

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

**Commission Meeting Summary (FINAL)
for Wednesday, January 15, 2003 (Approved 2/19/03)
Brookhaven Town Hall, Building 8, Parking Violations Hearing Room,
3233 Route 112, Medford; 2:00 pm**

Commission members present: Mr. Proios (for Suffolk County), Ms. Prusinowski (for Brookhaven at the point indicated), Mr. MacLellan (for Riverhead), Mr. Shea (for Southampton) and Mr. Cowen (for New York State).

Others present: General counsel was Mr. Rigano, joined by Mr. Bennett. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Jakobsen, Ms. Carter and Mr. Randolph (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation), and Mr. Gulizio, Commissioner of Planning, Environment and Development from Brookhaven Town. Additional attendees are shown on the attached sign-in sheet.

Robert J. Gaffney
Chair

The meeting was called to order at approximately 2:17 pm by Mr. Proios, with a four member quorum consisting of Mr. Proios, Mr. Cowen, Mr. MacLellan and Mr. Shea.

Ray E. Cowen
Member

Public Comment

Patrick A. Heaney
Member

Summary: First, Mr. Proios read a letter from his son who is in the military overseas.

Robert F. Kozakiewicz
Member

Second, Mr. Joseph Gazza spoke about four Pine Barrens Credit appeals that he recently filed, and upon which the Commission recently held hearings and made decisions. Mr. Gazza and the Commission members spoke about the notification process for the hearings, and the possibility of Mr. Gazza refiling the appeals.

John Jay LaValle
Member

Administrative

! Meeting minutes for 12/11/02: review; approval
Summary: **A motion was made by Mr. Cowen and seconded by Mr. MacLellan to approve the minutes of the 12/11/02 meeting 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

! Commission reimbursement budget: review; approval
Summary: **A motion was made by Mr. Shea and seconded by Mr. MacLellan to approve the attached Commission budget. The motion was approved by a 4-0 vote.**

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Pine Barrens Credit Program

! Recent appeals of Mr. Gazza (not on the original agenda)
Summary: Mr. Spitz asked that the minutes for today's meeting reflect the fact that Mr. Gazza was provided with the transcripts of the four hearings that the Commission recently held on his four Credit allocation appeals.

Administrative

- ! State budget for 2003-04 (*not on the original agenda*)
Summary: Mr. Proios observed that the state budget for the next fiscal year may be tighter than previous years.
- ! Draft Commission policy on handling requests for adjournment of scheduled public hearings: review; approval
Summary: Following a brief discussion on the exact wording of the draft resolution, **a motion was made by Mr. MacLellan and seconded by Mr. Shea to approve the attached draft of the Commission policy on handling requests for adjournments of scheduled public hearings, with the changes noted. The motion was approved by a 4-0 vote.**

Pine Barrens Credit Program

- ! Program status; results of 1/14/03 Clearinghouse meeting
Summary: Mr. Randolph reported that the mailing of a Credit purchase offer by a private party has gone out to Core property owners in the Westhampton Beach and Remsenburg School Districts within Southampton Town, and that separate, unrelated additional mailings are planned for the other school districts in Southampton Town, as well as Riverhead Town. Mr. Corwin also distributed the attached 1/1/03 PBC Program summary sheet.

A brief discussion ensued regarding the remaining privately held acreage in the Core area, and the proposed future Credit purchase mailings.

Plan Implementation

- ! Wildfire Task Force: amendment of organizational roster to reflect changes in Westhampton area fire districts
Summary: Mr. Corwin distributed the attached memo and proposed changes to the roster of the Wildfire Task Force. The change involves the removal of the Westhampton Fire District as a member, due to recent State legislation which merged that district with the Westhampton Beach Fire District, which is already represented on the task Force by the Westhampton Beach Fire Department. **A motion was then made by Mr. Cowen and seconded by Mr. MacLellan to approve the suggested roster change for the Wildfire Task Force. The motion was approved by a 4-0 vote.**

Pine Barrens Credit Program

- ! Program status (*continued*)
Summary: Mr. Proios repeated the Commission's prior desire to receive notices from the Towns regarding proposed and pending projects that will, or may, utilize Pine Barrens Credits.

Core Preservation Area

The following items are partly within the CGA:

- ! Islander East / Brookhaven Town / pipeline: information item; receipt of alignment sheets for NYS Route 25 (not an application; FERC jurisdiction)
Summary: Mr. Rigano reported that the Islander East sponsors have expressed an interest in purchasing land to mitigate the impacts of their project. The attached letter from Mr. Reinemann of Islander East was also distributed. Mr. Rigano noted that there is continued uncertainty regarding the proposed Route 25 (Middle Country Road" lateral branch of this pipeline project.

- ! Iroquois / Brookhaven Town / pipeline: status (not an application; FERC jurisdiction; not on the original agenda)
Summary: Ms. Carter reported that a Draft Environmental Impact Statement for this project was received; that the Federal Energy Regulatory Commission (FERC) has set a 1/31/03 deadline for the applicant to decide about continuing the project; that 1/31/03 is also the deadline for comments on the DEIS; and discussed some of the FERC staff observations on the comparisons of the Islander East and Iroquois Pipeline projects, which use the same route in many areas.

Public Comment

Summary: Mr. Richard Amper of the Long island Pine Barrens Society spoke about several topics. First, he discussed briefly the recent State Supreme Court decision on the Spring Meadow project which is before the Brookhaven Town Planning Board, and the dates of the decision and the Planning Board's next meeting.

Second, he commented briefly about the past two court decisions regarding the Commission's jurisdiction over two "horse arenas" in the Core area, and what judicial steps may remain in these two cases.

Third, he expressed disappointment over the Governor's recent veto of the proposed enforcement legislation regarding the pine barrens law. He observed that the vetoed legislation could be recast to reflect the concerns expressed and to define the roles of the Attorney General and the Towns in enforcement. He also discussed some of the specific details of the L.I. Shooting Range case. Mr. Shea commented that the town supervisors are meeting to produce a uniform set of code changes for the three towns to address enforcement. Mr. MacLellan noted that Mr. Amper should wait to see what the Towns produce.

Ms. Prusinowski arrive at this point, and a five member quorum existed for the remainder of the meeting.

Core Preservation Area

- ! Amerada Hess / Manorville (Brookhaven) / site plan, zone change / hardship: DEIS hearing continuation (DEIS hearing begun 11/20/02; ECL 57 hardship hearing held 11/7/01; ECL 57 decision deadline is open)
Summary: A separate stenographic transcript exists for this item.

Public Comment

Summary: Mr. Don Seubert from Medford reported that a 240 unit CGA development is planned along Granny Road in Medford, near to today's meeting location, and that he believes that it involves the transfer of development rights from outside the pine barrens into the pine barrens. He stated that those development rights (which are not Pine

Barrens Credits) are to be transferred from the Tall Trees Golf Course in Rocky Point. He also stated that the Town Planning Board did not respond to his comments on the project, that it is within Hydrogeologic Zone IV, that he wishes to have the Commission review it, that the project involves sand removal and affects a kettlehole, and that arrowheads exist on the property. He left a copy of the project's EIS for the Commission staff to look at.

Compatible Growth Area (CGA)

- ! Brookhaven Town Center / Yaphank (Brookhaven) / regional shopping center / Development of Regional Significance: request for decision extension (*hearing held 10/17/01; current ECL 57 decision deadline is today*)

Summary: A motion was made by Mr. Shea and seconded by Mr. MacLellan to approve the extension of the Commission decision deadline on the Brookhaven Town Center application requested in the attached letter to the 3/19/03 Commission meeting. The motion was approved by a 5-0 vote.

- ! Flowerwood Development Corp. / Yaphank (Brookhaven) / industrial site plan / hardship: close of hearing comment period; decision (*hearing held 12/11/02; decision deadline is 2/5/03 - today is last meeting before then*)

Summary: Mr. Rigano discussed the attached letter regarding this project, with particular reference to page 1. He discussed the reasonable use concept, and the habitat fragmentation aspects of various alternative project layouts. Mr. Shea noted that granting the requested relief to the applicant would help to assure a continuous block of open space in the area, which is what the Pine Barrens Plan envisions.

A motion was made by Mr. Shea and seconded by Ms. Prusinowski to (1) issue a negative declaration for this application, and (2) to approve the requested CGA hardship exemption for this project. The motion was approved by a 5-0 vote.

- ! Longwood Central School District, Ridge Elementary School: status (*from 12/11/02 meeting*)
Summary: Mr. Rigano reported that he has made contact with the Longwood School District staff and attorney, and that he is trying to meet with them as soon as possible. Mr. Cowen noted that there are issues for the NYS DEC regarding the Ridge Elementary School that are separate from those for the Commission.

Closed Advisory Session

Summary: A motion was made by Mr. MacLellan and seconded by Mr. Cowen 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 4:49 pm to 5:47 pm.

Administrative

- ! Retention of special counsel (*not on the original agenda*)
Summary: A motion was made by Mr. Proios and seconded by Mr. MacLellan to (1) retain Mr. James Rigano of Certilman Balin as special counsel to the Commission for representation in the matters pertaining to the Pine Barrens Credit Clearinghouse; the pending applications of Mr. Joseph Gazza; the Longwood School District and the Ridge Elementary School; the Islander East Pipeline; the pending application of Amerada Hess; the issue of enforcement of the pine barrens

legislation; the insurance policies of the Commission; the Wildfire Task Force and the Wildfire and Incident Management Academy; and other authorized matters, and (2) to authorize Mr. Proios to sign the appropriate retention letter on behalf of the Commission. The motion was approved by a 5-0 vote.

Core Preservation Area

- ! Amerada Hess / Manorville (Brookhaven) / site plan, zone change / hardship: discussion
Summary: *A brief discussion occurred on this application and the public hearing that was just held.*

Adjournment

Summary: *The meeting was adjourned at approximately 5:58 pm without a formal adjournment resolution.*

Attachments (in order of discussion):

1. Attendance sheet (1/15/03; 2 pages)
2. Speaker sign in sheet (1/15/03; 1 page)
3. Commission reimbursement budget (undated; 1 page)
4. Draft Commission policy re adjournments of scheduled hearings (1/14/03; 2 pages)
5. Easement Protected Lands and Pine Barrens Credits as of 1/1/03 (1/1/03; 1 page)
6. Memo from Mr. Corwin re changes to the Wildfire Task Force roster (12/20/02; 2 pages)
7. Letter and attachments from Mr. Reinemann of Islander East (12/12/02; 7 pages)
8. Letter from Mr. Voorhis re Brookhaven Town Center decision deadline (12/20/02; 1 page)
9. Letter from Mr. Walsh re the Flowerwood CGA project (1/6/03; 2 pages)



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**Commission Meeting Summary (FINAL)
for Wednesday, February 19, 2003 (Approved 3/19/03)
Riverhead Town Hall, 200 Howell Avenue, Riverhead
2:00 pm**

Commission members present: Mr. Proios (for Suffolk County), Ms. Prusinowski and Ms. Compitello (for Brookhaven at the points indicated), Mr. MacLellan (for Riverhead), Mr. Murphree (for Southampton) and Mr. Cowen (for New York State).

Others present: Special counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Jakobsen, Ms. Carter and Mr. Randolph (from the Commission), and Mr. Spitz (from the NYS Department of Environmental Conservation). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:10 pm by Mr. Proios, with a five member quorum consisting of Mr. Proios, Mr. Cowen, Ms. Compitello, Mr. MacLellan, and Mr. Murphree.

**Public Comment and
Compatible Growth Area (CGA)**

! Longwood Central School District, Ridge Elementary School: status
(counsel; from 1/15/03 meeting)

Summary: The only speaker during the public comment period was Mr. Alan Stadler, who spoke about the Ridge Elementary School, which is part of the Longwood School District. He asked if there has been a determination as to the location of the school within the Core or CGA. Mr. Cowen explained that the NYS DEC, in 1965, issued a temporary revocable permit to the school to utilize a 90 foot wide strip of State DEC land along the northernmost edge of the State property, on the south side of the school property, for a driveway and bus turn around area. The strip extends from west to east, and is approximately 1,600 feet in length, with the easternmost end of the strip being wooded. He noted that the school buildings are on the school district property.

A discussion then ensued regarding the amount of land within the two tax parcels which the school district owns; the area of those parcels which is currently cleared and / or developed; the percentages of those two lots that the cleared and / or developed areas represent; and the relationship of the percentage of clearing to that which would be permitted under present CGA clearing standards.

Mr. Richard Amper, representing the Long Island Pine Barrens Society, reported that he has recently met with officials of the school district and that they asserted that there are no current plans to further develop the Ridge Elementary School site. A brief discussion then ensued regarding the possibility of sending a new letter to the school district to repeat what Mr. Rigano has previously stated in his correspondence with the district.

Administrative

- ! Meeting minutes for 1/15/03: review; approval

Summary: *The following change was suggested to the draft: under "Retention of special counsel", the list of matters to be handled by special counsel should be altered to read, in part, "... enforcement of the pine barrens legislation; the insurance policies of the Commission; the Wildfire Task Force and the Wildfire and Incident Management Academy; and other authorized matters,".* **A motion was then made by Mr. Cowen and seconded by Mr. MacLellan to approve the draft summary with this change. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Ms. Compitello.**

Plan Implementation

- ! Wildfire Task Force - Wildfire and Incident Management Academy (not on the original agenda)

Summary: *Mr. Proios stated that the final version of the currently Interim Policies and Procedures for the Academy should be distributed to the Commission and the Academy Board members in time for their review before the Commission's next meeting. Mr. Rigano observed that the only remaining change is the request by the Suffolk County Water Authority to change their administrative fee for handling the Academy finances from the current 2% of revenues to 5%.*

Core Preservation Area

- ! Amerada Hess / Manorville (Brookhaven) / site plan, zone change / hardship: withdrawal (DEIS hearing held 11/20/02 and 1/15/03; ECL 57 hardship hearing held 11/7/01; ECL 57 decision deadline was open)

Summary: **A motion was made by Mr. Cowen and seconded by Mr. Murphree to accept the withdrawal of the Hess core hardship application (letter attached). The motion was approved by a 5-0 vote.**

The following two items are partly within the CGA:

- ! Islander East Pipeline / Brookhaven and Riverhead Towns: status (not an application; FERC jurisdiction)

Summary: *Ms. Jakobsen reported that the Commission has received a final restoration and management plan for the pipeline route. She noted that the plan does incorporate comments submitted by the staff and by members of the LI Weed Management Area consortium.*

Mr. Cowen reported that the NYS DEC has issued the water quality certification from the State which federal law requires the project to obtain. Specifically, he noted that the certification contains the condition that Islander East purchase and preserve by dedication to a public body one acre of land for each acre of Core area land that the project clears. He further noted that this condition is enforceable by both the NYS DEC and by FERC. He observed that the project design has taken the extraordinary precaution of using horizontal subsurface drilling in upland areas to avoid clearing extensive corridors of treed lands, and that horizontal drilling has previously been utilized only to cross underneath water bodies and wetlands, and not to save upland forest areas. Less than one half acre of State land is currently planned to be cleared.

He stated that this sets an excellent precedent for the next utility corridor with which the Commission must deal, namely the proposed extension of the Keyspan gas line along the LI Expressway into the Core area east of the LI Expressway's Exit 70. A brief discussion ensued regarding the Keyspan project, with the observation that the Commission has previously stated that this Keyspan gas main extension requires a Core hardship permit, and that no permit application has been received. It was agreed that Mr. Rigano will forward a new letter to the Keyspan officials restating that policy.

Mr. Cowen then observed, with respect to the Islander East project, that the lands to be preserved must be purchased and dedicated to a public body prior to construction of the pipeline. Mr. Amper of the LI Pine Barrens Society observed that the proposed Calverton lateral branch of the pipeline bears close watching. Mr. Rigano then observed that the Islander East officials are looking at the possibility of preserving several acres adjacent to the Wertheim National Wildlife Refuge.

- ! Iroquois Pipeline / Brookhaven Town: withdrawal (not an application; FERC jurisdiction)

Summary: Mr. Cowen noted that the Iroquois Pipeline sponsors have withdrawn their Federal Energy Regulatory Commission (FERC) application, and Ms. Carter added that their 2/7/03 withdrawal notice from FERC has been received.

Pine Barrens Credit Program

- ! Credit purchase offer: status

Summary: Mr. Randolph reported that approximately 30 responses have been received to date to the recent mailing of a private party's Credit purchase offer to Core area property owners in the Remsenburg-Speonk and Westhampton Beach school districts in Southampton Town. The total number of Credits sought is 40.

Mr. Randolph also noted that the Clearinghouse may also make separate mailings to other Core area owners in the other school districts and the other towns seeking to purchase Credits for ownership by the Clearinghouse itself, since there are currently no Credits in inventory.

Mr. Corwin distributed the attached 2/1/03 Clearinghouse Credit summary showing parcels protected by easements, Credits, etc.

Closed Advisory Session

Summary: A motion was made by Mr. Murphree and seconded by Mr. MacLellan to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 5-0 vote, and the Commission entered into closed session from approximately 2:45 pm to 3:00 pm.

Ms. Prusinowski arrived at this point.

Core Preservation Area

- ! Michaelangelo's Restaurant / Manorville (Brookhaven) / site plan / hardship: public hearing (continuation of 12/11/02 hearing; decision deadline is 3/19/03)

Summary: A separate stenographic transcript exists for this item.

! Miller, Baiata, & Beneficial Design Corp. / Manorville (Brookhaven) / residence / hardship:
public hearing (decision deadline is 4/3/03)

Summary: A separate stenographic transcript exists for this item.

! Mitacchione / Ridge (Brookhaven) / subdivision and two residences / hardship: public hearing
(decision deadline is 4/3/03)

Summary: A separate stenographic transcript exists for this item.

Closed Advisory Session

Summary: **A motion was made by Mr. Murphree and seconded by Mr. MacLellan 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 5:57 pm to 6:13 pm.**

Adjournment

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

Attachments (in order of discussion):

1. Attendance sheet (2/19/03; 1 page)
2. Speaker sign in sheet (2/19/03; 1 page)
3. Easement Protected Lands and Pine Barrens Credits as of 2/1/03 (2/1/03; 1 page)
4. Hess withdrawal letters to the Commission and Brookhaven Town (2/4/03; 4 pages)



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**Commission Meeting Summary (FINAL)
for Wednesday, March 19, 2003 (Approved 4/16/03)
Brookhaven Town Hall, Building 4,
3233 Route 112, Medford
2:00 pm**

Commission members present: Mr. Proios (for Suffolk County), Ms. Prusinowski and Ms. Compitello (for Brookhaven), Mr. MacLellan (for Riverhead), Mr. Murphree (for Southampton) and Mr. Cowen (for New York State).

Others present: Special counsel was Mr. Rigano; general counsel was Mr. Bennett. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Jakobsen, Ms. Carter, Mr. Randolph and Ms. Longo (from the Commission), and Mr. Spitz (from the NYS Department of Environmental Conservation). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:13 pm by Mr. Proios, with a five member quorum.

Public Comment

Summary: The first speaker was Mr. Alan Stadler, representing the Ridge Civic Association. He asked whether there was any updated information regarding the percentage of clearing that would be permitted under the Pine Barrens Plan for the Ridge Elementary School site, and it was agreed that there was currently no further information.

Mr. Stadler then spoke about light pollution; the work of the statewide SELENE not for profit organization (Sensible and Efficient Lighting to Enhance the Nighttime Environment) on this topic; and the possibility of including provisions in the Pine Barrens Plan on this topic. He noted that inappropriate lighting may affect both wildlife and plants. Mr. Proios observed that such provisions could be incorporated into the Plan, and he noted that the Pine Barrens Advisory Committee could be asked to look at this issue. A brief discussion ensued regarding the current legislative and planning efforts by the three Towns on light pollution. Mr. Stadler then read a statement regarding the effects of light pollution upon various flora and fauna, including effects upon reproduction, migratory birds, plant growth, etc. There was agreement that Riverhead Town's recent light ordinance would be circulated among the Commission members. Mr. Stadler then showed several night photos of the lighting at the Ridge Elementary School.

The second speaker was Ms. Jill Lewis, representing the Long Island Pine Barrens Society. She asked how the Commission is made aware of projects pending at the Town level which are in the Compatible Growth Area. She also noted that the Brookhaven Town Planning Board agendas formerly had the individual projects marked to show that they were in either the Core area or the Compatible Growth Area (CGA), but that such indications have not been on recent agendas. A brief discussion followed regarding the referral process by which CGA projects are referred to the Commission from the Town. The Brookhaven representatives said they would look into the question of

why the Planning Board agendas lack the area indicators.

The third speaker was Mr. Joseph Gazza, representing himself. Mr. Gazza stated that he has contacted persons listed on the Pine Barrens Credit Registry, and that he has personally contacted several hundred property owners in the Southampton portion of the pine barrens Core area, with the intention of purchasing Credits from them. He then noted that he had received earlier this year a mailing from the Pine Barrens Credit Clearinghouse regarding an offer by another private individual who wishes to purchase Credits as from either current Credit owners or LOI holders in two of the Southampton Core area school districts.

Mr. Gazza then stated that this letter has affected his ability to purchase Credits from those individuals, since the price offered by the other party is greater than that which Mr. Gazza was willing to pay. Mr. Gazza then noted that he believed that the private party involved in this offer is the same one that was involved in a previous "reverse auction" mailing several years ago. Mr. Proios then explained that the Clearinghouse serves as just that by responding to requests from private parties to perform such mailings, and that Mr. Gazza could have requested such a mailing as well. Mr. Gazza asked who performs the legal work for such offers, and asked if the Commission would be willing to do a mailing for him for the same area for an offering price which is \$1,000 per Credit higher than the current offer. Mr. Rigano explained that Mr. Gazza could make such a request.

Mr. Gazza then spoke briefly about his nine parcels along the west side of County Road 31 in Westhampton, in Southampton Town. He stated that he has a contract to sell the parcels to the NY State DEC, but that he has been unable to date to free himself from a contract with Verizon for the use of one of those nine parcels.

The fourth speaker was Mr. Dominic Nicolazzi, representing himself. Mr. Nicolazzi reported that he was at a Brookhaven Town Planning Board meeting at which he heard a discussion regarding the use of Credits from land in the pine barrens being used on properties outside of the three pine barrens towns. Commission members explained that the Suffolk County Department of Health Services has a policy of allowing such transfers only if both the "sending" and "receiving" towns approve. Mr. Proios then commented that he has never seen a "saturation analysis" of the hydrogeologic zones.

Administrative

! Personnel changes (not on the original agenda)

Summary: Mr. Proios welcomed Ms. Janet Longo to the staff of the Suffolk County Water Authority, and to her first meeting of the Commission. He also noted the retirement of two valuable cooperators with the Commission: Capt. Robert Conklin of the NYS Forest Rangers, who served on the Law Enforcement Council and the Wildfire Task Force, and Mr. Ray Cowen, the NYS DEC Region 1 Director and the Governor's Appointee to the Commission since 1993. Mr. Proios praised the outstanding efforts of both individuals on behalf of the Commission.

! Meeting minutes for 2/19/03: review; approval

Summary: **A motion was made by Mr. MacLellan and seconded by Mr. Murphree to approve the 2/19/03 Commission meeting minutes as drafted. The motion was approved by a 5-0 vote.**

! Draft Contract with NYS DEC for 01-03 Fiscal Years: review; approval; signing

Summary: A motion was made by Mr. Cowen and seconded by Mr. MacLellan to approve the attached draft contract between the NYS DEC and the Commission for the 2001-02 and 2002-03 state Fiscal Years, and to authorize the Commission Chair or his Designated Representative to sign the contract on behalf of the Commission. The motion was approved by a 5-0 vote.

- ! Renewal of Public Officials Insurance: review and approval; signing of renewal application
Summary: A motion was made by Mr. MacLellan and seconded by Mr. Murphree to approve the attached public officials liability insurance policy renewal application for the June 2003 to June 2004 coverage period, and to authorize the Commission Chair or his Designated Representative to sign the renewal application on behalf of the Commission. The motion was approved by a 5-0 vote.

Pine Barrens Credit Program

- ! Credit purchase offer: status
Summary: Mr. Randolph reported that the responses to the recent offer are being processed, and that it currently appears that a total of no more than 10 Credits will be available through this offer. Although there are numerous parcels, they generally each have small Credit allocations. The private party making the offer had been seeking approximately 40 Credits.

Mr. Randolph also reported that the Commission has previously decided a Credit allocation appeal from a Mr. Anderson, but that Mr. Anderson is now represented by Mr. Nicolazzi (who was present for the discussion today). Mr. Nicolazzi believes that he has a new argument to make for an increased Credit allocation, and would like to reopen the previous appeal. After a brief discussion, it was decided that since the original Anderson Letter of Interpretation (LOI) has expired without a Credit certificate having been issued, the parcel should first receive a new LOI, which could then be appealed.

Administrative

- ! School presentation at 4/16/03 Commission meeting (not on the original agenda)
Summary: Ms. Lewis of the LI Pine Barrens Society noted that a teacher from the Miller Avenue Elementary School in Shoreham - Wading River had contacted her and asked if her class could present to the Commission the results of the pine barrens school assignment that they recently completed. Ms. Lewis and the Commission staff have placed that on the start of the Commission's 4/16/03 agenda.

Core Preservation Area

- ! Michaelangelo's Restaurant / Manorville (Brookhaven) / site plan / hardship: decision (hearing held 12/11/02 and 2/19/03; decision deadline is today)
Summary: Mr. Rigano recommended that the Commission await legal advice from him in advisory session before proceeding on this application.
- ! Mitacchione / Ridge (Brookhaven) / subdivision and two residences / hardship: close of comment period; decision (hearing held 2/19/03; decision deadline is 4/3/03 - today is last meeting before then)
Summary: Mr. Randolph reported that the consultant for this project has submitted the

attached decision extension request to at least the April Commission meeting. **A motion was then made by Mr. Cowen and seconded by Mr. MacLellan to approve the extension request and to set a new decision deadline for this application for the 5/21/03 Commission meeting. The motion was approved by a 5-0 vote.**

- ! Miller, Baiata, & Beneficial Design Corp. / Manorville (Brookhaven) / residence / hardship: close of comment period; request for decision extension (*hearing held 2/19/03; decision deadline is 4/3/03 - today is last meeting before then*)
Summary: Ms. Carter noted that the Commission has requested additional information from this applicant, including a title search and an explanation of the conflicting ownership information that was previously submitted, along with a copy of that portion of Suffolk County's County Route 111 "takings map" showing this subject parcel and purportedly showing a foundation of a building on the subject property at the time of production of the County's map.

She also reported that the consultant for this project has submitted the attached decision extension request to the latest Commission meeting in April 2003. **A motion was then made by Mr. Cowen and seconded by Mr. Murphree to approve the extension request and to set a new decision deadline for this application for the 4/16/03 Commission meeting. The motion was approved by a 5-0 vote.**

Compatible Growth Area (CGA)

- ! Brookhaven Town Center / Yaphank (Brookhaven) / regional shopping center / Development of Regional Significance: request for decision extension (*hearing held 10/17/01 and record remains open; current ECL 57 decision deadline is today*)
Summary: Ms. Jakobsen reported that the consultant for this project has submitted the attached decision extension request to the latest Commission meeting in July 2003. **A motion was then made by Mr. Cowen and seconded by Mr. MacLellan to approve the extension request and to set a new decision deadline for this application for the 7/16/03 Commission meeting. The motion was approved by a 5-0 vote.**
- ! Longwood Central School District, Ridge Elementary School: status (*counsel; from 2/19/03 meeting*)
Summary: Mr. Rigano reported that he has sent a letter to the Longwood School District advising the district that clearing, development and construction on the Ridge Elementary School site will require a permit from the Commission, and that the NYS DEC proceedings regarding the elementary school property are a separate matter.

Closed Advisory Session

Summary: **A motion was made by Mr. Cowen and seconded by Mr. Murphree 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 3:15 pm to 4:00 pm.**

Core Preservation Area

- ! Michaelangelo's Restaurant / Manorville (Brookhaven) / site plan / hardship: decision (*hearing held 12/11/02 and 2/19/03; decision deadline is today*)

Summary: A motion was made by Mr. Cowen and seconded by Mr. MacLellan to deny this Core hardship application based upon the applicant's presentation not addressing the Core hardship criteria, the fact that the minimum relief has already been granted, the hardship is self created due to the purchase of the property after the pine barrens law, and that prior remediation has been required. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Ms. Compitello.

Closed Advisory Session

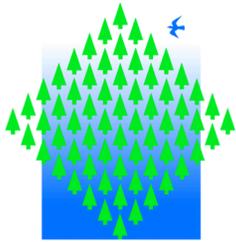
Summary: A motion was made by Mr. Cowen and seconded by Mr. Proios to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 5-0 vote, and the Commission entered into closed session from approximately 4:00 pm to 5:29 pm.

Adjournment

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

Attachments (in order of discussion):

1. Attendance sheet (3/19/03; 1 page)
2. Speaker sign in sheet (3/19/03; 1 page)
3. Contract between NYS DEC and the Commission (3/19/03; 20 pages)
4. Public officials insurance policy renewal application (3/19/03; 10 pages)
5. Decision extension request for the Mittachione application (3/18/03; 1 page)
6. Decision extension request for the Miller / Baiata application (3/18/03; 1 page)
7. Decision extension request for the Brookhaven Town Center application (3/10/03; 1 page)



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

**Commission Meeting Summary (FINAL)
for Wednesday, April 16, 2003 (Approved 5/21/03)
Riverhead Town Hall,
200 Howell Avenue, Riverhead
2:00 pm**

Commission members present: Mr. Gaffney and Mr. Proios (for Suffolk County), Ms. Compitello (for Brookhaven), Supervisor Kozakiewicz and Mr. MacLellan (for Riverhead), Mr. Murphree (for Southampton) and Mr. Cowen (for New York State).

Others present: Counsel was Mr. Bennett. Staff members from the Commission included Mr. Corwin, Ms. Trezza, Ms. Jakobsen, Ms. Carter, Mr. Randolph and Ms. Longo. Additional attendees included Assemblyman Fred Thiele (former Southampton Town Supervisor and former Commissioner), Mr. Michael LoGrande (from the SC Water Authority (SCWA) and original Chair of the Advisory Committee), Mr. Stephen Jones (from the SCWA and Chair of the Advisory Committee), Mr. Richard Amper (from the LI Pine Barrens Society and Vice Chair of the Advisory Committee), Mr. Spitz (from the NYS Department of Environmental Conservation), NYS Forest Ranger (retired) Capt. Robert Conklin (a former member of the LEC and a current member of the WTF), Capt. Richard Otterstedt (from the NYS EnCon Police and Chair of the Law Enforcement Council (LEC)), Fire Marshal Bruce Johnson (from Riverhead Town and a member of the LEC and the Wildfire Task Force (WTF)), Fire Chief John Searing (from Brookhaven Laboratory and the original Chair of the WTF), and Mr. Lawrence Hynes (retired from SC Parks and the original Chair of the LEC). Other attendees are shown on the attached sign-in sheet.

Robert J. Gaffney
Chair

Ray E. Cowen
Member

Patrick A. Heaney
Member

Robert F. Kozakiewicz
Member

John Jay LaValle
Member

The meeting was called to order at approximately 2:10 pm by Mr. Gaffney, with a five member quorum.

Special presentations - Chairman Gaffney

- ! Miller Avenue Elementary School (Shoreham) 4th Grade Class: presentations of pine barrens books to Commission (Ms. Debbie Lohman, Teacher)
- ! Presentation to Capt. Robert Conklin: retirement from NYS Forest Rangers; member of Law Enforcement Council, Co-Vice Chair of Wildfire Task Force, and Incident Commander for NY Wildfire and Incident Management Academy
- ! Presentation to Mr. Ray Cowen: retirement from NYS DEC & last meeting as Governor's Appointee to Commission
Summary: Ms. Debbie Lohman, a fourth grade teacher at the Miller Avenue Elementary School in the Shoreham - Wading River School District, was present with her fourth grade students and several colleagues from the school. Mr. MacLellan initially spoke with the students regarding the workings of Town government, and gave them an opportunity to assume the roles of various Town officials. Supervisor Kozakiewicz, County Executive Gaffney, Mr. Cowen, and the LI Pine Barrens Society's Mr. Amper each spoke briefly with the students about the Commission and their roles on it.

Ms. Lohman explained that the students in her class have recently completed an

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extensive assignment on the pine barrens, and that each student has completed a written assignment on the results of their classroom and field studies.

Each student read a short passage from their work regarding the importance of the pine barrens to drinking water and ecology. The final five students presented to the Commissioners five individualized copies of a hand made booklet, "Pine Barrens Field Guide" (see attached). Mr. Gaffney congratulated the students on their hard work, and on their appreciation of the importance of the pine barrens. He read and presented to Ms. Lohman the attached Certificate of Recognition to the 2002-03 class. Ms. Jakobsen of the Commission staff provided Ms. Lohman with a compilation of materials for each student regarding the pine barrens, especially wildfire. Mr. Corwin noted that the Miller Avenue class was introduced to the Commission through the kind efforts of Ms. Jill Lewis of the LI Pine Barrens Society, and he thanked her for her initiative.

Mr. Corwin then introduced recently retired Capt. Conklin, Capt. Otterstedt, Mr. Cowen (recently retired Regional Director for NYS DEC Region 1), Mr. Proios, Mr. Hynes, Fire Marshal Johnson, and Chief Searing. Capt. Otterstedt officiated the remarks of these individuals. Mr. Gaffney read and presented the attached County Executive's Proclamation to Capt. Conklin, and thanked him for his many contributions. Capt. Otterstedt presented the plaque (copy of wording attached) to Capt. Conklin recognizing his service to all of the Commission's committees in honor of his retirement. Mr. Proios also made a special presentation to Capt. Conklin.

It was noted that Capt. Conklin has served as a founding member of the Pine Barrens Law Enforcement Council, a Co-Vice Chair of the Wildfire Task Force, the Incident Commander for the NY Wildfire and Incident Management Academy (NYWIMA), a prescribed burn boss for almost all of the prescribed fires in the Central Pine Barrens, an active member of the Protected Lands Council, and a point of contact for many of the joint training programs with the NY National Guard Army and Air branches, including the Abandoned Vehicle Airlift Removal Program of the LEC, and the Air Ground Helicopter Firefighting Program of both the LEC and the WTF.

Mr. Corwin then introduced Mr. Ray Cowen, the Governor's Appointee to the Commission, who is attending his final meeting today in that capacity, along with Mr. Gaffney, Mr. LoGrande, and State Assemblyman Thiele, and Mr. Proios. It was noted by these speakers that Mr. Cowen has been an appointee of the Governor since 1993, and has been instrumental in many areas and phases of the Commission's work. These include, in part, the production and implementation of the Central Pine Barrens Comprehensive Land Use Plan, the establishment and operation of the Pine Barrens Credit program, the LEC, the Protected Lands Council, the WTF, the NYWIMA, and the Pine Barrens Research Forum. Mr. Gaffney read and presented the attached County Executive's Proclamation to Mr. Cowen. Assemblyman Thiele presented a Legislative proclamation to Mr. Cowen thanking him for his years of service, and Mr. Proios presented Mr. Cowen with a special gift in honor of his retirement. Mr. Gaffney and Mr. Corwin then presented Mr. Cowen with a framed and engraved photograph of the dwarf pine barrens at the Quogue Wildlife Refuge (taken by Mr. Corwin) in honor of his years of service to the Commission (copy of wording attached).

A short intermission was held at this point, with refreshments provided by the Riverhead Town Hall staff and the LI Pine Barrens Society. Mr. Gaffney and the other presenters then left. A five member quorum remained.

Plan Implementation

- ! Wildfire Task Force - NY Wildfire and Incident Management Academy: Final Policies and Procedures

Summary: Mr. Jones of the SCWA was present for this discussion, and stated that there needs to be a level of accountability for the Academy monies, that the SCWA has gone over the draft and provided comments to Mr. Rigano, and that the SCWA would like to have this finalized soon. After a brief discussion, it was agreed that this will be on the next Commission meeting agenda in order to provide additional time for review. Mr. Jones remarked that the SCWA has examined its labor costs to handle the Academy finances, and that this is the origin of the 5% administrative fee. Mr. Proios offered a specific comment on a change to the portion of the draft that addresses reimbursement for meals, suggesting that a per diem fee may be appropriate in some situations.

Public Comment

Summary: The first speaker was Mr. Alan Stadler, representing the Ridge Civic Association. First, Mr. Stadler reported that he attended a Longwood School District Board meeting on 4/15/03, and spoke to them regarding the pine barrens law. Mr. Stadler reported that the Board told him that they believe that they are not subject to the pine barrens law because the District preceded the pine barrens statute. Second, Mr. Stadler read a statement congratulating Mr. Cowen on his retirement and wishing him well.

The second speaker was Mr. Dominic Nicolazzi, representing himself. Mr. Nicolazzi asked about the staff's approach to the issuance of Letters of Interpretation under the Pine Barrens Credit Program. Specifically, he believes that the allocation for portions of parcels that are partially developed and partially undeveloped is too small, and that the staff is underestimating Credits in these cases. He posed the question of whether the purpose of the conservation easement is to prevent further development. Mr. Corwin then spoke briefly about some of the specific cases that the staff has encountered, which generally involve a portion of a parcel that does not contain a house, but may instead contain turf grass, gardens, driveways, cleared understory, etc.

An extensive discussion ensued regarding the provisions of Chapter 6 of the Pine Barrens Plan; the allocation formula in the Plan; the conditions under which the allocation is reduced for special conditions on a parcel; the appeals procedure as a relief for Credit applicants who believe that they deserve an additional allocation; whether natural resources are being protected by an easement or whether the easement simply prevents further development; the language of the specific easement that is negotiated; the extent of the reserved rights section of that instrument; and whether or not the Credit allocation should be commensurate with those reserved rights.

Supervisor Kozakiewicz left at this point, but a five member quorum remained.

Administrative

- ! Meeting minutes for 3/19/03: review; approval

Summary: Two changes were suggested to the draft 3/19/03 minutes: (1) on page 1, Mr. Bennett should be listed as counsel in addition to Mr. Rigano; (2) under "Michaelangelo's", the phrase "executive session" should read "advisory session". **A motion was then made by Mr. Cowen and seconded by Mr. Murphree to approve the 3/19/03 Commission meeting minutes with these changes. The motion was approved by a**

5-0 vote.

- ! SEQRA procedures: general discussion
Summary: Counsel indicated that he has legal advice to offer the Commission on this topic during an advisory session.

Pine Barrens Credit Program

- ! Credit purchase offer: status
Summary: Mr. Randolph indicated that the staff is processing applications at this time, and that there are no outstanding issues to report, other than the discussion that occurred earlier in the meeting during the public comment period.

Core Preservation Area

- ! Cachimpanis / Calverton (Brookhaven) / residence / new hardship: schedule hearing
Summary: Ms. Jakobsen reported that this new Core hardship application is for a single family home on a 0.44 acre site (SC Tax Map number 200-300-3-2.8 and 2.9) zoned A5 Residence. She noted that this is an infill site, and that the applicant's attorney reports that the site is part of a subdivision dating back to the 1940's.

A motion was then made by Mr. Cowen and seconded by Mr. Murphree to schedule a public hearing on this application for 3:00 pm at the 5/21/03 Commission meeting. The motion was approved by a 5-0 vote.

- ! Miller, Baiata, & Beneficial Design Corp. / Manorville (Brookhaven) / residence / hardship: close of comment period; request for decision extension (hearing held 2/19/03; decision deadline is today)
Summary: Ms. Carter reported that the attached request for an extension of the Commission's decision deadline to the last meeting in May 2003 has been received from this project's representative.

A motion was then made by Mr. MacLellan and seconded by Ms. Compitello to accept and approve the extension of the Commission decision deadline for this application to the 5/21/03 Commission meeting. The motion was approved by a 5-0 vote.

- ! Gazza / Flanders (Southampton) / several residential lots: determination of jurisdiction
Summary: Mr. Randolph summarized the recent correspondence and pending requests for four parcels owned by Mr. Gazza in the Flanders area of Southampton. Mr. Gazza showed the Commission a map of the region, with his parcels noted. Mr. Gazza asserted that these lots are part of plan which the Town laid out in 1988 when it remapped the area. He further noted that the original lot lines were set up in 1910. Mr. Gazza also spoke about the utilities in the area, and the fact that the SC Water Authority is constructing a well field in the same immediate area, and that the road to the well field passes by one of his lots. Mr. Murphree explained that the Town created what is known as a "development section" which involved six parcels.

After an examination of the materials for each lot, it was agreed that parcel 900-167-3-8 may be exempt from the pine barrens act, pending further examination. However, the Commission agreed that the other three parcels are definitely not exempt from the pine barrens act. Mr. Gazza discussed his desire to receive one full Credit for each parcel.

The Commission requested that Mr. Gazza submit a written request.

- ! Calverton Shooting Range / Calverton (Brookhaven) / mining project / lead agency coordination: correspondence; discussion
Summary: Mr. Randolph described the attached lead agency coordination request that was received from the NYS DEC for a site in the Calverton area of Brookhaven. A discussion ensued regarding the State Environmental Quality Review Act and regulations, the Commission's policy on seeking lead agency status in the Core, and the jurisdictions involved in this proposal.

Closed Advisory Session

Summary: A motion was made by Mr. MacLellan and seconded by Mr. Cowen 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 4:50 pm to 5:51 pm.

Core Preservation Area

- ! Calverton Shooting Range / Calverton (Brookhaven) / mining project / lead agency coordination: correspondence; discussion
Summary: It was agreed that the Commission will seek lead agency status for this project.

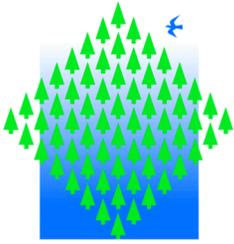
Adjournment

Summary: The meeting was adjourned at approximately 5:52 without a formal adjournment resolution.

Attachments (in order of discussion):

1. Attendance sheet (4/16/03; 1 page)
2. Speaker sign in sheet (4/16/03; 1 page)
3. Copy of cover pages of Pine Barrens Field Guides from Miller Ave class (4/16/03; 1 page)
4. Certificate of Recognition for Miller Avenue Elementary School class (4/16/03; 1 page)
5. County Executive's proclamation for Capt. Conklin (4/16/03; 1 page)
6. Text of Commission plaque for Capt. Conklin (March 2003; 1 page)
7. County Executive's proclamation for Mr. Cowen (4/16/03; 1 page)
8. Text of engraving on presentation to Mr. Cowen (4/16/03; 1 page)
9. Wildfire Academy draft final Policy and Procedures (undated; 6 pages)
10. Letter from Mr. Voorhis re Baiata decision extension (4/14/03; 1 page)
11. NYS DEC Lead Agency Coordination re Calverton Shooting Range (3/27/03; 6 pages)

**Commission Meeting Summary (FINAL)
for Wednesday, May 21, 2003 (Approved 6/18/03)
Quogue Wildlife Refuge, Old Country Road, Quogue
2:00 pm**



**CENTRAL
PINE
BARRENS**
JOINT
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POLICY
COMMISSION

Robert J. Gaffney
Chair

Patrick A. Heaney
Member

Robert F. Kozakiewicz
Member

John Jay LaValle
Member

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Commission members present: Mr. Proios (for Suffolk County), Ms. Prusinowski and Ms. Compitello (for Brookhaven), Mr. Roseman (for Riverhead), and Mr. Murphree (for Southampton).

Others present: Counsel was Mr. Rigano. Staff members from the Commission included Mr. Corwin, Ms. Trezza, Ms. Jakobsen, Ms. Carter, Mr. Randolph, Ms. Longo, and Mr. Born. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:46 pm by Mr. Proios, with a four member quorum.

Public Comment

Summary: The first speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. First, he noted that the Commission has a cell tower project in the dwarf pines under consideration, and he encouraged the Commission to declare that it has jurisdiction over it.

Second, he noted that the Suffolk County Legislature has approved legislation requiring that a Request for Proposals be developed for cell towers in SC parks, which the County Executive has vetoed. He noted that the US Fish and Wildlife Service has estimated that towers kill an estimated 4 to 5 million birds each year. He requested the Commission to write to the Legislature and County Executive on this issue.

Third, he mentioned the recently publicized, ongoing Westhampton area sand mining project. Mr. Murphree then explained that this is an existing sand mining operation which is at the end of its NYS Department of Environmental Conservation (DEC) mining permit time period; that the site now has a concrete mixing and rock crushing facility in place; that Southampton Town has issued three violation notices at the site; and that the case will be heard in the Town's justice court.

Fourth, Mr. Amper stated that there is State legislation pending for enforcement of the pine barrens act, and that it specifies the roles of the various levels of government in enforcement.

Fifth, he distributed the attached materials regarding the proposed Field Day Concert at the Calverton Enterprise Park owned by Riverhead Town, on June 6-8 of this year. He stated that the site is in the pine barrens; it is in a Special Groundwater Protection Area; that the event will adversely affect both the Core and CGA areas; that 50,000 people are expected at this concert, and more at later concerts at the site; that clearing of approximately 200 acres has already begun at the site; that there has been insecticide spraying; that there has not been compliance with the State Environmental Quality Review Act; that this does not fit into the Calverton Reuse Plan for the site; that the Law Enforcement

Council has raised issues; that the Veterans Administration has raised issues; that the Commission should have been involved; that the Pine Barrens Society would intervene if necessary; that the Commission should call up the project today; and that the Society's counsel is of the opinion that, if the Society goes to court on this, that the Commission will have to be named as a defendant.

A long discussion then occurred, touching, in part, upon the transfer of the site from the federal government to the Town; the exemption in the Pine Barrens Plan for economic development activities at the CGA portion of the site; whether this concert series fits within the Calverton Reuse Plan for this site; the impacts that could occur both on the actual site and off site; the question of whether the traffic impacts off site would trigger the Development of Regional Significance provision of the Pine Barrens Plan; the ability of the Commission to review the concert and/or the off site aspects of the concert; the question of whether the Commission could or should assert jurisdiction over the project; the lack of information before the Commission at present, other than what Mr. Amper distributed today; the type, amount, and duration of planning that has occurred for this event; and numerous other topics.

The second speaker was Mr. Alan Stadler, representing the Ridge Civic Association. He stated that he is opposed to the pending Field Day Concert at Calverton, citing the impacts of noise and light pollution and observing that the residents in the nearby portions of Brookhaven Town will suffer the greatest effects because of the numbers of concert attendees that will travel from the west through Brookhaven to get to the site.

Core Preservation Area

- ! Cachimpanis / Calverton (Brookhaven; 200-300-3-28, 29) / single family residence / hardship (decision deadline is 7/22/03)

Summary: A separate stenographic transcript exists for this hearing. Immediately following the close of the hearing (and the end of the stenographic transcript), **a motion was made by Mr. Proios and seconded by Mr. Murphree to approve this Core hardship application and to note that the application meets the Core area hardship criteria of the statute, and to further observe that the Commission believes that this parcel would have qualified for inclusion on the Core area residential exemption list. The motion was approved by a 4-0 vote.**

Public Comment

Summary: Mr. Alan Stadler, representing the Ridge Civic Association, addressed two additional topics at this time. First, he reported that he attended a meeting on 5/13/03 with various Longwood School District officials regarding the Ridge Elementary School site in Ridge, Brookhaven Town. He reported that the officials told him that they did not believe that the District is required to adhere to the clearance standards for the pine barrens, due to the fact that the school district predates the pine barrens act, but that it may be a question for their attorney.

Second, Mr. Stadler thanked the Commission for considering the questions that light pollution poses, noting the existence of technical conference papers on the ecological effects of light pollution that are being considered for this year's Pine Barrens Research Forum.

Administrative

- ! Meeting minutes for 4/16/03: review; approval (faxed)
Summary: The following changes were suggested to the draft 4/16/03 meeting summary: (1) under "Commission members present", Ms. Prusinowski's name should be omitted; (2) under "Public Comment", the third paragraph, last sentence, last phrase should read: "; and the Credit allocation should be commensurate with those reserved rights."; (3) under "SEQRA procedures", the word "they" should be "he"; (4) under "Gazza / Flanders", the following new sentence should be added at the end: "The Commission requested that Mr. Gazza submit a written request."; and (5) under "Calverton Shooting Range", the first sentence should read, in part, "that was received from the NYS DEC for a site in the Calverton area of Brookhaven."

A motion was then made by Mr. Murphree and seconded by Ms. Prusinowski to approve the 4/16/03 meeting summary with these changes. The motion was approved by a 4-0 vote.
- ! Commission - SC Water 2003-04 contract: review; approval (faxed)
Summary: Mr. Corwin explained that Ms. Roth, Counsel to the Commission, has drafted the attached proposed contract between the Commission and the Suffolk County Water Authority (SCWA), and has incorporated comments from the SCWA's counsel. **A motion was made by Ms. Prusinowski and seconded by Mr. Murphree to approve the contract and to authorize the Commission Chair or his Designated Representative to sign it on behalf of the Commission. The motion was approved by a 4-0 vote.**
- ! Amendment to Appendix B of contract with NYS DEC for 01-03 Fiscal Years: review; approval (memo faxed; contract approved 3/19/03)
Summary: Mr. Corwin explained that the NYS DEC's Albany office has required that the changes to the recently approved contract between the DEC and the Commission for receipt of the Commission's administrative funds be made. The changes are described in the attached memo. **A motion was made by Mr. Murphree and seconded by Ms. Prusinowski to approve this change to the DEC - Commission contract. The motion was approved by a 4-0 vote.**

Pine Barrens Credit Program

- ! Remsenburg - Speonk (Southampton) Credit purchase offer: status
Summary: Mr. Randolph reported that the processing of the responses to this recent Credit purchase offer continues, and that a total of approximately ten Credits should be available by mid summer from this effort.
- ! Mittachione c/o Cramer / Ridge (Brookhaven; 200-294-4-22) / Credit allocation appeal: schedule hearing (decision date is 6/27/03)
- ! Andersen c/o Nicolazzi / Manorville (Brookhaven; 200-511-1-15) / Credit allocation appeal: schedule hearing (decision date is 6/22/03)
Summary: Mr. Randolph briefly described these two new Credit allocation appeals. **A motion was then made by Ms. Prusinowski and seconded by Mr. Murphree to schedule hearings on each of these appeals for 3:00 pm at the 6/18/03 Commission meeting. The motion was approved by a 4-0 vote.**

Plan Implementation

- ! Law Enforcement Council - Memorandum of Understanding (MOU) between the Commission and the US Civil Air Patrol: review; possible approval (faxed)
Summary: Mr. Corwin reviewed the attached memo and draft agreement with the Civil Air Patrol (CAP), explaining the membership of the CAP on the Pine Barrens Law Enforcement Council, and the desire of the CAP to have a formal MOU with the Commission as they do elsewhere in the country with municipal agencies. Following a brief discussion, **a motion was made by Mr. Proios and seconded by Ms. Prusinowski to approve the Memorandum of Understanding between the Commission and the CAP subject to Commission counsel reviewing and approving a copy of the CAP's "Form 9 Release" to which the MOU refers, and to authorize the Commission Chair or his Designated Representative to then sign the MOU on behalf of the Commission. The motion was approved by a 4-0 vote.**

- ! Wildfire Task Force - NY Wildfire and Incident Management Academy (NYWIMA): Final Policies and Procedures (distributed at 4/16 meeting)
Summary: A discussion ensued regarding the attached draft version of the NYWIMA Policies and Procedures, specifically touching upon the percentage change in the administrative fee that the Suffolk County Water Authority would receive for handling the Academy's finances, and the changes that Ms. Compitello had previously requested which are not in today's draft (e.g., text which requires following State guidelines for meals and other expenses). It was agreed that this item will be held over to the next meeting.

Core Preservation Area

- ! Mittachione residential subdivision / Ridge (Brookhaven; 200-294-4-22) / hardship: decision (hearing held 2/19/03; decision due today)
Summary: Mr. Randolph reported that the attached request for an extension of the decision deadline for this project was received from the applicant's representative. **A motion was made by Ms. Prusinowski and seconded by Mr. Murphree to accept and approve the extension request, and to set the new decision deadline for this Core hardship application to be the 8/25/03 Commission meeting. The motion was approved by a 4-0 vote.**

- ! Calverton Shooting Range land mining / Calverton (Brookhaven; 200-300-1-3.3, 4, 5.3, 6) / lead agency coordination: status (from 4/16 meeting)
Summary: Mr. Randolph reported that State Environmental Quality Review Act (SEQRA) lead agency coordination letters have been sent to the Suffolk County Health Department, Brookhaven Town, NYS DEC, the Suffolk County Planning Department, the Suffolk County Department of Public Works, and the NYS Office of Parks.

- ! Miller, Baiata, & Beneficial Design Corp. / Manorville (Brookhaven; 200-410-2-2) / residence / hardship: correspondence; decision (hearing held 2/19/03; correspondence faxed; decision due today)
Summary: Ms. Carter distributed the attached materials from the applicant's representative addressing the ownership and other issues raised during prior Commission discussions of this project. Commission counsel has reviewed the ownership issue and is satisfied that the correct owner is Arthur Miller. A discussion followed regarding the various conditions noted in the staff report, including, but not limited to, the proposed architectural and historic district conditions. One change was made to the conditions, and the applicant's representative, Mr. Voorhis, stated that he was satisfied with the resulting set of conditions, and that the applicant could adhere to them.

A motion was then made by Mr. Proios and seconded by Mr. Murphree to issue a negative declaration under SEQRA for this application. The motion was approved by a 4-0 vote. A second motion was then made by Mr. Proios and seconded by Mr. Murphree to approve this Core hardship application with the conditions shown in the attached resolution (which includes the modifications made during the preceding discussion). The motion was approved by a 3-0-1 vote, with the abstaining vote cast by Ms. Compitello.

- ! Gazza / Flanders (Southampton; 900-167-3-8) / single family residence: determination of jurisdiction (from 4/16/03 meeting)

Summary: Mr. Murphree explained that he has examined this parcel (carried over from the prior Commission meeting); that this parcel is part of the 1988 replatting of this area of Flanders by the Town; and that the Town therefore believes that this parcel qualifies as exempt from the pine barrens law pursuant to the exemption provision that refers to a parcel being part of an approved subdivision (i.e., the 1988 replatting).

Mr. Gazza then spoke about the development of a Suffolk County Water Authority (SCWA) well field in the immediate area of this parcel, and that he believes that his parcel benefits from a roadway constructed by SCWA to access that well field. A discussion ensued regarding the Town's 1988 action in this area, the merging of some lots as a result, and the dates of approvals for this parcel and others in the area. It was agreed that Commission counsel will review the materials on this matter, and that the Commission will consider this parcel exempt from the pine barrens law for purposes of residential construction if the Commission counsel concurs.

- ! Sprint Spectrum / Manorville (Brookhaven; 200-461-3-30.2) / antenna installation/ determination of jurisdiction: status

Summary: Ms. Carter distributed the attached correspondence from Mr. Lawrence Re, representing Sprint Spectrum on the matter of a panel antenna installation to an existing Long Island Power Authority pole in the Core area of Manorville. The Commission has previously reviewed this and found it to not constitute development under the pine barrens law. The applicant has since learned that the existing pole must be replaced by a new pole ten feet away, and the earlier Commission finding required that the Commission be notified if the project changes. It was agreed that this remains nondevelopment.

Compatible Growth Area (CGA)

- ! Longwood School District - Ridge Elementary School / Ridge (Brookhaven) / post 1993 building construction: status

Summary: Mr. Rigano stated that he has legal advice to provide to the Commission on this matter in an advisory session.

- ! Map of Newport Estates / Miller Place (Brookhaven; 200-98-8-6 to 10) / preliminary residential subdivision: determination of jurisdiction

Summary: Ms. Carter distributed the attached materials regarding this project, including a letter from the project's attorney, Mr. Sloane, stating that he does not believe that this project (a 15 lot subdivision on 10.55 acres which does not meet the CGA clearing standards) constitutes development. The letter cites the single and separate CGA residential exemption in the pine barrens law. After a brief discussion, it was agreed that this proposal does constitute development, and that the project being proposed does not utilize the current property lines of the existing lots, but rather reconfigures them. Only the number of lots remains the same.

Closed Advisory Session

Summary: Mr. Amper of the LI Pine Barrens Society asked the reason for the advisory session, and Mr. Rigano responded that he has legal advice to offer to the Commission. **A motion was then made by Mr. Proios and seconded by Ms. Prusinowski to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 4-0 vote, and the Commission entered into closed session from approximately 5:22 pm to 6:12 pm.**

Compatible Growth Area (CGA)

- ! Longwood School District - Ridge Elementary School / Ridge (Brookhaven) / post 1993 building construction: status
- ! Sachem High School / (Brookhaven) / high school construction: status of compliance with conditions of past determination of nonjurisdiction (*not on the original agenda*)
Summary: Mr. Proios stated that the Commission counsel will send a Notice of Violation of the pine barrens act to the Longwood School District, and that the Commission will look into whether the Sachem School District is in compliance with the conditions of a determination of nonjurisdiction.

- ! Field Day Concert on June 6-8 / Calverton (Riverhead): discussion; determination of jurisdiction (*not on the original agenda*)
Summary: Mr. Proios noted that there is no agreement yet among the Commission members as to what action to take with respect to the upcoming Field Day Concert discussed earlier in the meeting. **A motion was made by Mr. Proios to consider the concert to be a Development of Regional Significance (DRS), but there was no second and the motion did not pass.** Mr. Proios then asked if there was any other motion, and there was not. Mr. Amper of the LI Pine Barrens Society asked if the concert is a DRS and the Commission does not act, then what will occur. He asked if the Commission will wait to see the consequences of the first concert. Mr. Proios stated that he would raise this issue with the County Executive. Mr. Amper stated that he wants to know what the Commission will do.

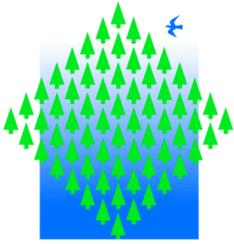
Following a discussion, a motion was made by Mr. Murphree and seconded by Mr. Proios (1) to request that the Town of Riverhead and/or the June 6-8 Calverton Field Day concert promoter provide sufficient information to the Commission so as to allow the Commission to meet next week and to determine the compliance of the proposed project with the standards and guidelines for the Compatible Growth Area and the statutory provisions of the pine barrens law for the Core Preservation Area, and (2) to schedule a Commission meeting for 5/29/03 at 9:30 am at the Riverhead Town Hall or at the Commission Office, whichever location is available. The motion was approved by a 4-0 vote.

Adjournment

Summary: **A motion was made by Ms. Prusinowski and seconded by Mr. Proios to adjourn the meeting. The motion was approved by a 4-0 vote, and the meeting ended at approximately 6:32 pm.**

Attachments (in order of discussion):

1. Attendance sheet (5/21/03; 1 page)
2. Speaker sign in sheet (5/21/03; 1 page)
3. Memo from Mr. Amper re Field Day Concert to Commission (5/21/03; 2 pages)
4. Letter to Sup. Kozakiewicz from Mr. Amper re Field Day Concert (5/20/03; 5 pages)
5. Field Day Music Festival Environmental Assessment Form Part 1 (4/10/03; 4 pages)
6. Annotated excerpt from Calverton Reuse Plan (undated; 2 pages)
7. Draft SCWA - Commission contract for 2003-04 State Fiscal Year (undated; 4 pages)
8. Memo to Commission re modification of Commission - DEC contract (5/15/03; 1 page)
9. Memo and draft MOU between Commission and Civil Air Patrol (5/19/03; 7 pages)
10. Draft final NYWIMA Policies and Procedures (undated; 6 pages)
11. Letter from Mr. Cramer re Mitacchione hardship application (5/20/03; 1 page)
12. Letter from Mr. Labate re Miller hardship application (5/16/03; 3 pages)
13. Letters from Cooke Abstract and SC Real Property re Miller property (5/16/03; 2 pages)
14. Commission resolution approving Miller hardship with conditions (5/21/03; 2 pages)
15. Letter from Mr. Re regarding Sprint Spectrum panel antenna project (5/19/03; 2 pages)
16. Letter from Ms. Carter to Mr. Re regarding Sprint panel antenna project (4/8/03; 2 pages)
17. Letter from Mr. Sloane re Newport Estates project (5/14/03; 1 page)
18. Letter from Mr. Sloane re Newport Estates project (5/6/03; 2 pages)
19. Letter from Ms. Carter to Brookhaven Town re Newport Estates (3/21/03; 2 pages)
20. Copy of litigation stipulation re Newport Estates (8/1/01; 6 pages)



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**Commission Meeting Summary (FINAL)
for Thursday, May 29, 2003 (Approved 6/18/03)
Commission Office
3525 Sunrise Highway, 2nd Floor; Great River
9:30 am**

Commission members present: Mr. Proios (for Suffolk County), Ms. Prusinowski and Ms. Compitello (for Brookhaven), Mr. MacLellan, Mr. Hanley and Mr. Roseman (for Riverhead; Mr. MacLellan voting), and Mr. Murphree (for Southampton).

Others present: Counsel included Mr. Rigano (from Certilman Balin) and Mr. Spiegel (from the NYS Attorney General's Office). Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Carter, Mr. Randolph, Mr. Born and Ms. Longo (from the Commission), Mr. Pavacic (from the NYS Department of Environmental Conservation, NYS DEC), Mr. Laton (from the Suffolk County Parks Department and Vice Chair of the Law Enforcement Council, and Mr. Williams and Mr. Wolfgang (from the NYS Department of Transportation, NYS DOT). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 9:58 am by Mr. Proios, with a four member quorum.

Introductions

Summary: Mr. Proios asked everyone in the room to identify themselves, which was done.

Public Comment (All public comment dealt with the concert proposal.) Core Preservation Area and Compatible Growth Area

! Calverton concert series / Calverton (Riverhead): discussion and determination of jurisdiction (from 5/21/03 meeting)

Summary: First, Mr. Pavacic from the NYS DEC read the attached statement from his agency. The statement notes, in part, that NYS DEC does not believe that an appropriate review under the State Environmental Quality Review Act (SEQRA) has been conducted with respect to the potential environmental impacts on the event site as well as the area which surrounds the site. The statement also notes that the NYS DEC believes that the proposed event is a Type 1 action under the SEQRA regulations, and concludes with the statement that an assertion of jurisdiction by the Commission would provide for a complete and comprehensive SEQRA review of the proposed project.

Second, Mr. Alan Stadler, representing the Ridge Civic Association and the Long Island Sierra Club, read the attached statement, which expresses several concerns, including, in part, the zoning of the property being inappropriate; the adequacy of the law enforcement plans for the event; deer problems that the event will cause; the careless planning that the statement asserts went into the event; the impacts of the event upon the operations of the nearby National Cemetery; the traffic, pollution, and crime aspects of the proposed event; the impacts upon local roads of concert attendees trying to avoid

main road traffic jams; the inappropriateness of this concert at a time of concern about terrorism; the types and amount of litter that will be generated and who will pay for the cleanup; the proximity of the concert site to Brookhaven National Laboratory; the existing construction on NYS Route 25 at the William Floyd Parkway; and the impacts of light pollution.

Third, Mr. Richard Amper, representing the Long Island Pine Barrens Society, read the attached statement. The statement noted, in part, that the Society believes that the proposed concert is a threat to the environment and to the health and safety of the residents of the area; that the Commission must defend the ecosystem from degradation; that the County's recent denial of a mass gathering permit is irrelevant to the Commission's actions; that the project area must be all of that portion of the Central Pine Barrens which would be impacted, and that would include lands both in the CGA as well as the Core, and lands both inside the Calverton site fence as well as outside; that the concert will generate a significant increase in intensity of use in the surrounding areas; that the project is a Development of Regional Significance (DRS) because of the traffic impacts; that the Society disagrees that the action is exempt from the Commission's jurisdiction; that the concerts proposed are not in compliance with the Calverton Reuse Plan; that the concerts are not public improvements; that the action within the fence is itself a DRS; that the concerts do not conform with the requirements of the 1995 Central Pine Barrens Plan Findings Statement; that the concert will pose a danger to specific species and habitats; that the real action here involves several concerts over several days; that the concert promoter is responsible for obtaining all necessary permits and for complying with SEQRA; and that the Commission should disapprove the project.

Mr. Proios then read a portion of the Central Pine Barrens Plan Findings Statement as follows:

"The Plan provides that the redevelopment activity in the CGA contemplated for the Calverton site is considered a public improvement and shall in no instance be considered a development of regional significance as defined by the Act, so as to warrant an automatic review by the Commission. Therefore, those development activities on the Calverton site which conform to both the development standards for the CGA as well as those zoning ordinances enacted by the Town of Riverhead to implement the Plan, which are deemed to be consistent with the Plan by the Commission, shall be presumed not to require formal review or consideration of the Commission."

Mr. MacLellan then stated that the Calverton project is not a DRS, and that the Town has a letter from several years ago from Mr. Rigano as Commission Counsel which reiterates that the Calverton site activities are exempt. Mr. MacLellan then introduced Mr. Chris Kent, the attorney representing the concert promoter, and Mr. Jeffrey Seeman, an environmental consultant for the project sponsor.

Mr. Kent described some of the logistical details of the proposed concert, including its operating hours, set up and arrival times; the restrictions upon campers versus day attendees; the estimated number of vehicles based upon a combination of ticket sales to date and the Suffolk County Department of Health Services' (SCDHS) estimate of numbers of people likely to be in each vehicle; and the estimates of the numbers of tickets that are likely to be sold, broken down into campers and day attendees. Some of the estimates included 20,000 day attendees, and 23,000 campers. He noted that a maximum ticket sales number of 60,000 was originally proposed for planning purposes. He also discussed the late evening and early morning times at which day attendees would be exiting the site, and the reduction of traffic impacts due to those times. He noted that

the concert promoter has provided for a public water supply connection with the Riverhead Water District.

He also showed some of the planning documents that have been generated, including a Full Environmental Assessment Form (EAF), submitted on 4/10/03 to the Town Board; and a Supplemental EAF provided on 5/19/03 to the Town Board. Mr. Kent also noted that the sponsor has received comments from both the Town Board and the SCDHS and have addressed those as well. He noted that the project still requires a Chapter 90 permit from Riverhead Town and a Mass Gathering Permit from the SCDHS. He explained that a final walk through of the concert site is scheduled for 48 hours prior to the event. Mr. Kent expressed the opinion that the County's recent denial of the Mass Gathering Permit was premature, and he noted that the sponsor has asked the County to reconsider the matter.

Mr. Kent showed the Event Operations Plan to the Commission, but indicated that it contained sensitive information and that he therefore could not leave the document with the Commission, but would provide access to it. He noted some of the law enforcement agencies and officials with whom the sponsor has been working.

Mr. Kent then described the relevant Town Code and pine barrens provisions with which the sponsor is dealing, including the definition of a DRS in the Pine Barrens Plan, the Calverton Redevelopment Plan, and Section 9.2 of the Pine Barrens Plan which addresses the status of the Calverton site activities under the pine barrens law. He noted that the Town Board required an economic impact study, which was completed and submitted to the Town (a copy of which is attached). He noted that the study estimates that there will be an impact of approximately \$5 million, that there will be approximately 224 full time equivalent jobs for the event, and that approximately \$700,000 will be received by government in the form of taxes (e.g., sales taxes).

He then distributed copies of Town Board Resolution #830 of 9/7/99 (attached) which approved the current zone change for the Calverton property, and discussed the various Town requirements for the event with which they have been complying. Mr. Kent stated that the event is a permitted activity under the Town Code, and that he does not believe that the Commission can take any action regarding the event, and that the Commission lacks jurisdiction over it. A very brief exchange then occurred among Mr. Proios, Mr. Kent, and Mr. Hanley over the prior Commission reviews of the site and the zoning category.

Mr. Seeman, the project's environmental consultant from Coastal Environmental Corp., noted that there is one state listed endangered species in the immediate area, and that there may be some other species of special concern. He then read passages from the Calverton Reuse Plan regarding the amount, and desired maintenance of, mowed areas on the site; the presence of the grasshopper sparrow known to inhabit these areas; and noted that the Calverton Reuse Plan observes that the impacts of not mowing are greater than those of mowing, with respect to this species. He also discussed the project's observance of the NYS DEC rule regarding leaving at least 50% of the area within 1000 feet of a tiger salamander site undisturbed; the mitigation measures that are being taken for the concert's environmental impacts; the role of the Pine Barrens Plan's Chapter 5 and the NY Natural Heritage Program in designing mitigation; and noted that mowing occurred on the site prior to this proposal.

Mr. Kent then introduced Mr. Chuck Manning, of Creighton Manning Engineering, the traffic consultant for the concert. Mr. Manning noted that the transportation plan for the

project continues to evolve; that there is a public transit component which consists of arrangements with the Long Island Railroad and the Montauk Bus Company to provide service between the Ronkonkoma Railroad station and the site; that the sponsor submitted a traffic plan and permit application to the NYS DOT on 5/5/03, received comments from NYS DOT on 5/15/03, and forwarded a response to NYS DOT on 5/22/03; that the traffic plan is to be dynamic; that the Long Island Expressway's Exits 68 and 69 are the primary exits for access to the site, with Exit 71 being a third alternative; and that there will be message signs and cooperation with local radio stations.

Mr. Manning noted that his firm did the traffic planning for the 1994 and 1999 Woodstock music festivals; that there will be variable message signs used to direct traffic to specific exits; and that the plan at present is designed for 5,000 vehicles for camping and 11,000 vehicles for day trips. A discussion ensued regarding the traffic quantities and patterns; the coordination of signs and the involvement of radio stations; the involvement to date of the NYS DOT and the Riverhead Police Department; the levels of service that are likely to occur; and Mr. Manning's observation that they are not designing for the worst case traffic service levels that might occur at some point(s) during the event.

Mr. Rigano then asked several questions on behalf of the Commission. His questions, and the ensuing discussions, touched upon the exact location of the project on the site (a discussion assisted by several aerial photographs and project maps); the inspection of vehicles entering the site and any ensuing traffic impacts from that; the quantity of security personnel from various organizations, including the approximately 200 private security guards being hired for the event; the lack of review of the relevant portions of the project plan by the Suffolk County and New York State Police; the remediation that would occur following the event; the extent of police coverage; the use of pesticides, including permethrin, on the site; species of special concern, including the grasshopper sparrow; the presence of sensitive habitats on the south side of Grumman Boulevard, outside the existing Calverton fence; and the need for police patrols of those public and conservation lands during the event.

Other questions which arose included the number and location of emergency operations centers; the agencies which have been invited to staff those centers; and the current status and extent of the pending permits from the NYS DOT. The lack of a NYS DOT representative being included in the emergency planning was noted, and Mr. MacLellan asked that the concert sponsor correct that immediately. Mr. Laton, the Security Director for the Suffolk County Parks Department, was asked about the SC Park Police participation, and Mr. Laton noted that the SC Park Police will have their normal numbers of officers on duty during the event, but that they have limited resources and cannot increase their patrols.

Mr. Amper of the LI Pine Barrens Society then spoke noting the following: that the sponsor has painted a "family" picture of the event by focusing on the activities within the fence; that the "project site" includes the areas outside the fence that will be impacted; that the security of the Core area is important; that there will be queuing at the gate due to inspections; that there are ponds within minutes of the concert area; that the security plan should have been shared with other law enforcement agencies; that the Riverhead Police will be unable to handle the event themselves; that he heard the traffic consultant say that there will be times when the traffic impacts are at Level D or worse; that this is an enormous increase in intensity of use for a temporary event; that the impacts cannot be confined to the site; that there are problems with the CGA clearing standards at the site; and that the Commission must understand its legal obligations to protect the pine barrens.

Advisory Session

Summary: **A motion was made by Mr. MacLellan and seconded by Mr. Murphree to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 4-0 vote, and the Commission entered into closed session from approximately 1:10 pm to 3:27 pm.**

Core Preservation Area and Compatible Growth Area

! Calverton concert series / Calverton (Riverhead): discussion and determination of jurisdiction (from 5/21/03 meeting)

Summary: **A motion was made by Mr. Proios and seconded by Ms. Compitello to adopt the following resolution:**

“Whereas, a music festival known as the Field Day Music Festival is scheduled for June 6 to 8, 2003 at the Enterprise Park at Calverton, Town of Riverhead, and

Whereas, the Commission is concerned about possible impacts to the Core Preservation Area, and

Whereas, the Commission wishes to further review the possible impacts to the Core Preservation Area, and

Whereas, a meeting of the Commission was held on May 29, 2003 to evaluate the music festival,

Now, therefore, be it

Resolved, pursuant to NY Environmental Conservation Law Section 57-0123(2)(a), the Commission asserts review jurisdiction over the Field Day Music Festival scheduled for June 6 to 8, 2003 at the Enterprise Park at Calverton, Town of Riverhead with respect to impacts on the Core Preservation Area and schedules a meeting of the Commission on June 5, 2003 at Riverhead Town Hall at 9:30 a.m. to further review the potential impact on the Core Preservation Area and possible methods to mitigate any impacts on the Core Preservation Area and

Resolved, that the Commission is not asserting jurisdiction with respect to the activity associated with the Field Day Music Festival on the grounds of the Enterprise Park at Calverton located within the Compatible Growth Area.”

The motion was approved by a 4-0 vote.

Mr. Proios then noted that the Riverhead Town Board will meet on 6/3/03 and that the concert will be part of that agenda. He also noted that the Commission will receive SEQRA information from the Town as soon as possible.

Adjournment

Summary: **A motion was made by Mr. MacLellan and seconded by Ms. Compitello**

to adjourn the meeting. The motion was approved by a 4-0 vote, and the meeting ended at approximately 3:32 pm.

Attachments (in order of discussion):

1. Attendance sheet (5/29/03; 2 pages)
2. Speaker sign in sheet (5/29/03; 1 page)
3. Statement by Mr. Pavacic of NYS DEC re Field Day Concert project (5/29/03; 2 pages)
4. Statement by Mr. Stadler of Ridge Civic Association re Field Day concert (5/29/03; 2 pages)
5. Memo to Commission from LI Pine Barrens Society re Field Day concert (5/29/03; 3 pages)
6. Environmental Assessment Form Part 1 for Field Day concert (4/10/03; 4 pages)
7. Economic Analysis of Field Day Event by Conoscenti & Associates (April 2003; 11 pages)
8. Riverhead Town Resolution #830 of 1999 approving Calverton zoning (9/7/99; 5 pages)



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**Commission Meeting Summary (FINAL)
for Thursday, June 5, 2003 (Approved 6/18/03)
Riverhead Town Hall
200 Howell Avenue, Riverhead
9:30 am**

Commission members present: Mr. Proios (for Suffolk County), Ms. Prusinowski (for Brookhaven), Mr. MacLellan (for Riverhead), and Mr. Murphree (for Southampton)

Others present: Counsel included Mr. Rigano (of Certilman Balin, via speaker phone) and Mr. Spiegel (from the NYS Attorney General's Office, via speaker phone). Staff members from the Commission included Ms. Jakobsen, Ms. Trezza, Ms. Longo, Mr. Randolph, and Mr. Born. Additional attendees are shown on the attached sign-in sheet.

Robert J. Gaffney
Chair

The meeting was called to order at approximately 9:50 am by Mr. Proios, with a four member quorum.

Patrick A. Heaney
Member

Public Comment

Summary: There were no speakers.

Robert F. Kozakiewicz
Member

Core Preservation Area

John Jay LaValle
Member

- ! Field Day Music Festival potential Core area impacts / Calverton (Riverhead) / assertion of jurisdiction: discussion; SEQRA status; decision, Festival dates are 6/6 through 6/8)

Summary: **A motion was made by Mr. MacLellan and seconded by Ms. Prusinowski to adopt the following resolution:**

"WHEREAS, Suffolk County Supreme Court Judge Robert W. Oliver, by decision rendered on May 30, 2003, affirmed that the Central Pine Barrens Commission lacks jurisdiction over Enterprise Park at Calverton; and

WHEREAS, the Field Day Festival 2003 concert will no longer be held at Enterprise Park as scheduled from June 6 thorough June 8, 2003; and

WHEREAS, the Central Pine Barrens Commission "called up" the Field Day Festival 2003 in regards to a potential impact to habitat ponds just south of Grumman Boulevard.

NOW THEREFORE, BE IT RESOLVED, that it is not necessary for the Central Pine Barrens Commission to address this issue; and

BE IT FURTHER RESOLVED, that the resolution to call up Field Day Festival 2003 be and is hereby rescinded."

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Mr. Proios asked for any discussion among the Commission members. Mr. Spiegel suggested that the first introductory sentence concerning Judge Oliver's decision with regard to the Commission's authority on the Calverton property be deleted. Mr. MacLellan stated the resolution would need to be amended in order to do this. Mr. Spiegel was asked to provide a reason to delete this statement, and he responded that the judge ruled in the way of victor in that he denied the temporary restraining order and permanent injunction applications, there was no need for him to get involved in these preliminary issues. Mr. Spiegel was uncomfortable with the Commission adopting this rule unnecessarily since this decision could change if it goes to litigation on its merits, which is not likely since situation is moot. He felt the resolution stood well without that reference.

Mr. Proios restated his concern with the sentence that says that the Central Pine Barrens Commission lacks jurisdiction over the Enterprise Park at Calverton. He stated the whole issue is the Commission is asserting jurisdiction, although not over the Enterprise Park activity itself, but over the effects of that activity upon the nearby Core Area. Counsel's concern with the language is that it may affect any future event that occurs there, leading to a similar scenario again in August.

Mr. Proios asked if anyone would like to offer an amendment to the original motion. Upon no offer, Mr. Proios then, based upon counsel's suggestion, offered that the resolution be amended to delete the first whereas paragraph. There was no second to that amendment and it failed.

The original motion was then approved by a 4-0 vote.

Adjournment

Summary: Mr. Proios asked if there was any further business, and there was none. A motion was then made by Mr. MacLellan and seconded by Mr. Murphree to adjourn. The motion was approved by a 4-0 vote, and the meeting ended at approximately 10:45 am.

Attachments (in order of discussion):

1. Attendance sheet (6/5/03; 1 page)
2. Speaker sign in sheet (6/5/03; 1 page)
3. Draft resolution on the Field Day Music Festival assertion of jurisdiction (6/5/03; 1 page)



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**Commission Meeting Summary (FINAL)
for Wednesday, June 18, 2003 (Approved 7/17/03)
Brookhaven Town Hall, Building 4
3233 Route 112, Medford
2:00 pm**

Commission members present: Mr. Proios (for Suffolk County), Ms. Prusinowski and Ms. Compitello (for Brookhaven), Mr. Hanley (for Riverhead), and Mr. Shea (for Southampton).

Others present: Staff counsel was Mr. Milazzo. Other counsel included Mr. Rigano (of Certilman Balin) and Mr. Spiegel (of the NY State Attorney General's Office). Staff members from the Commission included Mr. Corwin, Ms. Trezza, Ms. Jakobsen, Ms. Carter, Mr. Randolph, and Mr. Born. Additional attendees are shown on the attached sign-in sheet.

Robert J. Gaffney
Chair

The meeting was called to order at approximately 2:22 pm by Mr. Proios, with a four member quorum.

Patrick A. Heaney
Member

Public Comment

Summary: There were no speakers.

Robert F. Kozakiewicz
Member

Administrative

John Jay LaValle
Member

! Minutes for 5/21/03, 5/29/03, 6/5/03: review; approval

Summary: The following changes were suggested to the 5/21/03 meeting minutes; (1) under "Miller, Baiata, & Beneficial Design Corp.", the last sentence should indicate that the motion was approved by a 3-0-1 vote, with the abstention cast by Brookhaven; (2) under "Sachem High School", the summary should indicate that only the Longwood School District received a Notice of Violation, and that the question of whether a violation has occurred in the Sachem District is being examined. **A motion was then made by Ms. Compitello and seconded by Mr. Shea to approve the 5/21/03 meeting minutes with these changes. The motion was approved by a 4-0 vote.**

No changes were suggested to the 5/29/03 meeting minutes. **A motion was made by Ms. Prusinowski and seconded by Mr. Shea to approve the 5/29/03 meeting minutes as written. The motion was approved by a 4-0 vote.**

No changes were suggested to the 6/5/03 meeting minutes. **A motion was made by Ms. Prusinowski and seconded by Mr. Shea to approve the 6/5/03 meeting minutes as written. The motion was approved by a 4-0 vote.**

! Meeting schedule for remainder of 2003: review; approval

Summary: The attached draft schedule was discussed, and changes were made. **A motion was then made by Mr. Shea and seconded by Ms. Prusinowski to (1) cancel the previously scheduled**

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Commission meeting of 7/16/03 and (2) to schedule Commission meetings at 2:00 pm on 7/17/03, 8/20/03, 9/18/03, 10/15/03, 11/19/03, 12/17/03, and 01/21/04, with the locations to be determined by Commission staff. The motion was approved by a 4-0 vote.

Plan Implementation

- ! Wildfire Task Force - NY Wildfire and Incident Management Academy: Final Policies and Procedures (from 5/21/03 meeting)

Summary: Mr. Rigano summarized changes from the Interim Policies and Procedures that are reflected on the attached version, including, in part, the requirement that expenditures greater than \$10,000 follow the requirements of State municipal law, the previously requested changes to the travel expenditures section, and the percentage of the Academy's gross revenues that would be payable to the Suffolk County Water Authority (SCWA) for handling the Academy's finances.

A discussion ensued regarding the last item, including, in part, the Academy Coordinator's desire to hire an outside bookkeeper; the costs that are incurred by the SCWA in doing this work; the need for oversight of the Academy finances; the percentage that the Commission would approve as the SCWA's fee; the SCWA's position that the fee should be 5% to cover its expenses; and the fact that the final percentage will also have to be independently approved by the SCWA's Board of Directors.. **A motion was then made by Mr. Shea and seconded by Ms. Prusinowski to approve the attached draft copy of the Policies and Procedures, but with the changes noted by Mr. Rigano on his copy and with a 4% fee to be paid to the SCWA. The motion was approved by a 3-0-1 vote, with the abstaining vote cast by Mr. Proios.**

Core Preservation Area

- ! Calverton Shooting Range land mining / Calverton (Brookhaven; 200-300-1-3.3, 4, 5.3, 6): lead agency coordination; final determination of jurisdiction (from 5/21/03 meeting)

Summary: Mr. Randolph explained that the project sponsors are here today to discuss whether this project is subject to the pine barrens law. Present today were Mr. Michael Cholowski, the sponsor, Mr. Eshwar Kosuri, a consultant, and Mr. Arthur DiPietro, the project attorney. Mr. Cholowski stated that he is unsure if an application is needed; that Brookhaven Town granted a zone change for this property in 1950; that there have been leases on this property for various purposes, including sand mining; that there is contaminated soil on site and the project has a remediation component; the options that were considered for the remediation work; the jurisdiction of NYS DEC over the sand mining there; and the extent of past mining.

The discussion that followed included the debris from the construction of the LI Expressway; the absence of a State hazardous waste site designation for the site; the role of the Town, the DEC and the Commission in this project; the pending mining permit before the DEC; estimates of the acreage that would be affected, including the number of forested acres to be cleared; the role of the NYS Attorney General's Office in litigation over this site; the prior disturbance of the site; and the aerial photographs and site plans that participants brought today.

It was agreed that the project as described today will require a Core hardship application, and that no application is yet pending before the Commission.

Pine Barrens Credit Program

- ! Mittachione c/o Cramer / Ridge (Brookhaven; 200-294-4-22) / Credit allocation appeal: hearing (decision date is 6/27/03)
Summary: *A separate stenographic transcript exists for this hearing. Immediately following the hearing, a motion was made by Mr. Shea and seconded by Mr. Hanley to deny this Credit allocation appeal. The motion was approved by a 4-0 vote.*

- ! Andersen c/o Nicolazzi / Manorville (Brookhaven; 200-511-1-15) / Credit allocation appeal: hearing (decision date is 6/22/03)
Summary: *A separate stenographic transcript exists for this hearing. Immediately following the hearing, a discussion took place regarding the materials from the hearing; the access to the interior lot; and the Commission's desire to look at the prior Credit allocation appeals cited by Mr. Dominic Nicolazzi, the applicant's representative. Mr. Nicolazzi agreed to an extension of the decision deadline to 7/17/03. A motion was then made by Mr. Shea and seconded by Mr. Hanley to agree to an extension of the decision deadline on this appeal to the 7/17/03 meeting. The motion was approved by a 4-0 vote.*

Core Preservation Area

- ! Gazza / Flanders (Southampton; 900-167-3-8) / single family residence: counsel's opinion re jurisdiction (from 5/21/03 meeting)
Summary: *Mr. Rigano reported that the documentation discussed at the last meeting did not specifically address this parcel, and that he will contact Mr. Gazza regarding this.*

Plan Implementation

- ! Interpretation of the public water supplier development exclusion in the pine barrens law (not on the original agenda)
Summary: *Mr. Proios explained that the County has acquired land under the Drinking Water Protection Program for watershed protection and public well siting. He reported that at today's Suffolk County Council on Environmental Quality (CEQ) meeting, the CEQ Chair asked that the Commission make a determination on the applicability of ECL 57-0107(13)(ii) for use by the CEQ in reviewing current SCWA proposals for wells on Suffolk County parklands. After a discussion on the degree of specificity that should be incorporated into the suggested draft text provided by Mr. Proios, a motion was made by Mr. Shea and seconded by Mr. Hanley to adopt the following resolution:*

"Whereas, ECL § 57-0107 sets forth certain operations and uses that do not constitute development for the purposes of ECL Article 57; and

Whereas, ECL § 57-0107 (13) (ii) specifically sets forth that "work by any utility not involving substantial engineering redesign for the purpose of inspection, maintenance or renewal on established utility rights-of-way or the likes, and any work pertaining to water supply for the residents of Suffolk county" does not constitute development;

Now, therefore be it

Resolved, that the Commission does not have jurisdiction over “work by any utility not involving substantial engineering redesign for the purpose of inspection, maintenance or renewal on established utility rights-of-way or the likes, and any work pertaining to water supply for the residents of Suffolk county”, and be it further

Resolved, that this determination is specific to water supply for the residents of Suffolk county and constitutes no precedent with respect to other utility facilities.”

The motion was approved by a 4-0 vote.

Compatible Growth Area (CGA)

- ! Brookhaven Town Center / Yaphank (Brookhaven) / regional shopping center / Development of Regional Significance: decision extension (*not on the original agenda; hearing held 10/17/01; current ECL 57 decision deadline is 10/15/03*)
Summary: *Mr. Corwin pointed out that the change in the 7/16/03 meeting date to 7/17/03 means that the current 7/16/03 decision deadline for this project will pass before the next meeting. After a brief discussion, Ms. Jakobsen was asked to contact the project representative during today’s meeting and obtain a new decision date request.*

Compatible Growth Area (CGA)

- ! Longwood School District - Ridge Elementary School / Ridge (Brookhaven) / post 1993 building construction: Notice of Violation status (*from 5/21/03 meeting*)
Summary: *Mr. Rigano reported that he has sent the attached Notice of Violation to the school district and is waiting for a response.*
- ! Sachem School District / (Brookhaven) / compliance with nondevelopment conditions: Notice of Violation status (*from 5/21/03 meeting*)
Summary: *It was agreed that the staff will look further into this matter.*

Compatible Growth Area (CGA)

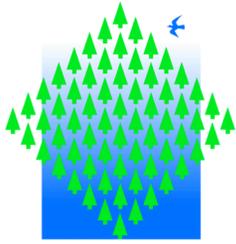
- ! Brookhaven Town Center / Yaphank (Brookhaven) / regional shopping center / Development of Regional Significance: decision extension (*not on the original agenda; hearing held 10/17/01; current ECL 57 decision deadline is 10/15/03*)
Summary: *Ms. Jakobsen provided the attached letter from this project’s sponsor requesting an extension of the decision deadline to the last meeting in October 2003. **A motion was then made by Mr. Shea and seconded by Ms. Prusinowski to accept and approve this decision deadline extension to the 10/17/03 meeting. The motion was approved by a 4-0 vote.***

Adjournment

Summary: ***A motion was made by Ms. Prusinowski and seconded by Mr. Proios to adjourn the meeting. The motion was approved by a 4-0 vote, and the meeting ended at approximately 5:30 pm.***

Attachments (in order of discussion):

1. Attendance sheet (6/18/03; 1 page)
2. Speaker sign in sheet (6/18/03; 1 page)
3. Draft Commission meeting dates and times for remainder of 2003 (undated; 1 page)
4. Wildfire & Incident Management Academy Final Procedures (6/18/03; 6 pages)
5. Notice of Violation to the Longwood School District (6/16/03; 1 page)
6. Letter from Mr. Voorhis re Brookhaven Town Center decision date (6/18/03; 1 page)



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JOINT
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COMMISSION

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Chair

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Member

Robert F. Kozakiewicz
Member

John Jay LaValle
Member

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**Commission Meeting Summary (FINAL)
for Thursday, July 17, 2003 (Approved 8/20/03)
Suffolk County Park Police and Pine Barrens Center
Southaven County Park, Victory Avenue, Yaphank
2:00 pm**

Commission members present: Mr. Proios (for Suffolk County), Ms. Prusinowski (for Brookhaven), Mr. Roseman (for Riverhead), and Mr. Murphree (for Southampton).

Others present: Staff counsel was Mr. Milazzo. Outside special counsel was Mr. Rigano (of Certilman Balin). Staff members from the Commission included Mr. Corwin, Ms. Trezza, Ms. Jakobsen, Ms. Carter, Mr. Randolph, Ms. Longo and Mr. Born. Staff from other agencies present at the times indicated included Chief John Searing of the Brookhaven National Laboratory Fire Rescue Group, and a member of both the Wildfire Task Force and the NY Wildfire and Incident Management Academy Board. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:41 pm by Mr. Proios, without a quorum present initially. The members present at that time were Mr. Proios, Ms. Prusinowski, and Mr. Murphree.

Public Comment

Summary: There were no speakers at this time.

Administrative

! Minutes for 6/18/03: review (faxed)

Summary: No changes were suggested to the 6/18/03 meeting summary. A vote was held until a quorum was present.

! Pending ECL Article 57 amendment regarding enforcement: letter of support to Governor from LI Association (not on the original agenda)

Summary: Mr. Proios distributed the attached letter from Mr. Mitchell Pally of the Long Island Association to the Governor's Counsel in support of the recently passed pine barrens enforcement legislation (Senate bill 4784, Assembly bill 8074). A brief discussion followed regarding the extent to which the Commission was involved in the drafting and review of the legislation. It was agreed that the bill would be distributed to all of the designated representatives for the Commissioners.

Pine Barrens Credit Program

! Title policy clarifications (material to be distributed)

Summary: Mr. Milazzo and Ms. Longo explained that the Clearinghouse sometimes receives Credit applications for properties whose owners have deceased outside of NY State, and for whom no ancillary probate

of their wills has been performed within NY State. They further explained that these applications generally involve very small parcels; e.g., 20 by 100 feet or 40 by 100 feet. Following existing Commission policy, parcels which would receive less than one Credit have an informational title search performed for them. In the case of those parcels receiving less than one Credit with deceased owners for whose wills there is no NY State probate, the proposed policy is to utilize affidavits to assure that there are no other owners. Following a brief discussion, the Commission agreed that the proposed policy is appropriate and should be followed.

! Riverhead Credit purchase offer: status

Summary: Mr. Randolph reported that the cover letter to the private Riverhead Core area property owners has been drafted and is being reviewed by counsel. He noted that the offer approved by the Clearinghouse involves the purchase of Riverhead Credits by the Clearinghouse at \$20,000 per Credit, with a maximum expenditure of \$1 million.

! Andersen c/o Nicolazzi / Manorville (Brookhaven; 200-511-1-15) / Credit allocation appeal: hearing (hearing held 6/18/03; decision is due today)

Summary: Mr. Randolph noted that, at the hearing on this appeal at the last meeting, the staff (including staff counsel) recommended that there not be any increase in the Credit allocation for this matter because the prior cases cited by the applicant's representative, Mr. Dominic Nicolazzi, did not apply to the current appeal's set of facts. In some of those prior appeals, the lots involved were granted Credit increases because they were 40,000 square foot lots or greater in their zoning categories. In contrast, the two lots involved in the current appeal total 1.10 acres, and both are in an A5 Residence zoning district. Mr. Randolph then reviewed each of the prior appeals cited at the hearing last month, and noted the lot sizes in each case.

Mr. Milazzo then observed that a second issue for the Commission that applies to this matter is whether the Commission wants to rehear appeals that have been decided, and reopen previously made decisions.

Core Preservation Area

! Calverton Shooting Range land mining / Calverton (Brookhaven; 200-300-1-3.3, 4, 5.3, 6): status (from 6/18/03 meeting)

Summary: Mr. Randolph reported that the materials received for this matter from the applicant at the last Commission meeting are incomplete, and contain some inconsistency. He noted that he has spoken with the project sponsor's representative about this and is awaiting a revised set of materials from him.

! Gazza / Flanders (Southampton; 900-167-3-8) / single family residence: counsel's opinion re jurisdiction (from 6/18/03 meeting)

Summary: Mr. Rigano reported that a letter has been received from Mr. Joseph Gazza asking for an increased Credit allocation for this parcel, and Mr. Rigano recommended that a hearing on this appeal be scheduled.

! Verizon - Gazza / Westhampton (Southampton; 900-247-1-4.1) / communications tower: withdrawal of request for determination of jurisdiction

Summary: Ms. Jakobsen reported that a letter has been received from Ms. Theresa Elkowitz of Freudenthal & Elkowitz, the representative for Verizon, withdrawing Verizon's December 2002 request for a determination of jurisdiction on the construction of a cell tower on this parcel. Mr. Gazza, the parcel owner, was present today and described the

contractual agreement between himself and Verizon, and some of the recent discussions that he has had with them. A brief discussion then followed regarding a prior determination of jurisdiction discussion for a similar project in this immediate geographic area by Crown Communications, as well as the current status of unrelated parcels owned by Mr. Gazza in the Flanders area.

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

Public Comment

Summary: The only speaker was Mr. Richard Amper, representing the LI Pine Barrens Society. First, he spoke about the Commission's recent submittal of legal papers appealing two court decisions regarding the Commission's jurisdiction over proposed horse arenas in the Core area. He stated that the Commission needs to vote to take an action such as this. He also stated that the Commission needs to consider and try to specify what resources or actions are needed to protect the Core area in the future, and made reference to the recent proposal for a concert in the Calverton area. Specifically, he asked that the Law Enforcement and Protected Lands Councils specify what will be needed in the future, and stated that, in addition to reviewing and processing development actions, that the Commission needs to take affirmative action to protect the pine barrens.

Second, he referenced the recent court case involving the Spring Meadow subdivision proposal, and stated that the County should buy the remaining acreage and that the Commission should support this.

Third, he briefly mentioned the Southampton water protection plan for the eastern part of Southampton Town, and stated that the Society offered to help with the production of the plan. He then noted that the land acquisition program is in trouble. Mr. Proios stated that the remaining money in the Pine Barrens Credit Clearinghouse fund should be used to protect more land through the development rights program, and that the Town's existing 2% transfer tax funds should be used immediately since that fund will be replenished. Mr. Amper then noted the rate at which land is currently being purchased, and extrapolated that rate to conclude that the current rate of purchases would imply a considerable build out of the remaining open space in the East End, and that is not a good policy.

He also stated that the Commission should endorse the Community Preservation Fund bill passed by the State Legislature; that a request should be made to have a fifth member appointed; that the Commission should be more proactive and spend less on legal bills; and that the Commission and the Society should work jointly to protect the resource.

Pine Barrens Credit Program

! Andersen c/o Nicolazzi / Manorville (Brookhaven; 200-511-1-15) / Credit allocation appeal: hearing (hearing held 6/18/03; decision is due today)

Summary: Mr. Nicolazzi stated that, during the appeal on this matter, he raised the issue of whether his client owning property to the middle of the paper street would raise the Credit allocation.

Plan Implementation

- ! Wildfire Task Force - NY Wildfire and Incident Management Academy: Final Policies and Procedures financial issue (memo faxed)
Summary: Present for today's discussion was Chief John Searing of the Brookhaven National Laboratory Fire Rescue Group. Chief Searing was the original Chair of the Wildfire Task Force (WTF), and is currently the Laboratory's representative to the WTF as well as a member of the Academy's Board of Directors. Mr. Corwin distributed the attached packet containing the version of the Academy Policies and Procedures approved at the 6/18/03 meeting, and a memo describing the resolutions of the Academy Board on 6/24/03 and a separate resolution of the Suffolk County Water Authority (SCWA) Board on 6/24/03.

Chief Searing then described the interagency nature of the Academy; the efforts of the SCWA; the differences that various administrative fee levels would have made in the amount of the Academy's revenues that would have been paid to the SCWA over the period October 1998 to March 2001; the comparison of those amounts to the Academy's overall revenues; and the Academy Board's recent resolution urging that the Academy remain under the Commission but have its finances transferred to a separate account.

A discussion ensued regarding the level of detail that the proposed Academy bookkeeper would provide to the Commission, and the frequency of reports; the need to be compliant and consistent with any applicable State laws and Comptroller regulations or requirements; the fact that the Academy's financial activity is greatest from approximately July through December; the need for both accounting and auditing to be performed; and the need for the auditor to set standards for the bookkeeper to follow.

A motion was then made by Mr. Proios and seconded by Mr. Murphree to (1) authorize the staff counsel, the director, and the Chair to find an auditor for purposes of drafting the criteria that the Academy bookkeeper must use and (2) to authorize the Academy Board to obtain quotes for a bookkeeper's services. The motion was approved by a 4-0 vote.

Administrative

- ! Minutes for 6/18/03: review (faxed)
Summary: No changes were suggested to the 6/18/03 meeting summary. **A motion was made by Ms. Prusinowski and seconded by Mr. Murphree to approve the draft summary of the 6/18/03 meeting as final. The motion was approved by a 4-0 vote.**
- ! General liability insurance: renewal authorization
Summary: Mr. Corwin distributed the attached insurance quote for the renewal of the Commission's general liability insurance. He and Mr. Milazzo explained that the policy must be renewed this week, but that the SCWA's risk management staff may be able to obtain a better quote tomorrow. **A motion was then made by Mr. Murphree and seconded by Ms. Prusinowski to accept the current insurance renewal quote, or a better quote if one becomes available, and to authorize the renewal of the general liability policy on those terms. The motion was approved by a 4-0 vote.**

Pine Barrens Credit Program

- ! Andersen c/o Nicolazzi / Manorville (Brookhaven; 200-511-1-15) / Credit allocation appeal: hearing (*hearing held 6/18/03; decision is due today*)
Summary: *Mr. Randolph summarized this appeal's hearing, the prior cases cited, and stated that the staff believes that no new evidence was introduced during the hearing. A motion was then made by Mr. Murphree and seconded by Mr. Roseman to deny the appeal for the reasons cited by the Commission staff. The motion was approved by a 3-0-1 vote, with the abstaining vote cast by Ms. Prusinowski.*

Core Preservation Area

- ! Gazza / Flanders (Southampton; 900-167-3-misc.) / single family residence: counsel's opinion re jurisdiction (*from 6/18/03 meeting*)
Summary: *A motion was made by Ms. Prusinowski and seconded by Mr. Murphree to schedule a hearing on these Credit allocation appeals for 3:00 pm at the 8/20/03 Commission meeting. The motion was approved by a 4-0 vote.*

Pine Barrens Credit Program

- ! Mitacchione / Ridge (Brookhaven; 200-294-4-22) / Credit allocation appeal: scheduling of a new hearing (*not on the original agenda; original hearing held 6/18/03*)
Summary: *A motion was made by Mr. Roseman and seconded by Ms. Prusinowski to schedule a hearing on this Credit allocation appeal for 3:00 pm at the 9/18/03 Commission meeting. The motion was approved by a 4-0 vote.*

Compatible Growth Area (CGA)

- ! Longwood School District - Ridge Elementary School / Ridge (Brookhaven) / post 1993 building construction: Notice of Violation status (*from 6/18/03 meeting*)
Summary: *Mr. Rigano summarized the recent meeting among himself, the Commission staff, and representatives of the Longwood School District. He noted that one of the items that was requested by the Commission representatives is a detailed site plan that describes everything that currently exists on the site. Mr. Murphree requested that a letter be forwarded to the District to reinforce that request, and that was agreed.*

Closed Advisory Session

Summary: *A motion was made by Ms. Prusinowski and seconded by Mr. Murphree to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 4-0 vote, and the Commission entered into closed session from approximately 4:18 pm to 4:56 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 (date; 1 page)
2. Speaker sign in sheet (date; 1 page)

3. Letter from LI Association to Governor supporting enforcement legislation (7/10/03; 1 page)
4. Academy information packet (miscellaneous dates; 11 pages)
5. Insurance renewal quote (7/14/03; 3 pages)
6. Letter withdrawing Verizon jurisdictional determination request (7/2/03; 1 page)



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**Commission Meeting Summary (FINAL)
for Wednesday, August 20, 2003 (Approved 9/24/03)
Suffolk County Park Police and Pine Barrens Center
Southaven County Park, Victory Avenue, Yaphank
2:00 pm**

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

Others present: Staff counsel was Mr. Milazzo. Other counsel included Mr. Rigano (of Certilman Balin) at the time shown. Staff members from the Commission included Mr. Corwin, Ms. Trezza, Ms. Jakobsen, Ms. Carter, Mr. Randolph, Ms. Long, Mr. Born (from the Commission), and Mr. Pavacic (from the NYS Department of Environmental Conservation (NYS DEC)). Additional attendees are shown on the attached sign-in sheet.

Robert J. Gaffney
Chair

The meeting was called to order at approximately 2:11 pm by Mr. Proios, with a four member quorum.

Patrick A. Heaney
Member

Public Comment

Robert F. Kozakiewicz
Member

Summary: The first speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. Mr. Amper reported that the third parcel involved in the proposed Spring Meadow subdivision in Wading River (the first two having already been acquired by Suffolk County) is being considered for acquisition. He also noted that there is a development proposal for that parcel whose conformance with the Plan standards is unclear to him. He noted that he is encouraging the County Real Estate Division to acquire this parcel, and asked the Commission to consider sending a letter of support for the acquisition as well. A brief discussion occurred re what was already purchased by the County.

John Jay LaValle
Member

Peter A. Scully
Member

The second speaker was Mr. Walter Olsen, representing Civil Property Rights Associates. Mr. Olsen spoke about the residual value of land with a conservation easement from the Pine Barrens Credit program. He stated that many years ago, he stated that such property was valueless, that his assertion was dismissed by the Commission and the Clearinghouse, and that it was suggested then that there may be a willing purchaser of easement burdened land in the future. He stated today that his organization's members are curious regarding what they can do with their property that has a conservation easement on it from this program. Mr. Shea then noted that any such landowners in Southampton Town can seek tax relief through the Town Assessor's Office, and that they can also meet with the Town's Community Preservation Fund manager to see if the Town is interested in purchasing any particular piece of property. A brief discussion ensued regarding the Town's process for determining tax relief, and the need for the property owners to take an affirmative action to apply for these options.

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Plan Implementation and Related Activities

! WTF - NY Wildfire and Incident Management Academy (from 7/17/03):

! Auditor functions and RFP authorization (Guest: Mr. George Foundotos of Coughlin Foundotos Cullen & Danowski)

! Academy bookkeeper and account authorization

! Policies and Procedures revision draft (to be distributed)

Summary: Mr. Corwin reviewed the prior Commission meeting deliberations regarding the hiring of an independent auditor to review the Academy's finances as handled by the bookkeeper which the Academy Board will hire. He then introduced Mr. George Foundotos of Coughlin Foundotos Cullen & Danowski, an accounting firm in Port Jefferson, who agreed to brief the Commission today on the work of an auditor that might be useful to the Commission for Academy finances.

Mr. Foundotos provides accounting and auditing services to several local fire districts and other units of government. He described the role of an auditor in applying an organization's standards, which they must provide to the auditor, to the review of the day to day accounting and bookkeeping. This may be done on an annual or other basis as required or requested by the parent organization. The discussion also touched upon the Commission's reasons for separating the Academy's finances from the larger Commission finances that are handled by the Suffolk County Water Authority, and the approximate costs of such auditing services (perhaps \$2,500 to \$3,000 per year).

After a brief discussion, **a motion was made by Ms. Compitello and seconded by Mr. Shea to authorize the Academy Board to hire a bookkeeper for one year, and to authorize the hiring of an auditor by the Commission for one year, with the results to be monitored and evaluated as the year progresses. The motion was approved by a 4-0 vote.** The Commission staff will revise the Academy Policies and Procedures text to reflect this authorization, and present the revised text to the Commission for review at the next meeting.

Administrative

! Minutes for 7/17/03: review; approval (faxed)

Summary: **A motion was made by Ms. Prusinowski and seconded by Mr. Shea to approve the 7/17/03 meeting summary as drafted. The motion was approved by a 3-0-1 vote, with the abstaining vote cast by Mr. Scully.**

Compatible Growth Area (CGA)

! Penatello Land Division / Medford (Brookhaven; 200-606-3-11) / hardship: new application

Summary: Mr. Randolph summarized this proposed land division of a 3.2 acre parcel zoned A1 Residence on the north side of Country Road in Medford into three parcels, one of which would contain an existing residence. The project requires relief from the clearing standard. **A motion was made by Mr. Proios and seconded by Mr. Scully to schedule a hearing on this application for the 9/18/03 Commission meeting at 3:00 pm. The motion was approved by a 4-0 vote.**

Pine Barrens Credit Program

- ! Gazza / Flanders (Southampton; 900-167-misc) / Credit appeals: hearing
Summary: A separate stenographic transcript exists for the hearing. Following the close of the hearing, Mr. Rigano observed that one option open to the Commission on this matter is to grant the appeal subject to the Commission receiving notification from Southampton Town that the Town's conditions regarding transferring of Town development rights have been satisfied.

A motion was then made by Mr. Shea and seconded by Ms. Compitello to resolve (1) that Mr. Gazza shall sterilize enough vacant land off site to meet the Town of Southampton's requirements for a total of 6 residential building lots on the subject parcels, and (2) that the request for 6 Pine Barrens Credits in total on the subject parcels would be approved, if and when the preceding condition is met as approved by the Town of Southampton and submitted in writing to the Commission. The motion was approved by a 4-0 vote.

- ! Wendelken / Ridge (Brookhaven; 200-351-3-15 and 16) / new Credit appeals: schedule hearings
Summary: Ms. Longo summarized this new Credit allocation appeal (see attached letter from the appellant's representative) for two parcels, both zoned A1 Residence and each containing an existing residence, on the south side of NYS Route 25, east of Medford Road, west of William Floyd Parkway, and on the southwest corner of Ruth Lane and Orchard Lane, in Ridge. They were initially allocated a total of 1.0 Credit, and the appeal seeks a total of 2.0 Credits. **A motion was made by Mr. Shea and seconded by Mr. Proios to schedule a hearing on this appeal for the 9/18/03 Commission meeting at 3:00 pm. The motion was approved by a 4-0 vote.**

- ! Riverhead Credit purchase offer: status
Summary: Mr. Randolph reported that the letters have been mailed to more than 300 Core area property owners in Riverhead Town with the Clearinghouse's offer to purchase Credits at a rate of \$20,000 per Credit.

Plan Implementation and Related Activities

- ! Wildfire Task Force (WTF): pending grants: weather station upgrade; fire protection assessment training; wildfire video CD-ROM; TNC
Summary: Ms. Jakobsen summarized the pending grants from the National Fire Plan funds that the Wildfire Task Force committees have obtained, including an upgrade of the fire weather station to a GOES (Geostationary Operational Environmental Satellites) compatible station, which would enable its readings to be incorporated into the national WIMS (Weather Information Management System) operated by the federal government; the conversion of the Wildfire Safety and Awareness video into a CD-ROM version suitable for various instructional uses; and the offering of a formal Fire Protection Assessment training course to local personnel. She also noted that The Nature Conservancy has received a grant, also from the National Fire Plan funds, to produce an analysis of the problems facing the Wildfire Task Force, among other facets.
- ! Recent State and County legislation and bills:
 - ! ECL 57 enforcement (A8074A, S4784A; passed 6/19/03)
 - ! Riverhead Fire Marshal peace officer status (A1553A, S822A; passed 6/19/03)
 - ! State bill banning ATVs on certain State lands, including pine barrens (A8480, S5073; not passed)
 - ! State bill amending ECL 57 to implement Peconic Bay estuary plan (A1404; S755; not

passed)

! County law re cell towers in SC parks (IR 1028-2003; Res. 273-2003; vetoed 5/15/03; overridden 6/10/03)

Summary: Mr. Corwin described each of these bills and/or laws, using the attached handout to provide the specific details. Ms. Compitello noted that the list should also include the newly signed State legislation to create a Community Preservation Fund (CPF) for Brookhaven Town, to be financed through a real estate transfer tax on conveyances above specified amounts. This legislation would also require the Town to hold a referendum on imposing the tax. Mr. Shea noted that Southampton Town has implemented their CPF program with a dedicated office and manager, and that a portion of their CPF monies go towards stewardship of the lands protected through the program.

With respect to the County's cell tower legislation, it was agreed that a letter should be sent to the County's Department of Public Works advising them of the Commission's jurisdiction and asking to be involved in their mailings and handling of the State Environmental Quality Review Act process.

! Suffolk County Water Authority policy on main installations (not on the original agenda)

Summary: Mr. Proios reported that the Suffolk County Water Authority has decided to no longer offer a free 75 foot extension of water mains to new developments in agricultural districts. A brief discussion followed.

Core Preservation Area

! Mitacchione / Ridge (Brookhaven; 200-294-4-22) / residential subdivision / hardship: decision extension request (hearing held 2/19/03; current decision deadline is 8/25/03 - today is last meeting before then)

Summary: Mr. Randolph reported that the appellant's representative has submitted the attached letter requesting an extension of the Commission's review of this application until at least the October Commission meeting. **A motion was made by Ms. Compitello and seconded by Mr. Shea to agree with this request and to extend the decision deadline on this project to the 10/15/03 Commission meeting. The motion was approved by a 4-0 vote.**

! Calverton Shooting Range sand mining / Calverton (Brookhaven; 200-300-1-3.3, 4, 5.3, 6): status (from 7/17/03)

Summary: Mr. Randolph explained that the materials received to date on this proposal are incomplete and partially inconsistent. He also reported that the attached request has been received requesting that the Commission extend its review of this project to the October meeting. Mr. Randolph also summarized the details of this proposal. **A motion was then made by Mr. Shea and seconded by Ms. Compitello to agree to continue the Commission's review of this project until the 10/15/03 Commission meeting. The motion was approved by a 4-0 vote.**

Compatible Growth Area (CGA)

! Longwood School District - Ridge Elementary School / Ridge (Brookhaven; 200-294-2-6) / post 1993 building construction: Notice of Violation status (from 7/17/03)

Summary: Mr. Rigano explained the results of recent discussions and a meeting among the Longwood School District, NYS DEC, and Commission staff and counsel regarding the Ridge Elementary School site. Today's discussion touched upon the maps prepared

by the School District's contractor showing the existing features and construction on the site, the locations of property boundaries including the easement area, the Core and CGA lines, etc; photographs of the site; the sequence of events on the site; and various proposed settlements.

Closed Advisory Session

Summary: **A motion was made by Ms. Compitello 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 4-0 vote, and the Commission entered into closed session from approximately 4:42 pm to 5:23 pm.**

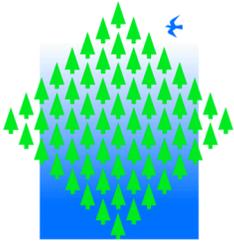
Adjournment

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

Attachments (in order of discussion):

1. Attendance sheet (date; 1 page)
2. Speaker sign in sheet (date; 1 page)
3. Letter from Mr. Nicolazzi re Wendelken Credit appeal (8/4/03; 1 page)
4. Recent state and county legislation and bills (8/20/03; 25 pages)
5. Letter from Mr. Cramer re Mitacchione Core hardship application (7/30/03; 1 page)
6. Letter from CSRI, L.P. re Calverton sand mining Core hardship application (8/15/03; 1 page)

**Commission Meeting Summary (FINAL) for
Wednesday, September 24, 2003 (Approved 11/19/03)
Riverhead Town Hall
Howell Avenue and East Main Street, Riverhead
2:00 pm**



**CENTRAL
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COMMISSION

Robert J. Gaffney
Chair

Patrick A. Heaney
Member

Robert F. Kozakiewicz
Member

John Jay LaValle
Member

Peter A. Scully
Member

Commission members present: Mr. Proios (for Suffolk County), Mr. Scully (for New York State), Ms. Prusinowski and Ms. Compitello (for Brookhaven), Mr. Hanley (for Riverhead), and Mr. Murphree (for Southampton).

Others present: Staff counsel was Mr. Milazzo. Other counsel included Mr. Rigano (of Certilman Balin at the time noted) and Mr. Spiegel (of the NY State Attorney General's Office). Staff members from the Commission included Mr. Corwin, Ms. Trezza, Ms. Jakobsen, Ms. Carter, Mr. Randolph, Ms. Longo, Mr. Born (from the Commission), Mr. Pavacic (from the NYS Department of Environmental Conservation (NYS DEC)), and Capt. Otterstedt (from the NYS Environmental Conservation Police). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:08 pm by Mr. Proios, with a four member quorum consisting of Mr. Proios, Mr. Hanley, Ms. Compitello and Ms. Prusinowski (both for Brookhaven Town), and Mr. Scully.

Public Comment

Summary: Mr. Amper stated that clearing and maintenance work has occurred at Gabreski Airport, and that it was reported to the Society to be part of the maintenance of the airport lighting system. A brief discussion ensued regarding the amount of clearing, the lack of any prior notice to the Commission, and the location of the airport partly within the Compatible Growth Area and partly within the Core Preservation Area. It was agreed that Mr. Proios will speak with the airport manager regarding this work.

Administrative

! Minutes for 8/20/03: review; approval

Summary: The following changes were made to the draft 8/20/03 meeting minutes: (1) under "Wildfire and Incident Management Academy", the first sentence should read: "Mr. Corwin reviewed the prior Commission meeting deliberations regarding the hiring of an independent auditor to review the Academy's finances as handled by the bookkeeper which the Academy Board will hire."; (2) under "Gazza / Flanders", in the second paragraph, the word "certified" should be changed to "approved"; and (3) under "Calverton Shooting Range", in the second paragraph, the motion should read, in part, "A motion was then made by Mr. Shea and seconded by Ms. Compitello to agree to continue the Commission's review of this project until the 10/15/03 Commission meeting." **A motion was then made by Mr. Scully and seconded by Ms. Compitello to approve the 9/24/03 meeting minutes with these changes. The motion was approved by a 4-0 vote.**

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- ! Personal services agreement: possible agreement with Capt. (Ret.) Robert Conklin to assist stewardship councils
Summary: Mr. Corwin explained that it would be very useful to the work of both the Law Enforcement Council and the Wildfire Task Force to have Captain Robert Conklin (retired from the NYS Forest Rangers, and a former member of both the Law Enforcement Council and the Wildfire Task Force) retained under a personal services agreement. He stated that Capt. Conklin's expertise in obtaining grants, as well as planning and conducting prescribed fires and a prescribed fire program, would be vital to the success of both of those endeavors. He noted that the State ethics law places restrictions on the employment activities of retired State employees, and suggested that the Commission authorize a written inquiry on this matter to the State Ethics Commission. **A motion was then made by Mr. Scully and seconded by Ms. Prusinowski to send an inquiry to the State Ethics Commission requesting an opinion from that body regarding the potential hiring of Capt. (Ret.) Robert Conklin as a contractor to the Commission to assist with these areas of work. The motion was approved by a 4-0 vote.**

Pine Barrens Credit (PBC) Program

- ! Riverhead Credit purchase offer: status
Summary: Mr. Randolph reported that a small number of responses have been received for this offer, and those responses are being processed.
- ! Miscellaneous PBC items (not on the original agenda)
Summary: Mr. Randolph distributed a draft copy of the text for the 8/20/03 Commission resolution on the Gazza / Flanders Credit appeal decision. A brief discussion occurred and several text changes were made.

Mr. Randolph also noted that a Letter of Interpretation application has been received for the Camp Wauwepex Boy Scout property in Wading River in Riverhead Town, and that the initial allocation is being determined at this time.

Plan Implementation and Related Activities

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

- ! Law Enforcement Council: overview of current activities and issues (Capt. Richard Otterstedt, NYS EnCon Police and LEC Chair)
Summary: Capt. Otterstedt, Law Enforcement Council Chair, reviewed the structure and history of the Council; some of its past field projects (e.g., the work with the NY Army National Guard); recent personnel changes in some of the member agencies (e.g., the SC District Attorney's Environmental Crimes Unit, the retirement of Capt. Conklin and the assignment of the new Forest Ranger Captain, Timothy Byrnes); the Council's gratitude to Lorraine Trezza of the Commission staff who is leaving the Commission and has supported the Council since its inception; and recent all terrain vehicle enforcement actions, equipment losses, impoundments, and summonses. Mr. Proios raised the issue of centralizing conviction records so as to be able to identify repeat offenders across different courts. Capt. Otterstedt addressed this issue by describing some of the work already undertaken by Council members to identify the feasibility of this goal.

The discussion also touched upon dumping offenses; the status of the pending transfer of

Hot Water Street and Toppings Path from Brookhaven Town to Suffolk County jurisdiction; the production of public service announcements for the Council by the Suffolk County Police Academy; a possible pending public benefit payment from a recent criminal investigation by the State DEC that could result in funds for the Council (e.g., for equipment) if approved by the Albany DEC Office; the passage of State legislation endorsed by the Council to make Riverhead Fire Marshals peace officers (now awaiting the Governor's signing); and public events at which the Council was or will be represented (i.e., Lynbrook Expo 2003 and the National Hunting and Fishing Day in Ridge).

- ! 2003 (Oct. 3) Pine Barrens Research Forum: overview
Summary: Mr. Corwin distributed and briefly described the attached program for the Eighth Annual Pine Barrens Research Forum, to be held on 10/3/03 at Brookhaven National Laboratory, cosponsored by the Commission, the Brookhaven National Laboratory, and the Long Island Groundwater Research Institute of the State University of NY at Stony Brook.

- ! Wildfire Task Force - NY Wildfire and Incident Management Academy: revised Policies and Procedures; review and approval
*Summary: Ms. Longo went over the attached draft revision of the Interim Policies and Procedures for the NY Wildfire and Incident Management Academy, which include the changes made at the 8/20/03 Commission meeting. After a brief discussion with changes suggested by Mr. Milazzo, **a motion was made by Mr. Scully and seconded by Mr. Hanley to approve the Policies and Procedures as final with the changes suggested today. The motion was approved by a 5-0 vote.***

Pine Barrens Credit Program

- ! Mittachione c/o Cramer / Ridge (Brookhaven; 200-294-4-22)
*Summary: **A motion was made by Ms. Prusinowski and seconded by Mr. Scully to postpone a decision on this appeal at the request of the applicant to the November 2003 Commission meeting. The motion was approved by a 5-0 vote.***

- ! Wendelken c/o Nicolazzi / Ridge (Brookhaven; 200-351-3-15 and 16) (decision deadline is 10/3/03; today is last meeting before then)
Summary: A separate stenographic transcript exists for this item.

Compatible Growth Area (CGA)

- ! Penatello Land Division / Medford (Brookhaven; 200-606-3-11) / hardship (decision deadline is 12/26/03)
Summary: A separate stenographic transcript exists for this item. Following the close of the hearing, it was decided that the comment period on this matter will be open until the October 2003 Commission meeting.

Core Preservation Area

- ! Verizon - Gazza / Eastport (Southampton; 900-213-1-71) / communications tower: determination of jurisdiction
Summary: Ms. Carter distributed the attached determination of jurisdiction request from Mr. Joseph Gazza for the construction of a 99 foot communications monopole tower and

attached antennas on a 0.34 acre parcel (900-213-1-71) on the north side of Moriches Riverhead Road (CR 51), opposite the intersection of CR 51 and Speonk Riverhead Road, in the Eastport area of Southampton Town. She also distributed the attached aerial photograph of the site produced by the Commission staff.

Ms. Carter reviewed the Commission's actions in prior determinations of jurisdictions for such projects, including the 7/12/00 determination for the Omnipoint tower and the 7/24/02 Crown Communications tower. In both of those cases, the Commission determined that it does have jurisdiction. She also reviewed the Commission's prior determination of nonjurisdiction for projects involving the collocation of new antennas on existing towers.

Ms. Carter then recommended that the Commission find that it does have jurisdiction over the current project of Mr. Gazza, and that the Commission find that ECL Section 57-0107(13)(ii) does not apply to new tower construction.

Mr. Murphree stated that the site is zoned Open Space Conservation (OSC), and that a special exception and site plan is required by Southampton Town for towers in that zone.

Mr. Gazza then spoke about the site, and made an argument that the work of Verizon and the Suffolk County Water Authority is similar, and that the Verizon project should be a public utility and exempt from the pine barrens law.

The Commission members agreed that Mr. Gazza's project is subject to the Commission's jurisdiction.

The following item is partly within the CGA:

- ! Huntington Ready Mix Sand Mining / Speonk (Southampton; 900-276-3-1, 2) / NYS DEC permit: lead agency coordination; jurisdictional determination

Summary: Ms. Longo described the materials that the Commission has received for this site from the NYS Department of Environmental Conservation (DEC), which involves the renewal and expansion of an existing mining permit for a site that is partly in the Core and partly within a Critical Resource Area of the Compatible Growth Area. Mr. Scully then indicated that the applicant has indicated to the DEC that he may revise the permit renewal application to seek a simple renewal.

Mr. Proios asked if there were other mining projects within the pine barrens, and Mr. Murphree stated that Mr. Shea of Southampton Town has prepared a report for the Town summarizing mining sites within the Town. Mr. Amper of the LI Pine Barrens Society stated that the pine barrens law states that no State agency may issue a permit which violates ECL 57. A discussion then followed regarding whether the renewal of a mining or other type of permit would be considered "development" under ECL 57.

Compatible Growth Area (CGA)

- ! Compatible Growth Area development standards: recent cases and conformance issues with contiguous open space standard

Summary: Ms. Carter explained that one of the Plan's CGA development standards, 5.3.3.6.2, which requires the preservation of unfragmented open space, has not been adhered to by several new subdivisions that have been proposed. In addition, numerous calls have been received at both the Brookhaven Town Planning and Pine Barrens Commission Offices from homeowners in subdivisions within the CGA requesting relief

from restrictions on clearing that are placed on the individual lots within subdivisions, or reporting such clearing on other parcels within the neighborhood.

A discussion ensued regarding the current protocols for preserving a minimum area of open space within a subdivision; the distribution of that open space requirement on a parcel by parcel basis within a subdivision; the difficulty of enforcing the clearing restrictions in that situation; the alternatives that could be used in subdivision layout to avoid that issue; and the possibility that CGA hardships would be required for individual parcels to legally exceed the clearing restriction of a given parcel. It was agreed that the Commission staff will instruct individuals inquiring about relief to file for a CGA hardship.

- ! Brookhaven Walk, formerly Brookhaven Town Center / Yaphank (Brookhaven) / regional shopping center / Development of Regional Significance: receipt of Supplemental DEIS (hearing held 10/17/01; ECL 57 decision deadline is 10/15/03)
Summary: Ms. Jakobsen reviewed the materials contained in the SDEIS for this project, and the changes from its original form. The original project called for 1.043 million square feet, and now calls for approximately 850,000 square feet of retail space. She noted that comments are due to the Town on 10/17/03, and that a Town hearing will be held on 10/6/03 at 2 pm. She also noted that the project's application to the Commission will need a decision extension, since the current ECL 57 decision deadline is 10/17/03.

The following item is partly within the Core area:

- ! Longwood School District - Ridge Elementary School / Ridge (Brookhaven; 200-294-2-6) / post 1993 development: Notice of Violation status; NYS DEC easement violation status (from 8/20/03)
Summary: Mr. Rigano went over the details and some of the history of the activities at this site, including the settlement proposed by the school district. A brief discussion ensued, and it was agreed to keep this on the agenda for the next meeting, pending new information on discussions with the school district. Mr. Alan Stadler of the Ridge Civic Association was present and expressed concerns about the presence of a wildlife corridor in the area as well as the appearance of flagging on the site last summer.
- ! Sachem School District / Farmingville (Brookhaven) / compliance with prior Commission determination of jurisdiction conditions: discussion (not on the original agenda)
Summary: Mr. Corwin stated that the staff will need to meet with Mr. Proios to determine the details of any potential violation on this site with the Commission's original determination of nonjurisdiction conditions.

Closed Advisory Session

Summary: A motion was made by Mr. Scully and seconded by Ms. Prusinowski to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 5-0 vote, and the Commission entered into closed session from approximately 4:50 pm to 5:30 pm.

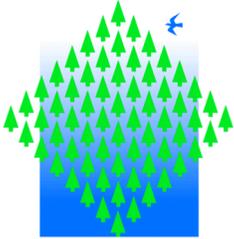
Adjournment

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

Attachments (in order of discussion):

1. Attendance sheet (9/24/03; 1 page)
2. Speaker sign in sheet (9/24/03; 1 page)
3. 2003 Pine Barrens Research Forum flyer (10/3/03; 2 pages)
4. Revised Policies and Procedures for Wildfire Academy (9/24/03; 7 pages)
5. Determination of jurisdiction request from Mr. Gazza for a tower (8/28/03; 10 pages)
6. Aerial photograph of the vicinity of today's Gazza request (undated; 1 page)

Commission Meeting Summary (FINAL)
for Wednesday, October 15, 2003 (Approved 11/19/03)
Brookhaven Town Hall, Building 4
3233 Route 112, Medford
2:00 pm



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

Robert J. Gaffney
Chair

Patrick A. Heaney
Member

Robert F.
Kozakiewicz
Member

John Jay LaValle
Member

Peter A. Scully
Member

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

Others present: Staff counsel was Mr. Milazzo. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Jakobsen, Ms. Carter, Mr. Randolph, Ms. Longo, Mr. Born (from the Commission); Mr. Pavacic and Mr. Yager (from the NYS Department of Environmental Conservation (NYS DEC)); Capt. Otterstedt (from the NYS Environmental Conservation Police); Mr. Laton (from the Suffolk County Parks Department); Capt. Byrnes (from the NYS Forest Rangers); and Mr. Freleng (from the Suffolk County Planning Department). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:10 pm by Mr. Proios, without a quorum. Initially, Mr. Proios, Mr. Scully and Ms. Prusinowski were present.

Pine Barrens Credit Program

! Riverhead Credit purchase offer: status

Summary: Mr. Randolph reported that the Riverhead Credit offer responses are still being processed, and the results will likely be available at the next Commission meeting.

Core Preservation Area

The following item is partly within the CGA:

! Gabreski Airport / Westhampton (Southampton; 900-312-1-4.2) / recent activities and clearing: status; discussion of issues (from 9/24/03)
Summary: Mr. Proios read the attached letter regarding the recent Gabreski Airport work, which he received from Ms. Judith McEvoy, Commissioner of the Suffolk County Department of Economic Development, which has responsibility for the airport. He also displayed the accompanying, attached aerial photograph of the site. The letter states that the runway is not being extended, notes that the work is a capital project, and describes some of the component activities of the recent work, noting tree clearing as one of those components.

A discussion ensued regarding the extent of the clearing; the location of the airport within the State designated Central Pine Barrens zone; the lack of any prior notice to the Commission; the role of the Suffolk County Council on Environmental Quality (CEQ) in reviewing this project for compliance with the State Environmental Quality Review Act (SEQRA); and questions as to whether the work performed was within the Commission's jurisdiction, required a permit from the Commission, might or might not be exempt from the pine barrens law, or constituted a violation of the pine barrens law. Also present at today's meeting was

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Mr. Thomas Cramer, a member of the SC CEQ, who stated that the SC CEQ made a determination that the project is a Type 2 action under SEQRA, but that their determination was based upon a project description that did not include the tree clearing component. It was agreed by the Commission members present that the Commission staff will send a request to the SC Economic Development Department to attend a Commission meeting to discuss this project.

Statute and Plan Implementation & Related Issues

- ! Legislation: State bill A1553/S822A making Riverhead Fire Marshals Peace Officers (*info item; signed by Governor 10/7/03*)
- ! Legislation: SC Intro. Res. 1838 Establishing Task Force to Study Need for ATV Park (*info item; laid table 9/16/03*)
Summary: *Mr. Corwin distributed the attached copies of these two bills. A very brief discussion followed regarding their content and status.*
- ! Wildfire Task Force - Wildfire and Incident Management Academy: status of auditor RFP (*responses due 11/14/03*); authorization to transfer balance from SCWA to Academy account
Summary: *Mr. Corwin distributed the attached list of recipients to whom the Request For Proposals for auditing services has been sent. The response deadline is 11/14/03. He also distributed the attached copy of the letter that was mailed.*

Mr. Millazzo explained that the Suffolk County Water Authority is currently managing approximately \$26,000 of the Academy's funds for the Commission, and is prepared to transfer all of those funds, and close the account in which they reside, upon authorization of the Commission. A vote on this matter was deferred until a quorum was present later in the meeting.

Public Comment

Summary: *Mr. Richard Amper, representing the Long Island Pine Barrens Society, recommended that the Commission endorse the November ballot proposal to establish a Community Preservation Fund in Brookhaven Town, based upon a real estate transfer tax. He noted that the Suffolk County Water Authority is compiling an educational item on this. He also noted that there is litigation challenging the ballot proposal.*

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

Compatible Growth Area (CGA) and Statute and Plan Implementation & Related Issues

- ! Calverton Enterprise Park - Riverhead Town / application to NYS DEC to amend the Wild, Scenic and Recreational Rivers boundary for the Peconic: briefing by NYS DEC (*info item; not an application to Commission; not on the original agenda*)
Summary: *Mr. Scully and Mr. Pavacic, the Regional Permit Administrator for the NYS DEC's Region 1 Office, explained that Riverhead Town has filed an application with the NYS DEC to modify a portion of the Wild, Scenic and Recreational River (WSRR) boundary line for the Peconic River where the boundary traverses the Enterprise Park at Calverton (the former Grumman property). They distributed the following attached*

materials: Notice of Hearing on this matter by the NYS DEC at 7 pm on 11/17/03 at the Riverhead Town Hall; Draft Peconic River Management Plan Supporting an Amendment to the Scenic River Boundary at the Former Naval Weapons Industrial Reserve Plant Calverton; Full Environmental Assessment Form for the project; and a Negative Declaration under SEQRA for this action. They noted that today's briefing is provided for the Commission's information, and that the action is solely within the NYS DEC's jurisdiction.

Mr. Pavacic and Mr. Scully together reviewed the other Long Island rivers subject to the WSRR program, and the existing WSRR Peconic River boundary on the subject site. They described the portion of the 1995 Central Pine Barrens Comprehensive Land Use Plan's Findings Statement that discussed a WSRR boundary change there; the history of the discussions between the Town and the DEC over such a change; the exclusion by the proposed boundary of the developed and built areas; the inclusion by the proposed boundary of the previously excluded areas which contain wetlands and other natural resources of interest; and some of the topics addressed by the Draft Management Plan for the area to be included in the proposed boundary, prepared by the Town. The latter includes, in part, restrictions upon future road access to the Enterprise Park from Grumman Boulevard.

Statute and Plan Implementation & Related Issues

- ! Enforcement amendments: implementation issues, protocols, and procedures; coordination with Law Enforcement Council agencies
Summary: Present for this discussion were Capt. Otterstedt (NYS EnCon Police and Vice Chair of the Law Enforcement Council), Mr. Laton (SC Parks Security Director and Vice Chair of the Council), and Capt. Byrnes (NYS Forest Rangers and member of the Council). Mr. Corwin outlined the types of violations and alleged violations of the pine barrens law which the Commission has seen, and continues to see; the need for an interagency protocol for field investigation, documentation, and follow up for violation reports; the numerous agencies involved in the implementation of the new pine barrens law enforcement regulations; and the current difficulty in following up on reports without those conventions in place.

Capt. Otterstedt described the work of his agency in particular as well as that of the other agencies on the Law Enforcement Council in investigating reports of clearing, excavating, or other activities. As a result of the larger discussion which followed, it was agreed by the Commission members and the Law Enforcement Council representatives present that the Council will work on an interagency proposal for investigating and enforcing pine barrens violations and will present that to the Commission at its December meeting.

Pine Barrens Credit Program and Core Preservation Area

- ! Mittachione c/o Cramer / Ridge (Brookhaven; 200-294-4-22) / Credit allocation appeal: public hearing (*decision due 11/17/03; hardship decision on this site due 11/19/03*)
- ! Mittachione c/o Cramer / Ridge (Brookhaven; 200-294-4-22) / Core hardship exemption: extension of ECL 57 decision deadline (*Hearing held 2/19/03*)
Summary: Mr. Thomas Cramer, the applicant's representative, was present for today's meeting and hearing. A separate stenographic transcript exists for the Credit allocation appeal hearing held today.

Immediately following the close of the Credit appeal hearing transcription, a motion was made by Mr. Scully and seconded by Ms. Prusinowski to agree to Mr. Cramer's request to extend the ECL decision deadline on the Core hardship application on this site to 2/28/04. The motion was approved by a 4-0 vote.

A second motion was then made by Mr. Scully and seconded by Mr. Murphree to agree to Mr. Cramer's request to extend the decision deadline on the Credit allocation appeal on this site to 11/19/03. The motion was approved by a 4-0 vote.

Compatible Growth Area (CGA)

- ! Penatello Land Division / Medford (Brookhaven; 200-606-3-11) / hardship: continuation of public hearing (*hearing begun 9/24/03; decision due 12/26/03*)
Summary: A separate stenographic transcript exists for this hearing. Immediately following the close of the hearing transcription, a motion was made by Mr. Murphree and seconded by Mr. Scully (1) to issue a negative declaration under the State Environmental Quality Review Act for this project; and (2) to approve the project with the condition that the house to be constructed on the new "lot two" be constructed on the already cleared portion of that lot, and that there is to be no additional clearing on lot two except for the new driveway to access that new house. The motion was approved by a 4-0 vote.

Pine Barrens Credit Program

- ! Wendelken c/o Nicolazzi / Ridge (Brookhaven; 200-351-3-15 and 16): Credit appeal decision (*hearing held 9/24/03; comments close today; decision due today*)
Summary: A brief discussion occurred regarding corrections to be made to the hearing transcript for this project, and a review of the facts of this appeal. Following that discussion, a motion was made by Mr. Scully and seconded by Mr. Murphree to deny the appeal. The motion was approved by a 4-0 vote.

Core Preservation Area

The following item is partly within the CGA:

- ! Huntington Ready Mix Sand Mining / Speonk (Southampton; 900-276-3-1, 2) / NYS DEC permit: status
- ! Current mining permits in Central Pine Barrens zone: overview (*not on the original agenda*)
Summary: Mr. Robert Yager of the NYS DEC Region 1 office, was present today and described the current status of the Huntington Ready Mix site and permit, as well as the other mining permit sites within the Central Pine Barrens. He distributed the attached list of active mine sites in the Central Pine Barrens.

Specifically, he described the sequence of mining permits, changes, and renewals for the Huntington Ready Mix site, starting in 1982, and including renewals and/or changes in 1984, 1987, 1990, 1994, 1995, 1997, and the current permit renewal and modification application. He explained the changes in DEC policy from two year to three year permit durations during that time. He mentioned that the subject site consists of approximately 115 acres, of which approximately 91 acres are permitted to be mined under the current permit conditions. He also noted both the current and proposed dimensions (both areal and depth) of the mining area.

A discussion followed regarding the State mining law provisions in general; the specific provisions of that law which pertain to Long Island; the past use of concurrent reclamation at the subject site (versus end of permit reclamation often used at other permit sites); the aspects of mining sites over which a Town normally has jurisdiction; and the process by which new mining applications in Region 1 are handled and coordinated by the DEC and the Towns involved.

- ! Calverton Shooting Range land mining / Calverton (Brookhaven; 200-300-1-3.3, 4, 5.3, 6): extension request to December
Summary: A motion was made by Mr. Scully and seconded by Mr. Murphree to accept and agree to the attached written request to extend the ECL 57 decision deadline for this project to the 01/21/04 Commission meeting. The motion was approved by a 4-0 vote.

Compatible Growth Area (CGA)

- ! For Acres Realty c/o Summer / Shirley (Brookhaven; 200-554-3-4.32) / industrial subdivision: new hardship; schedule hearing
Summary: Ms. Jakobsen reported that a new CGA hardship application has been received for an industrial subdivision of a four acre parcel into two new parcels, located in an existing industrial park on the south side of the Long Island Expressway, east of William Floyd Parkway, in Shirley in Brookhaven Town. A motion was made by Mr. Scully and seconded by Mr. Murphree to schedule a public hearing on this application at the 12/17/03 Commission meeting at 3 pm. The motion was approved by a 4-0 vote.
- ! Brookhaven Walk, formerly Brookhaven Town Center / Yaphank (Brookhaven; 200-584-1-4.31,4.32) / regional shopping center / Development of Regional Significance: decision extension request to December (ECL 57 hearing held 10/17/01; decision due today)
Summary: A motion was made by Mr. Scully and seconded by Mr. Murphree to accept and agree to the attached written request to extend the ECL 57 decision deadline for this project to the 12/17/03 Commission meeting. The motion was approved by a 4-0 vote.

The following item is partly within the Core area:

- ! Longwood School District - Ridge Elementary School / Ridge (Brookhaven; 200-294-2-6,7; easement on p/o 200-325-1-11) / post 1993 development: ECL 57 and NYS DEC violations status (from 9/24/03)
Summary: It was agreed that this legal matter should be discussed with counsel in a closed advisory session.

Statute and Plan Implementation & Related Issues

- ! Wildfire Task Force - Wildfire and Incident Management Academy: authorization to transfer balance from SCWA to Academy account
Summary: A motion was made by Mr. Scully and seconded by Mr. Murphree to authorize the transfer of all of the Academy funds currently held by the Suffolk County Water Authority to the separate Academy bank account. The motion was approved by a 4-0 vote.

Closed Advisory Session

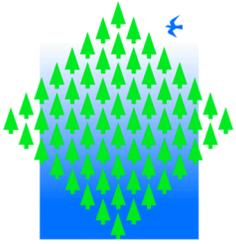
Summary: A motion was made by Mr. Scully and seconded by Mr. Murphree to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 4-0 vote, and the Commission entered into closed session from approximately 4:52 pm to 5:30 pm.

Adjournment

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

Attachments (in order of discussion):

1. Attendance sheet (date; 1 page)
2. Letter from Commissioner McEvoy re Gabreski with photograph (10/14/03; 2 pages)
3. Riverhead Town Fire Marshal Peace Officer bill summary (10/9/03; 2 pages)
4. SC Legislature Intro. Res. 1838-2003 re ATV Park Task Force (9/16/03; 2 pages)
5. Recipients of Auditing Services RFP and letter (10/8/03; 3 pages)
6. Calverton WSRR boundary change WSRR Notice of Hearing (9/30/03; 4 pages)
7. Calverton WSRR boundary change Draft Management Plan (August 2002; 53 pages)
8. Calverton WSRR boundary change Full Environmental Assessment Form (9/23/03; 21 pages)
9. Calverton WSRR boundary change Negative Declaration (9/24/03; 14 pages)
10. Active Mine Sites in the Central Pine Barrens (10/15/03; 3 pages)
11. Letter from Ms. Schmelzer re extension for Calverton Shooting Range (10/1/03; 1 page)
12. Letter from Ms. Schmelzer re extension for Brookhaven Walk (10/1/03; 1 page)



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

Robert J. Gaffney
Chair

Patrick A. Heaney
Member

Robert F. Kozakiewicz
Member

John Jay LaValle
Member

Peter A. Scully
Member

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**Commission Meeting Summary (FINAL) for
Wednesday, November 19, 2003 (Approved 01/21/04)
Suffolk County Park Police and Pine Barrens Center
at Southaven County Park, Victory Avenue, Yaphank
2:00 pm**

Commission members present: Mr. Proios (for Suffolk County), Mr. Scully (for New York State), Ms. Prusinowski and Ms. Compitello (for Brookhaven), Mr. Hanley (for Riverhead), and Mr. Murphree (for Southampton).

Others present: Staff counsel was Mr. Milazzo. Other counsel included Mr. Rigano (of Certilman Balin) and Mr. Spiegel (of the NY State Attorney General's Office). Staff members from the Commission included Mr. Corwin, Ms. Mills, Ms. Jakobsen, Ms. Carter, Mr. Randolph, Ms. Longo, Mr. Born (from the Commission), Mr. Pavacic (from the NYS Department of Environmental Conservation (NYS DEC)), Mr. Freleng (from the Suffolk County Planning Department and Vice Chair of the Pine Barrens Credit Clearinghouse), and Mr. Bagg (from the SC Planning Department). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:11 pm by Mr. Proios, with a five member quorum.

Public Comment

Summary: The only speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. He spoke about the recent clearing and disturbance at the County's Gabreski Airport, the Society's concerns regarding this, and the fact that the description of the project that was previously forwarded to the Suffolk County Council on Environmental Quality (CEQ) did not include any mention of clearing.

He also spoke about the recent sand mining projects that have come up for discussion, including NYS DEC permit renewals and expansions. He stated that the Society believes that the State cannot issue any permits that are inconsistent with the pine barrens law.

Administrative

! Minutes for 9/24/03, 10/15/03: review; approval

Summary: The following changes were suggested to the 9/24/03 minutes: (1) under the "Mittachione" credit appeal, the summary should read: "A motion was made by Ms. Prusinowski and seconded by Mr. Scully to postpone a decision on this appeal at the request of the applicant to the November 2003 Commission meeting. The motion was approved by a 5-0 vote."; (2) under "Huntington Ready Mix", the first paragraph's last sentence should read: "Mr. Scully then indicated that the applicant has indicated to the DEC that he may revise the permit renewal application to seek a simple renewal."; (3) under "Brookhaven Walk", the time of the Town hearing should be 6 pm.

A motion was made by Ms. Prusinowski and seconded by Mr.

Scully to approve the 9/24/03 meeting summary with these changes. The motion was approved by a 5-0 vote.

The following change was suggested to the 10/15/03 minutes: under "Calverton Enterprise Park", the first sentence should read: "Mr. Scully and Mr. Pavacic, the Regional Permit Administrator for the NYS DEC's Region 1 Office, explained that Riverhead Town has filed an application with the NYS DEC to modify a portion of the Wild, Scenic and Recreational River (WSRR) boundary line for the Peconic River where the boundary traverses the Enterprise Park at Calverton (the former Grumman property)."

A motion was made by Ms. Prusinowski and seconded by Mr. Murphree to approve the 10/15/03 meeting summary with this change. The motion was approved by a 5-0 vote.

! Draft meeting schedule through mid-2004: review; approval

Summary: **A motion was made by Mr. Hanley and seconded by Ms. Prusinowski to approve the attached list of Commission meeting dates for the first half of 2004. The motion was approved by a 5-0 vote.** *The staff will now determine the locations of the meetings.*

Compatible Growth Area (CGA)

The airport site in the following item is partly within the Core area:

! Gabreski Airport / Westhampton (Southampton; 900-312-1-4.2) / recent activities and clearing: discussion of issues (*from 10/15/03; Ms. Judith McEvoy, SC Economic Development; materials mailed*)

Summary: *Present for today's discussion were Ms. Judith McEvoy, Commissioner of the Suffolk County Department of Economic Development, and Ms. Pauline Mize, Manager of the County's Gabreski Airport. Also present was Mr. James Bagg of the SC Planning Department. Ms. McEvoy and Ms. Mize discussed the County's acquisition of the Gabreski Airport site from the federal government in the 1970's, the ownership pattern of the parcels involved in the airport site, the existence of Federal Aviation Administration requirements for the operation of the airport, the lack of compliance by the airport since 1980 with the federal government's requirements for vegetation clearance around the runways, the recent clearing on the eastern side of the airport in order to comply with those requirements, the presence of the NY Air National Guard on the southern end of the airport property under a license agreement, the airport's master plan contents with respect to the runways and clearing, and the length of time during which this clearing work was anticipated over several budget years.*

The discussion touched upon the specific portions of the airport property that have been cleared, and those that the airport management intends to clear in the future as funding is available. The discussion referenced a large, mounted 2001 aerial photograph of the airport that was provided by the SC Planning Department. Ms. McEvoy and Ms. Mize estimated that approximately 1,486 acres, equal to approximately 45% of the airport site, would eventually need to be cleared in order to comply with the federal requirements regarding "obstructions to aircraft". The discussion shifted towards the National Environmental Policy Act (NEPA) and State Environmental Quality Review Act (SEQRA) processing of this project, with specific reference to the contents of the submittal to the County's Council on Environmental Quality, which did not contain any mention of tree or vegetative clearing. It was noted that the recent airport clearing was qualified as a "categorical exclusion" under NEPA.

The question arose as to what County initiated actions are referred to the CEQ, and whether all actions undertaken by the various branches of Suffolk County government are processed for SEQRA compliance by the SC CEQ. Mr. Bagg, who serves as a staff member supporting the work of the SC CEQ, noted that CEQ handles most, but not all, SEQRA analysis for the County. Mr. Bagg spoke about the 1990 airport master plan and its relationship to the Core area boundary as defined in the pine barrens law.

It was noted that it is important that the role and involvement of the Commission in future projects at the airport needs to be clearly defined, as well as the relationships between the airport and CEQ, and CEQ and the Commission, in the SEQRA process.

Mr. Algieri, a member of the East Quogue Civic Association, was present and stated that the local community had not received any notification that any activity was contemplated at the airport, and only learned about the work once it had begun. The discussion also touched upon whether the airport clearing is exempt from the pine barrens law, or whether it constitutes a violation of the pine barrens act, as well as the need for the Commission to be an interested or involved party under SEQRA in all future airport projects.

It was agreed that the Commission will refer this matter to staff counsel for an opinion on the jurisdiction of the Commission, and that this subject will be addressed at the next meeting.

Pine Barrens Credit Program

! Results of 10/21/03 Clearinghouse meeting

Summary: Mr. Randolph reported that the processing of the Zizzi credit offer is completed, and that the Riverhead Credit purchase offer responses have been received and are being processed.

! Inter town transfers: SC Health correspondence

Summary: Mr. Randolph distributed the attached letter from the SC Department of Health Services regarding the use of Pine Barrens Credits in the non Pine Barrens towns of Suffolk County. A brief discussion ensued regarding the extent to which Credits have been transferred to non Pine Barrens towns, and the Clearinghouse's recent endorsement that the approval of both the sending and receiving towns be obtained before an intertown transfer occurs, and the Health Department's countywide jurisdiction and independent authority to approve such credit transfers. Mr. Corwin reported that the Clearinghouse records show a total of four intermunicipal Credit transfers. Three Credit Certificates (for varying Credit quantities) were transferred from unincorporated areas of Southampton Town into the Village of Quogue (located within Southampton Town), and one Certificate was transferred from a site in Brookhaven Town to an unincorporated area of Southampton Town. All of these transfers involved Credit redemptions through the Suffolk County Department of Health Services.

! Mittachione c/o Cramer / Ridge (Brookhaven; 200-294-4-22) / Credit appeal (hearing held 10/15/03; decision due today; decision on Core hardship due 2/28/04)

Summary: Mr. Thomas Cramer, the appellant's representative, was present for today's discussion. He stated that his client is not looking to build, but simply to sell the rights that are awarded. The appeal seeks an increase in allocation from 2.01 to 3.0 Credits. A brief discussion ensued regarding whether the applicant could actually receive the increased yield from the Town, and specifically whether the requirements of the Town for splitting or

subdividing the lot could be met.

A motion was then made by Mr. Scully and seconded by Mr. Murphree to deny the appeal based upon the speculative nature of the yield and the lack of any as of right ability to divide the lot. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Ms. Prusinowski.

- ! Buquicchio / Westhampton (Southampton; 900-307-3-11) / new appeal: set hearing
Summary: This Credit allocation for a lot on Summit Boulevard requests an increase from 0.32 to 1.25 Credits. **A motion was made by Mr. Murphree and seconded by Ms. Prusinowski to schedule a public hearing on this appeal at 3:00 pm at the 12/17/03 Commission meeting. The motion was approved by a 5-0 vote.**

Pine Barrens Credit Program

- ! Inter town transfers: SC Health correspondence
Summary: Mr. Dominic Nicolazzi, representing himself, stated that he felt that the Commission should more fully discuss the issue of intertown transfers of Credits. Mr. Andrew Freleng, the Suffolk County representative to the Clearinghouse, was present today and noted that the Clearinghouse has discussed this issue extensively, and has agreed to support the intertown transfers through the Health Department provided that the support of both the sending and receiving towns is obtained in each instance. It was also noted that the Pine Barrens Advisory Committee may soon discuss this matter as well. Mr. Proios briefly discussed the various County programs which deal with development rights.

Core Preservation Area

- ! DeGregorio Subdivision c/o Meyer / Flanders (Southampton; 900-183-1-22) / modification of prior Commission permit: discussion (Core hardship issued 10/17/01)
Summary: Ms. Carter distributed the attached items regarding this Core area hardship subdivision on the west side of Pleasure Drive in Flanders, Southampton Town, which received approval from the Commission in October 2001. She explained that the Commission has received the attached request from Mr. Frederick Meyer, the representative for Mr. John DeGregorio, the owner and applicant, to modify the conditions on the Commission's 10/17/01 Core hardship approval with respect to the driveway shown in the area marked as open space on the final map.

She noted that the structures discussed in the October 2001 resolution (and whose removal the resolution required) have indeed been removed. She also noted that the map most recently approved by Southampton Town (in 2003) differs from the map which the Commission last saw in 2001 with respect to both the numbering of the lots and the location of the driveway.

With respect to the latter, the Commission had required the removal of the driveway from the open space parcel, and the construction of a new driveway on the new lot. Mr. Meyer explained that the 2001 requirement that the driveway in question be removed would not only be expensive, but would circumvent the preservation goals for the site, and that there are alternatives. He also noted that the Southampton Town Planning Board has specifically questioned the rationale for this driveway removal condition. Mr. Meyer requested the elimination of this requirement.

A discussion ensued regarding various options for modifying the Commission's 2001 resolution so as to not require that the lot lines be adjusted while still providing that the pond and its associated retaining wall are maintained. It was agreed that the pond and the retaining wall do not need to be located on the open space parcel (as originally contemplated by the 2001 resolution), that the existing driveway can be maintained through grading but not paved, and that the owner of the lot containing the retaining wall for the pond should be required to maintain the retaining wall.

A motion was then made by Ms. Compitello and seconded by Mr. Murphree to modify the Resolved clauses of the Commission's 10/17/01 Core hardship approval for this project so as to now read as follows:

- "1. This approval is for the final plat entitled "John De Gregorio", last amended on Oct. 21, 2003 and date-stamped received by the Commission on October 23, 2003;**
- 2. Driveway access to Lot No. 1 shall be via the existing driveway section designated on the final plat as "Asphalt Driveway" only. The asphalt shall not be replaced, and the driveway may only be maintained with a pervious gravel material. Use and maintenance of all other driveway areas within the open space area shall be abandoned so that they will revert back to natural vegetation. A permanent barricade shall be placed at the terminus of the driveway designated on the final plat as "Earth Driveway", where it intersects Pleasure Drive.**
- 3. The Commission hereby makes a recommendation to the Town of Southampton to require that all debris dumped on the site be removed in accordance with the recommendation on page 2 of the Phase I Environmental Site Assessment prepared on July 30, 1997 by Nelson, Pope, and Voorhis, LLC.**
- 4. This permit does not relieve the applicant of the requirement to obtain any and all other permits and/or approvals required by state, county, and local governments.**
- 5. The distance between the wetland and the location of the new construction (including septic systems) on Lots No. 2 and 3 shall be maximized. In order to accomplish this, the Commission's approval hereby allows for a reduction in the lot widths and sizes of Lots No. 2 and 3 and/or a maximized northerly side yard setback requirement on Lot No. 2, to the extent permitted by the Town of Southampton, the Suffolk County Department of Health Services, and the NY State Department of Environmental Conservation.**
- 6. The concrete wall at the northerly end of the pond on Lot No. 1 shall be maintained by the owner of Lot No. 1."**

The motion was approved by a 5-0 vote.

Compatible Growth Area (CGA)

- ! Gabreski Airport - Suffolk Asphalt Supply / Westhampton (Southampton; 900-312-1-4.2): lead agency dispute between SC and Southampton Town (*not an application to Commission; materials mailed*)
Summary: Mr. Corwin distributed the attached package of five letters which have circulated among Southampton Town, the Suffolk County Economic Development Department, and the NYS DEC regarding a dispute between the Town and the County over which agency shall assume SEQRA lead agency status for the proposed private Suffolk Asphalt facility on the southern part on the Airport property (within the CGA). The dispute has been referred to the NYS DEC Commissioner as per SEQRA regulations, and the Commission has received courtesy copies of these written exchanges. Ms. Carolyn Fahey of the SC Economic Development Department was present and briefly described the issues over which the Town and County have disagreed.

It was agreed after a brief discussion that the Commission staff will review the Environmental Assessment Form for the project (a copy was provided to the Commission today), and that the Commission will forward a letter to the County asking that the Commission receive copies of SEQRA documents for Gabreski Airport projects as an interested agency, and noting that the Commission is obligated to seek lead agency status for any projects within the Core area.

- ! Gabreski Airport - NY Air National Guard: presentation at next Commission meeting (*not on the original agenda*)
Summary: Mr. Corwin reported that the NY Air National Guard and one of its environmental remediation contractors at the Guard's Gabreski Airport site have requested the opportunity to brief the Commission on their groundwater remediation work at the next meeting.

Statute and Plan Implementation & Related Issues

- ! Wildfire Task Force - Wildfire and Incident Management Academy: auditor RFP
Summary: Mr. Corwin and Ms. Longo summarized the two responses to the recent Request For Proposals for an auditor for the NY Wildfire and Incident Management Academy. One response was from Salvatore Marsala of Farmingville for approximately \$1,500, and the other was from Bederson & Company of West Orange, NJ for approximately \$5,000. No vote was held today, and this will be on the next meeting agenda.
- ! Wildfire Task Force: new Co-Vice Chair; update Asst Secretary list (faxed)
Summary: Mr. Corwin explained that the Wildfire Task Force, at its 10/29/03 meeting, named Det. John Grauer of the Suffolk County Police Department Arson Squad (which is a voting agency on the Task Force) to be the new Co-Vice Chair of the Task Force, replacing the recently retired and resigned former Co-Vice Chair, Capt(Ret.) Robert Conklin of the NYS Forest Rangers. He explained that this necessitated an update of the Commission's Assistant Secretary list, as all of the Committee chairs and vice chairs are named as Assistant Secretaries (i.e., officers) of the Commission. **A motion was then made by Mr. Scully and seconded by Ms. Compitello to remove Capt. (Ret.) Robert Conklin as an Assistant Secretary and to appoint Det. John Grauer as an Assistant Secretary. The motion was approved by a 5-0 vote.**
- ! Wildfire Task Force - Wildfire and Incident Management Academy: Academy summary (10/24 to 11/2/03)
Summary: Mr. Corwin and Ms. Longo distributed and discussed the attached two items: a

one page summary of the 2003 Academy and a sample copy of the Incident Action Plan which is produced daily during the Academy's operation. The 2003 Academy had 612 student registrations, 37 instructors, 45 overhead staff, and 26 courses (most of those being National Wildfire Coordinating Group courses). Participants at the 2003 Academy hailed from 36 states or Canadian provinces.

Core Preservation Area

The following item is partly within the CGA:

! Huntington Ready Mix Sand Mining / Speonk (Southampton; 900-276-3-1, 2) / NYS DEC permit: status (from 10/15/03)

Summary: It was agreed that this matter would require an advisory session for the purpose of obtaining legal advice from counsel.

! Beckwith c/o Gazza Industrial Building / Westhampton (Southampton; 900-311-1-26) / new hardship: set hearing

Summary: A motion was made by Ms. Compitello and seconded by Mr. Scully to schedule a public hearing on this application for 3:00 pm at the 12/17/03 Commission meeting. The motion was approved by a 5-0 vote.

Compatible Growth Area (CGA)

! Newport Estates residential subdivision / Miller Place (Brookhaven; 200-98-8-6, etc.) / new hardship: set hearing

Summary: A motion was made by Mr. Scully and seconded by Mr. Murphree to (1) determine that the completeness date for this application is 10/1/03, and (2) to schedule a public hearing on this application for 3:00 pm at the 01/21/04 Commission meeting. The motion was approved by a 5-0 vote.

! Weeks Ave Residential Land Division c/o Fuller / Manorville (Brookhaven; 200-589-1-8) / new hardship: set hearing

Summary: A motion was made by Ms. Prusinowski and seconded by Mr. Scully to schedule a public hearing on this application for 3:00 pm at the 01/21/04 Commission meeting. The motion was approved by a 5-0 vote.

Closed Advisory Session

Summary: A motion was made by Ms. Compitello and seconded by Mr. Proios 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 4:37 pm to 5:50 pm.

Adjournment

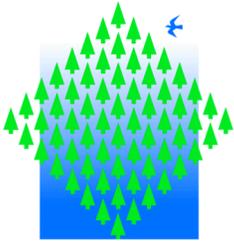
Summary: The meeting was adjourned immediately following the closed session without a formal adjournment resolution.

Attachments (in order of discussion):

1. Attendance sheet (11/19/03; 1 page)
2. Speaker sign in sheet (11/19/03; 1 page)

3. Draft Commission meeting schedule for first half of 2004 (10/22/03; 1 page)
4. Letter and materials from Ms. Elkowitz of CEQ re Gabreski work (10/28/03; 14 pages)
5. Materials from SC Planning relating to core boundary and airport maps (undated; 5 pages)
6. Letter from SCDHS re intertown Credit transfers (10/20/03; 1 page)
7. Memo from Mr. Corwin regarding intertown Credit transfers on record (11/18/03; 1 page)
8. Letter from Mr. Meyer re DeGregorio Subdivision (10/22/03; 1 page)
9. Aerial photo of DeGregorio parcels (1999; 1 page)
10. Commission 2001 approval resolution for DeGregorio application (10/17/01; 2 pages)
11. Southampton Planning Board letter and resolution re DeGregorio site (5/1/03; 5 pages)
12. Letters among Southampton, SC and DEC re Suffolk Asphalt (misc dates; 10 pages)
13. Memo and attachments re Academy auditor responses (11/17/03; 12 pages)
14. Memo from Mr. Corwin re new WTF Co-Vice Chair (10/31/03; 1 page)
15. 2003 NY Wildfire & Incident Management Academy Fact Sheet (undated; 1 page)
16. Incident Action Plan for 10/29/03 Academy Operations (10/29/03; 22 pages)

**Commission Meeting Summary (FINAL) for
Wednesday, December 17, 2003 (Approved 01/21/04)
at Brookhaven Town Hall,
Building 4; 3233 Route 112, Medford
2:00 pm**



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

Philip J. Cardinale
Member

Patrick A. Heaney
Member

John Jay LaValle
Member

Steven A. Levy
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Commission members present: Mr. Proios (for Suffolk County), Mr. Scully (for New York State), Ms. Prusinowski and Ms. Compitello (for Brookhaven), Mr. Kozakiewicz (for Riverhead), and Mr. Murphree (for Southampton).

Others present: Staff counsel was Mr. Milazzo. Staff members from the Commission included Mr. Corwin, Ms. Jakobsen, Ms. Mills, Ms. Carter, Mr. Randolph, and Ms. Longo (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.). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:10 pm by Mr. Proios, with a five member quorum.

Public Comment

Summary: There were no speakers at this time.

Compatible Growth Area

NY Air National Guard - Gabreski Airport: remediation work update (Mr. Heaphy, SAIC (contractor); Lt. Col. Webb, NYANG)

Summary: Mr. Kevin Heaphy, a Project Manager with Science Applications International Corporation (SAIC), gave the attached presentation with Lt. Col. Jerry Webb of the 106th Rescue Wing of the NY Air National Guard (ANG) at Gabreski Airport in Westhampton. Mr. Heaphy explained that there are three sites within the ANG base where treatment of contaminated groundwater in the Upper Glacial Aquifer is necessary. All of the sites are in the CGA area of the pine barrens.

He summarized the corporate work of SAIC, the history of the site (including its former role as a U.S. Air Force Base through its deactivation in 1969 and the turnover of the site to Suffolk County in 1970), the relevant portions of the pine barrens law, and the details of the three restoration sites (Sites 4, 9, and 7). The remediation sites were used for refueling, drainage, fire training, and related activities; one of the contaminants now found there is BTEX.

Mr. Heaphy also described the groundwater setting and flow in that area, the options that are available for remediation, and the evolution of their selection of the specific techniques that will be used. He also touched upon the groundwater sampling scheme, as well as the specific techniques of bioremediation and air sparging. The work is currently slated to extend into mid to late 2005.

Core Preservation Area

Sprint Spectrum / Manorville (Brookhaven; 200-461-3-30.2) / proposed telecommunications antennas: jurisdiction determination

Summary: Ms. Carter explained that the Commission has previously seen this site, located on the east side of Ryerson Road and north of the post office in Manorville, in the Spring of 2002. The current proposal for this site is to replace the existing pole with a new one located adjacent to it. Present for today's discussion were Mr. Gary Musciano from Herbst Musciano, an architectural and planning firm, and Ms. Jacalyn Fleming from Munly, Meade, Nielsen & Re, a law firm. Both individuals were representing Sprint Spectrum.

Mr. Musciano explained that the new pole is needed to meet new technical specifications for such towers. He noted that the former documentation of the existing tower's height was recently found to be incorrect. His firm measured the old tower and found that it was approximately 128 feet (not the 115 feet that was previously reported). The new tower would also be 128 feet high.

A brief discussion ensued regarding the status of such work as "nondevelopment" under the pine barrens law. The discussion also touched upon the lighting that would be associated with the new tower, and the Commission's concern that there not be excessive lighting or light pollution. Mr. Musciano explained that the tower's lighting will be on a timer. **A motion was then made by Ms. Compitello and seconded by Mr. Murphree to determine that the proposed tower replacement does not constitute "development" under the pine barrens law, and specifically under section 57-0107(13)(ii). The motion was approved by a 5-0 vote.**

Public Comment

Summary: Mr. Richard Amper, representing the LI Pine Barrens Society, thanked the departing Pine Barrens Commissioners, Mr. Gaffney and Mr. Kozakiewicz, for their service to the Commission. The Society kindly provided a cake and refreshments for today's meeting. He also noted that Ms. Jill Lewis, the former Associate Director of the Society, has left the Society, and that Ms. Kamila Hanclich will be representing the Society from this point.

Pine Barrens Credit Program

Buquicchio / Westhampton (Southampton; 900-307-3-11) / Credit appeal: hearing

Summary: A formal stenographic transcript exists for this item. This hearing was adjourned until 01/21/04 due to the appellant's illness.

Core Preservation Area

Beckwith c/o Gazza Industrial Building / Westhampton (Southampton; 900-311-1-26) / hardship: set hearing

Summary: A formal stenographic transcript exists for this item. It was agreed that this will be on the 01/21/04 agenda, and that a Part 2 Environmental Assessment form needs to be completed for this project.

Compatible Growth Area (CGA)

For Acres Realty c/o Summer / Shirley (Brookhaven; 200-554-3-4.32) / industrial subdivision / hardship: hearing

Summary: *A formal stenographic transcript exists for this item. It was agreed that this will be on the 01/21/04 agenda, since SEQRA needs to be completed on this prior to a decision by the Commission.*

Core Preservation Area

The following item is partly within the CGA:

New Age Builders / Flanders (Southampton; 900-167-2-35) / residential land division: jurisdiction

Summary: *Ms. Jakobsen explained that the Commission has received an inquiry regarding this parcel on Maple Avenue in Flanders, Southampton Town. Specifically, the inquiry addresses the question of the location of the Core area boundary line on this parcel, and the relationship of the proposed development to the Core line. The parcel is primarily within the CGA. She noted that this parcel is part of the Riverhead Estates map which the Commission saw previously under a recent Gazza application, and which was replatted by Southampton Town in 1988.*

Mr. William Segal, the president of New Age Builders, the project sponsor, was present today and spoke about the proposed development, the two lots involved, the Core boundary line's placement by a surveyor, and the fact that the Southampton Town Planning staff has requested the Commission's review of this project.

After a brief discussion, a motion was made by Mr. Murphree and seconded by Mr. Scully to determine that the proposed construction does not require a permit from the Commission, provided that all construction and development occur within the CGA portion of the site and outside of the Core area as defined on the survey, and provided that all of the CGA standards are met. The motion was approved by a 5-0 vote.

Pine Barrens Credit Program

Warner Duck Farm / Riverhead (600-118-4-5.5): existing easement question

Summary: *Mr. Randolph reported that Riverhead Town has asked about the types of activities that would be permitted on this site if the Town were to purchase the underlying title for farmland protection. Mr. Kozakiewicz explained that the site's owner has approached the Town's Farmland Select Committee about possibly purchasing the site. The Town was inquiring about such possible future land uses as a nature center or parkland related activities. A brief discussion ensued regarding the history of the easement negotiation on that site between the Commission and Mr. Warner, the specific activities that Mr. Warner had requested be available to him once the easement is in place (e.g., raising of wetland plants for environmental restoration), and the development nature of any construction activities, which would not be permitted under the easement.*

Core Preservation Area

The following item is partly within the CGA:

Huntington Ready Mix Sand Mining / Speonk (Southampton; 900-276-3-1, 2) / NYS DEC permit:

status (from 11/19/03)

Summary: It was noted that no action has yet been taken by the DEC on this matter, that the Commission does have jurisdiction, and that an application is needed from the project sponsor before the Commission can proceed with a review. It was agreed that a letter will be sent to the project sponsor along with an application requesting that they complete and submit it.

Compatible Growth Area (CGA)

The County airport in the following item is partly within the Core area:

Gabreski Airport / Westhampton (Southampton; 900-312-1-4.2) / recent activities and clearing: staff counsel opinion (from 11/19/03)

Summary: Mr. Milazzo stated that there are two issues before the Commission: whether the activity previously discussed by the Commission is subject to ECL Article 57, and where the line lies on the ground between the Core and the CGA on the County airport property.

With respect to the first question, Mr. Milazzo stated that the Commission may find that the Commission does have jurisdiction, that there is no automatic preemption from the pine barrens law for these actions, and that the Commission has the ability to examine these activities and apply the pine barrens law.

With respect to the second question, he noted that the answer to the question of the Core - CGA line's location is tied into the 1990 Suffolk County Master Plan for Gabreski, since the state statute refers to it in defining the Core line. He noted that Mr. Bagg of the Suffolk County Planning Department is looking at that issue now. Mr. Milazzo recommended that the line delineation be completed first, then use that information to look at the recent clearing activities.

Suffolk Asphalt / Gabreski Airport / Westhampton (Southampton; 900-312-1-4.2) / lead agency dispute between SC Economic Development and Southampton Town: status (not on the original agenda)

Summary: In response to an inquiry, Mr. Milazzo stated that he does not believe that it had been settled yet.

Statute, Plan & Related Issues

Wildfire Task Force - Academy: auditor selection (responses distributed 11/19)

Summary: **A motion was made by Mr. Scully and seconded by Mr. Kozakiewicz to award the NY Wildfire and Incident Management Academy auditing services contract to the lower of the two bidders, Mr. Salvatore Marsala. The motion was approved by a 5-0 vote.**

Core Preservation Area

Cusumano & Gergela / Middle Island (Brookhaven 200-454-1-9.1) / horse and cattle pole barn: jurisdiction

Summary: Mr. Randolph reported that an inquiry has been received regarding whether a proposed barn on this site would constitute "development" under the pine barrens law. The structure as described by the project sponsors would be a 30 foot by 60 foot "pole

barn”, which would be located in an area that was previously cleared and would not require further clearing, and which would be used for the breeding of animals.

Mr. Scully noted that there is insufficient information at present to make any determination, and it was agreed that the staff will ask in writing for further details. Mr. Proios observed that there are inconsistencies between the definitions of agriculture in the NYS Agriculture and Markets Law and the pine barrens law.

A very small portion of the following item is within the Core area:

Long Island Power Authority (LIPA) Riverhead - Jamesport Transmission Line / misc. tax districts: pole replacement; jurisdiction

Summary: Mr. Corwin distributed the attached handout describing this proposed utility pole replacement in the Core area on LIPA property on the south side of the Peconic River, north of Nugent Drive, west of the Peconic River traffic circle, in Southampton Town. Keyspan, on behalf of LIPA, is seeking a jurisdictional determination regarding the pole replacement component of this larger project; the pole replacement project is the only portion of the larger project that is within the pine barrens zone.

The pole replacement portion of this larger project involves the installation of a steel monopole tower to support transmission lines in place of an existing steel lattice tower, within approximately 50 feet of each other, with the old tower to be removed. NYS DEC Region 1 staff recommended that Keyspan, on behalf of LIPA, obtain a jurisdictional determination from the Commission.

Mr. Milazzo noted that the Commission may find that the project does not constitute “development” under the pine barrens law, and that there are three options open to the Commission for this conclusion: finding that the project involves public health and safety, finding that it is exempt as a utility replacement, or that it is work by a public utility. After a brief discussion, **a motion was made by Mr. Scully and seconded by Ms. Prusinowski to determine that the pole replacement project does not constitute “development” under ECL 57-0107(13)(ii), which relates, in part, to “work by any utility not involving substantial engineering redesign for the purpose of inspection, maintenance or renewal on established utility rights-of-way or the likes ...”.** The motion was approved by a 5-0 vote.

Verizon - Gazza / Eastport (Southampton; 900-213-1-71) / communications tower: application status; correspondence (jurisdiction affirmed 9/24)

Summary: Ms. Carter reported that the materials submitted to date for this project are incomplete, and that she has requested the additional information required to form a complete application.

Compatible Growth Area (CGA)

The following item is partly within the Core area:

Longwood School District - Ridge Elementary School / Ridge (Brookhaven; 200-294-2-6,7; easement on p/o 200-325-1-11) / post 1993 development: ECL 57 and NYS DEC violations status (from 11/19/03)

Summary: Mr. Scully noted that a meeting has been set up with the school officials, and that there was nothing else to report at this time.

Brookhaven Walk, formerly Brookhaven Town Center / Yaphank (Brookhaven; 200-584-1-4.31,4.32) / regional shopping center / Development of Regional Significance: decision

extension request to Feb. 2004 (*ECL 57 hearing 10/17/01; decision due today*)
Summary: *Ms. Jakobsen reported that the attached letter from Mr. Voorhis of Nelson, Pope & Voorhis, representing this project's sponsors, requests an extension of the Commission's decision deadline to February 2004. **A motion was made by Ms. Prusinowski and seconded by Mr. Kozakiewicz to agree to this request and to extend the decision deadline for this project to the 2/18/04 Commission meeting. The motion was approved by a 5-0 vote.***

Closed Advisory Session

Summary: ***A motion was made by Mr. Murphree and seconded by Mr. Kozakiewicz 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 5:26 pm to 5:45 pm.***

Adjournment

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

Attachments (in order of discussion):

1. Attendance sheet (12/17/03; 1 page)
2. Speaker sign in sheet (12/17/03; 1 page)
3. 106th Rescue Wing Remedial Action Presentation (undated; 44 pages)
4. LIPA pole replacement materials (misc. dates; 19 pages)
5. Brookhaven Walk decision extension letter (12/1/03; 1 page)