

Commission Meeting Summary (FINAL)
for Wednesday, January 17, 2007 (Approved 2/21/07)
at the Brookhaven Town Hall,
1 Independence Hill, Farmingville, NY, 2:00 pm



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

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, and Ms. Eichelberger (from the Commission), Mr. Pavacic and 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 2:10 pm by Mr. Scully, with a five member quorum. The Pledge of Allegiance was recited.

Public Comment and Administrative

Peter A. Scully
Chair

Philip J. Cardinale
Member

Brian X. Foley
Member

Patrick A. Heaney
Member

Steve A. Levy
Member

Public comments

Summary: The only speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. First, he stated that he thought that it would be useful for the Brookhaven Town Planning staff to brief the Board of Zoning Appeals' attorney on the Pine Barrens Plan standards and guidelines and how they are applied. He stated that there is considerably less such activity in Riverhead Town, and that Mr. Shea had previously assured him that the Southampton ZBA is adhering to these standards.

Second, he suggested that the Towns might want to look at the Critical Resource Areas (CRAs) in their portions of the Compatible Growth Area (CGA) in the 1995 Pine Barrens Plan and see what changes have occurred in those areas since, as well as what new CRAs might be desirable now. A brief discussion ensued in which it was noted that there were four CRAs in Brookhaven Town in 1995, and that all four have been acquired for preservation. It was agreed that the Commission staff will look at all of the 1995 Plan CRAs and determine the current status of those areas.

Minutes for 12/20/06: review, approval

Summary: **A motion was made by Mr. Shea and seconded by Mr. Kent to approve the 12/20/06 minutes. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Mr. Isles.**

Public comments

Summary: Mr. Richard Amper of the Long Island Pine Barrens Society commented that Riverhead Town recently awarded a contract for work at the proposed town park site in the EPCAL facility in Calverton, and suggested that the Commission should take a look at that project. He also stated that he was not convinced that the zoning in that area is appropriate.

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Commission budget: review, approval

Summary: Mr. Corwin described the attached 2006-07 midyear budget and projection through 3/31/07, as well as the 2007-08 budget projection for the fiscal year starting 4/1/07. Specific topics touched upon, and discussed, included the allocation of monies for ecological research; the filling of the currently vacant Environmental Planner position; the current effort to compare 2003-04 staffing and costs with the current budget costs for personnel; the desire to hire a full time Community Outreach and Education Liaison and a part time Compliance and Enforcement Coordinator (both pursuant to the Commission's staffing plan); and a draft conceptual outline of one possible 2007-08 budget.

A motion was made by Mr. Turner and seconded by Mr. Shea to approve the 2006-07 midyear budget and projection. The motion was approved by a 5-0 vote.

Executive Order re webcasting: discussion, approval of strategy and compliance plans letter

Summary: Mr. Corwin noted that the attached executive order (also attached is a cover memo) was issued on 1/1/07 by Governor Spitzer, and requires state agencies to develop and implement a plan to commence live webcasting later this year of those meetings which are subject to the State's open meetings law.

He summarized the need to identify which of the various meetings sponsored by the Commission (i.e., the various Councils and committees) are affected by the order; the question of which facilities at which these meetings are currently held have the infrastructure to support webcasting; the possible need to restrict the Commission's meeting locations to such facilities; and the need to finalize a plan and submit it to the Governor's office by 3/1/07.

A discussion ensued regarding these matters, and it was agreed that the staff would determine the existing technical capabilities at the Town Halls and other Commission meeting locations, and report back their findings before the next meeting.

Project Decisions

Compatible Growth Area (CGA)

Developmental Disabilities Institute (DDI) Residence / Yaphank (200-579-2-55) / CGA hardship: decision (hearing held 11/15/06; decision deadline is 2/15/07 - today is last meeting before then)

Morais Residence / Yaphank (200-611-1-p/o 4) / CGA hardship: decision or decision extension (requested to 2/21/07) (hearing held 11/15/06; decision deadline is 2/15/07 - today is last meeting before then)

Summary: Ms. Jakobsen summarized these two applications, and noted that one of the applicants, Mr. Daniel Morais, has submitted through his consultant, Mr. Thomas Cramer, the attached request for an extension of that decision deadline until the 2/21/07 Commission meeting date. She also noted that DDI has submitted a similar request (also attached).

Mr. Milazzo noted that the Commission normally grants such extensions, and recommended that these be granted. A discussion followed regarding the situations in which the Commission has previously granted extensions, and the feasibility of the applicants being able to provide additional materials or take other actions by the next Commission meeting date.

A motion was then made by Mr. Shea and seconded by Mr. Turner to agree to, and approve, the requested decision extension until 2/21/07 for the Morais application. The motion was approved by a 4-1 vote, with the dissenting vote cast by Mr. Scully.

A second motion was then made by Mr. Shea and seconded by Mr. Turner to agree to, and approve, the requested decision extension until 2/21/07 for the DDI application. The motion was approved by a 4-1 vote, with the dissenting vote cast by Mr. Scully.

Pine Barrens Credit (PBC) Program

Boy Scouts of America / Wading River (600-75-3-10.003): conservation easement language approval

Summary: Mr. Milazzo explained that the customized conservation easement for this 400+ acre parcel owned by the Boy Scouts of America is being worked upon at this time by himself and Mr. James Rigano, the Boy Scouts' attorney who was present for today's discussion. He noted that the three areas of work are a title review, a survey, and the easement language.

He noted that current issues in drafting the easement include the definition of the term "scouting", especially if the property were to be transferred in the future to another entity; the desire of the current owner to reserve certain rights including the construction of certain structures such as lean-tos or climbing walls; and the desire to erect a cell tower in the future in the form of a flag pole. The last item prompted a discussion regarding the current Town zoning of the property, and a statement from Mr. Amper of the LI Pine Barrens Society that the Commission has been consistent in the past in its treatment of cell towers.

Mr. Timothy Green of the Brookhaven National Laboratory, present for another agenda item, observed that he has some personal experience with other scouting areas in Suffolk County, and that two issues which have arisen in his local scouting experience include the jurisdiction of the Suffolk County Health Department and the need to occasionally remove trees which have become a safety danger.

Tuccio c/o Schneps Credit allocation appeal / Westhampton (900-248-1-110.4): new appeal; schedule hearing for 2/21/07

Summary: Mr. Milazzo explained that the Clearinghouse discussed this Letter of Interpretation (LOI) application at its 12/18/06 meeting, and determined to issue an LOI for 0 Credits. He reported that the attached appeal letter has since been received from Mr. Murray Schneps, an attorney representing Mr. Tuccio. Mr. Milazzo noted that he will provide Mr. Schneps with the documents which Mr. Schneps requested in his appeal letter, and recommended that a hearing be scheduled on this appeal at the next Commission meeting.

A motion was then made by Mr. Shea and seconded by Mr. Turner to schedule a public hearing on this Credit allocation appeal for the 2/21/07 Commission meeting at 3:00 pm. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Mr. Kent.

Land Use, Stewardship, and Compliance & Enforcement

Foundation for Ecological Research in the Northeast: progress update (Dr. Timothy Green)

Summary: Mr. Corwin introduced Dr Timothy Green of the Brookhaven National Laboratory (BNL), who is the BNL Natural and Cultural Resources Manager, as well as the Chair of the Protected Lands Council's (PLC) Technical Subcommittee. He noted that Dr. Green also serves as Chair of the Foundation for Ecological Research in the Northeast (FERN), and that recent discussions among the staff and Commission members led to an invitation to Dr. Green to brief the Commission on two matters.

The first matter is the progress which FERN has made to date, supported in part by Commission funds. The second is to explain the practical utility of such research results, and how they can influence what management activities actually occur on the ground.

Dr. Green then provided the attached presentation touching upon stewardship in general; relevant pine barrens statutory references; adaptive management; the "ecological targets" defined from the older "5S" process of the PLC; characteristics of a healthy forest, including those for specific areas such as uplands and freshwater wetlands; FERN's other scientific work; its current funding; and pending proposals. He then answered questions regarding FERN's 2006 and 2007 budget levels; its commencement of non pine barrens work; and results of the recent southern leopard frog field work. Mr. Scully thanked Dr. Green for his presentation and for FERN's hard work to date.

Closed Advisory Session

Summary: **A motion was made by Mr. Turner and seconded by Mr. Kent 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 3:25 pm to 4:02 pm.**

Adjournment

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

Attachments (in order of discussion):

1. Attendance sheet (1/17/07; 1 page)
2. Project location map for today's meeting (1/17/07; 1 page)
3. Budget memo (1/11/07; 3 pages)
4. Executive order and memo (1/8/07 memo; 1/1/07 order; 3 pages total)
5. Morais c/o Cramer decision extension request (1/15/07; 1 pages)
6. DDI decision extension request (1/16/07; 1 page)
7. Tuccio Credit allocation appeal (1/11/07; 1 page)
8. FERN presentation (1/17/07; 11 pages)



**Commission Meeting Summary (FINAL)
for Wednesday, February 21, 2007 (Approved 3/21/07)
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. Foley, 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, and Ms. Carter (from the Commission), Mr. Pavacic and 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 2:07 pm by Mr. Scully, with a four member quorum consisting of the New York State, Suffolk County, Brookhaven Town and Southampton Town representatives. The Pledge of Allegiance was recited.

Peter A. Scully
Chair

Philip J. Cardinale
Member

Brian X. Foley
Member

Patrick A. Heaney
Member

Steve A. Levy
Member

Public Comment and Administrative

Public comments

Summary: The only speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. First, he questioned whether the Riverhead zoning at the Enterprise Park at Calverton (EPCAL) site conforms to the pine barrens act and Plan, particularly the Recreational Overlay District, and specifically questioned whether the Island Water Park project meets the provisions of the act and Plan.

Second, he discussed a farmland parcel known as the "Hammerlee Farm" in the CGA portion of Brookhaven Town whose development rights have been jointly purchased by Suffolk County and Brookhaven Town, and whose owner is seeking to construct certain buildings on the site. Mr. Amper observed that he felt that this action may constitute "development" under the pine barrens law.

Third, Mr. Amper stated that he is concerned that the current CGA parcels before the Commission today which resulted from a Zoning Board of Appeals (ZBA) lot split several years ago cannot meet the CGA standards.

Changes from draft meeting agenda

Summary: Mr. Scully noted that the item entitled "Rocky Point School District Elementary and High School Additions & Improvements / Rocky Point (200-124-1-1,2) / determination of jurisdiction" on the original agenda for today is being postponed until next month since the project representatives were unable to attend.

Minutes for 1/17/07: review, approval (faxed 1/17)

Summary: A motion was made by Mr. Foley and seconded by Mr. Shea to approve the 1/17/07 minutes. The motion was approved by a 5-0 vote.

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Webcasting executive order: meetings; technical resources; exemption request (from 1/17/07; 3/1 plan submission date)

Summary: Mr. Corwin discussed the results of the survey of the technical features of the Commission's meeting facilities around the three towns, and reported that none of the regular facilities had the ability to support webcasting at present. He noted that the Commission has rotated its meetings throughout the three towns since its inception in order to provide easier access for citizens to its meetings.

A discussion ensued regarding the potential for other facilities, which might have or could be outfitted with such technical features. He recommended that the Commission request an exemption from the Governor's Secretary for its meetings, and distributed a draft letter to the Governor's Secretary for consideration by the Commission. Mr. Scully asked the Commission members to provide comments upon the draft by Friday morning, at which time the letter will be sent to the Governor's Secretary in order to meet the 3/1/07 filing deadline.

2006 Activities Report: info item

Summary: Mr. Corwin noted that the attached 2006 report, which was previously mailed to Commission members, will be forwarded to the Governor, Legislative members, and other interested parties once all comments are received from the Commission members. It was agreed that comments will be forwarded to the office by the end of the week and the final version will be mailed at that time.

Project Decisions

Compatible Growth Area (CGA)

Brookhaven Walk Shopping Center / Yaphank (200-553-1-1.3; 200-584-2-1.2) / Development of Regional Significance: decision extension request to 4/18/07 (hearing held 6/21/06; decision currently due today)

Summary: Ms. Jakobsen explained that the attached request for a decision extension on this application until the Commission's April 2007 meeting has been received from the project sponsor's representative. **A motion was then made by Mr. Foley and seconded by Ms. Gallagher to accept and approve the requested decision extension to 4/18/07. The motion was approved by a 4-0 vote.**

Developmental Disabilities Institute Residence / Yaphank (200-579-2-55) / CGA hardship: withdrawal request (hearing held 11/15/06; decision deadline is today)

Morais Residence / Yaphank (200-611-1-p/o 4) / CGA hardship: withdrawal request (hearing held 11/15/06; decision deadline is today)

Summary: Ms. Jakobsen reported that the two attached decision withdrawal letters have been received from these projects' representatives. Mr. Foley spoke about the Zoning Board of Appeals (ZBA) process in Brookhaven Town, noting that the Planning Board and the ZBA should have better contact with the Commission before either renders decisions on projects. He also noted that further education for the members of these boards regarding the pine barrens law and Plan will be pursued.

Mr. Amper of the LI Pine Barrens Society stated that he felt that this is a good approach for the Town for the future, but asked what would be done about the current two projects which are on today's agenda. Mr. Amper stated that he believes that the approval of the underlying land division that created these two lots should be addressed. A discussion ensued regarding whether these lots can move forward in the approval and permit

process.

Mr. Foley left at this point and Mr. Hanley arrived. A five member quorum was present for the remainder of the meeting.

Red Creek Vistas Residential Subdivision / Hampton Bays (900-173-2-8.1) / Critical Resource Area "S5": determination of completeness; scheduling of hearing *(to be distributed)*
Summary: Ms. Jakobsen explained that an application has been received for this proposed 13 lot subdivision with 65% open space, and one of the 13 lots to contain an existing residence. The project site is 40.5 acres, is zoned CR120, and is a Critical Resource Area ("S5") in the Plan. A discussion ensued regarding the application's status before Southampton Town; the Town's request for additional information from the project sponsor; the desire to protect a corridor for the Paumanok Path, which is the reason for the CRA designation in the Plan; the readiness of the submitted application materials for scheduling a Commission hearing; and the environmental conditions on the site identified by the Town staff. **A motion was then made by Mr. Shea and seconded by Mr. Turner to schedule a hearing on this CRA application for the 3/21/07 Commission meeting at 3:00 pm. The motion was approved by a 5-0 vote.**

Core Preservation Area

Long Island Power Authority Edwards Avenue Substation and Feeder Cable Project / Calverton (200-299-misc. lots (in Core); 600-137-misc. lots; outside pine barrens): determination of jurisdiction *(to be distributed)*

Summary: Ms. Jakobsen summarized this request for a determination of jurisdiction (see attached letter) from the Long Island Power Authority (LIPA) for the pine barrens portion of this electric substation, cable, and pole replacement project along Edwards Avenue in Calverton, in Riverhead Town. Several LIPA staff members were present.

The portion in the Central Pine Barrens is within the Core area, and consists of a portion of the proposed buried cable along the north side of the LI Expressway entrance ramp and six new proposed "riser poles". No clearing or grading is required for this portion of the project, and the LIPA right of way upon which the cable termination and the poles are to be placed is already mowed regularly. Mr. Frank Murphy, LIPA staff counsel, cited sections of the pine barrens act that he believes make this project "nondevelopment". Mr. Adam Yablonsky and Mr. John Savio then described the project in detail, utilizing aerial photos and describing the technical and engineering aspects of the overall project and its role in the larger electric distribution system.

Discussion followed regarding the proposed directional drilling under the Peconic River conduit under Edwards Avenue; the substation design; the Core boundary in this area; demand for electricity; and the maintenance mowing which is already performed on the right of way. No determination of jurisdiction was made today.

Pine Barrens Credit (PBC) Program

Boy Scouts of America / Wading River (600-75-3-10.003): conservation easement language approval *(from 1/17/07; to be distributed)*

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

Public hearing - 3:00 pm

Tuccio c/o Schneps Credit allocation appeal / Westhampton (900-248-1-110.4): adjournment to 3/21/07 meeting (LOI issued 12/18/06 by Clearinghouse Board)

Summary: This item was deferred to the 3/21/07 Commission meeting. (See attached letter from Mr. Schneps re this matter.)

Land Use, Stewardship, and Compliance & Enforcement

Policy on clearing calculation for Core/CGA parcels that obtain PBCs on Core portion

Summary: Ms. Jakobsen explained that a question has arisen as to how to apply the clearing standard to parcels that are both split by the Core - CGA boundary and also have a Pine Barrens Credit conservation easement on the Core portion (with Credits having been allocated to that portion). She noted that this arose regarding a specific development project, but that the staff is seeking a general policy ruling from the Commission. She discussed a previously distributed attached policy draft, and noted that the policy would also state that no Credits can be issued on the Core portion of a split Core - CGA parcel if the Core land has already been included in applying the clearance standard for a project. A discussion ensued regarding the language, and **a motion was then made by Mr. Turner and seconded by Mr. Shea to adopt the following resolution:**

“Resolved, for development situations where a project contains a parcel that is split between the Core Preservation Area and Compatible Growth Area, and Pine Barrens Credits have been obtained by the owner for the Core Preservation Area portion, only the Compatible Growth Area acreage shall be used to determine the amount of clearing allowed according to Figure 5-1 of Standard 5.3.3.6.1 Vegetation Clearance Limits in the Central Pine Barrens Comprehensive Land Use Plan, and be it further

Resolved, that the converse is also true, whereas, if the entire project site’s acreage (Core and Compatible Growth Area acreage) was used for determining the amount of clearing that can occur on the Compatible Growth Area portion, then no Pine Barrens Credits can be obtained on the Core Preservation Area portion.”.

The motion was approved by a 5-0 vote.

Request for Proposals for ecological research services: info item (from 1/17/07)

Summary: Mr. Corwin summarized the attached Draft Request for Proposals (RFP) for Ecological Research Services discussed in concept at the last meeting. Also attached is a draft list of recipients. He noted that this RFP would expend the \$50,000 in 2006-07 funds budgeted by the Commission in the mid year budget adopted at the last meeting. Following a brief discussion, **a motion was made by Mr. Turner and seconded by Ms. Gallagher to accept the RFP and authorize its issuance. The motion was approved by a 5-0 vote.**

Invasive plant inventory completion: info item

Summary: Ms. Carter distributed the attached map showing the portions of the Core area public lands which were assessed and inventoried during the 2006 invasive species field work. She described the specific areas on public lands which remain to be visited and assessed, and recommended that the Commission, through the Suffolk County water Authority, hire an intern to do this work.

Ms. Gallagher noted that this work meshes well with the County’s current initiative on invasive species control and removal through the Suffolk County Invasive Species Task

Force and its recent report. Discussion turned towards the County Task Force's recommended "do not sell" species list (pending in the County Legislature); the utility of the field survey to assist public land managers with the use of their field staff for control and removal; the need for assessing public lands within the CGA as well; the intention to first complete the trails and road surveys for the Core area; and recent state level efforts (including NYS DEC and other statewide government and non government organizations) to define "prisms", or interorganizational structures to spend state invasive species dollars on a region by region basis. Mr. Turner raised the possibility of the Commission passing sense resolutions in the future to support legislative initiatives in general, and stewardship and invasive species bills in particular.

Public Comment and Administrative

Public comments

Summary: Mr. Richard Amper, representing the Long Island Pine Barrens Society, asked Mr. Hanley if Riverhead Town has issued permits for the athletic fields proposed at the EPCAL site, and Mr. Hanley said that none have been issued. Mr. Amper then raised the issue of whether Riverhead Town is in compliance with the pine barrens act and Plan at this site, and requested that the Commission review both the site specific compliance of this site, as well as the compliance of the Town zoning there with the act and Plan.

Second, Mr. Amper questioned whether greenhouses could be erected on preserved farmland, such as the Hammerlee parcel, and whether such construction would be allowed or require approval of the Commission. He noted that the conformance of the proposals with the easement on the property held by the County and Town is a separate issue from the jurisdiction of the Commission over the proposal.

Closed Advisory Session

Summary: **A motion was made by Mr. Shea 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 3:29 pm to 3:44 pm.**

Adjournment

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

Attachments (in order of discussion):

1. Attendance sheet (2/21/07; 2 pages)
2. Project location map for today's meeting (2/21/07; 1 page)
3. 2006 Commission Activities Report (undated; 32 pages)
4. Decision extension request for Brookhaven Walk (2/8/07; 1 page)
5. Application withdrawal letter for Developmental Disabilities Inc. (1/16/07; 1 page)
6. Application withdrawal letter for Morais (1/31/07; 1 page)
7. LIPA Edwards Avenue jurisdictional request cover letter (2/6/07; 2 pages)
8. Letter confirming Tuccio appeal hearing adjournment (2/16/07; 1 page)
9. Draft and final clearing policy for Core / CGA parcels with PBC easement (2/21/07; 2 pages)
10. Draft RFP and recipient list for ecological research services (2/21/07; 4 pages)
11. Outline of areas surveyed for invasive plants (2006; 1 page)



**Commission Meeting Summary (FINAL)
for Wednesday, March 21, 2007 (Approved 4/18/07)
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. Kent (for Riverhead), and Mr. Shea (for Southampton).

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, and Ms. Carter (from the Commission), Mr. Pavacic and 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 2:00 pm by Mr. Scully, with a four member quorum present consisting of Mr. Scully, Ms. Prusinowski, Mr. Kent, and Mr. Shea. The Pledge of Allegiance was recited.

Public Comment and Administrative

Peter A. Scully
Chair

Public comments

Summary: There were no speakers.

Philip J. Cardinale
Member

Minutes for 2/21/07: review, approval

Summary: **A motion was made by Mr. Shea and seconded by Mr. Kent to approve the 2/21/07 minutes as final. The motion was approved by a 4-0 vote.**

Brian X. Foley
Member

Patrick A. Heaney
Member

Ms. Gallagher arrived at this point and a five member quorum was then present.

Steve A. Levy
Member

Project Decisions

Compatible Growth Area (CGA)

Rocky Point School District Elementary and High School Additions and Improvements / Rocky Point (200-124-1-1,2) / determination of jurisdiction: discussion, possible opinion (*to be distributed; postponed from 2/21/07*)

Summary: Ms. Jakobsen discussed the attached, previously distributed letter and materials from this project's consultant. She explained that the project consists of changes to the Rocky Point Middle School, the Rocky Point High School, and the Frank J. Carasiti Elementary School, located along the western side of Rocky Point - Yaphank Road (County Road 21), south of NYS Route 25A.

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Changes include the clearing of an approximately one acre wooded area in front of the elementary school; construction of a 1,500 sq. ft.

maintenance building on an existing lawn area between the high and middle schools; and interior maintenance and improvement within the high and elementary school buildings. She also provided copies of the Commission's 11/15/06 resolution on the Shoreham - Wading River Prodell Middle School project.

Mr. Michael Guido, representing the Rocky Point School District, provided the attached photographs of the proposed clearing site, a checklist for school security, and a 1998 news article re a school violence incident. He described the clearing site as approximately 100 by 400 feet surrounded by an asphalt driveway and the street. He described the source of the funding, restrictions on its use, and deadlines involved in expending the funds. He explained that the school board would like to start their time line this Friday with a vote, but that an approval or nonjurisdiction finding by the Commission is required to allow that to commence.

He described the clearing as a security precaution to enhance school safety by removing hiding places for potential criminals; a traffic improvement that would make driving and parking safer; and as a location for additional school parking. He noted that the school requires additional parking and that the district is being sued by the residential neighbors on the opposite side of Rocky Point - Yaphank Road. He also read an excerpt from a school safety guideline, including "environmental design" considerations.

A discussion ensued regarding possible thinning of vegetation to increase visibility; the NYS DEC land to the south; the age of the buildings; the lateness of the district's presentation given its desired time frame; the mistaken belief that hunting was occurring in the immediately adjacent State lands; the new parking that would be created; the clearing standard; and the Commission's past actions regarding school projects.

Mr. Steve Hampson, an employee of the Eastern Suffolk Board of Cooperative Educational Services, spoke on behalf of the school district. He is a senior safety officer for the Suffolk County public schools. He read portions of a guidance document pertaining to school safety design and maintenance, including excerpts pertaining to traffic concerns. A brief discussion followed regarding environmental considerations; and whether a site plan exists. Ms. Teresa Elkowitz, a consultant for the school district, was present and answered several of the questions posed.

A motion was made by Mr. Shea and seconded by Ms. Gallagher to determine that this proposed action constitutes "development", and to schedule a public hearing on this as a CGA hardship application for the 4/18/07 Commission meeting at 3:00 pm. The motion was approved by a 5-0 vote.

Brush Development / Yaphank (200-582-1-1; 613-1-20.2; 614-1-1.5; 582-1-1) / CGA hardship: completeness determination; scheduling of hearing (*new item; to be distributed*)
Summary: *Present for this discussion was Ms. Teresa Elkowitz, a consultant for this project. Ms. Jakobsen distributed materials from the sponsor (see attached) and Mr. Milazzo described the history of the project site, including the individual tax parcels.*

The project is a residential subdivision on a 40.85 acre abandoned sand mine, located within the CGA north of County Road 21 (Rocky Point Yaphank Road) and east of Yaphank Avenue in the Yaphank, Brookhaven Town. The proposal requires clearing beyond the standard, and requires a CGA hardship permit. It was noted that there are

legal issues associated with this site which require counsel's advice in a closed session.

Walgreen's Commercial Site Plan / Wading River (600-73-1-1.13, 1.14, 1.21) / previously approved hardship; additional extension to 9/30/07 for sponsor to file resolution with County Clerk (*hardship approved by Commission on 5/17/06; previous extensions granted by Commission on 6/21/06 and 9/20/06; latest extension expires on 3/30/07*)

Summary: *Present for this discussion was Ms. Teresa Elkowitz, a consultant for this project. Ms. Jakobsen explained that this previously granted CGA hardship approval requires the filing of a covenant with the County Clerk by a specific date. The Commission previously extended the filing deadline to 3/30/07, and Ms. Elkowitz' attached letter requests a deadline of 9/30/07 since final site plan approval has not yet been received. **A motion was made by Mr. Kent and seconded by Ms. Prusinowski to approve the extension to 9/30/07. The motion was approved by a 5-0 vote.***

Core Preservation Area

Long Island Power Authority Edwards Avenue Substation and Feeder Cable Project / Calverton (200-299-misc. lots (in Core); 600-137-misc. lots; outside pine barrens): determination of jurisdiction (*from 2/21/07; to be distributed*)

Summary: *Present for this discussion were Mr. Adam Yablonsky, Mr. William Davidson, and Mr. Steve Dalton representing the LI Power Authority and Keyspan. Mr. Milazzo described the project (see attached), which was also discussed at the last Commission meeting, and identified attributes of the project which the Commission might consider in determining whether it constitutes "development" under the pine barrens law.*

A discussion followed regarding the underground work proposed for laying cables; the number, size and placement of the poles that will provide the transition from the underground portion to the overhead power lines along the right of way; and the public health and safety, and the utility, provisions in the "nondevelopment" section of the law. It was then agreed that this project constitutes "nondevelopment" under the pine barrens law, and the staff was directed to prepare a letter to the project sponsor to that effect.

Pine Barrens Credit (PBC) Program

Boy Scouts of America / Wading River (600-75-3-10.003): conservation easement language approval (*from 1/17/07; to be distributed*)

Summary: *Present for this discussion was Mr. James Rigano, an attorney representing the Boy Scouts.. Mr. Milazzo described the current draft of the easement, and Mr. Rigano offered some preliminary observations on several passages of particular interest to his client. He agreed to hold off on further discussion until after today's hearing.*

Public hearings

Pine Barrens Credit (PBC) Program

Tuccio c/o Schneps Credit allocation appeal / Westhampton (900-248-1-110.4) - to be adjourned to 4/18/07 meeting (*LOI issued 12/18/06 by Clearinghouse Board; hearing postponed from 2/21/07*)

Summary: *The Commission agreed to the attached adjournment request to the 4/18/07*

Commission from the appellant's attorney.

Mr. Turner arrived during the following hearing. A five member quorum remained.

Compatible Growth Area (CGA)

Red Creek Vistas Residential Subdivision / Hampton Bays (900-173-2-8.1) / Critical Resource Area "S5"

Summary: A separate stenographic transcript exists for this matter. See attached materials. During the hearing, Ms. Jan Hanna played a video produced by citizens opposed to this project, and the audio portion was not recorded on the transcript. At the close of the hearing, the record was left open for written comments until 4/18/07.

Land Use, Stewardship, and Compliance & Enforcement

Compatible Growth Area (CGA)

EPCAL and Town Recreational Park Proposal / Calverton (600-misc.): review of general subdistrict zoning and project specific conformance with Act and Plan

Summary: Mr. Corwin reported that a review of the zoning for the proposed Town park site at EPCAL using the CGA standards and guidelines has commenced, but that additional time is needed. Mr. Richard Amper of the Long Island Pine Barrens Society commented that there are many projects proposed for the EPCAL property, and urged the Commission to be sure that the zoning complies with the Pine Barrens Plan.

Project Decisions

Pine Barrens Credit (PBC) Program

Boy Scouts of America / Wading River (600-75-3-10.003): conservation easement language approval (from 1/17/07; to be distributed)

Summary: Mr. Rigano, the Boy Scouts' attorney, stated that he is also a board member of the Nassau County Boy Scouts. He suggested several changes to the draft easement pertaining to passive recreational uses; outdoor educational uses, including, but not limited to, the annual Wildfire Academy; removal of diseased trees and invasive plants; and retaining a right for the Scouts to apply for a Core permit for a cell tower.

A discussion followed regarding what criteria would be used for selecting trees or vegetation to be removed; the importance of dead trees in an area's ecology; the need to remove trees that pose safety hazards; and the desire to have a flagpole at the facility, whether or not it also contains a cell tower.

Land Use, Stewardship, and Compliance & Enforcement

Comprehensive Plan

Updated amendment work: status

Summary: Mr. Corwin reported that the current approach of the staff is to compile the changes made to date in Chapters 4 and 5 of Volume 1 of the Pine Barrens Plan as the current Plan amendment proposal; add the proposed Critical Resource Areas and CGA sending areas proposed by Brookhaven Town; have that document reviewed by the Advisory Committee; and forward that to the Commission for a hearing and approval.

He also described the work being done at present by Brookhaven Town to calculate the current sending potential of the remaining privately owned, non conservation Core area lands within the Town, the total sending capacity of the proposed Overton Preserve (CGA) sending area, the total sending capacity of the proposed "transition zone" (also CGA) sending areas from the Middle Country Road Land Use Plan, and the total current receiving capacity of the non Core receiving areas across the Town. These calculations are essential to both the Town's planning work as well as the Pine Barrens Plan amendment's SEQRA evaluation.

Public Comment and Administrative

Public comments

Summary: Mr. Amper of the LI Pine Barrens Society introduced Ms. Ruth McDade, the Society's new program manager.

Land Use, Stewardship, and Compliance & Enforcement

Stewardship Activities

Invasive species management plan and pending County legislation: status (Kathy Schwager, The Nature Conservancy)

Summary: Mr. Turner introduced Ms. Kathy Schwager of The Nature Conservancy, who is actively involved with invasive species management. Ms. Schwager provided a presentation on the work of the Suffolk County Water and Land Invasive Control Task Force; the plan developed by that group, including its recommendations; and the pending Suffolk County Introductory Resolution 1144-2007, "A local law to prohibit the sale, introduction and propagation of invasive, non-native plant species" (see attached).

Ms. Schwager's presentation and the accompanying discussions touched upon examples of problem species; the County task force's composition and work; the LI Invasive Species Management area work group; and the task force's view that the plan needs to cover prevention; detection and rapid response; restoration; research; education; coordination; and a permanent advisory board.

She also noted the need for a list of invasive plant that would be regulated or otherwise addressed; that only New York, New Jersey, and Rhode Island have not adopted statewide restrictions on invasive species; the need for mapping; the various restoration techniques following invasive removal; and benefits to the pine barrens. The Commission directed staff to review the pending legislation and report back, and it was agreed that the invasive species work needs to be a significant part of the Commission's stewardship activities.

Adjournment

Summary: The meeting was adjourned at approximately 5:02 pm without a formal adjournment resolution.

Attachments (in order of discussion):

1. Attendance sheet (3/21/07; 2 pages)
2. Project location map for today's meeting (3/21/07; 1 page)
3. Rocky Point School District letter and attachments (01/29/07; 11 pages)
4. Copy of Commission resolution on the Prodell Middle School project (11/15/06; 2 pages)
5. Materials provided by Mr. Guido for the Rocky Point School project (undated; 4 pages)
6. Brush Development cover letter (2/21/07; 2 pages)
7. Walgreen's deadline extension request letter (3/15/07; 1 page)
8. LIPA Edwards Avenue substation and feeder cable materials (2/6/07; 6 pages)
9. Tuccio credit appeal extension request (3/15/07; 1 page)
10. Red Creek Vistas staff exhibits (3/21/07; pages)
11. Red Creek Vistas statement by Ken Kindler (3/21/07; 2 pages)
12. SC Invasive Control Task Force recommendations (undated; 2 pages)
13. "Development of Long Island's Invasive Plant Lists" (3/4/07; 5 pages)
14. SC Legislature IR 1144-2007 invasive species bill (2/6/07; 8 pages)



**Commission Meeting Summary (FINAL)
for Wednesday, April 18, 2007 (Approved 5/16/07)
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. Cardinale (for Riverhead), and Mr. Shea (for Southampton).

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, and Ms. Eichelberger (from the Commission), Mr. Pavacic and Mr. Spitz (from the NYS Department of Environmental Conservation (NYS DEC)), Ms. Longo (from the Suffolk County Department of Environment and Energy), and Riverhead Town Councilman George Bartunek. 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.

Public Comment and Administrative

Peter A. Scully
Chair

Philip J. Cardinale
Member

Brian X. Foley
Member

Patrick A. Heaney
Member

Steve A. Levy
Member

Public comments

Summary: The only speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society, who asked whether the Riverhead Town recreational park currently under construction is on today's agenda for discussion. Mr. Scully replied that it was.

Minutes for 3/21/07: review, approval (faxed)

Summary: **A motion was made by Mr. Turner and seconded by Mr. Shea to approve the 3/21/07 minutes as final without changes. The motion was approved by a 4-0 vote.**

Directors and Officers insurance renewal: approval of application for renewal
Summary: Mr. Milazzo explained that the Suffolk County Water Authority, on behalf of the Commission, will be submitting an application to renew the Commission's directors and officers insurance this month, in advance of the renewal date of early June. Commission approval of the application is necessary, along with an authorized signature. **A motion was then made by Mr. Scully and seconded by Mr. Turner to approve the renewal application and to authorize the Commission Chair to sign the application on behalf of the Commission. The motion was approved by a 4-0 vote, and Mr. Scully signed it.**

Stewardship

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3525 Sunrise Highway
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Great River, NY
11739-0587

2007 Field Inventory Project: MOA with TNC, review, approval (Ms. Eichelberger)
Summary: Ms. Eichelberger summarized the attached and previously

*distributed draft Memorandum of Agreement (MOA) between the Commission and The Nature Conservancy (TNC). She reviewed the principal portions of the agreement, which must still be approved by TNC. The agreement specifies, in part, the separate responsibilities of the Commission and TNC, insurance coverage, applicable dates, etc. A brief discussion ensued regarding the specific geographic areas on which the invasive species inventory remains to be completed. **A motion was then made by Mr. Scully and seconded by Mr. Turner to approve the MOA and to authorize the Commission Chair to sign the MOA once it is approved by TNC and the approved version is acceptable to Commission counsel. The motion was approved by a 4-0 vote.***

Ms. Prusinowski arrived at this time and a four member quorum remained. Supervisor Cardinale and Riverhead Councilman George Bartunek arrived during the following discussion, and a five member quorum was then present.

Dwarf Pine Trail: Statement of Stewardship, site status, dedication *(Ms. Eichelberger)*

Summary: Mr. Scully briefly described the origin of this public access interpretive and educational trail on public preserved land in the Westhampton area. Ms. Eichelberger described and discussed the attached and previously distributed "statement of stewardship" among the involved agencies and organizations which identifies both principles of agreement and specific maintenance responsibilities.

The involved entities include the Suffolk County Water Authority (SCWA), the Commission (including the Protected Lands Council), the NYS DEC, Suffolk County Parks, Southampton Town, and TNC. The statement touches upon such areas as allowable trail uses, the interpretive kiosk panels, parking and driveway maintenance (including handicapped parking access), garbage, fencing, vegetation management, trail markers, hunting, northern harrier monitoring, and trail use registration.

She also outlined the specific tasks completed to date, those that remain to be completed along with their status, and the logistics of targeting an opening dedication in time for National Trails Day in early June.

A motion was then made by Mr. Shea and seconded by Ms. Gallagher to approve the statement of stewardship. The motion was approved by a 5-0 vote.

Ecological RFP results: review; recommendation *(Mr. Turner and Mr. Corwin; from 2/21/07)*

Summary: Mr. Corwin summarized the origin of this now completed Request for Proposals (RFP) for ecological research services, the types of organizations and individuals to which it was mailed, its posting on the Commission web site, the role of the SCWA Purchasing Department in coordinating and issuing it, and the results. He noted that only one response was received, despite the 20+ recipients to whom it was mailed.

Mr. Turner then summarized the results of the RFP evaluation committee's 4/11/07 meeting. He explained that the committee agreed that the one response, which was received from the Foundation for Ecological Research in the Northeast (FERN) in Upton, NY, required additional specificity regarding timetables and milestones. FERN has since provided that material to the satisfaction of the committee. He reported that the committee recommends that the work be awarded to FERN.

A motion was then made by Mr. Turner and seconded by Mr. Shea to award the ecological research services contract to the Foundation for Ecological Research in the Northeast, to authorize Commission counsel to draft an agreement to that effect, and to authorize the Commission Chair to sign the contract once it is acceptable to Commission counsel. The motion was approved by a 5-0 vote.

Science and Stewardship Work Plan: intro (Mr. Turner)

Summary: Mr. Turner noted that the stewardship work of the Commission will benefit greatly from developing a yearly work plan with specific projects identified and described. He explained that some of the Commission representatives (including himself), Commission members' agency staff, and Commission staff are starting to meet on a regular basis to provide specific project direction for the Commission's stewardship work. They recently met regarding invasive species work, and will be meeting on other topics in the future.

The concept of a work plan was decided upon at the most recent meeting, and it was agreed that an initial draft stewardship plan would cover the remainder of 2007 and all of 2008. The Commission members today agreed to that approach, along with a review of the draft by the Commission at its June meeting.

Law Enforcement Council (LEC): recommendation for peace officer bill (Mr. Corwin; from 3/22/07 LEC; previously distributed)

Summary: Present for this discussion today were Sgt. Arthur Pendzick of the Suffolk County Park Police, the Chair of the LEC, Lt. Dallas Bengel of the NYS Environmental Conservation Police, Vice Chair of the LEC, and US Fish and Wildlife Service Refuge Officer Thomas Loring, a member of the LEC. Mr. Corwin explained the 3/22/07 LEC recommendation and request to the Commission to seek an amendment to the NYS Criminal Procedure Law (CPL).

This amendment would add to the existing list of federal law enforcement officers who are also designated as "peace officers" under the NY CPL. Specifically, it would add a new item number 27, with the suggested language: "27. United States Department of Interior, park rangers with law enforcement authority". This change would enable the US Fish and Wildlife Refuge Officers to fully participate in the interagency field details organized through the LEC. **A motion was then made by Mr. Shea and seconded by Ms. Gallagher to approve the attached resolution to this effect. The motion was approved by a 5-0 vote.**

Land Use

Compatible Growth Area (CGA)

Brookhaven Walk / Yaphank (200-553-1-1.3; 200-584-2-1.2) / DRS: decision; applicant might request extension (Ms. Jakobsen; hearing 6/21/06; **decision due today**)

Summary: Ms. Jakobsen explained that the project's representative has submitted the attached letter reporting that the Brookhaven Town Planning Board has accepted a final impact statement on this project. The letter requests that the Commission draft its findings and issue a decision, and authorizes a decision extension to as late as 5/23/07. **A motion was then made by Mr. Turner and seconded by Mr. Shea to accept and**

agree to the requested decision extension on this application to the 5/23/07 meeting. The motion was approved by a 5-0 vote.

Island Water Park / Calverton (600-135-1-7.34) / withdrawal of application; possible rescinding of assertion of jurisdiction: discussion (*letter distributed; litigation ended 4/3/07; assertion made 7/19/06*)

Summary: Mr. Corwin reported that the attached 4/3/07 State Supreme Court decision was issued on the Island Water Park litigation marking the litigation as “case disposed”, and that the project’s attorney forwarded the attached 4/16/07 letter withdrawing the Island Water Ski application from consideration by the Commission.

Pine Barrens Credit (PBC) Program

Boy Scouts of America / Wading River (600-75-3-10.003): easement language approval (Mr. Milazzo; from 3/21/07; to be distributed)

Summary: Present for today’s discussion was Mr. James Rigano, the attorney for the Boy Scouts. Mr. Milazzo summarized the attached customized conservation easement for this Wading River area parcel owned by the Boy Scouts of America, including the reserved rights section. A brief discussion ensued regarding other large parcel easements which the Commission has seen in the past, and the need for a final survey to be produced for this parcel which will identify exactly what is presently there, and will be acceptable in the future. **A motion was then made by Ms. Gallagher and seconded by Mr. Shea to authorize the Commission Chair to sign the conservation easement on behalf of the Commission subject to staff and counsel review and acceptance of the final survey of the property. The motion was approved by a 5-0 vote.**

Revised standard conservation easement (Mr. Milazzo; to be distributed)

Summary: Mr. Milazzo indicated that there are several changes to the standard conservation easement which the staff feels will strengthen it and protect against possible undesirable land uses on PBC easement burdened lands in the future. A brief discussion followed regarding specific reserved rights in the current easement for agricultural activities, and various structures which might be proposed under those current provisions. It was agreed that a proposed revised standard easement will be on the Commission’s agenda for May.

Public hearings

Mr. Turner left during the following hearing. A five member quorum remained.

Compatible Growth Area (CGA)

Rocky Point School District Additions and Improvements / Rocky Point (200-124-1-1,2 (*decision deadline 7/19/07*)

Summary: A stenographic transcript exists for this item.

Pine Barrens Credit (PBC) Program

Tuccio c/o Schneps Credit allocation appeal / Westhampton (900-248-1-110.4) (*LOI 12/18/06; hearing postponed 3/21/07*)

Summary: A stenographic transcript exists for this item.

Ms. Gallagher left at this point, and a four member quorum was present for the remainder of the meeting.

Land Use

Compatible Growth Area (CGA)

EPCAL Planned Recreational Dist - Sports Park Subdistrict / Calverton (600-misc.): zoning evaluation; conformance with Plan; Town recreational park project (Ms. Jakobsen; from 3/21/07)

Summary: Mr. Scully summarized the Commission's prior discussions on these topics, and explained that the Commission staff has been completing a review of the Riverhead Town zoning code that applies to the EPCAL site in general, and the Sports Park Subdistrict in particular. No materials have been forwarded by the Town regarding the town recreational park being developed within the Sports Park Subdistrict.

Ms. Jakobsen reviewed the various provisions of the code, including the Pine Barrens Plan standards and guidelines for land use which have been incorporated into the Town Code, and noted that some of the guidelines have been included in the Town Code as standards. She also noted that some of the provisions within the code state different percentages of a site to be cleared, and that there is a provision for payments in lieu of open space under some circumstances. She further explained that it is impossible to definitively state that all future projects which might conform to the Town Code will also conform to the Pine Barrens Plan.

Supervisor Cardinale discussed the Town Code, noting that it is hard to understand, but that it is the intent of the Town to comply with the Pine Barrens Plan standards as a matter of policy. He noted, however, that the Town believes that Section 9.2 of the Plan, and the pine barrens law itself, provide that any public improvement would not need to comply with the Pine Barrens Plan as a matter of law, and that the Town believes that all economic development activity at EPCAL is exempt from the pine barrens law. He spoke about who is authorized to define "economic development", and that the points contained within the Commission's SEQRA documents in 1995 regarding economic development are simply illustrative, not exhaustive. He spoke about the development of the recreational park; the possible need for a court decision to clarify the jurisdictional issues; and the large size of the EPCAL site which makes it easy for it to comply with an overall 65% clearing limit.

A discussion ensued regarding the Sports Park Subdistrict; the size of the EPCAL site and its existing clearing; the implications of clearing for public purposes; the possibility of court action to obtain a ruling; the possibility of the Town increasing the size of the subdistrict to satisfy subdistrict wide clearing limits; the desire of the Town to obtain a final ruling so as to avoid project by project reviews; and the history of the Plan adoption in 1995. A brief discussion was held regarding a draft assertion of jurisdiction resolution which Mr. Milazzo was asked to draw up for today's meeting. It was agreed that legal advice from counsel was desirable at this point.

Closed Advisory Session

Summary: A motion was made by Mr. Shea and seconded by Mr. Cardinale to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 4-0 vote, and the Commission entered into closed session from approximately 5:43 pm to 5:55 pm.

Land Use

Compatible Growth Area (CGA)

EPCAL Planned Recreational Dist - Sports Park Subdistrict / Calverton (600-misc.): Town recreational park project

Summary: A motion was made by Mr. Scully and seconded by Ms. Prusinowski to adopt the attached resolution asserting Commission review jurisdiction over the Riverhead Town recreational park project at the EPCAL site. The motion was approved by a 3-1 vote, with the dissenting vote cast by Mr. Cardinale.

Adjournment

Summary: A motion was made by Ms. Prusinowski and seconded by Mr. Shea to adjourn. The motion was approved by a 4-0 vote, and the meeting ended at approximately 5:56 pm.

Attachments (in order of discussion):

1. Attendance sheet (4/18/07; 2 pages)
2. Project location map for today's meeting (4/18/07; 1 page)
3. Draft agreement with The Nature Conservancy for invasive species work (undated; 5 pages)
4. Dwarf Pine Trail Statement of Stewardship (4/3/07; 4 pages)
5. Resolution requesting peace officer status for US DOI rangers (4/18/07; 1 page)
6. Brookhaven Walk letter from project representative (4/13/07; 1 page)
7. Island Water Park litigation court decision (4/3/07; 1 page)
8. Island Water Park application withdrawal letter (4/16/07; 1 page)
9. Boy Scouts parcel conservation easement (undated; 9 pages)
10. Staff exhibits for Rocky Point School District hearing (4/18/07; 6 pages)
11. Aerial photo of Rocky Point School District property (11/14/06; 1 page)
12. NYS OPRHP letter re cultural resources impact of Rocky Point project (3/22/07; 1 page)
13. Tuccio Credit appeal miscellaneous hearing materials (misc. dates; 12 pages)
14. Resolution on Riverhead recreational park facility (4/18/07; 2 pages)



**Commission Meeting Summary (FINAL)
for Wednesday, May 16, 2007 (Approved 6/20/07)
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), and Mr. Cardinale and Mr. Bartunek (for Riverhead).

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, and Ms. Eichelberger (from the Commission), Mr. Pavacic (from the NYS Department of Environmental Conservation (NYS DEC)), Ms. Longo (from the Suffolk County Department of Environment and Energy), and Ms. Javiera Prieto (from Southampton Town). Additional attendees are shown on the attached sign in sheet.

The meeting was called to order at approximately 2:06 pm by Mr. Scully, initially without a quorum. Representatives from New York State, Brookhaven Town, and Riverhead were initially present. The Pledge of Allegiance was recited.

Peter A. Scully
Chair

Philip J. Cardinale
Member

Brian X. Foley
Member

Patrick A. Heaney
Member

Steve A. Levy
Member

Public Comment and Administrative

Public comments

Summary: There were no speakers.

Stewardship

Dwarf Pine Trail: June 1 Trail dedication (Ms. Eichelberger)

Summary: Ms. Eichelberger explained that the opening of the Dwarf Pine Plains Interpretive Trail is scheduled for Friday, June 1, at 10:30 am. The dedication will include remarks by several individuals, hosted by Mr. Scully, and will be at the trailhead at the SC Water Authority's Westhampton building on CR 31. She described some of the final details of the project, including the flyer (attached), the pavement marking, and the road and parking lot signs. The road signs were made by the SC Parks Department, and the parking area sign was provided courtesy of the SC Water Authority.

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

Public Comment and Administrative

Minutes for 4/18/07: review, approval (e-mailed)

Summary: A motion was made by Mr. Turner and seconded by Ms. Gallagher to approve the 4/18/07 minutes. The motion was approved by a 4-0 vote.

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Insurance renewal quote: review, approval (renewal application approved 4/18/07)

Summary: Mr. Corwin explained that the attached quote has been received for the renewal of the Commission's general liability policy as well as the directors and officers insurance policy. This is a follow up from last meeting's approval of the renewal application. **A motion was made by Mr. Turner and seconded by Ms. Gallagher to approve the quote and to authorize the Commission Chair to sign the appropriate papers to effectuate the renewal on 6/9/07. The motion was approved by a 4-0 vote.**

Stewardship

Invasive plant inventory project: current tasks (Ms. Eichelberger)

Summary: Ms. Eichelberger reported that the two 2007 summer interns for the invasive plant inventory are now working. They are Ms. Elisha Gibson, who was an intern last year, and Mr. Peter Rockerman.

Ms. Eichelberger explained that the invasive plant project has been divided into three phases: completion of the inventory; prioritization of all of the sites inventoried in 2006 and 2007; and field control work for later this year and 2008. The last phase will hopefully involve a partnership with the national Student Conservation Association (SCA), who will be able to provide a field crew and supervisors for an extended period (three to six months) in 2008, with the crew working on the priority infestation sites in conjunction with the various public landowners. She explained that Mr. Gary King of the SCA will attend the 6/5/07 Protected Lands Council meeting to provide an overview of the SCA program directly to the land managers in anticipation of the 2008 season.

Mr. Turner emphasized the urgent need for the inventory locations of the invasive plants to be prioritized. Mr. Pavacic noted that any occurrences of particularly noxious weeds may need to be given a high priority. Ms. Gallagher noted that the County's quarter cent sales tax extension program has a water quality and stewardship component that may relate to the invasive species work.

PLC ATV Damage Mitigation Project: June work day (Ms. Eichelberger)

Summary: Ms. Eichelberger explained that this committee is planning a field day in June to begin implementing vehicle barriers and access control projects. There are two adjacent geographic "divisions" for the overall project in the Flanders - Northampton area. The western division ("A") lies to the east and north of County Route 104, south of NYS Route 24, and west of Pleasure Drive, in Southampton Town. Twenty four specific locations have been scouted, and the proposed barriers include fencing, debris piles, repair of existing barriers, signage, etc. This work is being coordinated currently by Mr. Michael Giocondo of the NYS DEC Forestry Division. See attached summary.

Wildfire Task Force: Pending NYS building code review re wildland urban interface (Riverhead Fire Marshal Bruce Johnson)

Summary: Present for this agenda item today were Riverhead Fire Marshal Bruce Johnson, a member of both the Pine Barrens Law Enforcement Council and the Wildfire Task Force, and Wildfire Task Force Chair John Urevich.

First, Ms. Jakobsen summarized the prior work of the Wildfire Task Force in the areas of public education; the national Firewise program for improved land use planning; and the Fire Protection Assessment training course from the National Wildfire Coordinating Group.

(See attached NWCG item.)

Second, Mr. Urevich stated that the Task Force has previously discussed this proposed statewide fire code review process, and it supports it. He noted the importance of reviewing the state code given the current fire conditions regionally and nationally.

Third, Fire Marshal Johnson then introduced himself, summarized his fire service and governmental background, and then spoke about the actual code review process. He explained that the International Code Council has produced a "2006 International Wildland Urban Interface Code", which serves as a model ordinance for consideration by governmental agencies around the world. He noted that the Task Force is not looking for an endorsement by the Commission of this document, but rather a request from the Commission to the NYS Department of State (NYS DOS) to begin the state fire code review process for the wildland urban interface.

He explained that the review is a multi year process, and that the time is required for committees to review it and adapt it to New York State needs through a consensus process. He urged the Commission to request the commencement of the review process through a letter to Mr. Ronald Piester, the NYS DOS Codes Division Director, and to request that the Commission be included on the technical review committees. (See attached materials.)

There was a brief discussion among the Commission members, with agreement that the Commission would forward such a letter, and that no formal resolution was needed.

Land Use

Compatible Growth Area (CGA)

Rocky Point School District Additions and Improvements / Rocky Point (200-124-1-1,2: decision (Ms. Jakobsen; hearing held 4/18/07; decision deadline is 8/3/07)

Summary: Ms. Jakobsen summarized this pending application, including the request to clear a forested area in front of the school, the proposed maintenance building, and the interior improvements. She distributed the attached resolution which summarizes the staff recommendation that the maintenance building be approved, the clearing be denied, and that the interior building improvements be deemed to not be "development" and thus outside the Commission's jurisdiction. A brief discussion ensued regarding the resolution. **A motion was then made by Mr. Turner and seconded by Mr. Scully to approve and adopt the attached resolution. The motion was approved by a 4-0 vote.**

Brookhaven Walk / Yaphank (200-553-1-1.3; 200-584-2-1.2) / DRS: applicant request for decision extension to 6/20/07 (Ms. Jakobsen; hearing held 6/21/06; decision currently due 5/23/07)

Summary: Ms. Jakobsen explained that Brookhaven Town is in the process of producing a findings statement under the State Environmental Quality Review Act for this project. She also explained that the Commission has received the attached request from the project's representative for an extension of the Commission's decision deadline on this until the 6/20/07 Commission meeting, at which time they are requesting a decision. **A motion was made by Mr. Turner and seconded by Ms. Gallagher to accept and approve the decision deadline on this application to 6/20/07. The motion was**

approved by a 4-0 vote.

Rocky Point School District Additions and Improvements / Rocky Point (200-124-1-1,2: decision (Ms. Jakobsen; hearing held 4/18/07; decision deadline is 8/3/07)

Summary: Mr. Michael Ivanoff, the Director of Finance and Operations for the Rocky Point School District, asked about this application. A brief discussion followed.

Pine Barrens Credit (PBC) Program

Revised standard conservation easement (Mr. Milazzo; to be distributed)

Summary: Mr. Milazzo described the proposed changes to the standard conservation easement, including the sections pertaining to the various development and nondevelopment rights which are retained or given up; removal of the federal law references regarding natural gas; and elimination of the agricultural provision. A brief discussion ensued regarding past easements which the Commission has approved, the process by which a Credit applicant requests a customized easement, and the set of rights to be retained or given up. It was agreed that this will be put on the June agenda for consideration.

Tuccio c/o Schneps Credit allocation appeal / Westhampton (900-248-1-110.4): status; possible decision (Mr. Milazzo; LOI issued 12/18/06; hearing held 4/18/07)

Summary: It was agreed that this will be held until the June meeting.

Adjournment

Summary: A motion was made by Mr. Turner and seconded by Mr. Cardinale to adjourn. The motion was approved by a 4-0 vote, and the meeting ended at approximately 3:14 pm.

Attachments (in order of discussion):

1. Attendance sheet (5/16/07; 2 pages)
2. Project location map for today's meeting (5/16/07; 1 page)
3. Dwarf Pine Plains Trail 6/1/07 Dedication Ceremony flyer (undated; 1 page)
4. Insurance renewal quote (5/16/07; 2 pages)
5. PLC ATV Damage Mitigation Subcommittee report (5/16/07; 2 pages)
6. NWCG National Wildland Urban Interface Fire Program material (undated; 4 pages)
7. Wildland Urban Interface Code memo and attachment from staff (5/14/07; 2 pages)
8. Rocky Point School District decision resolution (5/16/07; 2 pages)
9. Brookhaven Walk decision extension request letter (5/3/07; 1 page)

**Commission Meeting Summary (FINAL)
for Wednesday, June 20, 2007 (Approved 7/18/07)
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. Bartunek (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, and Ms. Eichelberger (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. Freleng (from the Suffolk County Planning Department and Vice Chair of the Pine Barrens Credit Clearinghouse). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:07 pm by Mr. Scully, initially without a quorum. Three members were present: Mr. Scully, Ms. Prusinowski, and Mr. Shea. The Pledge of Allegiance was recited.

Peter A. Scully
Chair

Public Comment and Administrative

Philip J. Cardinale
Member

Public comments

Summary: The first speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society (LIPBS). He stated that he understands that the Island Water Park project has been modified to now include one lake and an all terrain vehicle track; that the Commission asserted jurisdiction over the original proposal; and that he believes that the Commission should assert jurisdiction over the new proposal as well.

Brian X. Foley
Member

Patrick A. Heaney
Member

Steve A. Levy
Member

The second speaker was Ms. Joanne Steigerwald, representing herself. She stated that she is a resident of Yaphank, lives near the Suffolk County Trap and Skeet Range, and is requesting the Commission to assert jurisdiction over the range.

The third speaker was Ms. Elizabeth Maresca, representing herself. She also stated that she is a resident of Yaphank, and lives near the Suffolk County Trap and Skeet Range. She stated that additional development is occurring there and also requested that the Commission assert jurisdiction over the range.

Ms. Gallagher and Mr. Bartunek arrived during the public comments, and a five member quorum was present for the remainder of the meeting.

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

Minutes for 5/16/07: review, approval (distributed)

Summary: The following change was made to the draft minutes: Mr. Spitz' name was struck out as an attendee. **A motion was made by**

Ms. Prusinowski and seconded by Mr. Scully to approve the 5/16/07 minutes with this change. The motion was approved by a 5-0 vote.

2007-08 budget: preliminary discussion

Summary: Mr. Corwin reported that the Commission's allocation for the 2007-08 State fiscal year has remained steady at \$1,100,00 (see attached NYS Environmental Protection Fund 2007 summary) the same as the 2006-07 fiscal year; that the budget categories for this year will be standard for the Commission, including, in part, payroll, the administrative fee for the Suffolk County Water Authority, insurance, vendors and maintenance (general equipment and operating costs), and special projects such as the stewardship work plan items to be discussed later in today's agenda.

He spoke briefly about the new staff positions previously approved by the Commission, and which are being filled at this time: the Environmental Planner vacancy, the Environmental Education Coordinator, and the Compliance and Enforcement Coordinator (the last of which will be a half time position at present). There was a brief discussion about the newly selected Environmental Planner and the overall implementation of the Commission's Staffing and Administrative Needs report.

Stewardship

Possible stewardship project - Historical fire tower reconstruction: conceptual presentation (Mr. Lawrence Paul, Forest Fire Lookout Association)

Summary: Mr. Corwin introduced Mr. Lawrence Paul and Ms. Eva Paul. Mr. Corwin noted that Mr. Paul is a long time volunteer with The Nature Conservancy Long Island Chapter and with the Long Island Greenbelt Trail Conference, and that his service with both organizations has included, in part, extensive cartographic work. Mr. Paul is also a member of the Forest Fire Lookout Association's New York Chapter, and has researched extensively the history of the NYS Conservation Department (predecessor to the NYS DEC), the state forest fire wardens and state conservation officers, and the presence and use of fire towers both across NY State and on Long Island. Mr. Corwin distributed the attached document entitled "The Fire Towers of New York - The Long Island Region".

Mr. Corwin noted that the recent Dwarf Pine Plains Interpretive Trail work had included at one point the possibility of a reconstructed fire tower. Since that idea was broached, however, the Commission's stewardship steering committee has decided to request that the Commission first examine the issues involved in, and the possible benefits of, reconstructing an historical fire tower in the Central Pine Barrens. The topics that this proposed feasibility study would look at include the goals of the project (educational, cultural resource restoration, interpretation, etc.), location characteristics, construction, legal, operation, etc. Thus, as a first step, Mr. Paul was asked to provide an overview of the towers which once existed here on Long Island, their history, and an overview of what would be involved in re-establishing a tower.

Mr. Paul introduced himself as a living link to the past, observing that he served as a fire warden in the Long Island fire tower system. He described the history of the system, noting that Long Island was the first region in the state outside the forest preserve to receive a fire tower in 1918; that he was involved in the mid to late 1940s; that visitors to the towers were a frequent occurrence as recorded in the warden's records; and that there

were towers scattered from western Suffolk to the South Shore, Riverhead, and the South Fork.

He described the work of the early fire wardens, naming many of them and their activities, and describing the overall history through a slide show. Mr. Paul distributed and discussed the attached "Fire Tower Project - A Brief Summary" which describes the recent discussions regarding the possibility of re-establishing a fire tower for educational and interpretive purposes. Mr. Paul described some of the costs, structural features and options, available existing towers, and possible candidate locations for the proposed project, and answered several questions.

Mr. Scully thanked Mr. Paul for the presentation, and there was agreement that the feasibility study proposed by the stewardship committee should proceed.

2007-08 Stewardship Work Plan draft: review, approval (Ms. Carter; to be distributed)

Summary: Mr. Corwin briefly described the work of the Commission's stewardship steering committee, and Mr. Shea observed that the pine barrens law provides specific guidance on stewardship topics that should be addressed by the Pine Barrens Plan. Mr. Shea noted that the committee is looking to update the Plan with respect to stewardship.

Mr. Shea explained that the committee is requiring that every stewardship project must advance and help satisfy a specific section of the pine barrens law and/or the Plan. He complemented the stewardship staff for its work on the 2007-08 Stewardship Work Plan, noting the considerable revisions that have been made since this past Friday's meeting of the steering committee, including, in part, the required statutory and Plan citations.

Ms. Carter then reviewed the attached and distributed 2007-08 Stewardship Work Plan, and the associated Science and Stewardship Ongoing Staff Work Responsibilities document. She covered the "special projects" for 2007-08, including each project's component tasks where identified to date, the statutory and/or Plan provisions which each project addresses, the assigned staff member(s), the proposed start and end dates by calendar quarters, the "in progress" milestones, and the type of deliverable(s) and/or progress measurements that apply to each project. The Stewardship Work Plan also contains a brief narrative description of each project, as well as some of the projects' component tasks.

The special projects presently include the Plan's stewardship updates; the ecological monitoring research work; the ATV damage mitigation and restoration project, the invasive plant management and removal project, the dwarf pine plains trail project (also see attached news article), and the fire tower feasibility project.

A brief discussion ensued regarding the current projects' details, the selection of future projects, and the incorporation of the Education Coordinator staff member into portions of the stewardship efforts later this summer.

Mr. Scully then complemented the committee and the staff for the considerable progress that they have made in providing a more accountable and productive structure for the Commission's stewardship work. **A motion was then made by Mr. Shea and seconded by Ms. Prusinowski to approve and adopt the 2007-08 Stewardship Work Plan. The motion was approved by a 5-0 vote.**

Wildfire Task Force: NY National Guard 6/29-30 Helicopter Firefighting Training: information item (Ms. Jakobsen)

Summary: Ms. Jakobsen summarized the upcoming Friday 6/29 and Saturday 6/30 Air Ground Firefighting Awareness Training session sponsored by the Wildfire Task Force in association with the NY Army and Air National Guard units from MacArthur and Gabreski Airports, respectively. Each day is targeted towards the volunteer fire department personnel who might wish to request helicopter water drops during a brush fire.

The curriculum includes a morning classroom session at Gabreski Airport covering capabilities and applicability of the helicopter units, the protocols for requesting them, and safety issues. The afternoon sessions at the Sarnoff Preserve feature both static displays allowing a walk through of the helicopters, as well as actual water drops using various altitude, speed and other factors for the dropping of water on a fire. (See attached flyer and agenda.)

Wildfire Task Force - Fire Academy: Cooperative Agreement with National Park Service: review, approval (Mr. Milazzo)

Summary: Mr. Milazzo described the attached and distributed copy of a proposed cooperative agreement between the National Park Service (NPS) and the Commission through which the NPS would provide approximately \$24,000 in assistance to the NY Wildfire and Incident Management Academy.

The money would be used for conducting wildland fire training (e.g., through covering the costs of instructors at the Academy) and for equipment and related resources for use by personnel trained to National Wildfire Coordinating Group standards. The money would be provided on a reimbursement basis. **A motion was then made by Mr. Shea and seconded by Ms. Gallagher to approve the agreement and to authorize the Commission Chair to sign it on behalf of the Commission. The motion was approved by a 5-0 vote.**

Land Use

Compatible Growth Area (CGA)

Tallgrass Village Center PDD / Shoreham (200-sections 104, 126, 127,148) / DRS: completeness determination and scheduling of hearing (Ms. Jakobsen)

Summary: Ms. Jakobsen reported that a new version of the prior applications for this project has been received by the Commission, and that the applicant is withdrawing the prior ones filed with the Commission. The project is a Development of Regional Significance. Following a brief discussion, **a motion was made by Mr. Shea and seconded by Ms. Gallagher (1) to schedule a public hearing on this application for the 7/18/07 Commission meeting at 3:00 pm, and (2) to not deem the application complete at this time. The motion was approved by a 5-0 vote.**

Brookhaven Walk / Yaphank (200-553-1-1.3; 200-584-2-1.2) / DRS: decision and Commission SEQRA findings (Ms. Jakobsen; hearing held 6/21/06; decision due today)

Summary: Ms. Jakobsen described the attached findings statement and site plan for this Development of Regional Significance in detail, and discussion ensued regarding many of the elements of the draft findings. The attached version reflects the changes made during

this discussion. Following the presentation and discussion, two motions were made. First, a motion was made by Ms. Gallagher and seconded by Ms. Prusinowski to accept the findings statement (attached) for the Brookhaven Walk application. The motion was approved by a 5-0 vote. Second, a motion was made by Ms. Prusinowski and seconded by Mr. Shea to approve the Brookhaven Walk project as described. The motion was approved by a 5-0 vote.

Red Creek Vistas Residential Subdivision / Hampton Bays (900-173-2-8.1) / Critical Resource Area "S5": decision (Ms. Jakobsen; hearing held 3/21/07; decision due 6/21/07 - today is last meeting before then)

Summary: Ms. Jakobsen summarized this 13 lot residential subdivision proposed for a Critical Resource Area within the Southampton Town portion of the Compatible Growth Area, its review by the Town, its protection of the Paumanok Path corridor (which is the reason for its CRA designation), and the proposed conditions for Commission approval. A discussion ensued regarding the approval conditions, and the attached final version reflects those changes. **A motion was made by Mr. Shea and seconded by Ms. Prusinowski to adopt the attached approval resolution for this project. The motion was approved by a 5-0 vote.**

Westhampton Mining Aggregates / Westhampton (900-332-3-26, 28.1, 28.2; 900-334-1-1) / complaint referral from Southampton Town: decision to formally request NYS Attorney General assistance (Mr. Milazzo)

Summary: This was deferred to a closed advisory session later today for the purpose of receiving legal advice from counsel.

Pine Barrens Credit (PBC) Program

Tuccio c/o Schneps Credit allocation appeal / Westhampton (900-248-1-110.4): status; possible decision (Mr. Milazzo; deferred from 5/16/07; LOI issued 12/18/06; hearing held 4/18/07)
Summary: Mr. Milazzo described this Credit allocation appeal for an approximately 52 acre site in the Southampton Town portion of the Core area. He summarized the prior development approvals granted by the Commission for this site; the existing uses; the history and origins of this parcel from an originally larger one; the relevant provisions of the Plan; the consideration of this matter by the Credit Clearinghouse; and the information and statements made at the public hearing on this appeal. Mr. Schneps, the attorney for this appellant, spoke on behalf of his client's appeal.

A motion was then made by Mr. Shea and seconded by Ms. Gallagher to adopt the attached resolution denying the Credit allocation appeal. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Mr. Bartunek.

Revised standard conservation easement (Mr. Milazzo; from 5/16/07; distributed 5/16/07)

Summary: This matter was continued from the May meeting. No further changes have been proposed since that time. **A motion was made by Mr. Scully and seconded by Ms. Gallagher to approve the revised attached standard Pine Barrens Credit Program conservation easement. The motion was approved by a 5-0 vote.**

Closed Advisory Session

Summary: **A motion was made by Ms. Prusinowski and seconded by Mr. Shea 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 3:38 pm to 3:55 pm.

Land Use

Compatible Growth Area (CGA)

Westhampton Mining Aggregates / Westhampton (900-332-3-26, 28.1, 28.2; 900-334-1-1) / complaint referral from Southampton Town: decision to formally request NYS Attorney General assistance (Mr. Milazzo)

Summary: A motion was made by Ms. Prusinowski and seconded by Mr. Shea to forward the attached letter to the NY State Attorney General's Office requesting its assistance in this enforcement matter. The motion was approved by a 5-0 vote.

Brush Development LLC Subdivision / Yaphank (200-582-1-1) / Notice of Violation issuance by Commission

Summary: A motion was made by Mr. Shea and seconded by Ms. Gallagher to issue the attached Notice of Violation to Brush Development LLC. The motion was approved by a 5-0 vote.

Adjournment

Summary: A motion was made by Mr. Shea and seconded by Ms. Gallagher to adjourn the meeting. 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 (6/20/07; 2 pages)
2. Project location map for today's meeting (6/20/07; 1 page)
3. NY Environmental Protection Fund 2007-08 Budget (4/20/07; 1 page)
4. Fire Towers of New York (misc. dates; 8 pages)
5. Fire Tower notes from L. Paul (misc. dates; 3 pages)
6. 2007-08 Stewardship Work Plan (6/20/07; 4 pages)
7. Stewardship ongoing responsibilities (6/20/07; 1 page)
8. News article re Dwarf Pine Trail opening (6/7/07; 1 page)
9. Air Ground Firefighting Awareness Training registration and agenda (June 2007; 2 pages)
10. Commission - National Park Service cooperative agreement (undated; 12 pages)
11. Tallgrass PDD application excerpt (June 2007; 4 pages)
12. Brookhaven Walk Commission findings statement and decision (6/20/07; 18 pages)
13. Brookhaven Walk site plan (undated; 1 page)
14. Red Creek Vistas Commission decision resolution (6/20/07; 3 pages)
15. Tuccio Credit allocation appeal decision resolution (6/20/07; 3 pages)
16. Revised standard PBC conservation easement (undated; 8 pages)
17. Letter to Mr. Spiegel of NYS AG re Westhampton mining (6/20/07; 1 page)
18. Brush Development Notice of Violation (6/20/07; 2 pages)



**Commission Meeting Summary (FINAL)
for Wednesday, July 18, 2007 (Approved 9/19/07)
at the Quogue Wildlife Refuge,
Old Country Road, Quogue, NY, 2:00 pm**

Commission members present: Mr. Scully (for New York State), Ms. Gallagher (for Suffolk County), Ms. Prusinowski (for Brookhaven), Mr. Bartunek (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, and Ms. Hargrave (from the Commission), Mr. Pavacic and 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 2:00 pm by Mr. Scully, with a four member quorum consisting of Mr. Scully, Ms. Prusinowski, Mr. Bartunek, and Mr. Shea. The Pledge of Allegiance was recited.

Public Comment and Administrative

Peter A. Scully
Chair

Philip J. Cardinale
Member

Brian X. Foley
Member

Patrick A. Heaney
Member

Steve A. Levy
Member

Public comments

Summary: The first speaker was Ms. Johan McConnell, representing the South Yaphank Civic Association. She read the attached statement regarding the concern of the Commission regarding ATVs in the pine barrens, and the lack of concern regarding the damage occurring at Southaven County Park from the use of golf carts at the trap and skeet range there. She submitted photographs which she described as showing the before and after status of sporting clay stations after one year of golf cart usage. She stated that golf carts had not previously been used there, and that the acting parks commissioner ordered a path to one of those stations closed after touring the site.

The second speaker was Mr. John McConnell, representing the South Yaphank Civic Association. He questioned why the Commission has not asserted jurisdiction over the Southaven Park Trap and Skeet Range. He stated that a stray shot from the range had hit a neighbor's tree.

The third speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. He stated that the Commission should assert jurisdiction over the revised Island Water Ski Park at EPCAL in Calverton.

The fourth public comment is contained in the attached letter from Ms. Patricia Pelkowski of The Nature Conservancy which was distributed. The letter expresses Conservancy concerns regarding the EPCAL site.

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

Minutes for 6/20/07: review, approval

Summary: A motion was made by Mr. Shea and seconded by Ms. Prusinowski to approve the 6/20/07 meeting minutes as final without changes. The motion was approved by a 4-0 vote.

2007-08 budget: review; approval

Summary: Mr. Corwin distributed and discussed the attached memorandum and draft 2007-08 budget, describing the categories of staffing, stewardship projects, insurance, general operating costs, and the Suffolk County Water Authority administrative fee. Following a brief discussion, it was agreed that a recent three year budget history would be useful prior to adoption of the current year's proposal.

Stewardship

ATV Damage Mitigation Interagency Project: report from 6/21/07 field work day (Ms. Carter)

Summary: Ms. Carter distributed and discussed the attached aerial ground level photos showing the ATV damage mitigation area in the Sarnoff Preserve area of Southampton Town. She described the 6/21/07 interagency work day results, including the installation of fencing, barricades, and signage. She described the return visits and maintenance that has occurred since then, including restoration of five of the 21 sites that were damaged since the work day. A brief discussion occurred regarding the future monitoring and maintenance work in the area, as well as the need to remove several dumping piles.

Invasive Plant Project: status of 2007 field work to date (Ms. Gibson and Mr. Rockerman)

Summary: Ms. Elisha Gibson and Mr. Peter Rockermann, the 2007 field interns, distributed the attached map showing areas and trails covered during the 2006 and 2007 invasive plant assessment field project. They noted that there are remaining areas to be surveyed, including, in part, portions of the Rocky Point Natural Resource Management Area, the northernmost portion of Southaven County Park, and other sites. They noted examples of the 40+ invasive species which they have identified during the inventory, the particular concentrations of individual species, their work with landowning agencies, and recommendations for use of the data. There were questions regarding their results, and the Commissioners thanked them for their efforts.

Ecological Research Services contract: status of forest health monitoring protocols (Mr. Corwin)

Summary: Mr. Corwin distributed the attached excerpt from the first written product from the Foundation for Ecological Research in the Northeast (FERN) under the ecological monitoring protocols contract. This is for the forest health monitoring protocols. Dr. Timothy Green of FERN will be meeting with the Commission science and stewardship staff to further explain this first field research protocol set.

Ms. Gallagher arrived at this point, and a five member quorum was present for the rest of the meeting.

Wildfire Task Force: report on NY National Guard 6/29-30 Helicopter Firefighting Training class (Ms. Jakobsen)

Summary: Ms. Jakobsen distributed the attached photographs from this training, and reported that there were approximately 50 attendees each day. Morning sessions were held at the NY Air National Guard base at Gabreski Airport, and afternoon field sessions with NY Army National Guard helicopters were at the State Sarnoff Preserve in Southampton.

Law Enforcement Council: request for RFP issuance for purchase of 1 ATV and 1 ATV trailer (Mr. Corwin)

Summary: Mr. Corwin reported that the Law Enforcement Council recommended at its 6/28/07 the issuance of the attached request for bids to purchase one ATV and one ATV trailer using the Environmental Benefit Fund monies already in hand. **A motion was made by Mr. Shea and seconded by Ms. Prusinowski to authorize the issuance of the attached notice to bidders. The motion was approved by a 5-0 vote.**

Land Use

Compatible Growth Area (CGA)

Commerce Bank Reuse of Previously Developed Site / Rocky Point (200-101-3-1): determination of jurisdiction (Ms. Jakobsen)

Summary: Ms. Jakobsen summarized this attached request for a determination of jurisdiction for the construction of a bank on a previously developed commercial site on the south side of NYS Route 25A in Rocky Point. The site is disturbed except for two mature trees which would be preserved; there is no native pine barrens vegetation there. She recommended that the project be deemed to not constitute development, and it was agreed that this does not meet the definition of "development" in the pine barrens law.

Tallgrass Village Center PDD / Shoreham (200-sections 104, 126, 127,148) / DRS: completeness determination (Ms. Jakobsen; from 6/20/07)

Summary: Ms. Jakobsen reported that the most recent version of this project's application, dated July 2007, has been received (excerpt attached). She recommended that the application be deemed to be complete. **A motion was made by Ms. Prusinowski and seconded by Ms. Gallagher to deem the application complete. The motion was approved by a 5-0 vote.**

Pine Barrens Credit (PBC) Program

Title Policy: proposed revisions (Mr. Milazzo)

Summary: Mr. Milazzo explained the attached and previously distributed proposed revision to the title policy. He noted the change in values of Credits, the landowner outreaches which have occurred over the life of the Program, the costs and coverage of the title insurance which the Commission requires, and the revisions proposed.

Mr. Zachary Gazza, a private businessman involved with the Program, asked about the proposed new policy, and the need for either auxiliary probate or a new survey for some Credit applications. A brief discussion followed on these matters.

A motion was then made by Ms. Gallagher and seconded by Ms. Prusinowski to adopt and approve the attached revised title policy. The motion was approved by a 5-0 vote.

Public hearings

Tallgrass Village Center Planned Development District / Shoreham (200-sections 104, 126,

127,148) / Development of Regional Significance

Summary: *A separate stenographic hearing exists for this item. During the hearing, the attached aerial photograph and letter from the PBC Clearinghouse were distributed.*

Adjournment

Summary: ***A motion was made by Mr. Shea and seconded by Ms. Prusinowski to adjourn. The motion was approved by a 5-0 vote, and the meeting ended at approximately 4:18 pm.***

Attachments (in order of discussion):

1. Attendance sheet (7/18/07; 2 pages)
2. Project location map for today's meeting (7/18/07; 1 page)
3. South Yaphank Civic Association letter re Southaven Park (7/18/07; 1 page)
4. The Nature Conservancy letter re EPCAL (7/18/07; 1 page)
5. Commission budget memo (7/17/07; 4 pages)
6. ATV damage mitigation pilot project photographs (undated; 2 pages)
7. Invasive Plant Assessment 2006-07 map of areas surveyed (7/18/07; 1 page)
8. FERN Forest Health Monitoring Protocols deliverable excerpt (7/6/07; 8 pages)
9. Air Ground Firefighting Awareness 6/29-30/07 photographs (6/29-30/07; 6 pages)
10. Notice to bidders for ATV and ATV trailer purchase (July 2007; 9 pages)
11. Commerce Bank material (5/31/07; 6 pages)
12. Tall Grass Village Center PDD application excerpt (July 2007; 10 pages)
13. Tall Grass letter from Nelson & Pope to Brookhaven Town (6/28/07; 14 pages)
14. PBC title policy revision and memo (7/13/07; 3 pages)
15. Tall Grass site aerial photo (undated; 1 page)
16. Tall Grass letter from Clearinghouse to Commission (7/17/07; 2 pages)

Commission Meeting Summary (FINAL)
for Wednesday, September 19, 2007 (Approved 10/17/07)
at the Riverhead Town Hall,
200 Howell Avenue, Riverhead, 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), Ms. Prusinowski and Mr. Turner (for Brookhaven), Mr. Bartunek (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 and Mr. Hynes (from the Commission), Mr. Pavacic (from the NYS Department of Environmental Conservation (NYS DEC)), Mr. Jones (from the Suffolk County Water Authority and Chair of the Pine Barrens Advisory Committee), Mr. Freleng (from the Suffolk County Planning Department and Vice Chair of the Pine Barrens Credit Clearinghouse Board of Advisors) 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 five member quorum. The Pledge of Allegiance was recited.

Peter A. Scully
Chair

Philip J. Cardinale
Member

Brian X. Foley
Member

Patrick A. Heaney
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 spoke about the presence of invasive species in the upper and lower lakes along the Carmans River in Yaphank, and asked whether the lakes were in the Core Preservation Area or the Compatible Growth Area (CGA), and about what jurisdiction the Commission might have over removal efforts being proposed. Mr. Corwin described the approximate Core and CGA boundaries in that area. Mr. Scully and Ms. Gallagher each commented upon their agencies' involvement with invasive species control and removal efforts, including the possible use of County sales tax funds, specifically the water quality component of that program. Mr. Turner stated that there may be Brookhaven Town funds for projects along the Carmans and Swan Rivers.

The second speaker was Mr. John McConnell, representing the South Yaphank Civic Association. He raised questions regarding railroad activity along Sills Road in Yaphank.

The third speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. He congratulated Mr. Bartunek on his recent primary victory, and asked whether the public address system could be turned on to allow everyone to hear the Commission meeting.

The fourth speaker was Ms. Carol Carbone, representing herself. She read the attached statement opposing the proposed Tall Grass Planned Development District in Shoreham.

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Minutes for 7/18/07: review, approval

Summary: A motion was made by Mr. Turner and seconded by Ms. Gallagher to approve the 7/18/07 minutes as final without changes. Changes were made separately to the Tall Grass hearing transcript, not part of the meeting minutes. The motion was approved by a 5-0 vote.

Stewardship

Invasive Plant Management Project: prioritization and 2008 Student Conservation Association planning (Ms. Eichelberger)

Summary: Ms. Eichelberger summarized the invasive plant reports for the 2006 and 2007 summer field seasons, noting that the 2007 report is being compiled and mailed. She noted that every physical occurrence of invasive plants from the inventory is being assigned a priority for removal and/or control. She noted that the factors involved include, in part, location, species, probability of success, etc.

She then described the third phase of the invasive species project, namely the securing of a Student Conservation Association (SCA) team for the pine barrens in 2008. This would consist of three or four team members with a team leader, all recruited and initially trained by the SCA, with the team targeting the prioritized occurrences. The specific work projects for 2008 will be identified by the public lands managers in the pine barrens in the coming months through an application process.

Mr. Turner expressed his strong support for the work of the science and stewardship staff in formulating and undertaking the invasive plant control work.

Ecological Monitoring Project: update (Ms. Carter)

Summary: Ms. Carter reported that the forest health monitoring protocols have been delivered to the Commission by the Foundation for Ecological Research in the Northeast (FERN) as per the Commission - FERN contract, that the stewardship steering committee has examined the deliverable to date and has some questions regarding it, and that the FERN staff will be meeting with the steering committee in the coming weeks to discuss several questions regarding the protocols.

ATV Damage Mitigation Project: update (Ms. Carter)

Summary: Ms. Carter gave the attached presentation regarding the ATV Damage Mitigation Project. She discussed the strategies for the two test areas in the Sarnoff - Maple Swamp region of Southampton Town; the specific Phase 1 work accomplished in the Sarnoff vicinity; the approximately 20 barricades and entry point controls that have been installed so far; the monitoring and maintenance done to date; the upcoming training session for both agency and private volunteers to perform the monitoring and maintenance; coordination with the Pine Barrens Law Enforcement Council; and the initial assessment to be done for the Phase 2 area of Maple Swamp.

Mr. Scully expressed his excitement at this work, which reflects the will of the Commission to undertake on the ground activities that remedy the ATV damage in the barrens, and Mr. Turner agreed. Mr. Shea stated that Southampton Town has received positive calls regarding this restorative work. Mr. Bartunek asked about the extent of ATV enforcement and impoundments in the pine barrens, and Mr. Corwin will forward to him a copy of the 2006 Annual Report with the law enforcement statistics contained in that.

2007 Pine Barrens Research Forum: status (Oct. 11 and 12; Ms. Carter)

Summary: Ms. Carter described the topics and program for the 12th Annual Pine Barrens

Research Forum (see attached), which has the theme of "Water Resources from the Ground Up". She also described some of the stopping points along the all day field trip on the second day which will feature "The Carmans River From the Top Down". Mr. Scully expressed his strong support for the selection of the Carmans River as the field trip focus.

Law Enforcement Council: purchase of 1 ATV and 1 ATV trailer with Environmental Benefit Fund monies (Mr. Corwin)

(1) awards to appropriate bidders (authorized 7/18/07; opened 8/8/07)

(2) authorization to transfer title of items to NYS DEC upon receipt

Summary: Mr. Corwin summarized the attached results of this request for quotes for these purchases, which are to be made using the monies in the Environmental Benefit Fund. He recommended that the ATV purchase be awarded to the lowest bidder, Bay Shore Polaris of Bay Shore. He also recommended that all three bids received for the ATV trailer purchase be rejected.

Two of the offered trailer makes and models do not appear to meet the specifications. Additionally, regardless of that, the original specifications called for a steel trailer and the Forest Rangers would like to change that to aluminum. They specifically are requesting one Triton brand trailer, model AUT12-82. Since the trailer purchase price itself would be below the \$5,000 level at which requests for prices are normally issued, the Suffolk County Water Authority Purchasing Department can simply solicit prices for that particular brand and model of trailer, and it can then be purchased from the lowest bidder.

A motion was then made by Mr. Shea and seconded by Ms. Gallagher to (1) award the purchase of the ATV to Bay Shore Polaris, (2) reject all three bids for the ATV trailer, (3) authorize the SCWA Purchasing Department to solicit bids on the specific model of trailer being requested and to purchase the trailer from the lowest vendor, and (4) to authorize the transfer of title of both the ATV and the ATV trailer to the NYS DEC upon purchase and receipt by the Commission. 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: status; estimate of Credits (Ms. Jakobsen; hearing held 7/18/07; decision deadline is 11/15/07)

Summary: Ms. Jakobsen reviewed the details of this Development of Regional Significance application for a change of zone of an existing 150 acre golf course and existing 170 acre sod farm from A1 Residence to a Planned Development District for the purpose of constructing 378 residences; 175,000 square feet of commercial space (including office, bank, restaurant, theater and retail space); a sewage treatment plant; and the reconfiguration of the existing golf course. The site is located on the south side of NYS Route 25A in the unincorporated area of Shoreham.

She then reviewed the sequence of milestones for this project's application to the Commission, including the receipt of an original application version and two subsequent modified project versions, plus the 7/18/07 public hearing. She noted that the decision deadline is 11/15/07.

Ms. Jakobsen discussed the attached staff report and associated materials, including, in part, the application of the standards and guidelines in the Pine Barrens Plan for nitrate -

nitrogen, treatment plant discharge location, SC Health Code Article 6 compliance, vegetation clearance, unfragmented open space, and fertilizer dependent plantings. Other topics touched upon include cultural resources assessment and the affect of the project on the visual characteristics of this portion of the Route 25A road corridor. She also described the questions and issues that have arisen with respect to the possible redemption of Pine Barrens Credits by this project.

Mr. Amper of the LI Pine Barrens Society questioned whether the project meets the open space standards, and raised the question as to whether the project can meet the criteria for granting of a hardship waiver.

Comprehensive Plan

Plan amendments: Report from Advisory Committee (Mr. Jones, AC Chair)

Summary: Mr. Stephen Jones, Chair of the Pine Barrens Advisory Committee and CEO of the Suffolk County Water Authority, described the Committee's prior and current work on Plan amendments. He noted that the Committee has met 16 times in the past three years, that its members have most recently focused upon Chapters 4 (Review Procedures and Jurisdiction) and 5 (Standards and Guidelines for Land Use) of Volume 1 of the Plan, and that the Committee has chosen to defer to the Pine Barrens Credit Clearinghouse for a review of Chapter 6 (Pine Barrens Credit Program).

Mr. Jones specifically highlighted the Committee's work on land use and development standards, as well as the thresholds for defining Developments of Regional Significance (DRS). He noted that the working draft version which Mr. Corwin prepared has a complete set of annotation for every change, identifying each change's origin, which he stated was extremely helpful in the Committee's review. E.g., changes present in the Plan draft may be from a prior Commission resolution, a development project decision, a past hearing transcript, a staff recommendation based upon experience, an Advisory Committee recommendation, or a new item from a particular source.

He noted some of the finer points upon which a Committee consensus had not been achieved, including the proposed current language for a DRS threshold which is based upon the quantity and intensity of septic waste generated by a project, and the current draft standard for steep slope construction.

Finally, he emphasized the Committee's very strong support for the new proposed open space standard to complement the existing vegetation clearance standard. Specifically, he identified the conservation design principle contained within the new open space standard as being essential. He noted that conservation design first examines the land and its natural resources to determine what areas must be set aside, as a precondition to placing development on a project site.

Mr. Jones stated that the Committee has finished its review, and would be pleased to review any other matters which the Commission may wish to forward to it.

Mr. Amper of the LI Pine Barrens Society and Vice Chair of the Committee, also spoke about the working draft and the Committee's review, and thanked the staff for pulling together the working draft.

Mr. Scully then thanked the Committee and staff for its work on the Plan amendments. A brief discussion was held regarding the next steps, including numerical analysis of the Credit program, final language for some of the unsettled points in the draft, and the

process by which the Plan changes would be accepted by the Commission and implemented by the Towns through code changes.

Pine Barrens Credit (PBC) Program

Title Policy: proposed additional revision to policy (Mr. Milazzo)

Summary: Mr. Milazzo discussed the attached memo and proposed revision to the PBC Program title policy, which would change the per Credit value for purposes of computing title insurance coverage to \$100,000 per Credit and would also substitute a reference to the statutory minimum amount of insurance in lieu of the current dollar value. He noted that the program has evolved over time, with Credit values increasing, and a "middleman" reseller market emerging. He also briefly described the "minimum title insurance" issues which apply to some Credit easements, and which are accounted for in the change proposed today. **A motion was then made by Ms. Gallagher and seconded by Mr. Scully to approve the attached changes to the title policy. The motion was approved by a 5-0 vote.**

Recommendations for waiver of new title policy provision for five previously pending Certificate applications (200-511-5-95; 900-305-1-4; 900-333-3-29; 900-335-1-11, 24) (Mr. Milazzo; from 7/18/07):

Summary: Mr. Milazzo explained the pending Credit Certificate applications for each of these parcels, and the specific characteristics of each that he feels qualify them for a waiver of the title insurance policy. The total Credit quantity for all of these parcels is less than 2.00. **A motion was then made by Mr. Shea and seconded by Mr. Bartunek to exempt these five PBC Certificate applications from the revised title policy. The motion was approved by a 5-0 vote.**

Ringhoff / Manorville (200-512-1-15, 17, 18, 21; 200-562-4-21) / new Credit appeals: schedule hearings (Ms. Jakobsen)

Summary: Ms. Jakobsen reported that a new Credit appeal has been received for a set of five parcels in the Manorville core area of Brookhaven Town (attached). The parcels are zoned A5 Residence, total approximately 151 acres, and were issued Letters of Interpretation for a total of 24.20 Credits. **A motion was made by Mr. Turner and seconded by Mr. Bartunek to schedule a public hearing on this new Credit allocation appeal for 3:00 pm at the 10/17/07 Commission meeting. The motion was approved by a 5-0 vote.**

Compliance and Enforcement

Land use project and conservation easement monitoring: report (Mr. Hynes)

Complaint and Incident Protocol and Report Form: recommended update (Mr. Hynes)

Summary: Mr. Corwin introduced Mr. Lawrence Hynes, the new Compliance and Enforcement Coordinator. He summarized Mr. Hynes' background, including his work with Suffolk County Parks and the Pine Barrens Law Enforcement Council.

Mr. Hynes described his work with the land use staff in inspecting development project sites; his work with the Credit Program in making compliance visits to the approximately 800 parcels in the Credit Program; and his response to complaints and incident reports that are received through the Commission Office from a variety of sources.

He also explained that he has revised the land use complaint investigation protocol and accompanying form, now called a Central Pine Barrens Incident Report. He explained the use of both the revised form and a new central complaint numbering system to enable the

Commission and staff to track and account for all complaints and reports received over time, including their referral to other agencies. The Commission expressed support for this work, and Mr. Scully observed that it is crucial to be able to follow through on reports received. **A motion was made by Ms. Gallagher and seconded by Mr. Turner to approve and adopt the attached revised Central Pine Barrens Incident Investigation Protocol, which includes the Central Pine Barrens Incident Report. The motion was approved by a 5-0 vote.**

Closed Advisory Session

Summary: **A motion was made by Ms. Gallagher and seconded by Mr. Bartunek 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 4:15 pm.**

Adjournment

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

Attachments (in order of discussion):

1. Attendance sheet (9/19/07; 1 page)
2. Statement of Ms. Carol Carbone re the Tall Grass PDD project (9/19/07; 1 page)
3. ATV Damage Mitigation Pilot Project Update (9/19/07; 6 pages)
4. 2007 Pine Barrens Research Forum flyer (10/11/07; 2 pages)
5. ATV and ATV trailer bid specs and results (8/8/07; 1 page)
6. Tall Grass staff report (9/14/07; 10 pages)
7. Tall Grass PDD FEIS excerpt (July 2007; 4 pages)
8. PBC Program title policy proposed revision (9/14/07; 2 pages)
9. Ringhoff Credit appeal and attachments (8/23/07; 9 pages)
10. Central Pine Barrens Incident Investigation Protocol revision (9/19/07; 4 pages)



**Commission Meeting Summary (FINAL)
for Wednesday, October 17, 2007 (Approved 11/21/07)
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. Bartunek (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. Pavacic and 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 2:03 pm by Mr. Scully, with a five member quorum. The Pledge of Allegiance was recited.

Peter A. Scully
Chair

Philip J. Cardinale
Member

Brian X. Foley
Member

Patrick A. Heaney
Member

Steve A. Levy
Member

Public Comment and Administrative

Presentation

Summary: Mr. Scully presented the attached Certificate of Appreciation from the Commission to Mr. John Pavacic of NYS DEC, who is about to become the new Suffolk County Parks Commissioner. Mr. Scully noted that Mr. Pavacic has been a valuable staff member for the DEC and contributor to the pine barrens protection effort. The other Commission members agreed, and everyone wished him the best in his new position.

Public comments

Summary: There were no speakers at this time.

Minutes for 9/19/07: review, approval

Summary: **A motion was made by Ms. Prusinowski and seconded by Mr. Bartunek to approve the 9/19/07 minutes without changes to the draft version. The motion was approved by a 5-0 vote.**

Suffolk County Water Authority annual audit - Statement of Cash Receipts and Cash Disbursements for pine barrens: authorization to sign management representation letter

Summary: Mr. Corwin described the attached statement of receipts and disbursements for the State fiscal year ending 3/31/07, along with the draft management representation letter which is signed each year by the Commission's Chair and Director addressing such topics as audit differences, minutes and contracts, internal control, contingent liabilities, etc. **A motion was then made by Ms. Prusinowski and seconded by Mr. Bartunek to authorize the Commission Chair and Executive Director to sign the attached management representation letter on behalf of the Commission. The motion was approved by a 5-0 vote.**

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Stewardship

Wildfire and Incident Management Academy:

- (1) authorization for additional insurance from Commission covering Academy field class at Boy Scouts' Camp Wauwepex
- (2) bus transportation arrangements and provider selection;
- (3) additional insured from Brookhaven Laboratory caterer for 10/27 and 10/31 catered Academy events

Summary: Present for this item was Mr. John Searing, a member of the Academy Board, the original Chair of the Pine Barrens Wildfire Task Force, and the current Brookhaven National Laboratory representative to the Wildfire Task Force. Mr. Milazzo spoke about the past years' Academies, noting that he believes that the NY Wildfire and Incident Management Academy will prove to be one of the great accomplishments of the Commission, and one which has national implications. He noted that the Commission should discuss the long term status of the Academy following this year's Academy, and it was agreed that the Commission would address that in November.

Mr. Milazzo explained that the Academy wishes to utilize the Boy Scouts' Camp Wauwepex property in Wading River for some of the field training classes, as has been done in the past, but that the Scouts wish to have a hold harmless waiver from the Commission for those activities, as is also customary. He recommended that the attached hold harmless agreement be approved and signed by the Chair. There is no additional cost to the Commission for this. **A motion was then made by Mr. Shea and seconded by Ms. Gallagher to approve the attached hold harmless agreement and to authorize the Commission Chair to sign it on behalf of the Commission. The motion was approved by a 5-0 vote, and Mr. Scully signed the agreement.**

Mr. Milazzo then discussed the Academy's need for transporting students between the Laboratory and the field training sites, as well as the Suffolk County Fire Academy in Yaphank where some of the classes are being held. He noted that we should avoid having students driving their own vehicles, and also avoid using private vehicles in general for Academy business. Some of the participating agencies are allowing the use of their agency vehicles for use by their personnel during the Academy, which also reduces the liability risks.

To address the transportation needs of the Academy, including both the above cases as well as the need to shuttle between the Academy site and the area airports, the Commission could request that the Brookhaven National Laboratory's transportation contractor provide the services, utilizing an existing contract previously awarded by the Laboratory. Mr. Searing then spoke about the Laboratory's current practices for providing transportation, the rates that are charged, and the type of transportation provided. He offered to inquire as to the possibility of utilizing that contract with the costs incurred during the Academy charged to the Commission, and the Commission agreed to that. **A motion was then made by Mr. Scully and seconded by Ms. Prusinowski to authorize the use of the Laboratory's existing contract for transportation for the Academy if that is acceptable to the Laboratory. The motion was approved by a 5-0 vote.**

Mr. Searing discussed the fact that this is the tenth annual Academy, and noted that there will be a celebration dinner on Saturday, October 27. Mr. Milazzo then noted as an information item that a certificate of insurance is being required to cover the Commission from the Laboratory's private caterer. Specifically, this will cover both the anniversary dinner as well as the separate banquet event, each of which will have a cash bar.

Public Comment and Administrative

Public comments

Summary: Mr. Randall Parsons of The Nature Conservancy spoke to the Commission about an entity called the Coalition for Open Space at EPCAL, explaining that this coalition includes, in part, the Audubon Society, the Peconic Baykeeper, The Nature Conservancy, and the Group for the East End. He stated that the coalition believes that significant natural resources need to be taken into account as economic development proceeds at the EPCAL site. He stated that the organizations have mapped natural resources there, and that they have a minimum percentage of open space that they wish to have preserved. He also spoke briefly about the sewage treatment capacity at the site.

Stewardship

2007 Pine Barrens Research Forum: results and summary

Summary: Ms. Carter reported that the October 11 Forum conference day drew approximately 165 registrants, which was well above the past years' levels of 100 to 120, and featured 11 speakers, 13 research posters, and 5 topical displays. Commissioner Scully offered opening remarks, as did representatives from the U.S. Department of Energy and the Brookhaven Laboratory's contractor, Brookhaven Science Associates. The speakers included two out of state speakers from other regional planning commissions, the New Jersey Pinelands Commission and the Columbia River Gorge Commission along the Washington - Oregon border.

The October 12 field trip along the Carmans River featured eight stops and one or two speakers at each stop. She distributed the attached summary of the field trip, which includes an itinerary and a map. Mr. Scully noted that he particularly found the New Jersey Pinelands talk to be very informative, and he thanked the staff of the sponsoring agencies and organizations for their hard work in organizing and executing the event.

Invasive Plants Project:

- (1) awaiting applications from public land managers for 2008 field projects
- (2) Review of draft Commission - Student Conservation Association agreement for 2008 field work

Summary: Ms. Eichelberger described the types of 2008 invasive species removal and control projects that the land managers will be nominating in the coming weeks, and went briefly through the contents of the project nomination form. The Science and Stewardship staff are requesting nominations by early November, and she urged the Commission members to ask their various natural resource and park management personnel to be sure to nominate projects for inclusion in the 2008 summer field work by the Student Conservation Association (SCA) crew.

Ms. Eichelberger also described the agreements that will be needed for the 2008 SCA work, including an SCA - Commission agreement, an agreement between the Commission and whatever entity provides housing, and an agreement between the Commission and each landowner. Mr. Milazzo will be reviewing the agreements.

She described some of the criteria that are being used to evaluate projects for the 2008 season, including, for example, whether an invasive species location contains any of the "Early Detection / Rapid Response" species, whether the location is also within a Weed Management Area, the presence of an overall restoration plan for a site, etc. A brief

discussion followed regarding the overall project.

Education and Outreach

Education and Outreach Program startup: initial public events and school contacts; interim work plan; Education Committee

Summary: Mr. Turner described the filling of the full time education position as a significant and exciting step forward in implementing the Commission's staffing plan. He also noted that he believes that Ms. Griffiths is an excellent choice to fill the position and to establish the program from its beginning.

Ms. Melissa Griffiths then introduced herself as the new Environmental Education and Outreach Coordinator for the Commission, and described her background. Her experience includes work as a naturalist; natural history coordinator for Los Angeles County; staff member and director of various nature centers in California and New York; Massachusetts State Director of Environmental Education, and a Cornell Cooperative Extension staff member most recently. Her work in the last three weeks has included meeting with the Brookhaven National Laboratory's Open Space Stewardship Program staff; compiling a list of potential Environmental Education Committee members; attending the Riverhead Country Fair to help staff the Commission's display; and meeting with school districts' representatives. Upcoming plans include speaking to a school superintendents' conference, meeting with additional school districts' staff, and speaking with a local civic group. She aims to be in schools three to four days per week eventually.

Land Use

Compatible Growth Area (CGA)

Tall Grass Village Center PDD / Shoreham (200-sections 104, 126, 127,148) / DRS: decision extension request to 12/19/07 meeting (*Hearing held 7/18/07; decision deadline is currently 11/15/07; today is last meeting before then*)

Summary: **A motion was made by Ms. Prusinowski and seconded by Mr. Bartunek to accept and approve the attached request to extend the Commission's decision deadline on the Tall Grass application to the 12/19/07 Commission meeting. The motion was approved by a 5-0 vote.** A brief discussion then ensued regarding the Brookhaven Town vote last evening approving the rezoning.

Land Use Projects Statistical Summary

Summary: Ms. Hargrave distributed and discussed the attached summary of the 2007 land use projects - both applications to the Commission as well as other, non application projects - which have been received. There was a brief discussion regarding both the formatting and the specific content of the summary. Mr. Scully complimented Ms. Hargrave on her refinement of the report from the prior draft.

Pine Barrens Credit (PBC) Program

Papell Credit Appeal / Middle Island (200-456-1-7.1): schedule hearing

Summary: **A motion was made by Mr. Bartunek and seconded by Mr. Shea to schedule a public hearing on this Credit appeal (materials attached) for 3:00 pm at the 11/21/07 Commission meeting. The motion was approved by a 5-0 vote.**

Compliance and Enforcement

Land use project and conservation easement monitoring: report

Summary: Mr. Hynes distributed and discussed the attached compliance and enforcement report covering his work to date on responding to citizen complaints of clearing and other activities - of which he noted that there are several pending - as well as the conservation easement inspections.

With regard to the easements, he noted that the easements in several tax map sections in Southampton, near Gabreski Airport, have been inspected, with no clearing violations found. He reported several non land use field conditions (e.g., gates damaged) to Suffolk County Parks, which has corrected them. Additional easement area visits have been completed for parcels in Riverhead, near Grumman Boulevard, and in the Flanders area of Southampton.

To date, 86 easements have been inspected for compliance, and that represents approximately 13% of the total of all easement parcels.

Public hearings

Pine Barrens Credit (PBC) Program

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

Summary: A separate stenographic transcript exists for this item. During the hearing, the Commission left the hearing record open until the 11/21/07 Commission meeting.

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 3:33 pm to 4:01 pm.

Land Use

Compatible Growth Area (CGA)

Eastport - South Manor Central School District: Junior Senior High School (200-589-4-1; 200-676-1-7.7): notice of violation

Summary: A motion was made by Ms. Prusinowski and seconded by Mr. Shea to issue a Notice of Violation to the Eastport - South Manor Central School District: Junior Senior High School for clearing violations at the Eastport - South Manor Junior Senior High School. The motion was approved by a 5-0 vote.

Adjournment

Summary: A motion was made by Ms. Prusinowski and seconded by Mr. Bartunek to adjourn. The motion was approved by a 5-0 vote, and the meeting ended at approximately 4:02 pm.

Attachments (in order of discussion):

1. Attendance sheet (10/17/07; 2 pages)
2. Project location map for today's meeting (10/17/07; 1 page)

3. Certificate of Appreciation to Mr. Pavacic (10/17/07; 1 page)
4. Draft statement of receipts and disbursements for FY ended 3/31/07 (undated; 6 pages)
5. Draft management representation letter re audit report (10/17/07; 3 pages)
6. Hold harmless agreement for Academy class at Boy Scouts property (10/17/07; 1 page)
7. 2007 Forum Carmans River field trip summary (10/12/07; 5 pages)
8. Tall Grass PDD decision extension request (10/8/07; 1 page)
9. Summary of Land Use Projects to date in 2007 (10/17/07; 1 page)
10. Papell Credit LOI and appeal letters (miscellaneous dates; 3 pages)
11. Compliance and Enforcement Report (10/17/07; 1 page)



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

**Commission Meeting Summary (FINAL)
for Wednesday, November 21, 2007 (Approved 12/19/07)
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. Turner (for Brookhaven), Mr. Bartunek (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)), Ms. Longo (from the Suffolk County Department of Environment and Energy), and Mr. McCormick (from the Riverhead Town Attorney's Office). Additional attendees are shown on the attached sign-in sheet.

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

Peter A. Scully
Chair

Public Comment and Administrative

Philip J. Cardinale
Member

Public comments

Brian X. Foley
Member

Summary: The first speaker was Ms. Johann McConnell, representing both the South Yaphank Civic Association and the Coalition to Save the Yaphank Lakes on the Carmans River. She spoke about the Upper and Lower Lakes along the Carmans River, which are in the Compatible Growth Area of the Central Pine Barrens. She explained that there is a problem with invasive plants in the lakes, and that Brookhaven Town Councilwoman Connie Kepert is forming a task force to examine the problem. Ms. McConnell noted that she does not know whether the Commission must review any invasive control proposals that may arise, but that the Coalition does want to bring those proposals before the Commission once they are formulated.

Patrick A. Heaney
Member

Steve A. Levy
Member

The second speaker was Mr. Robert Kessler, also representing the same Coalition. He stated that he is a resident along the Upper Lake, and that the use of chemicals to control invasive plants in the lakes was raised at a recent meeting which he attended. He expressed concerns about this approach, and felt that there are other options which the Coalition will explore and evaluate, and that the Coalition wants what is best for the ecosystem there.

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The third speaker was Mr. John Delbuono, also representing the same Coalition. He stated that there is a "force" in existence which wants to remove the dams along the Carmans River, and that the Coalition feels that such a move would harm the river to the detriment of various species in order to benefit only trout.

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Minutes for 10/17/07: review, approval

Summary: A motion was made by Mr. Turner and seconded by Mr. Shea to approve the 10/17/07 meeting minutes as final without

changes. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Mr. Isles.

Introduction of new Riverhead representative

Summary: Mr. Bartunek introduced Mr. Daniel McCormick, an attorney with the Riverhead Town Attorney's Office, who will become the official designated representative to the Commission for Riverhead Supervisor Cardinale starting next month. A letter will be forthcoming from the supervisor. Mr. Scully thanked Mr. Bartunek for his fine work representing Riverhead at the Commission, and welcomed Mr. McCormick.

Stewardship

ATV Damage Mitigation Project: Monitoring & Repair Summary (Ms. Carter)

Summary: Ms. Carter distributed and discussed the attached handout summarizing the damage and repair record for the 24 sites in Division A of the Protected Lands Council's ATV Damage Mitigation Project in Flanders. She noted specifically that field checks have been made by various parties every other week for all 24 entry points, many of which are barricade or fence sites. There have been 25 incidents of new damage, of which 24 have been repaired.

A field orientation for volunteer stewards was held at the area on 11/1/07. She observed that ATVs are circumventing some of the barricade locations, and that in some of those spots the barricade can be extended, while in other spots the barricade is in an open area. She also reported that NYS Office of Parks will be volunteering to check on the barricade sites as part of the stewardship team.

Mr. Scully observed that, while it is disheartening to see some of the damage and circumvention, it is important to keep up with it and persevere. Mr. Turner then asked Mr. Isles if the SC Planning Department could provide a presentation to the Commission on the SC ATV Task Force Report. Mr. Isles agreed to speak with SC Parks Commissioner Pavacic, and noted that the County study had a well defined scope. It was agreed that it would be helpful.

Mr. Scully then noted that the DEC Region 1 Office has lost the services of Forester Mike Giocondo, who is transferring upstate to Region 6. He noted that the DEC will try to fill that position, and also noted the difficulty in filling Long Island positions because of the cost of living here.

2008 Invasive Plant Management Project:

a) Applications received and project planning (Ms. Eichelberger)

Summary: Ms. Eichelberger reported that four applications have been received for the Summer 2008 Student Conservation Association (SCA) invasive plant work. They are: (1) a SC Water Authority proposal to eradicate invasives from various well site, estimated to be 13 days; (2) a SC Parks proposal for invasive control in the Flanders Weed Prevention Area, estimated to be 35 days; (3) a Peconic Estuary and DEC Bureau of Marine Resources proposal for removal of ludwigia, estimated to be 4 days; and (4) a US Fish and Wildlife Service (USFWS) proposal for invasive plant control at the Wertheim and Sayville units of the Long Island National Wildlife Refuge Complex.

She noted that the Sayville site is outside the Central Pine Barrens, and a brief discussion of the grassland nature of that site and the protected aguilina plants which are present

there. A brief discussion ensued regarding the use of the 2008 SCA team outside of the Central Pine Barrens, and it was agreed that this was acceptable since the USFWS is providing housing for the SCA team for the summer, and thus is requiring that at least 51% of the work be on LI Refuge Complex properties.

Ms. Eichelberger also noted that Ms. Polly Weigand has kindly offered to assist with both the public education work for the 2008 season, as well as with the documentation of methods that can be used to control the various invasives. The NYS DOT and Keyspan have also offered to cooperate with any adjoining landowners to their properties who are undertaking invasive plant removal or control, although they are not submitting specific proposals. Mr. Shea reported that he has spoken with a new NYS DOT staff person who is keenly interested in the invasive plant work, and that this new person will be contacting Ms. Eichelberger in the near future. Mr. Turner indicated that the Brookhaven Division of Environmental Protection and SC Parks are working on a proposal for control of multiflora rose and autumn olive in the Fox Lair property in Yaphank and will submit that soon.

- b) Review of draft Commission-SCA agreement for field work (Mr. Milazzo)

Summary: Mr. Milazzo reported that he has reviewed the draft agreement between the Commission and the SCA, and that he has suggested changes which the SCA conceptually accepted. They include changes relating to workers compensation and insurance. A brief discussion ensued regarding these, and it was agreed that the Commission will formally review the agreement once the next batch of comments are received from the SCA.

- c) Education and outreach opportunities with SCA team (Ms. Griffiths)

Summary: Ms. Griffiths summarized some of the educational and outreach opportunities that arise in conjunction with the 2008 SCA work, which includes a public outreach requirement by the SCA. These include brochures targeting specific geographic areas or schools, partnerships with research organizations, and educational opportunities involving individual districts or teachers.

Closed Advisory Session

Summary: **A motion was made by Mr. Shea and seconded by Mr. Turner to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 5-0 vote, and the Commission entered into closed session from approximately 2:26 pm to 2:43 pm.**

There was a break until 3:00 pm, the noticed time of the hearing.

Public hearing

Pine Barrens Credit (PBC) Program

Papell / Middle Island (200-456-1-7.1): Credit allocation appeal (Ms. Jakobsen)

Summary: In lieu of a stenographic transcript, the public hearing was recorded on audio tape. Mr. Scully read the attached hearing notice into the record. Ms. Jakobsen summarized this Credit allocation appeal from Mr. Steven Papell for this property. The parcel contains 1.94 acres within the Brookhaven A5 zoning district, and was issued a Letter of Interpretation (LOI) for 0 Credits on 9/4/07, based upon the lot being partially developed but failing to have at least two times the minimum lot size for its zoning category.

She identified and discussed the previously distributed staff exhibits, which are attached hereto. These include the hearing notice, staff exhibit list, staff report, LOI copy, appeal letters, survey, ground level site photographs of the existing structure and surrounding property, and aerial photograph.

Mr. Papell was not present for the hearing, although Mr. Milazzo noted that he had been advised of the hearing. Mr. Papell had asked that his letter be read into the record, which Ms. Jakobsen did.

A discussion ensued as to whether the Commission has ever granted or denied a request for an additional Credit allocation as an incentive for removing structures, which it has not. It was noted that the property would become eligible for one Credit if the structures were removed, based upon the Plan provisions, but that there was no provisions for offering an additional Credit over that for an incentive to remove the structures.

There was a brief discussion as to whether the existing structure was habitable or had a current Certificate of Occupancy from the Town. That was unknown, but it was observed that this information would not necessarily affect the Credit allocation for the parcel. There was also a discussion as to whether this home could be replaced by a new structure, and it was agreed that this question, if it arose, would have to be addressed by the Commission as a jurisdictional determination, and that also would not necessarily affect the Credit allocation. There was no staff recommendation on deciding the appeal at this time. It was agreed that this appeal will be addressed at the December meeting, and the hearing was closed.

Adjournment

Summary: A motion was made by Mr. Turner and seconded by Mr. Shea to adjourn. The motion was approved by a 5-0 vote, and the meeting ended at approximately 3:10 pm.

Attachments (in order of discussion):

1. Attendance sheet (11/21/07; 2 pages)
2. Summary of Damage and Repairs - ATV Damage Mitigation Project (11/20/07; 1 page)
3. Papell Credit appeal hearing notice (undated; 1 page)
4. Papell Credit appeal Staff Exhibit packet (11/21/07; 10 pages)

**Commission Meeting Summary (FINAL)
for Wednesday, December 19, 2007 (Approved 1/16/08)
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), 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 and Mr. Hamilton (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 2:10 pm by Mr. Scully, with a four member quorum initially present consisting of Mr. Scully, Ms. Gallagher, Ms. Prusinowski and Mr. McCormick. The Pledge of Allegiance was recited.

Peter A. Scully
Chair

Philip J. Cardinale
Member

Brian X. Foley
Member

Patrick A. Heaney
Member

Steve A. Levy
Member

Public Comment and Administrative

Public comments

Summary: Mr. Scully asked for any comments from members of the public on matters not listed on the Commission agenda. There were no speakers at this time.

Minutes for 11/21/07: review, approval

Summary: The following changes were suggested to the draft 11/21/07 meeting minutes: (1) under Stewardship / ATV Damage Mitigation Project, the first sentence of the third paragraph should be corrected to read, in part: "... it is important to keep up with it and persevere."; (2) under Stewardship / Draft Commission - SCA Agreement", the first paragraph's first sentence should read, in part: "... and that he has suggested changes which the SCA conceptually accepted."; and (3) under Public Hearing / Papell / Middle Island, the second paragraph's first sentence should read: "She identified and discussed the previously distributed staff exhibits, which are attached hereto." **A motion was then made by Ms. Prusinowski and seconded by Ms. Gallagher to approve the 11/21/07 minutes with these changes. The motion was approved by a 4-0 vote.**

Mr. Turner and Mr. Shea arrived during the next item, and a five member quorum was present for the remainder of the meeting.

Land Use

Compatible Growth Area (CGA)

Tall Grass Village Center Planned Development District (PDD) / Shoreham (200-

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

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

104, 126, 127,148) / Development of Regional Significance (DRS): receipt of amended application, possible scheduling of hearing (*Ms. Jakobsen; hearing held 7/18/07; new decision deadline*)

Summary: Ms. Jakobsen reported that this DRS application was amended on 11/30/07, and she recommended that this newly received and amended application be deemed complete by the Commission. She noted that this will start a new review period and set a new decision deadline of 4/17/08. She raised the question of whether the Commission wishes to schedule a new hearing. A brief discussion ensued regarding how the Commission has previously handled amended applications.

Ms. Jakobsen reported that the attached and distributed letters in opposition to this project were received from State Assemblyman Marc Alessi and County Legislator Edward Romaine. Mr. Milazzo read the attached letter from Mr. Paul Rogalle of the Brookhaven Town Planning Division regarding this project.

Mr. Scully asked if there were any comments from members of the audience today on this project.

The first speaker was Mr. Lawrence Feldman, an attorney representing the applicant. He stated that the entire application has been presented; that it has improved; that there is no reason for a new hearing; that he disagrees with a parallel drawn earlier with the Brookhaven Walk project; and that the project boils down to the desire of the Town to keep the golf course.

The second speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. He requested that the Commission assure that its decision is in conformance with the law. He stated concerns with respect to whether a hardship is warranted here; the extent to which a decision might rest upon the use of revegetation, which the Society finds to be of questionable value; and whether the applicant's hardship is self created.

The third speaker was Mr. John Ryan, representing The Community Journal newspaper editor Bernadette Budd. He read the attached statement from Ms. Budd opposing the project..

The fourth speaker was Ms. Carol Carbone, representing herself. She read the attached statement opposing the project, and submitted an excerpt from the 2002 Shoreham Hamlet Study (attached) plus two stapled petitions (copies of the cover sheet of each are attached here).

The fifth speaker was Brookhaven Second District Councilman Kevin McCarrick. He stated that the Town Board approved the PDD proposal "on the fly" on 10/2/07, and asked that the Commission hold a public hearing on the revised application to allow the public to be heard.

The sixth speaker was Mr. Kevin Ward, President of the Shoreham Civic Organization. He stated that he is not prepared to either oppose or support the project. He would like the community to have an opportunity to study the proposal more extensively, including the application. He stated that there are at least one hundred towns in New York State that are smaller than the proposed project.

The seventh speaker was Ms. Laura Schnier, representing herself. She stated that she is a Shoreham resident, that she has never seen the full project, and that the 2,239 persons

on the petitions oppose this project.

The eighth speaker was Brookhaven Second District Councilwoman Elect Jane Bonner. She stated that she is disturbed to know that a new project has been submitted and also stated that she does not want to have the review process circumvented.

The ninth speaker was Mr. Chic Voorhis, a consultant representing the applicant. He stated that he has been involved since the beginning of this project approximately four years ago; that the current version provides more open space; that the new version is based upon submissions from agencies; that the Town issued findings after a public hearing; and that the Commission has already held one hearing.

A discussion followed regarding the Brookhaven Town Planning letter and the question of completeness of the amended application. It was agreed that Commission counsel would offer legal advice in a brief closed session.

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 2:38 pm to 2:48 pm.**

Land Use

Compatible Growth Area (CGA)

Tall Grass Village Center PDD / Shoreham (200-104, 126, 127,148) / DRS: continuation

Summary: Mr. Scully noted that the Commission's determination today that the amended application is complete does not preclude the possibility of asking for additional information from the applicant. **A motion was then made by Mr. Scully and seconded by Mr. McCormick to (1) determine that the amended Tall Grass DRS application is complete, (2) schedule a public hearing on the amended application for 3:00 pm during the 1/16/08 Commission meeting, and (3) determine that the amended Tall Grass application supercedes and subsumes the previously submitted original application. The motion was approved by a 3-2 vote, with the dissenting votes cast by Ms. Gallagher and Ms. Prusinowski.**

Stewardship

Wildfire and Incident Management Academy: 2007 summary (Mr. Hamilton)

Summary: Present for today's update on the 2007 NY Wildfire and Incident Management Academy were Mr. John Urevich (Chair of the Wildfire Task Force (WTF) and Chair of the Academy Board), Mr. Charles Hamilton (of NYS DEC, also the Academy Coordinator and a member of the Academy Board), Capt. Timothy Byrnes (of the NYS Forest Rangers, also a Co Vice Chair of the WTF and a member of the Academy Board), and Mr. John Searing (of Brookhaven National Laboratory, also a member of the Academy Board and the founding Chair of the WTF).

Mr. Urevich spoke briefly about the Wildfire Task Force, a committee of the Commission created in 1996. He outlined the concept of the NY Wildfire and Incident Management Academy, and then introduced Mr. Hamilton. Mr. Hamilton provided a PowerPoint presentation of the 2007 Academy, noting that this was the tenth annual Academy and that

approximately 4,400 student registrations have occurred during this time.

He explained that the Academy's objectives include, in part, the training of wildland firefighters to National Wildfire Coordinating Group (NWCG) standards, promotion of "all hazard" incident response and management, and development of an integrated, interagency approach to incident planning and response. He noted that the Academy averages approximately 470 students per year, and identified numerous government and private organizations that participate each year. He described the new Incident Management Team training that occurred at the 2007 Academy, along with examples of the 27 courses provided in 2007. He spoke about the prescribed fire training which the Academy offers, and offered observations about the essential role that prescribed fire will need to play in future pine barrens management on Long Island.

Mr. Urevich closed by thanking the Commission for its support, and commenting upon the cooperation that has begun among the fire departments and land owning agencies regarding wildland fire and prescribed fire. Mr. Scully then thanked the Academy Board members for their time and presentation today.

Law Enforcement Council (LEC): 2007 activity summary (Sgt. Pendzick)

Summary: Sgt. Arthur Pendzick of the Suffolk County Park Police, and Chair of the Pine Barrens Law Enforcement Council, summarized the work of both the LEC and the Multi Agency All Terrain Vehicle (ATV) Task Force for 2007. He provided the attached written report for the Multi Agency ATV Task Force.

He reported that 256 ATV impounds were accomplished over 22 details during 2007, and that 316 related summonses were issued. He described the types of arrests that were made, along with some of their circumstances, during field details. He noted that there appears to be a decrease in the frequency of trailering ATVs from other locales to park and ride within the barrens, while simultaneously seeing an increase in illegal ATV riding on public highways. Another trend noted was an apparent decrease in weekend daytime illegal ATV riding, with an increase in weekday and nighttime ATV riding.

Non ATV incidents handled this year by the LEC agencies include stolen vehicle arrests, drug arrests, and arrests for outstanding warrants. He described a 5/15/07 incident in Shoreham along a utility right of way during which two individuals were caught stealing copper wire from utility poles, with one of those found to be wanted on prior warrants.

Sgt. Pendzick also noted that the LEC is requesting that the Commission submit a grant application on the LEC's behalf for possible awarding of a 6x6 Polaris ATV from the U.S. Smokeless Tobacco Corporation. This is an annual grant program which awards 6x6 utility ATVs to fire, police and emergency response organizations throughout the country. A discussion ensued as to whether the Commission should submit this application to a tobacco company. Following the discussion, **a motion was made by Ms. Prusinowski and seconded by Mr. Shea to approve the submittal of the grant application and to authorize the Commission Chair to sign it on behalf of the Commission. The motion was approved by a 4-1 vote, with the dissenting vote cast by Mr. McCormick.**

Environmental Education Committee: update on activities (Ms. Griffiths)

Summary: Ms. Griffiths distributed and discussed the attached December 2007 update for the Commission's Education and Outreach Program. She noted that a new Environmental Education Committee is forming to guide the development of the program as well as the establishment of an Environmental Education Plan for longer term goals and tasks. An

initial meeting of prospective members was held at the Commission office on 12/11/07 and included ten members which she named for the Commission.

The Committee drafted a tentative mission statement for the program, and enumerated four projects which the members agreed were essential over the long term. Those are: (1) establishment of a visitor center, (2) development of pine barrens educational and research materials, including curriculum resources for teachers, (3) re establishment of a Pine Barrens Discovery Day (analogous to the New Jersey Pinelands annual "short course"), and (4) establishment of a speakers directory of individuals willing and qualified to speak on specific topics. The next meeting is 2/1/08 at the Commission office.

Land Use

Pine Barrens Credit (PBC) Program

Papell / Middle Island (200-456-1-7.1): Credit appeal, possible decision (Ms. Jakobsen; hearing held 11/21/07)

Summary: Ms. Jakobsen summarized this previously discussed Credit appeal for a 1.9 acre parcel along the west side of County Road 21 in Middle Island, in the vicinity of Cathedral Pines County Park. She noted that the appeal sought a revision of the original allocation of zero Credits to a parcel which contains an unoccupied dwelling, a shed, and a garage. The Letter of Interpretation allocation was based upon the acreage and the 1995 zoning as per the Pine Barrens Plan, with the allocation decreased by 1.00 Credit due to the existing structures.

The appeal sought an allocation of 2.00 Credits, based upon the appellant's offer to remove the structures if the appeal is granted, which would have included a bonus of one Credit above the base allocation if the parcel was undeveloped. Ms. Jakobsen noted that the staff is recommending adoption of the attached resolution denying the appeal and retaining the original zero allocation based upon the reason stated therein. **A motion was then made by Ms. Prusinowski and seconded by Mr. Scully to adopt the attached resolution denying the Papell / Middle Island Credit allocation appeal. The motion was approved by a 5-0 vote.**

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

Summary: Mr. Milazzo distributed packets to the Commission members containing new materials submitted by the appellant's attorney, and explained that no action need be taken by the Commission at this time.

Eagan / (900-214-4-11, 900-236-3-4) PBC application overlap parcels: resolution of title issue.

Summary: Mr. Milazzo explained that Mr. James Eagan has applied for Pine Barrens Credit Certificates for two parcels in Southampton Town which both have apparent overlaps with parcels owned by Suffolk County. Mr. Milazzo explained that he instructed Mr. Eagan that these parcels were ineligible for Credits unless Mr. Eagan could resolve the title issues or provide affirmative insurance from a title company which specifically covers the Commission from any future claims. Mr. Eagan has reported to Mr. Milazzo that he has obtained such insurance, and will provide that in writing to the Commission (see attached certification pages).

Based upon that, Mr. Milazzo recommended that the Commission accept this title

*insurance once it is provided in writing to the Commission and is satisfactory to Commission counsel, and that the appropriate quantity of Credits then be awarded to Mr. Eagan's parcels if those conditions are fully satisfied. **A motion was then made by Mr. Scully and seconded by Mr. Shea to authorize the issuance of Credit to the Eagan parcels once Commission counsel deems all of these conditions to be satisfied. The motion was approved by a 5-0 vote.***

Administrative

2008 Commission meeting schedule: review, approval

*Summary: One change was made to the draft schedule, namely to change the February meeting to the fourth Wednesday (2/27/08) from the third. **A motion was then made by Mr. Scully and seconded by Mr. Turner to approve the attached 2008 Commission meeting schedule with that change. The motion was approved by a 5-0 vote.***

Financial summary and budget projection through 3/31/08: review, approval

Summary: Mr. Corwin distributed and discussed in detail the attached 12/19/07 financial update packet. The report covers the Commission's regular state legislative allocation, the staffing levels and history from 2003 to the present, the Environmental Benefit Fund dedicated to the LEC's work, the Pine Barrens Credit Clearinghouse funds, the Wildfire Academy funds, and the recent discussions of the Stewardship Steering Committee regarding setting annual internal milestones for the Commission's fiscal year.

He noted that the packet contains a spreadsheet with the history of state legislative allocations to the Commission, payroll and non payroll expenses, administrative fees paid to the SC Water Authority, insurance, grants and donations, and miscellaneous receipts. This summary includes all actual expenses for the current fiscal year (4/1/07 to 3/31/08) through September 2007, and projections for these expenditure categories through the 3/31/08 FY end. At present, there appears to be approximately \$153,000 available for discretionary expenditure for Science & Stewardship, plus Environmental Education, and the best use of those funds will be the subject of discussion by the Science and Stewardship Committee later this month or early January. A recommendation will then be provided to the Commission. No action is required by the Commission at this time.

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 3:58 pm.***

Attachments (in order of discussion):

1. Attendance sheet (12/19/07; 2 pages)
2. Project location map for today's meeting (12/19/07; 1 page)
3. Tall Grass opposition letter from Assemblyman Alessi (12/7/07; 1 page)
4. Tall Grass opposition letter from Legislator Romaine (12/19/07; 2 pages)
5. Tall Grass staff letter from Mr. Rogalle, Brookhaven Town (12/18/07; 1 page)
6. Tall Grass opposition statement from the Community Journal (12/19/07; 1 page)
7. Tall Grass opposition from Ms. Carbone and additional items (misc. dates; 7 pages)
8. PB LEC Multi Agency ATV Task Force 2007 Report (Dec. 2007; 8 pages)
9. Education / Outreach Coordinator December 2007 Update (Dec. 2007; 2 pages)
10. Papell / Middle Island Credit Appeal Denial Resolution (12/19/07; 2 pages)
11. Eagan title policy certification pages (Dec. 2007; 2 pages)
12. 2008 Commission meeting schedule (12/14/07; 1 page)
13. Financial Update (12/19/07; 8 pages)