for all Commission divisions; volunteer program development (finalizing the American Red Cross agreement, staff training in volunteer management, volunteer recruitment, etc.); Compliance and Enforcement Division support; and public inquiry responses.

Mr. Shea thanked Ms. Carter and Ms. Jakobsen for their active support of Southampton Town's current geographic information system (GIS) analysis of the status of Pine Barrens Credits in the Town, and complimented their efforts.

Mr. Scully stated that he would like to emulate the successful efforts from the Flanders ATV and Dumping Mitigation Project along the Upper Carmans River, and it was agreed that the staff will arrange a September field evaluation trip with the affected agencies.

ATV and Dumping Damage Mitigation Project: community outreach status

Summary: Ms. Carter summarized the background of this ongoing resource protection pilot project in the Flanders area of Southampton Town, involving various public landowners and aiming to control or eliminate illegal ATV use and dumping at defined access points. The latest phase of this project was the design, production, and mailing of an ATV and dumping brochure and cover letter (attached), sent to over 5,500 residents in the vicinity of the pilot project site. Reports are beginning to arrive as a result of the mailing. She acknowledged the help of the Long Island Pine Barrens Society, the Protected Lands Council, the Law Enforcement Council, and thanked Robin Mills of the Commission staff for her work on the brochure and mailing.

Land Use

Compatible Growth Area (CGA)

McCarrick / Ridge (200-217-1-25, 26) / violation: status (hearing on original CGA application held 5/20/09; notice of violation issued 7/15/09)

Summary: Mr. Scully summarized the most recent history of this project, including the 5/20/09 CGA application hearing on this project, the subsequent issuance by the Commission of a Notice of Violation on this property at the 7/15/09 meeting, and the request by the applicant to address the Commission at today's meeting. Mr. McCarrick, the owner of lot 25, was present for today's meeting, and Mr. Milazzo swore him in for the purposes of providing statements to the Commission.

Mr. McCarrick described the 5/20/09 hearing and prior paperwork, and stated that he described at that hearing the reasons for needing the hardship. He stated that at that hearing evidently something happened unbeknownst to him that put him in the situation where he was in violation for clearing. He referenced a letter which he received from Ms. Hargrave following the 7/15/09 Notice of Violation issuance, from which he read excerpts regarding the testimony at the 5/20/09 hearing, a 2008 survey of his property, and the cleared nature of 70% of the property. He asked whether the paperwork that he handed in at the hearing is what caused the violation. He stated that the reason that the survey was submitted was that one of the Commission members asked him if he would be willing to revegetate with plants that are indigenous to the pine barrens. He stated that he said at the 5/20/09 Commission hearing that not only would he be willing to revegetate, but that the Brookhaven Town Planning Department had requested a plan for 30% revegetation and 70% clearance, which he stated that the Zoning Board of Appeals (ZBA) had approved. He stated that he submitted that plan to show his intent of what he could do and as a proposal for revegetation. He stated that in September, he had not received a building permit, had not broken ground, and had not touched any trees, so he does not understand how he could have caused a violation.

Mr. Milazzo noted that the Commission has already found that there is a violation and has issued the Notice of Violation. Mr. Scully stated he assumed that Mr. McCarrick would be presenting information today that would be helpful to the Commission in determining the best way to resolve the matter, and that he understands that there have been discussions between Mr. McCarrick and the Commission staff aimed at resolving this matter. He asked that Mr. McCarrick provide any additional information that the Commission does not yet have, which would be helpful in better understanding the situation.

Mr. McCarrick stated that he is trying to understand exactly what the violation is, whether it was for overclearing or taking down trees. Mr. Milazzo explained that the violation was issued for clearing beyond the applicable standard, and referenced the removal of trees and clearing of native understory vegetation. Mr. Milazzo noted that the Brookhaven ZBA's approval was contingent upon receiving an approval for this project from the Commission, as the ZBA recognized that their approved clearing percentage was in excess of the Pine Barrens Plan standard, thus requiring Commission approval prior to commencing work. He also noted that the Commission's approval was not obtained before site work, including clearing, commenced. Mr. Milazzo noted that the application was submitted to the Commission only after work had started, and that the Commission staff contacted him to file an application. Mr. Milazzo noted that Mr. McCarrick is being provided an opportunity today to present any additional information in order for the Commission to have a full and complete record on the matter, and that the Commission is not in a position today to take any action as it needs to review the entire matter thoroughly.

Mr. McCarrick stated that he wants to clear up the fact that the building permit that he has states that, between the time that he starts building and the time that he goes for a Certificate of Occupancy that he would apply to the Pine Barrens Commission, and that it does not say that he must do that before he starts construction. Mr. Milazzo noted that clearing is regulated by the Pine Barrens Plan, and that clearing is within the jurisdiction

of the Commission. Mr. McCarrick stated that the photographs which he has submitted show that the property was cleared since the 1970s, specifically prior to 1993. He also stated that, in September 2006, a Town inspector pronounced the site to be cleared, and that Ms. Hargrave's notes referenced the clearing. Mr. McCarrick stated that the property had been cleared, continued to be cleared, and that, only after he received his building permit, did he start work.

Ms. Hargrave circulated copies of the photographs and affidavits which Mr. McCarrick submitted, along with copies of photographs of the site which she took before, during, and after construction. Mr. Scully thanked Mr. McCarrick for his time and comments, and noted that, since it is a pending enforcement matter, may be the subject of a future closed advisory session, possibly at the September meeting.

Pine Barrens Credit Program

Ringhoff / Manorville (200-512-1-15, 17, 18, 21; 200-562-4-21) / previously decided Credit appeal; resolution on the status of Toppings Path (original appeal hearing held 10/17/07; appeal decided 6/18/08; litigation filed 7/17/08; court decision issued 4/8/09; hearing on status of Toppings Path pursuant to Court decision held 7/15/09)

Summary: Mr. Scully and Mr. Milazzo summarized the history of this Credit allocation appeal and subsequent litigation, with the resulting court decision leading to last month's Commission hearing on the status of Toppings Path, which is adjacent to one parcel.

A motion was then made by Mr. Scully and seconded by Ms. Gallagher (1) to adopt the attached resolution and Environmental Assessment Form on this matter, and (2) to adopt the attached resolution with its several findings. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Mr. McCormick, who was not present at the Commission's 7/15/09 hearing on this matter.

Recommendation to require Credit redemptions for CGA land use density increases: status (from 7/15/09; proposed at 3/20/09 Clearinghouse meeting; endorsed at 4/22/09 Advisory Committee meeting)

Summary: Mr. Turner reported that the Supervisor's Office, the Planning Commissioner, and other staff including himself have been discussing in detail the percentage of any additional density which would be required to be matched by the redemption of Pine Barrens Credits. This is a follow up to the recent recommendation for a Plan amendment instituting a new CGA development standard that would require that 50% of any density increase be matched by redemption of Credits.

Mr. Turner reported that the Town has not made a final decision on an alternate percentage level to recommend to the Commission, but noted that a 10% match is being actively considered. A brief discussion ensued regarding the percentage, other public benefits, and the possibility of a higher Credit requirement in some applications.

Mr. Shea then reported that Southampton Town is actively working on a GIS analysis of the remaining potential Pine Barrens Credits that could be generated in the Town, and is also examining the possibility of additional as of right receiving areas for Credits.

Planning & Land Use

Carmans River Preservation and Management Plan: update on Town role (from 7/15/09)

Summary: Mr. Turner reported that the Town is still considering the best approach for leading a Carmans River planning and preservation effort, and how the other agencies,

including the Commission, could best be incorporated into that process.

Discussion turned towards the future release by the Suffolk County Department of Health Services (SCDHS) of a Carmans River groundwater contributing area map, which the Town would like to utilize as a partial basis for a plan. It was noted that this product will emanate from a larger, preexisting contract. It was also noted that this will not be a surface water contribution map, which is also needed for any Carmans River effort.

Draft resolution on pending Suffolk County Legislative bills

Summary: Mr. Corwin explained that there are three Introductory Resolutions (IR) pending in the Suffolk County Legislature which affect the operation or funding of the County's land acquisition, water quality protection, and workforce housing programs (attached). He noted that several environmental organizations have expressed opposition, and that the Long Island Pine Barrens Society has requested that the Commission also take a position in opposition. He explained that the staff has looked at these for any specific impacts upon the Central Pine Barrens, and discussed a draft resolution on them.

IR 1458 would move land acquisition monies to the Drinking Water Protection Program's (DWPP) general fund component, removing the assurance that they will be committed to acquisition. IR 1651 would broaden the possible land uses for which developers can utilize the "workforce housing" credits accumulated (and not yet utilized) under the County's 2004 Save Open Space Bond Act. This bill would permit these credits to be used for smart growth, community development and downtown areas. IR 1722 would divert funds from the sewer component of the DWPP for tax relief.

A motion was then made by Mr. Turner to adopt the attached resolution regarding these three items. A discussion ensued, with Mr. McCormick expressing Riverhead Town's opposition to including the section pertaining to IR 1651 regarding the use of "workforce housing" credits. He stated that Riverhead is supportive of all other parts of the resolution. Mr. Shea expressed Southampton Town's support for the resolution as drafted. Mr. McCormick requested that the IR 1651 portion be stricken from the resolution, but there was no support for doing so. Mr. Shea then seconded Mr. Turner's original motion. The motion was approved by a 3-1-1 vote, with the dissenting vote cast by Mr. McCormick and the abstaining vote cast by Ms. Gallagher. Mr. McCormick asked that it be noted that he wants to support the portions of the resolution pertaining to IR 1458 and IR 1722, but must vote against the overall resolution due to the inclusion of the portion pertaining to IR 1651.

Compliance and Enforcement Division: monthly update

Summary: Mr. Corwin discussed the attached Compliance and Enforcement Division report for the past month, in lieu of Mr. Hynes. To date in 2009, 41 Incident Reports have been received (3 of these having been received since the attached report was prepared). The second page of the report includes an updated breakdown of Incident Reports for 2007 through 2009 by intake, location, nature, referrals, status and disposition.

Eleven of the 41 Incident Reports in 2009 have been received since last month's report. These include reports on clearing, vegetation removal and/or construction (five reports; three remain open and two were closed); illegal camp sites; allegation that Pine Barrens Credits were not properly redeemed at a commercial restaurant site (report was closed after the Suffolk County Health Department determined that no violation occurred); ATV activity; dumping; damage to, and partial theft of, one of the fire danger roadside signs (about which Mr. Corwin circulated photographs); and private encroachment on public

parkland. Of these, six remain open and five are now closed. By town, six of these new Incident Reports are within Brookhaven Town, four are within Southampton Town, and one is within Riverhead Town.

It was also noted that since the mailing of the ATV and dumping brochure, two calls have been received at the Commission Office (included among the eleven described above) and nine have been received at SC Park Police Headquarters.

Additional Compliance and Enforcement efforts include meeting with Brookhaven Town officials regarding the possibility of the Town donating two all terrain vehicles obtained by forfeiture for use by the Law Enforcement Council agencies during the Multi Agency Task Force details; meeting with the NY Army National Guard's Aviation Support Facility staff at MacArthur Airport in Islip, the NYS Forest Rangers, and the Suffolk County Park Police to plan for a fall abandoned vehicle airlift and recycling program for seven vehicles on state and county lands; and meeting with the Land Use Division staff and SC Parks at the Trap and Skeet Range to review the progress of the road maintenance work there.

Ms. Johan McConnell of the South Yaphank Civic Association (SYCA) stated that she is concerned about the use of the fill materials for the road maintenance at the Trap and Skeet range; that she does not understand how the road being maintained by the Parks Department can be considered as a road; that it was originally a path through the woods used by shooters to simulate hunting in the woods; that the road is the result of the use of golf carts; and that the Commission should be as concerned about the use of golf carts at the Range as it is about the use of ATVs elsewhere in the pine barrens.

Mr. John McConnell of the SYCA stated that there are deep ruts in the woods of the Range; asked how the path became a road; and stated that the vendor and the County can apparently do whatever they wish.

Mr. John Palasek of the SYCA stated that the findings of fact report about the Range recently released by the Commission was labeled as Part I, and asked where Part II is. He stated that he wants to know when the Part II containing a legal opinion will be released, what the Commission is going to do with the report, and it will act.

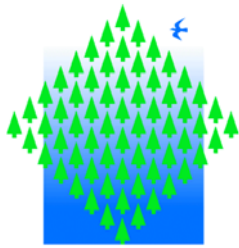
Mr. Scully noted that the Commission authorized the release of Part I of the report and directed staff to post it on the web, and stated that Part II is attorney client privileged.

Adjournment

Summary: A motion was made by Mr. McCormick and seconded by Mr. Turner to adjourn. The motion was approved by a 5-0 vote, and the meeting ended at approximately 3:06 pm.

Attachments (in order of discussion):

1. Attendance sheet (8/19/09; 2 pages)
2. Project location map for today's meeting (8/19/09; 1 page)
3. Education and Outreach Monthly Report (August 2009; 1 page)
4. Science and Stewardship Monthly Report (8/19/09; 2 pages)
5. ATV and dumping flyer and cover letter (undated; 3 pages)
6. Resolution and EAF on status of Toppings Path for Ringhoff appeal (8/19/09; 5 pages)
7. Commission resolution on pending Suffolk County legislation with copies (8/19/09; 12 pages)
8. Compliance and Enforcement Report (8/19/09; 2 pages)



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**Pine Barrens Commission Meeting Summary (FINAL)
for Wednesday, September 16, 2009 (Approved 10/21/09)
at the Suffolk County Park Police Headquarters,
Southaven County Park, Victory Avenue, Yaphank, NY, 2:00 pm**

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

Others present: Staff counsel was Mr. Milazzo. Commission and other agency staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, Ms. Carter, Ms. Eichelberger, Ms. Hargrave, Ms. Griffiths and Mr. Hynes (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation (NYS DEC)), Mr. Jones (from the Suffolk County Water Authority (SCWA) and Chair of the Pine Barrens Advisory Committee(AC)), Mr. Freleng (from the Suffolk County Department of Planning and Vice Chair of the Pine Barrens Credit Clearinghouse), Mr. Gulizio and Mr. Corral (from the SC Department of Planning), and Ms. Longo (from the Suffolk County Department of Environment and Energy). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:06 pm by Mr. Scully, with a four member quorum present. The Pledge of Allegiance was recited.

Public Comment and Administrative

Public comments

Summary: The first speaker was Ms. Andrea Spilka, representing a coalition of Eastport communities. She spoke about two development proposals in the Eastport area: Hamptons Club and Eastport Meadows. She stated that she feels like a target; that these will bring about a large increase in population; that there is less land and thus a need to be more vigilant; that developers have a right to develop; that the Hamptons Club developers are now seeking a doubling of the original density and this could have a negative impact and set a poor precedent; and that the Commission should look at the cumulative impact of these pending projects. She stated that the interests of the community and the developers must be balanced; that the Commission should send a message to the Town that planning should be done properly; and that each application should be evaluated individually and cumulatively.

The second speaker was Mr. Shelley Corman, from Encore Atlantic Shores in Eastport. He read the attached statement regarding the Hamptons Club revised proposal in Eastport. He addressed the original proposal; the revised proposal; the number of residences proposed; the environmental study; traffic; septic tanks; and zoning precedents. He urged the Commission to oppose the proposal.

The third speaker was Mr. Ira Brickman, representing himself. He provided the analogy that the Commission is the round table, and is charged with protecting the realm. He stated that the Town is now denser than it was 15 years ago; that Planned Development Districts, J5 zoning, hamlet centers,

and other mechanisms allow a density increase from five years ago; that three units per acre was previously considered high, but that six, eight or more units per acre are now considered; that "piece by piece" development analysis will "miss the boat"; that there is reliance upon the Suffolk County Health Department density regulations; that the Commission must insert itself into the process as soon as possible; that the Commission should help to determine, if not actually determine, the outcome; and that the Commission should evaluate the overall impacts of development in the town early in the process.

The fourth speaker was Ms. Maryann Johnston, President of the Affiliated Brookhaven Civic Associations (ABCO). She asked that the Commission notify Brookhaven Town that projects should be referred to it before a change of zone is approved, and noted that several projects have come to the Commission late. She stated that Commission project review must occur before the site plan stage; that cumulative impacts have not been examined by the Town; and noted the impacts of sewage treatment plants in the Carmans River area, and of paved areas adjacent to the Core.

The fifth speaker was Mr. Gordian Raacke, Executive Director of Renewable Energy Long Island. He spoke about the proposed Long Island Power Authority solar electricity project proposed for the Brookhaven National Laboratory. He stated that we need to switch to carbon free sources of energy; referenced the Governor's position on this; stated that about 2,000 rooftop solar systems were built over eight years producing about 12 MW; that we need to dramatically increase this; and requested Commission support.

The sixth speaker was Mr. Cliff Fredrickson, representing the Encore Atlantic Shores development residents in Eastport. He spoke about the revised Hamptons Club proposal, and raised concerns regarding the density, traffic, general impacts, and septic systems. He stated that the 2006 Commission approval should not carry over to the new proposal.

The seventh speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. He stated that the 2006 Hamptons Club approval was the minimum relief; the number of proposals in the Middle Island corridor of Brookhaven Town warrant cumulative impact review; and that the Town must be certain that the standards and guidelines are met by a project before taking action. He described the litigation involving the Sandy Hills project in Middle Island initiated by the Society, provided a copy of the temporary restraining order obtained by the Society, and asked the Commission to respect it.

Minutes for 8/19/09: review, approval

Summary: A motion was made by Mr. Shea and seconded by Mr. Turner to approve the 8/19/09 minutes as drafted. The motion was approved by a 4-0 vote.

Advisory Committee: progress report on Committee Needs and Structures study (Stephen Jones, AC Chair and SCWA Chief Executive Officer (CEO))

Summary: Mr. Jones summarized the attached recommendations regarding the committees examined to date. Regarding the Wildfire Academy and the Wildfire Task Force (WTF), AC recommendations include, in part, separate boards for each, consideration of a host agreement for the Academy, elimination of some WTF subcommittees, reconstituting the Fire Protection Assessment Committee as a Firewise Committee with outreach and education for land use professionals, reconstituting the Prescribed Fire Committee to include ecology and land management specialists, and reinvigorating the firefighting work with the National Guard.

With respect to the Law Enforcement Council and the law enforcement program, the AC recommendations include, in part, identification of multiple offense violators through

coordination across court systems, use of geographic information systems to track sites with recurring problems, promulgation of rules and regulations by the Commission to implement the Plan and statute, improved SEQRA coordination to prevent land use violations, and obtaining state legislation to provide peace officer status for the Compliance and Enforcement Division staff.

With respect to the Credit Clearinghouse and the Credit Program, recommendations include, in part, reaffirmation of the AC's 4/22/09 endorsement of the Clearinghouse's 3/20/09 recommendation to require Credit redemptions for increased density; focusing upon the original Core landowners not yet in the Credit Program, improving direct mail outreach, identifying a portion of Clearinghouse funds as a reserve for purchasing Credits, and considering use of the interest on the funds for stewardship.

Mr. Jones noted that the AC's recommendation on the Protected Lands Council will be forwarded shortly, and observed that the AC is ready to assist with examining the BP Solar Array Project. Mr. Scully thanked Mr. Jones for the AC's work, specifically noting the Credit Program and Carmans River efforts.

Stewardship & Education

Environmental Education: monthly update (Ms. Griffiths)

Summary: Ms. Griffiths distributed and discussed the attached monthly report. The Environmental Education Committee met on 9/9/09, reviewed the 2008 goals (which have been met), and worked on the next version of the Education Plan. Other tasks include development of a five part middle school pine barrens module correlated to NY State education standards; "in school" partnerships with Patchogue Medford, Longwood, Sayville, Rocky Point and Eastport South Manor School Districts; cooperative work with Brookhaven National Laboratory staff and the Lab's Open Space Stewardship Program; the pending visit of two members of the MSRM Regional Park Board in Pisa, Italy to the 10/1 and 10/2 Pine Barrens Research Forum; the twinnings summary keynote talk at this Forum by Mr. Stephen Jones (SCWA CEO and Advisory Committee Chair); the web teleconference at the Forum on the student biodiversity mapping between Longwood High School and the Liceo Scientifico in Pisa; and public outreach events such as the Brookhaven Fair, National Hunting and Fishing Day, and the Riverhead Country Fair.

Ms. Griffiths also spoke briefly about the 2009 Barrens To Bay summer program between the Commission and the Long Island Maritime Museum, and introduced Ms. Natasha Alexenko, the Museum's Executive Director. Ms. Alexenko thanked the Commission for its partnership and noted the benefits of the program. The Museum staff are looking forward to the 2010 program. The attached summary includes 2009 photos.

Science & Stewardship Division: monthly update (Ms. Carter)

Summary: Ms. Carter discussed the attached summary, specifically describing the Science and Stewardship Division management; the ATV Damage and Dumping Mitigation Project (including barrier maintenance in the Flanders pilot project); ecological communities mapping; restoration work; and geographic information systems work.

Ms. Eichelberger summarized the invasive species work at various sites, including the Wertheim Wildlife Refuge and the SCWA's Westhampton Native Plant Garden. She summarized the upcoming Pine Barrens Research Forum program and events (attached). Mr. Shea noted that Southampton Town has two invasive species interns, and that he may be able to coordinate their work with the Commission's invasive species efforts.

Wildfire Academy: Task Agreement with National Park Service for funding from 2009 federal fiscal year; approval (Mr. Corwin, Mr. Milazzo)

Summary: Mr. Scully summarized the attached material pertaining to this third federal fiscal year for agreement between the Commission and the National Park Service to obtain funds for the NY Wildfire and Incident management Academy. **A motion was made by Mr. Scully and seconded by Mr. Turner to approve the 2009 agreement and to authorize the Commission Chair to sign on behalf of the Commission. The motion was approved by a 4-0 vote.**

Land Use

Compatible Growth Area (CGA)

McCarrick / Ridge (200-217-1-25) / violation: status (staff; from 8/19/09; hearing on original CGA application held 5/20/09; notice of violation issued 7/15/09)

Summary: Mr. Scully noted that a compliance conference is scheduled for this matter, and that it would be discussed as a closed session enforcement item later in the meeting.

BP Solar Array Project at Brookhaven National Laboratory (BNL) / Upton (CGA portions of 200-505-1-1.1, 1.2): informational presentation (Dr. Timothy Green, BNL; Michael Deering, Long Island Power Authority (LIPA); Richard Chandler, BP Solar)
Summary: Mr. Deering provided an overview of the origin of this project; LIPA's interest in renewable energy; the award of a 13 MW total distributed (i.e., roof tops, parking lots) solar power project; 2015 goals for renewable power; the creation of "green jobs" by such efforts; and the selection of the BP Solar proposal by LIPA.

Mr. Chandler described BP Solar's involvement; the need to locate near a substation; the goal to produce solar power at "grid quantity"; the crystalline solar photovoltaic module technology; the site and clearing required; the proposed construction period; and the attempt to avoid areas of cultural or environmental sensitivity.

Dr. Green of the Laboratory's Environmental Protection Division gave the attached presentation. He described goals and benefits, location, and scope. It is a 37 MW project using crystalline solar photovoltaic modules on a 200 acre site in the Lab's southeast corner. It is scheduled for Spring 2010 commencement and May 2011 completion, employing 200+ construction employees and a handful after completion. He described the sequence of events; U.S. Department of Energy (DOE) conditions for hosting the project; continued land ownership by DOE, the National Environmental Policy Act assessment, and the purpose and need for the project.

He explained that this would be the largest scale photovoltaic project in the Northeast, would provide data and practical experience, enable research, involve granting an easement to BP Solar, connect into the regional power grid, use 1 to 2 MW on site, and utilize, where possible, areas already cleared. He showed aerial maps, including on site locations considered but not assessed. He listed the topics addressed in the NEPA assessment; impact reduction measures; the location within the CGA; amount of clearing; a comparison with the pine barrens clearing standard; the need for certain DEC permits; and decommissioning and restoration considerations.

Discussion topics included the specific site; the amount of clearing; the easement to be granted; the electricity to be sent to the grid and the amount to be used on site; the use of a part of the array for research; other BNL areas considered and their evaluations; effects

upon wildlife and vegetation; the need for fencing; the projected 40 year lifetime of the array; the 20 year power purchase agreement; whether other non BNL locations were examined, and, if so, which ones; other photovoltaic arrays in the nation; and the estimate that it would provide power needed by 4,700 residences for one year.

Mr. Richard Amper of the Long Island Pine Barrens Society distributed the attached correspondence from the Society to U.S. Representative Timothy Bishop and Laboratory Assistant Director Marge Lynch requesting consideration of alternative sites and possible land acquisition mitigation, including specific land parcels. He stated that everyone is concerned about global warming; that the project is seriously flawed; that 160 to 170 acres of pine barrens would be cleared; that the project places two environmental causes at odds; that he is not satisfied that alternative locations were examined; that a hard look at mitigation is needed; that the Society has not opposed the project to date; that no one has said "no" to the Society's suggestions to date; that the Commission should join the Society in looking at alternate sites and mitigation; and that there are legal questions.

Ms. Maryann Johnston, President of ABCO and the Manor Park Civic Association, suggested an estimated 400 acre site adjacent to Calabro Airport as a better location as it is already cleared and near a substation. Discussion ensued regarding BNL site access; use of the electricity; the estimated one or two full time jobs created after construction; and other alternative sites.

Core Preservation Area

Jurevitz Property Residence, Barn and Paddock / Ridge (200-326-3-1): schedule hearing (Ms. Hargrave; decision deadline is 12/17/09; prior Core application withdrawn March 2009)
Summary: Ms. Hargrave explained that this new application is a resubmittal of the original 2008 application, which was withdrawn. **A motion was made by Ms. Prusinowski and seconded by Mr. Shea to (1) deem this application complete and (2) schedule a public hearing on this application for 3:00 pm at the 10/21/09 meeting. The motion was approved by a 4-0 vote.**

Pine Barrens Credit Program

Recommendation to require Credit redemptions for CGA land use density increases: Town recommendations on quantity of Credits to require in new Pine Barrens Plan standard (Mr. Turner and Mr. Shea; from 8/19/09; 3/20/09 Clearinghouse recommendation; endorsed 4/22/09 by Advisory Committee)
Summary: Mr. Shea reported that the Southampton staff are analyzing Credits issued and available, and possible new receiving areas within the Town. Mr. Turner reported that Brookhaven Town is still reviewing this matter.

Planning & Land Use

Land Use Projects Summary (Ms. Hargrave)

Summary: Ms. Hargrave summarized the Jurevitz application in Ridge, revegetation work at the Flowerwood commercial development site in Yaphank, the pending compliance conference for the McCarrick site in Lake Panamoka, the proposed Fisherman's Walk along the Carmans River in Yaphank, a letter received from Mr. Joseph Gazza regarding the SCWA's Westhampton site improvements, and an outreach seminar for the Brookhaven Building Department staff being planned.

Carmans River Preservation and Management Plan: update on Town role and coordination with

other agencies (Mr. Turner; from 8/19/09)

Summary: Mr. Turner indicated that he believes that a copy of the County Health Department's Carmans River map will be available in approximately two weeks.

Compliance and Enforcement Division: monthly update (Mr. Hynes)

Summary: Mr. Hynes reported that six new Incident reports have been received since the last Commission meeting, raising the 2009 total to 44. He distributed the attached summary for this year to date. Reports include Southampton clearing and encroachment on County Parkland in Westhampton. The LEC agencies are assisting the Quogue Wildlife Refuge with ATV issues. He noted that reports of ATV crossings of the Carmans River and the placement of logs to enable that activity have been investigated. Finally, he noted that seven vehicles are ready for airlifting by the NY Army National Guard.

Closed Advisory Session

Summary: **A motion was made by Ms. Prusinowski and seconded by Mr. McCormick to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 4-0 vote, and the Commission entered into closed session from approximately 3:52 pm to 4:13 pm.**

Land Use

Compatible Growth Area (CGA)

McCarrick / Ridge (200-217-1-25) / violation: status (staff; from 8/19/09; hearing on original CGA application held 5/20/09; notice of violation issued 7/15/09)

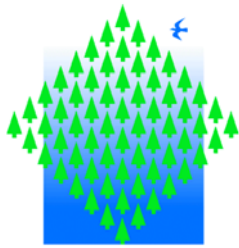
Summary: **A motion was made by Mr. Scully and seconded by Mr. Turner to authorize the Executive Director to resolve the McCarrick violation. The motion was approved by a 4-0 vote.**

Adjournment

Summary: **A motion was made by Ms. Prusinowski and seconded by Mr. Shea to adjourn. The motion was approved by a 4-0 vote, and the meeting ended at approximately 4:15 pm.**

Attachments (in order of discussion):

1. Attendance sheets (9/16/09; 2 pages)
2. Project location map for today's meeting (9/16/09; 1 page)
3. Statement read by Mr. Shelley Corman re Hamptons Club revised proposal (9/16/09; 1 page)
4. Resolutions of the Pine Barrens Advisory Committee (9/9/09; 11 pages)
5. Education and Outreach Monthly Report (September 2009; 3 pages)
6. Science and Stewardship Monthly Report (9/16/09; 4 pages)
7. Memo and associated 2009 Federal FY NPS-Commission agreement (9/9/09; 13 pages)
8. Presentation on BP Solar Project by Dr. Green (9/16/09; 19 pages)
9. LI Pine Barrens Society letters re BP Solar Array project (misc. dates; 3 pages)
10. Compliance and Enforcement Report (9/16/09; 2 pages)



**CENTRAL
PINE
BARRENS**
JOINT
PLANNING
&
POLICY
COMMISSION

**Pine Barrens Commission Meeting Summary (FINAL)
for Wednesday, October 21, 2009 (Approved 11/18/09)
at the Riverhead Town Hall,
200 Howell Avenue (corner of East Main Street),
Riverhead, NY, 2:00 pm**

Commission members present: Mr. Scully (for New York State), Ms. Gallagher (for Suffolk County), Mr. Lesko, Ms. Prusinowski and Mr. Turner (for Brookhaven), and Mr. McCormick (for Riverhead).

Others present: Staff counsel was Mr. Milazzo. Commission and other agency staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, Ms. Carter, Ms. Hargrave, Ms. Griffiths and Mr. Hynes (from the Commission), and Ms. Neill (from Southampton Town). Additional attendees are shown on the attached sheet.

The meeting was called to order at approximately 2:00 pm by Mr. Scully, with the NY State, Suffolk County, and Brookhaven representatives present, but not a quorum. The Pledge of Allegiance was recited. Mr. Scully welcomed Brookhaven Supervisor Lesko.

Peter A. Scully
Chair

Philip J. Cardinale
Member

Linda A. Kabot
Member

Mark Lesko
Member

Steve A. Levy
Member

Public Comment and Administrative

Public comments

Summary: The first speaker was Ms. Johan McConnell, representing the South Yaphank Civic Association (SYCA). She thanked Supervisor Lesko for attending this meeting, and read the attached statement. She questioned whether the reopening of the Southaven County Park Trap and Skeet Range constitutes "development" as defined in the pine barrens law; cited excerpts from the recent litigation over the range referring to pre existing or prior nonconforming uses; cited Town codes that might apply; and cited other court decisions regarding the intent of an owner and the period of time during which a use lapses. She urged the Commission to have a public discussion or hearing on these issues.

Mr. McCormick arrived during the following, and a four member quorum was then present.

The second speaker was Mr. John McConnell, representing the SYCA. He also thanked Supervisor Lesko for attending today. He asked whether there have been any "health consultations" performed for the Range by either the federal Agency for Toxic Substances and Disease Registry, or by the NY State Health Department.

The third speaker was Mr. Richard Amper, representing the Long island Pine Barrens Society. He stated that oral arguments were held yesterday by the Appellate Department in Brooklyn on the EPCAL appeal, and complimented the NYS Attorney General's Office for their work on this.

Minutes for 9/16/09: review, approval

Summary: A motion was made by Ms. Gallagher and seconded by Mr. Lesko to approve the 9/16/09 minutes as drafted without changes. The motion was approved by a 4-0 vote.

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Stewardship & Education

Environmental Education: monthly update (Ms. Griffiths)

Summary: Ms. Griffiths discussed the attached monthly report topics. At the 10/14/09 Pine Barrens Advisory Committee meeting, she gave an overview of the Education Program, as part of the Committee's analysis of the existing committees. She noted that the Education Committee is drafting a revised Education Plan; 2010 Discovery Day planning has started; partnerships continue with the William Floyd, Eastport South Manor, Patchogue Medford, Rocky Point, and South Country School Districts; she is serving on the planning committee for the U.S. Fish and Wildlife Service Long Island Complex Visitors Center at the Wertheim Refuge; assisting the LI Science Center with a pine barrens ecology presentation at a Therapeutic Recreation Association conference; working on a long term research project with the Brookhaven Laboratory's Office of Educational Programs; and staffed a display at the National Hunting and Fishing Day 9/26 event at Ridge, and the Riverhead Country Fair on 10/11.

Also noted (see attachment) was the 10/1 and 10/2 Pine Barrens Research Forum at Brookhaven Laboratory, which included MSRMR Regional Park (Pisa, Italy) "twinning" components. These included a keynote address on the park twinning agreement by Mr. Stephen Jones, CEO of the Suffolk County water Authority and Chair of the Pine Barrens Advisory Committee; attendance by MSRMR Park Board members Ms. Elisabetta Norci and Mr. Carlo Galletti, and a web conference on biodiversity mapping between Longwood High School and the Liceo Scientifico in Pisa. Mr. Ivan Suarez of Longwood High School and Ms. Isabella Marini of Liceo Scientifico are the principal faculty.

Science & Stewardship Division: monthly update (Ms. Carter)

Summary: Ms. Carter (see attachment) reported that the Science and Stewardship Steering Committee discussed assignments for the PLC such as a review and field evaluation of the ATV Damage Mitigation Project in Flanders and expansion to the Carmans River. She summarized field inspections of the ATV damage in the Carmans River corridor, especially the property on the west side jointly owned by the County and Brookhaven; the Ecological Communities Report in progress; the 9/24 LI Invasive Species Management Area meeting; the SC Carmans River Task Force on the invasive species in the Upper and Lower Lakes in Yaphank; the LI Native Grass Initiative seed harvesting; work with the NYS Department of Transportation on a seed mix for highway roadsides; the Research Forum and the Proceedings in progress; general geographic information systems (GIS) work including a map of the Credit Program conservation easements; and the 10/16/09 Carmans River Partnership meeting at Southaven County Park.

Protected Lands Council (PLC): final Advisory Committee recommendations (Mr. Corwin)

Summary: Mr. Corwin explained that the attached recommendation regarding the PLC is the final version of the Advisory Committee's 4/22/09 resolution, incorporating comments received from the PLC attendees and others. He described the overarching recommendation to "simplify the structure of the PLC while simultaneously focusing more of its valuable time upon substantive conservation work products which further the Commission's Science and Stewardship Work Plan", and the eleven specific recommendations that strive to implement that.

These include, in part, assignments and deadlines; a direct, two way communication with the Science and Stewardship Committee; simplifying PLC operation; encouraging new stewardship proposals; and selecting a new chair each year with specific responsibilities. Mr. Scully noted that SC Parks Commissioner and PLC Chair John Pavacic forwarded a letter of support (attached) for the Advisory Committee's recommendations.

A motion was made by Mr. Turner and seconded by Ms. Gallagher to approve and adopt these recommendations from the Advisory Committee regarding the Protected Lands Council. The motion was approved by a 4-0 vote.

Land Use

Core Preservation Area

Southaven County Park Trap and Skeet Range / Yaphank (200-745-1-1, etc.) / tabled assertion of jurisdiction resolution (*proposed resolution tabled at 5/21/08 meeting; not an application*)

Summary: A motion was made by Mr. Lesko as follows:

“Whereas, at the May 20, 2008 meeting of the Central Pine Barrens Joint Planning and Policy Commission then Supervisor Brian X. Foley made a motion to assert jurisdiction over ‘the reopening and continued operation of the Southaven Trap & Skeet Range’, and

Whereas, said motion was not considered but was tabled by the adoption of a subsequent tabling motion,

Now therefore, I hereby petition and/or move to have the Commission reconsider the tabling motion so that the original tabled motion, described above, may be considered by the Central Pine Barrens Joint Planning and Policy Commission.”

There was no second, and the motion did not progress.

Closed Advisory Session

Summary: A motion was made by Mr. McCormick and seconded by Ms. Gallagher to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion to enter into a closed session was approved by a 3-0-1 vote, with the abstaining vote cast by Mr. Scully, and the Commission entered into closed session from approximately 2:25 pm to 2:44 pm.

Land Use

Core Preservation Area

Southaven County Park Trap and Skeet Range / Yaphank (200-745-1-1, etc.) (*continued*)

Summary: A motion was made by Mr. Lesko and seconded by Mr. McCormick to adopt the resolution on the Southaven Trap and Skeet Range stated prior to the closed advisory session. The vote was 2 ayes, 1 nay (from Ms. Gallagher), and 1 abstention (by Mr. Scully), and the motion was not adopted.

Mr. Lesko left at this point, but a four member quorum remained.

Stewardship & Education

Law Enforcement Council: report from NYS EnCon Police on use of camera equipment and proposal for additional purchases (*Lt. Lapinski, NYS EnCon Police; Mr. Hynes*)

Summary: Mr. Scully explained the origin and nature of the Environmental Benefit Fund (EBF) which is administered by the Commission for purchasing equipment for use by the LEC member agencies. He noted that Lt. Frank Lapinski of the NYS DEC Environmental Conservation (EnCon) Police was instrumental in securing those funds. Mr. Hynes

reported that the Law Enforcement Council, on 9/24/09, recommended the purchase of additional surveillance equipment to upgrade the current cache (see attachment).

Lt. Lapinski described his background; the long term nature of some environmental investigations; origin of the EBF monies from an environmental violation; prior purchases; limitations of the current equipment (battery life, data storage, etc.); refinements available in the newer generation equipment; incidents for which the new equipment is well suited; and the state and local agencies with which his office has worked. The quote for two units and accessories total approximately \$4,900. A brief discussion followed regarding equipment capabilities and costs.

A motion was then made by Mr. Turner and seconded by Mr. McCormick to authorize the proposed purchase as described today and in the attached written description. The motion was approved by a 4-0 vote.

Law Enforcement Council: acceptance of Brookhaven Town donation of two ATVs for use by the LEC agencies & authorization to transfer to SC Parks (Mr. Hynes)

Summary: Mr. Hynes reported that the Brookhaven Town Board passed a 9/29/09 resolution (attached) donating two all terrain vehicles (ATVs) to the Commission. He explained that the ATVs would be used by the enforcement agencies of the Law Enforcement Council, and recommended that the Commission then transfer the titles of these ATVs to the SC Park Police which would maintain them.

Mr. Milazzo explained that the Town is asking for a hold harmless agreement included in the attached correspondence, and noted that he would like language added to that agreement. **A motion was then made by Mr. Scully and seconded by Ms. Gallagher to (1) accept the donation of the two ATVs from Brookhaven Town, (2) formally thank the Town for this donation which will be used by the members agencies of the Pine Barrens Law Enforcement Council, (3) authorize the Commission Chair to execute the attached hold harmless agreement once the language is satisfactory to Commission counsel, and (4) authorize and direct the staff to transfer title to the two ATVs, once received from the Town, to the SC Park Police for use in the interagency pine barrens law enforcement patrols by the member agencies of the Law Enforcement Council. The motion was approved by a 4-0 vote.**

Land Use

Compatible Growth Area (CGA)

McCarrick / Ridge (200-217-1-25) / violation: request to amend the terms for resolving the violation (staff; from 9/16/09; hearing on original CGA application held 5/20/09; notice of violation issued 7/15/09)

Summary: Mr. Scully summarized the milestones in this project, noting that the Commission issued a notice of violation on 7/15/09, that a compliance conference was held with the project sponsor, and that the attached correspondence was received from Cramer Consulting Group now representing the project sponsor. Mr. McCormick noted for the record that he received a telephone message from Mr. McCarrick recently, and that he did not respond to that as he felt that doing so would be inappropriate.

Mr. Thomas Cramer, principal of the Cramer Consulting Group explained that he is now a consultant for Mr. McCarrick on this matter; stated that he wants to address the Commission's 10/7/09 letter to Mr. McCarrick, the survey done on the site, the restoration

plan, and the use of Pine Barrens Credits as part of a resolution of this matter. Mr. Milazzo then asked Mr. McCarrick to verify that he is being represented by the Cramer Consulting Group since there is no owner's representation in the file, and Mr. McCarrick confirmed that Mr. Cramer is his representative on this.

Mr. Cramer spoke about the two tax parcels originally both owned by the Buckingham's and Mr. McCarrick's purchase of one of them; the existence of the Buckingham's house on one, and the originally undeveloped status of the other; the current vegetation, including trees and understory on the McCarrick lot; Mr. McCarrick's efforts to address Town requirements on restoration; the "misdirection" that he stated the Town staff provided; the lack of consistency across the Town regarding clearing; the 53% clearing limit for this parcel; the lack of a requirement to file an application with the Commission if a project meets the pine barrens standards; the sequence and content of the Brookhaven Zoning Board of Appeals (ZBA) decisions and resolutions; that Mr. McCarrick is not looking to avoid compliance with laws and rules; and that affidavits have been presented to the Commission asserting that the property was cleared prior to the pine barrens law.

A discussion ensued regarding the timing and sequencing of permitting and building activities. Mr. Amper of the LI Pine Barrens Society asked whether any action has been taken with respect to the Brookhaven Town process to assure that no similar future incidents occur. Discussion ensued regarding what portions of the initially proposed settlement are onerous to the project sponsor.

Mr. Kevin McCarrick, brother of the project sponsor Mr. Hugh McCarrick, a former Brookhaven Town Council member, and a current member of the Brookhaven ZBA, then addressed the Commission. He stated that he has reviewed the Commission's meeting minutes and has found three to four references per year to "bad communication" within the Brookhaven Town departments; that his brother is the only non professional involved, is not a developer, and is not seeking a profit; that no fines previously levied are as high as those proposed here; that there was no notification by either the Town or Commission staff of any violations; and that this could be a teaching moment to get the Brookhaven Town departments in line with the Commission.

Mr. McCormick stated that the Commission staff is professional and did notify Mr. McCarrick regarding Commission requirements, but that he built without a permit anyway. Mr. Amper of the Pine Barrens Society noted that the Commission must define roles for the Town in such matters, and should be equally concerned about what the Town does.

Pine Barrens Credit Program

Summary of 10/9/09 Credit Clearinghouse meeting (Ms. Jakobsen)

Summary: Ms. Jakobsen distributed and discussed the attached 9/1/09 Credit program summary. She reported that the Clearinghouse, at its 10/9/09 meeting, reviewed the 9/9/09 Advisory Committee recommendations on the Credit program, reaffirmed the Clearinghouse's 3/20/09 recommendation for requiring a 50% Credit redemption for all increases in density; asked the Commission to immediately vote upon that; discussed pending development projects; passed a resolution to send a letter to the SC Department of Health Services requesting a clarification on their policy regarding the use of Credits versus the "sterilization" of land; and passed a resolution to send a Credit Program letter to those Core area owners not yet enrolled in the Program.

Recommendation to require Credit redemptions for density increases: Town recommendations (from 9/16/09; 3/20/09 Clearinghouse recommendation)

Summary: Ms. Jakobsen reported that she is working closely with the Southampton

Town staff who are performing a GIS analysis of parcels in that town which are eligible for Credits. She noted that Southampton is awaiting the result of this work prior to offering a comment on the percentage redemption level that would be appropriate. There was no discussion regarding the Brookhaven Town work on this.

Planning & Land Use

Carmans River Plan: update on Town role and coordination (Mr. Turner; from 9/16/09)

Summary: Mr. Turner reported that the Town is awaiting a Carmans River watershed delineation from the SC Health Department, which may be available by late October.

Compliance and Enforcement Division: monthly update (Mr. Hynes)

Summary: Mr. Hynes distributed the attached monthly report. He reported that the NY Army National Guard completed an abandoned vehicle airlift of six vehicles on 10/6/09 from parklands in Manorville, Westhampton and Ridge, and described the investigation and recycling aspects. He noted that four of the new Incident Reports include two dumping reports, one hunting incident, and one wildlife report. He also described the conservation easement monitoring work performed recently.

Sgt. Arthur Pendzick of the SC Park Police, Chair of the Law Enforcement Council, described the 10/11/09 Multi Agency ATV Task Force detail. Two ATVs were impounded, and five summonses issued, in the Warbler Woods area of Yaphank, and eight Vehicle and Traffic Law tickets were issued for the vehicles and trailer used to transport those ATVs. He noted some patrols are now being held at night due to the increasing presence of after dark illegal riding. A brief discussion occurred regarding the laws regarding firearms discharge during hunting season.

Hearings

Core Preservation Area

Jurevitz Property / Ridge (200-326-3-1): reschedule hearing to 11/18/09 (decision deadline is 12/17/09; prior Core application withdrawn March 2009)

Summary: Ms. Hargrave reported that Mr. Thomas Cramer, representing the applicant, has requested a rescheduling of today's hearing on this matter for the Commission's 11/18/09 meeting, and distributed the attached resolution rescheduling the hearing and extending the decision deadline for this application to 1/14/10.

A motion was made by Mr. Turner and seconded by Ms. Gallagher to adopt the attached resolution rescheduling this hearing for 3:00 pm on 11/18/09 and changing the decision deadline to 1/14/10. The motion was approved by a 4-0 vote.

Closed Advisory Session

Summary: **A motion was made by Ms. Gallagher and seconded by Mr. Turner to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 4-0 vote, and the Commission entered into closed session from approximately 3:53 pm to 4:02 pm.**

Land Use

Compatible Growth Area (CGA)

McCarrick / Ridge (200-217-1-25) / violation: request to amend terms for resolving violation (from 9/16/09; application hearing held 5/20/09; notice of violation issued 7/15/09)

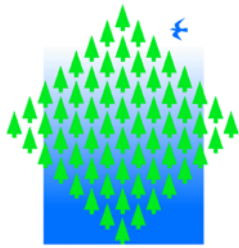
Summary: A motion was made by Mr. Turner and seconded by Ms. Gallagher to authorize the Commission staff to settle the McCarrick violation using the guidance provided to the staff. The motion was approved by a 5-0 vote.

Adjournment

Summary: A motion was made by Ms. Gallagher and seconded by Mr. Turner to adjourn. The motion was approved by a 4-0 vote, and the meeting ended at approximately 4:05 pm.

Attachments (in order of discussion):

1. Attendance sheet (10/21/09; 2 pages)
2. Project location map for today's meeting (10/21/09; 1 page)
3. Statement by Ms. McConnell re the Southaven Trap and Skeet Range (10/21/09; 4 pages)
4. Education and Outreach Monthly Report (October 2009; 3 pages)
5. Science and Stewardship Monthly Report (10/21/09; 2 pages)
6. Advisory Committee recommendation re the Protected Lands Council (10/13/09; 5 pages)
7. Letter of support for the Advisory Committee recommendations re the PLC (10/20/09; 1 page)
8. Materials regarding proposed enforcement equipment purchase (8/14/09; 2 pages)
9. Brookhaven Town letter, resolution and hold harmless agreement re ATVs (10/7/09; 5 pages)
10. Letter from Mr. Cramer re McCarrick property (10/15/09; 2 pages)
11. Easement Protected lands and Pine Barrens Credits summary (9/1/09; 1 page)
12. Compliance and Enforcement Report (10/21/09; 4 pages)
13. Resolution re Jurevitz hearing rescheduling and decision deadline change (10/21/09; 1 page)



**CENTRAL
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BARRENS**
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COMMISSION

**Pine Barrens Commission Meeting Summary (FINAL)
for Wednesday, November 18, 2009 (Approved 12/16/09)
at the Brookhaven Town Hall, 1 Independence Hill,
Farmingville, NY, 2:00 pm**

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

Others present: Staff counsel was Mr. Milazzo. Commission and other agency staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, Ms. Carter, Ms. Hargrave, Ms. Griffiths and Mr. Hynes (from the Commission), and Mr. Spitz (from the NYS Department of Environmental Conservation (NYS DEC)). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:05 pm by Mr. Scully, with a five member quorum present consisting of Mr. Scully, Mr. Isles, Mr. Turner, Mr. McCormick and Mr. Shea. The Pledge of Allegiance was recited.

Peter A. Scully
Chair

Philip J. Cardinale
Member

Linda A. Kabot
Member

Mark Lesko
Member

Steve A. Levy
Member

Public Comment and Administrative

Public comments

Summary: The first speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. He distributed the attached letter which he had just received from Congressman Bishop regarding the BP Solar project. He noted that the letter, including the proposed mitigation measures for the clearing of tress at the proposed site within the Brookhaven National Laboratory, have not been discussed by the Pine Barrens Society board. He stated that the proposals appear weak, and observed that advancement of solar power technology should not be undertaken at the expense of the pine barrens.

The second speaker was Mr. John McConnell, representing the South Yaphank Civic Association. He attended a recent meeting of the Suffolk County Legislature's Parks Committee and learned that an environmental review will be done for the proposed dog park at the Southaven County Park, which includes a fence. He stated that it is ironic that no environmental review was performed for the placement of the fence around the trap and skeet range site at Southaven County Park.

Minutes for 10/21/09: review, approval (e-mailed)

Summary: **A motion was made by Mr. Turner and seconded by Mr. Scully to approve the 10/21/09 minutes as drafted without changes. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Mr. Shea.**

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Stewardship & Education

Environmental Education: monthly update (Ms. Griffiths)

Summary: Ms. Griffiths distributed the attached monthly summary, plus the 10/20/09 press release from Longwood Central Schools regarding

Longwood High School's participation in the parks twinning component of the Pine Barrens Research Forum at Brookhaven National Laboratory (BNL).

She reported that four interpretative panels for the interior sections of the Dwarf Pine Plains Trail in Westhampton are under design; she is working with the gifted student program at Rocky Point Middle School on a biodiversity project; she is working with BNL and US Geological Survey staff and local students on a long term project at the National Synchrotron Light Source; local schools are going to emulate the Pisa students' science projects on biodiversity; and the Long Island Maritime Museum staff is completing the summer program permit application to the Suffolk County Health Department.

Ms. Prusinowski arrived during the following item, and a five member quorum remained.

Science & Stewardship Division: monthly update (Ms. Carter)

Summary: Ms. Carter reported that the Ecological Communities Report is nearing completion, and will document the various categorizations that have been applied to the pine barrens from 1995 to the present; maintenance of the ATV and Dumping Damage Mitigation Pilot Project in Flanders continues; an extension of the project to the jointly owned Suffolk County-Brookhaven Town property on the west side of the Carmans River is being discussed with those landowners; the staff continues its collaboration with the Long Island Partnership for Invasive Species Management (PRISM) section, one of several organized by NYS DEC's Albany office; right of way and roadside vegetation management and seed standardization work continues with the NYS Department of Transportation and other partners (including an examination of the New Jersey Pinelands practices); the staff has participated in seed harvesting this fall; a Research Forum debriefing meeting was held; geographic information systems (GIS) support continues to be provided to the Commission staff, including the current analysis of Pine Barrens Credits in support of a proposed Plan amendment; and the next Protected Lands Council meeting will be on 12/1/09 at 9 am at Southaven County Park.

A discussion followed on the status of the ATV and Dumping Damage Mitigation Project access sites and the difficulties that arise when barriers are simply extended to be longer; the availability of native plant seeds, including the current arrangement by the informal Long Island Native Grass Initiative for harvesting and growing them; and the need for targeted ATV enforcement at the pilot control sites, with Mr. Scully noting the NYS DEC's experiences at the Edgewood State Preserve in western Suffolk County.

Law Enforcement Council: change of 10/21/09 resolution accepting ATV donations from Brookhaven to transfer title to NYS DEC (Mr. Hynes)

*Summary: Mr. Hynes explained that the resolution passed last month on this matter needs to be revised to authorize the title transfer of these two donated ATVs to the NYS DEC instead of Suffolk County. **A motion was then made by Mr. Scully and seconded by Mr. McCormick to authorize the title transfer of these ATVs to the NYS DEC in lieu of Suffolk County. The motion was approved by a 5-0 vote.***

Land Use

Pine Barrens Credit Program

Recommendation to require Credit redemptions for CGA land use density increases: Town recommendations on quantity of Credits to require in new Pine Barrens Plan standard (Mr. Turner and Mr. Shea; from 10/21/09; 3/20/09 Clearinghouse recommendation;

endorsed 4/22/09 by Advisory Committee)

Summary: Mr. Shea reported that the Southampton GIS staff completed its initial study of Pine Barrens Credits already issued or possible within the Southampton Core area, and that the Town and Commission staff are now resolving discrepancies between their records. Brookhaven Town has no official recommendation or policy position on the proposed Credits for density Plan amendment as yet. Mr. Scully observed that both the Brookhaven and Southampton voting representatives to the Pine Barrens Credit Clearinghouse have voted in favor of the proposed Plan amendment when the Clearinghouse unanimously endorsed it twice this year.

Planning & Land Use

Carmans River Preservation and Management Plan: update on Town role and coordination with other agencies (Mr. Turner; from 10/21/09)

Summary: Mr. Turner reported that he has seen the initial draft of the Suffolk County Health Department's consultant report on the groundwater contributing area for the Carmans River basin, but that the Health Department is working on minor refinements to the data and the model which produced it. He noted that the lines are based upon average flow data, and not upon any one year's groundwater data. He also noted that he needs to discuss this matter with the Brookhaven Planning Commissioner.

Land Use Projects: update (Ms. Hargrave)

Summary: Ms. Hargrave distributed and reviewed the attached summary. She noted the status of the Flowerwood commercial project revegetation plan, which is now underway and subject to staff inspection; the McCarrick violation which has now been resolved by the signing of an Order on Consent with the Commission; the simultaneous set of projects now proposed for the Middle Island area; the proposed Peconic River private camping site, about which more information is being sought; and the Eastport South Manor School District projects, which include a potentially overcleared section. Mr. Scully complimented the staff on resolving the McCarrick violation.

Mr. Amper of the Long Island Pine Barrens Society reported on the litigation in which the Society and the Town are involved regarding the Sandy Hills project, and specifically noted that the Town and the project sponsor have moved to ask that the temporary restraining order be lifted. A hearing on that motion is pending.

Mr. Shea reported that Southampton Town has modified the Map of Vanderbilt Park along Summit Boulevard to exclude the Core portion of Summit Boulevard from the map. A brief discussion ensued regarding the access road within that map, with the conclusion being that the road will remain unpaved.

Compliance and Enforcement Division: monthly update (Mr. Hynes)

Summary: Mr. Hynes distributed and discussed the attached monthly report. He noted that the Law Enforcement Council will meet for a combined November and December meeting on 12/10/09. Interagency field patrols were conducted on 10/25 and 11/15. The 10/25 patrol resulted in 33 summonses and 13 impounds, and the 11/15 patrol yielded 44 summonses and 16 impounds. The patrols covered Selden, Spinney Hills, Manorville, Pleasure Drive in Flanders, and other locations.

Four Incident Reports were recorded since the last Commission meeting, bringing the year's total to 55. Mr. Hynes also noted that he is working to complete inspections of the remaining conservation easement parcels.

A discussion ensued regarding the ultimate dispositions of the summonses issued and impounds made during the interagency field patrols, with a particular interest in 2009. Mr. McCormick observed that certificates of disposition are available through the court system. It was agreed that the staff would try to obtain that information for this year. Mr. Amper of the Pine Barrens Society suggested that news coverage of the ATV enforcement would serve to convey the message that this is illegal and what the consequences are.

Hearings

Core Preservation Area

Jurevitz Property Residence, Barn and Paddock / Ridge (200-326-3-1): withdrawal request received 11/12/09 (*Ms. Hargrave; decision deadline is 01/20/10; prior Core hardship application withdrawn March 2009*)

Summary: *Ms. Hargrave reported that this application was initially withdrawn by the applicant, but a subsequent letter (attached) changed that to a six month extension request. A brief discussion followed regarding the possibility that the project sponsor may use the extension to apply for an allocation of Pine Barrens Credits to the subject property.*

A motion was made by Mr. Turner and seconded by Mr. Shea to accept and approve the attached request for a six month extension of the decision deadline for this application. The motion was approved by a 5-0 vote.

Closed Advisory Session

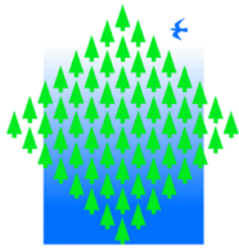
Summary: ***A motion was made by Mr. Scully and seconded by Mr. Turner to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 5-0 vote, and the Commission entered into closed session from approximately 2:45 pm to 3:42 pm.***

Adjournment

Summary: ***A motion was made by Ms. Prusinowski and seconded by Mr. McCormick to adjourn. The motion was approved by a 5-0 vote, and the meeting ended at approximately 3:43 pm.***

Attachments (in order of discussion):

1. Attendance sheet (11/18/09; 2 pages)
2. Project location map for today's meeting (11/18/09; 1 page)
3. Letter to Mr. Amper from Cong. Bishop re BP Solar Project (11/18/09; 2 pages)
4. Education and Outreach Monthly Report (November 2009; 1 page)
5. Longwood Central Schools Press Release re Twinings Project (10/20/09; 1 page)
6. Science and Stewardship Monthly Report (11/18/09; 2 pages)
7. Land Use Projects Update (November 2009; 1 page)
8. Compliance and Enforcement Report (11/18/09; 4 pages)
9. Jurevitz application extension letter (11/12/09; 1 page)



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**Pine Barrens Commission Meeting Summary (FINAL)
for Wednesday, December 16, 2009 (Approved 1/20/10)
at the Brookhaven Town Hall, 1 Independence Hill,
Farmingville, NY, 2:00 pm**

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

Others present: Commission and other agency staff members included Mr. Corwin, Ms. Mills, Ms. Carter, Ms. Hargrave, Ms. Griffiths and Mr. Hynes (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation (NYS DEC)), and Ms. Longo (from the Suffolk County Department of Environment and Energy). Additional attendees are shown on the attached sign-in sheet.

Peter A. Scully
Chair

The meeting was called to order at approximately 2:05 pm by Mr. Scully, with a four member quorum initially present consisting of the New York State, Suffolk County, Brookhaven Town, and Southampton Town representatives. The Pledge of Allegiance was recited.

Philip J. Cardinale
Member

Public Comment

Linda A. Kabot
Member

Summary: The speaker was Ms. Johan McConnell, representing the South Yaphank Civic Association. She reported that the Affiliated Brookhaven Civic Organization awarded Mr. Scully their 2009 Nature's Nobleman Award in recognition of his outstanding work on environmental topics.

Mark Lesko
Member

Steve A. Levy
Member

Stewardship & Education

Environmental Education: monthly update (Ms. Griffiths)

Summary: Ms. Griffiths discussed the attached monthly report, and highlighted her work with recreational therapists and senior citizens on Long Island biodiversity; the desirability of finding a permanent display site for the pine barrens exhibit produced several years ago by the Suffolk County Historical Society; the renewal of the Brookhaven Science Associates grant to support the park twinings program again in the current federal fiscal year; progress on the 2010 Discovery Day, scheduled for 6/12/10 (with a 6/13 rain date) at the Suffolk Community College Eastern Campus; and school programs available for 2010 shown on the flyer in the report.

Science & Stewardship Division: monthly update (Ms. Carter)

Summary: Ms. Carter described each of the items on the attached monthly report. Work areas include invasive species management, recreational resource management; the ATV and dumping damage mitigation project (ongoing maintenance plus expansion to the Carmans River); ecological restoration (right of way management, seed mix development); the Pine Barrens Research Forum 2009 Proceedings; restoration work associated with the Long Island Power Authority Riverhead substation expansion; geographic information systems support work; progress on the agreement with the Quogue Wildlife Refuge regarding the proposed fire tower; and reorganization of the Protected Lands Council pursuant to the Commission's adoption of the Advisory Committee recommendations.

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Administrative

Minutes for 11/18/09: review, approval

Summary: A motion was made by Mr. Shea and seconded by Ms. Gallagher to approve the 11/18/09 meeting minutes as final without any changes. The motion was approved by a 4-0 vote.

Land Use

Compatible Growth Area (CGA)

Hamptons Club at Eastport (New Project) / Eastport (200-563-5-1.1-1.5; 200-594-1-5.1-5.23): scheduling of hearing (Ms. Hargrave; original application approved by Commission 1/18/06; decision deadline is 3/4/10)

Summary: Ms. Hargrave distributed copies of this new application to the Commission, noting that the applicant still owes several items and that the applicant is preparing a Supplemental Environmental Impact Statement.

A motion was then made by Ms. Prusinowski and seconded by Mr. Shea to schedule a public hearing on the Hampton Club at Eastport application for the 01/20/10 meeting at 3 pm. The motion was approved by a 4-0 vote.

Pine Barrens Credit Program

Tuccio Credit Appeal / Westhampton (900-248-1-110.4): scheduling of new Credit allocation appeal hearing (Appellate Division decision issued 11/4/09)

Summary: Mr. Scully briefly described this Credit appeal matter. A motion was then made by Ms. Prusinowski and seconded by Mr. Shea to schedule a public hearing on the Tuccio Credit appeal matter for the 01/20/10 meeting at 3 pm. The motion was approved by a 4-0 vote.

Mr. McCormick arrived during the following item, and a five member quorum was present for the remainder of the meeting.

Recommendation to require Credit redemptions for CGA land use density increases: Town recommendations on quantity of Credits to require in new Pine Barrens Plan standard (from 11/18/09; 3/20/09 Clearinghouse recommendation; endorsed 4/22/09 by the Advisory Committee)

Summary: Mr. Shea reported that the Southampton Town staff have made progress on their analysis of Credits and receiving areas, but that the work is not yet complete. A brief discussion followed regarding the desirability of having a Pine Barrens Plan amendment initiated in early 2010 on this matter, either as a stand alone amendment or as part of the larger set of Plan amendments.

Planning & Land Use

Carmans River Preservation and Management Plan: update on Town role and coordination with other agencies (Mr. Turner; from 11/18/09)

Summary: Mr. Turner reported that Town Planning and Environmental Protection staff members met last week with several interested parties on the elements of this protection and management plan. He noted that the fundamental issue is that of the watershed

boundary to be used. Other issues that arose include the best use of the Town's \$200,000 allocated for the plan; the desire to not pay someone to compile existing data and studies, which could be done by Town staff and others; and the extent of the studies and data that are believed to exist regarding the Carmans River.

Mr. Turner then described recent land acquisitions in the Carmans River vicinity, including parcels near County Road 21 and in the Warbler Woods region.

Compliance and Enforcement Division: monthly update (Mr. Hynes)

Summary: *Mr. Hynes discussed the attached monthly report, specifically noting that five new Incident Reports were received since the last Commission meeting. Two of these are being pursued with Brookhaven Town, including a proposed new campground in the Core area. One involves dumping along a residential street in Flanders, and he is working with Southampton Code Enforcement on this.*

He also distributed and discussed the attached report from the Long Island Group of the Civil Air Patrol (CAP) on their 12/12/09 field training ground exercise in the pine barrens, which included training on their communication systems. In the course of their training, they identified several problem locations, and have provided coordinates and photographs. Two additional Incident Reports were generated as a result.

Mr. Hynes reported that the Law Enforcement Council (LEC) met last Thursday, and that the LEC's 11/29/09 Multi Agency ATV Detail Report from Sgt. Pendzick (Chair of the LEC) is included in the monthly report. That detail resulted in five impounds and 20 summonses. Mr. Hynes noted that the jointly owned Brookhaven Town - Suffolk County land along the west side of the Carmans River is a high enforcement priority for the LEC agencies' field details.

A brief discussion ensued regarding the need to determine the ultimate court dispositions of the summonses issued for 2009. The LEC discussed how to do this at its last meeting, and that will be pursued in the first months of 2010.

Public Comment

Summary: *The speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. He thanked and complimented Mr. McCormick and Mr. Shea for their service this year as Designated Representatives for their respective Town Supervisors.*

Adjournment

Summary: ***A motion was made by Ms. Prusinowski and seconded by Mr. Scully to adjourn. The motion was approved by a 5-0 vote, and the meeting ended at approximately 2:37 pm.***

Attachments (in order of discussion):

1. Attendance sheets (12/16/09; 2 pages)
2. Project location map for today's meeting (12/16/09; 1 page)
3. Education and Outreach Monthly Report (December 2009; 2 pages)
4. Science and Stewardship Monthly Report (12/16/09; 2 pages)
5. Compliance and Enforcement Report (12/16/09; 4 pages)
6. Pine Barrens Photo Survey Report from the Civil Air Patrol (12/12/09; 5 pages)