

Commission Meeting Summary (FINAL)
for Wednesday, January 5, 2000 (Approved 1/26/00)
Riverhead Town Hall
East Main Street and Howell Avenue, Riverhead, NY
2:00 pm



Robert J. Gaffney
Chair

Felix J. Grucci, Jr.
Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
Member

Robert F. Kozakiewicz
Member

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

Phone (631) 224-2604
Fax (631) 224-7653
Internet:
<http://pb.state.ny.us>

Commission members present: Mr. Dragotta (for Suffolk County), Mr. Girandola (for Brookhaven), Mr. Kozakiewicz (for Riverhead), Mr. Murphree (for Southampton) and Mr. Cowen (for New York State).

Others present: General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Ms. Jakobsen, Ms. Carter and Mr. Rizzo (from the Commission), 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 2:11 pm by Mr. Dragotta, with a five member quorum.

Public Comment

Summary: The only speaker was Mr. John Turner, representing the Long Island Pine Barrens Society and the New York State Assembly's Water Resources Commission. He explained that he had traversed the proposed route of the Long Island Power Authority (LIPA) and KeySpan Energy electric transmission line with LIPA and KeySpan representatives. He described the route from Nugent Drive (County Road 94) through County Road 51, Speonk Riverhead Road, and Sunrise Highway to the crossing of Bellow Pond Road. He stated that he understands that clearing of trees is most likely at two locations: the intersections of Sunrise Highway with Speonk Riverhead Road, and further east where Sunrise crosses Bellows Pond Road. He stated that transplanting of many of the trees, rather than cutting of them, was feasible, in his opinion, and should be required as part of any approval.

He also observed that underground boring is proposed to pass by a wetland area on the existing LIPA right of way between Nugent Drive and CR 51, and that no reference to that section is made in the written documentation. He stated that this area should be checked for tiger salamanders.

Mr. Richard Amper, Executive Director of the Long Island Pine Barrens Society, was also present and asked how the exact

specifications of the project could be spelled out so as to be completely clear as to what is being applied for and/or approved. Mr. Cowen stated that this is exactly what the project sponsor has been requested to do.

Administrative

- ! Summaries of 10/13, 12/8 meetings: review, approval

Summary: **A motion was made by Mr. Girandola and seconded by Mr. Cowen to approve the 10/13/99 meeting summary as final as drafted. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Mr. Kozakiewicz.**

The following correction to the 12/8/99 minutes was suggested: under "U.S. Dept. Of Energy / communications tower", the last paragraph's last sentence should read, in part: "... counsel will draft a letter to the US DOE ...". **A motion was then made by Mr. Cowen and seconded by Mr. Girandola to approve the 12/8/99 meeting summary as final with this correction. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Mr. Kozakiewicz.**

Pine Barrens Credit (PBC) Program

- ! Program totals to date (not on the original agenda)

Summary: Mr. Rizzo distributed the attached summary of Pine Barrens Credit Program acreage and credit totals as of 1/3/00. He noted that the total acreage protected by PBC easements to date has passed the 200 acre mark.

- ! Brookhaven Credit initiative: status

Summary: Mr. Rizzo reported that the bids have been received from holders of Credits originating within Brookhaven Town, as part of the Clearinghouse's effort to spend up to \$1 million dollars to purchase such credits. He noted that this will be discussed by the Clearinghouse at its meeting of 1/10/00 at 10:00 am at the Commission office.

- ! Southampton reverse auction: status

Summary: Mr. Rizzo reported that the necessary contracts have been sent to Mr. James Zizzi to sign, which enables him to purchase Credits from Southampton Town core area landowners as part of this first Southampton reverse auction. He noted that the "strike price", the purchase price for all of the Credits that Mr. Zizzi will purchase, has turned out to be \$20,000 per Credit.

Compatible Growth Area

- ! American Tissue / Yaphank (Brookhaven) / industrial site plan / Development of Regional Significance: new application; schedule hearing

Summary: Ms. Jakobsen summarized the status of this Development of Regional Significance, consisting of a 584,000 square foot manufacturing facility for the repackaging of bulk roll paper. The process involved is dry, without the generation of wastewater. The site is on the north side of the Long Island Expressway, west of Sills Road, and is in a Light Industrial zone.

She reported that there are several problems with the application submitted to the Commission, which has been forwarded to the Commission members: the application is not deemed complete until the State Environmental Quality Review Act (SEQRA) requirements are completed; the tax map numbers on the submitted materials are inconsistent or incomplete; there is no landscaping plan; and a Draft Environmental Impact Statement is being prepared since the project has received a positive determination under SEQRA. It was agreed that a letter will be sent to the applicant noting the requirements for completing the application to the Commission.

Core Preservation Area

- ! Hampton Hills Golf and Country Club / Northampton (Southampton) / site plan / approved hardship: report on final project's adherence to approval conditions
Summary: Ms. Plunkett explained that the Commission previously issued a core hardship permit for the addition of a small building and a golf cart storage area, and that replanting with native vegetation was required as part of that permit. She reported that on a recent site visit, she noted that grass had apparently been planted instead. She also explained that the Commission has since received the attached letter from Mr. Richard Van de Kieft explaining how that Commission permit requirement is going to be satisfied.

Pine Barrens Credit (PBC) Program

- ! Andersen / Manorville (Brookhaven) / appeal: hearing
Summary: A separate stenographic transcript exists for this. The hearing was postponed until the 2/16/00 Commission meeting at 3:00 pm, due to the applicant's absence due to illness.

Plan Implementation

- ! Overview of wireless tower guidelines and ordinances from various jurisdictions: information item
Summary: Ms. Carter distributed five items (see attached cover sheets) regarding communications towers and local ordinances covering them. The materials include a Wireless Ordinance Checklist and a document entitled "Four Easy Steps That Your Local Community Can Take", both from the Appalachian Trail Conference; a copy of Brookhaven Town Code Section 85; a copy of Southampton Town's Cell Tower Ordinance, and an article entitled

“Communications Towers Raise Concerns” from the US Fish and Wildlife News. She summarized some of the aspects of communications towers that these materials and ordinances highlight, including color, size, visibility, setbacks, fall zones, colocation, and removal upon obsolescence.

A discussion ensued regarding how the Commission could approach this type of land use, including possible future Plan amendments and possible regulations promulgated by the Commission. Mr. Rigano discussed sections of the pine barrens statute which may be most relevant to this efforts, as well as the possibility of future Commission regulations. It was agreed that the Commission staff will continue looking at other jurisdictions’ efforts regarding communications towers, and begin compiling the elements of a possible future Commission standard or regulation.

Core Preservation Area

- ! Long Island Power Authority (LIPA) / Southampton Town / transmission line corridor: current plans and new materials; discussion

Summary: Ms. Jakobsen reported that the Commission has received a letter from the project sponsor identifying two areas where clearing will occur, along with two copies of the Environmental Management and Construction Plan (EMCP) produced for the Public Service Commission. The latter item describes the necessary excavation, traffic control, and related issues involved in this project. The two areas are the intersections of Speonk Riverhead Road and the Sunrise Highway, and Bellows Pond Road and Sunrise Highway. The documents do not mention wetlands. The EMCP does talk about restoration of these sites.

Mr. Rigano stated that it is important to determine whether there is a material alteration of grade or vegetation, as part of the determination of this project’s status under the pine barrens law. Mr. Amper stated that the Long Island Pine Barrens Society is concerned about establishing a precedent regarding the Commission’s jurisdiction over future projects. Mr. Adam Yablonsky, representing the project sponsor, spoke regarding the EMCP and its contents. A long discussion then ensued regarding the EMCP, the presence or absence of details of the excavation locations on the construction plans, the status of the Public Service Commission proceedings regarding this, and the possible discrepancy between what is in the EMCP, what is on the construction and excavation plans, and what actually occurs in the field. Mr. Cowen emphasized that the Commission needs to see an official set of plans for the project in order to know exactly what the project is that they are reviewing.

*It was agreed that the project sponsor should file an application with the Commission, and that a public hearing will be held. **A motion was then made by Mr. Cowen and seconded by Mr. Dragotta to hold a public hearing on the LIPA transmission line project at the Commission meeting on 1/26/00 at 3:00 pm, pending receipt of the formal LIPA application prior to that time.***

The motion was approved by a 4-0 vote (Mr. Kozakiewicz was briefly out of the room when the vote was taken).

A brief discussion then ensued regarding the application of SEQRA if this is to be a core hardship application.

Compatible Growth Area

! Gazza / Westhampton (Southampton) / new clearing for agriculture / determination of jurisdiction

Summary: *Ms. Jakobsen reported that Mr. Joseph Gazza has requested an opinion from the Commission regarding the status of a proposal to clear certain land of native vegetation within the Compatible Growth Area for the growing of nursery stock using best management practices. There are four parcels involved, totaling approx 10.9 acres, located west of County Road 31 and on the north side of Old Country Road in Westhampton, Southampton Town. It was agreed that Commission counsel will speak with staff re this matter.*

Closed Advisory / Executive Session

Summary: ***A motion was made by Mr. Cowen and seconded by Mr. Girandola to enter into a closed advisory session for the purposes of (1) discussing contract matters, and (2) 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 5:02 pm.***

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Easement Protected Lands and Pine Barrens Credits as of 1/3/00 (1 page)
4. Letter from Mr. Van de Kieft re Hampton Hills permit requirement (1/5/00; 3 pages)
5. Cover pages from communications towers handouts (undated; 5 pages)

Commission Meeting Summary (FINAL)
for Wednesday, January 26, 2000 (Approved 3/8/00)
Riverhead Town Hall
East Main Street and Howell Avenue, Riverhead, NY
2:00 pm



Robert J. Gaffney
Chair

Felix J. Grucci, Jr.
Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
Member

Robert F. Kozakiewicz
Member

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Commission members present: Mr. Dragotta (for Suffolk County), Ms. Wiplush (for Brookhaven), Mr. Hanley (for Riverhead), Mr. Murphree (for Southampton) and Mr. Cowen (for New York State).

Others present: General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Ms. Jakobsen and Ms. Carter (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 2:08 pm by Mr. Dragotta, with a five member quorum.

Public Comment

Summary: The first speaker was Mr. Ralph Schiano, representing the South Fork Groundwater Task Force. He explained that the Task Force was now part of the Advisory Committee; that the Committee has been working on the contents of the proposed legislation to extend the Pine Barrens Act to the South Fork; that Mr. Amper, the Committee Vice Chair, will be presenting a request to the Commission today which Mr. Schiano requested the Commission to listen to carefully; and that the proponents of the extension very much want to see the legislation passed.

The second speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society and Vice Chair of the Advisory Committee. He noted that the Commission has the staff summary of the South Fork Pine Barrens work in hand today; and that at the last meeting of the Advisory Committee there were two resolutions passed (although there was not a quorum present).

He noted that the first resolution requests the Commission to hire Dr. James Nicholas of the University of Florida, or possibly another qualified economist, to look at the economic issues that must be dealt with in constructing an economically viable transfer of development rights program for the South Fork Pine Barrens. He then explained that the second request was for a detailed

lists of what parcels have been purchased (along with specific data on the sellers, purchase price, etc.) within the Central Pine Barrens during the past year, and how much remains to be protected there.

An extensive discussion then ensued regarding the Commission's request for a written detail of the request for an economist, the lack of a quorum at the 1/24/00 Advisory Committee meeting, the question of what exactly the economic analysis would examine and produce, etc. Further discussion was delayed until later in today's meeting.

The third speaker was Mr. Dominic Nicolazzi, representing himself. Mr. Nicolazzi requested to know when the contracts for sales of Credits that were discussed at the last Clearinghouse meeting would be ready. Mr. Dragotta indicated that he would speak with Mr. Nicolazzi later regarding this.

Administrative

- ! Summary of 1/5 meeting: review, approval (faxed)
Summary: A motion was made by Mr. Cowen and seconded by Mr. Dragotta to approve the summary of the 1/5/00 Commission meeting as final as drafted. The motion was approved by a 5-0 vote.

- ! Dept. of Energy Brookhaven Office: correspondence re Brookhaven Executive Roundtable
Summary: Mr. Corwin distributed the attached letter from Mr. George Malosh of the US Department of Energy's Brookhaven office, inviting the Commission to participate in the Brookhaven Executive Roundtable. It was agreed that Mr. Proios, who has been attending the meetings for the County Executive's Office, will continue to attend on behalf of the Commission.

- ! South Fork - Montauk Pine Barrens: Advisory Committee recommendations from 1/24/00
Summary: Mr. Corwin distributed and briefly discussed the attached status sheet for the South Fork - Montauk Pine Barrens initiative through 1/24/00.

Mr. Spitz observed that there was no quorum at the 1/24/00 Committee meeting, and that no formal resolution was passed. It was also noted that in the original pine barrens work, Dr. Nicholas was hired to analyze the Pine Barrens Credit Program once it was specified in the Plan, and that this time there is, as yet, no written version of a transfer program to analyze. Mr. Amper stated that the Committee is trying to do several tasks in parallel, and that Dr. Nicholas' assistance would help to identify what size core area and program is feasible here.

The discussion that followed emphasized several questions, including whether Dr. Nicholas would write a report or just raise the questions that a transfer program would have to answer; whether he would end up having to do the work

twice, once the new draft program is specified; whether the Committee will transmit their request in detail and in writing to the Commission; whether this is a separate effort (i.e., part of a new commission's responsibility) or part of the existing Commission's work; what form the new legislation might take; what role the Suffolk County Planning Department would play; and the need for the Commission to receive legal advice in a closed advisory session before acting on the Advisory Committee's request.

Pine Barrens Credit Program

- ! Weinstein / Manorville (Brookhaven) / new appeal: schedule hearing
- ! Gazza / Westhampton (Southampton) / new appeal: schedule hearing
Summary: Mr. Corwin distributed the attached credit allocation appeal for the Weinstein parcel (Suffolk County Tax Map number 200-562-3-1), located on the northeast side of County Route 111 in Manorville, Brookhaven Town. Mr. Corwin also distributed attached credit allocation appeal for the Gazza parcels (Suffolk County Tax Map numbers 900-239-2-6 and 7; 900-241-1-32), located on the south side of Sunrise Highway in Westhampton, Southampton Town.

A motion was then made by Ms. Wiplush and seconded by Mr. Murphree to schedule public hearings on each of these appeals for the 2/16/00 Commission meeting at 3:00 pm. The motion was approved by a 5-0 vote.

Plan Implementation

- ! Core area land use summary through 1999: information item
Summary: Ms. Plunkett distributed and summarized the attached update of the Core Preservation Area Parcel Status as of 1/20/00, and displayed a poster sized map of the current land use in the Central Pine Barrens.

Core Preservation Area

- ! Long Island Power Authority / Southampton Town / transmission line corridor / core hardship: public hearing
Summary: A separate stenographic transcript exists for this item.

Following the close of the hearing (and the conclusion of the transcript's coverage), a motion was made by Mr. Cowen and seconded by Mr. Murphree (1) to grant this core hardship permit to the Long Island Power Authority under the compelling public need portion of the pine barrens law contained within NY Environmental Conservation Law (ECL) 57-0121(10)(b)(i); and, (2) to further note that the hardship being granted represents the minimum relief necessary to complete this project and that the applicant has met the conditions set forth in ECL 57-0121(10)(c)(i)

through (iii), and (3) that this approval is subject to a formal drafting of this resolution by counsel .

A discussion ensued in which Mr. Cowen stated that he believes that the proposed plan now incorporates the conditions requested by the Commission in its past discussions. Ms. Plunkett stated that the staff recommends the following (more fully described in the attached "Draft Conditions" sheet): (a) that the applicant forward copies of all other approvals granted for this project to the Commission for its files; (b) that there will be restoration of the wetlands if any disturbance to them occurs; (c) that the areas cleared during construction be restored with native vegetation to the satisfaction of the agencies with jurisdiction; and (d) that the final construction schedules be forwarded to the Commission. Mr. Cowen agreed to all of these conditions excluding (b) re wetlands, since the NYS Department of Environmental Conservation has wetlands jurisdiction. It was also agreed that this is a Type 2 action under the State Environmental Quality Review Act (SEQRA) since it is under the jurisdiction of the Public Service Commission, so that the Commission is not responsible for conducting SEQRA on this action.

The amendments were agreed to by everyone, and the amended motion was approved by a 5-0 vote.

Pine Barrens Credit Program

! Announcement of additional Clearinghouse Board of Advisors meeting (not on the original agenda)

Summary: Mr. Corwin announced that he has been notified that the Chair of the Pine Barrens Credit Clearinghouse Board has called an additional meeting of the Board to be held on 1/28/00 at 12:00 noon at the Commission office in Great River.

Closed Advisory Session

Summary: A motion was made by Mr. Dragotta and seconded by Mr. Cowen to enter into a closed advisory session for the purposes of (1) receiving legal advice from counsel, and (2) discussing contract negotiations. The motion was approved by a 4-0 vote (since Ms. Wiplush was out of the room at the time of the vote), and the Commission entered into closed session from approximately 4:00 pm to 4:38 pm.

Administrative

! South Fork - Montauk Pine Barrens: continuation of prior discussion

Summary: Mr. Rigano stated that the Commission may need to issue a Request

for Proposals in order to retain a consultant such as the action informally requested earlier today by the Advisory Committee through its representatives present. Mr. Dragotta noted that the Commission could not simply hire Dr. Nicholas under his prior contract with the Commission. Mr. Rigano then noted that the first step would be for the Commission to have a specific written statement of what the work products would be.

Mr. Schiano then raised the question as to whether the Committee could simply utilize private funds to retain a consultant. A brief discussion then ensued regarding this and other details of the South Fork work. Mr. Schiano stated that there are only approximately 60 days for legislation to be drafted, so that many of the Committee members will be looking forward to moving this work along expeditiously.

Adjournment

Summary: A motion was made by Mr. Cowen and seconded by Mr. Murphree to adjourn the meeting. The motion was approved by a 5-0 vote, and the meeting ended at approximately 4:45 pm.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Letter from Mr. Malosh of US DOE re Roundtable (1/14/00; 2 pages)
4. Status of the South Fork Pine Barrens Initiative (1/24/00; 2 pages)
5. Credit appeal letter from Mr. & Mrs. Weinstein (1/6/00; 2 pages)
6. Letter from Mr. Gazza re PBC allocation (1/17/00; 1 page)
7. Credit appeal letter from Mr. Gazza (1/21/00; 1 page)
8. Core area parcel status (1/20/00; 2 pages)
9. LIPA transmission line draft approval conditions (undated; 1 page)

Commission Meeting Summary (FINAL)
for Wednesday, February 16, 2000 (Approved 3/29/00)
Brookhaven Town Hall
Building 4, 3233 Route 112, Medford, NY
2:00 pm



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

Robert J. Gaffney
Chair

Felix J. Grucci, Jr.
Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
Member

Robert F. Kozakiewicz
Member

Commission members present: *Mr. Proios (for Suffolk County), Ms. Eaderesto (for Brookhaven for today only), Mr. MacLellan (for Riverhead), Mr. Shea (for Southampton) and Mr. Cowen (for New York State).*

Others present: *General counsel was Ms. Roth. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Ms. Jakobsen, Ms. Carter and Mr. Rizzo (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 2:07 pm by Mr. Proios, with a four member quorum consisting of Mr. Proios, Mr. Cowen, Mr. MacLellan, and Mr. Shea. Mr. MacLellan was introduced by Mr. Proios as a newly appointed representative of Riverhead Supervisor Kozakiewicz (see attached appointment letter). He also noted that Ms. Eaderesto, Brookhaven Town Attorney, was present today as a representative for today only of Brookhaven Supervisor Grucci (see attached appointment letter). The quorum changed to five members when Ms. Eaderesto's letter arrived shortly after the start of the meeting.

Public Comment

Summary: *The first speaker was Mr. Buzz Schwenk, a member of the Pine Barrens Advisory Committee representing the Hamptons Visitors Council. He spoke on the 8/27/99 Southampton Town Board resolution number 0985 which requested the formation of a South Fork Pine Barrens Advisory Committee to address the proposed extension of the Pine Barrens Act. He stated that he was unable to find any record of a response from the Commission to that specific resolution, and requested that the Commission issue a written response to that resolution.*

Mr. Shea and Mr. Corwin each spoke about the current composition of the Pine Barrens Advisory Committee and the inclusion of most of the groups listed in the above resolution. Mr. Schwenk stated that there should be a response to the Town Board resolution, and wanted to know if Mr. Shea knew whether the current Advisory Committee satisfied the Town Board's

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

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request. Mr. Richard Amper of the Long Island Pine Barrens Society also spoke about the current composition and activities of the Advisory Committee.

The second speaker was Ms. Eileen Governale, a Manorville resident representing herself. She stated that she believes that the Pine Barrens Act has adversely affected her neighborhood. She spoke about a neighbor who, by her description, quit her job to handle her mother's property, and that the property was sold to someone who runs what she described as a "canned hunt" on the property. She stated that she feels that the pine barrens regulations have failed. She then mentioned another property further down the road next to a concrete crushing operation; stated that she cannot do her wildlife rehabilitation work where she lives; and complained that clearing is occurring on the west side of County Road 111.

A discussion ensued regarding the location of the Core area boundary, the provisions of the pine barrens law regarding development, and some of the particular situations which she had referred to earlier.

The third speaker was Mr. Richard Amper, the Vice Chair of the Advisory Committee and a representative of the Long Island Pine Barrens Society. He complimented Mr. Michael LoGrande of the Suffolk County Water Authority and Chair of the Advisory Committee, for his handling of the Advisory Committee's South Fork Pine Barrens deliberations. He also complimented Ms. Lisa Liquori of the East Hampton Town Planning Department and Mr. Shea of the Southampton Town Natural Resources Department, for their work on the same topic.

He specifically noted that there are three components needed for the pine barrens extension work: (1) a map needs to be defined, possibly including Core, Compatible Growth, and Special Management areas; (2) revised language must be specified for the statute, including roadfront parcels; and (3) an economic analysis should be undertaken. He noted that the last item is the subject of a letter from the Committee Chair today.

He also noted that the East Hampton Town Board will be holding an informational session on the pine barrens expansion tomorrow evening, and stated that both Towns have committed to contacting landowners, but they do not yet have a map about which any such contacts should speak. He further stated that receiving areas for development rights transfers are needed.

Administrative

- ! South Fork Pine Barrens: status of work; correspondence requesting economic consultant

Summary: At this point, Mr. Corwin distributed the attached letter from Mr. LoGrande, Chair of the Advisory Committee, regarding the proposed economic analysis. No discussion was held on the letter at this time.

Pine Barrens Credit Program

- ! Andersen / Manorville (Brookhaven) / appeal: hearing (*appeal letter distributed 1/5/00; postponed from 1/5/00 due to illness*)
- ! Weinstein / Manorville (Brookhaven) / appeal: hearing (*appeal letter distributed 1/26/00*)
- ! Gazza / Westhampton (Southampton) / appeal: hearing (*appeal letter distributed 1/26/00*)
Summary: A separate stenographic transcript exists for these hearings. The Andersen hearing record was left open until 3/29/00, and the remaining two hearing records were left open until 3/8/00.

Ms. Eaderesto left during the following discussion item, and a four member quorum was present for the remainder of the meeting. In her stead, Ms. Gladys Gentile of the Brookhaven Town Attorney's office was present, but could not vote since she was not formally appointed.

Compatible Growth Area

- ! Sachem Central School District: correspondence
Summary: Ms. Jakobsen distributed and discussed the attached jurisdictional determination request from Ms. Theresa Elkowitz on behalf of the Sachem School District. Their project involves the construction of new high school on a parcel within the Compatible Growth Area, Suffolk County Tax Map number 200-604-3-11.1. The parcel is 103.3 acres, located on the north side of Granny Road, between NYS Route 112 and North Ocean Avenue (County Road 83).

Mr. David Sammels, an architect representing the Sachem School District, was also present and spoke regarding the need for the new high school. The discussion also touched upon the details contained within the other two attachments, a consistency analysis (with respect to the CGA standards) prepared by Ms. Elkowitz' firm, and an aerial photograph prepared by Mr. Sammels showing the proposed project conceptually overlaid upon the photo. He noted that the project would not be laid out precisely as shown on the altered photo, but that the purpose was to show the number of buildings and athletic fields, and the approximate clearing that would be involved. The superimposed images were from another site that the District already owns.

Mr. Sammels also spoke about the rise in the Sachem student body from approximately 12,000 students currently to an anticipated 16,000 in the near future. He noted that Sachem is the largest district in the State, operating 12 elementary schools, two junior high schools, and two high schools (one covering grades 9 and 10, the other covering grades 11 and 12). He explained that the proposed new school was part of a set of proposed changes in the District's operations. He also explained that the District is seeking to obtain voter approval by 6/30/00 in order to qualify for existing State funding sources.

In the discussion that followed, it was noted that Brookhaven Town does not have site plan review jurisdiction over this project. Mr. Proios referred to groundwater contamination at a different school facility, and noted that schools can generate waste materials from laboratories that needs to be properly disposed. He suggested that the District look into the possible use of the nearby Allstate Building's sewage treatment plant, which is currently underutilized. A brief discussion then followed regarding water supply, nearby wells, and water pressure in the area. Mr. Cowen asked if the District would stipulate that they will examine the possible use of the Allstate sewage treatment plant, and Mr. Sammels said yes.

Discussion then focused upon the amount and location of the clearing that would be involved, and the similarities to, and differences from, the Eastport-South Manor Central High School project for which the Commission approved a nonjurisdictional determination on 9/22/99 (see last page of Ms. Elkowitz' letter for the Commission's resolution of that date).

The topography of the site was then discussed, as well as the compatibility of the project with the Central Pine Barrens Plan. The discussion centered upon the aerial photograph, with the agreement that the actual amount of clearing is not to significantly exceed the amount shown there, and that the clearing should occur as far to the south of the parcel - and away from the higher elevations on the site - as possible. Discussion also centered upon the breadth of the requested nonjurisdictional determination.

A motion was then made by Mr. Shea and seconded by Mr. MacLellan to determine that the proposed Sachem School District project is not defined as development under Section 57-0107(13)(1) of the NY Environmental Conservation Law subject to (1) the stipulation by the Sachem School District's representative that the District will examine the possible use of the Allstate Building's sewage treatment plant for waste disposal, and (2) that the amount of clearing will be minimized. It was also noted that the Commission will forward a letter to the lead agency requesting to be kept informed of the progress and handling of this project. The motion was approved by a 4-0 vote.

Administrative

- ! South Fork Pine Barrens: status of work; correspondence requesting economic consultant

Summary: After a brief discussion of the attached written request from the Advisory Committee Chair, a motion was made by Mr. Cowen and seconded by Mr. Shea to authorize the spending of up to \$6,000 for economic analysis by Dr. James Nicholas as a sole source provider, subject to review by Commission counsel. The motion was approved by a 4-0 vote.

Pine Barrens Credit Program

- ! Brookhaven Credit purchase initiative: results

Summary: Mr. Rizzo reported that the Clearinghouse has entered into contracts for the purchase of a total of 28.3 Credits at \$40,000 per Credit, and that there will likely be 1.0 additional Credit purchased at \$30,000 and 0.20 Credit purchased at \$32,500 per Credit. He noted that the next Clearinghouse meeting will be on 3/21/00 at 3:00 pm at the Commission office.

Mr. Cowen then asked that the record show that he feels that this Credit purchase initiative was an "abject failure" since its purpose was not to accumulate Credits from intermediate owners, but rather from small property owners.

Plan Implementation

- ! Twinning with Migliarino - San Rossore - Massaciuccoli (MSRM) Regional Park: draft Memorandum of Agreement

Summary: Mr. Corwin and Ms. Plunkett described the attached draft Memorandum of Agreement (MOA; previously distributed) between the Commission and the Migliarino - San Rossore - Massaciuccoli Regional Park in Tuscany, Italy. The agreement calls for the exchange of information, materials, and visitors; and the establishment of a Cooperation Committee which will facilitate the startup and the ongoing implementation of the activities under the MOA. Mr. Corwin noted that any travel costs would have to be assumed personally by participants representing the Commission.

After a brief discussion, a motion was made by Mr. Cowen and seconded by Mr. Shea to approve the Memorandum of Agreement, and to authorize the Chair or his representative to sign the agreement at a time to be determined. The motion was approved by a 4-0 vote.

Core Preservation Area

- ! Long Island Power Authority / Southampton Town / Transmission line corridor: written decision

Summary: A discussion ensued regarding the conditions to be included in the Commission's written determination of nonjurisdiction. Specifically, the elimination of wetlands provisions (since they are under the jurisdiction of the NYS Department of Environmental Conservation) and the inclusion of a requirement to revegetate using native pine barrens vegetation were discussed. A motion was then made by Mr. Cowen and seconded by Mr. Shea to approve the attached written decision, which incorporates the discussed changes. The motion was approved by a 4-0 vote.

Public Comment

- ! Sachem Central School District: public comment

Summary: Mr. Olsen, representing Civil Property Rights Associates, spoke about the Commission's discussions of, and the pine barrens law's applicability to, projects such as the Sachem School District's. He stated that public and quasi public entities should be directed to find another site in certain cases. He stated that schools should not be bulldozing trees, and asked where Mr. Amper was on this issue. Mr. Olsen stated that schools should be held to a higher standard. He complained that the Sachem District arrived at the Commission meeting without a sketch plan or a site plan, and that they should be ashamed.

Closed Advisory Session

Summary: A motion was made by Mr. Proios and seconded by Mr. Shea to enter into a closed advisory session for the purpose of receiving legal advice from counsel, and for the additional purpose of discussing contract negotiations. The motion was approved by a 4-0 vote., and the Commission entered into closed session from approximately 6:07 pm through 6:12 pm.

Administrative

- ! General Counsel rate increase

Summary: A motion was made by Mr. Cowen and seconded by Mr. MacLellan to authorize the Commission Chair or his designated representative to sign the attached letter amending the Commission's 3/4/94 retention letter with McMillan, Rather, Bennett & Rigano. The motion was approved by a 4-0 vote. Mr. Proios then signed the amendment letter on behalf of the Commission.

Adjournment

Summary: The meeting ended at approximately 6:15 pm, without a formal adjournment resolution.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Letter from Mr. Kozakiewicz appointing Mr. MacLellan (2/16/00; 1 page)
4. Letter from Mr. Grucci appointing Ms. Eaderesto for today only (2/16/00; 1 page)
5. Letter from Mr. LoGrande re economic analysis (2/16/00; 2 pages)
6. Letter from Ms. Elkowitz re Sachem School District project (2/9/00; 4 pages)
7. Consistency analysis for Sachem School District project (undated; 10 pages)
8. Aerial photograph with project design for Sachem project (undated; 1 page)
9. Draft Memorandum of Agreement with MSRM Park, Tuscany (undated; 4 pages)

10. Written LI Power Authority nonjurisdiction determination (2/16/00; 4 pages)
11. Letter amending 3/4/94 retention letter for general counsel (2/16/00; 1 page)

Commission Meeting Summary (FINAL)
for Wednesday, March 8, 2000 (Approved 3/29/00)
Brookhaven Town Hall
Building 4, 3233 Route 112, Medford, NY
2:00 pm



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

Others present: General counsel was Ms. Roth. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Ms. Jakobsen, Ms. Carter and Mr. Rizzo (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 2:15 pm by Mr. Proios, with a four member quorum consisting of Mr. Proios, Mr. Cowen, Mr. Girandola, and Mr. Murphree.

Public Comment

Summary: The only speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. He noted that Southampton Town is moving towards finishing a map and is reviewing legislative language for the proposed pine barrens extension into the South Fork area. He also noted that a public informational meeting will be held by the Southampton Town Board on 3/14/00 at 5:00 pm at the Southampton High School.

Mr. Amper stated that he has looked at the draft version of the East Hampton core area for the South Fork Pine Barrens, and that it appears to be less than 1500 acres, with approximately one half of that total having already been identified in the Town's Community Preservation Fund Plan for acquisition. He stated that a similar description may hold true for Southampton Town as well.

He reported that the Central Pine Barrens Advisory Committee has "bogged down" over objections to the Committee's procedures by certain real estate interests. He then noted that the Town Boards have the draft legislative language which was the subject of recent discussions, and that they and the Town Attorneys are examining it.

Robert J. Gaffney
Chair

Felix J. Gucci, Jr.
Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
Member

Robert F. Kozakiewicz
Member

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

Phone (631) 224-2604
Fax (631) 224-7653
Internet:
<http://pb.state.ny.us>

Mr. Proios asked about the impacts to farmers that may have caused the Long Island Farm Bureau to object, and Mr. Amper stated that there are no farms in either of the two Town's draft core areas, and that farming would be exempt under the current language proposals. He stated that he felt that the Farm Bureau is objecting on the basis of general concerns over property rights.

Administrative

- ! Summaries of 1/26 meeting: review, approval

Summary: A motion was made by Mr. Cowen and seconded by Mr. Murphree to approve the 1/26/00 meeting summary as final as drafted. The motion was approved by a 4-0 vote.

- ! Designation of Records Access Officers

Summary: Ms. Roth explained that the Freedom of Information Law (FOIL) refers to Record Access Officers as the points of contact when a FOIL request is filed with a governmental body. She explained that these individuals would accept requests and make determinations that they should be granted or denied. She noted that the Commission could appoint two such individuals to this position, so that there would always be at least one available to sign FOIL related correspondence. Mr. Corwin recommended that he and Mr. Rizzo be appointed.

A motion was then made by Mr. Girandola and seconded by Mr. Murphree to appoint Mr. Corwin and Mr. Rizzo as the Commission's Records Access Officers, as that term is defined in the Freedom of Information Law. The motion was approved by a 4-0 vote.

Pine Barrens Credit Program

- ! 3/29/00 Presentation of plaques to Mr. Jack Hanley's family and coworkers (*not on the original agenda*)

Summary: Mr. Proios reminded the Commission members that the Commission and the Pine Barrens Credit Clearinghouse Board of Advisors will be presenting memorial plaques to the family and coworkers of Mr. Jack Hanley at the 3/29/00 Commission meeting. One plaque is intended for the Suffolk County National Bank, where Mr. Hanley served as President while a member of the Clearinghouse Board, and the other is for his family. Mr. Gaffney is scheduled to attend and present the plaques. Mr. Proios asked that the Commission members try to be sure to attend that presentation.

Administrative

- ! Renewal of Officers and Director's insurance policy: authorization of Chair to sign

(not on the original agenda)

Summary: Ms. Roth explained that the Commission must authorize the Chair or his representative to sign the application for renewal of the Commission's Directors and Officers insurance policy. **A motion was then made by Mr. Girandola and seconded by Mr. Murphree to so authorize the Chair or his representative. The motion was approved by a 4-0 vote, and Mr. Proios signed the renewal application.**

Pine Barrens Credit Program

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

! Brookhaven Credit purchase initiative: results

Summary: Mr. Rizzo reported that a total of 23.8 Credits have been purchased from Campo Brothers and Dominic Nicolazzi, and that contracts for an additional 1.2 Credits are awaiting finalization.

! Clearinghouse meeting *(not on the original agenda)*

Summary: Mr. Rizzo reported that the next meeting of the Clearinghouse Board will be on 3/21/00 at 3:00 pm at the Commission office.

! Roselin LLC / Longwood (Brookhaven) / Letter of Interpretation application: Plan interpretation of yield factor

Summary: Mr. Rizzo explained that a Letter of Interpretation application for a 149.06 acre parcel identified as Suffolk County Tax Map (SCTM) parcel 200-459-1-1.3 has been received. The parcel is located to the west of William Floyd Parkway, and north of Longwood Road, in the Longwood area of Brookhaven Town, and is zoned PRC (Planned Residential Community). It was noted that this parcel contains the four proposed parcels numbered as parcels 6, 7, 8, and 9 in the North Shore Properties Generic Environmental Impact Statement.

He explained that there is no development yield factor in the Central Pine Barrens Plan for this zoning category, and that he spoke prior to today's meeting with Mr. Girandola regarding what uses and densities are permitted in this category. A brief discussion ensued regarding the lack of such a yield factor, and the procedure by which the Clearinghouse usually seeks clarification from the Commission on such Plan issues.

! Weinstein / Manorville (Brookhaven) / appeal: close of hearing record; decision due today *(deadline is 3/12/00)*

Summary: Mr. Rizzo distributed and discussed the attached staff report for this Credit appeal for SCTM parcel 200-562-3-1. A hearing on this appeal was held on 2/16/00. **A motion was then made by Mr. Girandola and seconded by Mr. Cowen to deny the appeal and to adopt the staff report. The motion was approved by a 5-0 vote.**

Mr. Walter Olsen asked about the details of this appeal, and Mr. Rizzo explained that the original allocation was 4.56 Credits and that the requested allocation was 16 to 18 Credits.

- ! Gazza / Westhampton (Southampton) / appeal: close of hearing record; decision due today (deadline is 3/21/00)

Summary: Mr. Rizzo distributed and discussed the attached staff report for this Credit appeal for SCTM parcels 900-239-2-6 and 7, and 900-241-1-32. A hearing on this appeal was held on 2/16/00. Mr. Proios stated that he does not believe that adjacency to a limited access roadway has been considered in the past as "roadfront", and Mr. Murphree agreed. Mr. MacLellan asked about the restrictions in the conservation easements that are placed on properties, and that was discussed briefly.

A motion was then made by Mr. Murphree and seconded by Mr. MacLellan to deny the appeal and to adopt the staff report. The motion was approved by a 5-0 vote.

Plan Implementation

- ! Law Enforcement Council: Innovations in American Government application
Summary: Mr. Corwin briefly described this awards program which is administrated by the Kennedy School of Government at Harvard University, and funded by the Ford Foundation. The Program recognizes innovative and creative examples of problem solving in the public sector. He explained that an awards application has been submitted on behalf of the Law Enforcement Council's unusual interagency approach to their multi jurisdictional responsibilities. There was no further discussion.

Core Preservation Area

- ! Suffolk Community College Eastern Campus / Eastport (Southampton) / site plan: SEQR Coordination for modular building

Summary: Ms. Plunkett distributed and discussed the attached State Environmental Quality Review Act lead agency coordination letter from the Suffolk County Community College administration. The letter refers to a proposed modular building consisting of 14 units to provide 12 classrooms. It would be constructed on a portion of the current parking area in front of the energy plant on the College's Eastern Campus in Eastport, in Southampton Town. The College Trustees wish to be the Lead Agency.

Ms. Plunkett explained that since the last discussions between the College and the Commission regarding the sewage treatment plant at the Eastern Campus, the College and the NYS Department of Environmental Conservation have agreed on an upgrade to the existing plant, rather than abandoning the plant and installing a leaching field, and that the additional sanitary waste from the

proposed modular building would be treated at the existing plant. She noted that the proposed modular building does not appear to have any impact on core area resources.

A discussion then ensued regarding the College's existing Master Plan Phase 1 (which does not include the proposed modular building); the fact that the existing Master Plan Phase 1 was deemed by the Commission to be nondevelopment; whether the current proposal was "development" under the pine barrens law; whether a Core hardship permit would be required; the provision of the Pine Barrens Plan that says that the Commission shall seek lead agency status on Core area projects; the desire expressed by Mr. Amper to obtain a complete picture of the County's plans for future Core area facilities; the difficulty in discerning what the College's current plans or desires are; and what written materials the Commission currently has at its disposal to determine whether the project constitutes development.

It was agreed that Commission counsel will examine the current materials, the pine barrens legislation and the Pine Barrens Plan and make a report at the next Commission meeting.

- ! Westhampton Mini Storage / Westhampton (Southampton) / expansion: new hardship; set hearing

Summary: Ms. Jakobsen distributed the new hardship request for this 53 acre parcel, zoned LI-200 (Light Industrial, 5 acre lot size), identified as Suffolk County Tax Map 900-248-1-110.2, and located on the North Perimeter Road on the north side of Gabreski Airport, in Westhampton, Southampton Town. The project consists of the addition of 3 buildings containing 20,800 square feet to the site, which already contains 48,000 square feet of self storage buildings. She further described the proposal's details.

A discussion then followed regarding whether the two previous Core area hardships which the Commission has granted to this property already constitute the minimum relief necessary to which the pine barrens law refers; whether the proposed project is an unlisted action (which Mr. Cowen asserted that it is); and whether the Commission should perform a coordinated or uncoordinated review under SEQRA regulations. It was agreed that this will be placed on the next Commission agenda for counsel's report.

- ! Hidden Pond Stables / Manorville (Brookhaven) / riding arena: new hardship; set hearing

Summary: Ms. Jakobsen distributed the new hardship request for this 34.22 acre parcel, zoned HF (Horse Farm, 1 house permitted for each 30,000 square feet), identified as Suffolk County Tax Map 200-460-1-5, and located on the north side of North Street, west of Center Moriches Road and Wading River Road, in Manorville, Brookhaven Town. The project consists of the construction of a 100 by 200 by 16 foot indoor equestrian riding facility with a dirt floor, with no additional septic system and no clearing of native vegetation. She further described the proposal's details.

It was agreed that the application lacks necessary details, such as the exact location of the proposed structure, and certain information on the Environmental Assessment Form. It was also noted that the previous owners of this property had received a Letter of Interpretation, but that it has since expired. It was agreed that this will be placed on the Commission's next meeting agenda.

Compatible Growth Area (CGA)

Mr. Girandola left part way through the following agenda item. Ms. Wiplush arrived during the following item also. A five member quorum remained.

- ! Ironwood Golf Course / site plan / Yaphank (Brookhaven): new hardship; set hearing
Summary: Ms. Jakobsen distributed the new CGA hardship request for this 121 acre parcel, zoned partly A-1 Residence (5.65 acres) and partly A-5 Residence (115.34 acres), identified as Suffolk County Tax Map parcels 200-547-1-19, 200-578-1-44, and 200-610-1-22, 23, and 24, and located on the north side of Mill Road, west of Lincoln Road, in Yaphank, Brookhaven Town.

The project consists of the construction of an 18 hole golf course, a 4,050 square foot storage building, a 3,000 square foot maintenance building, and a 203 vehicle parking area. The hardship seeks relief from the standards which restrict the amount of fertilizer dependent vegetation and the clearing of native vegetation. She further described the proposal's details, including the current use of approximately 19.61 acres of the site for agriculture.

*A brief discussion ensued regarding how to apply the Pine Barrens Plan standards. **A motion was then made by Mr. Cowen and seconded by Mr. MacLellan to hold a public hearing on this CGA hardship application at the 3/29/00 Commission meeting at 4:00 pm. The motion was approved by a 5-0 vote.***

- ! Manorville Vistas / Manorville (Brookhaven): information item
Summary: Ms. Plunkett reported that the Commission has received three calls from concerned residents regarding the excavation activities that are occurring on this site along Eastport Manor Road in Manorville, west of County Route 111. She reported that the Commission staff have spoken with Brookhaven Town staff regarding what approvals were granted on which dates during the past; what activities are permitted under those approvals; whether mining is permitted or being overseen at this site; and whether the project or any phase of it is grandfathered under the Pine Barrens law. Specifically, the question has arisen as to whether the project as currently being proposed and constructed is, in fact, the same project that may have been grandfathered under the pine barrens law in 1993, when the law was passed.

Mr. Amper stated that the project should be seen in person by the Commissioners, since he believes that what is currently underway was never contemplated by anyone at the time of the law's passage. Mr. David Sloane,

who stated that he represents the current owner of the site, said that it is, in fact, the same project.

A discussion followed regarding the provisions of the NY Environmental Conservation Law which permit mining if it is part of a Town approved subdivision and which does not, in such a case, require a state mining permit; Chapter 53 of the Brookhaven Town Code; whether the project can be called up for review after petition by a Commissioner; and whether the Town Code provisions which permit this activity are consistent with the Central Pine Barrens Plan. It was agreed that this will be examined further by counsel, and will be on the Commission's next agenda.

- ! Sachem Central School District / Farmingville (Brookhaven): prior jurisdictional determination by Commission (*not on the original agenda*)
Summary: *Mr. Proios reported that he has called the State Education Department to request that the Commission be considered as an interested party to the proposed construction of the Sachem East High School (which was recently deemed to not be "development" by the Commission) and to request that the possibility of the new school being tied into an existing sewage treatment plant be considered by the department in its review.*

Adjournment

Summary: **A motion was made by Mr. Murphree and seconded by Mr. Proios to adjourn the meeting. The motion was approved by a 4-0 vote (with Ms. Wiplush out of the room), and the meeting ended at approximately 4:00 pm.**

Attachments (in order of discussion):

1. Attendance list (2 pages)
2. Speaker list (1 page)
3. Weinstein Credit appeal staff report (3/6/00; 3 pages)
4. Gazza Credit appeal staff report (3/6/00; 5 pages)
5. Suffolk Community College SEQRA coordination letter (2/18/00; 6 pages)

Commission Meeting Summary (FINAL)
for Wednesday, March 29, 2000 (Approved 4/19/00)
Riverhead Town Hall
East Main Street and Howell Avenue, Riverhead, NY
2:00 pm



Robert J. Gaffney
Chair

Felix J. Grucci, Jr.
Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
Member

Robert F. Kozakiewicz
Member

Commission members present: Mr. Proios (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven; Mr. Girandola voting), Mr. Kozakiewicz (for Riverhead), Mr. Shea (for Southampton) and Mr. Cowen (for New York State).

Others present: General counsel was Ms. Roth. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Ms. Jakobsen, Ms. Carter and Mr. Rizzo (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 2:07 pm by Mr. Proios, with a four member quorum initially present consisting of Mr. Proios, Mr. Kozakiewicz, Ms. Wiplush and Mr. Shea.

Public Comment

Summary: The first speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. He noted that by this time, the Commissioners have probably learned that the Southampton Town Board has passed a resolution rescinding their 1999 resolution requesting that the pine barrens law be extended to the eastern part of the Town. He stated that he thought that Supervisor Cannuscio, during the recent public information hearing held by the Town, had provided antiquated information to the rest of the Town Board regarding several topics.

The first was the question of whether home rule would be lost by the Town, which the Society feels has not been lost by the Town under the current pine barrens law. Mr. Amper estimated that 95% of the decisions made since the current law went into effect have continued to be made by the Town. The second topic was the assertions that Mr. Amper stated were made by Supervisor Cannuscio that the Commission ignored the Town's request for a special advisory committee. Mr. Amper noted that the current Advisory Committee composition is set by statute. The third topic was Mr. Amper's assertion that Mr. Cannuscio portrayed the Commission's procedures as confiscatory with respect to

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

Phone (631) 224-2604
Fax (631) 224-7653
Internet:
<http://pb.state.ny.us>

property rights, and Mr. Amper requested that the Commission discuss this matter with its counsel. Mr. Amper stated that there is nothing wrong with the Commission's work, that any contrary remarks by any individual Commissioner would be inappropriate and would compromise the integrity of the Commission's work.

Mr. Cowen and Mr. Girandola arrived during the following remarks. With Mr. Cowen's arrival, a five member quorum was present, and remained so for the remainder of the meeting.

The second speaker was Mr. Walter Olsen, representing Civil Property Rights Associates. He stated that he is tired of Mr. Amper's assertions that the Act has fairly compensated property owners; that he believes that Supervisor Cannuscio's comments were about the Pine Barrens Act rather than the Commission; that he feels that the \$5,000 to \$6,000 per acre that the County has been paying to purchase land is not enough; that the issue boils down to people being concerned about fair compensation; and that the values being paid must be brought up.

Mr. Amper then stated his concern is that Commission members ought not to be making statements such as he has described, and Mr. Proios then asked the Commission staff to obtain transcripts of the Southampton public hearing. Mr. Shea then noted that the Town remains committed to watershed protection, describing some of the Town's actions in this direction. Mr. Amper then stated that he does not want to see inappropriate statements by Commissioners appearing in legal documents, and Mr. Shea asked him to put any specific questions for the Town in writing. Mr. Amper said that he would.

Mr. Proios then explained that the County uses a rotating list of independent private appraisers; that the County has not paid the prices described by Mr. Olsen in several years; that the recent prices paid have not been less than \$8,000 per acre, and have been much higher than that; and that Pine Barrens Credits have risen in value to levels as high as \$40,000 per Credit.

Mr. Olsen then stated that he believes that the County only places on its list those appraisers which he described as friendly to the County, and which provide appraisals that the County likes. He stated that he has had property which he owns appraised by the County and by his own appraiser, and that the results have differed by a factor of two. With respect to the Credit Program, he stated that there has been no move to conduct the same purchase initiative in Southampton that was undertaken for Brookhaven Town. Mr. Proios asked Mr. Olsen to provide a list of appraisers, if he wished.

Administrative

- ! South Fork Pine Barrens: Southampton Town Board resolution rescinding 1999 resolutions (*information item*)
Summary: Mr. Corwin then distributed the attached 5/24/00 Southampton Town

Board resolution rescinding its pine barrens extension resolutions of 1999. No further discussion was held.

- ! Summaries of 2/16, 3/8 meeting: review, approval (faxed)

Summary: A motion was made by Mr. Shea and seconded by Mr. Girandola to approve the draft summary of the 2/16/00 Commission meeting as final. The motion was approved by a 5-0 vote.

A second motion was then made by Mr. Shea and seconded by Mr. Girandola to approve the draft summary of the 2/16/00 Commission meeting as final. The motion was approved by a 5-0 vote.

- ! SC Water Authority 2000-01 agreement: review, approval (faxed)

Summary: Ms. Roth explained that the attached draft agreement between the Commission and the Suffolk County Water Authority, which was previously faxed, was the same as the 1999-2000 agreement, with appropriate updates. A motion was then made by Mr. Cowen and seconded by Mr. Shea to approve the agreement, and to authorize the Commission Chair or his designated representative to sign the agreement on behalf of the Commission. The motion was approved by a 5-0 vote, and the agreement was held for signing until Mr. Gaffney's arrival later.

Plan Implementation

- ! Status of the Liere property clearing reports, and clearing investigations in general (not on the original agenda)

Summary: Mr. Proios discussed the attached documents regarding ongoing activity on the Liere property in Manorville. The documents include a letter to the County Executive as Commission Chair inquiring about the clearing and material removal activities, and a one page notice from the NYS Department of Environmental Conservation (NYS DEC) stating that legal action has commenced regarding possible solid waste infractions there. Mr. Proios noted that he has asked the Law Enforcement Council agencies to look into this matter, and possibly inspect the site. Mr. Cowen explained that the owner had asked whether a solid waste permit was needed; that DEC inspectors had then visited the site, and that although some violations had been found (hence the legal actions described on the attached letter), that the amount of material being removed did not trigger the threshold for needing a Part 360 Solid Waste Permit.

The discussion then turned to the question of whether a new law, or an amendment to the pine barrens law, was needed. Ms. Wiplush stated that the Law Enforcement Council has no authority to undertake certain investigations, and Mr. Amper stated that, if necessary authority was absent, than a new law or an amendment should be looked at. Mr. Corwin explained that the Council's member agencies have individual authority under their normal statutes, and that members of the Council have expressed their frustration that there is no

enforcement provision for Environmental Conservation Law (ECL) Article 57 (the pine barrens law) as there is for ECL Article 24 (Freshwater Wetlands), which has its enforcement provisions in ECL Article 71. Mr. Cowen observed that the most common problem which he feels that the Commission faces is distinguishing legitimate agricultural activities.

Mr. Proios then suggested that the records of calls which have come into the County's toll free hotline be examined in order to determine what the dispositions have been, and whether there are problems with processing certain types of violations. That was agreed, and Mr. Amper also stated that he could draft a list of the situations which can arise in the pine barrens but which are not within the Commission's jurisdiction.

Core Preservation Area

- ! Suffolk Community College Eastern Campus / Eastport (Southampton) / site plan: counsel's report on "development" status (from 3/9/00)
Summary: Ms. Roth explained that she has looked at this proposal to construct a modular classroom building on a portion of the College's Eastern Campus parking lot. She noted that the proposed building is a Type 2 action under the State Environmental Quality Review Act, since it is less than 10,000 square feet. She also looked at the College's Phase 1 list of activities which the Commission has previously determined is not classified as "development" under the pine barrens law. The current proposal is not included in that list, and so must be considered individually. Specifically, she stated that the Commission could find that the project is nondevelopment under Section 57-0107(13)(i) of the pine barrens law, since it could be construed as a public improvement and is consistent with the goals and objectives of the statute, as there is no removal of vegetation, and the septic waste will be treated at the College's sewage treatment facility.

Mr. Amper then asked whether the cumulative total of all the projects contemplated in Phase 1 of the College's Master Plan is less than 10,000 square feet, and also whether the project would be considered nondevelopment because of its educational benefits or its environmental impacts. A discussion then ensued regarding the specific provision noted above, and the combination of factors that exist in this case. Mr. Amper stated that he would like to have the County set an example of pine barrens law compliance by outlining all of the contemplated College projects at once for the Commission to consider. A brief discussion ensued regarding the planning process at the College, and the College's dependency upon the County Legislature's funding.

A motion was then made by Mr. Proios and seconded by Mr. Shea to determine that the proposed modular classroom building as described to the Commission does not constitute development, since it satisfies Section 57-0107(13)(i) of the pine barrens law. The motion was approved by a 5-0 vote.

- ! Westhampton Mini Storage / Westhampton (Southampton) / expansion: counsel's report on new hardship (from 3/9/00)
*Summary: Ms. Roth reported that she has examined the prior two core hardship approvals for the site, and the documentation that accompanied them. She then specifically read from a portion of the 7/16/97 hearing transcript for this site (which was the hearing for the second hardship application) which dealt with the question of the extent of the relief being granted at that time, and whether that grant of relief combined with the prior grant would constitute the minimum relief necessary as specified in the pine barrens law. A brief discussion ensued regarding whether a hearing should be held on this new application, and it was agreed that one will be held. **A motion was then made by Mr. Shea and seconded by Mr. Cowen to hold a hearing on this new application on 5/10/00 at 4:00 pm. The motion was approved by a 5-0 vote.***

Mr. Gaffney arrived at this time.

Administrative

- ! SC Water Authority 2000-01 agreement: review, approval
Summary: Mr. Gaffney signed the attached agreement approved earlier today, and it was notarized. It will now be forwarded to the Suffolk County Water Authority for approval and signing.

Pine Barrens Credit Program

- ! **Presentation of commemorative plaques in memory of Mr. Jack Hanley to his family and the Suffolk County National Bank** (Mr. Gaffney, Sup. Kozakiewicz, and Clearinghouse members)
Summary: Present for the awarding of the commemorative plaques in honor of Mr. Hanley's service to the Clearinghouse were Ms. Gail Hanley and her immediate family, and Mr. Gordon Huszagh, Executive Vice President and Chief Financial Officer, and Ms. Jeanne Hamilton, Senior Vice President, from the Suffolk County National Bank. Mr. Corwin introduced Mr. Gaffney and Supervisor Kozakiewicz, who each spoke about Mr. Hanley and who presented both plaques (see attached text). Mr. Corwin then introduced Mr. Andrew Freleng (the Suffolk County representative to the Clearinghouse), Mr. James Burke (who represented Mr. Allan Grecco, former Vice Chair of the Clearinghouse), and Mr. Mitchell Pally (the Governor's representative to the Clearinghouse), each of whom spoke briefly.

Mr. Gaffney departed at this time.

Core Preservation Area

- ! Lakeside Manorville Hotel / Manorville (Brookhaven): new hardship; set hearing (materials to be distributed)
*Summary: Ms. Jakobsen described this new core hardship application for a 5.38 acre site on the east side of County Road 111 and the south side of the Long Island Expressway in Manorville, in Brookhaven Town. The site is currently vacant and wooded except for two uninhabited cottages, and is zoned A2 Residence. The proposed action involves the construction of two 10,000 square foot commercial buildings, and would require a change of zone by the Town to J2 Business. The project sponsor proposes to develop this Core area site as per the Compatible Growth Area standards. **A motion was then made by Mr. Cowen and seconded by Mr. Shea to schedule a hearing on this application at the 5/10/00 Commission meeting at 4:00 pm. The motion was approved by a 5-0 vote.***

- ! Hidden Pond Stables / Manorville (Brookhaven) / riding arena: new hardship; possible additional information (any new materials to be distributed; from 3/9/00)
*Summary: Ms. Jakobsen explained that she has spoken with the project sponsor regarding the additional information requested by the Commission at the 3/9/00 meeting, but that the information has not yet been submitted. **A motion was then made by Mr. Girandola and seconded by Mr. Cowen to schedule a hearing on this application at the 5/10/00 Commission meeting at 4:00 pm. The motion was approved by a 5-0 vote.***

Compatible Growth Area

- ! Manorville Vistas / Manorville (Brookhaven): counsel's report; correspondence (from 3/9/00)
Summary: Ms. Roth explained that she has reviewed the currently available materials regarding the project, and summarized the approvals that it has received since its inception. She noted that the project documentation is complicated and long, and that a thorough review of all materials would take considerable staff time. However, she noted that, based upon her review to date, that the project appears to be grandfathered under the pine barrens law, and that the only occurrence that could change that status would be a situation in which the project has changed substantially from the grandfathered version.

Mr. Girandola then summarized the details of the project. He explained that it received approval for a non-contiguous cluster (also known as a Section 281 cluster) in 1989; that the project and the approval were amended in 1993 to reflect detached housing units rather than duplex units without changing the density; that it consists of approximately 488 acres, of which 340 acres were deeded to the Town and the Suffolk County Water Authority; that there are 307 lots, each 9,000 square feet, and a large recharge basin along Eastport Manor Road; that the homes will be using on site septic systems; that the lots will have approximately 95% clearing.

A brief discussion followed, and Ms. Carter distributed the attached letter from

Mr. Peter Maniscalco re the project. The discussion ended with the agreement that the project is grandfathered.

Core Preservation Area

- ! Status of Hot Water Street and Toppings Path / Manorville (Brookhaven): discussion *(not on the original agenda)*
Summary: *Mr. Girandola stated that Brookhaven Town, which owns these two roads in the Manorville area, wants to see a conceptual plan for the County's intended use of these two roads. Ms. Plunkett explained what the Law Enforcement Council member agencies have discussed regarding how to address the dumping problem that is occurring there, including the possibility of restricting vehicle access along them.*

Pine Barrens Credit Program

- ! Results of 3/21/00 Clearinghouse meeting *(information item)*
Summary: *Mr. Rizzo explained that the Clearinghouse Board decided not to spend any additional money on the purchase of Credits in Brookhaven Town at this time. He also noted that the next meeting is on 5/16/00 at 3:00 pm at the Commission office.*
- ! Long Island Country Club / Eastport (Brookhaven) / pending Credit application: aerial photography for easement *(continuation)*
Summary: *Mr. Rizzo explained that the Long Island Country Club has provided the previously requested aerial photograph as part of their Pine Barrens Credit application. The photograph was briefly shown and discussed, and it was agreed that this will be an acceptable reference item to which the conservation easement could refer. It was also noted that an affidavit will be prepared that corresponds to the aerial photograph.*
- ! Andersen / Manorville (Brookhaven) / appeal: close of hearing record; decision due today *(from 2/16/00; transcript distributed)*
Summary: *A separate stenographic transcript exists for the actual hearing. Following the hearing (and not covered by the transcript, **a motion was made by Mr. Girandola and seconded by Mr. Cowen to accept the staff report and to deny the appeal based upon the attached staff report and the lack of any new information. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Mr. Proios.***

Compatible Growth Area

- ! Ironwood Golf Course / site plan / Yaphank (Brookhaven): new hardship; public hearing

Summary: A separate stenographic transcript exists for this. There was a brief period during the hearing when the Commission went off the stenographic record to discuss jurisdiction of the Commission over this project.

Adjournment

Summary: A motion was made by Mr. Girandola and seconded by Mr. Shea to adjourn the meeting. The motion was approved by a 5-0 vote, and the meeting ended at approximately 5:45 pm.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Southampton Town Board resolution (3/24/00; 9 pages)
4. Draft Commission - SCWA 2000-01 agreement (undated; 5 pages)
5. Liere property documents (misc. dates; 2 pages)
6. Text of plaques commemorating Mr. Jack Hanley's service (3/29/00; 2 pages)
7. Letter from Mr. Maniscalco re Manorville Vistas (3/17/00; 1 page)
8. Staff report for Andersen Credit appeal (3/28/00; 3 pages)



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

Phone (631) 224-2604
Fax (631) 224-7653
Internet:
<http://pb.state.ny.us>

**Commission Meeting Summary (FINAL)
for Wednesday, April 19, 2000 (Approved 5/10/00)
Commission Office
3525 Sunrise Highway, 2nd Floor, Great River, NY
12:00 noon**

Commission members present: Mr. Proios (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven; Mr. Girandola voting), Mr. MacLellan (for Riverhead), and Mr. Cannuscio and Mr. Murphree (for Southampton; Mr. Cannuscio voting when present).

Others present: General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Ms. Jakobsen, Ms. Carter and Mr. Rizzo (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 12:32 pm by Mr. Proios, with a four member quorum present.

Public Comment

Summary: There were no speakers.

Administrative

- ! Summary of 3/29 meeting: review, approval (faxed)
Summary: **A motion was made by Mr. Cannuscio and seconded by Mr. MacLellan to approve the summary of the 3/29/00 meeting as drafted. The motion was approved by a 4-0 vote.**

- ! Status of South Fork Pine Barrens effort: review
Summary: Mr. Corwin distributed the attached letter (and its attachments) from Mr. Michael LoGrande, Chair of the Advisory Committee which was recently sent to the Committee members. The attached status sheet for the South Fork Pine Barrens initiative was also available at the meeting. He also noted that he has placed a call to East Hampton Town to determine their desire with respect to their original pine barrens extension request, but has not heard yet from the Supervisor's office. He also noted that the Commission has an outstanding resolution to permit the hiring of an economist to assist with the South Fork Pine Barrens effort.

A motion was then made by Mr. Cannuscio and seconded by Mr. MacLellan to rescind the Commission's 2/16/00 resolution authorizing the hiring of an economist to perform certain economic analyses for the South Fork Pine Barrens, with the rescission to be applicable to the Southampton Town portion of the South Fork Pine Barrens.

A brief discussion then ensued regarding the East Hampton portion of the region, and an amending motion was then made by Ms. Wiplush and seconded by Mr. Cannuscio to broaden the motion on the table to include all of the South Fork Pine Barrens. The amending motion was approved by a 4-0 vote, and the amended original motion was then also approved by a 4-0 vote.

Pine Barrens Credit Program

- ! Program status: summary

Summary: Copies of the attached 4/1/00 program summary were distributed, and Mr. Rizzo summarized the figures there.

He then noted that the next meeting of the Clearinghouse Board will be on 5/16/00 at 3:00 pm at the Commission office.

Mr. Proios asked about the possibility of reducing the number of copies of the monthly Pine Barrens Credit Registry that are mailed out, and Mr. Rizzo explained that he has appealed to Registry recipients to receive a monthly e-mail notice when the Registry is posted to the Commission's web site. This would be in lieu of physically reproducing a paper copy and mailing it. To date, however, only a small number of recipients have taken advantage of this offer.

Plan Implementation

- ! Protected Lands Council: 5/2/00 Peconic River Stewardship Unit work day (information item)

Summary: Ms. Plunkett distributed the attached memo and outline describing the Council's planned 5/2/00 field work on public lands within the Ridge area of the Peconic River Stewardship Unit. The work will include closures of certain trails, trash pickup, planting of pitch pine seedlings, and other rehabilitation work. She noted that the work will principally occur on the Suffolk County Parklands in the area immediately south of NYS Route 25, and that several member agencies and nonvoting member organizations of the Council will participate.

She also noted that the seedlings are being obtained through a program sponsored nationally by American Forests, and that the local coordinator, Mindy Block, working locally through the LI Greenbelt Trail Conference, is in her fourth year of obtaining and planting seedlings. Ms. Plunkett estimated that

approximately 20,000+ seedlings have been planted during this time through this program. She also reported that a press release will be issued next week announcing the Council's effort.

- ! Upcoming aerial photography software tools workshop *(not on the original agenda)*
Summary: *Mr. Proios reported that a private company is scheduled to give a presentation on 5/11/00 to Suffolk County agencies on software for enhanced processing and use of aerial photographs, and suggested that the Commission staff consider attending. Ms. Plunkett will speak with the appropriate persons to learn more about the event and the product.*

- ! Law Enforcement Council: 4/26/00 Meeting and Awards Presentations *(information item)*
Summary: *Mr. Corwin reported that the Law Enforcement Council's meeting on 4/26/00 will include a presentation by Col. Frank Intini of the NY Army National Guard to the Commission of a safety award for the successful and safe completion of the various missions with which the Commission, the Council, and the Guard (a member of the Council) have been involved. Mr. Corwin also explained that the National Guard itself is planning to present two awards to Col. Intini that day, one being a National Guard Heritage painting (the second highest award which can be presented to a Guard member). He also reported that Col. Intini is retiring from the Guard, and that the Council meeting will be his last day in uniform. Mr. Corwin noted that Col. Intini's absence will be difficult for everyone involved to accept, but that his presence over the years has helped establish both the Commission's stewardship program as well as the now statewide GuardHELP program.*

Mr. Corwin then expressed concern that the extensive emergency preparedness and stewardship initiatives which have been established over the past several years with the Guard's extensive involvement, continue. Specifically, he noted special concern that the water bucket firefighting training missions continue as smoothly as possible, and that the planned 5/20/00 Air Ground Helicopter Firefighting Awareness Day continue as scheduled. The Awareness Day, first held last Spring (1999), is targeted towards members and officers of the local fire departments and services. It includes a morning classroom session at Gabreski Airport regarding the procedure and context in which a request for helicopter water bucket firefighting is appropriate, followed by a static display of, and a question and answer session regarding, the helicopters, buckets, and associated equipment. Following lunch, the session moves to the State Sarnoff Preserve, where the helicopters drop water, taken from Wildwood Lake, in various patterns. A brief, general discussion ensued regarding these programs and their continuance.

- ! Initial report on tower standards research *(information item; from prior meeting)*
Summary: *Mr. Corwin explained that the Commission's prior request to the staff to begin examining the current codes and regulations which apply to cell towers is well underway, and noted that Ms. Carter has done extensive research. He explained briefly that she has compiled analogous information from not only the*

three towns, but also from other jurisdictions. He also requested that the Commission just begin to absorb the accumulated materials today, and not begin discussing what approach it may choose to take with this topic.

Ms. Carter then distributed and discussed the attached summary of her recent research regarding what other agencies and geographic areas with land use interests or responsibilities have done with respect to communications towers. That chart summarizes numerous aspects of the work already undertaken by the three Towns on the Commission, the New Jersey Pinelands Commission, the Cape Cod Commission, and various parties with interests in the Appalachian National Scenic Trail corridor. Aspects looked at include the permitting processes currently in place; what the applicants are required to demonstrate; the existence of wireless master plans; tower inventories; zoning and overlay districts; location, colocation, and setback requirements; aesthetic aspects; viewsheds and scenic landscapes; height restrictions; bird impacts; obsolescence and removal provisions, etc.

Items from the chart and related topics which arose during the discussion include: the Cape Cod Commission's guidelines and model bylaws; the Pinelands Commission's requirement that the industry come up with a single plan for the towers, and that plan's limited scope in that it was only required to address PCS (personal communications services); the voluntary agreement between the Appalachian Trail Conference and an industry consortium of companies; the types of permitting processes used, including special permits and special exceptions within zoning codes; where and when the burden of proof is upon the applicant to demonstrate need; the inventorying of existing structures that was required by the Pinelands Commission; limits on the size of towers as well as their total number; obsolescence provisions, including permit requirements which require a tower's removal within a specified time after its use ceases and bond requirements to pay for its removal; the possibility of abandoned tower removal being done by the relevant local municipality with the cost added to the landowner's tax bill; and the imposition of time limits on permits (e.g., 15 years).

Also touched upon were the following topics: the requirements of Brookhaven and Riverhead Towns that a company provide an inventory of its own towers, and Southampton Town's requirement that the inventory include all companies' towers; rental of Town lands for tower placement and the revenues derived from them; colocation of communications equipment on other, existing structures (e.g., existing towers, water tanks); the current policies within Southampton Town on colocation on Hampton Bays Water District facilities; the tendency of extensive colocation of equipment on a few towers to possibly lead to higher towers; height limits on towers (e.g., 35 feet on Cape Cod, and 35 feet in the Pinelands unless the tower is identified in an approved plan; components which are missing in the current Town plans and which the Commission may wish to look at, including viewshed issues involving the core area and public lands as well as migratory bird dangers that have been documented with certain tower installations; overloading of monopole structures with equipment; National Park

Service policies on towers; and the use of consultants.

A brief discussion then ensued regarding the Commission's possible role and authority in the area of communications towers, and Mr. Rigano suggested that he look into the Commission's options in this area. That was agreed to, and the Commission will continue discussion of this at a future meeting.

Core Preservation Area

- ! Hidden Pond Stables / Manorville (Brookhaven) / riding arena: new hardship; SEQRA review (SCTM 200-460-1-5; from 3/29/00 meeting)
Summary: Ms. Jakobsen explained that she wanted to verify the Commission's choice regarding the type of review to be done for this project under the State Environmental Quality Review Act (SEQRA). It was agreed that the general policy of an uncoordinated review for core area projects would apply in this case.

Mr. Cannuscio left during the following item, but a four member quorum remained.

- ! Lakeside Manorville Hotel / Manorville (Brookhaven): new hardship; SEQRA review; request to reschedule public hearing from 5/10/00 to another date (SCTM 200-462-2-7; from 3/29/00 meeting)
Summary: Ms. Jakobsen reported that Mr. Sanderman, the attorney for this project's sponsor, has submitted a letter requesting a postponement of the Commission's hearing date, which is currently set for 5/10/00. She also reported that the Commission has received a lead agency coordination letter from Brookhaven Town regarding a change of zone proposal for this property, from A2 Residence to J2 Business. A discussion ensued regarding how to respond to this letter, with attention focusing upon Section 4.5.1.1 of the Central Pine Barrens Plan, which says that the Commission shall seek lead agency status in the core area.

The discussion also noted the Commission's general policy of performing an uncoordinated review of core area projects; how this core area project is different from others that the Commission has processed in that this is the first time that the Commission has received a coordination letter from a planning board for a core area proposal prior to the Commission initiating SEQRA as part of a hardship exemption, and the effect of that upon the Commission's ability to perform an uncoordinated review in this case. It was agreed that Mr. Rigano will draft a reply.

- ! Roman Catholic Diocese / land division / Manorville (Brookhaven): determination of jurisdiction (SCTM 200-461-1-1; new)
Summary: Ms. Plunkett distributed and discussed the attached informational letter from Brookhaven Town regarding a proposed land division of a 12 acre parcel located at the northeast corner of North Street and Wading River Road, in Manorville. It states the Town's determination that the proposed split would not constitute development since it does not constitute an intensification of use.

The proposed split would create a new 5 acre lot which would contain an existing residence and which would meet the zoning lot size, and a 7 acre lot which is vacant.

The attached materials indicate an intention to sell the 7 acre parcel to Suffolk County for preservation. The disposition of the 7 acre lot was discussed further, since splits and subdivisions of land are normally considered development under the pine barrens law. It was noted that the only written indication of the disposition of the 7 acre lot is the annotation on the bottom of the pertinent Zoning Board of Appeals application for that lot (part of the attached materials). It was agreed that Ms. Plunkett will seek a letter from the Diocese stating that the subject lot is slated for preservation, therefore confirming that this land division is not considered to be "development" under the pine barrens law.

- ! Lakeside Manorville Hotel / Manorville (Brookhaven): continuation of request to reschedule public hearing from 5/10/00 to another date
Summary: A motion was made by Mr. Proios and seconded by Mr. MacLellan to reschedule the hearing on this project from 5/10/00 to the 5/31/00 Commission meeting at 4:00 pm. The motion was approved by a 4-0 vote.

Compatible Growth Area (CGA)

- ! American Tissue / Yaphank (Brookhaven) / Development of Regional Significance: receipt of DEIS; comments due 5/22/00 (*materials to be distributed*)
Summary: Ms. Jakobsen reported that the Commission has received a Draft Environmental Impact Statement (DEIS) for this industrial project proposed for the north side of the Long Island Expressway in Yaphank. She stated that she has explained to the project sponsor's representative that the CGA hardship application which the Commission has received for this project is incomplete because the Town has not completed its SEQRA review and made a determination of significance. That determination is required by the Pine Barrens Plan for a complete application to the Commission.

A discussion also ensued regarding collecting Commission comments on the DEIS, and meeting the 5/22 comment deadline. There is also a 5/8/00 public hearing at the Town on the project. It was agreed that the staff will compile comments for review by the Commission.

Adjournment

Summary: There was no formal adjournment resolution; the meeting ended at approximately 1:53 pm.

Attachments (in order of discussion):

1. Attendance list (1 page)

2. Speaker list (1 page)
3. Status of South Fork Pine Barrens Initiative (3/27/00; 2 pages)
4. Letter & attachments to Advisory Committee from Mr. LoGrande (4/7/00; 9 pages)
5. Pine Barrens Credit Program Summary (4/1/00; 1 page)
6. Materials describing 5/2/00 Protected Lands Council work (4/17/00; 4 pages)
7. Communications towers policy comparison chart (undated; 5 pages)
8. Brookhaven Town letter and attachments re Manorville lot split (4/11/00; 3 pages)

Commission Meeting Summary (FINAL)
for Wednesday, May 10, 2000 (Approved 5/31/00)
Suffolk County Park Police and Pine Barrens Center
Southaven County Park, Victory Avenue,
Yaphank, NY
2:00 pm



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

Phone (631) 224-2604
Fax (631) 224-7653
Internet:
<http://pb.state.ny.us>

Commission members present: Mr. Girandola and Ms. Wiplush (for Brookhaven; Mr. Girandola voting), Mr. Hanley (for Riverhead), Mr. Murphree (for Southampton) and Mr. Cowen (for New York State).

Others present: General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Ms. Jakobsen, Ms. Carter and Mr. Rizzo (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation), and Capt. Conklin (from the NYS Forest Rangers, Vice Chair of the Wildfire Task Force, and member of the Law Enforcement Council). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:03 pm by Mr. Cowen, with a four member quorum.

Public Comment

Summary: The only speaker was Mr. Herbert Balin, representing Breslin Realty. Mr. Balin spoke about the creation of the pine barrens act, the participants, the benefits of the Act, and Mr. Breslin's role in obtaining passage of it. He also spoke about the exemption of the Brookhaven Town Center and the portion of the Pine Barrens Plan which contains the exemption.

He then distributed the attached letter, which is a copy of a 1/20/00 letter from Mr. Rigano to Mr. Balin explaining that the Commission is not a party to the Open Space Council's lawsuit with Breslin Realty regarding the Brookhaven Town Center, but with a suggested change that Mr. Balin is requesting. The bottom of the letter contains the requested alteration to Mr. Rigano's letter. Mr. Balin also distributed the attached copy of pages 152-153 of the Pine Barrens Plan which contains the reference to the Brookhaven Town Center. It was agreed that this matter would be discussed further later in today's meeting.

Administrative

! Summary of 4/19 meeting: review, approval

Summary: **A motion was made by Mr. Murphree and**

seconded by Mr. Girandola to approve the 4/19/00 meeting summary as drafted. The motion was approved by a 4-0 vote.

- ! Results of 5/3/00 Advisory Committee meeting (information item)
Summary: Mr. Corwin reported that the Central Pine Barrens Advisory Committee met on 5/2/00 at the Eastern Campus of the Suffolk County Community College to discuss the status of their South Fork Pine Barrens work. He explained that the Committee, after a long discussion, passed a resolution with a split vote that resolved to terminate their deliberations on the matter and to also recommend to the Commission that the Commission offer assistance to the Towns of Southampton and East Hampton in their efforts to protect the South Fork watershed. A written version of the resolution will be prepared and distributed.

Pine Barrens Credit Program

- ! Program status
Summary: Mr. Rizzo distributed and briefly discussed the attached program summary chart through 5/1/00. He also noted that the next Clearinghouse meeting will be at 3:00 pm on 5/16/00 at the Commission office.

Plan Implementation

- ! Air Ground Helicopter Firefighting Awareness Day: 5/20/00 (information item)
Summary: Capt. Conklin described the second Air Ground Firefighting Awareness Day will be sponsored by the Wildfire Task Force on 5/20/00 at Gabreski Airport and the State Sarnoff Preserve, as described on the attached announcement which was distributed. He discussed the techniques that will be demonstrated that day, invited the Commission members to attend, spoke about the recent fires in the pine barrens area, and noted the recent retirement of Col. Intini of the NY Army National Guard.
- ! Wildfire Task Force Activities: summary (not on the original agenda)
Summary: Capt. Conklin reported that the prescribed burning window for the Spring has closed, and stated that 12 prescribed burns were completed this spring. He noted the participating agencies, and compared the current situation with that of several years ago when few prescribed burns were done. Mr. Cowen asked about the participation of volunteers in the burns, and Capt. Conklin reported that there has been increased attendance and participation of the volunteer firefighters.
- ! Firewise Communities Workshop: 6/5-7/00 (information item)
Summary: Mr. Corwin distributed and discussed the attached materials from Firewise, an organization cosponsored by several federal agencies and private nonprofit organizations. It describes a workshop to be held in early June 2000 for planners, officials, citizens, and others to incorporate fire considerations into

the design and buildout of communities.

He explained that the program may be of particular interest to planners and fire marshals in the three pine barrens towns, and noted that the Commission has been specifically requested by the Firewise Communities organizers to consider sending representatives to the workshop. He encouraged the Town planners to consider having a staff member attend, and stated that the three Town Fire Marshals would be contacted as well.

Compatible Growth Area (CGA)

- ! American Tissue Corp. / Yaphank / Development of Regional Significance (DRS):
review of DEIS staff comments

Summary: Ms. Jakobsen distributed and discussed the attached draft staff comments on the Draft Environmental Impact Statement (DEIS) for this proposed industrial project on the north side of the Long Island Expressway in Yaphank. She reviewed the specific topics covered in the draft comments, including landscaping, wastewater, water usage, site plan contents and calculations, parking, clearing, visual impacts, the DEIS references to the Pine Barrens Plan, alternatives in the DEIS, etc. She noted that the 584,000 square foot building would have an approximately 13.4 acre footprint.

Ms. Plunkett then stated that Ms. Jakobsen's review was extensive and thorough, and added that the project could pose a significant fire hazard, given both the nature of the operation and the extensive adjacent forested areas. She also commented that the same company has reportedly experienced a large fire at its Hauppauge facility which required considerable time and effort to bring under control. She further noted that the site should be planned for full build out as the applicant has indicated the need for expansion. She also noted that the alternatives section should be expanded so as not to have a piecemeal review of potential impacts.

Mr. Girandola noted that the lands to the west are industrially zoned. Ms. Plunkett explained that this project has not been evaluated with respect to the Pine Barrens Plan, since the application to the Commission is still incomplete, and the project may change as the Town completes its State Environmental Quality Review (which must be completed by the Town before the Commission can deem the DRS application to be complete).

Mr. Murphree asked whether comments would be made with respect to transportation, energy, or air impacts, and it was noted that these are topics not within the Commission's current expertise. Mr. Cowen asked about the difference between a normal CGA hardship application and a DRS application, and it was noted that a DRS must be reviewed for compliance with both the standards and the guidelines in the Pine Barrens Plan.

It was agreed that comments will be forwarded to the staff on or before 5/18/00

in order to permit their compilation for submittal to the Town.

Closed Advisory Session

***Summary:** A motion was made by Murphree and seconded by Mr. Girandola 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 2:46 pm to 3:46 pm.*

Compatible Growth Area

- ! Brookhaven Town Center / Yaphank: exemption from Plan (not on the original agenda)
***Summary:** Mr. Rigano described the request made earlier in the meeting by Mr. Balin for a revised letter regarding the exemption of the Brookhaven Town Center from the Pine Barrens Plan. A motion was then made by Mr. Murphree and seconded by Mr. Hanley to act favorably upon the request for a revised version of the 1/20/00 letter from Mr. Rigano to Mr. Balin re the Brookhaven Town Center exemption, and to direct counsel to prepare an appropriate new letter. The motion was approved by a 4-0 vote.*

Core Preservation Area

- ! Westhampton Mini Storage / Westhampton (Southampton) / expansion: public hearing (from 3/29/00 meeting; a written request for withdrawal has been received)
***Summary:** A separate stenographic transcript exists for this. The application has been withdrawn by the sponsor without prejudice.*
- ! Hidden Pond Stables / Manorville (Brookhaven) / riding arena: public hearing (from 3/29/00 meeting)
***Summary:** A separate stenographic transcript exists for this hearing. During the hearing, the Commission briefly went off the stenographic record twice to discuss the issue of the Commission's jurisdiction over this project.*

Following the close of the hearing and the stenographic transcript, an extensive discussion was held regarding whether this project constitutes "development" under the pine barrens statute. Specifically, Mr. Rigano discussed the "nondevelopment" provision of the pine barrens statute that refers to recreational activities. Ms. Plunkett opined that this is a commercial facility for boarding of horses.

The discussion then touched upon the current locations where the owners of horses boarded at the existing stable ride. It was observed that this has included

both the private property with the current stable as well as the adjacent Suffolk County parklands (Robert Cushman Murphy County Park). It was also noted that horse use in this portion of the pine barrens (Stewardship Unit 6) is under review by the Protected Lands Council at this time. Ms. Jolly, one of the two partners and co-owners present today, explained that there are riding facilities on the property, and indicated them on the aerial photograph. Mr. Cowen then spoke briefly about the contents of Chapter 7 of the Pine Barrens Plan, and noted that it addresses horseback riding specifically as a recreational use.

Topics also discussed at this time included the nature of the horseback riding that occurs there; the type of building that is being proposed there, including its lack of heat; the grading that would occur; the lack of new clearing; the fact that the proposal would not result in additional rated sanitary flow; the representation that the proposed improvements were to serve existing customers, and not intensify use of the facility, or increase the number of horses boarded there; and estimates of how long the property has been used for its current purposes (including the time prior to the current ownership).

It was explained that the structure will be used for horseback riding, and that no clearing of vegetation will be required. The Commission received recent aerial photographs that showed the area of the proposed structure which is completely cleared of vegetation. There was also discussion regarding possible groundwater impacts. No sewage will be generated by this facility, and it was concluded that there would be no effects on groundwater.

*Mr. Rigano noted that the recreational “nondevelopment” provision in the law does not distinguish between public or private recreational activities. **A motion was then made by Mr. Hanley and seconded by Mr. Murphree to deem the proposed project as not constituting “development” under the pine barrens law, and specifically under Section 57-0107(13)(vii). The motion was approved by a 4-0 vote.***

Adjournment

*Summary: **A motion was made by Mr. Hanley and seconded by Mr. Murphree to adjourn the meeting. The motion was approved by a 4-0 vote, and the meeting ended at approximately 4:52 pm.***

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Suggested revision by Mr. Balin to Mr. Rigano’s 1/20/00 letter (undated; 1 page)
4. Copy of Brookhaven Town Center portion of Plan (undated; 2 pages)
5. Pine Barrens Credit Program summary (5/1/00; 1 page)
6. Air - Ground Firefighting Awareness Day announcement (5/20/00; 1 page)
7. Firewise Communities workshop materials (4/20/00; 4 pages)

8. American Tissue Corporation DEIS draft comments (undated; 13 pages)

Commission Meeting Summary (FINAL)
for Wednesday, May 31, 2000 (Approved 7/12/00)
Brookhaven Town Hall, Building 4
3233 Route 112, Medford, NY
2:00 pm



Robert J. Gaffney
Chair

Felix J. Grucci, Jr.
Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
Member

Robert F. Kozakiewicz
Member

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

Others present: General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Ms. Jakobsen, Ms. Carter and Mr. Rizzo (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation), and Capt. Conklin (from the NYS Forest Rangers, Vice Chair of the Wildfire Task Force, and member of the Law Enforcement Council). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:22 pm by Mr. Proios, with a four member quorum consisting of Mr. Proios, Mr. Cowen, Mr. MacLellan, and Mr. Shea.

Administrative

- ! Summary of 5/10 meeting: review, approval (faxed)
Summary: A brief discussion of possible changes was begun, then halted in order to accept public comments on other topics first.

Public Comment

Summary: The first speaker was Mr. Richard Amper, Executive Director of the Long Island Pine Barrens Society. Mr. Amper stated that he does not understand why the Commission and the Society seem to be often at loggerheads with each other, and cited examples.

He noted the request from Mr. Herb Balin at the last Commission meeting for a letter from the Commission regarding the Pine Barrens Plan exemption for the Brookhaven Town Center in Yaphank. Mr. Amper stated that he thought that it was odd that the project sponsors are requesting a letter regarding what is already stated in the Plan. He asked why the Commission is "sticking its neck out" when there is existing litigation between the project sponsor and the Open Space Council.

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

Phone (631) 224-2604
Fax (631) 224-7653
Internet:
<http://pb.state.ny.us>

He then noted that there is no language pending regarding the issue of law enforcement, and the State Legislature's session is drawing to a close. He stated that even on a matter upon which we agree, we have trouble getting work accomplished.

Mr. Amper stated that he doesn't think that certain people want to preserve land, and then commented upon the lack of progress in the South Fork Pine Barrens. Mr. Cowen objected to a portion of his statement, and Mr. Amper stated that Mr. Cowen had led the opposition to the South Fork Pine Barrens.

Mr. Amper commented that Mr. Kozakiewicz was not tracing the history of the agreement regarding how the Calverton property is to be managed, and stated that there is a trend towards aviation uses at that property.

Mr. Rigano stated that Mr. Amper should confine his comments to topics within the Commission's jurisdiction. An exchange then occurred between Mr. Amper and Mr. Cowen regarding the Commission's interpretations of the pine barrens statute and the reviews of Commission decisions in the courts. Mr. Amper stated that the Society has been closer than the Commission to a correct interpretation of the pine barrens law.

Mr. Amper and Mr. Proios then exchanged views regarding the degree to which the Society or Mr. Amper is or is not satisfied with the efforts to protect the pine barrens. Mr. Amper asked why the Society's agenda for the past 25 years is not in agreement with the Commission's.

A discussion then ensued regarding the hearing on the Hidden Ponds Stables project at the last meeting, the closing of that public hearing, and the desire of the Society that the hearing be left open so that it could submit written comments.

Mr. Proios then stated that much has been accomplished by the Law Enforcement Council, citing the all terrain vehicle law, the dumping law, and the current effort to add the Wertheim Refuge officers as state peace officers. Mr. Corwin then outlined the current and past efforts of the Law Enforcement Council, the field projects and stings that have been conducted, and the more general issue of investigating and following up on reports of clearing that are occasionally received.

In the discussion that followed, Mr. Amper cited the request for a letter from the Commission regarding the Brookhaven Town Center as an example of how the Society and the Commission are not in agreement.

Mr. Shea then noted that Southampton Town is pursuing preservation, purchasing parcels, devoting staff effort to those issues, etc. Mr. Amper stated that there is \$20 million available for acquisition, but only one purchase has been made. Mr. Shea stated that was not true, and stated that the Supervisor's Office will provide information if it is requested.

The second speaker was Mr. Walter Olsen, President of the Civil Property Rights Associates. He stated that the foregoing exchange says to him that the Commission is doing its job. He stated that he has respect for Mr. Amper, but that Mr. Amper does not speak for the public at large, but rather that he speaks loudly. Mr. Olsen stated that he is concerned about any political threats to keep the Commission from balancing interests.

He stated that environmental groups want one hundred percent of their desires, but, as a resident, Mr. Olsen stated that the economy still has to function. Mr. Olsen stated that he had objected to the lack of a sunset provision for the Commission, and that the Commission will continue to seek more laws until the environmental community has what it wants, which he stated is an area devoid of any activity.

Administrative

! Summary of 5/10 meeting: review, approval (faxed)

Summary: There were several changes suggested to the 5/10/00 meeting summary, and after some discussion, the following version of the summary for the "Hidden Pond Stables / Manorville" discussion was agreed to:

"A separate stenographic transcript exists for this hearing. During the hearing, the Commission briefly went off the stenographic record twice to discuss the issue of the Commission's jurisdiction over this project.

Following the close of the hearing and the stenographic transcript, an extensive discussion was held regarding whether this project constitutes "development" under the pine barrens statute. Specifically, Mr. Rigano discussed the "nondevelopment" provision of the pine barrens statute that refers to recreational activities. Ms. Plunkett opined that this is a commercial facility for boarding of horses.

The discussion then touched upon the current locations where the owners of horses boarded at the existing stable ride. It was observed that this has included both the private property with the current stable as well as the adjacent Suffolk County parklands (Robert Cushman Murphy County Park). It was also noted that horse use in this portion of the pine barrens (Stewardship Unit 6) is under review by the Protected Lands Council at this time. Ms. Jolly, one of the two partners and co-owners present today, explained that there are riding facilities on the property, and indicated them on the aerial photograph. Mr. Cowen then spoke briefly about the contents of Chapter 7 of the Pine Barrens Plan, and noted that it addresses horseback riding specifically as a recreational use.

Topics also discussed at this time included the nature of the horseback riding that occurs there; the type of building that is being proposed there,

including its lack of heat; the grading that would occur; the lack of new clearing; the fact that the proposal would not result in additional rated sanitary flow; the representation that the proposed improvements were to serve existing customers, and not intensify use of the facility, or increase the number of horses boarded there; and estimates of how long the property has been used for its current purposes (including the time prior to the current ownership).

It was explained that the structure will be used for horseback riding, and that no clearing of vegetation will be required. The Commission received recent aerial photographs that showed the area of the proposed structure which is completely cleared of vegetation. There was also discussion regarding possible groundwater impacts. No sewage will be generated by this facility, and it was concluded that there would be no effects on groundwater.

*Mr. Rigano noted that the recreational "nondevelopment" provision in the law does not distinguish between public or private recreational activities. **A motion was then made by Mr. Hanley and seconded by Mr. Murphree to deem the proposed project as not constituting "development" under the pine barrens law, and specifically under Section 57-0107(13)(vii). The motion was approved by a 4-0 vote.***

A motion was then made by Mr. Cowen and seconded by Mr. Shea to approve the 5/10/00 Commission meeting summary with the above noted change. The motion was approved by a 4-0 vote.

- ! Advisory Committee: correspondences from 5/3/00 AC meeting re South Fork Pine Barrens work (*mailed*)
Summary: *Mr. Corwin distributed the attached letter from Mr. Michael LoGrande, Chair of the Central Pine Barrens Advisory Committee, and an attached resolution of the Committee, describing the results of the Committee's 5/3/00 meeting. There was no further discussion of this item.*

Pine Barrens Credit Program

- ! Next Clearinghouse meeting
Summary: *Mr. Rizzo stated that the next Clearinghouse Board meeting will be held on 6/27/00 at 3:00 pm at the Commission office.*
- ! PRC zoning category development yield factor: Plan interpretation (*continuation of prior discussion*)
Summary: *Mr. Rizzo distributed the attached copy of the nonresidential zoning development yield factors dated 8/7/96, along with the attached excerpt from the Brookhaven Town zoning code regarding multifamily residential districts. He explained that the yields under the Town code for the MF-1 and PRC zoning categories are similar, and that their development yield factors under the Pine*

barrens Credit Program should therefore be the same. He noted that there is no PRC development yield factor currently within the Commission's table, and that this is needed in order to respond to a Letter of Interpretation application for one such parcel in the Brookhaven portion of the Core area. Ms. Prusinowski asked that this be delayed until the next meeting since Mr. Girandola, Brookhaven Planning Commissioner, is not present today. That was agreed.

- ! Sipala and Alberto / Eastport (Brookhaven): new credit appeal; schedule hearing (to be distributed)

Summary: Mr. Rizzo distributed the attached letter from three property owners requesting an appeal of their Core property PBC allocations. They are requesting a full Credit for each parcel. A brief discussion was held regarding the reason for the late appeal, explained in their letter, and it was agreed that the appeal would be accepted. The discussion also touched upon the contiguity of the lots, and whether a subdivision or other approval exists on these parcels. **A motion was then made by Mr. Shea and seconded by Mr. Cowen to schedule a hearing on it at the 6/21/00 Commission meeting at 4:00 pm. The motion was approved by a 4-0 vote.**

- ! Realty Redemption Corp. / Manorville (Brookhaven): correspondence (to be distributed)

Summary: Mr. Rizzo distributed the attached letter from Mr. Edward Ledogar on behalf of his client, Realty Redemption Co. After a brief discussion regarding the letter, it was agreed that the Commission staff will call Mr. Ledogar and explain that an appeal of the subject property's Credit allocation can be filed, if they wish.

Plan Implementation

- ! Air Ground Firefighting Coordination Committee: results of 5/20 Helicopter Firefighting Awareness Day (information item)
Summary: Mr. Corwin distributed the attached materials pertaining to the 5/20 Air Ground Firefighting Awareness Day, sponsored by the Air Ground Firefighting Coordination Committee of the Wildfire Task Force and the Law Enforcement Council. Capt. Conklin described the helicopter water drops, the outreach to the community, the coordination with the Southampton Town Trustees, and the overall results of the exercise. The morning classroom work and the equipment display were held at the NY Air National Guard's 106th Rescue Wing at Gabreski Airport in Westhampton, and the afternoon field session was held at the David Sarnoff Preserve, with the water being drawn from Wildwood Lake.

Capt. Conklin noted that we are still awaiting word from the NY Army National Guard as to the new Facility Commander at the Guard's Aviation Support facility in Ronkonkoma, so that this event was supported by the Air Guard alone. A discussion then ensued regarding the Air and Army National Guard's roles, the future of the guardHELP Program, and the differences in the missions of the two local Guard units.

Mr. Cowen asked about the possible use of the former NYS DEC helicopter fleet that is now part of the NY State Police fleet in Albany. The discussion then turned towards the assurances that the NY National Guard has provided that the guardHELP program is still alive, and the current state of training work.

- ! Wildfire Task Force Public Education Committee: outreach efforts (overview) and planned video production involving RFP (*information item*)
Summary: *Mr. Corwin distributed the attached Goals and Objectives for the Wildfire task Force's Public Education Subcommittee. Capt. Conklin discussed the brochure regarding prescribed burning upon which the Public Education and Prescribed Burning Subcommittees are working; the fire danger and Smokey the Bear signs that are being designed for two locations within the pine barrens; the display boards being produced; and the proposed 10-15 minute professional video on wildfire issues that the Public Education Subcommittee is pursuing. Mr. Cowen suggested that the Subcommittee look into the possible use of a NYS DEC Albany staff member who produces videos for that agency, before an Request For Proposals is considered by the Commission.*

A discussion ensued regarding the desire to attract more local firefighters to the annual Wildfire and Incident Management Academy, and the specific problem of actually placing Academy information into their individual hands. Also noted was the work of the Colorado Academy, and the training programs of other states.

Core Preservation Area

- ! Hidden Pond Stables / Manorville (Brookhaven): correspondence (*to be distributed*)
Summary: *The attached letter from the Long Island Pine Barrens Society opposing the issuance of a hardship exemption for this project was distributed. There was no discussion.*
- ! Lakeside Manorville Hotel / Manorville (Brookhaven): public hearing; lead agency request; status
Summary: *Ms. Jakobsen went through the sequence of dates and documents for this project on the east side of County Route 111, south of the Long Island Expressway in Manorville. She reported that the Commission's request to be the lead agency was verbally agreed to by the Town. Mr. Rigano advised that the hearing should not yet be scheduled. The Commission staff will speak with the project sponsor, and Commission counsel would review the time frames for such applications and report at the next meeting.*

Compatible Growth Area

- ! American Tissue / Yaphank / Development of Regional Significance: final comments on EIS (*to be distributed; information item*), and receipt of new application to Commission
Summary: *Ms. Jakobsen distributed copies of the Commission's revised*

comments that have been submitted to Brookhaven Town regarding this project's Draft Environmental Impact Statement. She noted that additional comments were added which address inconsistencies with the standards and guidelines in the Pine Barrens Plan.

Ms. Jakobsen also reported that a new Development of Regional Significance (DRS) application for this project was received yesterday by the Commission. She noted that the original DRS application for this was received in December 1999, and we do not yet know if the new DRS application addresses any of the problems that the Commission's comments to the Town highlight. A discussion then followed regarding the pine barrens statute and the Plan, when the hearing should be held, and the specific problems that were identified in the DEIS comments. It was decided that counsel would review the "completeness" requirement in the Pine Barrens Plan to determine whether the project can be reviewed by the Commission.

Closed Advisory Session

***Summary:** A motion was made by Mr. Cowen 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 4-0 vote, and the Commission entered into closed session from approximately 4:29 pm to 5:05 pm.*

Adjournment

***Summary:** The meeting adjourned immediately following the closed session. No formal adjournment resolution was passed.*

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Letter from Mr. LoGrande and Advisory Committee resolution (5/9/00; 2 pages)
4. Nonresidential allocations and zoning code excerpt. (misc. dates; 2 pages)
5. Letter appealing the Sipala and Alberto parcels' Credit allocation (5/16/00; 1 page)
6. Letter from Mr. Ledogar re the Realty Redemption Co. parcel (5/5/00; 1 page)
7. Materials re the 5/20/00 Air Ground Firefighting Day (misc. dates; 4 pages)
8. Wildfire Task Force Public Education Goals and Objectives (undated; 2 pages)
9. Letter from LI Pine Barrens Society re Hidden Ponds Stables (5/25/00; 2 pages)

Commission Meeting Summary (FINAL)
for Wednesday, June 21, 2000 (Approved 7/12/00)
Riverhead Town Hall
Howell Avenue and East Main Street, Riverhead, NY
2:00 pm



Robert J. Gaffney
Chair

Felix J. Grucci, Jr.
Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
Member

Robert F. Kozakiewicz
Member

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

Phone (631) 224-2604
Fax (631) 224-7653
Internet:
<http://pb.state.ny.us>

Commission members present: Mr. Dragotta and Mr. Proios (for Suffolk County at the times noted), Mr. Girandola and Ms. Wiplush (for Brookhaven; Mr. Girandola voting), Mr. Kozakiewicz and Mr. MacLellan (for Riverhead at the times noted), Mr. Shea (for Southampton) and Mr. Cowen (for New York State).

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

The meeting was called to order at approximately 2:15 pm by Mr. Dragotta, with a five member quorum consisting of Mr. Dragotta, Mr. Cowen, Mr. Girandola, Mr. Kozakiewicz, and Mr. Shea.

Public Comment

Summary: The only speaker was Mr. Walter Olsen, President of the Civil Property Rights Associates and a Flanders resident. He asked about whether the Commission has any policy regarding the spraying of wetland areas that is currently underway or planned for guarding against the West Nile Virus. He explained that he was asking because there are freshwater wetlands that are devoid of fish, but which provide a breeding ground for mosquitoes.

He described a recent death of a neighbor's dog in Flanders and the subsequent discovery that the dog was exposed to the West Nile Virus. He specifically noted a wetland area in the vicinity of Pleasure Drive and Flanders Road, which he stated that the Town has created. He stated that the Commission must take a proactive stance before there is a problem. He asked how the Commission will balance the needs of humans and the natural resources in this respect.

Mr. Shea then noted that Suffolk County Vector Control has been spraying in Southampton Town, but that he has not previously heard of the incident which Mr. Olsen described. Mr. Shea stated that he is unsure whether the Commission should

establish a West Nile Virus policy, since it's not clear what the Commission's role would be. Mr. Cowen explained that the NYS DEC issues permits for the wetlands spraying, and that he has recently signed new permits in his role as DEC Regional Director for both Nassau and Suffolk County Vector Control agencies, as well as the Orient area (which has a separate vector control district). He explained the use of the larvicide in the spraying.

Mr. Olsen then observed that he felt that the mosquito ditches in the wetlands areas should be better maintained, and that lack of maintenance might be contributing to the mosquito breeding problem. Mr. Shea then observed that the practice of creating wetlands ditches might actually have made the problem worse, by creating additional pools of standing water since the tidal flushing action is not complete. He described the use of Open Water Marsh Management as an alternative approach, which plugs older ditches, allowing a rise in water levels, an increase in fish, and consequent feeding upon the mosquito larvae.

Administrative

- ! Commission meeting schedule for balance of 2000: review and possible approval (faxed)

Summary: A motion was made by Mr. Shea and seconded by Mr. Cowen to approve the attached Commission meeting schedule for the general period of August 2000 through early January 2001. The motion was approved by a 5-0 vote.

Pine Barrens Credit (PBC) Program

Ms. Wiplush arrived during the following item.

- ! PRC zoning category development yield factor: Plan interpretation (continuation of 5/10 discussion)

Summary: Mr. Rizzo distributed the attached excerpt from the Brookhaven Code re the PRC (Planned Retirement Community) zoning district, and a copy of the Commission's 8/7/96 chart showing development yield factors for various nonresidential zoning categories. He explained that the PRC zoning yields one dwelling unit per 6,000 square feet, and that is equivalent to approximately 7 units per acre. He then noted that the Town's MF-1 (Multi Family) zoning category has a similar yield to the PRC category.

He further noted that since the MF-1 category was assigned a yield factor of 1.0 PBC per acre, then the PRC category should receive the same 1.0 PBC per acre yield factor in order to be consistent. Mr. Girandola stated that the Commission should understand that 1 PBC would not yield 7 units. A brief discussion ensued regarding the PRC zoned parcels in the Core Area of Brookhaven Town.

A motion was then made by Mr. Cowen and seconded by Mr. Girandola to adopt a development yield factor of 1.0 PBC per acre for Core Area property with a PRC zoning designation. The motion was approved by a 5-0 vote.

- ! Sipala and Alberto / Eastport (Brookhaven) / credit appeal hearing
Summary: Mr. Rizzo distributed the attached letter from Mr. Alberto requesting a postponement of their credit allocation appeal hearing, originally scheduled for today. After a brief discussion regarding selecting a new date, a motion was made by Mr. Girandola and seconded by Mr. Kozakiewicz to accept and approve the requested postponement, and to reschedule this credit allocation appeal hearing for the 8/23/00 Commission meeting at 4:00 pm. The motion was approved by a 5-0 vote.

- ! Next Clearinghouse meeting
Summary: Mr. Rizzo noted that the next Clearinghouse Board meeting will be held on 6/27/00 at 3:00 pm at the Commission Office in Great River.

Plan Implementation

- ! Town contacts to receive clearing and violation reports: updates
Summary: Mr. Corwin explained that the Commission staff is updating its list of County and Town individuals that should be contacted when the Commission office receives reports of clearing activities in the Central Pine Barrens. The Town representatives present provided the appropriate names and phone numbers, and the list will be revised.

- ! Roadfront exemption list update: status and remaining work (from prior meetings)
Summary: Mr. Corwin reported that the proposed additions to the "Core Area roadfront exemption list" have been received from Brookhaven Town, and he thanked Mr. Girandola for his efforts in producing that update. Mr. Shea and Mr. Kozakiewicz stated that they will ask their Town staffs to produce their suggested revisions. Mr. Corwin noted that the changes will need to be included in the Pine Barrens Plan, and then approved by the State Legislature in order for them to take effect.

Mr. MacLellan arrived during the following item, and Mr. Kozakiewicz left. A five member quorum continued to exist.

- ! Communications tower planning work: outline of options and next steps (from prior meetings)
Summary: Mr. Corwin explained that the Commission staff, especially Ms. Carter, has completed reviewing numerous regional and local ordinances for communications tower regulations, and distributed copies of the comparison chart that was originally distributed at the 4/19/00 Commission meeting. He reviewed the 20 categories in the chart, and the overall characteristics of the

ordinances, agreements, and other aspects of tower regulations and guidelines from the three Central Pine Barrens Towns, the Cape Cod Commission, the New Jersey Pinelands, and the Appalachian Trail Conference.

Specifically, he reviewed those issues that are currently covered by Town ordinances, and those that are either not covered or not emphasized. Topics discussed included height restrictions; height thresholds for regulations; colocation; the trade offs of “many small” versus “few large” towers for covering an area; the approaches used by the Cape Cod Commission regarding production of a model ordinance, establishment of Development of Regional Impact regulations for towers over a certain height, the retention of a consultant with technical expertise for reviewing specific projects, etc; the concerns of various agencies, including the U.S. Fish and Wildlife Service, over the occurrence of bird kills at certain towers under certain weather conditions and the role that design and lighting may play in that situation; the approach of requiring radio field strength measurements that Cape Cod uses to ensure compliance with federal standards; and the aspects of viewshed impacts that originally prompted the Commission’s examination of the tower issue.

Mr. Corwin suggested, as a starting point for future Commission discussions, that the Commission consider undertaking a planning process to determine what aspects of communication towers are regional planning concerns in the Central Pine Barrens, and emphasized that the study would be most beneficial if it complimented, rather than duplicated, the existing Town ordinances.

Mr. Cowen noted that the Commission’s work could not result in Core area standards, since there are no standards for Core area development beyond the statutory provisions for Core area hardships. Ms. Wiplush stated that the Commission cannot usurp the Towns’ ordinances regarding towers. A brief discussion ensued regarding tower heights, prior communications towers and related applications in the pine barrens, etc. Mr. Rigano stated that he would like to provide legal advice to the Commission in an advisory session later.

Core Preservation Area

- !** Lakeside Manorville Hotel / Manorville (Brookhaven): correspondence from Open Space Council (*to be distributed*); set hearing date
Summary: *Ms. Jakobsen described this proposed commercial project on the east side of County Road 111 and the south side of the Long Island Expressway in Manorville, on a 5.38 acre parcel zoned A2 Residence. The proposed action involves the construction of two 10,000 square foot commercial buildings, and would require a change of zone by the Town to J2 Business. She distributed the attached letter from the Open Space Council regarding this project, noted that the Commission’s request to be the lead agency has been accepted by the Town, and stated that the Commission will need to schedule a hearing on it. Mr. Cowen noted that the Commission’s hearing, which is required by the statute, may need to be followed later by a State Environmental Quality Review (SEQR)*

hearing, since the SEQR process is not complete. **A motion was then made by Mr. Dragotta and seconded by Mr. Shea to hold a hearing on this project at the 7/12/00 Commission meeting at 4:00 pm. The motion was approved by a 5-0 vote.**

- ! Omni Point Communications / Fireman's Park, Ridge (Brookhaven): cell tower proposal; determination of jurisdiction (*materials mailed*)
Summary: Ms. Carter described this proposed 180 foot communications tower in the Brookhaven Town Fireman's Memorial Park, on the north side of NYS Route 25, in Ridge, Brookhaven Town. The 180 foot monopole tower would be located on a 3,750 square foot portion (50 by 75 feet) of the larger 300 acre Town Park property. The installation would be on a concrete pad, have an equipment cabinet, and be within a chain link fence. The lease area is part of a portion of the park site which contains what appears to be construction and demolition debris, as judged from photographs. The tower would accommodate additional antennas, and vehicle access would be via an existing dirt road. Existing utility easements would be used to connect the proposed facility to telephone and electrical service.

She explained that the Commission received a request for a determination of jurisdiction on this project on 6/2/00, along with photographs. Ms. Carter also distributed the attached map and annotated aerial photograph produced by the Commission staff. She also noted the two sections of the pine barrens statute which might be considered by the Commission in its discussion of the project, namely Sections 57-0107(13)(vi) and (ii). She also noted that no new monopoles have been reviewed by the Commission previously; only additions to existing structures have been previously reviewed by the Commission under requests for determination of jurisdiction.

Mr. Cowen asked about the origin of the dumped materials in the photographs, and Mr. Girandola stated that he believed that they were from the modifications made to the shooting facilities elsewhere in the park. Mr. Rigano stated that he would like to provide legal advice on this jurisdictional determination request to the Commission in closed session.

Compatible Growth Area

Mr. Proios arrived during the following item and chaired the meeting from that point. A five member quorum remained at all times.

- ! American Tissue / Yaphank (Brookhaven) / Development of Regional Significance: new application; set hearing date (*materials to be distributed*)
Summary: Ms. Jakobsen summarized this project proposed for a 78.24 acre site, zoned Light Industrial, and located on the north side of the Long Island Expressway, east of Sills Road, in Yaphank, in Brookhaven Town. The project consists of the construction of a 584,000 square foot manufacturing facility for the repackaging of bulk roll paper. The project is a Development of Regional

Significance (DRS) because it exceeds the 300,000 square foot DRS threshold for commercial developments contained in the Pine Barrens Plan Section 4.5.5.1.

She explained that the original application to the Commission was received in December 1999, and that it was deemed incomplete since the Draft Environmental Impact Statement (DEIS) required by the Town was still in preparation at that time. The DEIS has been completed, although the Final EIS is yet to be completed, as are the Town's findings under the SEQRL law. She explained that the Commission can now set its own hearing date, since the completion of the DEIS has made this a complete application to the Commission.

Mr. Girandola asked about the possibility of waiting until the FEIS is also done, since the project may still undergo revisions. Mr. Rigano noted that the Commission's statute and the Plan require that a hearing be held within 30 days of receipt by the Commission of a complete application, which we now have. A brief discussion ensued regarding scheduling the hearing, and **a motion was made by Mr. Cowen and seconded by Mr. MacLellan to hold a hearing on this project at the 7/12/00 Commission meeting at 4:00 pm. The motion was approved by a 5-0 vote.**

- ! Brookhaven Town Center / Yaphank (Brookhaven): receipt of lead agency coordination letter

Summary: Ms. Jakobsen reported that the Commission has received a lead agency coordination letter from Brookhaven Town regarding this 1,293,000 square foot regional shopping center project on a 150 acre parcel zoned J3 Business on the northwest corner of the Long Island Expressway and William Floyd Parkway in Yaphank. A brief discussion was held regarding whether this project is the same as that which was deemed exempt in Chapter 9 of the Pine Barrens Plan. Mr. Girandola said that the current form of the project contains less square footage than the original version. It was agreed that if the project is exempt, then no decision is necessary from the Commission, and the Commission is not an involved agency.

Public Comment

Summary: The first speaker was Mr. Richard Amper, Executive Director of the Long Island Pine Barrens Society. He stated that the Commission should be wary of the pattern that he perceives in the letters being requested from the sponsors of the Brookhaven Town Center. He also stated that the Commission should hope that the Open Space Council does not win their lawsuit.

The second speaker was Mr. Walter Olsen, President of the Civil Property Rights Associates. He asked why the Commission was going to discuss the issue of communications towers in closed session, and Mr. Rigano explained that he would be giving the Commission legal advice, and that is allowed under state law.

Closed Advisory Session

Summary: **A motion was made by Mr. Shea and seconded by Mr. Girandola to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 5-0 vote, and the Commission entered into closed session from approximately 3:33 pm to 4:57 pm.**

Adjournment

Summary: *The meeting adjourned immediately following the closed session. No formal adjournment resolution was passed.*

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Commission meeting dates for 8/2/00 through 1/10/01 (undated; 1 page)
4. Brookhaven Code re PRC zoning (undated; 1 page)
5. Commission nonresidential zoning development yield factors (8/7/96; 1 page)
6. Letter from Mr. Alberto re postponement of credit appeal hearing (6/12/00; 1 page)
7. Communications towers regulatory comparison chart (4/19/00; 5 pages)
8. Letter from Open Space Council re Lakeside Manorville Hotel (5/24/00; 1 page)
9. Map and photo of proposed Omnipoint Communications tower (undated; 2 pages)



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

Robert J. Gaffney
Chair

Felix J. Grucci, Jr.
Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
Member

Robert F. Kozakiewicz
Member

**Commission Meeting Summary (FINAL)
for Wednesday, July 12, 2000 (Approved 8/2/00)
Riverhead Town Hall
Howell Avenue and East Main Street, Riverhead, NY
2:00 pm**

Commission members present: Mr. Proios (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven at the times noted; Mr. Girandola voting), Mr. Kozakiewicz and Mr. MacLellan (for Riverhead; Mr. Kozakiewicz voting), Mr. Cannuscio (for Southampton at the time noted) and Mr. Cowen (for New York State).

Others present: General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Ms. Jakobsen, and Ms. Carter (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation), and Fire Marshal Bruce Johnson (from Riverhead Town, and a member of the Law Enforcement Council and the Wildfire Task Force). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:07 pm by Mr. Proios, with a four member quorum consisting of Mr. Proios, Mr. Girandola, Mr. Kozakiewicz, and Mr. Cowen.

Public Comment

Summary: *There were no speakers.*

Administrative

! Summaries of 5/31, 621 meetings: review, approval

Summary: ***A motion was made by Mr. Cowen and seconded by Mr. Kozakiewicz to approve the 5/31/00 Commission meeting summary as drafted. The motion was approved by a 4-0 vote.***

A motion was made by Mr. Cowen and seconded by Mr. Girandola to approve the 6/21/00 Commission meeting summary as drafted. The motion was approved by a 4-0 vote.

Mr. Cannuscio and Ms. Wiplush arrived during the following item. A five member quorum was present at this point.

Plan Implementation

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

Phone (631) 224-2604
Fax (631) 224-7653
Internet:
<http://pb.state.ny.us>

- ! Wildfire Task Force Public Education Committee: Goals and Objectives; accomplishments; public education video and draft Request for Proposals (*Riverhead Fire Marshal Bruce Johnson, Public Education Committee Chair*)
Summary: *Mr. Corwin introduced Riverhead Town Fire Marshal Bruce Johnson, the Chair of the Wildfire Task Force's Public Education Committee, and complimented his extensive efforts in organizing the Committee's outreach and education efforts.*

Mr. Johnson then summarized the work of the Committee, making reference to the attached handout materials. Specifically, he discussed the Public Education Committee's interaction with the other Task Force Committees; the posting of the fire weather data, daily ratings, and related web links on the Commission web site; the production of the prescribed fire brochure in conjunction with the Prescribed Fire Committee; the planned placement of two roadside fire danger signs to be placed at the entrances to Southaven County Park and Brookhaven National Laboratory; a proposed educational seminar with the Suffolk County Fire Safety Educators Association this fall, possibly cosponsored by the Wildfire and Incident management Academy; and the production of a professional video on wildfire and the pine barrens for use in public outreach by the Committee, the Task Force in general, schools, and other organizations.

*With respect to the video production, Mr. Johnson noted that the Committee has drafted a Request for Proposals (RFP), which has been reviewed by Commission Counsel and is included in the attached handout materials. He briefly described the proposed topics to be covered by the video, which are also noted in the Executive Summary attached here as part of the RFP. Mr. Cowen asked about the availability of funds for this, and Mr. Corwin replied that the funds will be taken from the Commission's 2000-01 budget allocation. **A motion was then made by Mr. Cowen and seconded by Mr. Kozakiewicz to approve the release of the attached draft RFP for the proposed video production. The motion was approved by a 5-0 vote.***

Fire Marshal Johnson left at this point.

Pine Barrens Credit Program

- ! Results of 6/27/00 Clearinghouse meeting
Summary: *Mr. Corwin distributed the attached monthly summary of the Pine Barrens Credit Program activity for 7/1/00, and briefly discussed the acreage and Credit figures in it.*

Core Preservation Area

- ! Long Island Power Authority (LIPA) South Fork transmission line (Southampton): completion report
Summary: *Ms. Plunkett reported that this project, previously approved as a Core*

hardship exemption application by the Commission, has been completed. She noted that it required approximately six months; that the LIPA provided the Commission with weekly faxed reports on their progress and working locations along the portion of the corridor that traversed the Central Pine Barrens; that the areas where the work occurred presently show only a barely noticeable line of disturbance; that she visited the work sites several times, including the wetlands where the cable was laid through a directionally drilled hole underneath them; and that the area along Speonk Riverhead Road where trees were initially planned to be cut has not required any tree cutting at all; and that the cable is now operational. She complimented the LIPA staff and contractors for an excellent job. Mr. Cowen then thanked and congratulated Ms. Plunkett for her work on this project on behalf of the Commission.

- ! Omnipoint Communications Tower / Fireman's Park, Ridge (Brookhaven):
determination of jurisdiction (continued from 6/21)
Summary: Ms. Carter summarized this request for a determination of jurisdiction regarding a proposed 180 foot communications monopole tower, to be located on a 3,750 square foot lease area within the Brookhaven Town Fireman's Park, on the north side of NYS Route 25 in Ridge within the Core Preservation Area. She noted that this was discussed first at the 6/21 Commission meeting, and held over for today's meeting.

Mr. Proios asked whether Fireman's Park was dedicated parkland and raised the question of whether this use would require approval of the State Legislature. Ms. Plunkett noted that the Fireman's Park and the adjacent Brookhaven State Park land were originally part of Camp Upton and, later, Brookhaven National Laboratory property. She noted that the Protected Lands Council's public areas management planning has led to a request for the original deed for Brookhaven State Park to see what restrictions or conditions may be present, but it has not yet been received.

Mr. Lawrence Re, an attorney representing Omnipoint Communications, was present and stated that Omnipoint is licensed by the Federal Communications Commission (FCC) for providing personal communications services (PCS) in Suffolk County; that Omnipoint is required by the FCC to estimate the number and locations of antennas, and their technical specifications, needed to eliminate service gaps in Suffolk County; that they first approached the Ridge Fire District (west of the Fireman's Park site and on the south side of Route 25 within the Compatible Growth Area) regarding placing an antenna there since that location was closer to the center of their service gaps; that the Brookhaven Zoning Board of Appeals (ZBA) denied their application for the Fire District site; that the Town suggested that the Fireman's Park site would be a better location; and that the dense vegetation at the park site would better shield the view of the tower.

Mr. Re then noted that the park site's proposed 50 foot by 75 foot lease area was already disturbed; that a photo simulation was prepared for the proposed monopole; that access would be by an existing road; that the tower would be unmanned but visited once per month; that it would operate at a lower power

than Federal standards permit; that he believes that the proposal does not constitute "development" pursuant to the pine barrens law, specifically Sections 57-0107(13)(i) and (vi); that Omnipoint Communications is a public utility; that the proposal does not conflict with the goals of the pine barrens statute; that the communications antennas form part of the safety net of the community; that Ridge is underserved; that the site will not disturb the ecosystem; and that he believes that the request is consistent with the Commission's previous decisions.

Mr. Girandola then asked Mr. Re several questions regarding the sequence of events that ultimately led to the proposal to use the Town park. Specifically, Mr. Girandola noted that, following the ZBA denial of the Fire department site, the Town suggested that the existing towers at the Brookhaven National Laboratory site be investigated for colocation. Following an initial rejection by the Lab authorities, Omnipoint was allowed to test the existing site, and found that it was technically unacceptable for Omnipoint's use. The Fireman's Park site was then suggested.

Ms. Terri Elkowitz, a consultant representing Omnipoint, then summarized the technical features of the proposed monopole and the subject site, including height, number of cabinets and antennas, the lack of water or septic utilities, the existing road, etc. She reported that her understanding of the studies regarding potential impacts of communications towers on birds is that the two principal factors appear to be the tower height and the lighting. She stated that the proposed tower will be less than 200 feet tall, and that the tower will not be lighted, since the federal Aviation Administration has written a letter to that effect.

She also displayed and discussed a set of altered photographs showing the likely view of the monopole from numerous locations throughout the community. An extensive discussion then ensued regarding the balloon test that was performed; the number of antennas and their placement on the monopole; the desirability and usability of the lower portions of the monopole for colocation of other communications providers' antennas; recent tower reviews elsewhere in the pine barrens Towns; whether viable alternative designs or locations have been adequately examined; the potential cumulative visual impact of towers; the origin of the current pine barrens legislation from a cumulative impact lawsuit; the need for professional expertise to fully evaluate communications tower issues; and the current Southampton Town effort to produce a master plan for towers and the associated Request For proposals that the Town is issuing.

Mr. Rigano then discussed the two "nondevelopment" sections of the pine barrens statute to which Mr. Re referred, and explained that Section 57-0107(13)(i) does not apply here, and that Section 57-0107(13)(vi) requires consistency with the goals and objectives of the pine barrens statute. He explained that the presence of such a tall structure in the pine barrens' preserved forested area may not be consistent with those goals and objectives. He then read an excerpt from a May 1999 decision of the U.S. Court of Appeals for the Second Circuit which upholds certain local regulations of communications towers and refers to cumulative impacts and visual resources. Ms. Wiplush stated that

she thought that this proposal was different from the case described by Mr. Rigano. Mr. Rigano clarified that, in his view, a nondevelopment determination did not trigger SEQRA.

A motion was then made by Mr. Cowen and seconded by Mr. Cannuscio to deny the request for a determination of nonjurisdiction for the Omnipoint Communications / Ridge proposal based on its inconsistency with the goals and objectives of the pine barrens statute, and, in particular, noting that pursuant to Section 57-0121(3)(c) development and new construction should not be redirected to the Core Preservation Area. A discussion ensued on this motion, with Ms. Wiplush stating that the proposal should be deemed “nondevelopment”, and Mr. Proios stating that the Commission has no information regarding the number of poles that will be needed or requested in the future, and that cumulative impact needs to be examined. The motion was then approved by a 4-1 vote, with the dissenting vote cast by Mr. Girandola.

- ! Commission planning work for communications towers (not on the original agenda)
Summary: Mr. MacLellan asked about the next steps with respect to the possible production of a plan for communications towers by the Commission. Ms. Wiplush noted that she cannot answer that for the Town at this time. Mr. Proios stated that the Core area should not simply be a repository for towers. Mr. Rigano asked whether the Commission staff should be asked to prepare a draft of the work that might be undertaken in such a planning effort.

Mr. Cannuscio stated that he believes that a master plan is the way that the Commission should proceed. He noted that the process that the Commission would follow without a plan would be to review proposals on a case by case basis, and that the universe of communications providers at present is small enough to permit a plan to be produced. He also stated that a master plan should be done in order to see what the cumulative impacts of tower construction would be in the future. Mr. Cowen stated that he learned from today’s discussion that the providers are not talking with each other. Ms. Wiplush suggested that each Town prepare its own plan.

After a brief discussion, it was agreed that the Commission staff would obtain a copy of the Southampton Town Request For Proposals (RFP) that is being prepared for producing a plan for that Town, and that the Commission staff would prepare a draft description of the work that would be performed by a consultant, hired through an RFP prepared by the Commission.

- ! Marcus / Manorville (Riverhead) / indoor horse arena: determination of jurisdiction (to be distributed)
Summary: Ms. Jakobsen distributed and discussed the attached letter from Mr. Jerry Wood on behalf of Ms. Sloan Marcus, a prospective purchaser of the property that would be used for a proposed indoor horse arena. Ms. Marcus and Mr. Wood were present today.

The subject site, Suffolk County Tax Map 600-146-2-8.4, is a 36 acre parcel on Old River Road in Manorville, Town of Riverhead. The parcel is partially zoned Agriculture A and partially Industrial A. The property currently contains several structures, including, in part, a horse barn, a cottage, and a one half mile horse riding track. Ms. Jakobsen noted that she has spoken with the Riverhead Town Building Department, and learned that agriculture is a permitted use in each of these two zoning categories, that the setbacks would likely be satisfied by the proposed arena, that the proposal would be considered a customary accessory use in those zoning categories, and that the proposed use of wood as the construction material could be approved by the Town, although that is not certain.

A discussion ensued regarding the current 42 horse capacity of the barn; the previous uses of the barn and site; the time since horses were last boarded or kept there (estimated at approximately 1995 by the sponsor); the purposes for which the arena would be used; and whether sanitary facilities would be part of the arena.

A motion was then made by Mr. Cannuscio and seconded by Mr. Kozakiewicz to deem the proposed project as not being “development” under the pine barrens law for the same reasons that were present in the Commission’s 5/31/00 determination of “nondevelopment” for the Hidden Ponds Stables / Manorville project (which referenced Section 57-0107(13)(vii)). At this point Mr. Rigano recommended that the Commission convene a closed advisory to received legal advice on this matter, since there is litigation on the Hidden Ponds determination.

A motion was then made by Mr. Proios and seconded by Mr. Cannuscio to enter into a closed advisory session for the purpose of receiving legal advice from counsel on these matters. The motion was approved by a 4-1 vote, with the dissenting vote cast by Mr. Girandola. The Commission then entered into a closed advisory session from approximately 4:02 pm through 4:07 pm.

Upon return to open session, discussion continued upon the motion to deem the Marcus project as “nondevelopment”. Mr. Girandola suggested that the project to be deemed “nondevelopment” might be limited to no sanitary facilities, but that suggestion was not adopted following a brief discussion. However, the applicant withdrew the request for sanitary facilities, and they are not a part of the project being reviewed. The original motion to deem the Marcus proposal as “nondevelopment” was then approved by a 5-0 vote.

- ! Lakeside Manorville Hotel / Manorville (Brookhaven): public hearing
Summary: A separate stenographic transcript exists for this. The written record was kept open for comments until the 8/2/00 Commission meeting.

Mr. Cannuscio left during the latter part of the hearing, and a four member quorum remained for the duration of the meeting.

- ! Seeley and Lukas / Calverton (Brookhaven) / lot split: determination of jurisdiction (to be distributed)

Summary: Ms. Jakobsen distributed and discussed the attached letter from Mr. Michael Strauss, an attorney representing the Seeley family, regarding their current desire (they are in a contract) to purchase Suffolk County Tax Map parcels 200-300-4-37 and 38, each of which is one acre. One lot contains an existing dwelling, and one lot is proposed as the site for another dwelling.

The current owner's name is Lukas, and a 1995 request for a Core hardship exemption on this site was denied without prejudice. Lot 37 is on the "roadfront exemption" list for the Brookhaven Town portion of the Core area. It was agreed that this determination of jurisdiction will be placed on the Commission's 8/2/00 agenda.

Compatible Growth Area

- ! American Tissue / Yaphank / Development of Regional Significance: public hearing scheduled; adjournment has been requested

Summary: Ms. Jakobsen reported that the project sponsor has requested a postponement of today's hearing to later date. After a brief discussion re scheduling, **a motion was made by Mr. Cowen and seconded by Mr. Kozakiewicz to postpone the American Tissue hearing indefinitely. The motion was approved by a 4-0 vote.**

Closed Advisory Session

Summary: **A motion was made by Mr. Proios 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 4-0 vote, and the Commission entered into closed session from approximately 5:43 pm to 6:02 pm.**

Adjournment

Summary: The meeting was adjourned immediately upon completion of the closed session. No resolution of adjournment was made.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Wildfire Task Force Public Education Committee handout (7/12/00; 16 pages)
4. Pine Barrens Credit Program activity summary chart (7/1/00; 1 page)

5. Letter from Mr. Wood re Marcus / Manorville property (6/26/00; 2 pages)
6. Letter from Mr. Strauss re Lukas property (7/6/00; 1 page)



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

Robert J. Gaffney
Chair

Felix J. Grucci, Jr.
Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
Member

Robert F. Kozakiewicz
Member

**Commission Meeting Summary (FINAL)
for Wednesday, August 2, 2000 (Approved 8/23/00)
Riverhead Town Hall
Howell Avenue and East Main Street, Riverhead, NY
2:00 pm**

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

Others present: General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Ms. Jakobsen, Ms. Carter and Mr. Rizzo (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 2:06 pm by Mr. Proios, with a five member quorum.

Public Comment

Summary: There were no speakers at this time.

Administrative

! Summary of 7/12 meeting: review, approval

Summary: The following changes were suggested to the draft 7/12 meeting summary: (1) under "Omnipoint Communications Tower / Fireman's Park, Ridge", the next to last paragraph should have the following new sentence added:

"Mr. Rigano clarified that, in his view, a nondevelopment determination did not trigger SEQRA.";

(2) under the same topic, the final paragraph's first sentence should read:

"A motion was then made by Mr. Cowen and seconded by Mr. Cannuscio to deny the request for a determination of nonjurisdiction for the Omnipoint Communications / Ridge proposal based on its inconsistency with the goals and objectives of the pine barrens statute, and, in particular, noting that pursuant to Section 57-0121(3)(c) development and new construction should not be redirected to the Core Preservation Area.";

(3) under "Marcus / Manorville", the last paragraph should read:

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

Phone (631) 224-2604
Fax (631) 224-7653
Internet:
<http://pb.state.ny.us>

“Upon return to open session, discussion continued upon the motion to deem the Marcus project as “nondevelopment”. Mr. Girandola suggested that the project to be deemed “nondevelopment” might be limited to no sanitary facilities, but that suggestion was not adopted following a brief discussion. However, the applicant withdrew the request for sanitary facilities, and they are not a part of the project being reviewed. The original motion to deem the Marcus proposal as “nondevelopment” was then approved by a 5-0 vote.”

The Commission agreed upon these changes, and a motion was made by Mr. Cowen and seconded by Mr. MacLellan to approve the 7/12/00 Commission meeting summary with these changes. The motion was approved by a 5-0 vote.

Pine Barrens Credit (PBC) Program

! Status report

Summary: Mr. Rizzo noted that the next Clearinghouse meeting will be on 8/29/00 at the Commission office at 9:00 am. He then distributed the attached monthly summary of the Pine Barrens Credit Program. Mr. Proios noted that the total value of PBC transactions reported on it now exceeds \$5 million. There was no further discussion.

Plan Implementation

! Planning work for towers and tall structures: Southampton Town planning initiative; materials pertinent to Commission work goals (from 7/12/00 meeting)

Summary: Mr. Corwin reported that the Commission staff has just received a couple of days ago the communications tower materials from Southampton Town that the Commission requested at its last meeting. Specifically, Mr. Corwin distributed the attached 7/31/00 memo from the Southampton Town Attorney’s Office along with the attached “Request for Proposals (RFP) - Southampton Town - Telecommunications Lease or Telecommunications Management of Town-Owned Property”. He noted that there was no other material on this matter.

Ms. Carter then distributed the attached manuscript regarding avoiding bird collisions at communications towers; the attached excerpt from the Cape Cod Commission newsletter regarding the work of the Lower Cape Wireless Working Group; and the attached RFP issued by the Cape Cod Commission for “A Technical Consultant to Develop a Regional Siting Plan for Personal Wireless Service Facilities”. Ms. Carter then read the newsletter excerpt regarding the Wireless Working Group.

A discussion then ensued regarding the current state of the Cape Cod work, whether there was any litigation pending regarding their planning work, and related questions. It was agreed that the staff would look into these questions.

- ! Law Enforcement Council: resumption of GuardHelp Program; new vehicle lift and water bucket sessions

Summary: Mr. Corwin reported that the Council will resume its helicopter airlifts and water bucket training sessions soon. Specifically, he noted that there will be an abandoned vehicle airlift on 8/8/00 at 9:30 am at the southernmost end of County Route 111 in Eastport, and a water bucket training session on 9/7/00 (with a postponement date of 9/12/00) at Wildwood Lake in Southampton. He invited the Commissioners to attend both events.

Core Preservation Area

- ! Seeley and Lukas / Calverton (Brookhaven) / lot split: determination of jurisdiction (from 7/12 meeting)

Summary: Ms. Jakobsen summarized this request for a determination of jurisdiction which was previously distributed to the Commission at its 7/12/00 meeting. The project involves two 1 acre parcels (Suffolk County Tax Map parcels 200-300-4-37 and 38) south of Nugent Drive and east of Starr Boulevard, in Calverton, Brookhaven Town. They are in an A5 Residence zoning district. Lot 37 is on the roadfront exemption list, and lot 38 contains an existing dwelling. The Seeleys are prospective purchasers of both lots from Mr. Lukas, and they are seeking a lot split from the Brookhaven Zoning Board of Appeals (ZBA), since the lots have merged by common ownership and together are less than the minimum lot size for the applicable zoning category. Mr. Michael Strauss, attorney for the applicant, was present and briefly described the proposal.

Ms. Jakobsen reminded the Commission that it has previously seen lot 37 in a core hardship application, and that since that time, the State Legislature adopted the roadfront exemption list which contains that lot. The Brookhaven ZBA would like a letter of nonjurisdiction from the Commission. It was agreed that this project is nondevelopment under the pine barrens statute, and the Commission staff will send a letter to that effect to the ZBA.

- ! Lakeside Manorville Hotel / Manorville (Brookhaven): close of written comment period; possible additional information from sponsor; correspondence for hearing record (hearing held 7/12)

Summary: Ms. Jakobsen distributed the attached written request from Ms. Theresa Elkowitz of Freudenthal & Elkowitz on behalf of this project to postpone today's scheduled discussion of the matter until the 8/23/00 Commission meeting. Ms. Jakobsen also distributed the attached two letters from Mr. Kim Darrow and the Open Space Council opposing this core hardship application. The letters are part of this project's hearing record.

*A discussion ensued regarding the discussion that was held on this project at the last Commission meeting; whether the discussion to be held at the 8/23/00 Commission meeting on this project should be a public hearing or simply an agenda item; whether the hearing held at the last Commission meeting should or could be reopened; and whether the Commission should schedule a new hearing. It was agreed that the comment period would be extended to the close of business on the Monday following the next Commission meeting, in order to permit comments to be received after the 8/23/00 discussion. It was also agreed to ask the applicant if they will require an additional public hearing. **A motion was then made by Mr. MacLellan and seconded by Mr. Girandola to extend the comment period on this application to the close of business on 8/28/00. The motion was approved by a 5-0 vote.***

- ! Malenda / Manorville (Brookhaven) / single family home: new hardship application; set hearing date

Summary: Ms. Jakobsen distributed the attached new core hardship application from Andrew and Carolyn Malenda. The application is for a single family home on Suffolk County Tax Map parcel 200-462-4-11, located on the west side of Halsey Manor Road, north of County Route 111. The parcel is 2.7 acres, is zoned A2 Residence, and was purchased by the Malendas in October 1999. The letter also notes that they are in contract to sell their current home.

A motion was then made by Mr. Girandola and seconded by Mr. MacLellan to schedule a core hardship hearing on this application for the 8/23/00 Commission meeting at 4:00 pm. The motion was approved by a 5-0 vote.

- ! Hidden Pond Stables / Manorville (Brookhaven) / indoor horse riding arena: new correspondence

Summary: Ms. Jakobsen distributed the three attached letters from Mr. Timothy Mattimore, Mr. William Hoffman, and Ms. Anna Hoffman which express their support of the Long Island Pine Barrens Society's lawsuit regarding the Hidden Ponds Stables project.

- ! SC Gabreski Airport / Westhampton (Southampton) / information on improvements to 106th Rescue Wing, NY Air National Guard

Summary: Ms. Plunkett distributed the attached correspondence from the Department of the Air Force, and the attached Staff Report and aerial photographs regarding proposed construction projects at the 106th Rescue Wing Facility of the NY Air National Guard at Gabreski Airport in Westhampton, Southampton Town. One of the areas possibly affected is the northwest corner of Gabreski Airport, which is currently undeveloped, is in the Core Area, and is currently owned by Suffolk County.

She explained that a preliminary Environmental Assessment produced pursuant to the National Environmental Policy Act (NEPA) was received from the consultant to the Air Force in February 2000, and that Commission staff posed questions at that time. The assessment was declared complete in April 2000 and received by the Commission on 6/26/00. Ms. Plunkett explained that,

despite the detailed comments which were submitted earlier this year, there remains no mention in the documents of the local reviews and laws that may apply here.

She also explained that there is now a deadline for responses to the current version of the documents by next week. Specifically, the proposals call for the lease by Suffolk County to the Air Force of approximately 125 acres northwest of the runways for a pararescue jumper training area.

A discussion followed regarding the other areas to be leased under the proposal; the proposed munitions and fuel storage areas; the lack of any mention in the documents regarding the NYS DEC or Suffolk County Health Department regulations (including Article 12 of the County Health Code); the lack of a written specification regarding the types of munitions to be stored; the lack of progress by the Federal government in cleaning up prior fuel spills at the airport; the discretion that the County has in issuing the leases; the County's obligation to adhere to the state pine barrens law; the presence of any obligations upon the County due to prior Air Force or Federal Aviation Administration agreements; and the role of other agencies such as the SC Department of Public Works and the SC Council on Environmental Quality. It was also agreed that the Commission staff would forward a letter outlining these comments to the consultant who prepared the EA.

Compatible Growth Area

- ! American Tissue Corp. / Yaphank (Brookhaven) / Development of Regional Significance: request for extension of 120 period
Summary: Ms. Jakobsen distributed and discussed the attached written request from Mr. Eric Arnesen of Nelson, Pope & Voorhis on behalf of the American Tissue Corporation project sponsors. The request is for an extension of the current 120 day decision period for that project until 10/25/00.

A brief discussion was held regarding the fact that the Commission cannot make a decision until the Town Board, which is the lead agency, issues its findings statement. **A motion was then made by Mr. Cowen and seconded by Mr. MacLellan to grant that request. The motion was approved by a 5-0 vote.**

Closed Advisory Session

Summary: Mr. Proios noted that the Commission would go into a closed advisory session, and that there would be no further open session business after that session. Prior to doing so, he accepted public comments.

Public Comment

Summary: Mr. Walter Olsen, representing the Civil Property Rights Associates, spoke on the topic of amending the roadfront exemption list for the three pine

barrens towns. Specifically, he noted that the proposed changes to the roadfront exemption list are not ready for Riverhead and Southampton Towns, and asked when the State Legislature will go back into session. A brief discussion followed regarding the current legislative recess, and the normal process that the Legislature uses for passing bills. He urged the two towns and the Commission to be ready for the next session of the Legislature.

Closed 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 5-0 vote, and the Commission entered into closed session from approximately 3:23 pm to 3:35 pm.

The meeting ended immediately after the closed advisory session.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Pine Barrens Credit program activity summary (7/28/00; 1 page)
4. Southampton Town communications towers RFP materials (misc. dates; 13 pages)
5. ABCs of Avoiding Bird Collisions at Communications Towers (7/21/00; 15 pages)
6. Cape Cod Comm. newsletter excerpt re wireless working group (6/22/00; 1 page)
7. Cape Cod Commission RFP for wireless consultant (1999; 7 pages)
8. Letter from T. Elkowitz re Lakeside Manorville Hotel (7/24/00; 1 page)
9. Letter from K. Darrow re Lakeside Manorville Hotel (8/1/00; 3 pages)
10. Letter from Open Space Council re Lakeside Manorville Hotel (5/24/00; 3 pages)
11. Letter and attachments from Malendas re hardship application (7/21/00; 9 pages)
12. Letters from T. Mattimore, W. Hoffman, and A. Hoffman re Hidden Pond Stables project (All 7/17/00; 3 pages)
13. Materials re Air National Guard proposed construction (misc. dates; 8 pages)
14. Letter from E. Arnesen re American Tissue Corp. project (7/19/00; 1 page)

Commission Meeting Summary (FINAL)
for Wednesday, August 23, 2000 (Approved 9/13/00)
Brookhaven Town Hall
Building 4, 3233 Route 112, Medford, NY
2:00 pm



Commission members present: Mr. Proios (for Suffolk County), Mr. Girandola (for Brookhaven), Mr. MacLellan (for Riverhead at the time noted), Mr. Shea (for Southampton) and Mr. Cowen (for New York State).

Others present: General counsel was not present today. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Ms. Jakobsen, Ms. Carter and Mr. Rizzo (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation), and Capt. Conklin (from the NYS Forest Rangers, Vice Chair of the Wildfire Task Force, and member of the Law Enforcement Council). Additional attendees are shown on the attached sign-in sheet.

Robert J. Gaffney
Chair

Felix J. Grucci, Jr.
Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
Member

Robert F. Kozakiewicz
Member

The meeting was called to order at approximately 2:20 pm by Mr. Proios, without a quorum initially; Mr. Proios, Mr. Shea and Mr. Cowen were present. Mr. Girandola arrived shortly thereafter, and a four member quorum was then present.

Public Comment

Summary: There were no speakers at this time.

Administrative

- ! Summary of 8/2 meeting: review, approval
Summary: **A motion was made by Mr. Shea and seconded by Mr. Cowen to approve the summary of the 8/2/00 Commission meeting as drafted. The motion was approved by a 4-0 vote.**

- ! Reimbursement Budget (99-00) and Draft New Budget (00-01): review, approval
Summary: Mr. Corwin briefly discussed the two attached draft budgets, one to permit reimbursement for the Commission's 1999-2000 fiscal year expenses, and the other covering the current 2000-2001 fiscal year. He noted that the current year's budget will be used to apply for an advance for the Commission's current fiscal year funding, rather than wait for reimbursement. After a brief discussion regarding some of the specific categories, including the changes in the amount for the legal costs, **a motion was made by Mr. Cowen and seconded by**

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

Phone (631) 224-2604
Fax (631) 224-7653
Internet:
<http://pb.state.ny.us>

Mr. Girandola to approve the attached two draft budgets. The motion was approved by a 4-0 vote.

Plan Implementation

- ! Law Enforcement Council: results of 8/8 vehicle removal (*information item*)
Summary: Capt. Conklin reported that the Council airlifted and recycled one sedan, one truck body, and one trailer, and removed one engine block and debris by ground transport, on 8/8/00. He reported that the Acting Facility Commander for the NY Army National Guard's Aviation Support Facility #1 was present at the operation. Mr. Proios asked whether there is a new permanent Commander, and Capt. Conklin said there was not yet a new appointment. Mr. Corwin passed around photographs of the event.

Capt. Conklin also noted that there will be a training session for helicopter water bucket firefighting at the Sarnoff State Preserve on 9/7/00, with a postponement date of 9/12/00, and he invited the Commission members to observe the session. He also reported that there will be new Forest Rangers arriving in Region 1 shortly.

- ! Wildfire Task Force: status of the Wildfire and Incident Management Academy (*not on the original agenda*)
Summary: Capt. Conklin explained that there are currently approximately 45 students registered for Academy courses so far. He also noted that the Academy Coordinator, Mr. Charles Hamilton, has been serving as a single resource, specifically a Facilities Unit Leader, at one of the western U.S. fires, and that there have been two 20 person fire crews sent to western U.S. fires so far this year. Those two crews have included several volunteer firefighters from Long Island departments, as well as Mr. John Milazzo of the Commission staff and the Suffolk County Water Authority. He also discussed the training that is involved to be on a wildland fire crew, in response to a question re why more volunteer firefighters were not involved in the western U.S. firefighting efforts.

Capt. Conklin left at this time.

Core Preservation Area

- ! Gazza / Westhampton (Southampton) / agricultural building / new hardship: set hearing
Summary: Ms. Jakobsen described this new proposal for a 5,460 square foot building on the west side of CR 31, north of Stewart Avenue, in Westhampton in Southampton Town. The 109,568 square foot parcel, Suffolk County Tax Map 900-285-2-29.002, is zoned CR-200. The proposed building is described as being intended for use in conjunction with an agricultural business.

A brief discussion ensued regarding the land use in the vicinity of this parcel, the

amount of clearing in the area, the dwarf pine plains in this area, and its contiguity with Suffolk County Parkland. **A motion was then made by Mr. Cowen and seconded by Mr. Shea to schedule a hearing on this application at the 9/13/00 Commission meeting at 3:00 pm. The motion was approved by a 4-0 vote.**

- ! Lakeside Manorville Hotel / Manorville (Brookhaven): request for hearing record continuation and decision deadline extension
Summary: Ms. Jakobsen explained that the Commission, which is lead agency for this previously discussed project, has received a written request (attached) for an extension of the decision deadline. After a brief discussion, it was agreed that a new hearing will be held, and that there is no need to extend the current hearing record closure date. **A motion was then made by Mr. Cowen and seconded by Mr. Shea to (1) extend the decision deadline to 11/30/00 for this project, and (2) to schedule a new hearing on this project for the 9/13/00 Commission meeting at 3:00 pm. The motion was approved by a 3-0-1 vote, with the abstaining vote cast by Mr. Girandola.**

Public Comment

Summary: Mr. Richard Amper, Executive Director of the Long Island Pine Barrens Society, explained that members of the Brookhaven National Laboratory' Citizens Advisory Committee (CAC) have been seeking an expedited cleanup schedule for the Laboratory's various Superfund locations. He explained that this acceleration is being sought through a change in the rate at which funding is made available to the Laboratory over the next several years. He explained that there are good arguments on a national scale for speeding up this cleanup in particular, citing its location within a federal Sole Source Aquifer and the spreading of groundwater contamination plumes off the Laboratory site.

He reported that U.S. Department of Energy Secretary Richardson met with CAC members recently, and mentioned the possibility of preserving some portion of the undeveloped Laboratory property, while permitting the Laboratory to grow as needed. Mr. Amper also spoke with Mr. Corwin recently regarding these developments. Mr. Corwin noted that he had offered to provide maps of the Laboratory and to meet with anyone regarding the Laboratory's geographic position within the pine barrens zone. A brief discussion was held regarding transfers, titles, liabilities for cleanup, to whom land might be transferred, etc.

The meeting temporarily adjourned from approximately 3:10 pm through 4:00 pm. Mr. MacLellan arrived during the break, and a five member quorum was present for the remainder of the meeting.

Core Preservation Area

- ! Malenda / Manorville (Brookhaven) / single family home: hardship hearing

Summary: A separate stenographic transcript exists for this.

Pine Barrens Credit Program

! Alberto and Sipala / Manorville (Brookhaven) / credit appeal hearing

Summary: A separate stenographic transcript exists for this

Adjournment

Summary: The meeting end at approximately 5:10 pm without a formal resolution of adjournment.

Attachments (in order of discussion):

1. Attendance list (2 pages)
2. Speaker list (1 page)
3. Draft 1999-2000 and 2000-2001 budgets (undated; 5 pages)
4. Letter requesting extension of the Lakeside decision deadline (8/17/00; 1 page)



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**Commission Meeting Summary (FINAL)
for Wednesday, September 13, 2000 (Approved 10/4/00)
Brookhaven Town Hall
Building 4, 3233 Route 112, Medford, NY
2:00 pm**

Commission members present: Mr. Proios and Mr. Dragotta (for Suffolk County; Mr. Proios voting), Mr. Girandola (for Brookhaven), Mr. MacLellan (for Riverhead), Mr. Shea (for Southampton) and Mr. Cowen (for New York State).

Others present: General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Ms. Jakobsen, Ms. Carter and Mr. Rizzo (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 2:02 pm by Mr. Proios, with a five member quorum.

Public Comment

Summary: There were no speakers.

Administrative

! Summary of 8/23 meeting: review, approval

Summary: **A motion was made by Mr. Cowen and seconded by Mr. Shea to approve the summary of the 8/23/00 meeting as drafted. The motion was approved by a 5-0 vote.**

Pine Barrens Credit Program

! Program status and results of 8/29 Clearinghouse meeting

Summary: Mr. Rizzo reported that the Clearinghouse passed a resolution at its 8/29 meeting which encourages the Southampton Town Board and the Planning Board to require the redemption of Credits for a proposed golf course and residential development in the Speonk area.

He also distributed the attached Pine Barrens Credit Program activity summary for 9/1/00, and noted that the total value of Credit transactions to date has passed the \$5 million level. He also noted that the total acreage of easement protected land has passed the 300 acre quantity.

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

Phone (631) 224-2604
Fax (631) 224-7653
Internet:
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Finally, he noted that the next Clearinghouse meeting will be on 10/31/00 at 9:00 am at the Commission Office.

- ! Alberto and Sipala / Manorville (Brookhaven) / credit appeal: possible decision (hearing held 8/23/00)

Summary: Mr. Rizzo distributed a draft staff report for this appeal. The 8/23 hearing transcript was also distributed. The ensuing discussion touched upon the manner in which the intervening "paper" roads should be treated; the lack of any submittals which indicated whether the parcels involved are single and separate; the degree to which such a single and separate status might affect the decision on the Credit allocation appeal; whether a title report would be necessary or desirable; Mr. Rigano's desire to review the staff report prior to the Commission deciding this appeal; whether the developability of this parcel (e.g., under Suffolk County Health Department rules) should be a basis for deciding the appeal; and how the lots involved could be developed in the absence of the pine barrens law. The discussion terminated with the agreement by the applicants, who were present along with their representative, to extend the decision deadline until the next Commission meeting on 10/4/00.

- ! PRC zoning development yield factor: status

Summary: Mr. Rizzo distributed a draft negative declaration for the adoption of a development yield factor for the Brookhaven Town PRC (Planned Residential Community) zoning category, which the Commission recently acted upon. He also explained that the Commission might want to rescind the original resolution adopting the yield factor, then adopt a negative declaration and readopt the yield factor. A discussion ensued also upon whether a development yield factor for this zoning category should be kept in effect, even if the only parcel which is affected by it is under contract for purchase by the State for preservation. It was agreed that counsel will provide legal advice on this matter in an advisory session later today.

Plan Implementation

- ! Protected Lands Council: upcoming 10/3 field project (information item)

Summary: Ms. Plunkett explained that the Protected Lands Council will be continuing its field work within Stewardship Unit 6 on 10/3/00 (with a rain date of 10/5/00). Specifically, the Council members will be in the Ridge area of Brookhaven, and will be closing selected trails that the Council has discussed during the past several months.

She also reported that there will be a native plant seed collection day on 10/17/00 in order to provide seeds to the State Nursery at Saratoga for growing and eventual replanting with the pine barrens. Mr. Shea suggested that a press release would be appropriate for this work, since Southampton Town and other organizations are interested in encouraging the use and retention of native vegetation.

Core Preservation Area

- ! Malenda / Manorville (Brookhaven) / single family home: possible decision (hearing held 8/23)

Summary: Ms. Jakobsen noted that the decision date for this application is 11/14/00, and Mr. Proios noted that the hearing transcript has been distributed. Mr. Rigano suggested that the Commission listen to legal advice prior to making a decision.

- ! Schoenster / Calverton (Brookhaven) / winter park snowboarding facility: new hardship application

Summary: Ms. Jakobsen summarized this new Core hardship application for a winter park and snowboarding facility on Suffolk County tax Map 200-300-1-4. The project is proposed for a six acre portion of this larger parcel to be leased from the owner, Mr. George Schmelzer. The six acres involved are zoned approximately two thirds L1 Industrial and approximately one third A5 Residential. She noted that the project may require a zone change, and that the application included a Part 1 Environmental Assessment Form. Mr. Girandola commented about the recent court decision regarding the shooting range located elsewhere on the larger parcel.

A motion was then made by Mr. Cowen and seconded by Mr. Shea to schedule a public hearing at the 10/25/00 Commission meeting at 3:00 pm for this application. The motion was approved by a 5-0 vote.

Closed Advisory Session

Summary: **A motion was made by Mr. Shea 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 2:43 pm to 3:03 pm.**

Core Preservation Area

- ! Malenda / Manorville (Brookhaven) / single family home: possible decision (hearing held 8/23)

Summary: Mr. Rigano explained that, in his view, when a party buys land within the Core Preservation Area after the effective date of the pine barrens law in 1993, there is a self created hardship. He also noted that there is substantial case law on this issue.

A motion was then made by Mr. Cowen and seconded by Mr. Shea to deny the Malenda / Manorville core hardship application based upon the existence of a self created hardship. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Mr. Proios.

A discussion then ensued in which Mr. Proios mentioned the value of Credits within Brookhaven Town. Mr. Malenda stated that he feels that the current situation is ludicrous, that his situation is not a self created hardship, that he has been to several agencies for approvals, that this issue is not done, and that he will still be able to build his house.

! Lakeside Manorville Hotel / Manorville (Brookhaven) / commercial office buildings / hardship: public hearing (11/30 decision deadline)
Summary: *A separate stenographic transcript exists for this.*

! Gazza / Westhampton (Southampton) / agricultural building / hardship: public hearing (materials distributed 8/23)
Summary: *A separate stenographic transcript exists for this.*

Mr. Spitz left during the preceding hearing. Mr. Dragotta left at the conclusion of these hearings. A five member quorum remained.

Closed Advisory Session

Summary: ***A motion was made by Mr. MacLellan and seconded by Mr. Girandola 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 5:25 pm to 5:53 pm.***

Compatible Growth Area

! Brookhaven Town Center / Yaphank (Brookhaven) / regional shopping mall: clarification of exemption policy in the Pine Barrens Plan (not on the original agenda)
Summary: ***A motion was made by Mr. Cowen and seconded by Mr. MacLellan to authorize Commission counsel to forward the attached draft letter concerning this property to Mr. Balin, representing the owner. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Mr. Girandola.***

Pine Barrens Credit Program

! PRC zoning development yield factor: negative declaration and readoption
Summary: ***A motion was made by Mr. Shea and seconded by Mr. Girandola to rescind the Commission's prior adoption of a development yield factor for the Brookhaven Town PRC zoning category. The motion was approved by a 5-0 vote.***

A motion was then made by Mr. Shea and seconded by Mr. Cowen to adopt the attached negative declaration for the adoption of a development yield

factor for the Brookhaven Town PRC zoning category. The motion was approved by a 5-0 vote.

A motion was then made by Mr. Shea and seconded by Mr. MacLellan to adopt a development yield factor of 1.00 Pine Barrens Credits per acre for the Brookhaven Town PRC zoning category. The motion was approved by a 5-0 vote.

Adjournment

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

Attachments (in order of discussion):

1. Attendance list (2 pages)
2. Speaker list (1 page)
3. Pine Barrens Credit Program Summary as of 9/1/00 (9/1/00; 1 pages)
4. Draft letter originally requested by Mr. Balin from the Commission re the Brookhaven Town Center (5/15/00; 1 page)
5. Negative declaration for the PRC development yield factor adoption (9/13/00; 2 pages)



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

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Fax (631) 224-7653
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**Commission Meeting Summary (FINAL)
for Wednesday, October 4, 2000 (Approved 10/25/00)
Riverhead Town Hall
East Main Street and Howell Avenue, Riverhead, NY
2:00 pm**

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

Others present: General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Ms. Jakobsen, Ms. Carter and Mr. Rizzo (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, without a quorum initially. Mr. Proios, Ms. Wiplush, and Mr. MacLellan were present at that time.

Public Comment

Summary: There were no speakers.

Administrative

- ! Summary of 9/13 meeting: review, approval
Summary: The following change was suggested to the draft 9/13/00 summary: under "Malenda / Manorville", the first sentence should start as follows: "Mr. Rigano explained that, in his view, ...". Further action on the summary was held until a quorum was present.
- ! Revision to Commission 2000-2001 budget: review, approval
Summary: Mr. Proios asked if there were any comments upon the proposed revision to the Commission's 2000-2001 State Fiscal Year budget (attached) which was faxed previously to the Commissioners. There were no comments, and further action was held until a quorum was present.

Mr. Murphree arrived at this point, and a four member quorum was then present.

Administrative

- ! Summary of 9/13 meeting: review, approval
Summary: A motion was made by Mr. MacLellan and seconded by Mr. Proios to approve the 9/13/00 Commission meeting summary with the change noted above. The motion was approved by a 4-0 vote.

- ! Revision to Commission 2000-2001 budget: review, approval
Summary: A motion was made by Mr. MacLellan and seconded by Mr. Proios to approve the revised 2000-2001 Commission budget (attached). The motion was approved by a 4-0 vote.

Pine Barrens Credit Program

- ! Alberto and Sipala / Manorville (Brookhaven) / credit appeal: possible decision (hearing held 8/23/00; decision deadline is 10/4)
Summary: Mr. Dominic Nicolazzi, representing the credit appellants, was present and presented the two attached letters regarding how single and separate searches are performed by the Safe Harbor Title Company in this matter, and the definition of single and separate as used by Hawkins Webb Jaeger Associates, an engineering and surveying firm involved with these parcels. He also displayed a yield map for these parcels which had been prepared by this engineering firm.

Mr. Michael Strauss, an attorney, also spoke regarding the chain of title that these parcels possess, his opinion that these are single and separate, and his opinion that the paper streets reinforce the single and separate status. He noted that most parcels front on a street, and that no title searches go beyond a street bordering a subject property.

Mr. Strauss also spoke regarding the practices of the Suffolk County Health Department, and the Department's Board of Review, in determining whether a collection of parcels such as the subject ones can be replatted, and, if so, at what density level. Specifically, he spoke about his personal experiences representing clients before the Board of Review; whether the Board would approve new lots which are 50% or greater in size than the 40,000 square feet required for parcels in Hydrogeologic Zone 3 (which includes the subject parcels); how the Department and the Board of Review apply the Suffolk County Health Code's definition of "developer" to applicants; the number of lots that he felt that the Board of Review would approve in situations such as this; and his opinion that all 12 of the lots in the appellants possession (only some of which are under appeal) would be granted by the Board of Review if such an application were made.

Discussion then ensued regarding the likelihood of the Board of Review approving 20,000 square foot lots in this situation; whether they would approve a different density such as 75% of the required 40,000 square foot lots; the possibility of the appellants actually obtaining a Board of Review determination in

order to know for sure what the Board would find acceptable; and whether that Board would or could make a determination of yield without an actual development application having been submitted.

Mr. Nicolazzi then read an excerpt from the Commission's earlier determination regarding the unrelated Barkus credit appeal. Mr. Strauss stated that no development is being contemplated, and that any ambiguity should be resolved in favor of the property owner. Mr. Rigano noted that it would be good to have a Board of Review letter, and a discussion ensued regarding who could issue a written determination. It was then agreed between the appellants and the Commission that the decision deadline for this appeal will be extended to 10/25/00, the date of the next Commission meeting.

Mr. Walter Olsen, representing the Civil Property Rights Associates, stated that it is clear to him that the appellants are caught among the various agencies requirements. He stated that the Commission is looking to the appellant for answers that he cannot obtain, and that they should not be put under a burden. He stated that the Commission has expert comments.

Plan Implementation

- ! Protected Lands Council: 10/3 field project results (*information item*)
Summary: Mr. Corwin reported that the 10/3/00 field work day in Stewardship Unit 6 had been completed, and that the work involved the closing of three sections of roads and trails which the Council has been planning since the Spring of this year. He also reported that there has been some controversy due to the opposition of some of the Ridge area citizens and horse riders who wished to keep some of these trails open.

- ! 2000 Pine Barrens Research Forum: final program (*information item*)
Summary: Mr. Corwin distributed the attached final program for the 2000 Pine Barrens Research Forum, and described some of the presentations and contents of the conference. It will be held on 10/12/00, with a half day field trip on 10/13.

Core Preservation Area

- ! Lakeside Manorville Hotel / Manorville (Brookhaven) / commercial office buildings / hardship: possible request for SC Planning Department assistance (*hearing held 9/13; decision deadline is 11/30*)
Summary: Ms. Jakobsen distributed and reviewed the attached summary of the Lakeside Manorville Hotel application for the rezoning of the project site from A2 to J2 and the construction of two 10,000 square foot office buildings. The site is located on the east side of CR 111 in Manorville, just south of the Long Island Expressway. She noted that the Commission is the lead agency for this project.

She also explained that the staff is recommending that the Commission request the assistance of the Suffolk County Planning Department in the review of this project, especially the Environmental Assessment Form's Part 3, and noted that she has already spoken with Mr. Stephen Jones, the Planning Department Director re this. He has indicated that they will be able to assist. **A motion was made by Mr. MacLellan and seconded by Mr. Murphree to formally request the assistance of the Suffolk County Planning Department staff with this application with the caveat that the necessary reviews be completed in time for the Commission to make a determination of significance on this project. The motion was approved by a 3-0-1 vote, with the abstaining vote cast by Ms. Wiplush.**

- ! Gazza / Westhampton (Southampton) / agricultural building / hardship: correspondence (hearing held 9/13; decision deadline is 12/1)
Summary: Ms. Jakobsen distributed the attached correspondence items from Mr. Gazza to Southampton Town's Building Department re permissible uses on the site of this current application to the Commission. She also distributed the attached cover memo from Mr. Gazza and its accompanying letter to him from the Southampton Town Community Preservation Fund.

Compatible Growth Area

- ! American Tissue / Yaphank (Brookhaven) / industrial building: decision deadline extension (current deadline is 10/25).
Summary: Ms. Jakobsen distributed the attached request from Nelson, Pope & Voorhis, consultants for this project, re an extension of the Commission's decision deadline for this project to 11/30/00. She also distributed the attached summary sheet for this project. **A motion was made by Ms. Wiplush and seconded by Mr. MacLellan to approve the new decision deadline of 11/30/00 for this project. The motion was approved by a 4-0 vote.**
- ! Caithness Power Plant / Yaphank (Brookhaven) / industrial building: discussion (not on the original agenda).
Summary: Mr. Proios asked about the project, and Ms. Jakobsen noted that the Commission has been mentioned in the project's scoping document, but that no direct communication has yet been made to the Commission regarding this. Mr. Proios then discussed the agencies that have authority to review this, including NYS DEC, State Health, the Public Service Commission, and State Economic Development. A brief discussion was held regarding the Commission's role in reviewing such a project.

Public Comment

Summary: The first speaker was Mr. Walter Olsen, representing the Civil Property Rights Associates. He spoke regarding the Gazza application, and stated that he does not find what Mr. Gazza is going through to be amusing. He

stated that people have bought lots with investment expectations; that it is not acceptable when government changes the conditions of development; that he sees this Commission bouncing applicants between boards; that its not amusing that Mr. Gazza pays taxes; that there should be a meeting with all parties to enable a core owner to put a complete application together at one time; and that people should not be kept in limbo.

At this point, the second speaker, Mr. Henry Dittmer, also affiliated with the Civil Property Rights Associates, stated that he thought that some members of the Commission have violated their oaths, and that people are disgusted and will not attend Commission meetings. He also stated, at one point, "People are disgusted. Do you want somebody to come in here with a gun and shoot you?". Mr. Olsen then spoke and stated that he felt that the Southampton Town Community Preservation Fund letter to Mr. Gazza was deplorable.

The third speaker was Mr. Dominic Nicolazzi. He stated that the preceding speakers did not speak for him; that he feels that the Commission has treated himself and his clients fairly; and that he is not in the same position as the two preceding speakers.

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 4-0 vote, and the Commission entered into closed session from approximately 3:48 pm to 4:45 pm.

Mr. Murphree left during the latter part of the closed session, and the meeting ended immediately after the closed session with no further business being conducted.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Memo and revised Commission 2000-20001 budget (10/2/00; 5 pages)
4. Letter from Safe Harbor Title re Alberto and Sipala parcels (10/2/00; 1 page)
5. Letter from Hawkins Webb Jaeger re Alberto and Sipala parcels (10/2/00; 1 page)
6. 2000 Pine Barrens Research Forum program (undated; 2 pages)
7. Lakeside Manor Hotel project summary sheet (undated; 1 page)
8. Letter from Mr. Gazza to Southampton Town re permissible uses (9/14/00; 3 pages)
9. Cover memo and second letter from Mr. Gazza re uses (9/25/00; 3 pages)
10. Cover memo and letter re Community Preservation Fund (10/4/00 and 9/28/00; 2 pages total)
11. Letter from Nelson, Pope & Voorhis re American Tissue extension (9/29/00; 1 page)
12. American Tissue Corp. project summary sheet (undated; 1 page)

Commission Meeting Summary (FINAL)
for Wednesday, October 25, 2000 (Approved 11/29/00)
Suffolk County Park Police and Pine Barrens Center
Southaven County Park, Victory Avenue, Yaphank
2:00 pm



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Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
Member

Robert F. Kozakiewicz
Member

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

Phone (631) 224-2604
Fax (631) 224-7653
Internet:
<http://pb.state.ny.us>

Commission members present: Mr. Dragotta (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven; Mr. Girandola voting), Mr. Shea (for Southampton) and Mr. Cowen (for New York State).

Others present: General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Ms. Jakobsen, Ms. Carter and Mr. Rizzo (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation), and Mr. Sklar (from the Suffolk County Attorney's Office). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:06 pm by Mr. Dragotta, with a four member quorum.

Public Comment

Summary: The first speaker was Ms. Jill Lewis, representing the Long Island Pine Barrens Society. She read the attached statement re the current core hardship application known as Lakeside Manor Hotel (a commercial office proposal).

The second speaker was Mr. Walter Olsen, representing the Civil Property Rights Associates. He stated that he was following up today on the last Commission meeting discussions regarding whether individuals have felt well treated by the Commission. He stated that it is not true that people have been happy re their treatment. He submitted the attached statement signed by several property owners stating that Mr. Olsen does speak for them. Mr. Olsen also reported that he had been asked by Mr. Nicolazzi to speak on Mr. Nicolazzi's behalf at the last Commission meeting at which Mr. Nicolazzi was representing property owners in their Pine Barrens Credit appeal. Mr. Olsen stated that he did that, and that Mr. Nicolazzi and an attorney working with the applicant both thanked him. Mr. Olsen then remarked that, later in that same meeting, Mr. Nicolazzi stated that he did not necessarily feel the same frustration with the Commission that Mr. Olsen and other property owners have expressed.

The third speaker was Mr. Dominic Nicolazzi, representing himself, who remarked that the statement that he was distancing

himself from at the last meeting was a remark made by another person that made reference to the Commission in the context of shooting a gun.

Administrative

- ! Summary of 10/4 meeting: review, approval
Summary: A motion was made by Ms. Wiplush and seconded by Mr. Dragotta to approve the 10/4/00 summary as drafted. The motion was approved by a 4-0 vote.

Pine Barrens Credit (PBC) Program

- ! Next Clearinghouse meeting (*not on the original agenda*)
Summary: Mr. Rizzo noted that the next Clearinghouse meeting is scheduled for 10/30/00 at 2:00 pm at the Commission Office.
- ! Alberto and Sipala / Manorville (Brookhaven) / credit appeal: decision (*hearing held 8/23/00; decision deadline is today*)
Summary: Mr. Rigano summarized this current PBC appeal, noting that the appellant had received 1 PBC for each roadfront parcel, and a total of 0.75 PBCs for 6 parcels (whose total acreage is 3.52 acres) which were not roadfront. He noted that the appellant has requested that the six non roadfront lots be allocated a total of 6.0 PBCs, i.e., 1.0 PBC per lot, which would bring the total allocation to 12.0 PBCs. Mr. Rigano suggested that the Commission withhold any action or discussion on this appeal until he is able to provide legal advice to the Commission in a closed advisory session. That was agreed.

Plan Implementation

- ! Pine Barrens Research Forum: final report; donation from Battelle Memorial Institute
Summary: Mr. Corwin reported that there were approximately 135 attendees at this year's Forum. He noted that next year's dates are tentatively set for 10/4 and 5, 2001.

He also noted that a donation of \$5000 has been received from Batelle Memorial Institute, one of the partners in Brookhaven Science Associates which operates the Brookhaven National Laboratory for the U.S. Department of Energy. He explained that one very appropriate use for the funds would be to create an award or scholarship program through the State University of New York at Stony Brook for graduate students working on pine barrens related research. He distributed the attached two letters, one from Mr. Greg Fess of Batelle Memorial Institute and one from Dr. Henry Bokuniewicz of SUNY at Stony Brook. The latter explains that the University would be able and willing to administer the funds through the Stony Brook Foundation in an account created for only this purpose.

A discussion ensued regarding the terms of the donation stated in the Batelle letter and whether the Commission met those not for profit criteria; the cost that the Stony Brook Foundation might charge for administering the funds; and the Commission's authority to accept such donations, which Mr. Rigano stated that the Commission was authorized to do.

A motion was then made by Mr. Cowen and seconded by Mr. Dragotta to accept the donation and use the funds for the purpose discussed above pending (1) verification in writing that the Stony Brook Foundation would only charge a nominal fee, on the order of \$25 per year that was discussed earlier, and (2) clarification of the language contained in the cover letter from Mr. Fess and the Commission's satisfaction of those conditions. The motion was approved by a 4-0 vote.

- ! 2000 NY Wildfire and Incident Management Academy: status (*information item*)
Summary: *Mr. Corwin reported that this third annual Academy was scheduled for the period from 10/26/00 to 11/5/00 at the Brookhaven National Laboratory. There are currently approximately 300+ students registered, and he discussed some of the course offerings.*

- ! Wildfire Task Force Public Education Committee: installation of fire danger signs; other activities
Summary: *Mr. Corwin and Ms. Jakobsen briefly discussed the press conference to be held tomorrow afternoon, 10/26/00 at 3:30 pm at Southaven County Park to unveil the new fire danger sign for the entrance to that park. The fire danger rating system was briefly described, along with the plans for a second sign, perhaps along William Floyd Parkway near the Brookhaven National Laboratory.*

Closed Advisory Session

Summary: ***A motion was made by Mr. Cowen and seconded by Mr. Girandola 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 2:43 pm to 3:14 pm.***

Core Preservation Area

- ! Schoenster / Calverton (Brookhaven) / snowboarding and winter sports park / hardship: public hearing (*decision deadline is 1/6*)
Summary: *A separate stenographic transcript exists for this.*

Pine Barrens Credit (PBC) Program

- ! Alberto and Sipala / Manorville (Brookhaven) / credit appeal: decision (*hearing held*)

8/23/00; decision deadline is today)

Summary: Mr. Nicolazzi, representing the appellants, stated that, at the last Commission meeting, he provided both an expert attorney and yield maps regarding this appeal, and that the issue of the single and separate status of the parcels whose allocation was being appealed had been discussed. He noted that the Commission had not requested single and separate title searches for these parcels, and that he had been directed to speak with staff members at Brookhaven Town regarding the issue of how paper streets influence the determination of a parcel's single and separate status. He noted that he had met with a staff member who verified that paper streets do separate two parcels for the purpose of determining such a status, but that the staff member had declined to place that in writing. Mr. Nicolazzi then noted that he had then been informed later in his Town meeting by another Town staff member that single and separate title searches should be performed.

Mr. Girandola then noted that he had met separately with staff from the Suffolk County Department of Health Services and that they had reported that the yield map presented for the purposes of the appeal at the last Commission meeting would not be approved by the Health Department's Board of Review for an actual development project.

Mr. Cowen then noted that such a development proposal would qualify for "developer" status under Suffolk County health department rules for reviewing such proposals, and that the minimum lot size would be 1 acre. He noted that there are 3.52 acres under appeal in the case, and that an equitable solution might be to allocate a total of 3.52 PBCs for the lots under appeal, in lieu of the original 0.75 total PBC allocation for these lots. After a brief discussion, **a motion was made by Mr. Cowen and seconded by Mr. Shea to allocate 3.52 PBCs in lieu of the original 0.75 PBC for the lots under appeal . The motion was approved by a 4-0 vote.**

Core Preservation Area

- ! Gazza / Westhampton (Southampton) / agricultural building / hardship: SEQR status (hearing held 9/13; decision deadline is 12/1)

Summary: Mr. Joseph Gazza, the applicant, was present and distributed the attached letters between himself and the Southampton Town Building Department regarding the definition of agricultural uses, what uses are considered as accessory to agriculture, whether an accessory use has to be on the same or a nearby parcel, etc. He stated that he felt that the Town's letters were unresponsive. He also summarized conversations that he had with the Town Building Inspector.

Mr. Shea then remarked that Mr. Gazza's proposed use for the Westhampton subject property would be for a storage building for a Water Mill property owned by Mr. Gazza which contains a retail building, not a growing facility, and which is about 25 miles distant. Mr. Shea noted that it is difficult to say whether the

proposed use on the subject property could be classified as an accessory use to the Water Mill property. Mr. Shea also remarked that Mr. Gazza owns a parcel to the north of the subject property, that the northerly parcel contains an auto repair shop, and that there has been illegal clearing on the northerly parcel which has extended onto the subject parcel. Mr. Shea reported that Mr. Gazza was cited by the Town yesterday for clearing in the Core area without a permit and for clearing in an aquifer protection overlay district.

Mr. Gazza stated that his Water Mill parcel went through all the necessary reviews, that the Town Building Inspector is upset, and that his farming operation is both legitimate and certified.

Mr. Rigano then asked what is the issue here for the Commission, and Mr. Gazza replied that it is a question of what are the permitted uses on the subject property. A discussion then ensued regarding the Southampton Town Community Preservation Fund's initial rejection of the subject parcel as an acquisition target; the Town's intent to correct that mistake (as described by Mr. Shea); Mr. Gazza's description of his attempts to use various parcels of his; his assertion that he is running out of uses in the zoning code; and a map of the properties along County Route 31 in the vicinity.

Ms. Jakobsen noted that the preliminary review of the Environmental Assessment Part 2 requires noting by individual agencies of any significant environmental impacts of a project, and that the removal of globally rare dwarf pine vegetation is noted here. She stated that, if there is a large impact, then the Commission would need to coordinate and receive comments from other agencies under the State Environmental Quality Review (SEQR) Act.

Ms. Wiplush left at this point. A four member quorum remained for the rest of the meeting.

Compatible Growth Area

- ! Omnipoint Communications / Ridge (Brookhaven) / communications tower: request for comments

Summary: Ms. Carter reported that Omnipoint Communications has submitted an application to Brookhaven Town to place a communications tower on the Ridge Fire District property in the Compatible Growth Area south of NYS Route 25 in Ridge, and that the Town has sent a SEQR lead agency coordination letter to the Commission. She raised the question of whether the Commission wished to respond with any comments regarding colocation, standards, etc. It was agreed that this would be further discussed at the next meeting.

Adjournment

*Summary: **A motion was made by Mr. Cowen and seconded by Mr. Dragotta to adjourn the meeting. The motion was approved by a 4-0 vote.***

Attachments (in order of discussion):

1. Attendance list (2 pages)
2. Speaker list (1 page)
3. Pine Barrens Society statement re Lakeside Manor application (10/25/00; 1 page)
4. Letter from several people re Walter Olsen representing them (10/11/00; 1 page)
5. Letter from G. Fess of Batelle Memorial re donation (9/26/00; 1 page)
6. Letter from H. Bokuniewicz re use of donation for student award (10/25/00; 1 page)
7. Letters between J. Gazza and Southampton Town re property uses (misc. dates; 9 pages)

Commission Meeting Summary (FINAL)
for Wednesday, November 29, 2000 (Approved 1/10/01)
Riverhead Town Hall,
East Main Street and Howell Avenue, Riverhead
2:00 pm



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

Others present: General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Ms. Jakobsen, Ms. Carter and Mr. Rizzo (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation), Mr. Ted Sklar (of the Suffolk County Attorney's Office), Capt. Robert Conklin (at the times indicated; from the NYS Forest Rangers, Vice Chair of the Wildfire Task Force, and member of the Law Enforcement Council), Fire Marshal Bruce Johnson (at the times indicated; from Riverhead Town and Chair of the Wildfire Task Force Public Education Committee), and Dr. Green (at the times indicated; from Brookhaven National Laboratory and the Protected Lands Council). Additional attendees are shown on the attached sign-in sheet.

Robert J. Gaffney
Chair

Felix J. Grucci, Jr.
Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
Member

Robert F. Kozakiewicz
Member

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

Public Comment

Summary: The first speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. He expressed concern regarding pending core area hardship applications. Specifically, with respect to the Lakeside Manor Hotel application for a commercial office building, he noted that the Commission is the lead agency for this application under the State Environmental Quality Review (SEQR) Act, that the project involves a change of zone within the core area, that it may set a precedent for future similar proposals within the core area, and he questioned what the Commission's role as the lead agency means in this project.

The second speaker was Mr. Joseph Gazza, representing himself. Mr. Gazza spoke about his pending core area hardship application for a building in the Westhampton area. He spoke about the review by Southampton Town of his proposed building, and whether it qualifies for an agricultural use classification under the Town's codes.

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

Phone (631) 224-2604
Fax (631) 224-7653
Internet:
<http://pb.state.ny.us>

Administrative

- ! Summary of 10/25 meeting: review, approval (faxed)
Summary: A motion was made by Mr. MacLellan and seconded by Mr. Murphree to approve the summary of the 10/25/00 Commission meeting as drafted. The motion was approved by a 4-0 vote.

- ! Amendment to existing contract between NYS DEC and Commission for administrative funds: review; approval; signing (faxed)
Summary: Mr. Corwin explained that the attached contract amendment would provide for the reimbursement of funds spent during the 1999-2000 State Fiscal Year, as well as an advance payment of the current (2000-2001) State Fiscal Year's funds. The amendment is to the existing contract between the NYS Department of Environmental Conservation (DEC) and the Commission for the preceding State Fiscal Years. Mr. Rigano stated that the contract amendment has been reviewed by his firm and is acceptable.

A motion was then made by Mr. MacLellan and seconded by Mr. Murphree to approve the attached Amendment Number 3 to the contract for administrative funds between the NYS DEC and the Commission, and to authorize the Commission Chair or his Designated Representative to sign the amendment on behalf of the Commission. The motion was approved by a 4-0 vote.

Plan Implementation

- ! 2000 NY Wildfire and Incident Management Academy: summary (Capt. Robert Conklin)
Summary: Capt. Conklin thanked the Commission for their support of the recently completed NY Wildfire and Incident Management Academy. He reported that approximately 500 student registrations were recorded at the 10 day Academy, which is roughly double the 1999 Academy total. He noted that approximately 23 local volunteer firefighters were registered for courses.

 - ! Roadfront parcel exemption list: status and next steps
Summary: Ms. Plunkett distributed and discussed the attached summary of the proposed additional parcels for the core area residential roadfront parcel exemption list in the Pine Barrens Plan. The attachment contains only Brookhaven parcels; however, she just received at today's meeting a parcel list from Southampton Town. Mr. MacLellan stated that the Riverhead list is being drafted at this time.
- Ms. Plunkett summarized the history of the roadfront list currently in the Plan, the process and sequence for revising the list through a Plan amendment and State legislation, the State Environmental Quality Review (SEQR) requirements, and the participation of the local State legislative delegation. She stated that a public*

hearing would need to be scheduled at the next Commission meeting on 12/20/00, with the hearing actually held at the 1/10/01 Commission meeting.

Pine Barrens Credit Program

- ! Results of 10/30 Clearinghouse Board meeting (*information item*)
Summary: Mr. Rizzo noted that the Clearinghouse held meetings on 10/30/00 and 11/21/00. He noted that the Clearinghouse discussed the slowing of Credit sales, and the current real estate market. He also distributed the attached summary of the Pine Barrens Credit Program through 11/1/00.

Mr. Gaffney arrived at this point. A four person quorum remained.

Administrative

- ! Amendment to existing contract between NYS DEC and Commission for administrative funds: signing
Summary: Mr. Gaffney signed the attached contract amendment approved earlier in this meeting.

Plan Implementation

- ! Wildfire Task Force Public Education Committee: current projects (*Committee Chair and Riverhead Fire Marshal Bruce Johnson*)
Summary: Mr. Johnson reviewed the current activities and goals of the Public Education Committee of the Wildfire Task Force. These include the establishment of the Southaven County Park fire danger sign; the goal of establishing a second danger sign elsewhere in the pine barrens; the Committee's participation in recent public events, including the Riverhead Country Fair and the September seminar on wildfire sponsored by the Suffolk County Fire Safety Educators Association; the purchase and distribution of educational literature, including children's literature; the establishment of fire information on the Commission's web site; the goal of providing fire safety education to campers and visitors in parks; and several other actions and goals. A copy of the 2000 daily fire danger ratings to date, and a photograph of the fire danger sign, were distributed and are attached. Mr. Gaffney expressed his appreciation for the work of the Committee.
- ! U.S. Dept. of Energy: Presentation of new Upton Ecological and Research Reserve (*John Carter, U.S. DOE Brookhaven Group; Bet Zimmerman and Dr. Tim Green, Brookhaven National Lab*)
Summary: Mr. John Carter of the U.S. Department of Energy's Brookhaven Office, which oversees the Brookhaven National Laboratory, explained that the Secretary of Energy (DOE) recently dedicated an approximately 530 acre portion of the eastern section of the Laboratory's undeveloped land as the Upton

Ecological and Research Reserve. (See the attached flyer describing the Reserve.) He explained that this area will remain the property of the US DOE, but its natural resources will be managed by the US Fish and Wildlife Service under a five year agreement.

He also introduced Ms. Bet Zimmerman, Director of the Environmental Services Division of Brookhaven Science Associates, the contractor which operates the Lab for the US DOE. Ms. Zimmerman introduced Ms. Lori Cuniff, her newly hired successor as Environmental Services Director, and Dr. Tim Green of the same Division. Ms. Zimmerman then gave a presentation on the Reserve (see the attached copy of the presentation). The presentation touched upon the Reserve boundary, the natural resources found there, and the relationship between the planning and management to be done for the new Reserve and that which is already done for the overall Lab.

Mr. Gaffney left at this point. A four person quorum remained. Fire Marshal Johnson and Capt. Conklin also left at this point.

Core Preservation Area

- ! Lakeside Manorville Hotel / Manorville (Brookhaven) / rezoning and commercial buildings / hardship: project change; deadline adjustment (*hearing held 9/13; **decision deadline is 11/30***)

*Summary: Ms. Jakobsen reported that a letter has been received from the project sponsor requesting that the Commission hold off on making a SEQR determination of significance in order for them to speak with the Commission regarding alternatives to the current project which would not involve, or would reduce the amount of, clearing, and which would not require a zone change. She also noted that a letter has been received from the applicant's consultant granting an extension of the Commission's decision deadline to 1/31/01. **A motion was then made by Mr. MacLellan and seconded by Mr. Murphree to agree to an extension of the decision deadline until 1/31/01 for this application. The motion was approved by a 4-0 vote.***

A brief discussion was then held regarding whether a day care facility, which is one of the possible alternative projects suggested informally by the project sponsor for this site, would be a permitted use under the current zoning category.

- ! Gazza / Westhampton (Southampton) / agricultural building / hardship: status; deadline adjustment (*hearing held 9/13; **decision deadline is 12/1***)
*Summary: Ms. Jakobsen noted that the 30 day lead agency coordination period for this project expires tomorrow, and that the Commission will become the lead agency for this project if there is no objection by that time. She also reported that the project sponsor has granted an extension of the Commission's decision deadline for this application to 1/15/01. **A motion was then made by Mr. Murphree and seconded by Mr. MacLellan to accept and approve the***

extension of the decision deadline for this project to 1/15/01. The motion was approved by a 4-0 vote.

Compatible Growth Area (CGA)

- ! American Tissue / Yaphank (Brookhaven) / commercial facility / Development of Regional Significance: acceptance of withdrawal (**current decision deadline is 11/30**)

Summary: Ms. Jakobsen reported that a letter has been received from this project sponsor's consulting firm withdrawing their application. **A motion was made by Mr. Dragotta and seconded by Mr. MacLellan to accept the withdrawal of this application. The motion was approved by a 4-0 vote.**

- ! Caithness Energy Facility / Yaphank (Brookhaven): party status
Summary: The attached Public Service Commission web site materials re power plant project scoping and the state electric generation facility siting board were distributed by Ms. Jakobsen. These materials were discussed in the context of the proposed Caithness Energy Facility proposed for a site west of County Road 101 and north of the Long Island Expressway, adjacent to the site for the American Tissue project discussed earlier in this meeting.

The power plant site is within the Compatible Growth Area. Ms. Jakobsen explained that the Commission could consider whether it wishes to be a party to this application. She explained that "party status" would, for example, permit the Commission to submit testimony on the project. She noted that a formal application for the proposed facility is unlikely until the first quarter of 2001, and that individuals have 45 days from the filing of an application with the Public Service Commission to seek party status. She also noted that there is no information yet available re the size or other specifications of the facility. Mr. Rigano reported that there are some questions regarding the jurisdiction of the Commission over projects which are subject to review by the Public Service Commission.

Mr. Kozakiewicz arrived during the following discussion. A four person quorum remained.

- ! Coram Firehouse / Coram (Brookhaven) / new project: discussion (requested by Ms. Wiplush)

Summary: Ms. Wiplush explained that Brookhaven Town would like to have the Commission's views on a proposed expansion of the Coram Fire District's facilities on the north side of NYS Route 25 in Coram. The fire district would like to build upon a parcel that is partly cleared which they already own and which is adjacent to their current facility.

She showed an aerial photograph and a site plan. She stated that she believed that it may constitute "nondevelopment" under the pine barrens law. A discussion ensued regarding the amount of clearing of the existing trees that would be undertaken, and the applicability of the "nondevelopment" definition to

this project. No decision was reached on this project; however, a written request by the Fire District to the Commission for a jurisdictional determination was suggested.

- ! Omnipoint Communications (at Ridge Firehouse) / Ridge (Brookhaven) / communications monopole: draft comments *(to be distributed; comments to be forwarded to Commission staff)*

Summary: *Ms. Carter explained that the Commission received a Brookhaven Town letter requesting comments on this proposed 157 foot monopole communications tower to be constructed at the Ridge Fire Department facility on the south side of NYS Route 25A in Ridge, within the CGA. She distributed draft comments to the Commission members, and requested that they provide comments to her by 12/1/00, in order to compile a final letter for submittal to the Town by the Town's deadline. She noted that the comments address, in part, scenic resources.*

- ! EPCAL Water Ski Project / Calverton (Riverhead): discussion *(not on the original agenda)*

Summary: *Mr. Kozakiewicz described and briefly discussed a private water ski recreational facility proposed for a CGA portion of the Riverhead Town property at Calverton. A brief discussion followed regarding the SEQR coordination on the project, the jurisdictions involved, and the need for further details.*

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 4-0 vote, and the Commission entered into closed session from approximately 3:47 pm to 5:10 pm. The meeting was immediately adjourned upon the conclusion of the closed session.***

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Contract amendment and attachments (undated; 13 pages)
4. Core residential roadfront parcel list change summary (11/29/00; 2 pages)
5. Pine Barrens Credit Program summary (11/1/00; 1 page)
6. Public Education Committee handouts (undated; 3 pages)
7. Upton Ecological and Research Reserve materials (11/9/00 and 11/29/00; 5 pages)
8. Public Service Commission materials (undated; 6 pages)

Commission Meeting Summary (FINAL)
for Wednesday, December 20, 2000 (Approved 1/10/01)
Commission Office
3525 Sunrise Highway, 2nd Floor, Great River, NY
2:00 pm



Commission members present: Mr. Proios (for Suffolk County), Mr. MacLellan (for Riverhead), Mr. Shea (for Southampton) and Mr. Cowen (for New York State).

Others present: General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Ms. Carter, Mr. Rizzo and Mr. Randolph (from the Commission) and Capt. Conklin (from the NYS Forest Rangers, Vice Chair of the Wildfire Task Force, and member of the Law Enforcement Council). Additional attendees are shown on the attached sign-in sheet.

Robert J. Gaffney
Chair

Felix J. Grucci, Jr.
Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
Member

Robert F. Kozakiewicz
Member

The meeting was called to order at approximately 2:21 pm by Mr. Proios, with a four member quorum.

Public Comment

Summary: There were no speakers.

Administrative

! January through July 2001 Commission meeting schedule: review, approval

Summary: **A motion was made by Mr. Shea and seconded by Mr. MacLellan to approve the attached Commission meeting schedule for the first half of 2001. The motion was approved by a 4-0 vote.**

Pine Barrens Credit Program

! Discussion of possible additional uses of Pine Barrens Credits (*not on the original agenda*)

Summary: Mr. Proios briefly spoke about potentially allowing Pine Barrens Credits to be redeemed in satisfaction for certain environmental violations of various laws. No discussion was held.

Plan Implementation

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

Phone (631) 224-2604
Fax (631) 224-7653
Internet:
<http://pb.state.ny.us>

- ! Batelle Memorial Institute donation: authorization to place funds into an escrow account pending transfer to Stony Brook Foundation
Summary: Mr. Corwin explained that the check for the previously discussed \$5,000 donation from Batelle Memorial Institute to the Commission has not yet been turned over to the Stony Brook Foundation for use in a scholarship program. He further explained that this delay is due to the need to obtain a written statement from the Foundation as to the exact fees and service charges that would be applied against these funds by the Foundation.

In the interim, Mr. Rigano has suggested that the check be deposited into an escrow account with his law firm until we can transfer the funds to the Foundation. That was agreed upon, and a motion was made by Mr. Cowen and seconded by Mr. Shea to authorize Mr. Rigano to deposit the Batelle Memorial Institute donation check into an escrow account with McMillan, Rather, Bennett & Rigano until the funds can be transferred to the Stony Brook Foundation. The motion was approved by a 4-0 vote.

- ! Roadfront residential parcel exemption list: setting of public hearing for Plan amendments in January (continued from 11/29 meeting)
Summary: Ms. Plunkett explained that a mailing went out already to the Commissioners regarding the proposed amendments to the Central Pine Barrens Plan, Vol. 1, Chapter 9, the residential roadfront parcel exemption list. The changes received from the Towns include new parcels in Brookhaven and Southampton Towns; no additions are proposed to the Riverhead Town parcel list. She explained that a resolution is now needed from the Commission to set a hearing on the proposed Plan amendment for the next Commission meeting on 1/10/00. Mr. Shea requested that one of the parcels on the Southampton list be removed, since it has wetlands and development on it would be constrained by that fact. Ms. Plunkett also noted that four parcels have been removed from the original Brookhaven list since they now have Pine Barrens Credit Program conservation easements on them.

Mr. Proios suggested that a letter be sent to the Towns' assessors suggesting that all parcels within their Town's pine barrens area which have conservation easements should have entries made into their data bases to note the existence of the easements when future searches are done on those data sets.

*Ms. Plunkett then reviewed the steps involved in the Plan amendment process in general, and the State Legislature's role in authorizing the roadfront parcel list expansion in particular. Mr. Shea then noted that there are no industrial parcels on the Southampton additional parcel list. **A motion was then made by Mr. Cowen and seconded by Mr. Shea to schedule a hearing on this roadfront parcel exemption list Plan amendment at the Commission meeting of 1/10/01 at 4:00 pm. The motion was approved by a 4-0 vote.***

A brief discussion then ensued regarding the specific statutory language that is to be recommended in this Plan amendment. It was agreed that the Commission will recommend that the Legislature enact this amendment to the

pine barrens law using the language that the Legislature is authorizing this one change only, and not granting authority to the Commission to modify the roadfront list by itself. **A motion was made by Mr. Cowen and seconded by Mr. Shea to amend the prior resolution to include this particular statutory language recommendation. The motion was approved by a 4-0 vote.**

- ! Wildfire Task Force: request to change quorum in establishing resolution
Summary: Capt. Conklin explained that the Wildfire Task Force has recommended that their meeting quorum be changed to a minimum of 18 (eighteen) of the entities comprising the Task Force. The current quorum is a minimum of one half of the entities. (See the attached memo regarding this topic, which was previously sent to the Commissioners.) **A motion was then made by Mr. Cowen and seconded by Mr. MacLellan to modify the establishing resolution of the Wildfire Task Force to require a minimum of 18 (eighteen) of the entities comprising the Task Force. The motion was approved by a 4-0 vote.**

- ! Wildfire Task Force: Public Education Committee work (not on the original agenda)
Summary: Capt. Conklin reported that he has applied for, and has received, on behalf of the Commission and the Wildfire Task Force, a grant from the U.S. Forest Service (USFS) to subsidize a portion of the cost of the wildfire public education video; specifically, the USFS will award \$10,000 to match the Commission's expenditures on the video. The Commissioners thanked Capt. Conklin for his successful initiative in obtaining this matching grant for the video production.

Mr. Proios asked whether there was an annual fire weather report. A brief discussion followed regarding the possible relationship between the fire danger levels and the pumpage of groundwater.

Capt. Conklin left at this point.

Core Preservation Area

- ! Lakeside Manorville Hotel / Manorville (Brookhaven) / rezoning and commercial buildings / hardship: current status (hearing held 9/13; **decision deadline is 1/31**)
Summary: Mr. Rigano displayed a site plan and discussed briefly the aerial photos for the day care center alternative proposal for this site, which the sponsors of the original commercial office building (the subject of the only pending application before the Commission) have provided. He noted that this alternative proposal would become a new application, and that the old one would have to be withdrawn. No withdrawal has yet been received. The alternative would not require a change of zone, but would require some clearing. He stated that there is no action required by the Commission today.

- ! Gazza / Westhampton (Southampton) / agricultural building / hardship: lead agency status (*hearing held 9/13; **decision deadline is 1/15***)

*Summary: Ms. Plunkett reported that the lead agency coordination for this proposed building along the west side of County Road 31 in Westhampton has been completed, and there have been no objections to the Commission becoming the lead agency. She recommended a resolution deeming the Commission to be the lead agency, and noted that a determination of significance may be ready for the next Commission meeting. **A motion was then made by Mr. Shea and seconded by Mr. Cowen to deem the Commission to be the lead agency for this action under the State Environmental Quality Review Act. The motion was approved by a 4-0 vote.** Mr. Proios then suggested that the Commission look at possible statutory language that would require violations be resolved before permits could be issued. Mr. Shea noted that, in this particular case, Southampton Town has cited the applicant for a violation of Town code.*

Compatible Growth Area (CGA)

- ! Long Island Power Authority and Keyspan / gas main / Riverhead: discussion (*new item*)

Summary: Ms. Plunkett reported that she has received several calls regarding work that the Long Island Power Authority and Keyspan are doing along Nugent Drive in the vicinity of the County Center, south of the Riverhead business district, and within Southampton Town. She reported that she has spoken with Mr. Adam Yablonsky of Keyspan, and that the project involves the burying of a natural gas pipeline under the edge of the Nugent Drive roadway's south side. She explained that Keyspan has received directions from the Suffolk County department of Public Works (SC DPW) regarding the distance from the roadway to which they must adhere.

She then summarized several issues that apply to this project: the requirements of the SC DPW; the general wetlands permit that LIPA and Keyspan hold from the NYS Department of Environmental Conservation; the location of the Core-CGA boundary in this region; the amount of tree clearing that would be required under the various roadway offset distances that SC DPW has discussed with the sponsors; the applicable Article 7 Public Service Commission permit that the sponsor holds; the question of whether the project satisfies the Southampton Town wetlands requirements; the question of whether a Southampton Town permit has been obtained; the lack of contact from the sponsors to the Commission; the work schedule to which the Keyspan crews and contractors are trying to adhere; and the need for the Commission to determine whether the project constitutes "development" under the state pine barrens law.

It was agreed that the Commission staff and counsel will follow up on this project in the next several days.

- ! North Brookhaven Health and Social Services Center / Coram (Brookhaven): new

application; set hearing

Summary: Ms. Carter reported that a new CGA hardship application has been received for this proposed addition to an existing office building on the west side of NYS Route 112, south of the intersection of NYS Route 112 and NYS Route 25, and south of Paul's Path, in Coram, in Brookhaven Town. She distributed and discussed the attached courtesy copy of a letter from Brookhaven Town to the sponsors regarding the project, the attached transmittal letter from the project sponsors to the Commission that accompanied the CGA application, and the attached Commission staff narrative regarding this project. The current lack of compliance by the project design with Suffolk County groundwater standards was noted. **A motion was then made by Mr. Shea and seconded by Mr. Cowen to schedule a hearing on this application for the 1/31/01 Commission meeting at 4:00 pm. The motion was approved by a 4-0 vote.**

Closed Advisory Session

Summary: A motion was made by Mr. Cowen 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 4-0 vote, and the Commission entered into closed session from approximately 3:32 pm to 4:23 pm. The meeting was adjourned immediately following this with no further business conducted.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Commission meeting schedule for first half of 2001 (undated; 1 page)
4. Memo re the Wildfire Task Force quorum change (12/18/00; 1 page)
5. Brookhaven Town letter re North Brookhaven Health Center (11/1/00; 3 pages)
6. CGA application cover letter for same project (11/27/00; 2 pages)
7. Staff narrative re same project (undated; 1 page)