

**Commission Meeting Summary (FINAL)**  
**for Wednesday, January 16, 2008 (Approved 2/27/08)**  
**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. Carter, Ms. Eichelberger, Ms. Hargrave, Ms. Griffiths and Mr. Hynes (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation (NYS DEC)), Ms. Longo (from the Suffolk County Department of Environment and Energy), and Mr. Kassner (from Brookhaven Town Planning). 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 five member quorum. The Pledge of Allegiance was recited.

Philip J. Cardinale  
*Member*

### **Public Comment and Administrative**

Brian X. Foley  
*Member*

#### **Public comments**

Linda A. Kabot  
*Member*

Summary: The first speaker was Mr. Randall Parsons, representing The Nature Conservancy and the Coalition for Open Space at EPCAL. He distributed and read the attached statement, and submitted additional materials (attached).

Steve A. Levy  
*Member*

The second speaker was Mr. Frederick Gorman, representing himself. He distributed and read the attached statement, and submitted additional materials (attached). He spoke about the proliferation of synthetic turf, or "crumb rubber", athletic fields in general, including the pine barrens, and their use at the Sachem School District in particular.

He is concerned that these rubber fields require regular replenishment of their materials, and that the lost rubber material may pose a hazard to groundwater through leachate and decomposition. He suggested that the Commission consider a moratorium on these fields until their impacts are studied. He also referenced a State legislative bill (A9503) which would require a study by the State Health Department on crumb rubber turf fields.

P.O. Box 587  
3525 Sunrise  
Highway  
2<sup>nd</sup> Floor  
Great River, NY  
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The third speaker was Ms. Johan McConnell, representing the South Yaphank Civic Association. She submitted and spoke about the attached materials. She noted that she has heard about the negative effects of all terrain vehicles (ATVs) for several years at Commission meetings, but sees similar impacts to Southaven County Park from the use of golf carts at the trap and skeet facility. She stated that she has heard about the importance of vegetation in the pine barrens land use applications, but sees the lead shot accumulating in treed and vegetated areas around the trap and skeet range.

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She stated that 1,200 feet of fencing and a new deck have been constructed at this facility in the core area. She observed that NYS DEC Commissioner Grannis has announced that non toxic shot will be

*used in training by the state conservation officers and forest rangers; that lead is a contaminant; that the attached materials contain county documents supporting her concerns about toxicity of lead; that she is disappointed that the Commission has failed to assert jurisdiction over the range; and that 225 houses in South Yaphank have had their assessments reduced because of the range.*

*The fourth speaker was Mr. John Palasek, representing the South Yaphank Civic Association. He stated that he is a 25 year Yaphank resident, and read the attached letter to County Executive Levy requesting that he recuse himself from Pine Barrens Commission deliberations regarding the trap and skeet facility because he believes that there is a conflict of interest.*

*The fifth speaker was Mr. Richard Amper, representing the LI Pine Barrens Society. He referred briefly to the Southaven Park trap and skeet litigation that occurred. He then suggested that the Commission and staff look at any specific activities that have occurred within Southaven County Park and whether any such activity rises to the level of a violation of the pine barrens law.*

*The sixth speaker was Mr. John McConnell, representing the South Yaphank Civic Association. He stated that he agrees with what has been stated already re the trap and skeet facility. He also stated that County Executive Level recently referred to Southaven County Park as the jewel of the County park system, but he disagrees with that. He stated that last year Suffolk County removed lead contaminated materials and that he doubts whether there was any inspection of that material by the NYS DEC.*

Minutes for 12/19/07: review, approval

**Summary: A motion was made by Mr. Turner and seconded by Mr. Scully to approve the 12/19/07 minutes as final without changes. The motion was approved by a 5-0 vote.**

Mid FY Budget Projection through 3/31/08: review, approval

**Summary: Mr. Corwin summarized the Commission's December discussion of the current fiscal year finances. As per that meeting, the Commission's Stewardship Steering Committee yesterday discussed the best use of the discretionary funds projected to be remaining for the current fiscal year.**

*Ms. Carter distributed and discussed the attached draft proposal for the best use of those discretionary monies for Science and Stewardship projects for this fiscal year. These include, in part, funds for the ATV Damage Mitigation Project, the invasive species 2008 Student Conservation Association project, the Dwarf Pine Plain Trail project, the Fire Tower Feasibility Project, miscellaneous tools and supplies, a proposed land manager workshop for wetlands delineation, and funds for completing the payments on the existing Foundation for Ecological Research in the Northeast ecological monitoring contract.*

*A brief discussion ensued regarding storage options for the equipment proposed for purchase; use of the existing Commission inventory system and tags to track these items; retention of their ownership by the Commission (as opposed to transfer of these items to another organization or agency), and the progress that is being made towards becoming increasingly field oriented in the stewardship work. Mr. Turner then suggested an approval resolution for this proposed use of the remaining 2007-08 fiscal year funds. **A motion was made by Ms. Gallagher and seconded by Mr. Turner to adopt and approve this fiscal year 2007-08 mid year budget information. The motion was approved by a 5-0 vote.***

## Stewardship

Wildfire and Incident Management Academy: bank account change

*Summary:* Mr. Milazzo explained that the Academy has an existing bank account dedicated to their use which is registered to the New York Wildfire and Incident Management Academy with the Central Pine Barrens Commission listed as the “doing business as (DBA)” entry. He explained that this is erroneous, and that these fields need to be swapped in order for the account holder name (which should be the Commission) to match the Commission’s federal id number.

*The attached resolution would authorize that switch, either by directly changing the registration or, if necessary, by closing the old account and then opening a new account. A motion was then made by Mr. Shea and seconded by Mr. McCormick to approve and adopt the attached resolution authorizing the change in the Academy bank account. The motion was approved by a 5-0 vote.*

NY State Invasive Species Initiatives: overview and update

*Summary:* Ms. Carter discussed the new State wide, and State sponsored, invasive species management initiatives. These include the Partnerships for Regional Invasive Species Management (PRISMs), the newly formed Office of Invasive Species within the NYS DEC, and the New York Invasive Species Council created by NY Environmental Conservation Law (ECL) Section 9. (See attached materials.)

## Education

Environmental Education and New Education Committee: 2007 activities and 2008 plans

*Summary:* Ms. Griffiths discussed the attached monthly report, noting the startup of a pine barrens speakers bureau; an art contest for fifth to eighth graders in the pine barrens area schools; collaboration for mutual education and data exchange regarding comparative biodiversity with the Commission’s “twin” park in Pisa, Italy; and various partnerships with the individual schools listed there, including Longwood and William Floyd. Mr. Scully and Mr. Corwin provided a brief summary of the prior “park twinings” work of the Commission.

## Land Use

### **Land Use Reports**

2007 Compliance and Enforcement (CAE) summary

*Summary:* Mr. Hynes distributed and discussed the attached 2007 summary for the Commission’s Compliance and Enforcement division. This covers (1) development project site visits for the period 8/21/07 (when the CAE program began with Mr. Hynes’ hiring) through 12/31/07 - there have been five such visits; (2) Pine Barrens Credit Program conservation easement monitoring for the same period - 184 of the total 657 parcels in the program have been examined for compliance with their easement terms (approximately 28%); and (3) CAE Incidents reported for the entire calendar year of 2007 - there were 29 incidents, of which 16 are pending and 13 closed. Mr. Hynes reported that 2 of the 16 pending as of 12/31/07 are scheduled for court action through other agencies’ initiatives.

### **Pine Barrens Credit (PBC) Program**

Ringhoff / Manorville (200-512-1-15, 17, 18, 21; 200-562-4-21) / Credit appeal: decision

extension (hearing held 10/17/07)

Summary: Ms. Jakobsen reported that the attached decision extension request to the February Commission meeting for the Ringhoff / Manorville Credit allocation appeal has been received from the appellant's attorney. **A motion was made by Mr. Turner and seconded by Mr. Shea to accept and approve the requested decision extension of this appeal to the February Commission meeting. The motion was approved by a 5-0 vote.**

## Public hearings

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

Tall Grass Village Center PDD / Shoreham (200-sections 104, 126, 127,148) / DRS / amended application (original hearing held 7/18/07; decision deadline is 4/17/08)

Summary: A separate stenographic transcript exists for this item. The hearing was closed, but the Commission left the hearing record open for additional written submittals until the 2/27/08 Commission meeting.

## Adjournment

Summary: **A motion was made by Mr. Turner and seconded by Ms. Gallagher to adjourn. The motion was approved by a 5-0 vote, and the meeting ended at approximately 5:47 pm..**

## Attachments (in order of discussion):

1. Attendance sheets (1/16/08; 5 pages)
2. Project location map for today's meeting (1/16/08; 1 page)
3. Coalition for Open Space at EPCAL handout (1/16/08; 20 pages)
4. Turf fields letter and materials from Mr. Gorman (12/12/07; 5 pages)
5. Southaven Trap and Skeet letter and materials from Ms. McConnell (12/12/07; 5 pages)
6. Southaven Trap and Skeet Range letter to Mr. Levy from SYCA (undated; 1 page)
7. Draft Science & Stewardship Budget for Balance of 2007-08 FY (1/16/08; 1 page)
8. Wildfire Academy Financial Account resolution (1/16/08; 2 pages)
9. Invasive species state initiatives materials (misc. dates; 12 pages)
10. January 2008 Environmental Education report (Jan. 2008; 2 pages)
11. 2007 Compliance and Enforcement Report (January 2008; 1 page)
12. Ringhoff Credit appeal decision extension letter (1/8/08; 1 page)



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

**Commission Meeting Summary (FINAL)  
for Wednesday, February 27, 2008 (Approved 3/19/08)  
at the Riverhead Town Hall,  
200 Howell Avenue, Riverhead, 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. Eichelberger, 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 2:06 pm by Mr. Scully, with a four member quorum present consisting of Mr. Scully, Ms Prusinowski, Mr. McCormick and Mr. Shea. The Pledge of Allegiance was recited.

Philip J. Cardinale  
*Member*

**Public Comment and Administrative**

Brian X. Foley  
*Member*

Public comments

Summary: *There were no speakers.*

Linda A. Kabot  
*Member*

Minutes for 1/16/08: review, approval (*e-mailed*)

Summary: **A motion was made by Ms. Prusinowski and seconded by Mr. McCormick to approve the 1/16/08 meeting minutes as final without any corrections. The motion was approved by a 4-0 vote.**

Steve A. Levy  
*Member*

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

**Stewardship & Education**

Environmental Education: update (*Ms. Griffiths*)

Summary: *Ms. Griffiths reported that the Education Committee met for the second time, and has formed three subcommittees. These will focus upon the production of education modules, restarting the Pine Barrens Discovery Day (aiming for Spring 2009), and establishment of a pine barrens visitors center (a long term project).*

P.O. Box 587  
3525 Sunrise  
Highway  
2<sup>nd</sup> Floor  
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*She noted that letters to prospective candidates for the Pine Barrens Speakers Bureau have gone out. In addition, the "Protect Our Pine Barrens Art Contest" mailings are out to approximately 80 schools, and the awards will be made coincident with the Brookhaven National Laboratory's (BNL) Open Space Stewardship Program 5/21/08 event. She invited Chairman Scully, Mr. Turner (a member of the Education Committee) and the other Commission members to attend that day to assist with the awards presentation.*

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*The Education and Outreach Comprehensive Plan for the period Jan. 2008 through Jan. 2009 was previously distributed, and additional copies were made available today. Ms. Griffiths noted that part of the work called for in the draft plan would be implemented by a biodiversity comparison project involving students in the pine barrens and students in the area of the Commission's "twin" park in Pisa, Italy. She explained that this Internet based videoconferencing project would be a tangible work product furthering the 2004 Memorandum of Agreement between the Commission and the MSRM Regional Park in Pisa. She explained that she, Dr. Timothy Green of BNL, and Dr. Henry Bokuniewicz of Stony Brook University would attend the Pisa Park Festival in May, and a more detailed packet will be presented to the Commission at the March meeting for their approval.*

*Finally, she reported that she has reached approximately 300 students per month in recent classroom sessions, and this includes Patchogue Medford, William Floyd, and Longwood High Schools.*

***A motion was then made by Mr. Turner and seconded by Mr. McCormick to approve the attached Education and Outreach Comprehensive Plan. The motion was approved by a 5-0 vote.***

*Mr. Richard Amper of the Long Island Pine Barrens Society asked Ms. Griffiths to be in touch with his office regarding the proposed Pine Barrens Discovery Day, as the Society has both art and video materials for this event.*

## **Land Use**

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

Newport Estates Residential Subdivision / Miller Place (Brookhaven; 200-98-8-6, etc.) / prior CGA hardship permit: modified Town approval conditions affecting Commission permit; proposed modification to permit (*hearing held 01/21/04; Commission approval granted 10/18/06; modified Town approval granted 11/5/07*)

Summary: *Ms. Hargrave explained that Brookhaven Town recently altered its approval of this project which was previously approved by the Commission in 2006. The Town's new approval is subject to the Commission modifying its 2006 approval conditions to eliminate the requirement for an interior road to connect with the adjoining development. The new approval still contains the road, but it will no longer connect to that development. She discussed the attached draft revision of the Commission's original approval resolution. **A motion was then made by Mr. Scully and seconded by Mr. Shea to adopt and approve the attached revised Commission approval resolution for this project. The motion was approved by a 5-0 vote.***

Tall Grass Village Center PDD / Shoreham (200-sections 104, 126, 127, 148) / DRS / amended application: close of comment period today; status (*Ms. Jakobsen; hearings held 7/18/07, 1/16/08; decision deadline is 4/17/08*)

Summary: *Ms. Jakobsen reported that the applicant's attorney submitted in the past few days a memorandum of law in support of this application, along with a set of responses to the Commission staff report from the previous meeting. She distributed the attached summary of comments received on this project prepared by Ms. Hargrave.*

*Present today was Ms. Elaine Sammon of Farrell Fritz, the law firm representing the applicant. She provided a revised memorandum of law to the Commission today to replace the previously submitted one. She stated that the original responses to the*

Commission staff report are still valid, however.

Following a brief discussion, it was agreed that the comment period will be over as of the close of business today, with the exception of one party which had asked for extra time to submit comments whose comments will be accepted when they are received.

### **Core Preservation Area**

Gazza Monopole / Eastport (900-213-1-72.1): SEQRA determination of significance (Ms. Hargrave; hearing held 3/17/04; decision deadline is currently indefinite)

Summary: Ms. Hargrave explained the chronology of events in this application's history, starting with the original Core hardship application in 2003. She discussed the attached and previously distributed draft Environmental Assessment Form Parts 2 and 3, the draft proposed SEQRA positive declaration of significance, and a draft Commission resolution assuming lead agency status and issuing a positive declaration.

A discussion followed regarding this application's history, the previous request by the applicant for an indefinite extension of the Commission's decision, Southampton Town correspondence regarding this proposal's possible impacts, and the ownership of the property. Present for today's discussion was Mr. Zachary Gazza, the applicant, who stated that the property was never previously owned by his father, Mr. Joseph Gazza.

Following this, **a motion was made by Mr. Shea and seconded by Mr. Turner to adopt and approve the attached resolution assuming lead agency status and issuing a positive declaration. The motion was approved by a 5-0 vote.** It was agreed that a scoping outline will be prepared for the pending Environmental Impact Statement.

### **Pine Barrens Credit (PBC) Program**

Ringhoff / Manorville (200-512-1-15, 17, 18, 21; 200-562-4-21) / Credit appeal: decision (Ms. Jakobsen; hearing held 10/17/07)

Summary: Mr. Milazzo summarized this Credit allocation appeal for five Core parcels comprising 151 acres for which a Letter of Interpretation for 24.22 Credits was issued. The appeal hearing was held in October 2007. He described the three smaller forested parcels, and the two larger farm parcels involved in this appeal; the original appeal request for one Credit per acre, and the revised, smaller appeal request; the presence of farming and composting on the larger parcels; the nature of Toppings Path and Hot Water Street along which the assemblage is located; the question of whether those streets would qualify as improved roads under the Plan and the Plan provisions regarding such; the applicability of the prior appeal decisions which the appellant has cited; and the provisions of a proposed draft decision which would deny the appeal.

Present for today's meeting was Ms. Lauren Stiles, an attorney representing the appellant. She disagreed with the interpretations stated today; cited the nearby presence of pending development applications to Brookhaven Town; discussed her research into the Commission's prior decisions on appeals; and discussed the evidence which she has previously presented regarding the extent of improvements to the two streets involved.

A brief discussion ensued regarding the Commission's prior appeal decisions, the Plan provision regarding improved roads, and the desire of the Commission to allow further time to consider this appeal. The discussion concluded with the Commission and Ms. Stiles on behalf of her client agreeing to a decision extension until the 3/19/08 meeting.

Eagan / (900-213-1-123, 124; 900-214-4-3, 5) PBC application overlap parcels: title issue summary (*Information item*)

Summary: *Mr. Milazzo described the general nature of the overlap parcels in the Core, and noted that the Commission has previously authorized the awarding of Credits to Mr. Eagan specifically for other overlap parcels provided that Mr. Eagan can provide satisfactory title insurance. Mr. Milazzo recommended that the Commission forward a letter to the Suffolk County Real Estate Director in the case of the current parcels noted here, since the overlap condition here is with Suffolk County. The letter would request written guidance as to how the Commission should proceed with respect to these parcels. The Commission agreed that the letter should be sent.*

### **Land Use Reports**

Applications and projects: 2008 to date (*Ms. Hargrave*)

Summary: *Ms. Hargrave distributed and briefly described the attached one page summary of land use project with which the Commission and/or Commission staff are currently dealing. There was no detailed discussion.*

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

Summary: *Mr. Hynes distributed and described the attached one page summary of Compliance and Enforcement statistics. He will be focusing upon development project compliance visits in the near future, and has currently visited over 50% of the Pine Barrens Credit Program easement sites. So far, all of the sites visited under these two efforts have been found to be in compliance, although other enforcement and maintenance issues have been noted and referred to the appropriate agencies.*

*He also noted that there have been 9 Incidents Reports filed in 2008, and that several incidents and cases are still open from 2007.*

### **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, and the meeting ended at approximately 2:52 pm.**

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

1. Attendance sheet (2/27/08; 2 pages)
2. Project location map for today's meeting (2/27/08; 1 page)
3. Education & Outreach February Update (Feb. 2008; 2 pages)
4. MOA between MSRM Regional Park and Pine Barrens Commission (10/8/04; 3 pages)
5. Education and Outreach Comprehensive Education Plan (Jan. 2008 - Jan. 2009; 3 pages)
6. Resolution Revising CGA Approval for Newport Estates (2/27/08; 2 pages)
7. Gazza Monopole SEQR EAF Parts 2 and 3, declaration, and resolution (2/27/08; pages)
8. Tall Grass PDD Summary of Public Comments (undated; 3 pages)
9. Feb. 2008 Summary of Land Use Projects (2/27/08; 1 page)
10. Compliance and Enforcement Report (2/27/08; 1 page)



**Pine Barrens Commission Meeting Summary (FINAL)  
for Wednesday, March 19, 2008 (Approved 4/16/08)  
at the Riverhead Town Hall,  
200 Howell Avenue, Riverhead, NY, 2:00 pm**



Commission members present: Mr. Scully (for New York State), Ms. Gallagher (for Suffolk County), Mr. Foley, 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)), 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 a four member quorum initially present, consisting of Mr. Scully, Ms. Gallagher, Mr. McCormick and Mr. Shea. The Pledge of Allegiance was recited.

Philip J. Cardinale  
*Member*

Brian X. Foley  
*Member*

### **Public Comment and Administrative**

Linda A. Kabot  
*Member*

#### **Public comments**

Steve A. Levy  
*Member*

Summary: The only speaker was Ms. Johan McConnell, representing the South Yaphank Civic Association. She stated that she recently filed several complaints regarding the Southaven Park Trap and Skeet Range, and inquired where those complaints were in the review process. Mr. Hynes replied that he has received those Incident Reports, and that they are under investigation.

Minutes for 2/27/08: review, approval (e-mailed)

Summary: **A motion was made by Mr. Shea and seconded by Ms. Gallagher to approve the 2/27/08 meeting minutes as final without any corrections. The motion was approved by a 4-0 vote.**

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

### **Stewardship & Education**

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

Phone (631) 224-2604  
Fax (631) 224-7653  
www.pb.state.ny.us

#### **Environmental Education: update (Ms. Griffiths)**

Summary: Ms. Griffiths highlighted two items on the attached monthly report. First, she reported that, pursuant to the Commission's 2004 Memorandum of Agreement with the Migliarino - San Rossore - Massaciucoli (MSRM) Regional Park in Tuscany, Italy, the Commission and partners will participate in the May 2008 MSRM park festival and conference in Pisa. The cost will be covered by a donation of funds from Brookhaven Science Associates pursuant to the attached letter. The conference includes a presentation on a biodiversity mapping project between Central Pine Barrens and Pisa area schools; Brookhaven Laboratory's Open Space Stewardship Program, environmental education in MSRM Park; the role of non profit organizations in parks in the United States, and coastal preservation and protection.

Second, Ms. Griffiths described a proposed new joint summer education program between the Long Island Maritime Museum in Sayville and the Commission entitled "Barrens to Bay". This program will provide a one week introduction to history, coastal ecology, and upland pine barrens ecology, and aims to reach approximately 500 students from throughout Suffolk County this summer. Mr. Scully inquired if the program was being conducted in cooperation with Suffolk County Parks, and she said that it was.

**A motion was then made by Mr. Turner and seconded by Ms. Gallagher to endorse and approve the "Barrens to Bay" summer day camp program with the Long Island Maritime Museum as a partner. The motion was approved by a 5-0 vote.**

The Commission also expressed its support of the proposed twinnings work and the use of the Brookhaven Science Associates donated funding to support the pending MSRM Regional Park conference visit.

Mr. Foley and Ms. Prusinowski arrived during the following item.

Student Conservation Association (SCA) 2008 Invasive Removal Project: approvals of agreements; SEQR determination (Ms. Eichelberger, Ms. Carter, Mr. Milazzo)  
Summary: Ms. Carter distributed and summarized the attached 2008 Invasive Plant Management Program excerpt (a complete version of which was previously forwarded to the Commission). A brief discussion followed regarding the use of strictly mechanical invasive removal methods without chemicals; the provision that individual agencies benefitting from the program will monitor their sites at least once per year following removal; and categorization of the program and interagency agreements as an unlisted action under the State Environmental Quality Review Act (SEQRA), for which the Commission staff conducted an uncoordinated review.

Mr. Milazzo then reviewed the specific agreements to be signed, including the Commission - SCA agreement and the Commission - US Fish and Wildlife Service agreement, as well as the provisions of the agreements regarding insurance which is provided by the SCA.

**A motion was then made by Mr. Scully and seconded by Mr. Shea to (1) issue the attached negative declaration of significance for this project pursuant to SEQRA, and (2) approve the two separate attached agreements between the Commission and the Student Conservation Association, and between the Commission and the U.S. Fish and Wildlife Service, and to authorize the Commission Chair to sign them on behalf of the Commission. The motion was approved by a 5-0 vote.**

Mr. Milazzo then described the individual Commission - landowner agreements that will need to be signed with each public landowner with specific projects on their properties. These include, in part, the Suffolk County Water Authority, the NYS DEC, Brookhaven Town, and the Brookhaven National Laboratory. He recommended that the Commission authorize in advance the signing of these agreements by either the Commission Chair or Executive Director once they are satisfactory to Commission counsel. This is essential in order to be ready for the Project Leader from SCA to begin on April 1 and the rest of the SCA team to start work in mid May.

**A motion was then made by Ms. Gallagher and seconded by Mr. Scully to authorize the Commission Chair or the Executive Director to sign the individual landowner agreements as they are ready and found acceptable to Commission counsel. The motion was approved by a 5-0 vote.**

## Land Use

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

Tall Grass Village Center PDD / Shoreham (200-sections 104, 126, 127,148) / DRS / amended application: status (Ms. Jakobsen; hearings held 7/18/07, 1/16/08; comment period closed 2/27/08; decision deadline is 4/17/08)

Summary: Ms. Jakobsen explained that the applicant submitted responses to the original staff report, along with a memorandum of law. The former was analyzed by Commission staff, while the latter was examined by Commission counsel.

*She distributed and summarized the attached revised staff report on this project, which contains an analysis of the applicant's responses to the original staff report, and an evaluation of whether those responses have satisfied the original concerns. She noted that the application still does not satisfy the unfragmented open space and the fertilized vegetation standards in the Pine Barrens Plan.*

*Mr. Foley asked about the decision process and deadlines for this application. A discussion ensued regarding the differences between standards and guidelines for Developments of Regional Significance such as this; the degree of discretion which the Commission has on CGA hardship applications; the timetable for the next month including an opportunity for the applicant's representative to submit another set of responses within seven to ten days, which would fall on approximately 4/2/08; and the possibility of the applicant requesting a decision extension.*

*Mr. Amper, representing the Long Island Pine Barrens Society, asked if there was any physical reason known to the Commission staff as to why the golf course would not be able to revert to native vegetation, perhaps due to the manner in which it was constructed. Ms. Jakobsen stated that she was not aware of any such constraint. Mr. Amper also asked whether there would be another opportunity for public comment if the applicant were to submit another set of responses to the revised staff report distributed today. Mr. Scully stated that the Commission is sensitive to that question.*

*Mr. Chic Voorhis, the applicant's representative, was present and spoke about January correspondence from the Town to the applicant regarding conformance of the latest site plan with the Town's conditions, and stated that those are being addressed. He stated that he would like a chance to respond to the revised staff report which he received today. Mr. Amper of the LI Pine Barrens Society then requested that the Commission staff ask the Town regarding the possibility of the golf course reverting to native vegetation and whether there are any known obstacles to that.*

*Mr. Milazzo noted for the Commission that the record on this project currently does not support an approval.*

Shoreham - Wading River School District Prodell Middle School Proposed Modifications / Shoreham (200-126-1-33; 200-126-1-42.5; 200-126-1-42.6): considerations of proposed changes and their conformance with 2006 permit (Ms. Hargrave; CGA hardship permit issued 11/15/06)

Summary: Ms. Hargrave explained that a request has been received for a change in the Commission's 11/15/06 CGA hardship permit conditions for this site, based upon a proposed change to the site plan. The changes consist of a 0.29 acre reduction in total building areas, a 0.53 acre reduction in pavement area, and a 0.30 acre reduction in cleared area. She distributed and discussed the attached draft resolution approving these changes. She noted that the applicant's architect is here today to answer any questions.

*Mr. Amper of the LI Pine Barrens Society stated that his organization has visited the site with district officials, and that he was told that there was an urgency to the proposed project. He asked that the Commission assure that the changes today are the truly final*

changes required by the district. Mr. Roger Smith, the school district's architect, said that he is the new architect, and thus cannot speak to the history of the project. He did state that the project has been scaled down as described by Ms. Hargrave, and that this is based upon the school district's reevaluation of their needs.

**A motion was then made by Mr. Foley and seconded by Ms. Gallagher to approve and adopt the attached resolution on this matter. The motion was approved by a 5-0 vote.**

### **Pine Barrens Credit (PBC) Program**

Ringhoff / Manorville (200-512-1-15, 17, 18, 21; 200-562-4-21) / Credit appeal: decision (Ms. Jakobsen and Mr. Milazzo; hearing held 10/17/07; decision due today)

Summary: Ms. Jakobsen explained that the attached request for an extension of the decision deadline on this appeal to the April meeting has been received from the appellant's representative, along with the attached supplementary materials. **A motion was then made by Mr. Foley and seconded by Mr. Shea to accept and agree to the requested decision extension for the Ringhoff Credit allocation appeal to the 4/16/08 Commission meeting. The motion was approved by a 5-0 vote.**

### **Land Use Reports**

Compliance and Enforcement (CAE): update (Mr. Hynes)

Summary: Mr. Hynes distributed and discussed the attached monthly CAE summary. He reported that six new Incident Reports have been filed, and that he is investigating them. These include, in part, reports pertaining to the Southaven Trap and Skeet Range, and off road vehicle problems in the Warbler Woods area. He is working with the Law Enforcement Council on the latter, trying to arrange additional patrols.

Under compliance, he reported that he has visited the Hampton Club site at which he is working with Brookhaven Town staff and will introduce himself to the contractor; the Ridge Elementary School site, where a settlement stipulation is in effect and which he found to be in compliance with the terms of the settlement; the Shoreham Wading River School District site previously discussed; and the Rocky Point Elementary School site, which is in compliance and where the proposed new storage building has not yet been constructed.

### **Adjournment**

Summary: **A motion was made by Mr. Shea and seconded by Mr. Foley to adjourn. The motion was approved by a 5-0 vote, and the meeting ended at approximately 2:47 pm.**

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

1. Attendance sheet (3/19/08; 2 pages)
2. Project location map for today's meeting (3/19/08; 1 page)
3. Education & Outreach March 2008 Update (March 2008; 2 pages)
4. Brookhaven Science Associates twinnings support funds letter (3/14/08; 2 pages)
5. 2008 Invasive Plant Management Plan and SEQRA materials (3/11/08; 10 pages)
6. Agreement between Commission and Student Conservation Association (undated; 13 pages)
7. MOU between Commission and U.S. Fish and Wildlife Service (undated; 7 pages)
8. Tall Grass Village Revised Staff Report (3/18/08; 29 pages)
9. Prodell Middle School Site Plan Modification resolution and map (3/19/08; 3 pages)
10. Ringhoff Credit appeal decision extension request (3/13/08; 1 page)
11. Compliance and Enforcement Report (3/19/08; 1 page)

**Pine Barrens Commission Meeting Summary (FINAL)  
for Wednesday, April 16, 2008 (Approved 5/21/08)  
at the Brookhaven Town Hall,  
1 Independence Hill, Farmingville, NY, 2:00 pm**



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

Commission members present: Mr. Scully (for New York State), Ms. Gallagher (for Suffolk County), Mr. Foley 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. Carter, Ms. Eichelberger, Ms. Hargrave, Ms. Griffiths and Mr. Hynes (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation (NYS DEC)), and Mr. Woods and Mr. Kassner (from the Brookhaven Town Department of Planning, Environment and Land Management. Additional attendees are shown on the attached sign-in sheet.

Peter A. Scully  
*Chair*

The meeting was called to order at approximately 2:02 pm by Mr. Scully, with a five member quorum consisting of Mr. Scully, Ms. Gallagher, Mr. Turner, Mr. McCormick, and Mr. Shea. The Pledge of Allegiance was recited.

Philip J. Cardinale  
*Member*

#### **Public Comment and Administrative**

Brian X. Foley  
*Member*

##### **Public comments**

Linda A. Kabot  
*Member*

Summary: The first speaker was Brookhaven Town Fourth District Councilwoman Connie Kepert. She read and submitted the attached statement regarding the Southaven County Park Trap and Skeet Range. Ms. Kepert spoke about its location within the Core area; the sequence of events in the facility's recent history; her opinion that the range has been abandoned; her opinion that the reopening and subsequent activities should have been reviewed by the Commission; the environmental conditions at the site; Brookhaven Town's efforts to address noise complaints at the facility; and the County's various actions regarding the site. She requested that the Commission find that the reopening of the facility does constitute "development" under the pine barrens law. She also submitted the attached written and photographic materials prepared by Ms. Johan McConnell of the South Yaphank Civic Association (who was not present today) regarding the site and the belief that the reopening constitutes "development".

Steve A. Levy  
*Member*

The second speaker was Mr. John Palasek, representing the South Yaphank Civic Association. Mr. Palasek stated that he believes that the reopening of the trap and skeet range constitutes "development", and asserted that the range was abandoned for more than one year. He stated that there were no organized shooting events during that period.

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

The third speaker was Mr. John McConnell, representing the South Yaphank Civic Association. He thanked Councilwoman Kepert for attending and speaking today about the trap and skeet range. He stated that he is mystified by the Commission's inaction on this matter. He stated that he recently read a news article about piles of soil at the Indian Island County Park Golf Course, yet he does not understand why there is no equivalent concern over the trap and skeet range activity.

Phone (631) 224-2604  
Fax (631) 224-7653  
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Minutes for 3/19/08: review, approval

Summary: The following changes were suggested to the 3/19/08 meeting summary: (1) under the "Tall Grass Village Center" summary, the third paragraph's second sentence should read, in part: "the timetable for the next month including an opportunity for the applicant's representative to submit another set of responses within seven to ten days, which would fall on approximately 4/2/08"; (2) under the same topic, a final paragraph should be added which reads: "Mr. Milazzo noted for the Commission that the record on this project currently does not support an approval."

**A motion was made by Mr. Turner and seconded by Ms. Gallagher to approve the 3/19/08 meeting minutes as final with these corrections. The motion was approved by a 5-0 vote.**

## Stewardship & Education

Environmental Education: update (Ms. Griffiths)

Summary: Ms. Griffiths reported that the "park twinning" visit by herself and others to MSRM Regional Park in Pisa, Italy is scheduled for next month. Her portion of the visit will involve establishing an internet based joint scholastic environmental education program, utilizing webcams, a geographic information system and global positioning units. The work coincides with the MSRM Park conference in late May, and all travel expenses are covered by the Brookhaven Science Associates, operator of the Brookhaven National Laboratory.

She also noted that the Visitor Center Subcommittee recently held its first meeting. A list of existing and potential sites is being compiled, and a feasibility study will follow. In addition, the previously discussed Barrens to Bay summer youth environmental education program jointly sponsored by the Long Island Maritime Museum and the Commission is underway. She also reported on several field events, including a Dwarf Pine Plains Trail outing, an Earth Day event on 4/20 at Indian Island County Park in Riverhead, the International Migratory Bird Day on 5/10 at the Wertheim Refuge in Shirley, and a Spring Festival at Heckscher State Park. A copy of the written report is attached.

Science and Stewardship Work Plan Progress Report 2007-08: update (Ms. Carter and Ms. Eichelberger)

Summary: Ms. Carter distributed and discussed the attached progress report. She recommended that the end date of the 2007-08 Science and Stewardship Work Plan be extended from 12/31/08 to 3/31/09, in order to have the Science and Stewardship planning and budgeting period coincide with the Commission's fiscal year. That was agreed upon. She then went through the Work Plan's "special projects".

The revision of the existing Plan Chapter 7's stewardship components has commenced. The staff is reviewing the existing Plan policies, the prior work of the Protected Lands Council, and related materials.

The Commission's contract with the Foundation for Ecological Research in the Northeast (FERN) is nearly complete. Specifically, the draft freshwater wetlands monitoring protocols are complete and comments have been provided. FERN is producing the final draft, and a final payment will be made by the Commission once that is finished.

With respect to the ATV Damage Mitigation Project, the Phase 1 project is complete and is in the long term maintenance period. Twenty four access points have been secured and are being visited every two weeks. From completion in late June through the end of March,

there were 34 instances of an access point being damaged, and 32 of those incidents have been repaired (see attached summary). Planning work for the Phase 2 area in the Sears Bellows region is underway, and field work and evaluations with the NYS Department of Transportation (NYS DOT), the Long Island Power Authority, and the Suffolk County Parks Department have been completed. NYS DOT has already installed highway barricades on the north side of Sunrise Highway, where illegal ATV traffic has been crossing the highway.

Ms. Carter noted that the ATV Damage Mitigation effort includes coordination with the Education and Outreach staff and the Law Enforcement Council, and that the LI Pine Barrens Society has provided expertise in drafting a community mailing and flyer.

The Freshwater Wetlands Training workshop being sponsored by the Commission is scheduled for May 8 and 9, with approximately 40 attendees from various agencies. It will include a one day class session at the Suffolk County Water Authority's Coram Training Center, and a second day in the field.

Ms. Carter also touched upon the continuing involvement of the Commission with the LI Invasive Species Management Area committee, including occasional hosting of their meetings, and planning for the 2008 Pine Barrens Research Forum. She noted that the State Environmental Quality Review Act (SEQRA) processing of the upcoming Student Conservation Association (SCA) invasive plant field work is now complete.

A brief discussion ensued regarding the identification of important community and civic groups in the ATV damage mitigation pilot areas. That outreach is underway.

Ms. Eichelberger reported that the SCA has hired Ms. Taralynn Reynolds as the Project Leader for their Central Pine Barrens crew this year. Ms. Eichelberger described Ms. Reynolds' educational and work background. She also reported that individual agreements for the SCA field work have now been signed between the Commission and the US Fish and Wildlife Service, the Suffolk County Parks Department, and the NYS DEC. The remaining agreements are expected to be signed shortly. The agreement between the Commission and the SCA has also been signed.

Regarding the Dwarf Pine Trail project, Ms. Eichelberger circulated the nearly final versions of the three panels for the Westhampton trailhead. She is aiming for an unveiling of the installed displays on June 6, in time for National Trails Day. Lastly, she explained that the Fire Tower Feasibility Study has identified and applied siting criteria to potential sites, and narrowed the list of candidate sites. A detailed report will be provided to the Commission.

## **Land Use**

Mr. Foley arrived during the following item.

### ***Pine Barrens Credit (PBC) Program***

Ringhoff / Manorville (200-512-1-15, 17, 18, 21; 200-562-4-21) / Credit appeal: decision (Ms. Jakobsen; hearing held 10/17/07; decision due today)

Summary: Mr. Milazzo summarized this previously discussed Credit allocation appeal for 151 acres in the Manorville Core area. Five Letters of Interpretation were issued totaling approximately 24.20 Credits, based upon the Pine Barrens Plan. The appellant was represented today by Ms. Lauren Stiles of Twomey, Latham & Shea. Three of the parcels are in native vegetation, and the remaining parcels totaling 140 acres are being farmed.

The appellant is seeking one full Credit for each of the vegetated parcels and one half to one Credit per acre for the farmland parcels. The Commission delayed action on this appeal at the last meeting, and the appellant's representative and the Commission staff have since again discussed the arguments involved in the appeal, along with prior Credit appeal decisions in other cases.

Mr. Milazzo then discussed the previously distributed and attached draft denial resolution, noting that no new arguments have been made, and that this case is distinguished from the prior appeals cited by the current appeal. He recommended that the Commission deny the appeal, and also adopt a short form Environmental Assessment Form and a negative declaration under SEQRA.

Ms. Stiles stated that this is the first time that she is seeing the proposed denial, and would like additional time to study it and to respond. She objected to portions of Mr. Milazzo's statement regarding the alleged merger of some of the subject parcels, and reiterated her assertions regarding the allocation to roadfront parcels.

Mr. Scully noted that the public hearing on this was held in October and that the record is robust. Mr. McCormick asked whether the appellant has had the opportunity to submit new materials, and Mr. Milazzo answered affirmatively. Mr. Amper of the Long Island Pine Barrens Society stated that it would be useful for the public and the applicants in such matters to have access to draft documents in advance. A brief discussion then occurred regarding the significance of "single and separate" status within the Credit program, and of the Commission's prior appeal decisions.

**A motion was made by Mr. Scully to adopt the denial resolution. There was no second.** A brief discussion then occurred regarding the appeal decision process, and Ms. Stiles offered an extension of the decision deadline until the next Commission meeting. **A motion was then made by Mr. Foley and seconded by Mr. McCormick to accept and approve Ms. Stiles' offer to extend the Commission's decision deadline until the May meeting. The motion was approved by a 4-1 vote, with the dissenting vote cast by Mr. Scully.**

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

Tall Grass Village Center PDD / Shoreham (200-sections 104, 126, 127,148) / Development of Regional Significance (DRS): decision or decision extension (Ms. Jakobsen; hearings held 7/18/07, 1/16/08; comment period closed 2/27/08; decision deadline is currently 4/17/08) Summary: Mr. Milazzo summarized the March Commission meeting discussion on this. He noted that the staff maintains that the record does not support approval, which was also noted at the March meeting. He described the sequence of submittals and responses to date, and noted that the latest submittals from the applicant were provided on 4/9, after the previously agreed upon date of 4/2. He described the attached proposed draft findings statement supporting denial, as well as the options available to the Commission. He reported that the attached letter from Mr. Feldman, the applicant's attorney, was submitted yesterday and offers to purchase 20 Pine Barrens Credits as part of this application.

A brief discussion followed regarding the Credit purchase offer; the lack of any written materials from the applicant explaining the basis for the Credit purchase offer; the policies that should be followed regarding ongoing changes in a project proposal during its review period; whether the applicant has had sufficient time or should be granted additional time; how much additional time should be granted if there is to be a decision extension; and the availability of draft Commission documents such as the findings statement for review by the



applicants and the public in advance.

The discussion focused upon a possible additional 30 days for review, a length of time to which Mr. Feldman consented after consultation with his client. **A motion was then made by Mr. Foley and seconded by Ms. Gallagher to accept and approve the offer of a 30 day extension of the Commission decision deadline for this application. The motion was approved by a 4-1 vote, with the dissenting vote cast by Mr. Scully.**

Following a brief additional discussion, it was agreed and specified by the Commission that the applicant must submit all new materials to the Commission by 5:00 pm on Wednesday, 4/23/08; that the submittals would be in electronic form; that the Commission staff will promptly send out those newly submitted materials to the Commission and all interested parties; and that any person who wishes to respond to those new materials will have until 5:00 pm on 4/30/08 to submit their written comments.

Finally, there was a brief comment period by the applicant's representative and members of the public regarding the extension just granted; the quality and quantity of information submitted on this project; and the effect of this project application upon the community.

### **Land Use Reports**

Land Use Summary: update (Ms. Hargrave)

Summary: Ms. Hargrave distributed and briefly discussed the attached chart summarizing land use projects in the pine barrens before the Commission staff for the period mid February through mid April 2008.

Compliance and Enforcement: update (Mr. Hynes)

Summary: Mr. Hynes distributed and discussed the attached Compliance and Enforcement report dated 4/14/08. He noted that 407 of the Credit Program parcels have been visited and inspected for compliance with their conservation easements to date, with 250 remaining to be checked. Although the easement sites have been in compliance, he has encountered an illegal all terrain vehicle (ATV) track and several dump sites elsewhere. These have been reported to the appropriate agencies, and he is working with the Law Enforcement Council on the ATV track.

Mr. Hynes is also working with the Science and Stewardship staff and the ATV Damage Mitigation Committee in coordinating the placement of off road vehicle barriers along Sunrise Highway and the power line rights of way. He also summarized the current of Incident Reports which are open, and those which were recently filed.

### **Pine Barrens Credit (PBC) Program**

Eagan / Westhampton (900-214-4-17; 900-243-5-1) / overlap parcels: acceptance of title insurance (Mr. Milazzo)

Summary: Mr. Milazzo explained that the two parcels noted above are overlap parcels with other parcels, and that the overlap nature of these was not identified before Pine Barrens Credits were issued for them. He explained that Mr. James Eagan, the applicant for Credits on these parcels, has purchased title insurance on them that affirmatively insures the Commission. The proposal today is for the Commission to formally accept the insurance and thus ratify the issuance of the Credits. He briefly explained the nature of overlap parcels, and noted that the Commission is not a party to any overlap real property title dispute. Rather, the overlaps are private disputes between other parties. **A motion was then made by Mr. Foley and seconded by Mr. McCormick to accept the title insurance**

***naming the Commission as an insured party and to approve the issuance of Credits on those parcels. The motion was approved by a 5-0 vote. Mr. Foley left at this point. A five member quorum remained.***

*Mr. Eagan was present today, and provided the Commission with a chronology of events in the processing of his Credit applications. He also disputed the assertion that there was any overlap of title, stating that he has been assured by the County that there is no overlap. No written evidence of that assertion was provided. Mr. Eagan complained about the Commission's policy of contacting other parties to an overlap issue when a Credit application is filed on such parcels.*

### **Closed Advisory Session**

***Summary: A motion was made by Mr. Turner 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 3:41 pm to 3:56 pm.***

### **Land Use**

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

Brush Development and adjacent parcels / Yaphank (200-582-1-1; 613-1-20.2; 614-1-1.5) / CGA hardship: pending notice of violation

***Summary: A motion was made by Mr. Scully and seconded by Mr. Turner to rescind the Notices of Violation previously issued to the Brush Development and Froehlich owners of the properties noted above. The motion was approved by a 5-0 vote.***

### **Adjournment**

***Summary: A motion was made by Mr. Shea and seconded by Mr. McCormick to adjourn. The motion was approved by a 5-0 vote, and the meeting ended at approximately 3:57 pm.***

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

1. Attendance sheet (4/16/08; 2 pages)
2. Project location map for today's meeting (4/16/08; 1 page)
3. Statement read by Councilwoman Kepert (4/16/08; 2 pages)
4. Southaven material submitted by Councilwoman Kepert (undated; 20 pages)
5. Education/Outreach Coordinator April Update (April 2008; 2 pages)
6. 2007-08 Science and Stewardship Work Plan Progress Report (4/16/08; 4 pages)
7. ATV Mitigation Project Summary of Damage and Repairs (3/31/08; 1 page)
8. Ringhoff Credit Appeal Draft Resolution (4/16/08; 5 pages)
9. Tall Grass Village PDD Draft Findings Statement (4/16/08; 50 pages)
10. Letter from Mr. Feldman re Tall Grass Village Center (4/15/08; 1 page)
11. Land Use Summary (4/16/08; 1 page)
12. Compliance and Enforcement Report (4/14/08; 1 page)

**Pine Barrens Commission Meeting Summary (FINAL)  
for Wednesday, May 21, 2008 (Approved 7/16/08)  
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), Mr. Foley, Ms. Prusinowski and Mr. Turner (for Brookhaven), Mr. McCormick (for Riverhead), and Mr. Shea and Mr. Murphree (for Southampton).

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, 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)), Ms. Longo (from the Suffolk County Department of Environment and Energy), Mr. Gulizio (from the Suffolk County Department of Planning), Ms. Lopez (from the Suffolk County Department of Law), and Mr. Woods (from the Brookhaven Town Department of Planning, Environment & Land Management). Additional attendees are shown on the attached sign-in sheet.

Peter A. Scully  
Chair

Philip J. Cardinale  
Member

Brian X. Foley  
Member

Linda A. Kabot  
Member

Steve A. Levy  
Member

The meeting was called to order at approximately 2:05 pm by Mr. Scully, with a four member quorum initially, consisting of Mr. Scully, Mr. Turner, Mr. McCormick and Mr. Shea. The Pledge of Allegiance was recited. Mr. Isles, Mr. Foley, and Ms. Prusinowski arrived during the public comments and a five member quorum then remained throughout the meeting.

#### **Public Comment and Administrative**

##### **Public comments**

Summary: The first speaker was Ms. Johan McConnell, representing the South Yaphank Civic Association. She observed that Brookhaven Town Councilwoman Connie Kepert spoke at the April Commission meeting regarding the Southaven County Park Trap and Skeet Range, and that Ms. Kepert asked the Commission to assert jurisdiction over the range. Ms. McConnell showed a display board containing November 2001 and January 2006 photographs of portions of the site and stated that she believed that these show that the property was not being maintained.

The second speaker was Mr. John Palasek, representing the South Yaphank Civic Association. He stated that he believes that the reopening of the Southaven Trap and Skeet Range is a reestablishment of a use which was abandoned, and is therefore "development" under the pine barrens law. He spoke about the prior legal matter involving the Hidden Pond Stables, and cited a dictionary definition of "abandoned". He also stated that a shooting advocate had used the word "abandoned" to describe the Southaven range in the past. Finally he referenced the 2004 and 2005 changes to the Pine Barrens Plan and the pine barrens law, respectively, which require compelling public need permits in the Core area for government, and stated that the County had not placed the range on the list of exempt projects endorsed by the change in the law.

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

Phone (631) 224-2604  
Fax (631) 224-7653  
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The third speaker was Ms. Mary Ann Johnston, President of the Affiliated Brookhaven Civic Organization. She stated her support for the South Yaphank Civic Association's position on the range; that preservation of the Core is of interest to everyone; and that development is inappropriate in the Core.

The fourth speaker was Mr. Mark Wrobel, the vendor operating the trap and skeet range. He stated that the range was never abandoned, read a section from the court decision on the recent range litigation, and discussed the time line of events for the range.

The fifth speaker was Mr. John McConnell, representing the South Yaphank Civic Association. He stated that he lives close to the range; that the range was abandoned; and that another, earlier possible vendor had backed away from the site due to noise problems, lead, and the threat of a lawsuit.

The sixth speaker was Mr. Douglas Steigerwald. He thanked the Brookhaven Town Board and Supervisor Foley for their position on the trap and skeet range.

The seventh speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. He urged the Commission to support the pending State proposal for \$51 million for Long Island land preservation.

The eighth speaker was Mr. William Raab. He stated that the trap and skeet range is in operation; that it was inactive while the County addressed the concerns of the community; and that studies show that lead contamination is not an issue.

Minutes for 4/16/08: review, approval

Summary: The following changes were made to the 4/16/08 meeting summary: (1) Under "Tall Grass Village Center", the first paragraph's second sentence should read: "He noted that the staff maintains that the record does not support approval, which was also noted at the March meeting."; (2) under "Eagan / Westhampton", the notation regarding Mr. Foley's departure should be deleted and the first paragraph should now read: "Mr. Foley left at this point. A five member quorum remained."

**A motion was then made by Mr. Shea and seconded by Mr. Scully to approve the revised 4/16/08 meeting summary as final. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Mr. Isles.**

Directors & Officers insurance renewal: approval

Summary: Mr. Milazzo summarized this annual insurance renewal application for both the public officials (i.e., directors and officers) and general liability insurance policies for the Commission. He explained that renewal quotes have been solicited as per standard procedures through the Suffolk County Water Authority's Risk Management Department as part of their administrative support agreement with the Commission. A copy of the renewal application is attached. The coverage period is June 2008 through June 2009. The total of all premiums is approximately \$28,000.00 **A motion was made by Mr. Isles and seconded by Mr. Foley to (1) authorize submittal of the renewal application, (2) the Commission Chair to sign on behalf of the Commission, and (3) payment of the premiums. The motion was approved by a 5-0 vote.**

Committee Needs & Structure Study: proposal (Mr. Turner)

Summary: Mr. Turner noted that the Commission conducted a successful staffing and administrative needs study in 2005, and that many of those recommendations have been implemented. He proposed that the Commission undertake a follow up study to now examine its various committees, councils and subcommittees, including their relevance, effectiveness and any need for change. Following a brief discussion, **a motion was made by Mr. Foley and seconded by Mr. Shea to authorize a committee needs and structures study. The motion was approved by a 5-0 vote.**

## Stewardship & Education

2008 Invasive Plant Management Program: status report on Student Conservation Association hiring; training; initial assignments; schedule; etc. (Ms. Eichelberger)

Summary: Ms. Eichelberger reported that the Student Conservation Association (SCA) has filled out its team of four employees and one project leader for their Central Pine Barrens work this summer. Seven public land management agencies have scheduled projects on their properties for invasive plant eradication by the SCA team under this multi party effort. Presently, the agencies are finalizing their permissions and forms, and the SCA team training has begun. Numerous land managers and agency staff, along with the SCA team working for the Commission and a separate one for The Nature Conservancy, are training together.

Wetland Identification and Delineation Workshop: report on 5/8 and 5/9 interagency class (Ms. Carter)

Summary: Ms. Carter summarized the May 8 and 9 Wetland Identification and Delineation Workshop sponsored by the Commission for government staff in the pine barrens region. She distributed the attached summary and syllabus of the combined classroom and field training provided by Ralph Tiner of the University of Massachusetts. There were approximately 40 attendees.

Environmental Education: update (Ms. Griffiths)

Summary: Ms. Griffiths distributed and discussed the attached summary. She highlighted the specific activities listed there from her recently completed visit with the Commission's formal "twin" park in Pisa, Italy along with Dr. Timothy Green of the Brookhaven National Laboratory as part of that region's 2008 Park Festival. The professional research and educational conference at that event provided her an opportunity to begin work with her counterparts there on a joint, web based biodiversity mapping and environmental education program for middle and junior high school students in both Pisa and the pine barrens area. Ms. Griffiths will be working closely with the MSRM Regional Park to implement an initial program for the fall of 2008.

## Land Use

### Compatible Growth Area (CGA)

Tall Grass Village Center PDD / Shoreham (200-sections 104, 126, 127,148) / Development of Regional Significance: decision (hearings held 7/18/07, 1/16/08; comment period closed 2/27/08; decision due today)

Summary: Mr. Scully summarized the recent chronology of events on this application, including the hearing and staff report. He noted that the staff recommended a denial of

this application at the April meeting, and that a State Environmental Quality Review Act findings statement to deny, along with a resolution to deny, have been distributed to the Commission in advance. Mr. McCormick stated that he would like to receive legal advice on this application from Mr. Milazzo, Commission counsel.

#### **Closed Advisory Session**

**Summary: A motion was made by Mr. McCormick and seconded by Mr. Foley 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 2:36 pm to 2:55 pm.**

#### **Land Use**

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

Tall Grass Village Center PDD / Shoreham (200-sections 104, 126, 127,148) / Development of Regional Significance: decision (*hearings held 7/18/07, 1/16/08; comment period closed 2/27/08; decision due today*)

**Summary: A motion was made by Mr. Scully and seconded by Mr. Shea to (1) adopt the attached SEQRA findings statement supporting denial of the Tall Grass application and (2) to adopting the attached resolution denying the application. Mr. Shea read that portion of the attached resolution which has been added to the originally circulated version at the request of Southampton Town.**

***A discussion on the motion, resolution, and the project ensued. Specifically discussed were the fact that Mr. Shea has extensively met with Mr. Voorhis, the applicant's representative, on Southampton's concerns regarding this; the lack of change in this project which would bring it below the Development of Regional Significance threshold; the Suffolk County Planning Commission's review of this project; the scale and intensity; Brookhaven Town's approval; and the presence and fate of the existing golf course if the project is disapproved.***

***The motion was then approved by a 4-1 vote, with the dissenting vote cast by Mr. Foley.***

Town of Southampton East Quogue Draft Generic Environmental Impact Statement / (900-misc.): presentation by Southampton Town and AKRF (contractor); draft Commission comments (*Mr. Murphree for Southampton Town; Mr. White and Ms. Zanca for AKRF; links to DGEIS materials previously e-mailed; not a decision item*)

**Summary: Mr. Murphree introduced the East Quogue planning study of Southampton Town, and described the area generally. This is a 4,000 acre study area, stretching from the Sunrise Highway south to Shinnecock Bay, and from County Route 104 east to approximately Central Boulevard and the Pines subdivision. The region includes Core Preservation Area property, CGA lands, and lands outside the Central Pine Barrens boundary. Approximately 60% of the study area is within the Central Pine Barrens. He then described the planning and public input milestones to date.**

***Mr. White of AKRF described the set of pending development proposals, the current zoning of the area, agricultural and recreational sites, vacant lands, town owned properties, possible rezonings, and the ways in which the study seeks to balance competing factors***

while minimizing impacts upon the school district. A brief discussion followed regarding the possible impacts of the study's recommendations upon the Pine Barrens Credit Program, including receiving areas and the ratio of Pine Barrens Credit receiving capacity to Credit sending potential within the East Quogue School District.

The Commission will be submitting a final version of its draft comments on the Town's plan which were previously circulated to Commission members.

### **Core Preservation Area**

Southaven County Park Trap and Skeet Range / Yaphank (200-745-1-1, etc.) / requested assertion of jurisdiction: motion by Commission member (*not on the original agenda; not an application*)

Summary: Mr. Foley noted that Brookhaven Town Council Member Connie Kepert spoke at the April Commission meeting and requested that the Commission assert jurisdiction over the Southaven County Park Trap and Skeet Range. **A motion was then made by Mr. Foley to have the Commission assert jurisdiction over the reopening and continued operation of the Southaven Trap and Skeet Range. He then noted that the Brookhaven Town Board passed a resolution over his objection at their recent meeting regarding this matter which he believes is null. He further noted that he is offering this motion due to the concerns that Councilwoman Kepert has stated. The motion was then seconded by Mr. McCormick for the specific purpose of a discussion.**

**A second motion was then made by Mr. Shea and seconded by Mr. McCormick to table the original motion to a future meeting in order to allow the Commission to consult with the State Assistant Attorney General representing the Commission in the currently pending appeal of the existing Southaven Trap and Skeet litigation. A brief discussion ensued regarding the benefits of having such a consultation with the Attorney General's staff before proceeding with a disposition of the original assertion motion. Mr. Amper of the Long Island Pine Barrens Society stated that the previous court decision on the range did not say that the Commission could not take an action on the range, and he urged the Commission to not postpone a vote on the assertion motion. The motion to table the original assertion resolution was then approved by a 4-1 vote, with the dissenting vote cast by Mr. Foley.**

Gazza Telecommunications Monopole / Eastport (900-213-1-72.1) / pending Core hardship: adoption of draft scope (*Ms. Hargrave; hearing held 3/17/04; Commission assumed lead agency status 2/27/08; decision deadline is indefinite*)

Summary: This matter was deferred to the June Commission meeting.

Mr. Foley left at this point. A five member quorum remained.

### **Pine Barrens Credit (PBC) Program**

Peconic Lake Estates Civic Organization (PLECO) / Calverton (200-270-3-26) / Credit allocation and proposed easement: Credit eligibility policy question due to existing deed restriction (*Mr. Milazzo*)

Summary: Mr. Milazzo explained that this parcel already has a deed restriction stating that

it can only be used for a recreational facility and for park purposes, and the imposition of a conservation easement through the Pine Barrens Credit Program would remove that remaining limited development potential. He explained that this is an unusual parcel and the staff is bringing it to the Commission for verification that the owners are giving up a sufficiently significant development right to warrant Credits. He recommended that the Commission approve the easement and the issuance of Credits for this property. Mr. Charles Guthrie, Vice President of the PLECO which owns the property, was present and spoke briefly about the organization's desire to fully preserve the land and obtain Credits for the easement. **A motion was then made by Mr. McCormick and seconded by Mr. Shea to approve and authorize the conservation easement and the issuance of Credits for this parcel. The motion was approved by a 5-0 vote.**

Ringhoff / Manorville (200-512-1-15, 17, 18, 21; 200-562-4-21) / Credit appeal: accept decision extension request (Mr. Milazzo; hearing held 10/17/07; decision due today)

Summary: **A motion was made by Mr. Turner and seconded by Mr. Scully to accept and approve the request from this Credit appellant's representative for a decision extension on this matter until the 6/18/08 Commission meeting. The motion was approved by a 5-0 vote.** Ms. Stiles, the attorney for the Credit appellant, was present and spoke briefly to the Commission about its prior decisions on Credit appeals, and the factors which were considered.

Standard conservation easement: proposed change (Mr. Milazzo)

Summary: Mr. Milazzo explained the attached proposed change to the standard conservation easement used in the Pine Barrens Credit Program. The change involves an alteration of the reserved rights section of the easement regarding the exercise of certain reserved rights. **A motion was then made by Mr. Shea and seconded by Mr. Turner to approve this change to the standard easement language. The motion was approved by a 5-0 vote.**

Standard title policy proposed change (Mr. Milazzo)

Summary: This matter was deferred to a future Commission meeting.

#### **Closed Advisory Session**

Summary: **A motion was made by Mr. Turner and seconded by Mr. McCormick to enter into a closed advisory session for the purpose of receiving legal advice from counsel and discussing law enforcement matters. The motion was approved by a 5-0 vote, and the Commission entered into closed session from approximately 3:47 pm to 4:29 pm.**

#### **Land Use**

##### **Core Preservation Area**

Southaven County Park Trap and Skeet Range / Yaphank (200-745-1-1, etc.) / requested assertion of jurisdiction: motion by Commission member (not on the original agenda; not an application)

Summary: Mr. Scully noted that the Commission has received a law enforcement investigation report from its Compliance and Enforcement Coordinator regarding the previously alleged violations of the pine barrens law, and that the report is not releasable.



## **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 4:31 pm.*

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

1. Attendance sheet (5/21/08; 4 pages)
2. Project location map for today's meeting (5/21/08; 1 page)
3. Insurance renewal application (5/21/08; 9 pages)
4. Wetland Workshop summary materials (5/8/08; 4 pages)
5. Education and Outreach report (May 2008; 2 pages)
6. SEQRA Findings Statement to Deny for Tall Grass application (5/21/08; 53 pages)
7. Resolution to deny Tall Grass application (5/21/08; 3 pages)
8. East Quogue DGEIS Executive Summary excerpt (30 pages)
9. Change to the Credit Program conservation easement language (5/21/08; 1 page)

**Pine Barrens Commission Meeting Summary (FINAL)  
for Wednesday, June 18, 2008 (Approved 7/16/08)  
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. 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 2:05 pm by Mr. Scully, with a five member quorum. The Pledge of Allegiance was recited.

Peter A. Scully  
Chair

### Land Use

#### Core Preservation Area

Suffolk County Trap & Skeet Range at Southaven County Park / Yaphank (p/o 200-745-1-1) / tabled motion: status (motion tabled 5/21/08)

Summary: Mr. Scully explained that the Commission tabled this motion at last month's meeting in order to arrange a meeting with the NYS Assistant Attorney General representing the Commission in the recent litigation over the range. The assistant attorney general handling this matter is unavailable to meet personally with the Commission until the July meeting. Mr. Scully explained that there will be no action on this today. He explained that there are many speakers here on this matter, and outlined the protocol that will be used today to rotate speakers into and out of the meeting room in order to abide by the room's capacity.

### Public Comment and Administrative

#### Public comments

Summary: The first speaker was Mr. William Raab, Director of the Sportsmen's Association for Firearms Education (SAFE). He stated that many issues have been raised before the Commission regarding the trap and skeet range; the only issue before the Commission is the possible assertion of jurisdiction; the range use was never discontinued; the activity was stopped in order to address various concerns about the site's operations; and the next Commission meeting should be moved from the Quogue Refuge due to its limited space.

The second speaker was Mr. Michael Domino, representing himself. He submitted and briefly described the attached statement on Brookhaven Town's plans for Middle Country Road, but did not speak further.

The third speaker was Mr. John Cushman. He thanked Chairman Scully for arranging for everyone to have a chance to speak. He stated that he believes that there have been recent decisions or developments with respect to the Calverton EPCAL site which may affect the range issue; the

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

Phone (631) 224-2604  
Fax (631) 224-7653  
www.pb.state.ny.us

*range is open and operating; its issues have been addressed; it is a benefit to Suffolk County residents; the range has operated for decades; and the facility is safe.*

*The fourth speaker was Mr. William Harvey, a Nassau County resident representing himself. He stated that he is against closing of the facility; he uses the range personally; and the nearest other range is upstate.*

*The fifth speaker was Ms. Tracy Larkin, a Yaphank resident representing herself. She stated that she is concerned about emissions to the air and ground from the range; she is concerned for her health from the range's operation; she has had a case of cancer; she would prefer that the range not be so close; she does not appreciate the sound from the range; and the range can be heard in Brookhaven hamlet.*

*The sixth speaker was Mr. Robert Sohne, a River Road resident representing himself. He stated that he lives directly east of the range and the range noise can be heard from William Floyd Parkway to the east; he has many of the same credentials and background as some of the range's supporters; the loud noise occurs from Tuesday through Sunday from 9 am to 5 pm; the situation is unhealthy; and many of the supporters are not Brookhaven residents. Mr. McCormick asked him when he purchased his home, and whether the range was there when he did so. Mr. Sohne stated that the range existed when he purchased his home, but that it was closed.*

*The seventh speaker was Mr. Joseph Incandela, representing himself. He stated that four generations of his family learned to shoot at the range; it is a friendly facility; closing it would destroy the sport; it has been open since the 1920s; and those who bought houses there should be responsible.*

*The eighth speaker was Mr. Stanley Kessler, a Bellport resident representing himself. He stated that he has been going to the range for years; it has passed all tests; lead does not leach; the sound is louder at the Brookhaven range; the Southaven range brings dollars into the Town; there were no homes near the site originally; the range's presence was a selling feature at one time for homes; and he used to live near MacArthur Airport but did not complain about the noise from there.*

*The ninth speaker was Mr. Frank Zacker, a Yaphank resident representing himself. He stated that the range is affecting his quality of life; the sound is unbearable on some days; he pays \$12,000 per year in taxes; shotgun shells are left in the street; he is concerned about living in the house; and he has to close the windows in his house.*

*The tenth speaker was Mr. Gary Wood, a Nassau resident representing himself. He stated that he goes to the range about once a week; he spends money on gas, lunch and ammunition; the facility is safe and fun; there is no hazard; there are no shells left in the street; and it brings in dollars.*

*The eleventh speaker was Mr. John McConnell, representing the South Yaphank Civic Association. He stated that the prior statement that the range was a selling point for homes is ridiculous; 178 homes were reassessed downward in value due to the range; any dollars brought in by the range are not being spent by the County; the County's reports show lead is a problem; some users of the range do not pick up their shells; and damage is being done to the trees.*

*The twelfth speaker was Mr. Kenneth Harkin, a Shirley resident representing himself. He stated that when the range was closed there was a sign on the gate with a telephone number, and when he called the number he was told it was not closed permanently, but rather the County was seeking a new vendor to operate it. He further stated that he waited for years for the reopening; it was not the fault of the County or the vendor; it took time for each issue to be addressed; the reopening is not development; the range has not*

*been abandoned; a building, shed or pavilion that is not used for a year is not abandoned either; and it would be moronic to conclude otherwise.*

*The thirteenth speaker was Ms. Johan McConnell, president of the South Yaphank Civic Association. She cited prior Commission court cases regarding horse stables, and stated that she believes they establish precedents applicable to the range. She stated that one of the range studies had a high lead reading in one sample which meets federal hazardous waste standards. She submitted and described the attached photographs showing changes in vegetation at select locations within the range over time.*

*The fourteenth speaker was Mr. Philip DiMaio, representing himself. He stated that he lives approximately seven miles from the range; if we are worried about harming trees then we should shut down every park and beach where parking lots were created; his wife had a brain tumor but that it did not occur because of the range; he wants to know where people should go on weekends if we shut down the parks; and he believes that is the direction in which the situation is headed.*

*The fifteenth speaker was Ms. Mary Ann Johnston, President of the Affiliated Brookhaven Civic Association. She stated that she believes that the Commission knows the laws and rules which apply to the range; her organization will await the Commission's determination on the range; and the legal concept of laches applies here.*

*The sixteenth speaker was Mr. Philip Caruso, a Sayville resident representing himself. He stated that he supports the range; the opponents of the range have less than scientific arguments; one of the tolerable aspects of living in a suburban area is the range; he has used the range for years; the arguments for closing it are frivolous; the range brings in revenue to the County; and it is a source of pleasure.*

*The seventeenth speaker was Mr. Vincent Bellacicco, a Nassau County resident representing himself. He stated the he is a member of the Peconic River Sportsman's Club; the Southaven range was one of the first to sponsor a shooting tournament for charitable purposes; these charitable shooting tournaments have benefitted children's diabetes and breast cancer causes; he hopes to see similar additional tournaments; the range is helping everyone; and the range should stay.*

*The eighteenth speaker was Mr. John Palasek, representing the South Yaphank Civic Association. He stated that the law refers to a one year period; the County should have known what was required under the pine barrens law to keep the range in use; ignorance of the law is no excuse; and the benefits of the range are debatable.*

*The nineteenth speaker was Mr. William Kirchoff, a Shirley property owner representing SAFE and the National Rifle Association (NRA). He stated that the range has been in use for over 50 years; he is an NRA instructor; there is no reason to close the range; and the range was closed because of the prior vendor.*

*The twentieth speaker was Mr. Philip McSherry, representing Keep the Range Open. He stated that the range was never abandoned; the operation had to go out to bid; the range has kept the crime rate down; and he is ready to take his youngest child to the range.*

*The twenty first speaker was Mr. Bruce Campbell, a Nassau County resident representing himself. He stated that he has been using the range since the 1960s; at one time Route 112 had quail and is now developed; and he purchases hunting licenses and needs a place to practice.*

*The twenty second speaker was Mr. David Shoen, a Nassau County resident representing himself. He stated that Nassau County no longer has places like the range so he uses the Southaven range; and the range was never abandoned because the*

County was conducting a bid.

The twenty third speaker was Mr. Michael Greco, a Nassau County resident representing himself. He stated that he learned to shoot at the range; it is a safe facility and he supports it; and his family moved to a location near Grumman in Nassau County years ago but did not complain about the noise from that site.

Minutes for 5/21/08: review, approval

Summary: The following change was made to the 5/21/08 meeting summary: under "Southaven County Park Trap and Skeet Range", the description should state that the first motion was to have the Commission determine its jurisdiction over the range. **A motion was then made by Ms. Prusinowski and seconded by Mr. Scully to approve the 5/21/08 meeting summary as final with this change. The motion was approved by a 5-0 vote.**

Draft renewal of Commission - SCWA agreement: review, approval

Summary: Mr. Corwin explained that the attached proposed new agreement between the Commission and the Suffolk County Water Authority (SCWA) is for a five year period from 4/1/08 through 3/31/13. The agreement provides that the SCWA will provide administrative and support services for the Commission and receive a 5% administrative fee, the same as under the recently expired agreement. There is also a termination clause providing that either party can withdraw from the agreement with proper notice. Mr. McCormick requested that this be held until the next Commission meeting so that he can receive additional information outlined in an e-mail message which he forwarded earlier today. That was agreed to by the Commission.

## Stewardship & Education

Law Enforcement Council: Civil Air Patrol (CAP) presentation and proposed MOU (Commander Jack Ozer, US Air Force CAP; summary previously e-mailed)

Summary: Present for today's discussion were Commander Jack Ozer of the Civil Air Patrol Long Island Group and Sgt. Arthur Pendzick of the Suffolk County Park Police, Chair of the Pine Barrens Law Enforcement Council (LEC).

Mr. Corwin summarized the background of this pending memorandum of understanding (MOU), including the LEC's 2003 recommendation to the Commission, the Commission's approval of a draft MOU at its 5/21/03 meeting, and the lack of completion of the MOU due to various circumstances, including in part the death of two Long Island CAP representatives to the LEC. He explained that the LEC originally intended to have the CAP provide field documentation of off road vehicle damage to specific tracts of public lands, as well as mapping of significant features such as dump sites, burned areas, roads, trails, and similar features of interest to the LEC. He noted that the CAP's local attorney has been working with Commission counsel on a new version of the draft MOU.

Commander Ozer then described the CAP's national mission, its relationship to the U.S. Air Force, its chain of command, the CAP's New York State and Long Island equipment resources, the types of training and emergency missions which the CAP undertakes, the types and capabilities of their aircraft, the availability of CAP personnel for ground surveillance and mapping, and the eagerness of the CAP commanders to finalize this MOU. A brief question and answer period followed, touching upon the specifics of the draft MOU, costs, liability, permits, and the proposed work between the CAP and the other member agencies of the LEC. Sgt. Pendzick spoke about the possibility of using CAP ground personnel in support of the ATV Damage Mitigation Project, which both the LEC and the Protected Lands Council are supporting. Mr. Scully thanked Commander Ozer and Sgt. Pendzick for their presentation and presence today.

Environmental Education: update (Ms. Griffiths)

Summary: Ms. Griffiths distributed and discussed the attached monthly summary of her work. She also provided the attached presentation on the details of her recent visit with MSRM Regional Park in Pisa, Italy, during which time she participated in the annual Park Festival and technical conference. Specifically, Ms. Griffiths is collaborating with her professional environmental education counterparts at MSRM Regional Park on a web based biodiversity mapping and inventory project. This would enable teachers and students in the pine barrens and the Pisa area to jointly work on field projects in the two areas and to compare the results. They are currently hoping to have a first web based conference in the fall of 2008.

## Land Use

### **Pine Barrens Credit (PBC) Program**

Ringhoff / Manorville (200-512-1-15, 17, 18, 21; 200-562-4-21) / Credit appeal: decision (Mr. Milazzo; hearing held 10/17/07; decision due today)

Summary: **A motion was made by Mr. Turner and seconded by Mr. Scully to (1) adopt the attached negative declaration for a denial under the State Environmental Quality Review Act (SEQRA) and (2) to adopt the attached resolution denying the Ringhoff Credit allocation appeal. The motion was approved by a 5-0 vote.**

### **Land Use Reports**

Land Use Summary: bimonthly update (Ms. Hargrave)

Summary: Ms. Hargrave reported that there are no new applications pending, and that most of the current projects referred to the Commission are SEQRA referrals.

She noted that the attached Draft Scope has been prepared for the Draft Environmental Impact Statement for the proposed Gazza Communications Monopole Core hardship application (located upon Suffolk County Tax Map parcel 900-213-1-72.1). This Eastport area project has been pending since its 3/17/04 public hearing, after which the applicant requested an indefinite extension of the decision. The Commission assumed lead agency status on 2/27/08. Public comments on the Draft Scope are due by 7/11/08. There was a brief discussion of the applicant's original request to use other, preexisting documents in lieu of producing a DEIS specific to this proposal.

Compliance and Enforcement: update (Mr. Hynes)

Summary: Mr. Hynes distributed and discussed the attached monthly summary. He observed that 29 Incident Reports were logged last year, and that 32 have been recorded so far in 2008. He believes that this is due to the increased communications among the Commission, the towns and other enforcement agencies. Mr. Hynes also noted that there are six cases actively under investigation which involve CGA clearing, and one case involving composting. There have been approximately eight Incident Reports filed since the last Commission meeting.

## Land Use

### **Core Preservation Area**

Suffolk County Trap & Skeet Range at Southaven County Park / Yaphank (p/o 200-745-1-1) / tabled motion: status (motion tabled 5/21/08)

Summary: Ms. McConnell of the South Yaphank Civic Association asked whether the investigation report which the Commission received last month would be released, and

*Mr. Scully stated that the report was not releasable as it is an enforcement matter.*

**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 3:23 pm.**

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

1. Attendance sheet (6/18/08; 6 pages)
2. Project location map for today's meeting (6/18/08; 1 page)
3. Statement from Mr. Michael Domino re Brookhaven Town Land Use Plan (6/17/08; 3 pages)
4. Photographs from Ms. Johan McConnell re Southaven Trap and Skeet (6/18/08; 14 pages)
5. Commission - SCWA 2008-2013 agreement (undated; 3 pages)
6. Copy of Twinings / Education presentation by Ms. Griffiths (undated; 5 pages)
7. Denial resolution and EAF for Ringhoff Credit appeal (6/18/08; 6 pages)
8. Draft Scope for Gazza Monopole / Eastport DGEIS (June 2008; 9 pages)
9. Compliance and Enforcement Summary (6/18/08; 1 page)

**Pine Barrens Commission Meeting Summary (FINAL)  
for Wednesday, July 16, 2008 (Approved 9/17/08)  
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. Hanley (for Riverhead), and Mr. Shea (for Southampton).

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, 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 2:04 pm by Mr. Scully, with a four member quorum initially present representing NY State, Suffolk County, Brookhaven Town and Southampton Town. The Pledge of Allegiance was recited.

Peter A. Scully  
*Chair*

Philip J. Cardinale  
*Member*

Brian X. Foley  
*Member*

Linda A. Kabot  
*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. She stated that she has listened to the tape recording of the 5/21/08 Commission meeting, and that the original resolution regarding the Southaven Trap and Skeet Range stated that it was intended to assert jurisdiction over the range. She then stated that at the 6/18/08 Commission meeting, the Brookhaven representative had changed that wording to be "determine jurisdiction" in the 5/21/08 meeting minutes, and that was not correct. She also described a conversation that she had with Mr. Robert Freeman of the State Committee on Open Government. She stated that the 5/21/08 meeting minutes should be changed to the original "assert jurisdiction" wording.

##### Minutes for 5/21/08: revision, approval

Mr. Milazzo reported that the staff has listened to the 5/21/08 Commission meeting tape, and that the original draft of those minutes were correct. **A motion was then made by Ms. Gallagher and seconded by Ms. Prusinowski to change the final 5/21/08 meeting minutes to be identical to the original draft of those minutes. The motion was approved by a 5-0 vote.**

##### Public comments

Summary: The second speaker was Mr. Mark Wrobel, representing Suffolk Trap and Skeet. He submitted the attached newspaper article in which the comments of a SC Health Department staff member regarding lead levels at the range are summarized. Mr. Scully then noted that the Commission's focus upon the range is narrowly drawn.

The third speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. He stated that the Commission's focus regarding

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

Phone (631) 224-2604  
Fax (631) 224-7653  
www.pb.state.ny.us



*the range should not be only upon the reopening, but also upon other activities there.*

*The fourth speaker was Mr. John McConnell, representing the South Yaphank Civic Association. He stated that the range was closed in 2001 for one month for lead cleanup, and that indicates that there must be a problem. He stated that he lives near the range, and that numerous complaints have been filed with the Commission regarding the range, but there have not been any responses to those complaints.*

*The fifth speaker was Mr. Bill Raab, representing himself. He stated that the only issue regarding the range is the jurisdiction of the Commission over it, and that he believes that the range activities do not constitute "development".*

*The sixth speaker was Mr. John Palasek, representing the South Yaphank Civic Association. He stated that what the Suffolk County Health Department staff person said in the previously discussed news article is debatable. Mr. Palasek stated that County budget documents state that the lead is hazardous.*

*The seventh speaker was Mr. Mark Wrobel (speaking a second time), representing Suffolk Trap and Skeet. He stated that there is a difference between contaminated soil and lead itself.*

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

Minutes for 6/18/08: review, approval (e-mailed)

Summary: *The following change was suggested to the draft 6/18/08 meeting summary: under "Draft Renewal of Commission - SCWA Agreement", the last sentence should read: "Mr. McCormick requested that this be held until the next Commission meeting." **A motion was made by Ms. Gallagher and seconded by Mr. Shea to approve the 6/18/08 meeting summary with this change. The motion was approved by a 5-0 vote.***

Commission - SCWA agreement renewal: review, approval (previously distributed; from 6/18)

Summary: *Mr. Corwin explained that this item was held from the last meeting in order to provide additional materials to Mr. McCormick of Riverhead, which was done. Mr. McCormick has requested that this be held for one additional month as he is away this week.*

## **Stewardship & Education**

Law Enforcement Council: Commission - Civil Air Patrol (CAP) Memorandum of Understanding (MOU): review, approval (Mr. Corwin and Mr. Milazzo; presentation provided 6/18; draft distributed)

Summary: *Mr. Corwin summarized this attached Law Enforcement Council recommendation for an MOU between the Commission and the CAP. The MOU and the capabilities of the Civil Air Patrol were also discussed during last month's presentation on the CAP's capabilities by Commander Jack Ozer of CAP's Long Island Wing. Mr. Milazzo noted that he and the CAP's attorney are working on several changes to the CAP's standard MOU language, and that these would then need to be reviewed by the CAP hierarchy. It was agreed that this will be addressed once the final language is ready.*

Wildfire Task Force: Summary of National Blue Ribbon Panel on Wildland Urban Interface (WUI) Fire and applications to the Central Pine Barrens (Mr. Bruce Johnson, International Code

Council)

Summary: Mr. Johnson, a former member of both the Law Enforcement Council and the Wildfire Task Force during his prior role as Riverhead Fire Marshal, is now the Regional Manager for Fire Service Activities, employed by the International Code Council (ICC). Mr. Johnson first spoke about the mission of the ICC, then summarized the recently released 2008 Blue Ribbon Panel on Wildland/Urban Interface Fire Report (excerpt attached). He touched upon the panel's membership, the report's definition of "interface", the similarity of the panel's work with the issues addressed by the Commission's Wildfire Task Force, and the report's recommendations on such matters as interagency communication, training, land use and building code modifications, defensible space, and public education. He also explained the overlap of the ICC and the panel's work with that of the Commission's land use planning responsibilities and the work of the various councils'.

He explained that the next step would be a set of implementation meetings for the report towards the end of this year, to which the Commission would be invited to send representatives. Finally, Mr. Johnson spoke briefly regarding the role of legislation and planning in mitigating the wildland urban interface hazards.

Wildfire Task Force: Report on Status of NYS Department of State Review of Wildland Fire Portion of NYS Fire Code (Mr. Daniel Nichols, New York State Dept. of State Codes Division; from 5/16/07 meeting)

Summary: Mr. Nichols, a Fire Protection Engineer with the Codes Division of the NY State Department of State (DOS), who oversees the periodic reviews of, and modifications to, the State Fire Code, spoke on the current statewide fire code review. He summarized the 1981 development of the state building fire code in response to a major fire in White Plains, and the 2000 updates to it. Since then, the state has become increasingly concerned with fire in the wildland urban interface, and the NYS Codes Division of DOS has begun working closely with the NYS DEC Forest Rangers and other agencies on a possible statewide fire code amendment to address this, possibly through guidelines. Specifically, he noted three issues of concern: driveway requirements for houses greater than 300 feet from a road; water supply for firefighting use; and maintenance of safety conditions for structures in the WUI. The latter topic also touches upon land use and site planning considerations such as fuels management on properties.

Mr. Nichols then spoke about the current code review process, which is being undertaken simultaneously with the implementation of the national Blue Ribbon Panel Report. He expects that the panel's work will continue with specific recommendations in each area, and they will feed into the NY State review. The final result is expected to be the adoption of a revised fire code in 2009 under the State Administrative Procedures Act. He encouraged the Commission to participate, both directly and through the various committees, and thanked the Commission for its support letter.

Mr. Johnson then summarized the next steps for the national panel, and assured the Commission that it would be invited to participate in the follow up meetings. Mr. Scully then thanked both presenters, and noted the special challenges involved in this work.

2008 Invasive Plant Management Program: status report (Ms. Eichelberger)

Summary: This item was held until the next meeting.

Environmental Education: update (Ms. Griffiths)

Summary: Ms. Griffiths reported that the Barrens to Bay Summer Educational Day Camp program jointly sponsored by the Commission and the Long Island Maritime Museum is in its second week. She provided several photographs from the camp sessions, and reported

that the LI Pine Barrens Society will be filming the camp next week for the Society's cable television show. She invited the Commission members to attend the filming session. Ms. Griffiths also noted that she is working with the Patchogue Medford School District on a grant application for the Fish Thicket Preserve, and summarized the current set of outreach events.

A brief discussion ensued regarding whether there are fees for the camp, and Ms. Griffiths explained that the LI Maritime Museum does charge a fee to cover the costs of the camp. She also distributed the attached July Education and Outreach update.

## Land Use

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

Rosko Farms Subdivision CRA Permit Modification Request / East Quogue (900-251-1-92) / CRA application: review, approval (Ms. Hargrave; Commission approval issued 7/20/05)  
Summary: Ms. Hargrave explained that the original 2005 Commission approval for this project (attached) contains a condition that requires conservation easements be placed on portions of all of the eight lots proposed. The applicant has requested (2008 correspondence attached) that this be modified to only apply to the northernmost four lots (i.e., lots 5 through 8), with the southernmost lots (i.e., lots 1 through 4) having covenants and restrictions placed on them in lieu of easements. The purpose of the request is to allow additional flexibility in the placement of the specific building envelopes and allow the subdivision map to be filed without showing easements there.

Ms. Hargrave noted that the staff recommends that the original Commission approval be altered to remove the requirement that for conservation easements on lots 1 through 4, while retaining the requirement for conservation easements on lots 5 through 8, which would be shown on the subdivision map. She distributed a proposed resolution.

Mr. Shea then described the project review procedure for this application within Southampton Town; the Town's Central Pine Barrens and Aquifer Protection Overlay District requirements applicable here; the appropriateness of conservation easements on the four northerly lots and the lack of a need for easements on the four southerly lots. A discussion followed regarding the beneficiaries and the enforcement of the conservation easements; the possible use of covenants and restrictions on the southerly lots; the physical layout of this site's open space and its relationship to that of the adjacent properties; and the amount of information available today which would enable the Commission to vote on the requested changes.

**A motion was then made by Mr. Shea and seconded by Mr. Turner to adopt and approve the attached resolution making the above noted changes to the original 7/20/05 approval resolution for the Rosko Farms development project. The motion was approved by a 5-0 vote.**

### **Core Preservation Area**

Suffolk County Trap & Skeet Range at Southaven County Park / Yaphank (p/o 200-745-1-1) / tabled assertion of jurisdiction motion: status (motion to assert jurisdiction tabled 5/21/08)  
Summary: Mr. Scully noted that the Commission will be meeting today in closed session with Mr. Gregory Nolan of the NYS Attorney General's Office, who is representing the Commission in the Southaven Trap and Skeet Range litigation.

Long Island Power Authority (LIPA) Riverhead Substation Expansion Application (Ms. Hargrave; SC Tax Map 900-135-2-2) / Northampton: commence SEQRA; schedule public hearing  
Summary: Several staff members from LIPA were present (see sign in sheet) for today's discussion of this item. Ms. Hargrave reported that an application has been received (excerpt attached) for an expansion of the Riverhead electric substation located on the north side of Nugent Drive, south of the Peconic River, and west of the Peconic Avenue intersection.

The project involves the clearing of an additional two acres of an already partially cleared 41 acre LIPA owned site containing the current substation and electric transmission infrastructure. The project is designed to increase the reliability and capacity of both the substation and the transmission lines entering and leaving the station. The reliability aspect would help to ensure that outages or problems on one portion of the electric "bus" would not affect other portions, thus containing the impacts of any future electric service outages to smaller regions of the East End than would likely be the case today. The capacity aspect would enable LIPA to meet the continuing growth in electricity demand on the East End in general and the South Fork in particular. She reported that the application is complete and recommended scheduling a public hearing.

A discussion ensued regarding the dates on which the application materials were received; the desire of the applicant to have a hearing in August if possible; the Core area location; the possibility of having the Commission received projects sooner; whether the project will require site plan approval from Southampton Town; and whether the Commission will have a meeting in August.

**A motion was then made by Mr. Shea and seconded by Mr. Hanley to adopt the attached resolution to commence the State Environmental Quality Review of this project as well as to schedule a public hearing on this application at 3:00 pm at the 9/17/08 Commission meeting. The motion was approved by a 5-0 vote.**

## Administrative

Change in Commission Meeting Schedule

Summary: **A motion was made by Mr. Shea and seconded by Mr. Hanley to cancel the Commission's previously scheduled 8/20/08 meeting. The motion was approved by a 5-0 vote.**

## Land Use

### Core Preservation Area

Long Island Power Authority (LIPA) Riverhead Substation Expansion Application (Ms. Hargrave; SC Tax Map 900-135-2-2) / Northampton: commence SEQRA; schedule public hearing  
Summary: A brief discussion occurred regarding the distribution of materials regarding this application.

Gazza Telecommunications Monopole / Eastport (900-213-1-72.1) / pending Core hardship: adoption of final scope for EIS (Ms. Hargrave; hearing held 3/17/04; Commission assumed lead agency status 2/27/08; comment period on draft scope ended 7/11/08; decision deadline is indefinite)  
Summary: Ms. Hargrave reported that no suggested changes were received on the draft scope document (attached) for this application's environmental impact statement. The deadline for scope comments was 7/11/08. She recommended that the Commission

formally adopt the scope by resolution. **A motion was then made by Mr. Shea and seconded by Ms. Prusinowski to adopt and approve the attached resolution adopting the attached final scope for the Draft EIS and to direct the applicant to prepare the Draft EIS as stated therein. The motion was approved by a 5-0 vote.**

### **Pine Barrens Credit (PBC) Program**

Report on Clearinghouse 6/27 meeting (Ms. Jakobsen)

Summary: Mr. Corwin reported that the Clearinghouse considered, as one of several agenda items on 6/27/08, the use of Pine Barrens Credits for Planned Development Districts (PDDs) in general, and for the proposed Riverside PDD in particular. He summarized the attached memo from Mr. James Tripp, Clearinghouse Chair, to the Commission (previously circulated to Commission) recommending strongly that the Riverside PDD proposal require the use of Credits. The Clearinghouse noted that the Riverside PDD project site contains the parcels specifically designated as receiving areas for Southampton Pine Barrens Credits generated from within the Riverhead School District portion of Southampton Town.

### **Land Use Reports**

Compliance and Enforcement: update (Mr. Hynes)

Summary: Mr. Hynes distributed and discussed the attached monthly Compliance and Enforcement report. Site visits have been made to 16 development project sites to date, all within Brookhaven Town (five in the Core area and eleven in the Compatible Growth Area). He has completed initial site visits to 480 of the 657 parcels enrolled in the Pine Barrens Credit Program and subject to conservation easements. With respect to Incident Reports received to date, there have been 43 new ones since the start of 2008, with 11 carried over from 2007 as still open.

### **Stewardship & Education**

ATV Damage Mitigation Project

Summary: Mr. Amper of the LI Pine Barrens Society stated that the public outreach portion of this ongoing project was going extremely well, and he specifically complimented the fine efforts of Ann Carter of the Commission staff in helping prepare the outreach materials.

### **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 5-0 vote, and the Commission entered into closed session from approximately 3:22 pm to 4:13 pm.**

Mr. Hanley left at this point and a four person quorum remained.

### **Land Use**

#### **Core Preservation Area**

Suffolk County Trap & Skeet Range at Southaven County Park / Yaphank (p/o 200-745-1-1) / tabled assertion of jurisdiction motion: status (motion to assert jurisdiction tabled 5/21/08)

Summary: Mr. Scully noted that the Commission will await the outcome of the pending litigation appeal before acting upon the previously tabled resolution regarding the Trap and Skeet Range. He also noted that the Commission has directed the staff to provide a public summary of the results of the closed Incident Reports relating to the Trap and Skeet Range.

#### **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 4:14 pm.**

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

1. Attendance sheet (7/16/08; 3 pages)
2. Project location map for today's meeting (7/16/08; 1 page)
3. Newspaper article regarding Southaven Trap and Skeet (1/4/06; 1 page)
4. Report of Blue Ribbon Panel on Wildland Urban Interface Fire excerpt (2008; 8 pages)
5. Education / Outreach Coordinator July Update (July 2008; 1 page)
6. Rosko Farms: Original Commission approval resolution (7/20/05; 2 pages)
7. Rosko Farms: Letter from Interscience requesting approval modification (7/2/08; 2 pages)
8. Rosko Farms: Resolution modifying the 7/20/05 Rosko Farms approval (7/16/08; 1 page)
9. LIPA Riverhead Substation application excerpt (7/2/08; 9 pages)
10. LIPA Substation resolution commencing SEQRA and holding hearing (7/16/08; 1 page)
11. Gazza Monopole resolution adopting scope and directing EIS preparation (7/16/08; 10 pages)
12. Clearinghouse recommendation to Commission re Riverside PDD (7/8/08; 2 pages)
13. Compliance and Enforcement Report (7/16/08; 1 page)

**Pine Barrens Commission Meeting Summary (FINAL)  
for Wednesday, September 17, 2008 (Approved 10/15/08)  
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. Eichelberger, 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 sheets.

The meeting was called to order at approximately 2:03 pm by Mr. Scully, with a five member quorum present. The Pledge of Allegiance was recited.

Peter A. Scully  
Chair

Philip J. Cardinale  
Member

Brian X. Foley  
Member

Linda A. Kabot  
Member

Steve A. Levy  
Member

#### **Public Comment and Administrative**

##### Public comments

Summary: The only speaker was Ms. Johan McConnell, representing the South Yaphank Civic Association, who asked whether the Commission has received any notification about a project entitled Enchanted Woods, and whether that was in the Compatible Growth Area (CGA). A brief discussion ensued, during which Ms. Hargrave indicated that the Commission has received some information about the project, and that it shows the project to be within the CGA.

Minutes for 7/16/08: review, approval (to be emailed)

Summary: **A motion was made by Mr. Turner and seconded by Mr. Shea to approve the 7/16/08 meeting minutes as final without any changes. The motion was approved by a 5-0 vote.**

Commission - Suffolk County Water Authority (SCWA) agreement renewal:

review, approval (previously distributed; from 6/18)

Summary: Mr. Scully noted that this item has been held over twice since the June meeting at the request of Mr. McCormick, and that it is on the agenda for consideration today. Mr. McCormick stated that he has received information but would like some additional materials which he mentioned earlier today in a telephone call to Mr. Milazzo.

A brief discussion ensued regarding that additional material, and Mr. Corwin provided an additional copy of the SCWA administrative fee breakdown, and also promised to forward a copy of the Commission - NYS DEC agreement after today's meeting. Mr. Scully asked the Commission members if they wished to proceed or postpone. **A motion was made by Mr. McCormick to table this matter for one additional month, but there was no second. A motion was then made by Mr. Turner and seconded by Ms. Gallagher to approve the attached agreement with the SCWA and to authorize the Commission Chair**

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

Phone (631) 224-2604  
Fax (631) 224-7653  
www.pb.state.ny.us

**to sign the agreement on behalf of the Commission. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Mr. McCormick.**

NY Wildfire Incident Management Academy - ratify Task Agreement with NPS for 2008-09 Fiscal Year Grant to the Wildfire Academy

Summary: Mr. Milazzo explained that this is the federal fiscal year 2008-09 "task agreement" under the previously approved multi year umbrella agreement between the National Park Service and the Commission for obtaining federal funds for the NY Wildfire and Incident Management Academy. The funds are used for providing personal protective equipment for Academy students who become federally certified firefighters from NY state, and for certain instructor costs associated with the Wildfire Academy.

Due to the tight federal time constraints between receipt of this fiscal year's agreement and the return date, the Commission Chair signed the agreement last week, and today's agenda item is to ask the full Commission to ratify that signing. **A motion was then made by Mr. Shea and seconded by Mr. Turner to approve the attached agreement and to ratify the Commission Chair's signing of it on behalf of the Commission. The motion was approved by a 5-0 vote.**

## Stewardship & Education

2008 Invasive Plant Management Program Update (Ms. Taralynn Reynolds, Student Conservation Association (SCA) Project Leader)

Summary: Ms. Taralynn Reynolds, the SCA team leader, was present along with team members Mr. Jordan Takvorian, Ms. Kaley Simonis, and Mr. Christopher Dexter. Ms. Reynolds distributed the attached summary of the 2008 invasive species mitigation work. She explained that there are lots of invasive species in the pine barrens; that removal and mitigation is a daunting task; that the team has developed species specific methods for removal which are based upon each plant's phenology (e.g., the time of year at which the seeds are produced); that if they are not removed completely with their roots, they will regrow; and that the team has encountered considerable poison ivy and ticks in the field.

She recommended that multiple removal methods be used in future field work, citing their experience with autumn olive and black swallow-wort, the latter of which is prolific in the Eastport conservation area. She also recommended starting earlier in the year, approximately March and April, to capture the earlier invasive species. Other invasives encountered this summer include Japanese barberry, kudzu, mile-a-minute vine, mugwort, and garlic mustard. Mr. Turner noted that Brookhaven Town staff have seen an increase in the population of protected plants in the Fox Lair property which the Town jointly owns with Suffolk County, since autumn olive removals were accomplished there.

There was a brief discussion of disposal methods for the plants once they are removed from the ground, and the principal method is simply bagging them and placing them in the normal waste stream. Ms. Reynolds estimated that the total acreage of all treated lands this year is approximately five acres. The Commission members thanked the team members for their hard work this year.

Dwarf Pine Plains Trailhead Unveiling (Ms. Griffiths, Ms. Eichelberger)

Summary: Ms. Griffiths explained that the three trailhead kiosks for this project are now installed, and that the unveiling will be held on Friday, 10/17/08 at 1:00 pm at the trailhead on CR31 on the SC Water Authority property. She noted that the partner agencies have been invited, along with numerous other interested individuals, and that the event is open



to everyone (see attached flyer). Ms. Eichelberger described the trail registry box there, the trailhead area improvements to date, and the types of trail maintenance being done cooperatively by the SCWA, the NYS DEC, and Suffolk County Parks.

2008 Thirteenth Annual Research Forum Agenda 10/2 and 10/3 (Ms. Eichelberger)

Summary: Ms. Eichelberger distributed the attached flyer for this year's Pine Barrens Research Forum on October 2 and 3, and noted the many agencies and organizations from which speakers are coming, along with the variety of scientific and management topics being featured.

Environmental Education: update (Ms. Griffiths)

Summary: Ms. Griffiths reported that the Barrens to Bay Program has successfully concluded its first year of operation, having drawn approximately 150 children and families. She hopes to have this program continue next year, with earlier publicity. She thanked the LI Pine Barrens Society and Mr. Amper for filming the camp and broadcasting it on the Society's regular cable television show. She also noted that WLN Channel 10 had a news segment on the camp on 8/12/08.

She is involved with six schools to date for the 2008-09 school year, including multiple grades and classes. Upcoming events which will be supported by Commission staff include the Suffolk Alliance of Sportsmen's National Hunting and Fishing Day and the Boy Scouts of America event (both on 9/27/08), the Riverhead Country Fair (10/12/08), the Dwarf Pine Plain Trail kiosk unveiling (10/17/08) and Fire Island Lighthouse anniversary commemoration (11/1/08).

In response to a question, Ms. Griffiths noted that the Barrens to Bay Program served six to twelve year old students, and that the students stated that their favorite activities were visiting the pine barrens and using seine nets.

## **Land Use**

### **Core Preservation Area**

Suffolk County Trap & Skeet Range at Southaven County Park / Yaphank (p/o 200-745-1-1) / status of tabled motion to assert jurisdiction (from prior meetings)

Summary: Mr. Scully noted that this motion remains tabled, and that the Commission will not act until the appeal portion of the litigation is completed. He noted that the Second Department heard the oral arguments on the appeal this past week.

### **Land Use Reports**

Compliance and Enforcement: update (Mr. Hynes)

Summary: Mr. Hynes distributed and discussed the attached Compliance and Enforcement Report, and noted that he and Ms. Hargrave have met with Brookhaven Town's Environmental and Planning staffs, and will be coordinating their site visits to development projects in the future.

With respect to the Credit Program conservation easement inspections, he stated that he is aiming to complete the field visits by the end of October. He and Ms. Jakobsen have completed their field inspection of the Long Island Country Club property, and are planning to next address the Peconic River Sportsmen Club property and the Warner duck farm property. There are four new, small parcels in the Credit program in Southampton Town,

and they are not yet included on the attached report totals.

Finally, he reported that 57 Incident Reports have been received to date, and these include, in part, clearing, dumping, and all terrain vehicle reports. He is working with the Towns on the clearing reports and with the appropriate land managers to have the dumping sites cleaned up. Mr. Scully asked whether there have been any prosecutions or enforcement actions initiated as a result of the reports, and Mr. Hynes stated that four such actions are now pending. Mr. Scully asked that they be summarized at the next meeting. A brief discussion also occurred regarding the types of Incident Reports that are counted as "non Pine Barrens", and Mr. Corwin explained that they include both reports on lands outside the Central Pine Barrens as well as incidents relating to office correspondence and communications which are not associated with a land area.

### Public hearings

LIPA Riverhead Substation Expansion Compelling Public Need Application / Northampton (900-135-2-2) (decision deadline is 10/30/08)  
Summary: A separate stenographic transcript exists for this item (materials attached).

### Adjournment

Summary: A motion was made by Mr. Turner and seconded by Ms. Gallagher to adjourn. The motion was approved by a 5-0 vote, and the meeting ended at approximately 4:15 pm.

### Attachments (in order of discussion):

1. Attendance sheet (9/17/08; 3 pages)
2. Project location map for today's meeting (9/17/08; 1 page)
3. Commission - SCWA agreement (date; 3 pages)
4. Commission - NPS agreement (date; 9 pages)
5. 2008 Invasive plant removal project abstract (undated; 1 page)
6. Dwarf Pine Plains Trail kiosk unveiling flyer (10/17/08; 1 page)
7. 2008 Pine Barrens Research Forum flyer (10/2/08; 2 pages)
8. Education/Outreach Coordinator September 2008 update (July - Aug 2008; 1 page)
9. Compliance and Enforcement report (9/17/08; 1 page)
10. LIPA application Notice of Public Hearing (9/17/08; 1 page)
11. LIPA application draft Commission staff report (9/17/08; 8 pages)
12. LIPA application site photographs (9/11/08; 5 pages)
13. LIPA application figures from application packet (undated; 11 pages)

**Pine Barrens Commission Meeting Summary (FINAL)  
for Wednesday, October 15, 2008 (Approved 11/19/08)  
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), 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), 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 2:07 pm by Mr. Scully, with a four member quorum initially present consisting of Mr. Scully, Ms. Gallagher, Mr. Turner and Mr. Shea. The Pledge of Allegiance was recited.

Peter A. Scully  
*Chair*

Philip J. Cardinale  
*Member*

Brian X. Foley  
*Member*

Linda A. Kabot  
*Member*

Steve A. Levy  
*Member*

#### **Public Comment and Administrative**

##### **Public comments**

Summary: The only speaker was Ms. Johan McConnell of the South Yaphank Civic Association (SYCA). She reported that she and her husband attended the Riverhead Country Fair on Sunday 10/12 and were very impressed with the Central Pine Barrens Commission display there. She stated that she will be inviting the staff to speak at an SYCA meeting. Mr. Scully thanked her for the positive feedback.

#### **Stewardship & Education**

##### **Oak Mortality in the Central Pine Barrens (Ms. Carter)**

Summary: Ms. Carter provided the attached presentation on the current extent and knowledge of the oak mortality problem within the pine barrens. On 9/15/08, NYS DEC Albany staff from the Lands and Forests Division's Forest Health Unit visited the barrens. She accompanied them on their survey tour of the barrens, and participated in their field sampling and photographic documentation work.

Black, scarlet and white oak trees are being affected, and many are dead or dying due to a combination of native and nonnative insects and infestations. Approximately 14,000 acres are affected in the areas shown on the attached map within the presentation. In September 2003, the US Forest Service conducted a survey that estimated that approximately 4,000 acres were then affected by the orange striped oakworm, a native species. During this past month's visit, the DEC staff took tree core samples which are awaiting analysis.

Ms. Carter described the sequence of interactions among these insects (e.g., the orange striped oakworm emerges after the gypsy moth), the life cycles of some of the insects, typical durations for the insect

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

Phone (631) 224-2604  
Fax (631) 224-7653  
www.pb.state.ny.us

*infestations, and the long term damaging effects when these infestations overlap or occur in sequence. Overlapping or sequential occurrences can weaken or kill a tree. In addition to the orange striped oakworm and the gypsy moth, there are also fall canker worms, periodical cicadas, and armillaria root rot. She noted that it remains an open question as to what species will occupy new openings that occur as a result of the oak tree deaths. A discussion ensued regarding what actions, if any, could or should be taken; whether continued observation is the best action at present; whether these occurrences are simply natural cycles not yet fully understood; and how this newly accumulating knowledge should influence forest management decisions. The Commission thanked her for this timely update, and requested that she keep them advised of new developments on this matter.*

## **Public Comment and Administrative**

Minutes for 9/17/08: review, approval

***Summary: A motion was made by Ms. Gallagher and seconded by Mr. Turner to approve the minutes of the 9/17/08 meeting as final without any changes. The motion was approved by a 4-0 vote.***

## **Stewardship & Education**

Pine Barrens Research Forum (10/2 and 10/3/08): summary (Ms. Eichelberger, Mr. Corwin)

***Summary: Ms. Eichelberger described the 2008 Forum speakers and topics, and highlights of some of the individual presentations. Mr. Corwin distributed the attached copy of the Forum abstracts that was distributed that day and noted that this will be the basis of the final 2008 Forum Proceedings, which will be finalized in the next month.***

Environmental Education: update (Ms. Griffiths)

***Summary: Ms. Griffiths provided the attached October summary of activities, and reported that she has commitments for 2008-09 programs at Patchogue Medford, Longwood, Riverhead, and Rocky Point Schools, ranging from second grade through high school. Some of these programs may reach several hundred students each in the course of the academic year.***

*She also reported on the Commission display and participation at the annual Riverhead Country Fair this past Sunday, at which an estimated 5,000 people were present. The display included, in part, a biodiversity component, a Firewise home display, and Smokey Bear.*

*The Pine Barrens Speakers Directory is in draft form, and currently includes 11 persons, for whom she is seeking more detailed biographies. The completed Directory will be posted on the web and mailed to schools and other organizations. The Dwarf Pine Plains Trail kiosk unveiling is set for this Friday, 10/17/08 at 1 pm. Approximately 40+ persons have responded to the invitation and will attend, and a press release has been issued.*

*Mr. Scully inquired as to the primary grades orientation of the "in school" outreach programs, and Ms. Griffiths described the various possible reasons for the high degree of interest by second grade classes in the program. One possible reason is the greater flexibility and lesser degree of testing that occurs in that grade.*

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

the meeting.

## Land Use

### Compliance and Enforcement: update (Mr. Hynes)

Summary: Mr. Hynes provided the attached monthly summary, and noted that the conservation easement monitoring is beginning to wind down. The major problems encountered have been ATV damage and some dumping, which are being addressed by coordination with the appropriate agencies. He explained that he works with aerial photographs and tax maps, with the assistance of Ms. Hargrave and Ms. Jakobsen, when identifying and locating a site. Some sites cannot be precisely located but are known to be surrounded by specific landmarks for monitoring purposes.

Mr. Hynes reported that one Incident Report has been received since the last Commission meeting, and that is being followed up with NYS DEC. He gave a general description of an active case being pursued jointly by Brookhaven Town and NYS DEC which resulted from a complaint received by him at the 2007 Riverhead Country Fair, one of two he received that year. This case involves wetlands and river corridor violations, and will result in revegetation and substantial monetary fines. He also received one complaint at this year's fair, which he is now pursuing.

He noted that his approach is coordination and communication to problems and complaints. He gave an example of a complaint received from residents along East Bartlett Road in Brookhaven Town. They were upset that a tree trimming contractor for a utility had cleared trees along the road, and Mr. Hynes coordinated the residents, contractor and the utility representative to arrange for a replanting effort.

### Pine Barrens Plan amendments: update (Mr. Corwin)

Summary: Mr. Corwin summarized the substance and the process for the pending Pine Barrens Plan amendments. Regarding the substance of the Plan amendments, these proposed changes cover Chapters 4, 5, and 6 of Volume 1, which address land use review jurisdiction, standards and guidelines for development, and the Pine Barrens Credit Program, respectively. The amendments include both past Commission land use project and land use policy decisions, as well as selected elements of the Brookhaven Town comprehensive plans completed or underway. Those include the Middle Country Road plan, the Overton Preserve plan, and the pending Brookhaven 2030 townwide comprehensive plan.

A significant element of the Pine Barrens Plan amendments is the set of proposals in the Town plans to identify new Compatible Growth Area "sending areas", which would be eligible for Pine Barrens Credits just as Core area parcels generally are. These proposed additions to the Credit Program necessitate (1) an estimate of the new Credits to be generated by these CGA sending areas, which has been provided by Town staff, (2) an estimate of the Credits which could still be generated by the remaining Brookhaven Core area private parcels, which the Commission staff is working on with the Town, and (3) an identification of the receiving areas in the Town which would accommodate the sum of these two sources of Credits, which is a policy decision the Town must propose.

He then described the work which Ms. Carter of the Commission staff is doing for item (2) above with Ms. Donna Waide of the SC Real Estate office, and explained that zoning and land use data will be needed from the Town for these approximately 8,400 Brookhaven Core area parcels. Finally, once all of these items are quantified, the compliance of the new amendments with the 1:1 and 2.5:1 "receiving capacity to sending potential" ratios in

the current Plan can be ascertained.

Regarding the amendment process, the only variable is the date on which the Commission will be able to begin the SEQRA and pine barrens law review processes, and that depends upon the completion of the quantitative parcel analysis. He stated that he hopes to have the Commission be able to start a formal Plan amendment review by the end of the calendar year. A brief discussion ensued regarding the role of the Advisory Committee and the Pine Barrens Credit Clearinghouse in the amendment work to date.

Dwarf Pine Plains Parcel Status: new discussion item (Mr. Turner)

Summary: Mr. Turner noted that the NYS Department of Transportation owns a Core area parcel on the northeast corner of Sunrise Highway and CR 31, which was formerly used for various highway purposes but appears to be currently dormant, and that the parcel is in the dwarf pine plains. He suggested that transfer of that parcel to NYS DEC would be a good idea, as it would increase the dwarf pine plains protection area. A brief discussion followed regarding the past uses of the site, the previous Commission discussions of this site, and the best approach for pursuing this idea. It was agreed that Mr. Shea would inquire about this parcel and report back.

### Public hearing - 3:00 pm

LIPA Riverhead Substation Expansion Compelling Public Need Application / Northampton (900-135-2-2) (continuation from 9/17/08; decision deadline is 10/30/08)

Summary: A separate stenographic transcript exists for this item. During the course of the hearing, the applicant offered an extension of the Commission decision deadline and the State Environmental Quality Review Act determination of significance deadline to the next Commission meeting date of 11/19/08. **A motion was then made by Mr. Shea and seconded by Ms. Gallagher to accept and approve this decision deadline extension. The motion was approved by a 5-0 vote.** The hearing was closed and the record was kept open for one week to allow the applicant to provide an enumerated set of additional items in response to the hearing discussions.

### Adjournment

Summary: **A motion was made by Mr. Turner and seconded by Mr. Scully to adjourn. The motion was approved by a 5-0 vote, and the meeting ended at approximately 4:08 pm.**

### Attachments (in order of discussion):

1. Attendance sheet (10/15/08; 2 pages)
2. Project location map for today's meeting (10/15/08; 1 page)
3. Oak Mortality in the Central Pine Barrens update presentation (10/15/08; 12 pages)
4. Abstracts from 2008 Pine Barrens Research Forum (10/2 and 10/3/08; 38 pages)
5. Education and Outreach Coordinator October Update (Oct. 2008; 1 page)
6. Dwarf Pine Plains Trail 10/17/08 Kiosk Unveiling flyer (10/17/08; 1 page)
7. Compliance and Enforcement Report (10/15/08; 1 page)

**Pine Barrens Commission Meeting Summary (FINAL)  
for Wednesday, November 19, 2008 (Approved 12/17/08)  
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 2:02 pm by Mr. Scully, with a five member quorum present. The Pledge of Allegiance was recited.

Philip J. Cardinale  
Member

### **Public Comment and Administrative**

Brian X. Foley  
Member

#### **Public comments**

Linda A. Kabot  
Member

Summary: The first speaker was Ms. Johann McConnell, representing the South Yaphank Civic Association (SYCA). She enumerated the dates and events pertinent to the currently tabled Commission resolution to assert jurisdiction over the reopening and continued operation of the Southaven County Park Trap and Skeet Range, starting in May 2008. She described the Commission's handling of the Long Island Live Steamers project at Southaven Park, and the Suffolk County Parks Department's 2004 proposal for constructing a noise barrier at the range. She described the "development" definition provisions of the pine barrens law that she believes apply to the shooting range, and the environmental impacts of the range. She noted that the Commission has stated that it will not return to the tabled assertion motion until the recent litigation is settled; that the October decision of the Appellate Department has been issued; and that the motion should now be considered..

Steve A. Levy  
Member

The second speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society (LIPBS). He stated that he sent an e-mail memorandum to the Commission members regarding the Sandy Hills development proposal, and that he has not received any response. He distributed the attached version of the memorandum today. He stated that the project contains a 379% increase in density and a sewage treatment plant in the Carmans River basin; that the project does not preserve any previously unreserved land; that it proposes using two Pine Barrens Credits; and that the Commission should assert jurisdiction.

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

He also reported that the Carmans River Partnership informal group met this past Friday, 11/14/08. The discussion there included the possibility of both a cumulative impact study of existing development proposals in that area, as well as a carrying capacity study of the Carmans River watershed. However, he stated that a preservation plan is more appropriate and worthwhile. He proposed that the Commission take a

Phone (631) 224-2604  
Fax (631) 224-7653  
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*proactive stance to preserve the watershed by undertaking a preservation plan, and by asserting jurisdiction over the Sandy Hills proposal as a first step. He observed that there are already many acres of state, county and town preserved land in the area, and that the preservation of the watershed is an achievement of which everyone could be proud.*

*The third speaker was Mr. John McConnell, representing the SYCA. He described the plume affecting Beaver Dam Creek and asked that the Commission do the right thing by asserting jurisdiction over the trap and skeet range.*

*The fourth speaker was Mr. John Palasek, representing the SYCA. He described the EPCAL decision from earlier this year, noting some of the excerpts regarding the Commission's jurisdiction. He stated that the County declined the opportunity to obtain a hardship for the range in 2005. He stated that he is simply asking the Commission to take jurisdiction over the range and decide whether it constitutes "development" or not.*

Minutes for 10/15/08: review, approval

**Summary: A motion was made by Ms. Gallagher and seconded by Mr. Turner to approve the 10/15/08 minutes as final without any changes to the draft. The motion was approved by a 5-0 vote.**

## **Stewardship & Education**

ATV Damage Mitigation Project: results of 11/5 and 11/7 field sessions (Ms. Carter)

**Summary:** Ms. Carter described this overall project, noting that it addresses problem ATV access and dumping points along the edges of a 5,700 acre area involving multiple public owners in the Flanders area of Southampton. She described the 11/5/08 and 11/7/08 field work days under this program, and distributed the attached summary with photographs.

*The 11/5 session included repairs to several of the damage and access control points; and involved two crews, nine locations, installation of snow fence, piling of woody debris and the use of materials stored at the SC Water Authority's Westhampton site.*

*The 11/7/08 work day was an orientation and training session for individuals that wished to participate in the monitoring and repair efforts for the control points at regular intervals. There were twelve attendees, with 41 access points examined as part of the orientation, of which 21 were intact that day. Participating representatives hailed from several public and private organizations, and included three Southampton Town Public Safety staff. She noted that a NYS Department of Transportation guardrail had been unbolted and removed to allow ATV access, and that previously felled dead trees across paths had been cut up as well to reopen trails for motorized access. The project is seeking volunteers for 2009, and an outreach brochure is in preparation with the assistance of the Long Island Pine Barrens Society. She noted that ATV traffic is a mix of local and trailer born, with local residents offering some assistance in identifying traffic sources and patterns.*

*Mr. Scully then noted that there is an ATV problem along the west side of the Carmans River, from Mill Road north to East Bartlett Road, and that there have been deliberate acts of destruction in that region. He asked Ms. Carter to inquire of the Protected Lands Council as to the feasibility of a similar control project being undertaken here as well, and noted that he would like to see Brookhaven Town engaged in this region as Southampton Town has been involved in the Flanders project area.*

Freshwater Wetlands Health Monitoring Protocols: status (Ms. Carter)

**Summary:** Ms. Carter explained that the recent delivery of this technical document completed the contractual agreement between the Commission and the Foundation for



*Ecological Research in the Northeast (FERN) which started in June 2007. There are eight types of freshwater wetlands in the pine barrens, and over 400 instances, not counting vernal pools and the major rivers. Although it is impossible to monitor all of them, the protocol identifies the key ones to monitor.*

*The contractor estimated that complete data collection would take approximate three years to cover 15% to 25% of the freshwater wetlands, and that the monitoring should be repeated every five years. The staff is recommending that the Commission first undertake a feasibility study to determine the extent of such an ongoing wetlands monitoring program. She noted that there is more to a monitoring program than simply data collection, and that it also includes analysis, presentation, and other tasks. It is also essential to identify the current water monitoring efforts underway by other organizations, and thus the potential for collaborative efforts.*

Wildfire Task Force: NY Wildfire Academy: report from 10/29/08 Board meeting (Mr. Urevich)  
Summary: *Present for today's discussion of this item were four of the five Academy Board members: Mr. John Urevich (Chair of the Pine Barrens Wildfire Task Force (WTF) and Chair of the Board), Mr. Charles Hamilton (Academy Coordinator), Mr. Edward Schneyer from the SC Fire, Rescue and Emergency Services (SC FRES) Department (Co Vice Chair of the WTF), and Mr. John Searing from SC FRES. The attached packet of materials was distributed to the Commission.*

*Mr. Hamilton described the attached successes and statistics pertaining to the 2008 Academy. These include student registrations, states represented, courses offered, the Incident Management Team work, overhead and trainee positions offered, percentages of each group that were from Long Island and/or New York State, the support of the Brookhaven National Laboratory, instructors involved, and various other statistics. He then described the origin of the Academy in the aftermath of the 1995 fires, and concluded with a goal of increasing the amount of prescribed fire acres in the future as a result of the Academy's training efforts.*

*Mr. Urevich then described his background as a volunteer firefighter, noting that the Board has a vision of where they want to go. He observed that his discussions with attendees indicated to him that it was less expensive for many agencies to send students to this Academy than to other training venues. He offered the following specific recommendations and observations to the Commission regarding the Academy: that the Academy needs to become a year round training operation, rather than just two weeks per year, based upon training requests being received; that the Academy is being increasingly asked to coordinate prescribed fire training; that Brookhaven Laboratory has requested continued training and prescribed fire assistance; that the Suffolk County Incident Management Team members, many of whom were initially trained at the Academy, have been assigned to incidents around the country; that the Academy should establish a dedicated web site; and that the Academy logo and slogan be copyrighted and/or trademarked, as appropriate.*

*Mr. Scully thanked everyone involved with the Academy, observed that no one is being paid to do this, and asked that the Board make their recommendation for a year round training agenda more specific.*

*Mr. Turner observed that the Commission authorized the Committee Needs and Structure Study at its May meeting, and that the Advisory Committee is about to commence work on that, possibly in December. He stated that the work of the Academy and the Protected Lands Council will be included in that study.*

Environmental Education: update (Ms. Griffiths)

Summary: *Ms. Griffiths reported that she and members of the Visitor Center*

*Subcommittee have looked at numerous existing facilities, including the Albany Pine Bush Discovery Center, where that Center's Director, Michael Venuti, described in detail the process by which that was developed. He has also offered to provide the Commission with a personal presentation of the Albany work. She the described the individuals and affiliations present on the Subcommittee.*

*She also reported that Pine Barrens Discovery Day is scheduled for 6/13/08 at the Eastern Campus of Suffolk Community College in Southampton, and that so far this fall, her work with schools has reached some 700 students across five school districts, with additional districts being contacted.*

## **Land Use**

### **Core Preservation Area**

Long Island Power Authority (LIPA) Riverhead Substation Expansion Compelling Public Need Application / Northampton (900-135-2-2) (hearing held 9/17/08 and 10/15/08; decision deadline is 11/19/08)

Summary: Present from LIPA for this item were Mr. Michael Deering, Mr. Adam Yablonsky, Ms. Michele Pincus, Mr. Robert Parkinson, and Mr. Thomas DeJesu.

*Ms. Hargrave distributed a revised draft approval resolution, and Mr. Milazzo went through the changes there received from Mr. Turner. There was discussion regarding changes to the "whereas" clauses; the amount of advance notification to be provided to the Commission prior to the work phases; the applicability of covenants and restrictions; the frequency of progress reports to be provided to the Commission; language pertaining to other agencies' approvals and copies of the same; the 3:1 ratio of habitat restoration area to development area; the specificity of the restoration success criteria wording; the types of barricades or fencing to be required along the perimeters of the restoration locations; and miscellaneous other portions of the draft resolution.*

***A motion was then made by Mr. Turner and seconded by Mr. Shea to (1) issue the attached negative declaration under the State Environmental Quality Review Act for this project, and (2) adopt the attached resolution of approval with conditions for the LIPA Riverhead substation expansion compelling public need Core permit. The motion was approved by a 5-0 vote.***

### **Land Use Reports**

Compliance and Enforcement: update (Mr. Hynes)

Summary: Mr. Hynes distributed the attached monthly summary for the Compliance & Enforcement Division, and reported that his conservation easement monitoring would soon be enhanced by receipt of a set of 2007 aerial photographs. This will allow him to perform site specific comparisons between the 2004 aerial images and the 2007 ones to detect changes on the ground. To date, he has ground inspected over 90% of the properties (not necessarily the acreage) with Pine Barrens Credit Program easements, and no easement violations have been detected. Some all terrain vehicle trespass and dumping problems have been recorded, and he is working with the Law Enforcement Council (LEC) agencies to remedy those.

*He has met with representatives of the South Yaphank Civic Association to brief them on the status of the closed Incident Reports pertaining to the Southaven County Park Trap & Skeet Range, as per the Commission instructions to staff at a prior meeting. He is also following up on several open Incident Reports regarding that site with the Suffolk County*

Parks Department staff.

Six new reports have been filed since the last Commission meeting, and they bring the year to date total to 64. Of these, two are particularly notable. One involves a possible incursion of a sand mining operation onto an adjacent parcel in the Compatible Growth Area in Coram which Suffolk County is considering purchasing for preservation. He is working with staff from the Suffolk County Planning Department on that matter. The second report of note involves a possible Town Code and/or County Health Code violation on a parcel in Manorville where several unpermitted dwelling units appear to be located and may be associated with a septic waste disposal violation.

Mr. Hynes noted that the next LEC meeting will be held at the Schiff Boy Scout Reservation (i.e., Camp Wauwepex) in the Wading River area of Riverhead Town. This Core area property is about to be enrolled in the Pine Barrens Credit Program and will have a conservation easement on it. The Scouts have experienced several enforcement and safety problems at the site, and the LEC agencies will tour the site and see firsthand the areas of the property with those issues. He invited Commission members and representatives to attend.

Mr. Scully requested Mr. Hynes to ask the LEC agencies to consider enforcement operations along the western side of the Carmans River, in order to address the problems with ATVs and vandalism mentioned earlier in today's meeting.

Land use activity: update (Ms. Hargrave)

Summary: Ms. Hargrave reported that there are currently two inactive and/or incomplete land use projects of which the staff is aware, one in the Core area in Ridge in Brookhaven Town, and one in the CGA area of Riverhead Town. There are also numerous referrals and coordinations which are not applications to the Commission.

### **Closed Advisory Session**

Summary: **A motion was made by Mr. McCormick 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 3:21 pm to 3:49 pm.**

### **Adjournment**

Summary: The meeting ended immediately following the closed advisory session without an adjournment resolution.

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

1. Attendance sheet (11/19/08; 2 pages)
2. Memorandum on Sandy Hills from the LI Pine Barrens Society (11/19/08; 5 pages)
3. ATV & Dumping Mitigation Project Field Sessions Report (11/0/08 and 11/7/08; 4 pages)
4. Wildfire Academy handout materials from Academy Board (misc. dates; 26 pages)
5. Education / Outreach Coordinator November update (Nov. 2009; 2 pages)
6. LIPA application Environmental Assessment Form (11/19/08; 10 pages)
7. LIPA application negative declaration (11/19/08; 4 pages)
8. LIPA application approval resolution (11/19/08; 4 pages)
9. Compliance and Enforcement Report (11/19/08; 1 page)

**Pine Barrens Commission Meeting Summary (FINAL)  
for Wednesday, December 17, 2008 (Approved 1/21/09)  
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. Eichelberger, 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 2:02 pm by Mr. Scully, with a five member quorum present. The Pledge of Allegiance was recited.

Peter A. Scully  
Chair

Philip J. Cardinale  
Member

Brian X. Foley  
Member

Linda A. Kabot  
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 distributed the attached materials regarding the Southaven County Park trap and skeet range, and read excerpts. She cited dates from the litigation regarding the range; cited excerpts from other litigation matters involving the Commission; noted prior development and nondevelopment determinations of the Commission regarding Southaven County Park; and described the prior lead clean up in portions of the park. She stated that the litigation is over, and that the tabled assertion of jurisdiction motion should be voted upon by the Commission.

The second speaker was Mr. Stephen Jones, CEO of the Suffolk County Water Authority and Chair of the Pine Barrens Advisory Committee. He reported that the Advisory Committee met this morning, and addressed two topics. First, the Committee began the task, with the participation of Mr. Turner from Brookhaven Town, of reviewing the existing set of committees working under the Commission. This is pursuant to a Commission initiative authorized in May of this year. The second item was the unanimous passage of the attached resolution of the Committee recommending that the Commission continue to pursue its appeal of the State Supreme Court decision regarding the Commission's jurisdiction with respect to the Calverton EPCAL site. He stated that the Committee has previously discussed developments of regional impact, and that the developments proposed at EPCAL are also regionally significant.

The third speaker was Ms. Irina Itriyeva, representing the Long Island Pine Barrens Society. She read the attached statement from the Society regarding the EPCAL litigation appeal, in which it urges the Commission to reject the proposal to withdraw or stop the appeal.

The fourth speaker was Mr. John Palasek, representing the SYCA. He noted that Mr. Scully received the attached letter from the Citizens Campaign for the Environment urging the Commission and the NYS

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

Phone (631) 224-2604  
Fax (631) 224-7653  
www.pb.state.ny.us

DEC to close the trap and skeet range facility and to formulate a remediation plan for the lead there. He read the third and fourth paragraphs of the letter regarding the level of lead contamination at the site and its relationship to the state drinking water standard. He stated that there are no more legal obstacles to the Commission asserting jurisdiction over the range, and urged the Commission to vote to do so.

The fifth speaker was Mr. Bill Raab, representing the Sportsmens Association for Firearms Education. He stated that the Peddicord study on the trap and skeet range has been misquoted; that the lead on the range is not hazardous until removed; that he does not see the range being "development"; that the range is a preexisting facility; and that the lead does not leave the property.

The sixth speaker was Ms. Jodi Giglio, representing the Riverhead Business Alliance. She stated that the Pine Barrens Plan would not have been ratified unless there was a provision for the EPCAL site; that economic development is not under the jurisdiction of the Commission; that the DEC could be lead agency for the site; that Riverhead is implementing the pine barrens rules daily; and that everything at the site is at a standstill.

The seventh speaker was Mr. Don Seubert, representing the Affiliated Brookhaven Civic Associations, the Overton Preserve Coalition, and the Medford Taxpayers and Civic Association. He stated that Riverhead Town should withdraw its request for stopping the Commission's EPCAL litigation appeal; that the Commission is the steward of the pine barrens; that the public has spent many dollars to protect the pine barrens; and that protection of the forest and waters of the barrens is part of the Commission's public trust. He then repeated his call for the withdrawal of Riverhead Town's request.

The eighth speaker was Mr. Daniel Morris, representing the Open Space Council. He stated that the Open Space Council is opposed to Riverhead Town's request to the Commission to withdraw the EPCAL appeal. He then spoke on a separate issue related to EPCAL, namely the proposed revival of the railroad spur entering that site. He identified discrepancies among the various maps and documents produced for the overall EPCAL site with respect to how they treat that spur line. He posed detailed questions on the transfer of the spur and the review of the spur revival project by the relevant agencies.

Minutes for 11/19/08: review, approval (previously e-mailed)

**Summary: A motion was made by Mr. Turner and seconded by Ms. Gallagher to approve the 11/19/08 meeting minutes as drafted without changes. The motion was approved by a 5-0 vote.**

## **Stewardship & Education**

Fire Tower Feasibility Study: report (Ms. Eichelberger)

**Summary: Ms. Eichelberger distributed the attached report, and went through the principal sections, including the origin of the study, the historical role of fire towers on Long Island, the sites evaluated for a reconstruction, the criteria used, and the process which led to the recommendation of the Quogue Wildlife Refuge site. She also briefly discussed the background and source materials which are attachments to the report.**

Mr. Shea and Mr. Turner both complimented Ms. Eichelberger on the excellence of the feasibility report and the amount of effort which went into its production. **A motion was made by Mr. Shea and seconded by Ms. Gallagher to approve and adopt the feasibility report, and to authorize preparation of a detailed plan for its implementation. The motion was approved by a 5-0 vote.**

Environmental Education: update (Ms. Griffiths)

Summary: Ms. Griffiths discussed the attached monthly report, and specifically touched upon the renewal of the Brookhaven Science Associates grant to support the twinnings effort between the Commission and the MSRM Regional Park in Pisa; the preparations for the Pine Barrens Discovery Day scheduled for 6/14 and 6/15/09 at the Suffolk County Community College Eastern Campus; and a recent talk given by herself and Ms. Jakobsen for a Stony Brook Southampton class.

## Land Use

### Core Preservation Area

LIPA Substation / Southampton (900-135-2-2) / Resolution of Approval - Covenants and Restrictions, discussion item (Core permit issued 11/19/08)

Summary: Mr. Milazzo noted that this item was originally placed on today's agenda due to a disagreement regarding the areal extent of the covenants and restrictions to be placed on this property, and specifically whether it should cover all of the parcel or just the portion within which the physical work will occur. He noted that the applicant has agreed to place the covenant and restrictions upon the entire parcel, and that all new transformers on the site will be required to have secondary containment for spills.

### Pine Barrens Credit (PBC) Program

Nassau County Council Boy Scouts of America / Wading River (600-75-3-10.003) / Pending conservation easement and PBC Certificate

Summary: Mr. Milazzo reported that the conservation easement for this parcel will be signed tomorrow, and a PBC Certificate will be issued to the owners soon thereafter. A brief discussion occurred regarding the number of Credits to be issued and the acreage involved. He noted that the applicant has requested through its attorney that the accompanying required title insurance be reduced from \$10 million coverage to \$6 million (see attached). This would reduce the cost of the title insurance policy to be purchased by the Boy Scouts from approximately \$35,398 to approximately \$22,398.

A brief discussion ensued regarding the fact that this exception has not been made in the past; that there is a provision in the Commission's title insurance policy that allows for an economic hardship waiver but that the applicant is not invoking that provision; what the consequences of such a coverage reduction might mean for the Commission in the future; and the current title policy basis for calculating the amount of insurance required (\$100,000 multiplied by the number of Credits). **A motion was then made by Mr. McCormick and seconded by Mr. Turner to affirm that the title insurance policy amount for this transaction must be the original amount of \$10 million, as per the standard Commission policy. The motion was approved by a 5-0 vote.**

### Land Use Reports

Compliance and Enforcement: update (Mr. Hynes)

Summary: Mr. Hynes discussed the attached monthly report. He reported that the Law Enforcement Council met last week at the Nassau County Boy Scouts property previously discussed, and that the Council members toured the property to see the enforcement issues faced by the management of the camp. He also noted that the camp's on site ranger will be a regular participant in the Council's meetings.

Mr. Hynes reported that there have been six Incident Reports filed since the last Commission meeting, and that they have involved dumping, fence cutting, and new development. This brings the year to date total to 70 Incident Reports.

He noted that the Commission office has received several calls regarding a 79 acre CGA subdivision project known as Ridge Greens, located south of NYS Route 25 in Ridge. The project is adjacent to the Core area in some spots. Mr. Hynes and Ms. Hargrave are examining the approvals and plans for the project with the cooperation of the Brookhaven Town staff, and Mr. Hynes has conducted a site visit with the Town staff. The project's possible Pine Barrens Act exemption status is also being examined.

Mr. Shea inquired whether Mr. Hynes has looked into the piling of sand or soil on the Hampton Club site along NYS Route 27 in the Eastport area, a project which the Commission approved with conditions and with the intent to preserve portions of the old field there. Mr. Hynes stated that he has visited the site, and is investigating what the specific purpose of those stockpiles is. He will report back with further information.

### **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 on the original agenda; not an application)

Summary: Ms. Gallagher distributed the attached letter from herself to the Citizens Campaign for the Environment (CCE) regarding the lead issues raised in the original CCE letter. Ms. McConnell of the SYCA questioned some of the letter's contents, and noted that the County cleaned up lead from other areas of the park where it had been inadvertently introduced.

### **Closed Advisory Session**

Summary: **A motion was made by Mr. McCormick and seconded by Ms. Prusinowski 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 2:56 pm to 3:00 pm.**

### **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 on the original agenda; not an application)

Summary: **A motion was made by Ms. Prusinowski to assert jurisdiction for purposes of determining whether the activities at the Southaven County Park trap and skeet range constitute "development". There was no second, and the motion did not pass.**

#### **Compatible Growth Area**

Enterprise Park at Calverton (EPCAL) / Riverhead (600-misc.) / pending litigation appeal (not on the original agenda)

Summary: Mr. McCormick distributed the attached draft resolution and associated EPCAL materials. The resolution requests the NYS Attorney General to withdraw the Commission's appeal of the EPCAL litigation decision. Mr. McCormick specifically discussed the portion of the packet containing the Section 9.2 excerpt from the Pine Barrens Plan, and read the first half of that section's third paragraph regarding the EPCAL site. He touched upon the Court's decision and its relationship to that section; the parties who provided input to the Plan in 1995; and the financial requirements upon the proposed

*Riverhead Resorts sponsors and how the appeal process might affect that. He requested that a vote be held on this resolution today. Mr. Shea and Mr. Turner both stated that they could not vote on such the resolution today, and would need to consult with their respective Town Supervisors before doing so. **A motion was then made by Mr. McCormick to adopt the attached proposed resolution regarding withdrawing the EPCAL appeal. A second motion was then made by Mr. Shea and seconded by Ms. Prusinowski to table Mr. McCormick's motion until the January Commission meeting. The motion to table was approved by a 4-1 vote, with the dissenting vote cast by Mr. McCormick.***

#### **Adjournment**

***Summary: A motion was made by Mr. Shea and seconded by Ms. Prusinowski to adjourn the meeting. The motion was approved by a 5-0 vote, and the meeting ended at approximately 3:13 pm.***

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

1. Attendance sheets (12/17/08; 2 pages)
2. Southaven Trap and Skeet Range Materials from Ms. McConnell (misc. dates; 13 pages)
3. Advisory Committee Resolution on EPCAL Litigation (12/17/08; 1 page)
4. LI Pine Barrens Society Memorandum on EPCAL decision (12/16/08; 2 pages)
5. Citizens Campaign for the Environment letter re Trap & Skeet Range (11/26/08; 1 page)
6. Fire Tower Feasibility Report (12/17/08; 44 pages)
7. Education and Outreach Report (December 2008; 1 page)
8. Letter from Mr. Rigano re Boy Scouts PBC Easement Insurance (12/16/08; 1 page)
9. Compliance and Enforcement Report (12/17/08; 1 page)
10. Letter from Ms. Gallagher re Trap & Skeet Range (12/17/08; 3 pages)
11. Riverhead resolution withdrawing appeal of EPCAL litigation (12/17/08; 1 page)
12. Miscellaneous EPCAL materials submitted by Mr. McCormick (misc. dates; 32 pages)