

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

**Commission Meeting Summary (FINAL)
for Wednesday, January 18, 2006 (Approved 2/15/06)
at Brookhaven Town Hall,
1 Independence Hill, Farmingville, 2:00 pm**

Commission members present: Mr. Scully (for New York State), Ms. Longo (for Suffolk County), 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, Ms. Carter, Mr. Limoli, and Ms. Eichelberger (from the Commission), Mr. Pavacic and Mr. Spitz (from the NYS Department of Environmental Conservation (NYS DEC)). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:06 pm by Mr. Scully, with a four member quorum consisting of Mr. Scully, Ms. Longo, Mr. Turner and Mr. Shea. 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 at this time.

Minutes for 12/21/06: review, approval

Summary: **A motion was made by Mr. Shea and seconded by Ms. Longo to approve the 12/21/05 minutes as final. The motion was approved by a 4-0 vote.**

Project Decisions

Core Preservation Area (CPA)

Celi Electric warehouse building, CR 31 / Westhampton (900-311-1-3.3 & 8.7) / new hardship; schedule hearing (materials to be distributed; decision deadline 4/15/06)

Summary: Mr. Limoli reported that a new Core hardship application has been received for this proposed 2,100 sq. ft. dry storage warehouse on the west side of CR 31 in Westhampton. **A motion was made by Mr. Shea and seconded by Mr. Turner to schedule a public hearing on this application for the 2/15/06 meeting at 3:00 pm. The motion was approved by a 4-0 vote.**

American Physical Society sidewalks and tree removal for emergency protection / Ridge (200-459-1-1.4) / determination of jurisdiction (materials to be distributed; no deadline)

Summary: Mr. Limoli reported that a determination of jurisdiction inquiry has been received for the removal of several trees from the developed area of this property, which contains an existing commercial office facility, and which had previously received a Core hardship permit from the Commission in 1994 for an expansion. He explained the locations

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

of the specific trees adjacent to the building and the lawn area. Removal of the trees is proposed for both emergency access to the building as well as protection of the building itself.

A discussion ensued regarding the number, size and location of the trees with respect to the building and the lawn; a letter from the Brookhaven Town Fire Marshal's Office regarding the benefits that removal of the trees would provide for emergency access; the extent of the provisions and conditions of the 1994 Core permit; and the nonresidential nature of this land use. **A motion was then made by Mr. Turner and seconded by Ms. Longo to find that this project constitutes "development" under the pine barrens law and that a hardship permit must be filed. The motion was approved by a 4-0 vote.**

Compatible Growth Area (CGA)

Roanoke Sand & Gravel Proposed Asphalt Plant / Middle Island (200-345-1-p/o 1.4, 1.5) / assertion of jurisdiction: decision extension to 2/15/06 (assertion issued 6/15/05; materials distributed; hearing held 11/16/05; ECL 57 decision deadline is currently today)
Summary: Mr. Milazzo reported that the attached letter has been received from Mr. Lawrence Holt, an attorney representing this applicant, which requests an extension of the Commission's decision deadline on this application to the 2/15/06 meeting. **A motion was made by Mr. Turner and seconded by Mr. Shea to accept and approve the requested extension of the Commission's ECL 57 decision deadline on this matter to the 2/15/06 Commission meeting. The motion was approved by a 4-0 vote.**

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

Wendy's Restaurant / Middle Island (200-379-3-9.3) / hardship (hearing held 12/21/05; decision deadline is today)
Summary: Ms. Jakobsen reported that the attached decision extension request to 2/15/06 for this project has been received from the project sponsor's representative. **A motion was made by Ms. Longo and seconded by Mr. Shea to accept and approve the requested extension of the Commission's ECL 57 decision deadline on this matter to the 2/15/06 Commission meeting. The motion was approved by a 5-0 vote.**

Brookhaven Walk Shopping Center / Yaphank (200-553-1-1.3; 200-584-2-1.2) / Development of Regional Significance: decision extension request to 3/15/06 (original ECL 57 hearing held 10/17/01; decision deadline is currently today)
Summary: Ms. Jakobsen reported that the attached decision extension request to 3/15/06 for this project has been received from the project sponsor's representative. **A motion was made by Mr. Shea and seconded by Ms. Longo to accept and approve the requested extension of the Commission's ECL 57 decision deadline on this matter to the 3/15/06 Commission meeting. The motion was approved by a 5-0 vote.**

Hampton Club Residential Subdivision / Eastport (200-563-4-2, 5.1; 200-594-1-5): decision (materials distributed; hearing held 11/16/05; decision deadline is 02/04/06; today is last meeting before then)
Summary: Present for today's discussion was Mr. Chic Voorhis, a consultant for this project. Ms. Jakobsen explained the draft resolution of approval previously distributed to the Commission, and a change was made during the ensuing discussion to the provision regarding the review of soil contamination plans, which are no longer reviewed by the

Suffolk County Health Department.

A longer discussion then followed regarding the original and revised site plans for this residential subdivision; the changes in the plan with respect to the clearing standard; possible alterations to the plan which could increase the amount of protected vegetation and treed areas on the site; whether the pond areas should be counted as open space; the yield of the parcel under Town zoning; the negative declaration issued by the Town; the Commission's preference to reduce the amount of open space that is left within privately held lots; and the habitat value of the pond areas. The discussion was held until later in the meeting in order to permit Mr. Turner and the Brookhaven staff to locate aerial photographs of the site for examination by the Commission members.

Pine Barrens Credit Clearinghouse

Gazza - Various conservation easements: review and possible approval

*Summary: Mr. Milazzo explained that the Commission has previously reviewed requests from Mr. Joseph Gazza to alter the language in the Commission's standard Pine Barrens Credit Program conservation easements to eliminate the language that requires the property owner to provide access to the subject parcel(s) through other parcels held by the same owner. He explained that the Commission has previously declined to authorize the change as a general rule, and to treat each situation individually. Mr. Gazza currently has nine such easements before the Commission staff for the same modification. **A motion was then made by Ms. Longo and seconded by Mr. Shea to authorize the same language change for the current easements as well. The motion was approved by a 5-0 vote.***

Plan, Stewardship & Related Issues

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

Summary: Dr. Timothy Green of Brookhaven National Laboratory, and Chair of the Protected Lands Council's Technical Subcommittee, provided the attached presentation to the Commission regarding the work of the Foundation for Ecological Research in the Northeast (FERN), of which Dr. Green is a board member. He spoke about the recent field research work which FERN has undertaken, partly with funds previously provided to FERN by the Commission.

The research principally addresses the question of measuring "forest health" and the associated scientific monitoring techniques required to do that. He also presented the attached student research poster abstracts from that work, and the current budget for FERN. The budget figures also show previous expenditures. A brief discussion ensued regarding the current and planned work of FERN, and what funding it is seeking for the current year from both the Commission and other sources. Mr. Scully thanked Dr. Green and his colleagues for the information and their fine efforts.

Public Comment and Administrative

Public comments

Summary: The only speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. He reported that the Supplemental Environmental Impact Statement for the Water Ski Park at the Calverton EPCAL facility has been released, with a comment

deadline of 2/21/06. He stated that this project is a high priority for the Society, and that he believes that it is not in conformance with the Act. He requested that the Commission provide a thorough review of this document. Mr. Scully instructed the staff to obtain and review that document.

Mr. Amper also stated that the proposed reopening of the Southaven County Park Trap and Skeet Range is a controversial subject for the community and the Society, and asked that the Commission look into that matter as well.

Thirdly, he noted that the Suffolk County Council on Environmental Quality has granted a negative declaration under the State Environmental Quality Review Act (SEQRA) to the proposed jet plane facility lease and upgrade at Gabreski Airport, and stated that the project involves increased trips, fuel storage, and other impacts. He observed that the Suffolk County Department of Economic Development and Workforce Housing had previously promised to return to the Commission with a report on their activities and the airport master plan upgrade, and to work with the Commission. He asked that this be pursued further.

Project Decisions

Compatible Growth Area (CGA)

Hampton Club Residential Subdivision / Eastport (200-563-4-2, 5.1; 200-594-1-5): decision (materials distributed; hearing held 11/16/05; decision deadline is 02/04/06; today is last meeting before then)

Summary: Mr. Turner discussed the 2004 aerial photograph of the site; the extent of the proposed project, including the proposed clearing; the buffer areas of the plan; and areas of revegetation. **A motion was then made by Mr. Turner and seconded by Mr. Shea to adopt and approve the attached resolution approving this project. A discussion ensued regarding the Commission's practice that applications involving over cleared land require a hardship; the particular open space configuration that is proposed in this plan; and the habitat value of the open water areas and shorelines in the current plan. The motion was then approved by a 4-1 vote, with the dissenting vote cast by Mr. Kent.**

Closed Advisory Session

Summary: The Commission entered into executive session to discuss personnel matters from approximately 4:30 pm to 4:50 pm.

Public Comment and Administrative

Position descriptions: approval (previously distributed)

Summary: **A motion was made by Mr. Turner and seconded by Mr. Shea to approve the two attached position descriptions, for Education and Outreach Coordinator, and Enforcement and Compliance Coordinator. The motion was approved by a 5-0 vote.**

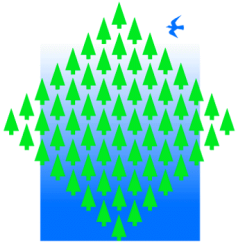
Adjournment

Summary: **A motion was made by Mr. Kent and seconded by Mr. Turner to adjourn.**

The motion was approved by a 5-0 vote, and the meeting ended at approximately 4:51 pm.

Attachments (in order of discussion):

1. Attendance sheet (1/18/06; 2 pages)
2. Project location map for today's meeting (1/18/06; 1 page)
3. Letter from Mr. Holt re Roanoke Asphalt Plant decision extension (1/9/06; 1 page)
4. Letter from Ms. Rate re Wendy's at Middle Island decision extension (1/13/06; 1 page)
5. Letter from Mr. Voorhis re Brookhaven Walk decision extension (1/12/06; 1 page)
6. Forest Health Monitoring report from FERN (undated; 23 pages)
7. Final Hampton Club approval resolution (1/18/06; 3 pages)
8. Position descriptions (12/12/05; 5 pages)



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

**Commission Meeting Summary (FINAL)
for Wednesday, February 15, 2006 (Approved 3/15/06)
at Brookhaven Town Hall,
1 Independence Hill, Farmingville, 2:00 pm**

Commission members present: Mr. Scully (for New York State), Mr. Deering (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 Mr. Limoli (from the Commission), Mr. Pavacic and Mr. Spitz (from the NYS Department of Environmental Conservation (NYS DEC)), Lt. Lapinski (from the NYS DEC Environmental Conservation Police), 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 2:09 pm by Mr. Scully, with a five member quorum initially consisting of Mr. Scully, Mr. Deering, Ms. Prusinowski, Mr. Kent and Mr. Shea. 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 (SYCA). She stated that the SYCA voted last evening to oppose the reopening of the Southaven Park Trap and Skeet Range. She stated that it is in the Core area; that any changes in the facility should undergo an environmental review by the Commission; and that the Commission's review should be conducted before the Suffolk County Parks Department negotiates or signs a license agreement.

The second speaker was Mr. John Palasek, representing the South Yaphank Civic Association. He stated that he echoes Ms. McConnell's comments, and that he is concerned that this proposal is being advanced by other interest groups who are pressuring the Parks Department. He urged the Commission to take a hard look at this project, follow the laws, and do what is right for the community.

The third speaker was Mr. Alan Stadler, representing himself. He reported that he spoke with members of the Longwood School District Board at the 2/9/06 school board meeting about the settlement of the violations of a NYS DEC agreement, and the pine barrens law, at the Ridge Elementary School. He reported that he was told at that time that a settlement agreement among the School District, the NYS DEC, and the Commission was not yet signed, and that the DEC is requesting changes to the survey of the property. Mr. Scully explained that the DEC is awaiting an updated version of the survey from the District, and that he has spoken with the appropriate state legislators about the previously discussed legislation that would be required to effect the land transfer envisioned as part of the settlement.

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

The fourth speaker was Mr. Emanuel Greenblatt, representing the Organization to Stop the Asphalt Plant, who submitted and discussed the attached comment and photographs regarding the Roanoke site. He stated that the photographs show a fire at the Roanoke facility in February 2004, and then spoke about a recent oil spill from a New Jersey hot mix asphalt plant into the Passaic River. He stated that the aquifer here can not clear itself through water flow as well as a flowing river can.

The fifth speaker was Mr. Roy Reynolds, representing the East Moriches Property Owners Association. He spoke about a pending land use proposal in the Eastport area known as Heritage Square, which he opposes. He summarized the project as having 408 units resulting in a 16% increase in the area population, as well as environmental, traffic, and fire service impacts. He stated that it should be subject to careful review; that Brookhaven Town refused to require an environmental impact statement; that the site includes pine barrens lands; that he believes that the project is a Development of Regional Significance (DRS); and that he believes that there are procedural errors in the Town's SEQR process.

The sixth speaker was Mr. John McConnell, representing the South Yaphank Civic Association. He stated that he would like to have attachments from the Commission's 12/15/04 and 1/19/05 meeting summaries re the Southaven Park Trap and Skeet Range.

The seventh speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. First, with regard to the Southaven Trap and Skeet Range reopening, he stated that the Society does not yet have a position on this. He noted that one of the definitions of "development" in the pine barrens law is the resumption of land use activities that have been discontinued for a year or more, and that the Society believes that the Commission needs to examine this.. Second, with respect to the Heritage Square project, he described the parameters of the proposal, its location with respect to the CGA, and urged the Commission to either assert jurisdiction over it or determine that it is a DRS. He spoke about the intent and spirit of the pine barrens law and the Plan, and asked the Commission to look beyond the site to the larger region, including the pine barrens, that he believes would be impacted.

The eighth speaker was Mr. John Harras, an attorney representing the Heritage Square project sponsors. He spoke about the review history of this project before the Town, including the April 2003 application to the Town; the coordinated SEQR review that occurred; the hearings before the Planning Board; the fact that the project proposed is less than the number of units or built area that the zoning would permit; that the project complies with all requirements and requires no variances; that this property is the only congregate care property in the Town; that the 11 acres of the project site which are within the pine barrens are slated to be preserved; that SEQRA has been followed; and that Mr. Amper only recently appeared at proceedings regarding this project.

The ninth speaker was Ms. Theresa Elkowitz, a consultant representing the Heritage Square project. She reviewed the detailed SEQR history of this project, including the original March 1989 hearing on the rezoning of this parcel from A1 Residence to PRCHC; the coordinated review at that time; the subsequent site plan application to the Town in 2003; and the site studies that have been conducted since that time. She stated that the project proposal conforms to the 1989 negative declaration by the Town for the rezoning, as well as the County's current regulations; that 42.8% of the site will be left natural; that the design complies with the pine barrens clearing standard; and that the sponsors are willing to comply with the pine barrens fertilized vegetation standard as well.

The tenth speaker was Ms. Michele Baron, representing the East Moriches Property Owners Association. She reiterated Mr. Reynold's remarks, and she stated that the Heritage Square project should undergo a full environmental review; that this is one of thirteen projects slated for that road corridor, two of which have already been built; and that it is clearly a DRS.

The eleventh speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. He responded to Mr. Harras' remarks on Heritage Square; stating that the current developer purchased the property after the passage of the pine barrens law, that this is a self created hardship; that the prior exchange of correspondence between the Town and the Commission on this matter does not constitute a full environmental review; that the sponsors should welcome review by the Commission; that the Society could not believe that the Town would issue a negative declaration for this; and that the DRS provisions of the law and the Plan were intended to cover projects such as this.

Minutes for 01/18/06: review, approval

Summary: The following correction was made to the draft 1/18/06 minutes: under "Hampton Club Residential Subdivision", the last sentence of the approval resolution should read "The motion was then approved by a 4-1 vote, with the dissenting vote cast by Mr. Kent." **A motion was made by Mr. Shea and seconded by Ms. Prusinowski to approve the draft 1/18/06 minutes as final with this correction. The motion was approved by a 5-0 vote.**

Project Decisions

Core Preservation Area (CPA)

American Physical Society (APS) / Ridge (200-459-1-1.4) / new Core hardship: correspondence; schedule hearing

Summary: Present for today's discussion was Mr. Mark Beacon, Director of Facilities Management for the APS. He read the previously forwarded attached correspondence which accompanied the hardship application materials, asking the Commission to reconsider its 1/18/06 determination that the proposed tree removal requires a hardship permit. Mr. Limoli then described a 1999 Commission determination involving tree removal on a parcel along CR 31 which the Commission found to not be "development".

Following a brief discussion, **a motion was made by Mr. Prusinowski and seconded by Mr. Deering to schedule a hearing on this Core hardship permit application for the 3/15/06 meeting at 3:00 pm. Mr. Kent asked if the staff recommended finding that this project was not "development", and Mr. Limoli recommended that action. The motion to proceed with the application and hearing was then approved by a 4-1 vote, with the dissenting vote cast by Mr. Kent.**

Mr. Turner arrived during the following item; a five member quorum remained in effect.

Gazza / Flanders (900-167-2-23) / determination of "development" status under pine barrens law: discussion; possible decision

Summary: Mr. Milazzo explained that the attached materials were received from Mr. Joseph Gazza regarding this parcel in the Riverhead Estates old filed map located south of NYS Route 24 (Flanders Road) in the Flanders Core area of Southampton Town. Mr. Gazza is requesting a determination from the Commission as to whether the previous transfer of Town development rights (not Pine Barrens Credits) from other parcels to this

one would qualify the construction of a single family residence on this parcel as not constituting "development" under the pine barrens law, and specifically section 57-0107(13)(ix).

Mr. Milazzo noted that the Commission has previously made such a "nondevelopment" determination for three other parcels in this old filed map to each of which Mr. Gazza had transferred sufficient Town development rights to satisfy the Town's current zoning requirements.

A motion was then made by Mr. Shea and seconded by Mr. Kent to determine that the construction of one single family residence on this parcel would not constitute "development" under the pine barrens law provided that a sufficient quantity of Town development rights (not Pine Barrens Credits) are transferred to this property as required and approved by the Town. The motion was approved by a 5-0 vote.

Compatible Growth Area (CGA)

Roanoke Sand and Gravel Proposed Asphalt Plant / Middle Island (200-345-1-p/o 1.4, 1.5) / assertion of jurisdiction: decision extension request to 4/19/06 (assertion issued 6/15/05; hearing held 11/16/05; ECL 57 decision deadline is currently today)

Summary: Ms. Jakobsen reported that a request (attached) for an extension of the Commission's ECL 57 decision deadline for this application to the 4/19/06 Commission meeting has been received from Mr. Lawrence Holt, an attorney for the project sponsor.

A motion was then made by Ms. Prusinowski and seconded by Mr. Kent to agree to, and approve, the requested decision extension to the 4/19/06 meeting. The motion was approved by a 5-0 vote.

Public hearings

Core Preservation Area (CPA)

Celi Electric Warehouse Extension, CR 31 / Westhampton (900-311-1-3.3 & 8.7) / hardship (decision deadline is 4/15/06)

Summary: A separate stenographic transcript exists for this item.

Project Decisions

Compatible Growth Area (CGA)

Wendy's Restaurant / Middle Island (200-379-3-9.3) / hardship: decision extension (hearing held 12/21/05; decision deadline is currently today)

Summary: Ms. Jakobsen summarized this pending application for a restaurant on a pad site to be placed in a 1.48 acre portion of the existing 16 acre Strathmore Shopping Center site on Route 25 in Middle Island. Present for today's discussion was Ms. Leigh Rate, an attorney representing the project sponsor. Ms. Rate stated that this site was developed before the passage of the pine barrens law, that a revegetation plan has been submitted to the Commission, and that the project sponsors are looking for guidance from the Commission as to exactly what revegetation requirements will be acceptable.

A discussion ensued regarding the revegetation plan; the status of this project at the Town, and the progress of the SEQRA review. Ms. Jakobsen explained that an extension of the Commission's decision deadline would be required in order to allow the Town to

complete the SEQRA process, and Ms. Rate agreed to an extension of the Commission's decision deadline on this to coincide with the completion of the SEQRA process. **A motion was made by Mr. Scully and seconded by Ms. Prusinowski to approve and accept the decision deadline extension to run with the SEQRA process. The motion was approved by a 5-0 vote.**

Pine Barrens Credit Program

Gazza / Westhampton (900-246, 285, 286, 310-misc. parcels) / request for modification of standard easement re access: discussion; possible decision

Summary: Mr. Joseph Gazza has requested that the draft standard Pine Barrens Credit Program conservation easements for the following parcels be modified so as to remove the provision that requires the property owner to grant access to them over other lands that he owns in the vicinity. The parcels are all District 900; the specific parcels are 246-2-7; 285-2-6, 9, 10, 12, 13, 14, 18, and 19; 286-2-2, 3, 4, 5, 9, and 16; and 310-1-3. (See attached correspondence.)

Mr. Milazzo explained that the Commission has previously granted identical requests from Mr. Gazza for other parcels, but that the Commission has requested that each case be approved individually. **A motion was then made by Mr. Shea and seconded by Mr. Turner to approve the requested changes to the standard conservation easement for these parcels. The motion was approved by a 5-0 vote.**

Other Project and Land Use Items

Pine Barrens Credit Program

Natural Resource Damages Funds: end of contract and return of funds (contract expired 11/7/05)

Summary: Mr. Corwin explained that the attached letter from the NYS DEC has been received which instructs the Commission to return \$5,000,000 from the Pine Barrens Credit Clearinghouse funds as per the terms of the Natural Resource Damages Restoration and Replacement Project Agreement C003439, which has now expired. A brief discussion ensued regarding the desire of the Pine Barrens Credit Clearinghouse to evaluate the future needs of the Pine Barrens Credit Program.

Stewardship & Related Issues

Law Enforcement Council: authorization to transfer ATV titles to Suffolk County; surveillance equipment purchase award

Summary: First, Mr. Corwin summarized the purchase of the two all terrain vehicles (ATVs) with funds from the Environmental Benefit Payment (EBP) funds which the Commission received from the NYS DEC for the Pine Barrens Law Enforcement Council's (LEC) use. He explained that Mr. Milazzo is looking at the Commission's options for transferring or loaning the vehicles to the Suffolk County Park Police, which would maintain them and provide them for field use by the member agencies of the Pine Barrens Law Enforcement Council.

Second, pursuant to the budget approved by the Commission for the EBP funds, a Request for Proposals (RFP) has been conducted by the Purchasing Department of the Suffolk County Water Authority (attached) for the proposed photographic and surveillance

equipment for use by the LEC member agencies, using specifications prepared by the LEC. Present for today's discussion was Lt. Frank Lapinski of the NYS DEC Environmental Conservation Police, who described the equipment in further detail, the types of environmental investigations for which it would be used (e.g., dumping), and answered questions. The results of the RFP (attached) were distributed and discussed. **A motion was then made by Mr. Turner and seconded by Mr. Shea to award the contracts to the two vendors shown on the attached sheet: I.R.B.D. Services, LLC, of New York, NY for items 1, 2, 6, 7 and 8; and First Witness Video Surveillance of Mount Sydney, VA for items 3, 4 and 5. The motion was approved by a 5-0 vote.**

Environmental Education Committee: composition; discussion

Summary: Mr. Corwin explained that the position description for the Commission's Education and Outreach Coordinator, approved by the Commission at its 1/18/06 meeting and since filled, calls for an Education Committee (attached) to prepare an Education Plan and work with the Coordinator. He noted that a potential candidate who was recently offered the position has declined it in favor of a position elsewhere. A discussion ensued regarding the need to identify other candidates, potential members of the Education Committee, its duration and the nature of its work.

Other Project and Land Use Items

Partly outside Central Pine Barrens and partly within Compatible Growth Area (CGA)

Heritage Square / Eastport (CGA parcels: 200-684-3-8, 9; parcels outside Central Pine Barrens: 200-684-4-1.1, 2, 3; 200-721-6-2): discussion (not an application; not on the original agenda)

Summary: A brief discussion was held regarding this project's location and description.

Closed Advisory Session

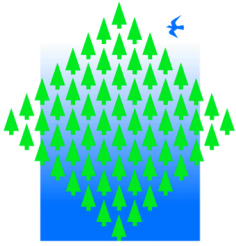
Summary: **A motion was made by Mr. Turner and seconded by Mr. Shea to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 5-0 vote, and the Commission entered into closed session from approximately 4:17 pm to 4:31 pm.**

Adjournment

Summary: **A motion was made by Mr. Scully and seconded by Mr. Shea to adjourn. The motion was approved by a 5-0 vote, and the meeting ended at approximately 4:31 pm.**

Attachments (in order of discussion):

1. Attendance sheet (2/15/06; 2 pages)
2. Project location map for today's meeting (2/15/06; 1 page)
3. Comments and photos from Mr. Greenblatt re Roanoke Asphalt project (2/15/06; 4 pages)
4. Letter from Mr. Beacon of the American Physical Society (2/6/06; 1 page)
5. Materials re Gazza parcel 900-167-2-23 (misc. dates; 3 pages)
6. Decision extension request for Roanoke Asphalt (2/6/06; 1 page)
7. Request from Mr. Gazza for a change in the conservation easements (2/1/06; 2 pages)
8. Letter from the NYS DEC regarding Clearinghouse funds (1/11/06; 2 pages)
9. Surveillance equipment Request for Proposals results (2/10/06; 1 page)



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

**Commission Meeting Summary (FINAL)
for Wednesday, March 15, 2006 (Approved 4/19/06)
at Brookhaven Town Hall,
1 Independence Hill, Farmingville, 2:00 pm**

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

Others present: Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, Mr. Limoli, and Ms. Eichelberger (from the Commission), Mr. Jones (from the Suffolk County Water Authority and Chair of the Pine Barrens Advisory Committee), Mr. Pavacic and Mr. Spitz (from the NYS Department of Environmental Conservation (NYS DEC)), and Mr. Freleng (from the Suffolk County Planning Department and Vice Chair of the Pine Barrens Credit Clearinghouse Board). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:06 pm by Mr. Scully, with a four member quorum 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 first speaker was Ms. Joanne McConnell, representing the South Yaphank Civic Association (SYCA). She spoke about the proposed reopening of the Southaven County Park Trap and Skeet Range, asking what the definitions of "development" and "abandoned" were with respect to the pine barrens law, and how they would apply to this situation. She referenced a letter to the Commission from SC Parks in January 2005 in which the prior Core hardship application for a then proposed noise mitigation wall for the range was withdrawn. She stated that the County has entered into a licensing agreement with a vendor, and asked when the Commission would see it.

Ms. McConnell then referenced the environmental and other studies that have been done at the site, and again asked when the Commission would be reviewing this project. Mr. Scully explained that the County Parks Commissioner will be briefing the Commission on the status of this project at the next Commission meeting.

A brief discussion then followed regarding the studies that have been completed; the involvement of the Environmental protection Agency, the SC Departments of Health and Public Works; the SC Council on Environmental Quality's SEQR deliberations; and the three recommendation that have been discussed for the trap and skeet range site, including reopening the range, use as a passive park area, and use as an active park area.

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

The second speaker was Mr. Doug Steigerwald, representing the South Yaphank Civic Association. He identified himself as a businessman and an activist who has recently joined the SYCA. He spoke about a new web site, focusyaphank.org, that local citizens have initiated, and stated that the trap and skeet range was the subject of e-mails that have been received through this site, with opinions falling on both sides of that issue. He then spoke about some of the specific concerns that he and other local residents have, including lead dust and other health concerns.

The third speaker was Mr. John Palasek, representing himself. He spoke about what he sees as a "catch 22" regarding the options for environmental clean up of the site. He noted that there would be vegetation removal if certain types of clean ups were undertaken, and that such removal would be a problem since the site is in the Core area.

He questioned whether Suffolk County was going to take any action to alleviate the sound problem; stated that studies may be needed; that he believes that the range has outlived its usefulness and is no longer an appropriate use at that site; that the neighborhood is not the same as it was fifty years ago; that promises made have not been kept; that the County has exempted itself from its own noise regulations; that the activity there is a hobby, and not a necessity; that the entire region should not be "stood on its ear" for the sake of this recreational activity; that events have transpired behind closed doors in producing the Request for Proposals; and that the range should no longer continue there.

Minutes for 02/15/06: review, approval (faxed)

Summary: The following correction was made to the draft minutes: under "Public Comments", the paragraph describing the tenth speaker should state, in part, "She reiterated Mr. Reynold's remarks ...". **A motion was then made by Ms. Longo and seconded by Ms. Prusinowski to approve the minutes as final with this correction. The motion was approved by a 4-0 vote.**

Commission - SC Water Authority agreement: review; approval (to be distributed)

Summary: It was agreed to defer this item until the April Commission meeting.

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

Advisory Committee 3/9/06 meeting report (Steve Jones, SCWA, Chair)

Summary: Mr. Stephen Jones, Chair of the Committee and CEO of the Suffolk County Water Authority, was present for this item, and distributed the attached summary sheet. He explained that the Committee was briefed by Mr. Limoli on the various land use projects in and near the Central Pine Barrens which the Commission has discussed. Mr. Jones also noted that he will have the SCWA staff revisit the prior completed analysis of aerial photography of the pine barrens, which estimated the amount of land disturbed between 1993 and 2004. The goal will be to see if an estimate can be made of the amount of actual new development that occurred during that period.

Mr. Jones also noted that the Committee discussed both the Silver Corporate Park application, as well as the general procedural issues that may pertain to such projects, including, as one example, the current process for determining the "completeness" of an application. He observed that completeness is a pivotal factor in determining whether and when the pine barrens law's statutory clock for a decision by the Commission begins. Also discussed at the Committee meeting was the question of whether the

Commission can or should go beyond the requirements for a Development of Regional Significance in the CGA, with Committee members taking opposite positions on the several questions that arise here. More specifically, the Committee discussed the pending Heritage Square project in the Eastport area, with the topics including its location with respect to the pine barrens and the degree to which the Commission ought to be involved with its review.

Finally, Mr. Jones noted that the Committee discussed the proposed reopening of the Southaven County Park Trap and Skeet Range, including the question of its "development" status under the pine barrens law, and the County's planned industrial development district at the Gabreski Airport. He noted that the resolutions passed by the Committee at this meeting will be forwarded to the Commission in the draft Committee minutes.

Mr. Amper, the Committee's Vice Chair, then noted that the Committee would like to have the process of determining "completeness" of an application to the Commission looked at for possible strengthening, given the statutory significance of that determination.

Authorizing cosponsorship of September 2006 "Regional Planning Comes of Age" conference: resolution (material previously distributed)

Summary: Mr. Corwin explained that the Commission has been invited (invitation letter previously circulated) by the New Jersey Pinelands Commission and the Pinelands Preservation Alliance to be a cosponsor of the September 2006 "Regional Planning Comes of Age" conference in New Brunswick, NJ. This year marks the 25th anniversary of the Pinelands Comprehensive Management Plan, and the conference is intended to be a northeastern United State event for similar regional planning efforts to be explained and compared. **A motion was then made by Ms. Longo and seconded by Mr. Shea to approve the attached resolution authoring the Commission to cosponsor this event. The motion was approved by a 5-0 vote.**

Project Decisions

Core Preservation Area (CPA)

Celi Electric Warehouse Extension, CR 31 / Westhampton (900-311-1-3.3, 8.7) / hardship: decision or extension (hearing held 2/15/06; material distributed; decision due 4/15/06 - today is last meeting before then)

Summary: Mr. Limoli reported that there are remaining details of this application that require work, including the buffer specifications, the road abandonment and parcel merger, and the vegetation requirements, and that a one month decision extension request on this project has been received from the sponsor (attached). **A motion was then made by Mr. Shea and seconded by Ms. Prusinowski to accept and approve the requested extension to the 4/19/06 Commission meeting. The motion was approved by a 5-0 vote.**

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 (original ECL 57 hearing held 10/17/01; decision deadline is currently today)

Summary: Ms. Jakobsen reported that the attached decision extension request to May 2006 for this project has been received from the project sponsor's representative. **A motion was made by Ms. Prusinowski and seconded by Ms. Longo to accept and approve the requested extension of the Commission's ECL 57 decision deadline on this matter to the 5/17/06 Commission meeting. The motion was approved by a 5-0 vote.**

Walgreen's Commercial Site Plan / Wading River (600-73-1-1.13, 1.14, 1.21) / new hardship: schedule hearing (material mailed; decision deadline is 6/15/06)

Summary: Mr. Limoli recommended that the Commission schedule a public hearing on this recently received CGA hardship application for an 11,000 sq. ft. pharmacy on the west side of Wading River Manorville Road, south of the Route 25A intersection, in Wading River. **A motion was made by Mr. Hanley and seconded by Ms. Longo to schedule a public hearing on this for 3:00 pm at the 4/19/06 Commission meeting. The motion was approved by a 5-0 vote.**

Pine Barrens Credit Program

Peconic River Sportsmen's Club proposed concrete slab / Manorville (200-298-1-1; 600-142-2-1.1): status of proposal under existing PBC conservation easement (material mailed; no deadline)

Summary: Mr. Limoli reported that a request has been received from the Peconic River Sportsman's Club in the Calverton - Manorville area (straddling the Brookhaven Riverhead town line) for an opinion as to whether a proposed project is permitted by the existing Pine Barrens Credit Program easement on the property. Present for today's discussion was Mr. John Hall, President of the Club.

Mr. Limoli explained the details of this proposed 8 ft. by 140 ft. concrete slab at the southwestern end of the on site shooting range, intended to provide a place for shooters to lie while using the range. Mr. Limoli reported that the staff has examined the proposal and the conservation easement and recommended that the proposal be determined to not be permitted by the easement. A brief discussion ensued regarding the easement, the ability of the parties to agree to changes in the easement, and the staff recommendation. Mr. Hall explained that the Club membership has a split view of this proposal, and wishes to get the Commission's opinion of whether it would be allowed. **A motion was then made by Mr. Turner and seconded by Ms. Longo to determine that the proposed project is not in conformance with the conservation easement, and thus not permitted. The motion was approved by a 5-0 vote.**

Joseph Gazza new Credit appeals / Westhampton (900-280-2-82; miscellaneous lots): schedule hearing (material to be distributed)

Summary: Ms. Jakobsen explained that two Credit allocation appeals have been received from Mr. Gazza. The first is for nine parcels, all in the 900 District (Southampton; various tax map sections). (See attached appeal letter and materials for complete list). They are zoned either CR200 Residence or LI40 Industrial. In each case, Mr. Gazza is seeking to have the allocation adjusted upward by 0.01 Credit based upon a different parcel area than that used in the LOI, and then applying the Plan rule that allocations should be rounded upward to the next one hundredth of a Credit. Ms. Jakobsen explained that the Pine Barrens Credit Clearinghouse voted at yesterday's meeting to utilize the tax bill acreage in issuing Letters of Interpretation generally, unless there is a survey available for a subject property. It was agreed that this appeal would thus be handled administratively by the staff, pending receipt of a letter from

Southampton Town that the tax bill acreage figures have been corrected at Mr. Gazza's request.

The second appeal is for parcel 900-280-2-82, a 1.79 acre parcel zoned CR200 Residence, located south of Sunrise Highway and east of Summit Boulevard (an unimproved street) in Westhampton. A 9/12/05 Letter of Interpretation awarded this parcel 0.36 Credit, and Mr. Gazza is seeking 1.00 Credit. (See attached materials.) **A motion was then made by Mr. Shea and seconded by Ms. Prusinowski to schedule a public hearing on this appeal for 3:00 pm at the 4/19/06 Commission meeting. The motion was approved by a 5-0 vote.**

Land Use, Stewardship and Other Items

Pine Barrens Credit Program

Natural Resource Damages Funds contract: end of contract and return of funds; report on Clearinghouse discussion of 3/14/06 (NYS DEC letter previously distributed; continued from 2/15/06; contract expired 11/7/05)

Summary: Present for today's discussion was Mr. Andrew Freleng, the Suffolk County representative to, and the Vice Chair of, the Pine Barrens Credit Clearinghouse. Mr. Freleng reported that the Clearinghouse was unanimous in recommending to the Commission that it request a new or amended agreement between the Commission and the NYS DEC to permit the temporary retention of a portion of the \$5 million that is currently slated to be returned to NYS DEC. He explained that the Clearinghouse feels that having \$5 million in the fund is a "critical mass", and a brief discussion ensued regarding the Clearinghouse's attached memo and meeting discussions.

Stewardship

Law Enforcement Council: authorization to transfer ATVs to Suffolk County (from 2/15)

Summary: It was agreed to defer this item until the April Commission meeting.

Westhampton Stewardship Project: "fire observation platform" concept (Steve Jones, SCWA, Subcommittee Chair)

Summary: Mr. Jones distributed and discussed the attached two photographs. One is an aerial shot of the SCWA's Eastern regional Office and the adjacent NY State and Suffolk County preserved lands with the route of the Dwarf Pitch Pine Trail superimposed upon it. The other is a ground level photograph of the facility, with an image of the proposed combined fire observation tower and transmission pole superimposed on it.

Mr. Jones explained that the Supervisory Control and Data Acquisition system, which the SCWA uses to remotely control its pump stations and related facilities, requires a backup site, a role for which the Eastern Regional Office has been selected. As part of that, the SCWA will need to install a pole, and is willing to combine that with the previously discussed fire tower for public visitation and education purposes. He spoke about the engineering and design details for the system, the prior attempts to install transmission equipment at that facility and those results, the use of a lift to identify the appropriate height for an observation platform, and related matters. Mr. Shea asked whether there would be commercial use of the pole, and Mr. Jones explained that the SCWA has been approached by companies, but is not seeking them. Mr. Scully thanked Mr. Jones for the presentation.

Public hearing

Core Preservation Area (CPA)

American Physical Society tree removal / Ridge (200-459-1-1.4) / Core hardship (*materials mailed; decision deadline is 6/6/06*)

Summary: *A separate stenographic transcript exists for this matter. During the hearing, a motion was made by Mr. Turner and seconded by Mr. Hanley to determine that the proposed tree removal does not constitute “development” under the pine barrens law, consistent with the Commission staff’s recommendation at the prior meeting. The motion was approved by a 5-0 vote.*

Adjournment

Summary: *A motion was made by Mr. Shea and seconded by Mr. Hanley to adjourn the meeting. The motion was approved by a 5-0 vote, and the meeting ended at approximately 3:28 pm.*

Attachments (in order of discussion):

1. Attendance sheet (3/15/06; 2 pages)
2. Project location map for today’s meeting (3/15/06; 1 page)
3. Advisory Committee 3/9/06 meeting summary (3/9/06; 1 page)
4. Resolution cosponsoring “Regional Planning Comes of Age” conference (3/15/06; 1 page)
5. Celi Electric Lighting decision extension request (3/13/06; 1 page)
6. Brookhaven Walk decision extension request (3/8/06; 1 page)
7. Walgreen’s Pharmacy material cover sheet only (3/6/06; 1 page)
8. Peconic River Sportsman’s Club material (miscellaneous dates; 16 pages)
9. Gazza Credit appeal letter for parcels with disputed area figures (2/24/06; 4 pages)
10. Gazza Credit appeal letter for 900-280-2-82 (3/2/06; 4 pages)
11. Memo from Clearinghouse to Commission re funds (3/15/06; 2 pages)
12. CR 31 stewardship map and fire tower visualization (undated; 2 pages)
13. American Physical Society nondevelopment resolution (3/15/06; 1 page)

**Commission Meeting Summary (FINAL)
for Wednesday, April 19, 2006 (Approved 5/17/06)
at Brookhaven Town Hall,
1 Independence Hill, Farmingville, 2:00 pm**



Commission members present: Mr. Scully (for New York State), Ms. Longo (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, Ms. Carter and Mr. Limoli (from the Commission), Mr. Pavacic (from the NYS Department of Environmental Conservation (NYS DEC)), and Mr. Freleng (from the Suffolk County Planning Department and Vice Chair of the Pine Barrens Credit Clearinghouse Board). 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 four member quorum consisting of Mr. Scully, Ms. Longo, Mr. Turner, and Mr. Shea. The Pledge of Allegiance was recited.

Public Comment and Administrative

Public comments

Peter A. Scully
Chair

Philip J.
Cardinale
Member

Brian X. Foley
Member

Patrick A.
Heaney
Member

Steve A. Levy
Member

Summary: The first speaker was Mr. Don Garber, a board member of the Setauket Civic Association. He spoke about the history of the Northville Industries gasoline spill in East Setauket and the allocation of a portion of the resulting fines to the establishment of the Central Pine Barrens transfer of development rights program. He stated that the Commission should know the history of this event, and reported that the Three Village community is looking forward to using the funds that would be returned to the state by the Commission.

The second speaker was Mr. Ira Brickman, a resident of the Longwood School District. He inquired about the status of the resolution of the Ridge Elementary School violations by the Commission and the NYS DEC. Mr. Scully explained that part of the resolution being sought is the preservation of the undeveloped land at the site, and that the DEC is seeking a detailed survey of the property before the settlement is finalized.

The third speaker was Mr. Daniel Sullivan of Roux Associates, representing the sponsors of the Island Water Park project within the Calverton EPCAL site. He stated that he does not believe that the Commission has jurisdiction over the EPCAL site in Calverton, citing Section 9.2 of the Central Pine Barrens Plan; a recent decision by the Commission to approve the Town's zoning ordinance for the EPCAL facility; and a recent letter from Riverhead Town (attached).

The fourth speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. He believes that the Island Water Park is not in conformance with the Pine Barrens Plan. With respect to the Northville funds and their return, he noted that there are several sources of money currently available for land preservation. He stated that while the community is entitled to having the funds returned to the state, a comprehensive strategy should be created to make the best use of all available land preservation dollars. Regarding the Southaven Trap and

Skeet Range, he believes that the project does constitute development due to the time period which has elapsed since it's last operation.

The fifth speaker was Ms. Johan McConnell, representing the South Yaphank Civic Association (SYCA). She stated that the SYCA believes that there has been four and one half years of inactivity, and that this cannot be considered temporary, and that the proposal for the site is "development" under the pine barrens law.

Minutes for 03/15/06: review, approval (faxed)

Summary: A motion was made by Ms. Longo and seconded by Mr. Turner to approve the minutes for the 3/15/06 meeting. The motion was approved by a 4-0 vote.

Commission - SC Water Authority 2006-08 agreement: review; approval (faxed)

Summary: Mr. Corwin explained that this new agreement (attached) is intended to have the same termination date as the recently executed Commission contract with the NYS DEC, namely 3/31/08. He also noted that this agreement provides that the payroll overhead will be reduced for SCWA employees assigned to pine barrens work, with the cost of any termination pay for unused sick and vacation time to be charged to the Commission at such time as it is incurred in the future, rather than during the durations of employment. He noted that this agreement was already approved by the SCWA Board on 3/28/06. A motion was then made by Mr. Shea and seconded by Ms. Longo to approve the agreement and to authorize the Commission Chair to sign the agreement on behalf of the Commission. The motion was approved by a 4-0 vote.

Project Decisions

Core Preservation Area (CPA)

Celi Electric Warehouse Extension, CR 31 / Westhampton (900-311-1-3.3, 8.7) / hardship: decision (hearing held 2/15/06; decision due today)

Summary: Mr. Limoli reported that the attached request for a decision extension until the June 2006 Commission meeting has been received from the project sponsor. He noted that the issues remaining to be settled regarding this project include the clarification of a road abandonment, the resulting final size of the actual parcel, and necessary reviews of Suffolk County records. A motion was then made by Mr. Shea and seconded by Ms. Longo to accept and approve the requested decision extension until the 6/21/06 Commission meeting. The motion was approved by a 4-0 vote.

Manorville Estates Winery - Gherardi / Manorville (200-511-1-1-6, 7.1-7.3, 8-12, 43) / determination of jurisdiction: discussion (material faxed; no decision deadline)

Summary: Mr. Milazzo explained that the attached request for a determination of jurisdiction was received from Mr. Glenn Gruder, an attorney with the firm of Certilman Balin, representing the project sponsor, Ms. Gladys Gherardi. Mr. Milazzo summarized this proposal for clearing and planting a portion of a 57 acre site on the east side of CR 111 in Manorville, south of Hot Water Street. Mr. Gruder, who was present today with his client, then spoke about the proposal for an active vineyard, including planting and harvesting; his position that the proposal does not constitute "development" under ECL Article 57; and the contents of the attached handout which he provided citing portions of the law. He also stated that no decision has been made regarding whether a Core hardship application will be filed for this with the Commission in the event that the Commission determines that the proposal is "development".

Compatible Growth Area (CGA)

Roanoke Sand and Gravel Asphalt Plant / Middle Island (200-345-1-p/o 1.4, 1.5) / assertion of jurisdiction: application withdrawal (assertion issued 6/15/05; hearing held 11/16/05; ECL 57 decision deadline is today)

Summary: Mr. Corwin reported that the attached letter withdrawing this application has been received from Mr. James Barker of the Roanoke Sand and Gravel Corp. **A motion was made by Mr. Turner and seconded by Ms. Longo to accept the withdrawal of this application and project. The motion was approved by a 4-0 vote.**

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

Land Use, Stewardship and Other Items

Core Preservation Area (CPA)

Southaven County Park Trap and Skeet Range / Yaphank (200-745-1-1, etc.) / informal status report from SC Parks Dept. (not an application)

Summary: Commissioner Ronald Foley of the Suffolk County Department of Parks, Recreation, and Conservation spoke about the existence of the range on Gerrard Road in Yaphank since the 1920's; the default of the last private operator of the facility; the desire of the County for the last 3 or 4 years to reopen it; the issuance of a Request for Proposals for a new operator and the identification of a successful candidate; the nearly complete contract negotiations with that party; the elimination of some shooting stations; the intention to redirect the line of shooting; the building renovations underway or completed; changes to the sporting clays area and the possible introduction of an earthen berm; the efforts to dispose of the accumulated target debris; the lead reclamation scheduled for this year, and periodic future lead reclamations; the County's work with the Environmental Protection Agency to define best management practices for the lead; the possible use of moveable noise mitigation devices; the fact that lead shot is not being directed over water and the resultant decrease in likelihood that waterfowl would ingest the lead pellets; the financial troubles that the last operator had; the initial RFP which was unsuccessful; studies that were done on noise and lead; the desire to open this year, and the lack of any current plan to return to the Commission.

Ms. JoHan McConnell of the SYCA showed the Commission an aerial photograph of the site, discussed the prior plan to construct a 1,700 foot noise barrier wall, and stated that reorientation of the shooting areas would require cutting into the trees.

Mr. Howard Carpluk, a Southaven Park neighbor, circulated a set of photographs taken at the facility; stated that he is only now becoming familiar with the state laws that relate to the site; discussed the lead, clay and runoff that his photos depict; wondered what effect the chemicals in the lead shot might have on the environment; discussed a 2002 environmental study; and stated that he felt that questions are not being completely answered.

Mr. John Palasek, a facility neighbor, stated that the clean up is a lot of effort; that there is no outreach to the community; stated that lead dust is being discharged into the air each time a gun is fired; and stated that the facility is outdated and no longer belongs in a bedroom community.

Mr. Doug Steigerwald, representing the FocusYaphank.org web site, distributed the attached summary of web site visitors and topics of interest to them, and raised questions about both traffic and general impacts.

Mr. Richard Shandell stated that constant noise from the facility when it is operating ruins

the quality of life for handicapped and disabled individuals when they are outside their homes.

Mr. Richard Amper of the LI Pine Barrens Society expressed concern about the possibility of the Parks Department not returning to the Commission, and asked the Suffolk County representative to the Commission to speak with the County administration to see if that issue can be sorted out.

Mr. Scully observed that the threshold issue for the Commission is jurisdiction, and Mr. Milazzo asked what is planned for the area and when, and asked whether there is a contract pending. Mr. Foley explained that infrastructure improvements are currently underway; that the intention is for the new vendor to use the existing building with a license fee paid to the County; and that the clean up is going to include lead reclamation.

Mr. Milazzo then noted that if the Commission has jurisdiction over the proposal, then the County would need a permit from the Commission, and that if there is no Commission jurisdiction over this, then there would be no Commission involvement. He urged the County Parks Department to return to the Commission on the question of jurisdiction.

Ms. McConnell of the SYCA then spoke briefly about the depth of lead that has accumulated.

The following public hearings were conducted without a stenographer since the scheduled stenographer was unable to attend at the last minute.

Public hearings

Compatible Growth Area (CGA)

Walgreen's Commercial Site Plan / Wading River (600-73-1-1.13, 1.14, 1.21) / hardship (decision deadline is 6/15/06)

Summary: Mr. Scully read the attached hearing notice. Mr. Limoli summarized this CGA hardship application for an 11,000 sq. ft. pharmacy store with a 4,000 sq. ft. basement on a 2.58 acre parcel zoned Business CR on the west side of Wading River Manorville Road, south of NYS Route 25A in Wading River. He explained that the site does not meet the clearing standard; that replanting is proposed; and that other standards are either met or not applicable.

Present for the sponsor was Mr. John Wagner, an attorney, who spoke about the hardship criteria; the past farming of the site and area; and stated that the overclearing is due to trespass. Also present was Ms. Teresa Elkowitz, a consultant for the project, who distributed the attached set of aerial photographs, and described the site's history, past use, and the dirt roadway that was created by the adjacent farmer who has crossed over a portion of this site without permission in the past. Mr. Wagner explained that they have spoken with the farmer, and that he has stopped using that route.

Discussion then touched upon the applicant being a contract vendee for this site; the past 1981 subdivision that resulted in the subject lot being created; and the zoning and clearing of the site.

Mr. Joseph Vento, the owner of a nearby 8 acre site to the west, located on the south side of Route 25A, objected to the proposal, stating that the development which he is proposing for his site has better traffic flow design and includes a traffic light. Mr. Scully then noted that the application before the Commission is for relief from the CGA clearing standard.

Mr. Sid Bail of the Wading River Civic Association stated that the Association is not endorsing any particular project, and that they support the current zoning in the area. He raised questions about the size of the proposed building.

Mr. Richard Amper of the LI Pine Barrens Society stated that the date of the sponsor's acquisition of the subject property, and whether that constitutes a self created hardship if purchased after the effective date of the pine barrens law, should be considered here. He also noted that there may be a question of adverse possession.

Mr. Limoli recommended reserving decision on this project, and the hearing was then closed by Mr. Scully.

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

Pine Barrens Credit Program

Joseph Gazza / Westhampton (900-280-2-82) / Credit allocation appeal (*appeal letter previously distributed*)

Summary: Mr. Scully read the attached hearing notice. Ms. Jakobsen explained that a Letter of Interpretation (LOI) for 1.00 Credit had originally been issued for this parcel, and was later rescinded by the staff when it was determined that the parcel is on an unimproved dirt road, rather than an improved road. A new LOI for 0.36 Credit was then issued. The parcel contains 1.79 acres, and is zoned CR200 Residence. Mr. Gazza spoke about this parcel, the road access to it, and answered questions from the Commissioners regarding access, utilities, the Town status of the road, and other topics. Mr. Shea observed that Southampton Town does not maintain the road in this area.

A motion was then made by Mr. Shea and seconded by Mr. Kent to deny the appeal on the basis that the road in question is not a maintained road. The motion was approved by a 5-0 vote, and the hearing was concluded.

Project Decisions

Pine Barrens Credit Program

Joseph Gazza / All district 900: 243-3-22, 47, 55; 245-1-15; 281-3-6, 24, 26, 29, 38, 47; 283-1-12, 14, 22, 30 / easement language modification request (*not on the original agenda*)

*Summary: Mr. Milazzo explained that Mr. Gazza has submitted Credit applications for the attached list of parcels, and that he has requested for these parcels, as he has in the past for other parcels, that the provisions requiring the provision of access over other lands of the owner be struck from the standard conservation easement language. Mr. Milazzo noted that the Commission has agreed to this each time that it has been requested by Mr. Gazza. **A motion was then made by Mr. Shea and seconded by Ms. Longo to approve the requested change for the proposed easements on these parcels. The motion was approved by a 5-0 vote.***

Land Use, Stewardship and Other Items

Stewardship

NY Wildfire and Incident Management Academy: first quarter report to Commission (*to be presented by WTF Chair John Urevich*); changes to establishing resolution (*faxed; from 3/16/06 Academy board meeting*)

Summary: Mr. Urevich, Chair of the Wildfire Task Force, spoke about his volunteer and paid fire service background and experience; his role as the Chair of the NY Wildfire and Incident Management Academy; the 3/16/06 Academy Board meeting; the overall financial status of the Academy through 2005, which includes approximately \$52,000 in income versus approximately \$62,000 in expenses; the need to cancel five courses from the original 2005 schedule and the portion of the loss attributable to that; the appointment of Mr. John Grauer as the Treasurer of the Academy Board; the appointment of Mr. Phil Gilmore as the Incident Commander for the 2006 Academy; the approval by the Board of a lease on a new photocopier machine, the retention of the older machine, and the rental of office space for the Academy; the need for more outreach and publicity for the Academy at various expositions and shows; and the growing demand for year round training in various courses throughout the calendar year. (See attached 2005 brochure.)

Mr. Charles Hamilton, the Academy Coordinator, then provided a presentation on the 2006 draft Academy schedule; the goals of the Academy; statistics on the Academy (e.g., students trained; states represented; etc.); the national trend towards all risk management; and the revised Incident Command System courses from the federal government. Ms. Longo then complimented Mr. Hamilton and the Academy staff and volunteers for their dedication and hard work.

Mr. Corwin then reviewed the attached and previously distributed memo summarizing the Academy Board's requested changes to the Academy's establishing resolution. **A motion was then made by Ms. Longo and seconded by Mr. Turner to approve the requested changes to the establishing resolution. The motion was approved by a 5-0 vote.**

Law Enforcement Council: authorization to transfer ATVs to Suffolk County (from 3/15)

Summary: Mr. Milazzo briefly summarized the attached opinion supporting the transfer of title for the two all terrain vehicles (purchased by the Commission from the Environmental Benefit Payment funds) to Suffolk County for the use of the Pine Barrens Law Enforcement Council agencies. **A motion was then made by Mr. Kent and seconded by Mr. Turner to authorize the title transfer of these vehicles to Suffolk County. The motion was approved by a 5-0 vote.**

Closed Advisory Session

Summary: **A motion was made by Mr. Shea and seconded by Ms. Longo 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 4:39 pm to 5:03 pm.**

Adjournment

Summary: **A motion was made by Mr. Shea and seconded by Mr. Scully to adjourn the meeting. The motion was approved by a 5-0 vote, and the meeting ended at approximately 5:03 pm.**

Attachments (in order of discussion):

1. Attendance sheet (4/19/06; 3 pages)
2. Project location map for today's meeting (4/19/06; 1 page)
3. Riverhead Town letter re Island Water Park DSEIS (3/10/06; 1 page)
4. Memo and draft SCWA - Commission agreement (4/3/06; 4 pages)
5. Celi Electric application decision extension request (4/18/06; 1 page)
6. Manorville Estate Winery jurisdictional determination request (3/20/06; 4 pages)

7. Manorville Estate Winery handout re Article 57 from Mr. Gruder (undated; 1 page)
8. Roanoke Sand and Gravel Asphalt Plant application withdrawal letter (4/17/06; 2 pages)
9. Handout from Mr. Steigerwald re FocusYaphank.org web site visitor record (4/19/06; 1 page)
10. Walgreen's hearing staff exhibits (4/19/06; 8 pages)
11. Walgreen's hearing sponsor exhibits from Ms. Elkowitz (4/19/06; pages)
12. Gazza Credit appeal hearing notice and photographs (undated; 3 pages)
13. Parcels for which Mr. Gazza has requested altered easement language (undated; 1 page)
14. 2005 Wildfire Academy brochure (undated; 2 pages)
15. Wildfire Academy memo (3/16/06; 3 pages)
16. Counsel's opinion supporting ATV title transfer (4/17/06; 2 pages)

Commission Meeting Summary (FINAL)
for Wednesday, May 17, 2006 (Approved 6/21/06)
at Brookhaven Town Hall,
1 Independence Hill, Farmingville, 2:00 pm



Commission members present: Mr. Scully (for New York State), Mr. Deering (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. Mills, Ms. Carter, and Mr. Limoli (from the Commission), Mr. Pavacic and Mr. Spitz (from the NYS Department of Environmental Conservation (NYS DEC)), and Ms. Longo from the SC Department of Real Estate. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:14 pm by Mr. Scully, with a five member quorum. The Pledge of Allegiance was recited.

Public Comment and Administrative

Public comments

Peter A. Scully
Chair

Philip J. Cardinale
Member

Brian X. Foley
Member

Patrick A. Heaney
Member

Steve A. Levy
Member

Summary: The first speaker was Mr. Robert Gaffney, an attorney representing the Island Water Park project at the Calverton EPCAL site. He stated that he is requesting a letter from the Commission stating that it does not have jurisdiction over this project; he believes that the project is "economic development" at the EPCAL site and is therefore exempt from Commission review; he disputes a recent Commission staff letter sent in response to the Supplemental Environmental Impact Statement and request for comments distributed by NYS DEC as lead agency, in which the need for a CGA hardship application was noted; the prior "Field Day" decision by Justice Oliver on an unrelated matter contained language that he believes supports his position; and he is providing a set of documents today on these matters (attached).

The second speaker was Ms. Lauren Smith, representing Assemblywoman Patricia Eddington. She read the attached statement opposing the reopening of the Southaven Trap and Skeet Range. She stated that constituents have sent letters of opposition; users of the facility have head protection but that the residents do not have any protection; noise and stress are factors; there is a fear of improperly aimed guns resulting in accidents; it is irresponsible to have such a facility near the Carman's River; the Commission must review the project; and a new location should be found.

The third speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society (LIPBS). He noted that Suffolk County has a long history of land preservation and farmland protection, and of supporting the pine barrens act and the Plan. He stated that the Society has concerns about the proposed reopening of the Trap and Skeet Range, and that they have written to the Commission, the County, and the County Legislature.

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

He stated that the Society believes that the proposed action requires a compelling public need Core application to the Commission because it has been closed for more than one year. He stated that the property is in the Core area and the Central Suffolk Special Groundwater Protection Area; such a facility would not be opened today; there has not been any consultation to work out the matter; the facility is not on the list of "grandfathered" public projects; it is not hunting, fishing, or trapping; the court system has resolved the recreational exemption for other sites in two prior cases; the Pine Barrens Advisory Committee has voted to oppose the reopening; he welcomes solutions to the current dispute; and review by the Commission is necessary. He also stated that Suffolk County can challenge any Commission decision in court; an appropriate location can be found for this activity; and the Society will commence litigation if it believes that is necessary.

The fourth speaker was Suffolk County Legislator Kate Browning. She noted that the proposed range reopening is a serious issue; she does not want the range to reopen; she is speaking with county legislative counsel; and urged the Commission to listen to the speakers and to try to find an alternate location.

The fifth speaker was Mr. Thomas Casey, representing the Long Island Greenbelt Trail Conference. He seconded Mr. Amper's comments; stated that he used the facility approximately thirty years ago when there was less surrounding development; times have changed and the range is now an incompatible use; and the Advisory Committee was unanimous in its recommendation against reopening the facility.

The sixth speaker was Mr. Douglas Dittko, representing the Affiliated Brookhaven Civic Organizations (ABCO). He stated that ABCO is opposed to the reopening of the range; it does not belong there; lead is a problem; and the facility is inappropriate and should be relocated.

The seventh speaker was Mr. Peter Doyle, representing himself. He stated that he was an avid user of the range prior to its closing; the facility is safe; the lead which is reclaimed is financially lucrative; misinformation is being circulated; the facility has been there for fifty years; it ceased operations four years ago and was not abandoned; the County has been actively seeking to reopen it; a new vendor has been appointed; and he hopes that it will reopen and be operated safely.

The eighth speaker was Mr. Howard Carpluk, representing himself. He is a neighbor of the facility. He stated that there has been some clean up, but that it was incomplete; the site is inundated with lead; the lead just sits there and oxidizes; the lead is not worth much money; the County will not follow NRA guidelines; he watched trucks being loaded today, and they were leaving behind them on the roadways a track of mud and lead, and should have been hosed down on site; and contaminated soil has been tracked down the road.

The ninth speaker was Mr. Robert Studen, representing himself. He stated that he is a Nassau County resident who has used the range since 1985; he is saddened to see it closed; it was never abandoned and never completely shut down; and he would like to see it reopened.

The tenth speaker was Ms. Johan McConnell, the President of the South Yaphank Civic Association (SYCA). She stated that she supports the LI Pine Barrens Society's position; she has visited the range site; and the soil is hazardous even with removal of the top six inches. She also discussed the costs of continuing the range versus having the area used

as a general purpose park area.

The eleventh speaker was Mr. Bill Raab, representing himself. He stated that he worked at the range in the past; selective pieces of the whole report were being cited; the site is not hazardous; there is no leaching and no contaminants; the site has been there for fifty years without problems; jurisdiction is up to the Commission; the issue of a new vendor has been solved; the use is compatible; the material that was being cleaned up earlier today is clay target debris, not lead; people should read the entire report; the range has been there for fifty years and people who moved next door to the range now do not like it there; and the new vendor is needed to reopen the facility.

The twelfth speaker was Mr. John McConnell, representing the SYCA. He asked why a special permit was required to deposit the material removed in the Brookhaven landfill. He noted that one resident near the range erected a nine foot fence to protect his property against pellets, and stated that another spot should be found for the range.

The thirteenth speaker was Mr. Bill Maas, representing himself. He identified himself as a former budget director for Nassau County, and stated that the range will be a financial benefit for the County once it is reopened.

The fourteenth speaker was Mr. Richard Amper, representing the LIPBS. He stated that there should be an effort to get all of the involved parties to work together on finding another location for the range.

Minutes for 04/19/06: review, approval

Summary: The following change was made to the draft 4/19/06 meeting minutes: the meeting adjournment resolution is missing at the end, and should be added. **A motion was then made by Mr. Kent and seconded by Mr. Shea to approve the 4/19/06 meeting minutes with this change. The motion was approved by a 5-0 vote.**

Insurance renewal for June 2006-07: review, approval

Summary: Mr. Corwin explained that the annual insurance policy renewal is due; the term will run from 6/9/06 to 6/9/07; it includes general liability with an umbrella provision, plus directors and officers coverage, and the proposed renewal would be through the Treiber Group as specified in the attached summary. **A motion was then made by Mr. Kent and seconded by Mr. Turner to authorize the Chair and the Executive Director to sign any relevant materials. The motion was approved by a 5-0 vote.**

Foundation for Ecological Research in the Northeast (FERN) interim funding request: review, approval

Summary: Mr. Corwin explained that the Foundation for Ecological Research in the Northeast (FERN) is requesting financial support for the 2006-07 State fiscal year (FY), and that the attached request has been received for a \$50,000 funding advance in order to keep the FERN office and staff member in place, and fund the 2006 summer research program. The final amount which FERN might eventually receive for the 2006-07 FY remains to be determined following the finalization of the State allocation to the Commission for this fiscal year. **A motion was then made by Mr. Shea and seconded by Mr. Turner to approve this request and to authorize the issuance of an advance funding amount of \$50,000 to FERN. The motion was approved by a 5-0 vote.**

5/9/06 Advisory Committee meeting report (Richard Amper, AC Vice Chair)

Summary: Mr. Amper, the Executive Director of the LI Pine Barrens Society and the Vice

Chair of the Committee, distributed the attached summary of the 5/9/06 Pine Barrens Advisory Committee recommendations. These include recommendations that non pine barrens towns within Suffolk County be encouraged to accept Pine Barrens Credits; Credits be permitted to cross school district lines within pine barrens towns; the Advisory Committee be informed of any affordable houses built with redemptions of Credits; no clearing be allowed for agricultural purposes within the Core; and Commission staff revisit the criteria for determining clearing standards for agricultural uses within the Compatible Growth Area.

He noted that the Committee also revisited the issue of the Southaven Trap and Skeet Range reopening, and discussed the Committee's 3/9/06 resolution opposing it. Despite a request by one member of the Committee to reconsider that motion, the Committee chose not to do so. Rather, the Committee voted to supplement its 3/9/06 resolution with a new resolution asking that the Commission staff forward to the Advisory Committee any application materials submitted in support of reopening the facility for Committee review and recommendation before the Commission decides the matter.

Project Decisions

Core Preservation Area (CPA)

Manorville Estates Winery - Gherardi / Manorville (200-511-1-1-6, 7.1-7.3, 8-12, 43) / determination of jurisdiction: discussion; possible decision (from 4/19/06; material distributed; no decision deadline; not an application)

Summary: This item will be deferred to the 6/21/06 meeting.

Compatible Growth Area (CGA)

Brookhaven Walk Shopping Center / Yaphank (200-553-1-1.3; 200-584-2-1.2) / Development of Regional Significance: revised application; scheduling of hearing for June 2006; decision extension (original ECL 57 hearing held 10/17/01; decision deadline is currently today)

Summary: Mr. Corwin explained that a revised application for this project was recently received from the project sponsor, along with a decision deadline extension request (attached) to 9/2/06. Mr. Milazzo summarized the revised application, including the reduced floor area and the on site septic system now proposed. During the brief discussion, Mr. Voorhis, the project's representative, was asked if the new decision deadline could be set for 9/20/06 instead, in order to coincide with a Commission meeting date, and Mr. Voorhis agreed. This decision deadline is for all pending applications related to this site. **A motion was then made by Mr. Deering and seconded by Mr. Turner to agree to the decision extension for this project to 9/20/06. The motion was approved by a 5-0 vote.**

Walgreen's Commercial Site Plan / Wading River (600-73-1-1.13, 1.14, 1.21) / hardship: decision (hearing held 4/19/06; decision deadline is 6/15/06; today is last meeting before then)

Summary: Mr. Limoli summarized this application for an 11,000 square foot pharmacy store on a 2.58 acre parcel on the west side of Wading River Manorville Road, south of NYS Route 25A in Wading River. He described the issues and their resolution following last month's hearing, and distributed the attached packet, including a negative declaration and an approval resolution. **A motion was then made by Mr. Kent and seconded by Mr. Deering to (1) issue a negative declaration for this application, and (2) to adopt the attached approval resolution with conditions. The motion was approved by a 5-0**

vote.

Land Use, Stewardship and Other Items

Stewardship

Protected Lands Council (PLC) - ATV Mitigation Subcommittee: synopsis of work to date
(information item)

Summary: Ms. Carter reported that this subcommittee, chaired by Charles Hamilton of the NYS DEC (who is also a Co Chair of the PLC) is addressing the mitigation and reversal of damage caused by all terrain vehicles to public protected lands within the pine barrens. She noted that a pilot project area of approximately 4,000 acres, divided into two management divisions, has been selected for the Committee's first efforts, and represents a range of public ownerships and interests. The overall goal is the reduction and possible elimination of illegal ATV use along with mitigation of the existing damage. She distributed the attached summary of the Committee's work to date.

Protected Lands Council (PLC) - Invasive Plants Project: approval and signing of access agreement with LI Power Authority

Summary: Ms. Carter explained that the LI Power Authority (LIPA) has requested that the Commission execute the attached access agreement, which Commission counsel has reviewed, in order to permit access to LIPA properties by the interns and others working on the PLC's invasive plants inventory and assessment project. **A motion was made by Mr. Turner and seconded by Mr. Shea to approve the attached agreement for this purpose and to authorize the Commission Chair to sign it on behalf of the Commission. The motion was approved by a 5-0 vote.**

Law Enforcement Council: Environmental Benefit funds purchase / award of 6x6 ATV purchase; authorization of title transfer to Suffolk County (bid response due 5/15/06)

Summary: Mr. Corwin discussed the attached summary of responses received by the SC Water Authority on behalf of the Commission in response to the issuance of a request for bids on a 6x6 ATV for purchase with the Environmental Benefit Funds of the Commission. **A motion was made by Mr. Turner and seconded by Mr. Shea to (1) award the bid to Bay Shore Polaris and (2) to authorize the transfer of the title of the actual vehicle when received to Suffolk County (specifically, the SC Park Police) for use by the members agencies of the Pine Barrens Law Enforcement Council. The motion was approved by a 5-0 vote.**

Adjournment

Summary: **A motion was made by Mr. Shea and seconded by Mr. Turner to adjourn. The motion was approved by a 5-0 vote, and the meeting ended at approximately 3:26 pm.**

Attachments (in order of discussion):

1. Attendance sheets (5/17/06; 4 pages)
2. Project location map for today's meeting (5/17/06; 1 page)
3. Material from Mr. Gaffney re the Island Water Park project (miscellaneous dates; 36 pages)
4. Letter from Assemblywoman Eddington re Trap & Skeet (undated; 1 page)
5. Memo and spreadsheet re insurance coverage (4/25/06; 2 pages)

6. FERN interim funding request (5/10/06; 1 page)
7. Advisory Committee 5/9 notes from Mr. Amper (5/9/06; 2 pages)
8. Brookhaven Walk decision first extension request (5/5/06; 1 page)
9. Brookhaven Walk decision revised extension request (5/16/06; 1 page)
10. Walgreen's packet (5/17/06; 5 pages)
11. PLC ATV Subcommittee summary memo (5/17/06; 4 pages)
12. LIPA site access agreement (5/3/06; 6 pages)
13. ATV purchase bid tabulation and related materials (miscellaneous dates; 6 pages)

**Commission Meeting Summary (FINAL)
for Wednesday, June 21, 2006 (Approved 7/19/06)
at Brookhaven Town Hall,
1 Independence Hill, Farmingville, 2:00 pm**



Commission members present: Mr. Scully (for New York State), Mr. Deering and Ms. Longo (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, Ms. Carter, and Mr. Limoli (from the Commission), Mr. Pavacic and Mr. Spitz (from the NYS Department of Environmental Conservation (NYS DEC)). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:09 pm by Mr. Scully. 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 Mr. Robert Baumann, President of the Suffolk Alliance of Sportsmen, Inc. and a member of the NY State Rifle and Pistol Association. He stated that he is absolutely opposed to the pending SC legislative resolution which would stop the reopening of the Southaven Trap and Skeet Range; that he favors legal outdoor sporting activities; that the studies done on this site are legitimate; and that there is no reason to keep the range closed.

The second speaker was Mr. Ira Brickman, representing himself. He asked about the pending settlement among the NYS DEC, the Commission, and the Longwood School District of violations of a DEC permit and of the pine barrens law at the Ridge Elementary School. Mr. Scully explained that an order on consent among all three parties is complete, that a final version of the accompanying survey is being produced, and that a State legislative bill to authorize the land swap included in the settlement has passed the Senate and is awaiting Assembly action. He thanked Mr. Brickman for his support.

The third speaker was Mr. Edward Kaspshak, representing SAFE. He asked if there would be a determination today by the Commission regarding the trap and skeet range. Mr. Scully explained that the decision to reopen is a policy decision by the County; that the question of Commission jurisdiction is a narrow legal issue with which the Commission will have to grapple; and that he has been advised that the County is not likely to be reopening the range in the next thirty days.

The fourth speaker was Ms. Lauren Smith, representing Assemblywoman Patricia Eddington. She explained that Assemblywoman Eddington continues to oppose the reopening of the range.

The fifth speaker was Mr. Robert Gaffney, the attorney representing the Island Water Park project. It was agreed that this matter will be

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

discussed later today.

The sixth speaker was Ms. Johan McConnell, the President of the South Yaphank Civic Association (SYCA). She distributed the attached time line of events for the trap and skeet range; stated that she has previously provided photographs of the site; and that this is a development question for the Commission.

The seventh speaker was Mr. Doug Steigerwald, representing the SYCA. He stated that the SCYA is opposed to the range reopening; that 100 families and eight environmental groups are opposed to it; that these are not "a few greedy neighbors"; that the SC Health Department staff has found that the biggest concern is inhalation of lead dust; and that the blowing of dust near school bus stops is a concern.

The eighth speaker was Ms. Kaitlin Boyd, representing Assemblyman Marc Alessi. She stated that Assemblyman Alessi is opposed to the range being reopened in that location for environmental reasons.

The ninth speaker was Mr. Bill Raab, representing SAFE. He stated that the lead on the range site does not move; that the site has not been abandoned; that the County has worked continuously to reopen the range and that process takes time; and that Assemblywoman Ginny Fields is in favor of the facility.

The tenth speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. He stated that no one is saying that the trap and skeet range should not exist at all, and that he is not opposed to such a facility. He read the attached statement, which he distributed with attachments, describing information regarding the range which the Society has previously presented to the Commission and other topics of the Commission's work. He stated that the Commission has failed to take steps to stop the reopening of the range; that seeking a legal opinion is a "day late"; that the Society has provided clear information; and that the reopening constitutes "development".

The eleventh speaker was Mr. Mark Wroobel, representing himself. He is the new licensee for the range. He stated that the facility was never abandoned.

The twelfth speaker was Mr. John Cushman, representing SAFE. He described events during the range's history when former County Legislator Towle introduced a resolution to close and relocate the range, which was not passed. Mr. Cushman said that he would only accept closure of the Southaven range if a new facility was immediately available for use; that all complaints should be investigated; that the County Health Department has looked at the site; that the facility was never abandoned and the bidding process to find a new vendor was underway; that the facility is already in place; and that it would be costly to return this site to a park.

The thirteenth speaker was Ms. Mary Ann Johnston, representing the Manor Park Civic Association. She stated that she believes that the question of abandonment only looks at the past year, and does not count intent.

The fourteenth speaker was Mr. Peter Doyle, representing SAFE. He stated that he has not read anything about the one year abandonment period; that the range was never abandoned; that operations ceased while environmental tests were done; that he agrees with Mr. Cushman; and that he is in favor of reopening the current facility.

The fifteenth speaker was Mr. James Kelly, the director of SAFE. He stated that since 1930 sportspersons have been paying an 11% tax to support environmental issues, and that 55% of the wildlife assisted through their taxes have not been hunted.

The sixteenth speaker was Mr. Howard Carpluk, representing SYCA. He described the work of the County's 2002 oversight committee, including the groundwater testing. He noted the presence of two high readings for lead, and asked whether the lead is moving.

The seventeenth speaker was Mr. Eric Collins, representing SAFE. He stated that he is a Suffolk County resident; that he favors reopening the range; that the range was not abandoned; that the Commission does not have authority over it; and asked rhetorically why the County Legislature would need to entertain a resolution to close the range if the opponents of the range were correct in saying that it is already closed. He claimed that this shows that the range was never abandoned.

The eighteenth speaker was Mr. Victor Rushowski, representing SYCA. He stated that the SYCA backs up Mr. Amper; that the SC Parks Commissioner told the SC legislature that the Parks Department aims to reopen the range by 7/1/06; that earlier today Commissioner Foley used the word "closed" several times to describe the range; that the range is in a populated area, as contrasted with the Peconic River Sportsmen's Club in Calverton; that Brookhaven has an underutilized facility; and compared the range with other land uses in Suffolk, including a drag racing facility.

The nineteenth speaker was Mr. Stewart Libster, representing himself. He stated that he teaches hunter safety courses at the range. He asked why the LI Pine Barrens Society wants to close this facility, and suggested that it is tied to the news media. Mr. Amper then stated that the Society's concern with the Long Island Shooting Range was the construction of additional shooting stalls.

The twentieth speaker was Mr. Bill Marshall, representing himself. He stated that he is a former Nassau County budget director; that the range was never really closed, and that the time was necessary in order to find a new vendor.

The twenty first speaker was Mr. Mark Wroobel, representing himself (this is the second time he spoke) as the new licensee for the range. He stated the County Health Department tested the wells and found no detectable levels of lead.

Minutes for 05/17/06: review, approval (faxed)

Summary: The following changes were made to the draft 5/17/06 minutes: (1) under "Insurance Renewal", the summary should read: "Mr. Corwin explained that the annual insurance policy renewal is due; the term will run from 6/9/06 to 6/9/07; it includes general liability with an umbrella provision, plus directors and officers coverage, and the proposed renewal would be through the Treiber Group as specified in the attached summary. A motion was then made by Mr. Kent and seconded by Mr. Turner to authorize the Chair and the Executive Director to sign any relevant materials. The motion was approved by a 5-0 vote."; (2) under "Brookhaven Walk", the following new sentence should be inserted immediately prior to the description of the motion: "This decision deadline is for all pending applications related to this site."

A motion was then made by Mr. Shea and seconded by Ms. Prusinowski to approve the 5/17/06 minutes as final with these changes. The motion was approved by a 5-0 vote.

Wildfire Task Force: approval of Capt. Timothy Byrnes as new Co Vice Chair (from 5/31/06 Task Force meeting)

Summary: Mr. Corwin summarized the previously forwarded e-mail regarding the 5/31/06 resignation of Det. (Ret.) John Grauer as the Co Vice Chair of the Wildfire Task Force and the Financial Officer for the Wildfire Academy, and the immediate nomination by the

*Wildfire Task Force of NYS Forest Ranger Capt. Timothy Byrnes as a new Co Vice Chair of the Task Force. **A motion was then made by Ms. Prusinowski and seconded by Mr. Shea to accept the resignation of Det. (Ret.) Grauer and approve the appointment of Capt. Byrnes. The motion was approved by a 5-0 vote.***

Project Decisions

Core Preservation Area (CPA)

Bruhns Residence hardship / Sally Lane, Ridge (200-383-1-12) / new application: determination of completeness; scheduling of hearing (*material distributed; decision deadline is 10/19/06*)

*Summary: Mr. Limoli reported that a new Core hardship application has been received for the removal of an existing single family home and its replacement by a larger single family home on a 2 acre parcel zoned A1 Residence on the east side of Sally Lane, in Ridge, in the Town of Brookhaven. He recommended determining that the application is complete and scheduling a hearing. **A motion was then made by Mr. Shea and seconded by Mr. Turner to determine that this application is complete and to schedule a public hearing on it for the 7/19/06 Commission meeting at 3:00 pm. The motion was approved by a 5-0 vote.***

Manorville Estates Winery - Gherardi / Manorville (200-511-1-1-6, 7.1-7.3, 8-12, 43) / determination of jurisdiction: decision (*from 4/19/06; material distributed; no decision deadline; no application filed*)

*Summary: Mr. Milazzo summarized this previously discussed request for a determination of jurisdiction by the Commission for a vineyard on a portion of a 57 acre site in the Core area of Manorville, Brookhaven Town, and summarized the attached resolution's provisions. Following a brief discussion, **a motion was made by Mr. Turner and seconded by Mr. Kent to adopt this resolution determining that a Core hardship exemption is required. The motion was approved by a 5-0 vote.***

Following the adoption of this resolution, Mr. Amper of the LI Pine Barrens Society submitted the attached statement from the Society stating that it believes that the project does constitute "development".

Celi Electric Warehouse Extension, CR 31 / Westhampton (900-311-1-3.3, 8.7) / hardship: decision or decision extension (*hearing held 2/15/06; **decision due today***)

*Summary: Mr. Limoli reported that an additional extension of the decision deadline for this project is necessary, and is acceptable to the applicant, due to the need to resolve both the detailed site plan and the lingering questions regarding abandonment of the paper streets adjacent to the site. **A motion was then made by Mr. Shea and seconded by Ms. Prusinowski to agree to, and approve, the requested decision extension for this project until the 7/19/06 Commission meeting. The motion was approved by a 5-0 vote.***

Compatible Growth Area (CGA)

Walgreen's Commercial Site Plan / Wading River (600-73-1-1.13, 1.14, 1.21) / previously approved hardship: extension of time for sponsor (120 days) to file resolution with County Clerk (*approved by Commission on 5/17/06*)

Summary: Mr. Limoli explained that this sponsor's representative has requested that the Commission modify its approval resolution of 5/17/06 for this project. Specifically, they are requesting an extension of the time period within which the approval resolution must be filed with the County Clerk by 120 days to now end on 10/19/06 in order to allow

completion of site plan review by Riverhead Town. **A motion was then made by Mr. Kent and seconded by Mr. Shea to approve the extension and to adopt the attached revised approval resolution. The motion was approved by a 5-0 vote.**

Pine Barrens Credit Program

Gazza / Westhampton (900-243-3-21; 900-251.02-1-11; 900-331-3-29) / easement: request for modification of access language: discussion; possible decision

Summary: Ms. Jakobsen explained that Mr. Joseph Gazza has requested that the standard conservation easement language be modified for these parcels so as to not grant permission to the easement holder to cross other lands owned by the applicant. She noted that he has made identical requests for this change in the past for other parcels' easement language, and that the Commission has always agreed. Following a very brief discussion, **a motion was made by Mr. Shea and seconded by Mr. Turner (1) to grant the request for this language change for these parcels' easements, and (2) to authorize the staff to grant such an identical change in the future for any Credit Program Certificate application from any person. The motion was approved by a 5-0 vote.**

Compatible Growth Area (CGA)

Island Water Park / Calverton (600-135-1-7.34) / determination of jurisdiction: discussion (from 5/17/06; no application filed)

Summary: Present for today's meeting was Mr. Robert Gaffney, the attorney representing the Island Water Park (IWP) project at the EPCAL site in Calverton. He stated that the IWP site is within the larger EPCAL site as well as the Sports Park Subdistrict; that the Commission has no alternative but to find that the IWP project is not development; that there is no basis for the Commission to assert jurisdiction; that the Commission continues to hold onto the project; and that the consequence of this is that the project cannot go forward and it is close to the point of not being economically viable.

Mr. Scully noted that the project has certain approvals, that the field conditions encountered during construction proved to be difficult, and that those difficulties are not the fault of the Commission, the NYS DEC or Riverhead Town. Mr. Gaffney stated that the issues which the Commission is examining are not relevant, and that the only issue is the Commission's lack of jurisdiction over the project. Mr. Amper of the LI Pine Barrens Society stated that the Society takes exception to the claim that the IWP is economic development, stating that it is a private club.

Further discussion on this was deferred until after the public hearing.

Public hearings

Brookhaven Walk Shopping Center / Yaphank (200-553-1-1.3; 200-584-2-1.2) / Development of Regional Significance: revised application (original ECL 57 hearing held 10/17/01; decision deadline is 9/20/06)

Summary: A separate stenographic transcript exists for this item. Attached here are the staff report, and two handouts distributed by the project representatives. It was agreed that the hearing will be closed but that the record will be kept open.

Project Decisions

Compatible Growth Area (CGA)

Island Water Park / Calverton (600-135-1-7.34) / determination of jurisdiction: discussion (from 5/17/06; no application filed)

Summary: A discussion ensued regarding the amount of area to be cleared for this project; the prior NYS DEC approval and conditions; the error by the project sponsor in originally identifying the depth to groundwater, and the consequential encounter of groundwater during excavation which caused the project to be halted.

Mr. Kent stated that Riverhead Town is opposed to skiing in the groundwater and opposes any change to the original approved site plan, and that the Town believes that any change to the original approved plan, or to the NYS DEC reclamation plan, requires approval by the Commission.

Mr. Gaffney stated that the issue is the Commission's jurisdiction, that this is what needs to be resolved, that it is the responsibility of a state agency to enforce the law; and that this is not about the presence of motorboats in the aquifer but rather about this project being statutorily exempt from the pine barrens law.

The ensuing discussion touched upon staff requests for additional info; Mr. Gaffney's objections to any discussion of clearing or standards; the role of the Commission in defining economic development; and the need for counsel's advice on these matters. It was agreed to continue this discussion at the next meeting after obtaining Mr. Hopkins' advice as counsel to the Commission on this matter.

Land Use, Stewardship and Other Items

Compatible Growth Area (CGA) and Core Preservation Area

Suffolk County Gabreski Airport / Westhampton (900-312-1-4.2): Airport Land Use Plan (SC Office of Economic Development and Workforce Housing staff; from 4/20/05)

Summary: Present for today's discussion were Mr. Anthony Ceglio, the Gabreski Airport Manager, and Ms. Carolyn Fahey from the SC Office of Economic Development and Workforce Housing. Mr. Ceglio read the attached letter from Economic Development and Workforce Housing Commissioner James Morgo, and then distributed and discussed the attached material describing the Gabreski Airport Proposed Airport Land Use Plan (ALP).

He briefly described the history of the airport as a U.S. Air Force base, and the turnover of the base to Suffolk County subject to various requirements on its use, including general public aviation. He explained that the ALP attempts to strike a balance among federal requirements, the pine barrens law and Plan, general aviation needs and community concerns. He stated that the conceptual land use map included within the ALP (attached) adheres to the Pine Barrens Plan requirements by providing for at least 35% of the 1,486 acre site to remain natural and uncleared.

A general discussion ensued regarding the various categories of land uses at the site; the Air National Guard facility; the planned industrial development district along CR31; the basis upon which the Federal Aviation Administration (FAA) would review the ALP; the need to communicate clearly to the FAA the requirements and applicability of the state pine barrens law to this site; the safety requirements which have vegetation management implications for some portions of the site (e.g., along the runways and within the viewshed of the control tower); and the time period to be covered by the ALP.

Mr. Willard Berrien of the Citizens Against Airport Pollution (CAAP) spoke about some of the concerns that his organization has about the current ALP, and the attached letter from CAAP was distributed and discussed. Mr. James Rigano, an attorney representing

CAAP, was present and explained a specific CAAP concern that a portion of the site which the County is deeming to be naturally vegetated has already been cleared, and the letter suggests the substitution of other naturally vegetated areas on site in performing the clearing compliance calculations. Ms. Gail Clyma of CAAP emphasized the latter point, and discussed the classification of the "infield" areas near the runway intersection.

Mr. Richard Amper of the LI Pine Barrens Society complimented the County Executive and the Economic Development Department on their hard work in planning for the Gabreski Airport site. He posed the question of whether counting the portion of the site that was cleared for aviation safety in recent years would be appropriate. He recommended that the Commission staff inspect the site. He also urged everyone to find the most credible way to demonstrate compliance with the 65% - 35% clearing standard requirement to the FAA.

It was then agreed that Commission counsel would forward a letter to the County stating the applicability of the pine barrens law to this site; the applicability of the Pine Barrens Plan's clearing standard in particular; and stating that the current map is conceptually in agreement with those requirements.

Comprehensive Plan

Plan update: status

Summary: Mr. Corwin distributed and went through the attached Plan update handout. He noted that the format will revert back to the original 1996 format, with insertion and strikeout annotation used; that the new material to be retained from the 2005 draft will be migrated into that structure; that all Commission and Clearinghouse interpretations and policies will be specifically included as new sections or subsections; and discussed two special topics. The latter are the compliance and enforcement section, and Plan topics requiring Towns' input. Town input is required for Critical Resource Area designations; sending area designations within the CGA; neighborhood center definitions for Brookhaven's CGA area; Pine Barrens Credit receiving area additions or modifications; and review of Development of Regional Significance threshold changes.

Mr. Scully advised the staff that the Pine Barrens Advisory Committee should review all of the Plan amendment drafts and proposals.

Core Preservation Area (CPA)

Longwood School District - Ridge Elementary School / Ridge (Brookhaven; 200-294-2-6,7 (CGA); easement on p/o 200-325-1-11(Core)) / post 1993 development violation: settlement stipulation approval (draft faxed)

Summary: Mr. Corwin explained that the State Legislature is now considering bill number S7674 / A11998 which would provide the first of two successive authorizations for the alienation of a tract of land from DEC ownership to the Longwood School District.

He explained that this is part of a three party settlement among the District, the NYS DEC and the Commission settling the violations at the Ridge Elementary School regarding the District's permit conditions from DEC to use a strip of Ridge Conservation Area land, as well as violations of the pine barrens law on this strip, which is in the Core area. The legislation would enable the District and the DEC to exchange parcels of land as one point of the settlement.

A brief discussion ensued regarding wording changes on the draft resolution supporting this legislation, and the revised version is attached. **A motion was made by Mr. Turner and seconded by Mr. Shea to adopt the attached revised resolution in support of**

S7674 / A11998 . The motion was approved by a 5-0 vote.

Southaven County Park Trap and Skeet Range / Yaphank (200-745-1-1, etc.): discussion
Summary: **A motion was made by Mr. Turner to have Commission counsel review the Southaven County Park Trap and Skeet material and determine whether the reopening constitutes "development". There was no second, and it was agreed that a motion is unnecessary. It was agreed instead that counsel would perform the review and offer a report to the Commission before the next meeting.**

Closed Advisory Session

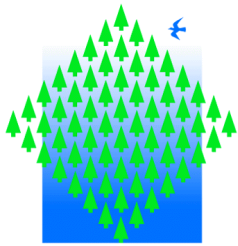
Summary: **A motion was made by Mr. Turner and seconded by Mr. Shea to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 5-0 vote, and the Commission entered into closed session from approximately 5:56 pm to 6:04 pm.**

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 6:04 pm.**

Attachments (in order of discussion):

1. Attendance sheets (6/21/06; 4 pages)
2. Project location map for today's meeting (6/21/06; 1 page)
3. South Yaphank Civic Association time line for the trap and skeet range (6/21/06; 2 pages)
4. LI Pine Barrens Society statement re Southaven Trap and Skeet range (6/21/06; 25 pages)
5. Memo from to Commission re Wildfire Task Force Board changes (6/1/06; 1 page)
6. Bruhns Residence staff report (6/14/06; 1 page)
7. Commission resolution re Gherardi / Manorville Estates project (6/21/06; 3 pages)
8. LI Pine Barrens Society statement re Manorville Estates Winery (6/21/06; 4 pages)
9. Revised staff report for Walgreen's project (6/14/06; 1 page)
10. Revised approval resolution for Walgreen's project (6/21/06; 1 page)
11. Brookhaven Walk staff report (6/14/06; 6 pages)
12. Brookhaven Walk Clearing Computations (undated; 2 pages)
13. Brookhaven Walk presentation copies (6/21/06; 25 pages)
14. Letter from SC Economic Development Commissioner Morgo (6/21/06; 1 page)
15. Gabreski Airport Proposed Land Use Plan handout (6/21/06; 2 pages)
16. Gabreski Airport aerial photograph (undated; 1 page)
17. CAAP letter re Gabreski Airport ALP (6/21/06; 2 pages)
18. Plan Update Tasks (6/21/06; 1 page)
19. Longwood School District material (miscellaneous dates; 7 pages)
20. Commission resolution supporting land swap legislation (6/21/06; 2 pages)



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

**Commission Meeting Summary (FINAL)
for Wednesday, July 19, 2006 (Approved 8/16/06)
at the Quogue Wildlife refuge,
Old Country Road, Quogue, 2:00 pm**

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

Others present: Staff counsel was Mr. Milazzo, with Mr. Hopkins serving as Commission counsel for review of the Island Water Park project. Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, and Mr. Limoli (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's Division of Real Property Acquisition and Management). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:12 pm by Mr. Scully, with a four member quorum initially present consisting of the New York State, Suffolk County, Brookhaven Town, and Southampton Town representatives.

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 Mr. Richard Amper, representing the Long Island Pine Barrens Society. He stated that he believes that the work on the master plan, the planned development district, and the Airport Land Use Plan for the Gabreski Airport is generally proceeding well and has strong community support. However, he believes that the area at the northeast end of the runway in which trees were removed recently for safety reasons must be treated as cleared, despite the persistence of other native ground cover vegetation there. A brief discussion ensued regarding the native vegetation other than trees which can be found on the airport site; the fact that some of those areas have been in that state prior to the pine barrens law; the habitat value of those sites; the question of whether some of those areas should be classified as cleared since 1993 due to the removal of trees; and the implications of classifying those areas as cleared or not.

The second speaker was Mr. Joseph Gazza, representing himself. He spoke about a recent past Credit appeal for a parcel of his near Summit Boulevard in Southampton which did not result in an increased Credit allocation. He then described a second parcel which he owns near to County Road 31 in Westhampton, but which is separated from CR 31 by a very narrow strip of a parcel which he does not own, and his disappointment that his parcel was not treated as a roadfront parcel when its Credit allocation was calculated.

Minutes for 6/21/06: review, approval

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

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

Law Enforcement Council (LEC): approval of NYS EnCon Police Lt. Dallas Bengel as new Vice Chair (from 6/22/06 Council meeting; memo sent)

Summary: Mr. Corwin explained that the LEC has nominated a new Vice Chair to replace Lt. John McGann, now retired from the Suffolk County Sheriff's Office. The nominee is NYS EnCon Police Lt. Dallas Bengel (see attached memo). **A motion was made by Mr. Shea and seconded by Mr. Turner to approve the nomination and to appoint Lt. Bengel as the new Vice Chair of the LEC. The motion was approved by a 4-0 vote.**

State Budget Approval: comments (not on the original agenda)

Summary: Mr. Scully noted that the State budget for the 2006-07 fiscal year has been settled, and that it contains an increase in the Commission's funding. He observed that this increase, combined with the recent agreement with the SC Water Authority to reduce payroll overhead costs, would permit the Commission to make decisions regarding funding new initiatives and positions.

Project Decisions

Core Preservation Area (CPA)

Southaven County Park Trap and Skeet Range / Yaphank (200-745-1-1, etc.) / determination of jurisdiction: report from counsel (from 6/21/06; not an application)

Summary: Mr. Scully summarized the history of this project before the Commission to date, and then accepted comments from those in attendance..

The first speaker was Mr. Doug Steigerwald, representing the South Yaphank Civic Association (SYCA). He stated that he has been attending Commission meetings regarding this subject; that he purchased a home in the area about one year ago knowing that the facility was closed; that the facility is in the Core area, the Carmans River watershed, and the Special Groundwater Protection Area; that his home is within 200' to 300' of the facility; that the activity is unhealthy; that there are many violations, including clearcutting, a new deck, and noise; that the County Executive is committed to opening the facility; that it is environmentally bad; that the actual use must be continued in order for the activity to be "nondevelopment" rather than just having the intent to continue; and that the noise is unbearable.

The second speaker was Ms. Johan McConnell, President of the SYCA. She distributed the attached letter; read from the pine barrens law; cited the previously proposed noise abatement wall as having been determined to be "development"; stated that the County has allowed construction of a wall near the shooting area and asked why that should not also be deemed "development"; and stated that there has been an increase in the footprint of the fence.

The third speaker was Mr. Howard Karpluk, representing the SYCA. He noted that "alleyways" had been cleared in 1995; that he complained then about the clearing but that no action was taken; that those areas are being cleared again; that there is dumping in the field; that lead is hazardous waste; and that there are many violations at the site.

Further discussion was then deferred to later in the meeting.

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

Celi Electric Warehouse Extension, CR 31 / Westhampton (900-311-1-3.3, 8.7) / hardship: decision extension request (hearing held 2/15/06; decision currently due today)
Summary: Mr. Limoli reported that the applicant has requested a decision extension to allow him to discuss with Southampton Town staff the Town's requirements regarding a buffer area on the site. **A motion was made by Mr. Shea and seconded by Mr. Turner to accept and approve the decision extension to 8/16/06. The motion was approved by a 5-0 vote.**

Compatible Growth Area (CGA)

Shoreham - Wading River Middle School Expansion / Shoreham (200-126-1-42.4) / new hardship: completeness determination and scheduling of hearing
Summary: Mr. Limoli explained that a new CGA hardship application has been received from the Shoreham - Wading River School District for additions and alterations to the Prodell Middle School on Randall Road, in Shoreham, in Brookhaven Town (see attachment).

Present for today's discussion were Mr. Fred Eisenbud, attorney for the school district; Mr. Mark Finnerty, Facilities Director for the district; and Ms. Denise Timms, also from the school district. Mr. Eisenbud discussed the original 1972 building date of the school; the existing degree of clearing on the site including the athletic fields; his belief that the fields have been present since at least 1983; the dependence of the pine barrens clearing standard upon the A1 Residence zoning category; various possible clearing scenarios and their respective clearing percentages; his view that the Commission's basis of the clearing standard upon zoning is not applicable here, and that the maximum zoning allowed under the Plan is what should be permitted here; his view that the athletic fields are grandfathered; and the applicant's position that they are subject to the Commission's jurisdiction, but should be permitted greater clearing than the A1 Residence category.

*Mr. Limoli stated that the application is complete and ready for a hearing. **A motion was then made by Mr. Shea and seconded by Mr. Turner to (1) determine that the application is complete and (2) schedule a public hearing on it for the 8/16/06 Commission meeting at 3:00 pm. The motion was approved by a 5-0 vote.***

Island Water Park / Calverton (600-135-1-7.34) / determination of jurisdiction: discussion (from 6/21/06)
Summary: **A motion was made by Mr. Hanley and seconded by Mr. Turner to adopt the following resolution:**

"Resolved, that the Commission hereby finds that the Island Water Park project as proposed may have significant adverse impacts upon the goals of the Central Pine Barrens Comprehensive Land Use Plan and the Environmental Conservation Law Article 57, and be it further

Resolved, that Commission hereby exercises its jurisdiction to determine whether the goals, standards, and guidelines of the Plan, including but not limited to, the clearing standard and impacts to groundwater and surface water are met by this project, and be it further

Resolved, that the Commission hereby asserts review jurisdiction over the land use project known as Island Water Park located at Calverton, Town of Riverhead."

The motion was approved by a 5-0 vote.

Land Use, Stewardship and Other Items

Compatible Growth Area (CGA)

Westhampton Beach Village Sewage Treatment and Workforce Housing proposal overview: status and jurisdictional discussion (*partly outside the pine barrens; Village officials and consultant; not an application*)

Summary: Present for today's discussion were Mayor Conrad Teller from the Village of Westhampton Beach, and Mr. George Desmarais of H2M Group, consultant for the Village on this project. Mayor Teller stated that the Village remains interested in this work, but has not yet made a final determination since the cost estimates must still be determined. Mr. Desmarais explained that his firm will be conducting a feasibility study, including the details of the sewer district that would be involved. A brief discussion ensued over the need to clearly define the changes to the existing Gabreski Airport sewage treatment plant (which is in the CGA) that would be required by this project.

Core Preservation Area (CPA)

Longwood School District - Ridge Elementary School / Ridge (Brookhaven; 200-294-2-6,7 (CGA); easement on p/o 200-325-1-11(Core)) / post 1993 development violation: modification of consent agreement (*not on the original agenda*)

Summary: Mr. Milazzo explained that the joint order on consent among the school district, the Commission, and the NYS DEC, which was previously approved by the Commission, regarding this ECL Article 57 violation has been revised primarily to reflect the results of a new survey of the renumbered parcels involved. The revised order also states that the school district cannot undertake "development" on the property to be transferred to the NYS DEC, and also states in paragraph IV the basis to be used in the future for determining compliance with the Pine Barrens Plan maximum clearing standard.

A motion was then made by Mr. Turner and seconded by Mr. Shea to approve the attached revised order on consent. The motion was approved by a 5-0 vote.

Pine Barrens Credit (PBC) Program

Title policy: modifications regarding requiring affidavits of ownership, hold harmless agreement and limits on coverage (*memo distributed*)

Summary: Mr. Milazzo summarized the attached suggested change to the PBC Program's title policy. It requires that persons seeking a Credit allocation from the Commission in exchange for a conservation easement must provide an affidavit holding the Commission harmless from any claims made by the immediate previous owner from whom the current applicant has purchased the property (see attached). Following a brief discussion, ***a motion was made by Mr. Shea and seconded by Mr. Deering to approve and adopt the amended Pine Barrens Credit Program title policy (attached). The motion was approved by a 5-0 vote.***

Public hearing

Bruhns Residence hardship / Sally Lane, Ridge (200-383-1-12) (*material distributed; decision deadline is 10/19/06*)

Summary: A separate stenographic transcript exists for this item. A copy of the application letter, the staff report, and the hearing notice are attached.

Land Use, Stewardship and Other Items

Comprehensive Plan Update

Interpretation of ECL 57-0107(13)(xiii) “nondevelopment” provision re “five or fewer” residential lots: discussion and refinement of Commission policy

Summary: *Mr. Limoli summarized and discussed the prior CGA land use projects in which the question of the “development” or “nondevelopment” status of CGA land divisions involving five or fewer lots has arisen. He also framed the policy issues for the Commission (see attached staff report). Following a brief discussion, a motion was made by Mr. Turner and seconded by Mr. Hanley to adopt and approve the attached resolution interpreting this provision. The motion was approved by a 5-0 vote.*

Closed Advisory Session

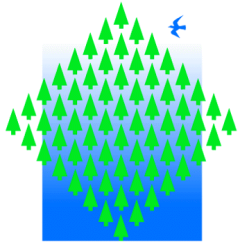
Summary: *A motion was made by Mr. Turner and seconded by Mr. Shea to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 5-0 vote, and the Commission entered into closed session from approximately 3:26 pm to 4:57 pm.*

Adjournment

Summary: *A motion was made by Mr. Shea and seconded by Mr. Turner to adjourn. The motion was approved by a 5-0 vote, and the meeting ended at approximately 4:58 pm.*

Attachments (in order of discussion):

1. Attendance sheet (7/19/06; 2 pages)
2. Project location map for today’s meeting (7/19/06; 1 page)
3. Memo re new LEC Vice Chair nomination (6/23/06; 1 page)
4. SYCA letter re Southaven Trap and Skeet (7/19/06; 1 page)
5. Staff report re Celi Electric Lighting application (7/14/06; 1 page)
6. Aerial photo outlining proposed Westhampton Beach STP project (undated; 1 page)
7. Longwood School District, DEC, and Commission draft order on consent (undated; 13 pages)
8. Proposed change to Pine Barrens Credit Program title insurance policy (7/11/06; pages)
9. Bruhns Residence application: applicant letter (undated; 1 page)
10. Bruhns Residence application: staff report (undated; 1 page)
11. Bruhns Residence application: public hearing notice (undated; 1 page)
12. ECL 57-0107(13)(xiii) interpretation: staff report (7/10/06; 2 pages)
13. ECL 57-0107(13)(xiii) interpretation: final resolution (7/19/06; 1 page)



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

**Commission Meeting Summary (FINAL)
for Wednesday, August 16, 2006 (Approved 9/20/06)
at the Quogue Wildlife Refuge,
Old Country Road, Quogue, 2:00 pm**

Commission members present: Mr. Scully (for New York State), Mr. Deering (for Suffolk County), Ms. Prusinowski (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 Mr. Limoli (from the Commission), Mr. Pavacic (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 2:11 pm by Mr. Scully, with a five member quorum.

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. He first spoke about the commercial composting activities and sites of a local company. Specifically, he referred to complaints that community members have filed with NYS DEC re this; the previous discussions of the Commission about whether composting activities constitute agriculture; the importation of material for composting from various areas of Long Island; and the state permits needed for composting and whether their issuance would be affected by the pine barrens law provision prohibiting the issuance of permits unless the activities are in conformance with the pine barrens law. He asked the Commission to take another look at composting with respect to the pine barrens law.

He then distributed the attached copy of a legal notice of the Request For Expressions of Interest that the Suffolk County Parks Department has just issued for the equestrian stable facility at Southaven County Park. He stated that the stable has been closed for about two years, and asked that the Commission look at the proposed new activities to determine whether they constitute "development".

Thirdly, he distributed the attached materials regarding a feasibility study for a clean, renewable energy project at the Black Duck Lodge site within the Hubbard County Park in Flanders, Southampton Town. He stated that the project may contain "development" activities at this Core site, despite the commendable nature of the proposal.

Minutes for 7/19/06: review, approval

Summary: A motion was made by Mr. Shea and seconded by Mr. Deering to approve the 7/19/06 minutes as final. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Mr. Kent.

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

Project Decisions

Core Preservation Area (CPA)

Bruhns Residence hardship / Sally Lane, Ridge (200-383-1-12): possible decision (*material distributed; hearing held 7/19/06; decision deadline is 10/19/06*)
Summary: Mr. Limoli recommended that this matter be held over to the 9/20/06 meeting in order to allow time for the staff to research the “nondevelopment” provisions of the pine barrens law. That was agreed upon.

Celi Electric Warehouse Extension, CR 31 / Westhampton (900-311-1-3.3, 8.7) / hardship: decision (*from 7/19/06; hearing held 2/15/06; decision currently due today*)
Summary: Mr. Limoli reported that the applicant has verbally requested an extension of the decision deadline for this matter to the 9/20/06 meeting, and is sending a written confirmation of this. The purpose is to allow Southampton Town to conduct preliminary site plan review of this project at the request of the applicant. **A motion was then made by Ms. Prusinowski and seconded by Mr. Shea to approve the requested decision deadline for this project to the 9/20/06 meeting. The motion was approved by a 5-0 vote.**

Compatible Growth Area (CGA)

Island Water Park / Calverton (600-135-1-7.34) / assertion of jurisdiction: determination of application completeness; scheduling of hearing (*from 7/19/06; decision deadline is 11/16/06*)
Summary: Present for today’s discussion was Mr. John Zollo, the new attorney for this project. He stated that the Commission’s prior assertion of jurisdiction was wrong; requested that the Commission reconsider that assertion; and cited past resolutions of the Commission, provisions of the Plan, and provisions of the law that he believes support his client’s contention that the project does not constitute “development” under the pine barrens law. **A motion was made by Mr. Shea and seconded by Mr. Kent to determine that the this application is complete and to schedule a public hearing on this matter for the 9/20/06 Commission meeting at 3:00 pm. The motion was approved by a 5-0 vote.**

Land Use, Stewardship, and Compliance & Enforcement

Law Enforcement

Law Enforcement Council - Environmental Benefit Fund: award of ATV and ATV trailer purchase contracts (*bid submittals closed 8/2/06; bid tabulation distributed*)
Summary: Mr. Corwin summarized this proposed purchase of two all terrain vehicles (ATVs) and an ATV trailer through the previously approved Environmental Benefit Fund for such purchases. He summarized the attached bid tabulation of responses received, and recommended that the Commission approve the purchase of the items listed excluding the small capacity ATV trailer whose specifications were not responsive to the bid specifications. **A motion was then made by Mr. Kent and seconded by Ms. Prusinowski to award the purchase contracts to the vendors listed on the attached tabulation only for Items A and C, and to exclude the small capacity ATV trailer (which is Item B). The motion was approved by a 5-0 vote.**

Longwood School District - Ridge Elementary School / Ridge (Brookhaven; 200-294-2-6,7 (CGA));

easement on p/o 200-325-1-11(Core DEC property)) / post 1993 development violation: revised draft order on consent among District, Commission, and NYS DEC (*originally approved by Commission 8/109/05; revised order approved 7/19/06*)
Summary: *Mr. Milazzo explained the further changes made to this draft order on consent since the Commission's last meeting, as well as the provisions of the agreement. **A motion was then made by Ms. Prusinowski and seconded by Mr. Kent to approve the revised and attached draft order on consent, and to authorize any member of the Commission to sign the agreement on behalf of the Commission. The motion was approved by a 5-0 vote.***

Closed Advisory Session - Litigation

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 at approximately 2:33 pm. A motion was later made by Mr. Shea and seconded by Mr. Deering to exit the closed advisory session. The motion was approved by a 5-0 vote, and the Commission exited the closed session at approximately 2:53 pm.***

Public hearing

Shoreham - Wading River Middle School Expansion / Shoreham (200-126-1-42.4) / CGA hardship (*material distributed*)

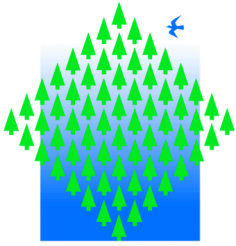
Summary: *A separate stenographic transcript exists for this item. It was agreed to reserve decision on this matter.*

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 3:43 pm.***

Attachments (in order of discussion):

1. Attendance sheets (8/16/06; 2 pages)
2. Project location map for today's meeting (8/16/06; 1 page)
3. Legal notice of RFEI for Southaven County Park stable concession (undated; 1 page)
4. Hubbard County Park clean energy project materials (misc. dates; 13 pages)
5. LEC ATV and ATV trailer bid summary and related materials (misc. dates; 4 pages)
6. Draft revised order on consent for Ridge Elementary School (undated; 8 pages)
7. Shoreham Wading River Middle School Expansion hearing notice (undated; 1 page)
8. Shoreham Wading River Middle School Expansion staff report (8/10/06; 1 page)



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

**Commission Meeting Summary (FINAL)
for Wednesday, September 20, 2006 (Approved 10/18/06)
at the Riverhead Town Hall,
200 Howell Avenue, Riverhead, 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. Cardinale and Mr. Hanley (for Riverhead), and Mr. Shea (for Southampton).

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, Ms. Carter, Mr. Limoli, and Ms. Eichelberger (from the Commission), Mr. Nolan (from the NYS Attorney General's Office), Mr. Pavacic (from the NYS Department of Environmental Conservation (NYS DEC)), and Ms. Longo (from the Suffolk County Department of Environment and Energy). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:05 pm by Mr. Scully, with a four member quorum initially consisting of Mr. Scully, Mr. Isles, Mr. Hanley and Mr. Shea. The Pledge of Allegiance was recited. Mr. Scully asked for a moment of silence in recognition of the recent death of Lt. Howard Carpluk of the FDNY who recently appeared before the Commission as a civic representative.

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.*

Minutes for 8/16/06: review, approval (faxed)

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

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

Project Decisions

Core Preservation Area (CPA)

Bruhns Residence hardship / Sally Lane, Ridge (200-383-1-12): possible decision (material distributed; hearing held 7/19/06; decision deadline is 10/19/06)

Summary: Mr. Limoli summarized this proposal for the removal of an existing single family residence from this two acre, A1 Residence zoned parcel on Sally Lane in Ridge, and its replacement by a new, larger residence. He noted that this matter was held over from the last Commission meeting to allow the staff to review past decisions on the status of similar proposals with respect to ECL 57-0107(13)(iii) (see attached staff report and summary). Based upon the results of that review, he recommended that the Commission determine that the Bruhns proposal be determined to not constitute "development". **A**

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

motion was then made by Mr. Shea and seconded by Mr. Isles to adopt and approve the attached resolution determining that the Bruhns residence proposal does not constitute “development” pursuant to ECL 57-0107(13)(iii). The motion was approved by a 5-0 vote.

Celi Electric Warehouse Extension, CR 31 / Westhampton (900-311-1-3.3, 8.7) / hardship: decision (from 7/19/06; hearing held 2/15/06; continued item from 8/16/06; **decision currently due today**)

Summary: Mr. Limoli summarized this proposal for the construction of a dry storage warehouse on a developed LI40 zoned parcel on CR 31 in Westhampton. He noted that the decision has been extended previously to permit the applicant to work with Southampton Town to satisfy all local conditions. He further noted that 20% of the site is to be revegetated pursuant to Town specifications, with a buffer along the adjoining parkland. He recommended that the application be granted pursuant to the attached resolution. ***A motion was then made by Mr. Shea and seconded by Mr. Turner to adopt and approve the attached resolution granting the Core hardship application for the Celi proposal. The motion was approved by a 5-0 vote.***

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 (hearing held 6/21/06; **decision currently due today**)

Summary: Ms. Jakobsen reported that the attached request for a decision extension until the November 2006 Commission meeting has been received from the sponsor's representative. ***A motion was then made by Mr. Turner and seconded by Mr. Cardinale to accept and approve the requested decision deadline extension until the 11/15/06 Commission meeting. The motion was approved by a 5-0 vote.***

Walgreen's Commercial Site Plan / Wading River (600-73-1-1.13, 1.14, 1.21) / previously approved hardship: second extension of 120 days for sponsor to file resolution with County Clerk (hardship approved by Commission on 5/17/06; previous filing extension granted by Commission on 6/21/06 will expire 10/19/06)

Summary: Mr. Limoli reported that a request has been received from this project's representative for an additional extension of time by which they must file the Commission's approval resolution with the County Clerk.

Mr. Amper of the Long Island Pine Barrens Society asked what process would ensure that the Commission staff would see any changes that Riverhead Town might make from this point forward. Following a brief discussion, it was agreed that the Town would notify the Commission if the plan approved by the Commission is now altered.

A motion was then made by Mr. Scully and seconded by Mr. Cardinale to adopt and approve the attached modified approval resolution for the Walgreens at Wading River project (showing the changed filing date). The motion was approved by a 5-0 vote.

Land Use, Stewardship, and Compliance & Enforcement

Pine Barrens Credit Program: summary of 9/11/06 Clearinghouse Board of Advisors meeting

Summary: Mr. Milazzo summarized the 9/11/06 Pine Barrens Credit Clearinghouse Board meeting. He noted that one of the issues discussed was the issuance of a Letter of

Interpretation (LOI) for Core property owned by the Nassau County Boy Scouts known as Camp Wauwepex in Wading River, Riverhead Town. The parcel is approximately 400 acres and is zoned Natural Resource Protection, which permits one residence per four acres. He described the points of discussion considered by the Clearinghouse in its decision, including the seasonal and intermittent use of the property as a camp; the presence of a year round caretaker's residence on the site; and the "development" status of the scouting activity under ECL Article 57. The final LOI allocation was 99 Credits.

He stated that the next meeting of the Clearinghouse Board will be 11/21/06, and that the Clearinghouse and staff are looking into the question of how many Credits could potentially still be allocated from Core property and what is the current status of the various receiving areas. Mr. Isles offered the assistance of the Suffolk County Planning Department's data on zoning and land use in that effort. Finally, Ms. Jakobsen distributed the attached new one page, two sided flyer that she has produced for distribution by the Suffolk County Health Department to potential users of Credits through that office.

Wildfire Task Force - NY Wildfire and Incident Management Academy: proposed cooperative agreement between National Park Service and Commission providing grant funding for Academy; possible resolution

Summary: *Mr. Milazzo explained that the National Park Service has indicated to the Academy Coordinator that it is willing to provide a five year, \$20,000 per year grant to the Academy to support specific aspects of its continued operation. These include the purchase of equipment that will be used to train New York State residents to the federal wildland firefighter standards, and a portion of the overhead, non capital expenditures for administering the Academy (such as instructors and housing).*

*He noted that he has identified some specific areas of concern in the details of the draft agreement, and is working with both of the parties to resolve those points, including the lines of communication and responsibility for the grant's administration. He suggested that the Commission authorize the acceptance of the grant on behalf of the Academy subject to further review and approval by counsel. **A motion was then made by Mr. Turner and seconded by Mr. Cardinale to authorize the Commission Chair to enter into this grant agreement with the National Park Service on behalf of the Academy subject to final review and approval of the written agreement by Commission staff counsel. The motion was approved by a 5-0 vote.***

Administrative

Planning and staffing *(not on the original agenda)*

Summary: *Mr. Turner observed that the Commission should discuss the specific staffing needs outlined in the previously adopted staffing report in the near future. It was agreed to have this on the Commission's October agenda.*

Closed Advisory Session - Litigation

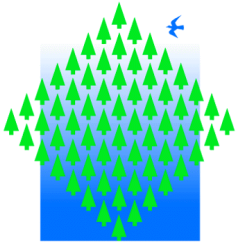
Summary: ***A motion was made by Mr. Turner and seconded by Mr. Isles to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 5-0 vote, and the Commission entered into closed session from approximately 2:38 pm to 3:50 pm.***

Adjournment

Summary: A motion was made by Mr. Turner and seconded by Mr. Cardinale to adjourn. The motion was approved by a 5-0 vote.

Attachments (in order of discussion):

1. Attendance sheet (9/20/06; 2 pages)
2. Project location map for today's meeting (9/20/06; 1 page)
3. Bruhns staff report (9/15/06; 3 pages)
4. Summary of actions under ECL 57-0107(13)(iii) (undated; 2 pages)
5. Bruhns "nondevelopment" resolution (9/20/06; 1 page)
6. Celi staff report (9/15/06; 2 pages)
7. Celi Core hardship approval resolution (9/20/06; 1 page)
8. Brookhaven Walk decision deadline extension request (9/13/06; 1 page)
9. Walgreens at Wading River staff report (9/15/06; 1 page)
10. Walgreens at Wading River modified CGA approval resolution (9/20/06; 1 page)
11. "PBCs 1-2-3" flyer (2006; 2 pages)



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

**Commission Meeting Summary (FINAL)
for Wednesday, October 18, 2006 (Approved 11/15/06)
at the Riverhead Town Hall,
200 Howell Avenue, Riverhead, 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. Mills, Ms. Carter, Mr. Limoli, and Ms. Eichelberger (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation), 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 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 first speaker was Ms. Johan McConnell, President of the South Yaphank Civic Association (SYCA). She stated that she has been attending Pine Barrens Commission meetings for ten months and has been reading various written materials related to the Commission's work, and that she is impressed by the Commission's appreciation of the importance of protecting the pine barrens. She stated that she is unable to understand why the Suffolk County Parks Department continues to cut trees, install fence, and undertake other activities at the Southaven Trap and Skeet Range. She quoted SC Parks Commissioner Foley's remarks in a recent South Shore Press newspaper article.

The second speaker was Mr. John McConnell, representing SYCA. He asked whether any members of the Commission have visited the Southaven Park Trap and Skeet Range to see what is going on. Mr. Scully noted that there is now litigation pending on this matter.

Minutes for 9/20/06: review, approval

Summary: **A motion was made by Mr. Isles and seconded by Mr. Shea to approve the 9/20/06 minutes as final without any changes. The motion was approved by a 5-0 vote.**

Project Decisions

Compatible Growth Area (CGA)

Newport Estates Residential Subdivision / Miller Place (Brookhaven; 200-98-6, etc.) / hardship: request for final determination; adoption of resolution (hearing held 01/21/04; decision due today)

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

Summary: Mr. Limoli summarized this pending 15 lot subdivision application on an 11.78 acre site zoned A1 Residence on the south side of NYS Route 25A in Miller Place, for which the Commission held a hearing on 01/21/04 and issued a letter at that time, but was unable to issue a final decision pending completion of the State Environmental Quality Review Act process. He reported that the Town issued an approval on 9/12/06. He reviewed the approval conditions and recommended that the application be approved with the conditions outlined in the attached draft resolution, subject to the submittal of a map showing compliance with the conditions, and subject to filing of covenants on the property.

A discussion ensued on condition number nine regarding the road connection requirement, as well as condition number one regarding the approval of the SC Department of Health Services. Discussion followed regarding the open space configuration in this project, the points of settlement of prior litigation between the project sponsor and the Town, and the degree to which the open space is within or outside the proposed individual lots.

A motion was then made by Ms. Prusinowski and seconded by Mr. Shea to adopt the attached final approval resolution for this project with condition number two to be changed to state that an approved subdivision map from the Town will suffice. The motion was approved by a 5-0 vote.

New Age Builders Map of Riverhead Estates Residential Development (6 units) / Flanders (900-167-2-24, 32; 900-167-3-4.1, 7.1): determination of jurisdiction (no decision deadline; this site is also partly within the Core Preservation Area)

Summary: Mr. Limoli summarized this request for a determination of jurisdiction under ECL 57-0107(13)(ix). He noted the long history of this map, starting with its initial filing in 1914. In 1988, the Southampton Town Planning Board approved a replatting of the Map of Riverhead Estates, with various applicable conditions including the transfer of Town development rights (not related to Pine Barrens Credits) within the map. Mr. Limoli noted that there are prior Commission decisions establishing the "nondevelopment" status of other portions of this map, including as recently as February 2006 which contained conditions prohibiting the use of Pine Barrens Credits, among other conditions.

A brief discussion ensued regarding the road pattern and road extensions in this area. **A motion was made by Mr. Shea and seconded by Mr. Turner to determine that the use of these lots for single family residences does not constitute "development" under NYS ECL 57-0107(13)(ix) provided that the following conditions are met: (1) all necessary approvals and transfers of Town development rights are obtained from Southampton Town, and that improvement of the lots and roadway are in conformance with the Southampton Town letter on this matter dated 8/28/06; (2) Pine Barrens Credits shall not used be upon, nor generated from, any of these parcels; and (3) clearing for the roadway extension shall be kept to a minimum and shall be in conformance with a Southampton Town road opening review. The motion was approved by a 5-0 vote.**

Compatible Growth Area (CGA)

Developmental Disabilities Institute Residence / Yaphank (200-579-2-55): determination of completeness; scheduling of hearing (decision deadline is 2/15/07)

Summary: Mr. Limoli summarized this new application for a single family home on a two acre site zoned A5 Residence on the east side of German Boulevard, north of Mill Road, in Yaphank. He explained that the proposed home is to be built on a cleared portion of

the site, although the lot is currently overcleared compared to the CGA clearing standard.

He also noted that this site is one of three lots that were created from an 8.7 acre original parcel by a 2003 decision of the Brookhaven Zoning Board of Appeals (ZBA) which was not referred to, or reviewed by, the Pine Barrens Commission. One of those three lots is the site of the next application on today's agenda (namely, the Morais Residence application) and the other is a site on which a single family home is already under construction. The Developmental Disabilities Institute parcel does not meet the minimum lot size for the A5 Residence zone. Mr. Limoli recommended that the Commission determine the application to be complete and schedule a public hearing on it for the November Commission meeting.

Mr. Richard Amper of the Long Island Pine Barrens Society (LIPBS) stated that he thought that the Town had assured the Commission that the ZBA does not make this type of decision, which precipitated a discussion of the ZBA decisions about which the LIPBS has previously complained and of the changes over the years in the authority and powers of the ZBA. **A motion was then made by Mr. Turner and seconded by Mr. Kent to: (1) determine that this application is complete, and (2) schedule a public hearing on this application for the 11/15/06 Commission meeting at 3:00 pm. The motion was approved by a 5-0 vote.**

Morais Residence / Yaphank (200-611-1-4.2): determination of completeness; scheduling of hearing (decision deadline is 2/15/07)

Summary: Mr. Limoli summarized this new application for a single family home on a two acre site zoned A5 Residence on the east side of German Boulevard, north of Mill Road, in Yaphank, immediately adjacent to the Developmental Disabilities Institute (DDI) proposed residence site just discussed. He explained that his prior summary of the origin of this lot from the DDI discussion should be incorporated into this discussion and summary as well. **A motion was then made by Mr. Scully and seconded by Mr. Turner to: (1) determine that this application is complete, and (2) schedule a public hearing on this application for the 11/15/06 Commission meeting at 3:00 pm. The motion was approved by a 5-0 vote.**

Mr. Amper of the LI Pine Barrens Society then asked whether the Commission was going ahead with the processing of these applications without knowing whether it has the authority to grant them. It was then noted that the Commission does not wish to run the risk of default approvals being granted.

Land Use, Stewardship, and Compliance & Enforcement

Plan amendment update: status

Summary: Mr. Corwin reported that the Plan amendment work has focused principally upon revisions to Chapters 4 and 5 of the current Plan Volume 1, which cover jurisdiction, and project review standards and guidelines. As previously outlined, the staff, principally Mr. Limoli, has taken all of the 2005 Plan draft materials, along with all of the comments that were received from any party on that draft, and has begun to produce a new draft of Volume 1. The new draft also returns to the format and layout originally used in the 1995 Plan version, and the changes from 1995 to the new draft will now be indicated by underlined inserts and strikeout annotation. This will enable those familiar with the original Plan to quickly and accurately identify the sequence and origin of changes.

In addition, as requested by the Commission, the staff is working closely with the Pine

Barrens Advisory Committee through its Chair, Mr. Stephen Jones of the Suffolk County Water Authority, to assure that the Advisory Committee reviews the Plan updates prior to the Commission's review. Towards that end, the staff is meeting with Mr. Jones to select the topics of greatest interest for the Committee's meetings and discussions, starting with the 11/14/06 meeting. He also noted that the Commission staff is working very closely with the Brookhaven Town staff on matters pertaining to that Town's interests in the Plan update, including the proposed neighborhood centers and Critical Resource Areas.

A brief discussion ensued regarding the time needed for these various tasks. Mr. Corwin noted that the principal areas of concern are Chapters 4 and 5 of Volume 1, which require extensive reviews by the Advisory Committee, the Commission, and others. Once input is received from each party, updates to the draft will be produced and circulated. He estimated that it would be early 2007 when this review cycle produces a proposed final draft of Chapters 4 and 5. There are other changes being made as needed to Volume 1, but those can proceed independently of these.

Wildfire Task Force - NY Wildfire and Incident Management Academy: authorization of hold harmless insurance waiver for Academy activities at Schiff Scout Reservation on 10/25-27

*Summary: Mr. Milazzo described attached proposed "hold harmless" insurance policy amendment to cover the field training sessions that the 2006 Wildfire Academy will hold at the Schiff Scout Reservation (i.e., Camp Wauwepex) in Wading River. **A motion was made by Mr. Kent and seconded by Mr. Shea to approve the attached insurance agreement and to authorize the Commission Chair to execute the agreement on behalf of the Commission. The motion was approved by a 5-0 vote.***

Protected Lands Council - Invasive Plant Inventory and Assessment: internship report and presentation (Susan Dobbertin and Elisha Gibson)

Summary: Mr. Scully introduced this item, commenting upon the overall need for public lands stewardship and "on the ground" results in the Central Pine Barrens, and the specific need for relevant data collection to inform decisions regarding stewardship projects. He introduced Ms. Karen Eichelberger of the Commission staff, who is supervising the work on this invasive plant inventory and assessment for public lands in the Central Pine Barrens. Ms. Eichelberger explained the origin of this project; the cosponsorship of this work by the Commission, the Nature Conservancy, the Suffolk County Water Authority, and the various federal, state, county, and town public land owning agencies; the hiring of the two interns to undertake this work; and the general progress to date of their work. She also noted that Ms. Kathy Schwager of The Nature Conservancy served as one of the supervisors for this work.

Ms. Dobbertin and Ms. Gibson then gave the attached presentation, answering questions as they arose. They also distributed the attached two page description and map describing the work done, the areas covered, and the gross results to date. They noted that they still have remaining field work to complete in several public lands areas.

Some of the points noted during the presentation and discussions are:

- Between May and October of 2006, approximately 30,000 acres of public lands and 300 miles of trails were visited and assessed for invasive plant occurrences.*
- 44 invasive and nonnative plant species were identified.*
- Brookhaven State Park and Cranberry Bog County Park remain to be done, while Warbler Woods County Park was not assessed since it had been previously assessed by The Nature Conservancy.*
- Four categories of plants were identified: "widespread species" with >200*

- occurrences; “common species” with >100 to 200 occurrences; “uncommon species” with 25 to 100 occurrences; and “rare species” with <25 occurrences.
- A detailed description of one sample area, namely Manorville Hills West, was presented to show the logistics and types of result patterns found.
- Occurrences of species generally increase as one travels from east to west.
- There was some evidence of the role of birds in the spread of invasive seeds.
- The need for this work was rooted in the initial attempt of the Protected Lands Council to craft an invasive plant management plan in 2003, when the lack of solid field data was identified as an obstacle.
- Public education of the impact of buying and planting certain species is sorely needed, and the existence of the two new County level invasive plant species task forces for Suffolk and Nassau was mentioned.
- The appearance of mile a minute vine was a surprise.
- The existence of purple loosestrife in two locations provides an opportunity to eradicate it before it spreads further.
- Phragmites are widespread in a number of locations, and not every location or stand could be identified completely in the assessment and mapping.
- No sightings of kudzu were recorded.

They also thanked an extensive list of individuals and organizations for their assistance and support, and Mr. Scully echoed those thoughts. Mr. Scully then thanked and congratulated Ms. Dobbartin and Ms. Gibson for their work, and the Commission and TNC staff who are supervising their work.

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 discussing pending litigation and receiving legal advice from counsel. The motion was approved by a 5-0 vote, and the Commission entered into closed session from approximately 3:10 pm to 3:50 pm.**

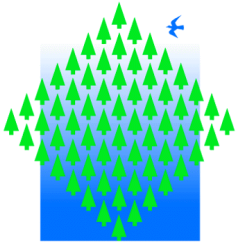
Adjournment

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

Attachments (in order of discussion):

1. Attendance sheets (10/18/06; 2 pages)
2. Project location map for today’s meeting (10/18/06; 1 page)
3. Newport Estates staff report and attachments (10/13/06; 20 pages)
4. Newport Estates approval resolution (10/18/06; 3 pages)
5. New Age Builders / Map of Riverhead Estates materials (miscellaneous dates; 10 pages)
6. Developmental Disabilities Institute Residence materials (miscellaneous dates; 35 pages)
7. Morais Residence materials (miscellaneous dates; 20 pages)
8. Hold harmless agreement for 2006 Academy at Scout property (undated; 1 page)
9. Invasive Plant Inventory and Assessment Preliminary Results (10/16/06; 2 pages)
10. Invasive Plant Inventory and Assessment Presentation to Commission (10/18/06; 26 pages)

Commission Meeting Summary (FINAL)
for Wednesday, November 15, 2006 (Approved 12/20/06)
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. Kent (for Riverhead), and Mr. Shea (for Southampton).

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Carter, and Mr. Limoli (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 2:06 pm by Mr. Scully, with a five member quorum. 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 10/18/06: review, approval

Summary: **A motion was made by Mr. Kent and seconded by Mr. Turner to approve the 10/18/06 minutes as final without any changes to the draft. The motion was approved by a 5-0 vote.**

Brian X. Foley
Member

Patrick A. Heaney
Member

2007 meeting schedule: review, approval

Summary: **A motion was made by Mr. Shea and seconded by Mr. Turner to approve the attached 2007 Commission meeting schedule. The motion was approved by a 5-0 vote.**

Steve A. Levy
Member

Project Decisions

Compatible Growth Area (CGA)

Shoreham - Wading River Middle School Expansion / Shoreham (200-126-1-42.4) / CGA hardship (*hearing held 8/16/06; decision deadline is 11/16/06*)

Summary: *Mr. Limoli summarized this CGA hardship application for additions and alterations to the existing Albert G. Prodehl Middle School, on the west side of Randall Road, in Shoreham. The parcel is 31.9 acres, is zoned A1 Residence, and the proposal seeks relief from the Vegetation Clearance and Fertilizer Dependent Vegetation standards.*

Mr. Limoli summarized the staff's 7/10/06 site visit; the 8/16/06 hearing; and two conditions contained within the draft resolution. He described the 69% existing clearing of the site, the original application request for 82%, and the current revised request for 73.6%. A brief discussion ensued regarding the draft resolution and its conditions, and amending

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

the text of condition one to reflect 73.6% clearing instead of the 74% figure. A discussion was also held regarding the possible benefit of sending letters to the school districts within the pine barrens, as well as the State Education Department, regarding the role of the Commission in reviewing school development projects.

Mr. Limoli explained that the Shoreham Wading River School Board, as the Lead Agency for this project under the State Environmental Quality Review Act (SEQRA), issued a negative declaration on 11/7/06. Mr. Limoli recommended that the Commission adopt the attached resolution approving the application with the listed conditions.

A motion was made by Mr. Turner and seconded by Mr. Kent to approve this hardship application by adopting the attached resolution of approval with condition one changed to read 73.6%, and to have the approval specifically reference the site plan which is being approved. The motion was approved by a 5-0 vote.

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

Summary: Ms. Jakobsen explained that the SEQRA review of this project is not yet complete, and that a Commission decision extension request letter would be needed. She also noted that Chic Voorhis, Brian Ferruggiari, and Jeff Vollmuth, consultants for this project, along with David Sloane, attorney for the project, were present to update the Commission on the latest changes to the proposal.

Mr. Voorhis stated that a decision extension request letter is already in the mail to the Commission, and that an extension is acceptable to the applicant. **A motion was then made by Mr. Turner and seconded by Mr. Shea to accept and agree to an extension of the Commission's decision deadline for this application to 12/20/06. The motion was approved by a 5-0 vote.**

Mr. Ferruggiari then spoke about the changes to the site plan from June through the present, noting that the number of land banked parking spaces (which would not be built unless future conditions required) has increased from 774 spaces to 1,513 spaces, thus saving additional green space in the final layout. He also noted that the plan now calls for over 900 trees of 4 to 5 inch caliper to be planted, and provides for a pedestrian oriented traffic circulation pattern with raised pedestrian cross walks which also calm traffic. He noted that the design provides a walkable complex.

Mr. Vollmuth of Vollmuth and Brush, the project engineer, discussed several aspects of the project design, including the landbanked parking, as well as the design response to a request by the SC Department of Health to take advantage of the natural topography by relocating portions of the septic treatment system.

Mr. Voorhis then spoke about the recent adoption by Brookhaven Town of the Final Environmental Impact Statement, and noted that agencies can now move towards making their individual findings. Mr. Sloane stated that once a regional sewage treatment plant is available in this area, the project will connect to that plant. Mr. Voorhis also spoke about the wetlands buffers; the open space areas; accommodation of the future Islander East Pipeline in an already cleared area; slopes; Natural Heritage checks; NYS Department of Transportation approvals; archaeological investigations; and Suffolk County Health Code Article 6 compliance.

Land Use, Stewardship, and Compliance & Enforcement

Sarnoff State Preserve Fuel Reduction Demonstration Project (National Fire Plan grant) / Eastport (900-165-1-1; 900-182-1-1.1): progress report on field work from Brian Kurtz, The Nature Conservancy (*Commission's nondevelopment and consistency resolution passed 4/20/05*)

Summary: Present for today's report were Ms. Patricia Pelkowski, Pine Barrens Project Director for The Nature Conservancy's (TNC) Long Island Chapter, and Brian Kurtz, Fire Management Specialist for TNC's Long Island Chapter.

Mr. Corwin reviewed the history of the Commission's involvement in this project's original proposal, and described the discussions that occurred at Commission meetings in early 2005, which culminated in the 4/20/05 Commission resolution determining that this project does not constitute "development" and is in conformance with the pine barrens act.

Mr. Kurtz then provided a presentation (see attached copy), summarizing the fuel reduction and prescribed fire work that has occurred at the NYS DEC's David Sarnoff Preserve since early 2005. He spoke about current and past categories of vegetation there; "pretreatment" and "post treatment" conditions, where the treatments involved mechanical cutting and/or prescribed fire; effects of prescribed burns during different times of the year on vegetation; equipment used; samples of data plots generated; and people and organizations involved.

Public hearings

A stenographer was not available for the following hearings, so a written transcript is not available. These hearings were recorded, and are also summarized here.

Compatible Growth Area (CGA)

Developmental Disabilities Institute Residence / Yaphank (200-579-2-55): hardship (*decision deadline is 2/15/07*)

Summary: The public hearing notice was read into the record by Mr. Scully. The Commission representatives entered their names and who they represent into the record.

The applicant is Developmental Disabilities Institute (DDI) c/o Kevin Gray, 99 Hollywood Drive, Smithtown, NY 11787.

The applicant requests a Compatible Growth Area hardship permit and seeks relief from the Central Pine Barrens Comprehensive Land Use Plan standards for development of a single family home on a two acre parcel. The subject property contains natural vegetation and previously disturbed land. The parcel is vacant and is zoned A5 Residence.

The project location is the Central Pine Barrens Compatible Growth Area, east side of German Boulevard, approximately 290 feet north of Mill Road, Yaphank, Town of Brookhaven (TOB). The Suffolk County Tax Map Number is 0200-579.00-02.00-055.000.

Mr. Anthony Limoli, Commission staff, introduced the application and provided a brief history on the prior use and physical characteristics of the property. The property is 50% cleared and was formerly used for equestrian purpose. The zoning is A5 Residential which has a clearing limit of 20%. The applicant would place the home in the existing cleared area.

Mr. Limoli then asked Mr. Kevin Gray from DDI to discuss the application. Mr. Gray was sworn in by Mr. Kent. Mr. Gray stated if the hardship was not granted, the lot would not be buildable. A discussion ensued on when the parcel was purchased (2005), why the 16,000 sf of cleared area would not be buildable, and what representation the prior owner, Mr. Kevin Henderson, made to DDI concerning whether the lot was buildable. Mr. Gray mentioned that the prior owner is building a home on one of the three lots involved in this subdivision. Mr. Gray stated that the Town's Environmental Division suggested they go to the Commission to seek relief for clearing. Discussion ensued regarding how much relief the applicant was seeking, the purpose of the project (to build a group home), and the operational and parking needs for the group home.

Mr. Milazzo, Commission Counsel, asked the applicant to review the history of the parcel. Mr. Gray discussed the purchase from Mr. Henderson as one of three lots that had received Town Zoning Board of Appeals approval for the subdivision. Mr. Milazzo asked Mr. Gray to go through the elements of Section 267(b) of Town Law regarding a use variance as it applies to the project, which Mr. Gray did.

There were no further questions from staff or Commission representatives, and no public comments. The public portion of the hearing was closed and the record left open. The current decision deadline for this project is 2/15/07.

Morais Residence / Yaphank (200-611-1-p/o 4): hardship (decision deadline is 2/15/07)
Summary: The public hearing notice was for the second hearing was read into the record by Mr. Scully.

The applicant is Mr. Daniel Morais, c/o Robert Ciminelli, broker, 147 Waverly Avenue, Patchogue, NY 11772. The applicant was represented by Mr. Thomas Cramer of Cramer Consulting.

The applicant requests a Compatible Growth Area hardship permit and seeks relief from the Central Pine Barrens Comprehensive Land Use Plan standards for development of a single family home on a two acre parcel. The subject property contains natural vegetation and previously disturbed land. The parcel is vacant and is zoned A5 Residence.

The project location is the Central Pine Barrens Compatible Growth Area, east side of German Boulevard, approximately 146 feet north of Mill Road, Yaphank, Town of Brookhaven. The Suffolk County Tax Map Number is 0200-611.00-01.00-004.002.

Mr. Limoli provided an overview of the project. The parcel is zoned A5 Residence and is therefore limited to 20% clearing. Relief is needed from the clearing limit. Mr. Limoli asked Mr. Thomas Cramer who was representing the owner, Mr. Morais, to address for the record the CGA standards and the Town Law 267(b) criteria as they pertain to the project. Mr. Cramer was sworn in by Mr. Kent. Mr. Cramer provided a handout and two aerial photographs of the site. He discussed the approval of the three lot subdivision by the Town ZBA in 2003 that was also approved by the SCDHS. The ZBA approval limited the clearing to 20% and fertilizer dependent vegetation to 15%. He discussed the amount of existing clearing on the site and the former equestrian track, how the subdivision plan showed the houses in the wooded area, and provided copies of the original ZBA approval, the TOB negative declaration, the Planning Department comments, and covenants.

He stated that the TOB directed the applicant to go to the Commission for review. The proposed project would limit the clearing to 20% of the site and would allow the applicant to have a pool. The remainder of old field growth would be fenced and bare areas

revegetated. Mr. Cramer contended that the project meets the standards and does not need a hardship variance. The onsite clearing was prior to 1990. He discussed the variance criteria. Mr. Milazzo asked Mr. Cramer to address the use variance criteria. Mr. Cramer went through the use variance criteria as it pertains to this project.

Mr. Cramer admitted two exhibits. Exhibit #1 was "Supplemental Information for Morais New House 001, Central Pine Barrens Commission Permit Information" and Exhibit #2 included Town of Brookhaven ZBA Negative Declaration for the three lot subdivision; Town Department of Planning, Environment and Development (PED) recommendations on mitigation measures, Town of Brookhaven letter from B. Prusinowski, PED, to Frank Trotta, ZBA, dated 11/5/03; copy of declarations and covenants dated 9/24/04; and Survey of property at Yaphank, Town of Brookhaven, Suffolk County, NY 200-611-1-4.2, last date of 10/31/05.

There were no further questions from staff or Commission representatives and no public comments. The public portion of the hearing was closed and the record left open for additional information from the Town or staff. The current decision deadline for this project is 2/15/07.

Closed Advisory Session - Litigation Update

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 3:48 pm to 4:24 pm.**

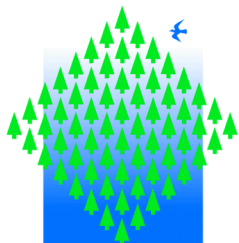
Adjournment

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

Attachments (in order of discussion):

1. Attendance sheet (11/15/05; 2 pages)
2. Project location map for today's meeting (11/15/06; 1 page)
3. 2007 Commission meeting schedule memo (10/30/06; 1 page)
4. Shoreham Wading River Middle School staff report and other materials (11/8/06; 27 pages)
5. Brookhaven Walk letter from Commission staff to SC Health Dept. (10/30/06; 1 page)
6. LI Central Pine Barrens Forest Restoration Update (undated; 2 pages)
7. Fuels Reduction and Ecological Restoration Demo Site Update (Nov. 2006; 31 pages)
8. Developmental Disabilities Institute Residence staff report (10/11/06; 3 pages)
9. Morais Residence staff report (10/11/06; 3 pages)

**Commission Meeting Summary (FINAL)
for Wednesday, December 20, 2006 (Approved 1/17/07)
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. Kent (for Riverhead), and Mr. Shea (for Southampton).

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, Ms. Jakobsen, and Ms. Mills (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 Sgt. Pendzick (from the Suffolk County Park Police and Chair of the Pine Barrens Law Enforcement Council). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:08 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

Recognition of two individuals' service (*not on the original agenda*)
Summary: Mr. Scully noted the recent and pending departures of two individuals with whom the Commission has worked on pine barrens issues. The first was Mr. Anthony Limoli, an Environmental Planner with the Commission who has just left the Commission to begin a new career as a teacher (he was not present today). Mr. Scully noted that Mr. Limoli was professional and dedicated, and that he will be missed.

Brian X. Foley
Member

Patrick A. Heaney
Member

Steve A. Levy
Member

Mr. Scully then noted the pending departure of Ms. Susie Husted of the Long Island Pine Barrens Society, who is leaving the region. He noted that he respects her dedication and abilities, and presented the attached Certificate of Appreciation to Ms. Husted.

Land Use, Stewardship, and Compliance & Enforcement

Longwood School District - Ridge Elementary School / Ridge (Brookhaven; 200-294-2-6,7 (CGA); easement on p/o 200-325-1-11(Core DEC property)) / post 1993 development violation: revised draft order on consent among District, Commission, and NYS DEC (*originally approved by Commission 8/109/05; revised orders approved 7/19/06 and 8/16/06*)

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

Summary: Mr. Scully noted for the record that Mr. Turner is signing at today's meeting the order on consent approved by the Commission on 8/19/06 to settle previously discussed pine barrens law violations at this site. Following Mr. Turner's signature, the NYS DEC will also have to sign the order, along with the Longwood School District.

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

Public Comment and Administrative

Public comments

Summary: *The first speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. He stated that he has written to the Commission regarding the Island Water Park project and associated clearing. Mr. Milazzo noted that the Commission cannot take any action regarding this project because there is a court issued stay against doing anything on this project. Mr. Amper then asked whether there is a potential for a default decision on this application, and Mr. Milazzo stated that he does not believe that there is.*

The second speaker was Brookhaven Town Councilman Kevin McCarrick, who stated that he is representing Miller Place residents regarding the Birchwood Development Corporation residential project proposed for the DeLalio Sod Farm and which is now pending before Brookhaven Town. He stated that it will soon be before the Commission; that the developer has been cooperative; and that the community and the school board are behind the application.

The third speaker was Mr. David Sloane, an attorney representing the Birchwood Development Corporation. He stated that Birchwood is a contract vendee on 270 acres; that no additional clearing is proposed; that the site is 100% cleared; that a part of the site will be developed with homes and a portion deeded to the Town and the school district; that the major issue of concern in pine barrens projects has always been clearing and that the clearing restriction does not apply here; and that the Town's Environmental Division has taken the position that a percentage of the site must be left intact.

Mr. Sloane raised the question of whether the school portion of the project is exempt, and Mr. Milazzo stated that it is not. Mr. Sloane stated that he would like a "reading" of the project by the Commission before it is submitted. Mr. Scully asked what the timetable for the project is, and Mr. Sloane noted that it has been pending before the Town for "some time".

The fourth speaker was Mr. Chic Voorhis, a consultant representing the Birchwood Development Corporation. He noted that any input received from the Commission will be helpful, and that the project currently is undergoing a preliminary subdivision approval and that a Draft Environmental Impact Statement exists. He described the project as containing 234 detached residential units within the Compatible Growth Area.

The fifth speaker was Ms. Claire Mangelli, the President of the Miller Place Board of Education. She stated that she is a lifelong Long Island resident, and recognizes the need for open space and stewardship. She noted that the district currently has 3,100 children in four buildings owned by the district, plus a rented administration building; that the enrollment is greater than the capacity; that hallways are being utilized; that a new building is needed to expand; that the district is not yet fully developed and more students are expected; that the district is land poor and a new school will be needed within ten years; and that this is the only opportunity to acquire more land for the district.

The sixth speaker was Mr. James Marran, the Vice President of the Miller Place Civic Association. He stated that he has been involved in every meeting regarding this project; that this is a hardship situation; that the district can only build a Miller Place school in Miller Place; that the project will result in 120 acres of open space, of which 40 would be for the school district; and that the Civic Association will support this project based upon the new facility being owned by the Miller Place School District and that the all of the District's "credits" are exhausted from another, 10 acre CGA parcel.

The seventh speaker was again Mr. David Sloane (affiliation noted above). Mr. Sloane noted that 40 of the 120 acres to be deeded over by the developer will go to the school district, and 80 will remain in open space.

Mr. Scully then thanked the speakers for bringing the matter of the Birchwood development project to the Commission's attention.

Minutes for 11/15/06: review, approval (faxed)

Summary: A motion was made by Ms. Prusinowski and seconded by Ms. Gallagher to approve the 11/15/06 minutes as final without any changes. The motion was approved by a 5-0 vote.

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: sense resolution; decision extension request (hearing held 6/21/06; decision currently due today)

Summary: Ms. Jakobsen summarized this project, and explained that the attached request for a decision extension until the Commission's February meeting has been received from this project's sponsor. A motion was then made by Mr. Turner and seconded by Mr. Shea to agree to, and approve, the requested decision extension until 2/21/07. The motion was approved by a 5-0 vote.

Ms. Jakobsen explained that Brookhaven Town is the lead agency under the State Environmental Quality Review Act (SEQRA); that the Final EIS has been accepted by the Town; that the Town must issue findings and a decision; and that the Commission would then also issue findings and a decision. Mr. Sloane requested that a preliminary review of this project's compliance with the Pine Barrens Plan's standards and guidelines be sent to the Town. A brief discussion ensued regarding past projects such as the Newport Estates Residential Subdivision and the Hampton Club project for which the Commission has provided such an evaluation. The discussion then focused upon changes to the draft evaluation letter provided by Commission staff, with the agreement that a final version of that letter would be sent out by Commission staff this week.

Developmental Disabilities Institute Residence / Yaphank (200-579-2-55) / CGA hardship: status (hearing held 11/15/06; decision deadline is 2/15/07)

Morais Residence / Yaphank (200-611-1-p/o 4) / CGA hardship: status (hearing held 11/15/06; decision deadline is 2/15/07)

Summary: Present for today's discussion was Mr. Daniel Morais and his consultant, Mr. Thomas Cramer. Mr. Cramer explained that he is only here to represent Mr. Morais, and not DDI. He stated that his client's property meets standards and the project would only clear 20% of the site; that the Brookhaven Zoning Board of Appeals (ZBA) approved the application for the original lot split by the prior owner of the larger lot; that the site was cleared prior to 1990; and discussed a November 2003 letter from Ms. Prusinowski to the ZBA.

He also stated that his client is maintaining an old field and not clearing; spoke about the Town's processing of the application; stated that the issue is not his client's project, but rather the subdivision of the original parcel by the Town; that the Town has a stricter clearing standard than the Commission; and that the Commission is putting the burden on his client and not the original subdivision applicant.

Mr. Amper of the LI Pine Barrens Society stated that no one is being penalized yet, and that the Commission is handling this application as it ought to. Mr. Cramer then stated that his client wants to move ahead, and is only here because the Town sent him here.

Pine Barrens Credit Program

Plan interpretation: reference tax map year to be used for Credit allocations; recommendation to use 6/28/1995 Plan adoption date

Summary: Mr. Milazzo explained that there is a need for the Commission to establish a specific historical reference date on which the Credit Program would rely in order to identify precisely which parcels of land are eligible for an allocation of Pine Barrens Credits. Specifically, only parcels which existed on that date would be eligible for Credit allocation.

He then described two current situations (see attached description) which have arisen before the Commission staff and the Clearinghouse for the issuance of Letters of Interpretation (LOIs) in which the question arises as to what point in time a parcel must have existed in order to receive Credits. He explained that it is the staff recommendation that the date of the 1995 Plan adoption be used, which is June 28, 1995 as the basis for LOIs, and that this is the same date upon which zoning is determined when issuing LOIs. **A motion was then made by Mr. Scully and seconded by Ms. Prusinowski to accept this recommendation and to establish the Plan adoption date of June 28, 1995 as the date on which a parcel must have existed in order to be eligible for a Pine Barrens Credit allocation. The motion was approved by a 5-0 vote.**

Compatible Growth Area (CGA)

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

Morais Residence / Yaphank (200-611-1-p/o 4) / CGA hardship: status (hearing held 11/15/06; decision deadline is 2/15/07)

Summary: Mr. Kevin Gray representing DDI stated that he is present to answer any questions which the Commission might have for him. There were no questions.

Land Use, Stewardship, and Compliance & Enforcement

Plan update: summary of Advisory Committee meetings of 12/6, 12/12

Summary: Mr. Corwin summarized the 12/6/06 working session and the 12/12 regular meeting of the Advisory Committee, both of which focused upon the Plan update. He explained that the Committee is focusing upon Chapters 4 and 5 of Volume 1 of the Plan.

He described the Committee's deliberations on the jurisdiction of the Commission over development and land use in Chapter 4, Review Procedures and Jurisdiction, including questions of both procedure and substance. Topics addressed include, in part, determination of an application's completeness, acquisition of additional materials after review by the staff, definition of a "project site", and quantitative thresholds for identifying Developments of Regional Significance.

With respect to Chapter 5, Standards and Guidelines for Land Use, the Committee has focused upon reviewing both new materials and the reorganization and relocation of existing items. Topics of particular attention have included, in part, both the existing vegetation clearance standard and the new, complementary open space standard; the

use of updated groundwater data such as the Source Water Assessment Program information in project reviews; and drainage requirements.

Law Enforcement Council (LEC): authorization to transfer ownership of recently purchased ATVs and trailer to NYS DEC and Suffolk County, respectively

Summary: Mr. Corwin summarized the recent approval by the Commission for the purchase of two all terrain vehicles (ATVs), and one ATV trailer, using the Environmental Benefit Funds for the Pine Barrens LEC. He noted that these items have been purchased, and are in storage at the SC Water Authority's Oakdale facility. He requested that the Commission authorize the transfer of titles of these items to NYS DEC and SC Parks Police, as has previously been done with other vehicles purchased under this program.

Present for today's discussion was SC Park Police Sgt. Arthur Pendzick, the Chair of the LEC. Sgt. Pendzick distributed and summarized the attached 2006 Multi Agency ATV Task Force Report. He described the statistics contained therein for field enforcement activities by the LEC, the patterns and trends that the LEC has observed, and the need for a permanent interagency field enforcement unit akin to other standard special units such as marine, arson, etc. A discussion ensued regarding the increasing level of ATV problems; the recent passage by Nassau County of ATV legislation based upon Suffolk County's; the point of sale sign posting requirements; the possibility of requiring buyers of ATVs to sign for copies of the law and regulations; and related issues.

*Mr. Scully thanked Sgt. Pendzick for the fine efforts of the LEC agencies and officers. He then returned to the need to authorize the title transfer of the recently purchased items. **A motion was then made by Mr. Turner and seconded by Mr. Kent to authorize the Executive Director to execute and sign all necessary papers for the transfer of title and ownership of the two ATVs to NYS DEC and the one ATV trailer to the SC Park Police. 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 3:26 pm to 4:19 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 (12/20/06; 2 pages)
2. Project location map for today's meeting (12/20/06; 1 page)
3. Certificate of appreciation to Ms. Husted (12/20/06; 1 page)
4. Brookhaven Walk decision extension request (12/11/06; 1 page)
5. Plan excerpt re Credit Program; current tax lot questions (misc. dates; 2 pages)
6. Examples raising PBC policy on tax lot status dates (misc. dates; 2 pages)
7. LEC Multi Agency ATV Task Force 2006 Report (2006; 6 pages)