



**Commission Meeting Summary (FINAL)
for Wednesday, January 13, 1999 (Approved 4/28/99)
Pine Barrens Commission Office
3525 Sunrise Highway, 2nd Floor, Great River
2:00 pm**

Commission members present: Mr. Proios (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven at the times shown; Mr. Girandola voting), 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, Mr. Milazzo, Ms. Jakobsen, and Mr. Rizzo (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation), Capt. Conklin (from the NYS Forest Rangers, Vice Chair of the Wildfire Task Force, and member of the Law Enforcement Council), and Mr. Grecco (from the Suffolk County Real Estate Division) Additional attendees are shown on the attached sign-in sheet.

Robert J. Gaffney
Chair

Felix J. Gucci, Jr.
Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
Member

Vincent G. Vilella
Member

The meeting was called to order at approximately 2:15 pm by Mr. Proios, with a four member quorum consisting of Mr. Proios, Ms. Wiplush, Mr. Murphree and Mr. Cowen.

Public Comment

Summary: The only speaker was Mr. Grecco, who announced that he will no longer be the Suffolk County representative on the Pine Barrens Credit Clearinghouse Board of Advisors, and further explained that he is now the Director of the Suffolk County Division of Real Estate. He reported that there will be a new County representative to the Clearinghouse Board.

He summarized some of the statistics for the County Real Estate Division's work this past year, noting, the number of closings that were completed, the County's small lot purchase effort, and the total amount of purchases that the County has made in recent months. Mr. Proios thanked Mr. Grecco for his efforts on the Pine Barrens Credit Program.

Administrative

! Draft summary for 12/9/98: review, approval (mailed)

Summary: The following changes to the 12/9/98 meeting

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summary were suggested: (1) General Counsel at the meeting should read "Mr. Rigano" instead of Ms. Roth"; (2) under the two sections entitled "Executive Session", the title of each section should read "Advisory Session", and the text in each section should read, in part, ".. into advisory session at the request of counsel."

A motion was then made by Mr. Cowen and seconded by Mr. Murphree to approve the 12/9/98 meeting summary, including these changes, as final. The motion was approved by a 4-0 vote.

- ! January through June 1999 meeting schedule: review, approval (mailed)
Summary: Ms. Trezza had previously faxed the attached proposed meeting schedule. **A motion was made by Ms. Wiplush and seconded by Mr. Murphree to approve the attached Commission meeting schedule for February through June 1999. The motion was approved by a 4-0 vote.**

Pine Barrens Credit Program

- ! Third reverse auction: status
Summary: Mr. Milazzo reported that the agreements with the purchasers of credits for this reverse auction are about to be signed, and that a mailing to owners will begin next week.
- ! Riverhead receiving area report: review; acceptance (mailed)
Summary: Mr. Milazzo noted that the final version of Dr. Nicholas' report has been mailed to the Commission members. No discussion occurred at this time.
- ! Bastable / Eastport: new credit appeal; set hearing (to be distributed; 2/22 decision deadline)
Summary: Mr. Milazzo distributed the attached new credit appeal for the 0.04 acre parcel identified as Suffolk County Tax Map number 200-563-1-22, located south of Hot Water Street, west of County Road 51, and east of Toppings Path, in Manorville in Brookhaven Town. The attached staff report for the original Letter of Interpretation for this parcel, and the attached correspondence from the Clearinghouse to the owner, were also distributed. The original allocation was for 0.10 credit, and the appeal seeks 1.00 credit. **A motion was made by Mr. Cowen and seconded by Mr. Murphree to hold a public hearing on the Bastable / Eastport credit appeal at 4:00 pm at the 2/3/99 Commission meeting. The motion was approved by a 4-0 vote.**
- ! Change to the conservation easement (not on the original agenda)
Summary: Mr. Milazzo distributed the attached proposed revision to a portion of the conservation easement language normally used by the Clearinghouse. He noted that the change clarifies the restrictions that exist on applying for a hardship once the easement is in effect. After a brief discussion, **a motion was made by Mr. Cowen and seconded by Ms. Wiplush to approve this change**

to the standard (also known as the “preapproved”) conservation easement language. The motion was approved by a 4-0 vote.

Plan Implementation

- ! Wildfire Task Force and *Draft Central Pine Barrens Fire Management Plan*: determination of SEQRA significance (*materials mailed*)
Summary: *Mr. Rigano requested that this matter be held until after the closed advisory session later in the meeting, and that was agreed.*

Mr. Girandola arrived during the following discussion. The quorum remained at four members.

- ! Core area parcel status: year end summary (*to be distributed*)
Summary: *Ms. Plunkett distributed and described the attached chart and text showing the current estimated categorization of the Core Preservation Area lands through 1/6/99. She noted that this is an update of a prior version. A brief discussion ensued regarding some of the entries on the chart, including the placement in the categories of the NYS DEC managed Otis Pike Preserve in Brookhaven and Riverhead Towns. Mr. Cowen requested that the chart be labeled “DRAFT”.*
- ! Wildfire and Incident Management Academy (*not on the original agenda*)
Summary: *Capt. Conklin spoke about the 1998 Academy held this past October and November, and noted that the after action reports have been completed for it. He raised the possibility that the Academy might continue in 1999, and then presented Certificates of Appreciation to Ms. Jakobsen, Ms. Trezza, and Mr. Corwin for the 1998 Academy.*

Pine Barrens Credit Program

- ! Comments from Mr. Grecco, Vice Chair of the Clearinghouse Board (*not on the original agenda*)
Summary: *Mr. Grecco spoke briefly about his new responsibility as the Director of the Suffolk County Real Estate Division. He also reported that the Real Estate Division is now part of the Suffolk County Planning Department.*

Compatible Growth Area (CGA)

- ! L.I. Fisherman / Yaphank / site plan: new hardship; set hearing (*materials to be distributed*)
Summary: *Ms. Plunkett distributed the attached correspondence from Mr. Peter Elkin, an architect representing the Long Island Fisherman, in which he requests a CGA hardship for the construction of a 20,137 square foot addition to an existing 14,000 square foot building housing the offices and printing operations of that magazine. The project is located on the east side of William Floyd*

Parkway, south of the Long Island Expressway, in an existing industrial park. A motion was made by Mr. Cowen and seconded by Mr. Murphree to schedule a hearing on this application for 4:00 pm at the 2/3/99 Commission meeting. The motion was approved by a 4-0 vote.

Advisory Session

Summary: *A motion was made by Mr. Cowen and seconded by Mr. Murphree to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 4-0 vote. Mr. Proios indicated that there may be more open session business after the closed session. The Commission entered into closed session from approximately 2:55 pm through 4:55 pm.*

The meeting then ended 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 February through June 1999 (undated; 1 page)
4. Letter appealing Bastable credit allocation (12/22/98; 1 page)
5. Staff report for Bastable property (11/20/98; 1 page)
6. Letter of Interpretation to Ms. Bastable (12/10/98; 3 pages)
7. Proposed revision to standard easement language (undated; 1 page)
8. Core Area Parcel Status as of 1/6/99 (1/6/99; 2 pages)
9. Long Island Fisherman CGA hardship letter from Mr. Elkin (1/8/99; 2 pages)

Commission Meeting Summary (FINAL)
for Wednesday, February 3, 1999 (Approved 6/30/99)
Commission Office
3525 Sunrise Highway, 2nd Floor; Great River, NY
2:00 pm



Robert J. Gaffney
Chair

Felix J. Grucci, Jr.
Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
Member

Vincent G. Vilella
Member

Commission members present: Mr. Proios (for Suffolk County), Ms. Wiplush (for Brookhaven), Mr. Vilella and Mr. Hanley (for Riverhead; Mr. Vilella voting; Mr. Hanley present at the time indicated), Mr. Murphree (for Southampton; at the time indicated) 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, Mr. Milazzo, Ms. Jakobsen, and Mr. Rizzo (from the Commission), Mr. Spitz and Mr. Pavacic (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 2:08 pm by Mr. Proios, with a four member quorum.

Public Comment

Summary: There were no speakers.

Administrative

! New Designated Representatives for Riverhead (information)
Summary: Mr. Corwin reported that two new designated representatives have been named for Riverhead Town, including Mr. Richard Hanley, the Planning Director for the Town, and Mr. Christopher Kent, a Town Council member. Mr. Corwin noted that the appropriate updates will be made to the Commission's insurance policies and the list of individuals who must file financial disclosure forms with New York State.

! Draft 1998-1999 Commission-NYS DEC contract: review and possible approval
Summary: Ms. Roth discussed the attached (and previously faxed) draft Amendment #2 for the Commission's ongoing contract with the NY State Department of Environmental Conservation for the Commission's 1998-99 State Fiscal Year administrative funds. The attachment includes the text of the

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Amendment, the Project Description for the Commission's work for the 1998-99 Fiscal Year, and the Commission's final budget for the 1998-99 Fiscal Year (which the Commission already approved on 7/15/98. She also distributed the attached one page Draft Resolution for consideration by the Commission today to approve the Contract Amendment #2.

*She explained that the Amendment is similar to the prior year's Amendment (for the 1997-98 Fiscal Year, and numbered as Amendment #1). **A motion was then made by Mr. Cowen and seconded by Mr. Vilella to approve the proposed Amendment #2 using the Draft Resolution, and to authorize the Commission Chair or his designated representative to execute the proposed Amendment #2 on behalf of the Commission. The motion was approved by a 4-0 vote.***

! Commission web site: current state and contents

Summary: Mr. Corwin reported that the Commission web site currently contains the meeting schedules for the Commission, the Pine Barrens Credit Clearinghouse, the Advisory Committee, the Protected Lands Council, the Law Enforcement Council, the Wildfire Task Force, and miscellaneous other pine barrens related events. He distributed the attached flyer, and noted that the site also contains the current issues of the monthly Pine Barrens Credit Registry, as well as miscellaneous other information.

He explained that the focus of the site's current development is on providing information that people would otherwise have to call the Commission office to receive via fax, mail, telephone calls, or in person visits.

Pine Barrens Credit Program

! Commission treasurer designations: update due to new County representative to Clearinghouse

Summary: Mr. Corwin reported that Mr. Grecco has submitted his resignation as Chair of the Pine Barrens Credit Clearinghouse Board of Advisors, and that Mr. Gaffney has appointed Mr. Andrew Freleng, a Chief Planner with the Suffolk County Planning Department, as the new Suffolk County representative to the Board. Mr. Freleng is a former designated representative for Southampton Town to the Commission. Mr. Corwin expressed his gratitude for Mr. Grecco's tremendous effort in supporting the Pine Barrens Credit Program, and the Commission members present echoed that sentiment.

*Mr. Corwin explained that the list of Treasurers for the Commission (which are the members of the Credit Program Board) needs to be updated by resolution. **A motion was then made by Mr. Cowen and seconded by Mr. Vilella to accept Mr. Grecco's resignation from the Board of Advisors, and to replace him as a Commission Treasurer with Mr. Freleng. The motion was approved by a 4-0 vote.***

! Third reverse auction: status

Summary: Mr. Milazzo stated that approximately 1000 letters have been mailed to core property owners in Brookhaven Town regarding the third reverse auction of credits, and that they have until 3/15/99 to respond. He noted that this reverse auction has a price range of \$15,000 to \$25,000 for the agreed upon sale price range.

! Pending Letter of Interpretation applications (not on the original agenda)

Summary: Mr. Milazzo explained that there are currently four Letter of Interpretation applications for Brookhaven Town core area parcels about which the staff has questions regarding the current zoning. Ms. Wiplush recommended that the staff contact the Brookhaven Planning Division regarding this.

Plan Implementation

Mr. Murphree and Mr. Hanley arrived during the following agenda item.

! Fire weather installation: discussion

Summary: Mr. Corwin summarized this proposal to purchase a fire weather station to be installed at a location (to be decided) within the Central Pine Barrens, and the work which both the Wildfire Task Force and the Commission staff, especially Ms. Jakobsen, have done to date in researching this proposal. Ms. Roth then explained the purchasing procedures which are applicable to such a purchase (estimated to be in the range of \$12,000 to \$15,000), including the requirements for possibly purchasing it from a sole vendor.

In the discussion which followed, it was emphasized that the station and associated hardware and software to be purchased must be compatible with the preexisting station already in operation at the Wertheim National Wildlife Refuge along the Carmans River. Specifically, one of the requirements is that the two stations be able to read and process the raw data from either station. This ensures that the maximum benefit is derived from having comparable readings from two locations within the Central Pine Barrens. It was also noted that there are presently two sites being looked for the field installation, both owned by the Suffolk County Water Authority: the County Road 51 well field and pump station in Eastport, and the County Road 111 storage tank site in Manorville.

Mr. Cowen then emphasized that this station is a much needed item for fire safety in the pine barrens. Capt. Conklin explained that the station will measure such parameters as air temperature, fuel moisture, relative humidity, rainfall, and others which are needed to produce, among other results, a nationally recognized fire danger rating from day to day, especially during the spring, summer and fall fire seasons. Ms. Jakobsen then summarized the results of an extensive survey which she undertook to determine those vendors which can provide fire weather stations, and which ones can provide hardware and software which is compatible with the existing station (from Forest Technology Systems of Bellingham, WA).

*As a result of this survey and the preceding discussion, it was determined that a sole source provider would be Forest Technology Systems. **A motion was then made by Mr. Cowen and seconded by Mr. Villella to authorize the expenditure of up to \$15,000 for the purchase, installation and support of a fire weather station for the Central Pine Barrens area from a sole provider (Forest Technology Systems), based upon the uniqueness of the product requirements for the Commission's application including, but not limited to, the requirement that the station be fully compatible with the existing station at the Wertheim National Wildlife Refuge. The motion was approved by a 5-0 vote.***

- ! Wildfire Task Force: summary of 1/27 meeting; *Draft Central Pine Barrens Fire Management Plan discussion (materials previously distributed)*
Summary: *This topic was deferred until later in the meeting, in order that the Commission may receive legal advice regarding it from counsel.*

- ! Guest talk and slide show: Sussex County, England Volunteer Ranger Program talk 2/9 and 2/10/99
Summary: *Ms. Plunkett described the upcoming 2/9 and 2/10 lectures and slide shows by Mr. Paul Millmore on the Sussex County, England "Volunteer Ranger Program" (as described on the attached flyer which was distributed). She described Mr. Millmore's background, his role in starting and invigorating the Volunteer Ranger Program, and commented upon its potential application to the Central Pine Barrens of Suffolk County. The talks will be held at the Southaven County Park's Park Police and Pine Barrens Center.*

- ! 1999 Pine Barrens Discovery Day: 4/17/99
Summary: *Mr. Corwin simply reported that a new date of 4/17/99 has been scheduled for this year's Pine Barrens Discovery Day, and that the Suffolk County Community College's Eastern Campus will be the host once again.*

Core Preservation Area

- ! Demarco / Calverton / single lot: new hardship; set hearing
Summary: *Ms. Plunkett distributed the attached letter from Ms. Gina DeMarco requesting permission to construct a new one family residence on Elm Street, off of Pinehurst Boulevard and Nugent Drive, in Calverton, Brookhaven Town. The parcel is Suffolk County Tax Map number 200-300-4-4 and is zoned A-2 Residential. The parcel is not on the roadfront exemption list in the Pine Barrens Plan. **A motion was made by Mr. Cowen and seconded by Mr. Villella to hold a hearing on the DeMarco core hardship application at 4:00 pm on 2/24/99 at the Commission meeting at Riverhead Town Hall. The motion was approved by a 5-0 vote.***

- ! Sprint Spectrum / Calverton: determination of jurisdiction

Summary: Ms. Plunkett distributed the attached letter from Mr. Lawrence Re, representing Sprint Spectrum, regarding the proposed construction of telecommunication panel antennae on an existing Long Island Power Authority tower, along with accompanying equipment cabinets on the ground. The site is located on the southwest corner of the Long Island Expressway and Nugent Drive (Suffolk County Tax Map number 200-299-3-13) in Calverton, Brookhaven Town. The letter is a request for a determination of the Commission's jurisdiction over this project.

After a brief discussion, it was agreed that a site visit will be made by Commission staff, and, if the project proves to be similar to the prior Sprint Spectrum determination of jurisdiction request for a different site, a letter of nonjurisdiction will be sent.

Pine Barrens Credit Program

- ! Additional Riverhead Town receiving areas: discussion (*not on the original agenda*)
Summary: Mr. Hanley explained that Riverhead Town is considering a 10 acre site in the Wading River area as a potential new receiving area for Pine Barrens Credits. The site is currently commercially zoned and is within Hydrogeologic Zone 3. A brief discussion ensued regarding the procedure for adding a new receiving area, including Town Board action and a possible Pine Barrens Plan amendment. The Town will forward additional information on this site.

Closed Advisory Session

Summary: **A motion was made by Mr. Cowen and seconded by Mr. Villella 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 3:00 pm until 3:50 pm.**

Pine Barrens Credit Program

- ! Bastable / Eastport: new credit appeal public hearing (*materials distributed at 1/13 meeting. Decision deadline is 2/22.*)
Summary: A separate stenographic transcript exists for this.
- ! Effect upon Letters of Interpretation if a property is sold: discussion (*not on the original agenda*)
Summary: A brief discussion ensued over an inquiry by Mr. Milazzo regarding the treatment of Letters of Interpretation (LOIs) when the subject property is sold to a new owner. Specifically, the question arose as to whether an LOI expires when the property is sold. It was agreed that the allocation is unlikely to change simply because of an ownership change, and that the Commission can only change or reissue an LOI for a new owner if the Commission is notified of the property's sale.

Compatible Growth Area

- ! L.I. Fisherman / Yaphank / site plan: new CGA hardship public hearing (*materials distributed at 1/13 meeting.*)
Summary: *A separate stenographic transcript exists for this.*

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Amendment #2 to administrative funds contract with NYS DEC (undated; 8 pages)
4. Draft Resolution approving Contract Amendment #2 (undated; 1 page)
5. Page describing meeting schedules on Commission's web site (undated; 1 page)
6. Description of Forest Technology System's fire weather station (undated; 4 pages)
7. Sussex County, England Volunteer Ranger Program talk flyer (undated; 1 page)
8. DeMarco core hardship application request (1/13/99; 2 pages)
9. Letter from Mr. Lawrence Re re Sprint Spectrum project (1/21/99; 8 pages)



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

Robert J. Gaffney
Chair

Felix J. Gucci, Jr.
Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
Member

Vincent G. Vilella
Member

**Commission Meeting Summary (FINAL)
for Wednesday, February 24, 1999 (Approved 4/7/99)
Riverhead Town Hall
East Main Street and Howell Avenue
Riverhead, NY
2:00 pm**

Commission members present: Mr. Proios (for Suffolk County), Mr. Girandola for Brookhaven, Mr. Vilella (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, Mr. Milazzo, and Mr. Rizzo (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation), and Mr. Sipos (from the NYS Attorney General's Office). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:12 pm by Mr. Proios, with a four member quorum consisting of Mr. Proios, Mr. Girandola, Mr. Vilella, and Mr. Cowen.

Public Comment

Summary: *There were no speakers.*

Administrative

! Relocation of 4/7 meeting to Commission office

Summary: *Mr. Corwin explained that the 4/7/99 Commission meeting was being relocated to the Commission office.*

Mr. Murphree arrived during the following discussion, and a five member quorum was present from that point forward.

! Draft 1993-98 Report of Activities: review

Summary: *Mr. Corwin explained that comments on, and corrections to, the draft five year report of the Commission's activities (previously mailed to the Commission members) are needed. A brief discussion ensued, and it was agreed that some legal advice should be sought regarding this in closed session later today.*

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Pine Barrens Credit Program

- ! Third reverse auction, credit sales, general activities: status
Summary: Mr. Milazzo reported that there is a deadline of 3/15/99 for the Clearinghouse to receive the transmittal forms from landowners wishing to participate in the third reverse auction of credits.

He also reported that 1.80 Pine Barrens Credits originating from core land in Riverhead Town have been purchased from the Clearinghouse by a private buyer for \$10,000 per credit, for a total purchase price of \$18,000.

Plan Implementation

- ! Fire weather station: status
Summary: Mr. Corwin stated that the fire weather station previously approved for purchase has been ordered, that delivery is expected in April of this year, and that it is likely to be located at the Suffolk County Water Authority's County Road 51 wellfield and pump station. That site is on the west side of CR51, and southwest of the Eastern Campus of Suffolk County Community College.
- ! Draft Central Pine Barrens Fire Management Plan: SEQRA status (from 2/3 meeting; materials previously distributed)
Summary: A brief discussion ensued regarding the attached draft negative declaration under the State Environmental Quality Review Act for the Central Pine Barrens Fire Management Plan. The draft declaration was prepared by NYS DEC staff for discussion. Specific changes to the draft were discussed, including eliminating the proposed new language on page 1, and modifying a small part of the proposed new language on page 2. It was agreed that further action on this will be delayed until later in the meeting.

Core Preservation Area

- ! Gazza / Westhampton (Southampton) / previously approved hardship: correspondence (to be distributed)
Summary: Mr. Corwin distributed the attached correspondence from Mr. Joseph Gazza to the Southampton Town Board of Zoning Appeals. The letter addresses his experiences with obtaining approvals for various projects on his property at the southwest corner of NYS Route 27 (Sunrise Highway) and CR 31 (Riverhead-Westhampton Road). There was no further discussion.
- ! Jensen / Manorville (Brookhaven) / major subdivision: jurisdictional determination (from 10/26/98 meeting)
Summary: Ms. Roth reported that she has further information on this 24 acre subdivision located in Manorville (Brookhaven Town), which was the subject of rezoning and litigation in the early 1990's. The owner's attorney, Mr. Gruder, spoke with the Commission at its 11/18/98 meeting regarding obtaining a certification of nondevelopment from the Commission for this project, pursuant to the pine barrens statute.

Ms. Roth reported today that she has examined the stipulation of settlement between the property owner and Brookhaven Town, and that the zoning does comply with the requirements of the pine barrens law, Section ECL 57-0107(13)(ix). She recommended that the project be considered as not subject to the pine barrens law, based on the section noted. The Commission agreed, and directed the staff to forward a letter to the project sponsor to that effect.

Plan Implementation

- ! *Draft Central Pine Barrens Fire Management Plan: SEQRA status (continuation of earlier discussion)*
Summary: After a brief discussion, a motion was made by Mr. Cowen and seconded by Mr. Villella to adopt the attached negative declaration, including the changes in language shown there, under SEQRA for the Central Pine Barrens Fire Management Plan. The motion was approved by a 5-0 vote.

Public Comment

Summary: Mr. Proios asked if there were any comments before the Commission entered into closed session, and there were no speakers.

Advisory Session

Summary: A motion was made by Mr. Cowen and seconded by Mr. Villella to enter into a closed advisory session for the purpose of receiving legal advice. The motion was approved by a 5-0 vote. The Commission entered into closed session from approximately 2:45 pm through 3:48 pm.

Administrative

- ! *Scheduling of an additional Commission meeting for 3/1/99 (not on the original agenda)*
Summary: A motion was made by Mr. Cowen and seconded by Mr. Girandola to hold a meeting of the Commission on 3/1/99 at 8:00 am at the Commission office. The motion was approved by a 5-0 vote.

Core Preservation Area

- ! *Demarco / Calverton (Brookhaven) / single family home / public hearing*
Summary: A separate stenographic transcript exists for this.

Compatible Growth Area

- ! L.I. Fisherman / Yaphank (Brookhaven) / site plan: new CGA hardship public hearing
(continuation of 2/3/99 hearing)
Summary: A separate stenographic transcript exists for this.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. SEQRA negative declaration for Fire Management Plan (undated; 3 pages)
4. Letter from Mr. Gazza re property at NYS 27 and CR31 (2/8/99; 4 pages)



**Commission Meeting Summary (FINAL)
for Monday, March 1, 1999 (Approved 4/7/99)
Commission Office
3525 Sunrise Highway, 2nd Floor; Great River, NY
8:00 am**

Commission members present: Mr. Proios (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven; Mr. Girandola voting), 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, Mr. Milazzo, 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 8:16 am by Mr. Proios, with a four member quorum.

Robert J. Gaffney
Chair

Felix J. Gucci, Jr.
Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
Member

Vincent G. Vilella
Member

Public Comment

Summary: There were no speakers.

Administrative

- ! **Draft 1993-98 Report of Activities:** review and approval (continued from 2/24; draft previously mailed)
Summary: Mr. Corwin went through the draft report previously distributed to the Commissioners section by section, noting changes and corrections he had. Commission members also offered specific changes and they were noted by Mr. Corwin in the master edit copy.

A motion was then made by Mr. Girandola and seconded by Mr. Cowen to approve the Report of Activities for the Period 1993 - 1998, with the changes discussed. The motion was approved by a 4-0 vote.

Adjournment

Summary: **A motion was made by Mr. Cowen and seconded by Mr. Girandola to adjourn the meeting. The motion was approved by a 4-0 vote, and the meeting ended at approximately 9:15 am.**

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**Commission Meeting Summary (FINAL)
for Wednesday, March 17, 1999 (Approved 4/7/99)
Brookhaven Town Hall, Building 4
3233 Route 112; Medford, NY
2:00 pm**

Commission members present: Mr. Proios (for Suffolk County), Ms. Wiplush (for Brookhaven), Mr. Hanley (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, Mr. Milazzo, Ms. Jakobsen, 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 2:13 pm by Mr. Proios, with a four member quorum consisting of Mr. Proios, Ms. Wiplush, Mr. Shea, and Mr. Cowen.

Robert J. Gaffney
Chair

Felix J. Gucci, Jr.
Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
Member

Vincent G. Villella
Member

Public Comment

Summary: The only speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. He spoke about the specific language of the decision by Judge Hall of the State Supreme Court regarding the Society's suit against the Commission regarding the Fireman's Park complex in Ridge. Mr. Amper stated that the Society is requesting that the Commission formally decide today whether to accept the proposed language modifications to the court's decision and to agree not to appeal. He asked that the Commission pass a resolution today and stated that the Society will seek to keep the current decision language if the Commission does not agree or chooses to not make a decision today.

Administrative

! Commission - Suffolk County Water Authority 1999-2000 administrative contract: approval (faxed)

Summary: Ms. Roth briefly described the attached draft of a new contract between the Commission and the Suffolk County Water Authority for administrative and staffing

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purposes for the 1999-2000 fiscal year.

A motion was then made by Mr. Shea and seconded by Mr. Cowen to approve the contract and to authorize the Commission Chair or his designated representative to sign the contract on behalf of the Commission. The motion was approved by a 4-0 vote.

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

- ! Possible change to Public Hearing policy re legal notice fees *(to be distributed)*
Summary: *Mr. Corwin distributed the attached proposed revision to the Commission's public hearing policy regarding development applications. He explained that the changes would update portions of the text to reflect current locations of the hearings, as well as requiring that the costs of the legal notices for development application public hearings be paid by the applicant prior to the hearing.*

A discussion ensued regarding possible alternatives to the proposed changes. A motion was then made by Mr. Cowen and seconded by Mr. Proios to approve the attached revision to this policy as drafted. The motion was approved by a 5-0 vote.

Plan Implementation

- ! NY Wildfire and Incident Management Academy: 1998 Academy funds and 1999 Academy activities
Summary: *Mr. Corwin and Ms. Jakobsen explained that there was a balance of approximately \$13,000 in the Academy account which the Commission had previously authorized the Suffolk County Water Authority (SCWA) to create for this purpose. The Academy Coordinator, Mr. Charles Hamilton of the NYS DEC, has decided that a portion of this balance should be used to defer part of the expenses of having four individuals attend the Colorado Wildfire Academy in June 1999 for training.*

The Finance Department staff of the SCWA has requested that the Commission authorize this expenditure, and that led to a discussion of which person or organization could do so, since the Academy is, at present, an informal association. Ms. Roth discussed two issues: who owns the balance and is therefore authorized to disburse it, and how to make the Academy a permanent entity which could manage its own funds.

Mr. Proios suggested that the Academy be made a part of the Commission's existing Councils. One possibility is the Wildfire Task Force. Another is the creation of a not for profit organization comprised of the sponsoring entities.

It was then agreed that the first issue could be addressed by having the

sponsoring agencies sign a letter authorizing the use of a portion of the funds for attending the Colorado Wildfire Academy. It was agreed that the second issue would be addressed by first determining what legal structure is utilized by the Colorado Academy, and then discussing our options at the next Commission meeting.

- ! Fire weather station: site selected; agreement with SC Water Authority; installation and training schedule

Summary: Ms. Jakobsen reported that the Suffolk County Water Authority's (SCWA) well field and pump station on the west side of County Route 51, in the Eastport area of Southampton Town, has been selected as the site for the fire weather station. The station has been ordered from Forest Technology Systems, and delivery is expected in mid to late April 1999.

The site will require preparation, which will be done by SCWA employees. Two days will be selected for final installation and user training of the system. She noted that a written agreement will need to be signed between the Commission and the SCWA for use of the site, holding SCWA harmless, and similar matters. A draft of that is being worked on by Commission counsel and the SCWA's Legal Department.

- ! Wildfire Task Force: helicopter water bucket firefighting training (*not on the original agenda*)

Summary: Capt. Conklin reported that the Southampton Town Trustees have renewed their permission for the Wildfire Task Force member organizations to conduct helicopter water bucket training operations at Wildwood Lake and three water bodies in the Flanders area of Southampton Town.

He reported that the Task Force is currently planning a day of combined classroom and field training using the water buckets at Wildwood Lake on 5/22/99, with a rain date of 5/23/99. The field portion of the exercise will involve depositing water in the wooded areas adjacent to Wildwood Lake. Mr. Shea asked whether information on this will be distributed to the media such as the Southampton Press, and Capt. Conklin replied that it would.

- ! Prescribed fire program: current activities (*not on the original agenda*)

Summary: Capt. Conklin stated that several prescribed burns are planned for the next several weeks, including 9 remaining acres of the 1997 demonstration burn unit at the Rocky Point Natural Resource Management Area, and 4 acres in the Sarnoff State Preserve in Southampton Town. He reported that approximately 20 acres were burned in the Rocky Point Lands and 1 acre was burned in the Wertheim National Wildlife Refuge in Shirley in the past week.

- ! Pine Barrens Discovery Day: postponement

Summary: Mr. Corwin reported that this event has been postponed; no further details were discussed.

Pine Barrens Credit Program

! Status

Summary: *Mr. Milazzo stated that the next Clearinghouse Board meeting will be held on 3/19/99 at 10 am at the Commission office.*

! Schmelzer / Manorville (Brookhaven) / new appeal (SCTM 200-463-1-15.1): set hearing (5/7/99 decision deadline)

Summary: *Mr. Rizzo distributed the attached new credit appeal for this 33 acre parcel zoned A Residence 5. The parcel is located south of the Long Island Expressway, north of Hot Water Street. **A motion was made by Mr. Cowen and seconded by Mr. Proios to schedule a public hearing on this appeal for 4:00 pm at the 4/28/99 Commission meeting. The motion was approved by a 5-0 vote.***

Compatible Growth Area (CGA)

! Long Island Fisherman / Shirley (Brookhaven) / site plan: adoption of negative declaration (from 2/24 meeting)

Summary: *Ms. Plunkett distributed the attached draft negative declaration for this project which had a public hearing at the 2/24/99 Commission meeting. The project is located on the south side of the Long Island Expressway, east of the William Floyd Parkway. **A motion was made by Mr. Cowen and seconded by Mr. Hanley to adopt the attached negative declaration for this project. The motion was approved by a 5-0 vote.***

! Possible stewardship fund: discussion (not on the original agenda)

Summary: *Ms. Plunkett raised the possibility of establishing a stewardship fund with monies provided in lieu of very small restoration efforts on those development sites where little environmental benefit might result, or where there is a low probability of plant survival. A brief discussion then ensued regarding the mechanism by which such a fund would operate, how the amounts to be placed into it would be determined, and how the sites for stewardship projects using the funds would be selected.*

! Long Island Fisherman / Shirley (Brookhaven) / site plan: decision on application

Summary: ***A motion was made by Mr. Cowen and seconded by Mr. Hanley to approve the CGA hardship application, based upon the hearing record and the changes (including the introduction of a retaining wall) made to the site plan since the original submittal to the Commission, with the observation that this is the minimum relief necessary. The motion was approved by a 5-0 vote.***

! Native plant transplanting program: discussion (not on the original agenda)

Summary: *Mr. Proios mentioned the existence of native plant programs underway in different areas of Suffolk County. Mr. Shea then described a not for*

profit group called Reinventing Eden, which transplants vegetation from development sites to areas needing restoration. He noted some of the recent work of this organization, the existence of a native plant demonstration garden at the Southampton Town Hall, the possibility of grants for this work, and some of the organizations which are involved with this effort.

- ! Villas at Medford / Medford (Brookhaven) / site plan: scheduling of hearing
Summary: Ms. Plunkett distributed and briefly discussed copies of this new CGA hardship application received late yesterday. The project involves a 9.7 acre parcel on the east side of Route 112, south of Granny Road, in Medford. The parcel is zoned MF-1 Residence, and the project proposes construction of 66 condominium units. The project exceeds the 65% clearance standard in the Pine Barrens Plan. **A motion was made by Mr. Cowen and seconded by Mr. Shea to schedule a hearing on this project for 4:00 pm at the 4/28/98 Commission meeting. The motion was approved by a 5-0 vote.**

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. The motion was approved by a 5-0 vote, and the Commission entered into executive session at approximately 3:30 pm. A motion was later made by Mr. Cowen and seconded by Mr. Hanley to exit the advisory session and return to open session. The motion was approved by a 5-0 vote, and the Commission returned to open session at approximately 4:00 pm.**

Core Preservation Area

- ! Fireman's Park / Ridge (Brookhaven): current litigation
Summary: **A motion was made by Mr. Proios and seconded by Mr. Cowen to authorize the language changes shown on the attached copy of the State Supreme Court decision to be submitted to Judge Hall for his consideration and, if he accepts the revised language, to waive the Commission's right to appeal. The motion was approved by a 4-1 vote, with the dissenting vote cast by Ms. Wiplush.**

Resumption of Advisory Session

Summary: **A motion was made by Mr. Cowen and seconded by Mr. Shea to enter back into a closed advisory session for the purpose of receiving legal advice. The motion was approved by a 5-0 vote. The Commission entered into a closed advisory session from approximately 4:06 pm to 4:30 pm.**

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)

3. Draft Commission - SCWA 1999-2000 contract (undated; 5 pages)
4. Draft revision to development application public hearing policy (3/17/99; 2 pages)
5. Schmelzer / Manorville appeal and staff materials (3/12/99 and undated ; 4 pages)
6. LI Fisherman site plan SEQRA negative declaration (undated; 1 page)
7. Changes to Longwood Youth Sports Association 1998 decision (undated; 5 pages)



**Commission Meeting Summary (FINAL)
for Wednesday, April 7, 1999 (Approved 5/19/99)
Commission Office
3525 Sunrise Highway, 2nd Floor; Great River, NY
2:00 pm**

Commission members present: Mr. Gaffney and Proios (for Suffolk County; Mr. Gaffney voting when present), Mr. Girandola (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 and cooperators from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Milazzo, Ms. Jakobsen, and Mr. Rizzo (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation), Capt. Conklin (from the NYS Forest Rangers, Co-Vice Chair of the Wildfire Task Force, and member of the Law Enforcement Council), Mr. Hynes (from the Suffolk County Department of Parks and Chair of the Law Enforcement Council), Capt. Otterstedt (of the NYS Environmental Conservation Police and Vice Chair of the Law Enforcement Council), Mr. Drower (of the Wading River Fire District and Chair of the Wildfire task Force), and Mr. Urevich (of the Southampton Town Fire Chiefs Council and Co-Vice Chair of the Wildfire Task Force. 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

Vincent G. Vilella
Member

The meeting was called to order at approximately 2:15 pm by Mr. Gaffney, with a four member quorum consisting of Mr. Gaffney, Mr. Cowen, Mr. Girandola, and Mr. Murphree.

Public Comment

Summary: *There were no speakers at this time.*

Administrative

! Draft meeting summaries for 2/24, 3/1, and 3/17

Summary: **A motion was made by Mr. Girandola and seconded by Mr. Cowen to approve the summaries of the 2/24/99, 3/1/99, and 3/17/99 meetings as drafted. The motion was approved by a 4-0 vote.**

Mr. Corwin gave a brief overview of today's agenda, and especially the presentations and topics immediately following.

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Plan Implementation

- ! NY Army National Guard presentation to the Commission (*Col. Frank P. Intini, Jr., NY Army National Guard*)
Summary: *Col. Intini, Facility Commander of the NY Army National Guard's Army Aviation Support Facility #1 in Ronkonkoma, and a member of the Pine Barrens Law Enforcement Council, introduced himself and Capt. Richard Settino. Col. Intini then briefly described the history of the Army Guard's involvement with the pine barrens, the Law Enforcement Council, and the Commission. He expressed appreciation to the Commission for its strong support of both the Law Enforcement Council and the NY Army National Guard. He also described many of the community efforts that his Guard unit has become involved in as a result of the cooperative work with the Commission.*

Col. Intini then presented to the Commission an engraved plaque in commemoration of, and thanking the Commission for, the cooperative work between the two organizations. Mr. Gaffney accepted the plaque on behalf of the Commission, and noted that it is the first time that he recalls accepting an award from someone who really should be receiving thanks instead. The plaque will be placed on permanent display in the Commission library.

- ! Law Enforcement Council: summary of activities and Law Enforcement Handbook (*Mr. Lawrence Hynes, Chair, and Capt. Richard Otterstedt, Vice Chair*)
Summary: *Mr. Corwin then introduced Mr. Hynes by briefly describing the origin of the Law Enforcement Council during the development of the Central Pine Barrens Comprehensive Land Use Plan in 1994-95. Mr. Hynes then described the recent work of the Council, and thanked the Commission for their support.*

Capt. Otterstedt then went through the newly produced trial version of the Central Pine Barrens Law Enforcement Handbook (attached), which the Commissioners received today. He also thanked the Commission staff for the many hours of work that went into this version. Mr. Corwin then noted that Capt. Otterstedt and the other Council members had also contributed many hours to this project.

- ! Formal adoption of Central Pine Barrens Fire Management Plan (draft adoption resolution previously distributed by counsel)
Summary: *Mr. Larry Tuthill, representing the Suffolk County Fire District Officers' Association, addressed the Commission to request that a positive declaration be issued for the Fire Plan, and that an environmental impact statement be prepared. He stated that the fire districts are spending money to fight brush fires, that there has been continued growth of the trees, and that the costs to the districts should be totaled. Mr. Gaffney explained that those concerns are economic and, while they should be addressed, they are not environmental issues.*

Mr. Corwin then stated that the Commission staff and the Wildfire Task Force members have discussed the issue of finances with Mr. Tuthill and others, and

that there is a need to both accurately account for the expenses to which Mr. Tuthill referred, as well as to find a mechanism for reimbursement of operating expenses that is acceptable and affordable to those legislative or other bodies that would provide it. Mr. Corwin noted that the executive board of the Wildfire Task Force, along with members of the Commission staff, met with Senator LaValle regarding this issue, and that one outcome of the meeting was that it would be extremely difficult to simply pass a bill which reimburses fire districts only for lost taxes. Mr. Corwin also noted that the prescribed burning program, which reduces the fuel loads discussed by Mr. Tuthill, has so far been borne almost entirely by the NYS DEC.

A motion was then made by Mr. Cowen and seconded by Mr. Girandola to adopt the Central Pine Barrens Fire Management Plan as per the attached resolution. The motion was approved by a 4-0 vote, and the resolution was signed by the Commission members.

- ! NY Wildfire and Incident Management Academy: inclusion of Academy within Wildfire Task Force's responsibilities

Summary: Mr. Corwin summarized the 1998 New York Wildfire and Incident Management Academy, coordinated by Mr. Charles Hamilton of the NYS DEC Region 1 office. Mr. Corwin explained that a recommendation has been made by the involved parties that the Academy should be permanently included within the Commission's, and the Wildfire Task Force's, responsibilities. He distributed the attached resolution prepared by Ms. Jakobsen which summarizes the details, and went through its provisions.

A motion was then made by Mr. Cowen and seconded by Mr. Girandola to approve the attached resolution making the Academy a responsibility of the Commission and the Wildfire Task Force, and authorizing the use of the monies remaining from the 1998 Academy for future Academy activities and costs. The motion was approved by a 4-0 vote.

A short break and informal reception was held at this point. At the resumption of the meeting, Mr. Gaffney departed and Mr. Hanley arrived. A five member quorum was present from this point forward, with Mr. Proios chairing the meeting.

- ! Fire weather station: approval of agreement with SC Water Authority siting the fire weather station

Summary: The attached draft agreement recently approved by the SC Water Authority (SCWA) Board was discussed, and the question arose as to whether there should be an upper limit placed on the cost of the electricity, labor or phone service to be provided to the site. It was agreed that this will be deferred until later today in order to permit the Commission staff to speak with the appropriate SCWA staff re this.

Pine Barrens Credit Program

- ! Program status and results of 3/19 Clearinghouse Board meeting
Summary: Mr. Milazzo reported that Mr. Jack Hanley, who represented Riverhead Town on the Clearinghouse Board, has resigned from the Board. He noted that a letter thanking Mr. Hanley for his fine service has been forwarded on behalf of both the Commission and the Clearinghouse.

He reported that some of the Riverhead credits held by the Clearinghouse have recently been sold; that the reverse auction has been kept open for an additional 30 days; and then reported the recent statistics for the credit program. Approximately 270 parcels totaling approximately 240 acres have been protected through easements. The next Clearinghouse Board meeting is scheduled for 4/30/99 at 10:00 am at the Commission office.

- ! Appointment of Vice Chair for the Clearinghouse Board
Summary: After a brief discussion, it was agreed that a recommendation will be sought from the Clearinghouse Board before the Commission acts.

Plan Implementation

- ! Formal adoption of *Central Pine Barrens Fire Management Plan*
Summary: Mr. Hanley requested that his affirmative vote be added to the approval resolution passed earlier by the Commission prior to his arrival. That was agreed, and Mr. Hanley signed the resolution adopting the Fire Management Plan, making the final vote 5-0.

Core Preservation Area

- ! Salmon / Ridge (Brookhaven) / new hardship: set hearing
- ! Navratil / Manorville (Brookhaven) / new hardship: set hearing
- ! Bilek / Calverton (Brookhaven) / new hardship: set hearing
- ! Migliore / Middle Island (Brookhaven) / new hardship: set hearing
- ! Gazza / Westhampton (Southampton) / new hardship: set hearing
Summary: Ms. Jakobsen distributed the applications received for each of the above items, and she and Ms. Plunkett summarized them. The Salmon application is for a single family home on a 0.46 acre parcel in an A Residence 1 district on the west side of William Floyd Parkway, east of Sally Lane, in Ridge, Brookhaven Town.

The Navratil application is for a single family home on a 0.46 acre parcel in an A Residence 5 district north of North Street, on the east side of Center Moriches Road, in Manorville, Brookhaven Town.

The Bilek application is for a single family home on a 0.22 acre parcel in an A Residence 5 district north of Nugent Drive, east of Pinehurst Boulevard, south of Cedar Street, in Calverton, Brookhaven Town.

The Migliore application is for a single family home on a proposed new 15 acre parcel to be comprised of three existing and adjacent 5 acre parcels in an A Residence 1 district on the east side of Bartlett Road, in Middle Island, Brookhaven Town.

A brief discussion ensued regarding the layout of the current lots and the proposed new lot, the desire of the owner to obtain Pine Barrens Credits on the portion of the new lot that would remain undeveloped, the existence of a current Letter of Interpretation for a total of 12 credits for the three current lots, and the existence of a pending Pine Barrens Credit Certificate application for the existing three lots. No easement has yet been placed on any of the three lots. The owner is represented by Mr. Nicolazzi, who was present and spoke briefly on the application.

The Gazza application is for a 988 square foot industrial building for use by one tenant's wholesale business on a 0.14 acre parcel in a Light Industrial 40 (one acre) district on the west side of County Road 31 (Riverhead-Westhampton Road), across from Gabreski Airport, south of Stewart Avenue, in Westhampton, Southampton Town. A discussion ensued regarding the required State Environmental Quality Review Act (SEQRA) review of this unlisted action, and the Commission advised the staff to proceed with an uncoordinated review.

*A brief discussion followed regarding the scheduling of these hearings, and **a motion was then made by Mr. Proios and seconded by Mr. Cowen to hold hearings (1) on the Navratil application at 4:00 pm at the 4/28/99 Commission meeting; (2) on the Salmon, Bilek and Migliore applications at 4:00 pm at the 5/19/99 Commission; and (3) on the Gazza application at 4:00 pm at the 6/9/99 Commission meeting. The motion was approved by a 5-0 vote.***

Public Comment

Summary: Mr. Proios asked for public comment prior to the closed advisory session, but there were no speakers.

Mr. Proios stated that there may be additional public business following the closed advisory session.

Advisory Session

*Summary: **A motion was made by Mr. Cowen and seconded by Mr. Murphree to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 5-0 vote. The Commission entered into a closed advisory session from approximately 4:27 pm through 4:53 pm.***

Plan Implementation

- ! Fire weather station: approval of agreement with SC Water Authority *(continued)*
Summary: After a brief discussion, it was agreed that the attached agreement should be approved as drafted. A motion was then made by Mr. Cowen and seconded by Mr. Hanley to approve the attached agreement with the SCWA for the use of the County Road 51 SCWA site for the fire weather station, 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. A final copy (without the DRAFT label) will be prepared by the Commission staff and the required SCWA and Commission signatures will be obtained.

Attachments (in order of discussion):

1. Attendance list (2 pages)
2. Speaker list (1 page)
3. *Draft Central Pine Barrens Law Enforcement Handbook* (3/23/99; 29 pages)
4. Resolution adopting the *Fire Management Plan* and attachment (4/7/99; 15 pages)
5. Resolution re NY Wildfire and Incident Management Academy (4/7/99; 1 page)
6. License agreement with SC Water Authority for fire weather site (4/7/99; 4 pages)

Commission Meeting Summary (FINAL)
for Wednesday, April 28, 1999 (Approved 6/30/99)
Brookhaven Town Hall
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

Vincent G. Vilella
Member

Commission members present: Mr. Dragotta (for Suffolk County), Ms. Wiplush (for Brookhaven), Mr. Vilella (for Riverhead), Mr. Murphree (for Southampton; at the time indicated) 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, Mr. Milazzo, Ms. Jakobsen, and Mr. Rizzo (from the Commission), and Mr. Spitz (from the NYS Department of Environmental Conservation)

The meeting was called to order at approximately 2:15 pm by Mr. Dragotta, with a four member quorum consisting of Mr. Dragotta, Ms. Wiplush, Mr. Vilella, and Mr. Cowen.

Public Comment

Summary: *There were no speakers.*

Administrative

- ! Draft meeting summaries for 1/13 and 4/7

Summary: ***A motion was made by Mr. Cowen and seconded by Mr. Dragotta to approve the summary of the 1/13/99 meeting as written. The motion was approved by a 4-0 vote.***

It was then agreed that the 4/7/99 draft meeting summary will be held until the next Commission meeting on 5/19/99.

Mr. Murphree arrived during the following agenda item, and a five member quorum was present from that point forward.

- ! Commission officers: update of designations

Summary: *Mr. Corwin explained that the individuals who chair or co-chair the Protected Lands Council, the Law Enforcement Council, and the Wildfire Task Force are not currently listed as officers of the Commission, although the members of the Pine Barrens Credit Clearinghouse Board of Advisors are officers (specifically, Treasurers). Consequently, the stewardship council chairs and co-chairs are not specifically named in the*

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Commission's public officials and officers insurance policy. He strongly recommended that the Commission adopt an officer designation for these chairs and co-chairs.

Ms. Roth reported that she and Mr. Rigano had discussed this and looked into what designation would be appropriate, and they have concluded that the designation of Assistant Secretary would be appropriate, given that the Secretary designation is held by the Commission's Executive Director. The public officials and officers policy would then be updated to include the names of the individuals currently holding these positions.

Ms. Wiplush requested that this be held over to a future meeting to permit time to consider this further. Other members requested that this be acted upon today, and a brief discussion ensued in which it was emphasized that only the chairs and vice chairs are being designated, and not the entire membership of the three councils. **A motion was then made by Mr. Cowen and seconded by Mr. Villella to designate the Chair and Vice Chair of the Law Enforcement Council, the two Co-Chairs of the Protected Lands Council, and the Chair and two Co-Vice Chairs of the Wildfire Task Force as Assistant Secretaries of the Commission. The motion was approved by a 5-0 vote.**

Pine Barrens Credit Program

! Program status and current statistics

Summary: Mr. Milazzo reported the following totals for the Program to date:

Town	Parcels	Acres	Credits Issued	Certificates Redeemed	Credits Redeemed
Brookhaven	213	171.68	118.08	23	62.51
Riverhead	6	36.45	56.27	0	0
Southampton	53	36.72	12.40	7	4.92
Total	272	244.85	186.75	30	67.43

He also reported that one sale of Riverhead credits for \$10,000 each has been made by the Clearinghouse (at the same price which the Clearinghouse originally purchased them), that the high sale price for a Southampton credit between private parties has been \$20,000 per credit, and that the high sale price for Brookhaven credits between private parties has been \$35,000 per credit.

! Board of Advisors: current membership

Summary: Mr. Corwin noted that the Clearinghouse Board is currently missing a Riverhead Town representative and that Mr. Deyermond has recently resigned as the Southampton Town representative.

! Next Board of Advisors meeting

Summary: Mr. Milazzo reported that the Clearinghouse Board's next meeting is this Friday, 4/30/99 at the Commission office in Great River at 10:00 am.

! Commission title insurance policy: review and technical changes (not on the original agenda)

Summary: Mr. Milazzo distributed and reviewed the current title insurance policy of the Commission (which was adopted on 5/1/96), including the breakdown of the policy into three categories: one for those credit applications for less than 1.0 credit, those for credit applications in the range of 1.0 to 5.0 credits, and one for those applications for greater than 5.0 credits.

He also explained that the minimum level at which title insurance can be purchased is set by state law at \$35,000, and that, although a purchaser of such insurance can be insured for less than \$35,000 of actual value, the title insurance companies must still charge the minimum fee that would correspond to \$35,000 of insurance.

He then recommended that the Commission's title policy be revised to refer to the purchase of the minimum insurance necessary, as set by state law, and suggested specific language. A brief discussion then ensued over the choice of wording. It was then agreed that Mr. Milazzo would distribute specific language to the Commission prior to its next meeting.

! Mortgaged properties in core area: possible rewording of consent agreement (not on the original agenda)

Summary: Mr. Milazzo distributed the attached proposed revision to the Consent Agreement for properties with current mortgages. The proposal includes both a proposed change in the document title, as well as changes to clarify the relation between the conservation easement and the mortgage (namely, subordinating the easement to the mortgage).

He explained that he has experienced some difficulties at the County offices in having the mortgage consent agreement recorded in the mortgage index, and that the Commission staff have been advised by personnel in the recording offices that the agreement should be titled as a subordination agreement. After a brief discussion, it was agreed that the Commission will consider this issue and return to it at the next meeting.

! Commission title insurance policy: continuation of previous agenda item

*Summary: Ms. Roth suggested draft language for the title insurance policy revision previously discussed. After a brief discussion, the new language was accepted. **A motion was then made by Mr. Cowen and seconded by Mr. Vilella to accept the revised language and to amend the Commission's title policy as per the attached version. The motion was approved by a 5-0 vote.***

Plan Implementation

- ! Wildfire Task Force: 5/22 Air - Ground Awareness Day; 1999 NY Wildfire and Incident Management Academy
Summary: Mr. Corwin described this 5/22/99 event being sponsored by the Wildfire Task Force and its Air-Ground Firefighting Coordination Committee, and distributed the attached flyer describing the agenda.

He then reported that the 1999 Wildfire and Incident Management Academy will be held 10/22/99 through 11/1/99 at the Brookhaven National Laboratory. He noted that the schedule will include classes both in the evening and on weekends.

- ! Law Enforcement Council: codified version of all terrain vehicle law; US Army environmental awards
Summary: Mr. Corwin distributed the attached codified version of the recently enacted new Suffolk County all terrain vehicle law. No further discussion was held.

He then described the award for "Environmental Quality - Individual" which was awarded by the Secretary of the Army two on 4/26/98 to Col. Frank Intini of the NY Army National Guard's Aviation Support Facility in Ronkonkoma, who is also a member of the Law Enforcement Council. He noted that the award was one of 17 such awards presented to individuals and installations throughout the country that day at the Pentagon in Washington, DC, and further noted that Col. Intini has emphasized that he views this award as a recognition of the team effort of all the members agencies of the Council.

- ! "Twinning" of LI Pine Barrens and Pisa Regional Parks: introduction to statewide project; pending visit of parks officials
Summary: Mr. Corwin explained that there has been a effort in the past few years by Mr. Paul Bray of the NYS Legislative Bill Drafting Commission in Albany to match up, or "twin", parks and preserves in New York State with similar areas in Italy. This is an outgrowth of Mr. Bray's interest in regional planning efforts across the state, and his recent sabbatical work on park and reserved areas management at a university in Italy.

Mr. Corwin noted that the Long Island Pine Barrens have been "twinned" with the Pisa regional parks in Italy, and as part of that effort an Italian delegation will be visiting our region on or about 6/8/99. The Commission staff are arranging a brief tour and luncheon, and will contact the Commissioners and their representatives as soon as the details of the visit are known.

Core Preservation Area

- ! Navratil / Manorville (Brookhaven) / hardship: acceptance of application withdrawal
Summary: Ms. Plunkett explained that a withdrawal letter has been received for

*this application, which was scheduled for a hearing at this meeting. **A motion was then made by Mr. Cowen and seconded by Mr. Villella to accept the withdrawal of the Navratil / Manorville core hardship exemption application. The motion was approved by a 5-0 vote.***

Closed Advisory Session

Summary: *A motion was made by Mr. Cowen and seconded by Mr. Murphree to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 5-0 vote, and the Commission entered into closed session from approximately 3:02 pm until 4:00 pm.*

Compatible Growth Area

! Villas at Medford / Medford (Brookhaven) / CGA hardship (materials distributed 3/17)

Summary: *A separate stenographic transcript exists for this.*

Core Preservation Area

! Schmelzer / Manorville (Brookhaven) / credit appeal (materials distributed 3/17; decision deadline is 5/7)

Summary: *A separate stenographic transcript exists for this.*

Adjournment

Summary: *A motion was made by Mr. Cowen and seconded by Mr. Villella to adjourn the meeting. The motion was approved by a 5-0 vote, and the meeting ended at approximately 4:57 pm.*

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Proposed revision to the mortgage consent agreement (undated; 3 pages)
4. Revised title insurance policy (4/28/99; 4 pages)
5. Air-Ground Firefighting Awareness Day flyer (5/22/99; 1 page)
6. Codified version of new Suffolk County all terrain vehicle law (11/24/98; 3 pages)
7. US Army Environmental Center Press Release re awards (3/4/99; 5 pages)



**Commission Meeting Summary (FINAL)
for Wednesday, May 19, 1999 (Approved 7/21/99)
Quogue Wildlife Refuge
Old Country Road; Quogue, NY
2:00 pm**

Commission members present: Mr. Dragotta (for Suffolk County), Ms. Wiplush (for Brookhaven), Mr. Villella (for Riverhead), Mr. Cannuscio (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, Mr. Milazzo, Ms. Jakobsen, 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.

Robert J. Gaffney
Chair

Felix J. Grucci, Jr.
Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
Member

Vincent G. Villella
Member

The meeting was called to order at approximately 2:00 pm by Mr. Dragotta, with a five member quorum.

Public Comment

Summary: There were no speakers at this time.

Administrative

- ! Draft meeting summary for 4/7

Summary: **A motion was made by Mr. Cannuscio and seconded by Mr. Villella to approve the summary of the 4/7/99 meeting as drafted. The motion was approved by a 5-0 vote.**

- ! Assistant Secretary designations: addition of Wildfire and Incident Management Academy's Coordinator and Incident Commander positions (modification of 4/28 resolution)

Summary: Mr. Corwin explained that the 4/28/99 resolution which added the Law Enforcement Council, Protected Lands Council, and Wildfire Task Force Chairs and Vice Chairs as officers of the Commission, and specifically as Assistant Secretaries, should have also included the Academy Coordinator and Incident Commander for the New York Wildfire and Incident Management Academy.

A motion was then made by Mr. Cannuscio and seconded by Mr. Villella to designate the Academy Coordinator and Incident Commander for the Wildfire and Incident Management Academy as Assistant Secretaries of the

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Commission. The motion was approved by a 5-0 vote.

- ! Public officials insurance: authorization of Chair or representative to sign renewal
Summary: Ms. Roth explained that the annual renewal application for the Commission's directors and officers insurance policy needs to be signed by the Commission Chair or his designated representative.

A motion was then made by Ms. Wiplush and seconded by Mr. Cannuscio to authorize the Chair or his designated representative to sign the renewal application on behalf of the Commission. The motion was approved by a 5-0 vote. Mr. Dragotta then signed the renewal application.

Plan Implementation

- ! Department of Defense Legacy Program: Certificate of Appreciation to NY Air Guard for support of ecological research
Summary: Mr. Corwin introduced Mr. John Black, who summarized the ecological research which he and his students (in the Suffolk County Community College's Summer Institute) have undertaken in the pine barrens forests of Rocky Point, Upton, and Westhampton Beach (see attached technical report which was distributed). Mr. Black explained that one of the field research sites was the dwarf pine barrens area within the NY Air National Guard's 106th Rescue Wing base in Westhampton Beach. Mr. Black thanked the members of the Air Guard for their support, which was provided under the auspices of the Department of Defense's Legacy Project.

Mr. Corwin then introduced Col. Bobbie Brittain, the Commanding Officer of the 106th Rescue Wing, who in turn introduced the Air National Guard members who were with him: Lt. Col. Anthony Cristiano, Lt. Col. Jerry Webb, and MSgt. Anthony Vasell. Mr. Corwin presented Col. Brittain with a Certificate of Appreciation for the 106th Rescue Wing (attached), and then presented individual Certificates of Appreciation made out to TSgt. Stephen Cluff and MSgt. Anthony Vasell for their individual support of the research program's logistics. MSgt. Vasell accepted both individual Certificates, as TSgt. Cluff was unable to be present today.

Col. Brittain then presented Mr. Black with an official baseball cap of the 106th Rescue Wing, making him an honorary member. It was unclear whether Mr. Black will need to go through basic training, however.

- ! NY Wildfire and Incident Management Academy: 1999 dates; technical modifications to 4/7/99 resolution
Summary: Mr. Corwin distributed, and he and Ms. Roth discussed, the attached proposed revisions to the Commission's 4/7/99 resolution establishing the Wildfire and Incident Management Academy under the Wildfire Task Force.

He explained that the changes (1) remove a misplaced sentence fragment from

paragraph two, and (2) clarify that funds for expenses will be disbursed at the request of the Commission Executive Director. **A motion was then made by Mr. Cannuscio and seconded by Mr. Cowen to approve the attached modifications to the original 4/7/99 resolution. The motion was approved by a 5-0 vote.**

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

Pine Barrens Credit Program

- ! Program status and results of 4/30 Clearinghouse meeting
Summary: Mr. Rizzo reported that the contracts for the third reverse auction of Pine Barrens Credits within Brookhaven Town have been sent out. The price range for this auction is \$15,000 to \$25,000 per credit.

- ! Clearinghouse Vice Chair: recommendation of Clearinghouse; appointment by Commission
Summary: Mr. Rizzo reported that the Clearinghouse, at its 4/30/99 meeting, recommended that the Commission appoint Mr. Andrew Freleng, Suffolk County's Clearinghouse representative, as the Vice Chair of the Clearinghouse Board of Advisors. **A motion was then made by Mr. Cannuscio and seconded by Mr. Cowen to appoint Mr. Freleng as the Clearinghouse Vice Chair. The motion was approved by a 4-0 vote.**

- ! Proposed meetings with Town planning staffs (not on the original agenda)
Summary: Mr. Milazzo explained that the Clearinghouse and Commission staff have discussed the question of keeping the Town personnel informed about the Pine Barrens Credit Program, and would like to set up meetings with the three Towns' planning staffs. It was agreed that such meetings will be set up.

A question from Mr. George Schmelzer, a property owner who was present for his credit appeal discussion (see below), led to a discussion of the contents of the Pine Barren Credit Registry.

- ! Proposed revisions to Commission's title policy (not on the original agenda)
Summary: Mr. Milazzo distributed and discussed the attached proposed revision to the Commission's title policy. The changes involve clarifying the situation in which a title insurance policy must be obtained, and the amount of the insurance to be requested.

Following a brief discussion, a motion was made by Mr. Cowen and seconded by Mr. Cannuscio to approve the attached revisions to the Commission's title policy. The motion was approved by a 4-0 vote.

- ! Schmelzer / Manorville (Brookhaven) / credit appeal: decision (hearing held 4/28;

decision deadline is today)

Summary: A brief discussion was held regarding this credit allocation appeal for this 33 acre property located south of the Long Island Expressway, north of Hot Water Street, and east of County Route 111. The parcel is approximately 2,700 feet from the nearest street. Mr. Schmelzer, the property owner, stated that the Commission could extend its decision date until the Commission's 6/30/99 meeting. That was agreed, and the new decision date will be 6/30/99.

Core Preservation Area

- ! Hampton Hills Country Club / Northampton (Southampton) / determination of jurisdiction

Summary: Ms. Roth discussed this proposed project, which includes the construction of a storage building for golf carts on an existing, paved tennis court and the paving of a golf cart lane.

A discussion then ensued regarding Section 57-0107(13)(iii) of Environmental Conservation Law Article 57, the nature of the structure, whether the proposal constitutes an improvement or alteration, etc. It was then agreed that a hardship permit would be required.

A motion was made by Mr. Cowen and seconded by Mr. Dragotta to schedule a hearing on this project at 3:30 pm at the 6/9/99 Commission meeting, provided that a formal application for a core hardship permit is received from the project sponsor within seven days of today. The motion was approved by a 4-0 vote.

Compatible Growth Area (CGA)

- ! GB Realty / Ridge (Brookhaven) / site plan: new hardship; set hearing

Summary: Ms. Jakobsen explained that a new CGA hardship application has been received for this 7.27 acre property on the northeast corner of NYS Route 25 and Raynor Road, in Ridge in Brookhaven Town (Suffolk County Tax Map number 200-350-1-32). The project involves the construction of an office sales building, a warehouse, supply yards, an outdoor display area, and parking for a fence company. The CGA hardship is based upon a proposed clearance in excess of the 65% CGA standard in the Central Pine Barrens Plan. The property is zoned J-2 Business, and is currently vacant.

A motion was made by Mr. Cowen and seconded by Mr. Villella to schedule a CGA hardship hearing on the GB Realty / Ridge application at the 6/30/99 Commission meeting, with the hearing to start at 3:00 pm. The motion was approved by a 4-0 vote.

Closed Advisory Session

Summary: **A motion was made by Mr. Vilella 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 4-0 vote, and the Commission entered into a closed advisory session at approximately 3:28 pm.**

The session ended on a motion to return to open session by Mr. Cowen, seconded by Mr. Vilella, and approved by a 4-0 vote. The Commission returned to open session at approximately 4:01 pm.

Core Preservation Area

! Salmon / Ridge (Brookhaven) / single family residence hardship (materials distributed 4/7)

Summary: *A separate stenographic transcript exists for this.*

! Bilek / Calverton (Brookhaven) / single family residence hardship (materials distributed 4/7)

Summary: *A separate stenographic transcript exists for this.*

! Migliore / Middle Island (Brookhaven) / single family residence hardship (materials distributed 4/7)

Summary: *A separate stenographic transcript exists for this.*

Adjournment

Summary: **A motion was made by Mr. Cowen and seconded by Mr. Vilella to adjourn the meeting. The motion was approved by a 4-0 vote, and the meeting ended at approximately 5:32 pm.**

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. "Forest Composition" technical report (Feb. 1998; 15 pages)
4. Certificates of Appreciation for 106th Rescue Wing (5/19/99; 3 pages)
5. Wildfire and Incident Management Academy resolution changes (5/19/99; 2 pages)
6. Proposed changes to the Commission's title policy (undated; 2 pages)



**Commission Meeting Summary (FINAL)
for Wednesday, June 9, 1999 (Approved 7/21/99)
Brookhaven Town Hall
3233 Route 112, Building 4; Medford, NY
2:00 pm**

Commission members present: Mr. Gaffney, Mr. Proios, and Mr. Dragotta (for Suffolk County; Mr. Gaffney voting unless otherwise noted), Ms. Wiplush (for Brookhaven), Mr. Villella (for Riverhead), Mr. Cannuscio and Mr. Shea (for Southampton; Mr. Cannuscio voting unless otherwise noted) 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, Mr. Milazzo, and Mr. Rizzo (from the Commission), Mr. Grecco (from the Suffolk County Planning Department's Real Estate Division), Mr. Freleng (from the Suffolk County Planning Department and Vice Chair of the Pine Barrens Credit Clearinghouse Board), Ms. Waide (from the Suffolk County Planning Department's Real Estate Division), Mr. Spitz (from the NYS Department of Environmental Conservation - NYS DEC), 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

Vincent G. Villella
Member

The meeting was called to order at approximately 2:12 pm by Mr. Proios, with a five member quorum.

Public Comment

Summary: There were no speakers at this time.

Administrative

- ! Meeting schedule for remainder of 1999: approval
Summary: **A motion was made by Mr. Villella and seconded by Mr. Dragotta to approve the attached Commission meeting schedule for the remainder of the year. The motion was approved by a 5-0 vote.**

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Pine Barrens Credit Program

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- ! Presentation of award to Mr. Allan Grecco for his service as Vice Chair of the Clearinghouse Board of Advisors
Summary: Mr. Gaffney thanked Mr. Allan Grecco for his service as a member and Vice Chair of the Pine Barrens Credit

Clearinghouse Board of Advisors, and presented him with a plaque (see attached copy of inscription). Mr. Grecco spoke briefly about his experiences on the Clearinghouse Board, and thanked the Commission staff for their work on the Pine Barrens Credit Program.

Administrative

- ! Petition from East Hampton Town requesting inclusion in Commission: discussion Summary: *Mr. Corwin distributed the attached copies of Environmental Conservation Law Section 57-0125 regarding the addition of towns to the Commission, the 5/21/99 East Hampton Town Board resolution formally requesting membership in the Commission, and a letter from Assemblyman Fred Thiele, Jr. regarding the admission of East Hampton Town to the Commission and the production of a comprehensive plan for the area that would be affected. Mr. Gaffney then noted that there are many issues to examine with respect to this request, and Ms. Roth stated that she had only taken a preliminary look at the issue. Mr. Cowen suggested that each Commissioner should discuss this petition with his or her colleagues and return with a list of questions. Mr. Shea reported that Assemblyman Fred Thiele, Mr. Richard Amper (of the Long Island Pine Barrens Society and Vice Chair of the Advisory Committee), Mr. Kevin McDonald (of the Group for the South Fork) met with the Southampton Town Board last week regarding this petition and a proposal for Southampton Town to have the eastern portion of Southampton Town which adjoins the East Hampton Town border also included in the State pine barrens zone.*

Mr. Robert Wieboldt of the Long Island Builders Institute stated that the original pine barrens legislation was the result of a consensus among several interest groups, but that the current proposal to expand the pine barrens seems to be a project of a group of environmentalists. He stated that East Hampton Town has the right to petition, but that the sufficiency of the petition is open for discussion. He urged that it be tabled, stated that it was more than simply a ministerial action, and that the Pine Barrens Advisory Committee should be convened to consider the petition.

Mr. Amper then stated that he is eager to have agreement, that the Commission should consult with its attorneys, and that he is not willing to renegotiate the Pine Barrens Act.

Mr. Ralph Schiano of the South Fork Groundwater Task Force stated that the South Fork area is undergoing a development boom, that a record number of building permits have been issued, and he urged the Commission to move quickly on the petition.

East Hampton Supervisor Catherine Lester said that her Town takes the petition seriously, that boundaries can be delineated, and that the Town is anxious to become a member of the Commission. She urged the Commission to please expedite the processing of the petition.

Mr. Gaffney stated that the Commission takes the petition seriously. Mr. Amper stated that he will ask Mr. Michael LoGrande, Chair of the Advisory Committee, to convene a meeting of the Committee. Mr. McDonald urged the Commission to set a schedule for receiving comments from its members so that they can be discussed at the next Commission meeting. Mr. Gaffney stated that the questions are not yet final.

Mr. Cannuscio reported that the Southampton Town Board has received a presentation on the proposed expansion of the boundaries, but he feels that the Town does not yet have information. He reported that Assemblyman Thiele will be meeting with the Southampton Town Board on Friday.

Mr. Amper commented that the Commission has been a model of working out issues, and he expects the same process to apply to this issue.

Pine Barrens Credit Program

! Program status (not on the original agenda)

Summary: Mr. Rizzo reported the following totals for the Program to date:

<i>Town</i>	<i>Parcels</i>	<i>Acres</i>	<i>Credits Issued</i>	<i>Credits Redeemed</i>
<i>Brookhaven</i>	221	173.52	120.68	67.29
<i>Riverhead</i>	6	36.45	56.27	0
<i>Southampton</i>	53	36.72	12.40	4.92
<i>Total</i>	280	246.69	189.35	72.21

! DeRosa and Gibbons / Middle Island (Brookhaven) / new credit appeal (200-481-1-4.1,4.2): set hearing (8/3 decision deadline)

Summary: Mr. Rizzo distributed and discussed the attached materials outlining the appeals of Letters of Interpretation for two parcels (Suffolk County Tax Map numbers 200-481-1-4.1, 4.2) on the north side of East Bartlett Road, south of NYS Route 25 in Middle Island in Brookhaven Town. The decision deadline for these appeals is 8/3/99.

A motion was made by Mr. Shea and seconded by Mr. Villella to schedule a hearing on these appeals at 3:30 pm at the 7/21/99 Commission meeting. The motion was approved by a 5-0 vote.

Core Preservation Area

! Gazza / Westhampton (Southampton) / industrial building / hardship (materials

distributed 4/7)

Summary: Mr. Milazzo distributed the attached letter from Mr. Gazza re Suffolk County Tax Map parcel #900-311-1-23 re whether or not clearing had occurred on the parcel, and referencing the effects of fire upon the vegetation on the parcel. He also distributed the attached Letter of Interpretation which was issued for this parcel. No further discussion was held at this time.

Plan Implementation

- ! Wildfire Task Force: fire weather station status; results of 5/22 Air Ground Firefighting Awareness Day; 1999 NY Wildfire and Incident Management Academy

Summary: Mr. Corwin reported that the fire weather station, whose purchase the Commission authorized recently, has been delivered, installed, and tested. It is now operational at the Suffolk County Water Authority's County Road 51 wellfield and pump station. He stated that a demonstration of the station by the Fire Weather Station Subcommittee is scheduled for the next Commission meeting on 6/30/99.

He also reported that the 5/22/99 Air Ground Firefighting Awareness Day was quite successful, attracting over 100 volunteer firefighters and fire officials. The morning classroom sessions and static equipment displays were held at the NY Air National Guard's 106th Rescue Wing facility in Westhampton. The morning session featured talks by the Chair of the Wildfire Task Force; the Commander of the 106th Rescue Wing; the Facility Commander of the NY Army National Guard's Aviation Support Facility in Ronkonkoma; the Suffolk County Department of Fire, Rescue and Emergency Services staff; the New York State Forest Rangers; the Regional Representative of the NY State Emergency Management Office, and several other members of the Wildfire Task Force. A static display of the NY Air and Army National Guard units' helicopter firefighting equipment followed the talks, and a field demonstration of this equipment was held in the afternoon at the NYS DEC Sarnoff Preserve near Wildwood Lake in Southampton Town. Mr. Corwin also circulated a set of photographs from the event.

Mr. Corwin then distributed and summarized the attached survey letter from Mr. Charles Hamilton of the NYS DEC, who is also the Academy Coordinator for the Wildfire and Incident Management Academy. The survey was distributed to all potentially interested individuals regarding the selection of courses to be offered at the 1999 Academy. It has a return date of 6/15/99. Mr. Corwin noted that the 1999 Academy is scheduled to run from 10/22/99 through 10/31/99, and will be held at the Brookhaven National Laboratory in Upton, NY (the same location as the 1998 Academy).

Core Preservation Area

- ! Bilek / Calverton (Brookhaven) / single family residence / hardship: follow up to 5/19

hearing (record closes today)

Summary: Ms. Plunkett summarized this application for a core hardship for a single family home on the south side of Cedar Street, east of Pinehurst Boulevard, and north of Nugent Drive, in the Calverton area of Brookhaven Town. The public hearing was held on 5/19/99, and the hearing record closes today. The Commission's decision is due by 7/24/99.

A discussion ensued regarding the fact that the property was purchased after the effective date of the Pine Barrens Protection Act, and the relationship of this application to the 1997 hardship granted by the Commission to a project known as ProCorm / Westhampton.

It was noted that the Bilek / Calverton parcel is not on the roadfront exemption list. It was also noted that the ProCorm / Westhampton application involved an industrial site with a preexisting building and cleared area. Mr. Shea discussed the site details of the ProCorm project, and stated that restoration of a portion of the site was required. Mr. Cowen stated that he is bound by the portion of the statute which he feels is quite clear regarding the existence of a self created hardship, such as buying this property after the effective date of the Act. Mr. Richard Amper of the Long Island Pine Barrens Society observed that if the three pine barrens Towns believe that there are additional parcels which should be added to the roadfront exemption list for residential development, then the Society is not opposed to revising or adding to that list.

A motion was then made by Ms. Wiplush and seconded by Mr. Cowen to table the Bilek / Calverton application and to have Commission counsel look at Environmental Conservation Law (ECL) Section 57-0121(10)(a). A brief discussion ensued regarding the manner in which the Commission has applied this section in the past. The motion was then approved by a 5-0 vote.

Mr. Walter Olsen of the Civil property Rights Associates then stated that he has long believed that the roadfront exemption list was incomplete, and that the Towns should revise the list.

Ms. Roth observed that the revision of the roadfront list will require State Legislative approval. The Town representatives agreed that the Towns are willing to consider necessary revisions, and a brief discussion ensued regarding how to do this. A brief discussion was then held with Mr. Bilek, who was present, regarding the issues that were just discussed.

Mr. Gaffney left at this point, but a five member quorum remained.

- ! Preiser / Manorville (Brookhaven) / commercial site plan / determination of jurisdiction
Summary: Ms. Plunkett distributed and discussed the attached letter from Mr. Joseph Preiser requesting a determination of jurisdiction or a core hardship on an approximately one half acre parcel zoned J-2 Business on Ryerson Avenue,

north of the Long Island Railroad tracks, in Manorville in Brookhaven Town. She explained that the project being proposed involves building on the same footprint as a previous building on the site, for a commercial use. She also noted that it was similar in situation to a parcel across Ryerson Avenue from it, namely the D'Agostino parcel.

A discussion followed regarding the various provisions of ECL Section 57-0107(13) which detail what is, and what is not, considered "development" under the Pine Barrens Act. A discussion also ensued regarding the status of the various components of the proposal under the act, including parking. The Commission then instructed staff to forward a letter to Mr. Preiser stating that the proposed activity is not considered as development under the pine barrens law.

- ! Migliore / Middle Island (Brookhaven) / single family residence / hardship: continuation of 5/19 hearing
Summary: A separate stenographic transcript exists for this.
- ! Hampton Hills Country Club / Northampton (Southampton) / site plan / hardship
Summary: A separate stenographic transcript exists for this.
- ! Gazza / Westhampton (Southampton) / industrial building / hardship (materials distributed 4/7)
Summary: A separate stenographic transcript exists for this.

Mr. Dragotta left at this point, but a five member quorum remained.

Compatible Growth Area (CGA)

- ! Villas at Medford / Medford (Brookhaven) / site plan: follow up from 4/28 hearing
Summary: Mr. Chic Voorhis of Nelson, Pope & Voorhis was present to represent the project sponsor. The project involves the construction of a 66 unit multifamily residential complex on a 9.7 acre site zoned MF-1 (multifamily) on the east side of NYS Route 112, south of Granny Road, in Medford. The hardship application requests relief from the 65% CGA clearing standard. The Commission's public hearing was held on 4/28/99.

Ms. Plunkett distributed and discussed the attached staff report, draft negative declaration, correspondence from Nelson, Pope and Voorhis, and topographic map. She also summarized the details of both the proposed clearing and the proposed plantings.

The discussion then turned to the question of whether the site should have its own on site sewage treatment facility, or if it should be connected to a nearby existing facility. Specifically, the economic costs of an on site versus an off site facility were discussed; the project is currently slated for an on site system.

Further discussion ensued regarding the amount, type and location of the

existing vegetation, the location of the proposed clearing envelope, the ration of two story to one story units, the location and configuration of the buildings and parking, and the sewage treatment approach. It was agreed that the Commission staff could provide recommendations for revising the landscape plan.

A motion was then made by Ms. Wiplush to (1) issue a negative declaration for this project and (2) to approve the CGA hardship subject to the mitigation as set forth by Commission staff. There was no second, and the motion was not approved. In the discussion that followed, Mr. Cowen suggested that this project be held until the next meeting in order to have the actual revised landscape plan, rather than delegate it to the staff. That was agreed.

The meeting ended at approximately 5:43 pm.

Attachments (in order of discussion):

1. Attendance list (2 pages)
2. Speaker list (1 page)
3. Draft meeting schedule through early January 2000 (undated; 1 page)
4. Inscription on Mr. Grecco's plaque (6/9/99; 1 page)
5. Copy of ECL 57-0125 (undated; 1 page)
6. East Hampton Town Board resolution (5/21/99; 3 pages)
7. Letter from Assemblyman Thiele re East Hampton petition (6/1/99; 4 pages)
8. Credit appeals from Mr. DeRosa and Mr. Gibbons (miscellaneous dates; 8 pages)
9. Letter from Mr. Gazza re SCTM #900-311-1-23 (5/30/99; 1 page)
10. Letter of Interpretation for SCTM #900-311-1-23 (5/27/99; 4 pages)
11. 1999 Wildfire and Incident Management Academy survey (5/17/99; 5 pages)
12. Letter from Mr. Preiser re SCTM #200-410-2-2 (5/14/99; 1 page)
13. Staff report, neg dec, and other material re Villas at Medford (misc dates; 7 pages)

Commission Meeting Summary (FINAL)
for Wednesday, June 30, 1999 (Approved 7/21/99)
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

Vincent G. Vilella
Member

Commission members present: Mr. Proios (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven; Mr. Girandola voting unless otherwise noted), Mr. Vilella (for Riverhead), Mr. Cannuscio and Mr. Shea (for Southampton; Mr. Cannuscio voting when present) 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, Mr. Milazzo, Ms. Jakobsen, and Mr. Rizzo (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation), Capt. Conklin (from the NYS Forest Rangers, Co-Vice Chair of the Wildfire Task Force, and member of the Law Enforcement Council), Mr. Urevich (from the Southampton Town Fire Chiefs Council and Co-Vice Chair of the Wildfire Task Force), Mr. Martinez (from the Suffolk County Fire Marshal's Office and member of the Law Enforcement Council and the Wildfire Task Force), and Mr. Altorfer (from the Suffolk County Water Authority). Additional attendees are shown on the attached sign-in sheet.

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

Public Comment

Summary: The first speaker was Ms. Audrey Paini, a resident and property owner in Yaphank. She stated that she and her husband purchased a home in a development in the pine barrens Compatible Growth Area, and since then an adjoining property of approximately 70 acres has been extensively cleared.

She reported that she had contacted Brookhaven Town officials in February of this year regarding both the clearing and other activities on the site, and that she learned that there has not been any site plan approved by the Town. She reported that she spoke with Mr. Glenn Murphy of the Town Attorney's Office, and that he said that the Town is taking the property owner, Mr. Robert Liere, to court regarding the activity. Ms. Paini raised the issue of what will prevent further clearing of the property.

Ms. Paini also stated that she and her husband have been threatened over their opposition to the activities on the adjoining

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parcel. She stated that she is civic minded, and referred to the disappearance of wildlife in the area. She hopes to get someone involved to help. She stated that the noise level is high, that activity continues for long hours, and that this is a matter of right and wrong. She stated that her husband and the local fire chief have been shot at.

She stated that State officials inspected the site, and that the Town and State officials are each stating that the other must act. She provided the attached news article re the property.

Mr. Girandola stated that he referred the original complaint to the Town Attorney's Office when he first received it, that the site does not have a site plan or a tree clearing permit, and that he cannot further comment on it since the matter is in litigation.

Mr. Richard Amper of the Long Island Pine Barrens Society then stated that if the site is in violation of the Pine Barrens Protection Act, then the Commission should take action. He also stated that enforcement of the Act and Plan may require an amendment to the Act.

A discussion then ensued regarding the complaint, the remedies available, which agencies have been or should be investigating the matter, further details regarding the site, principals, and government actions, including the obtaining of a temporary restraining order from a judge, which was later overturned by an appeals court judge.

The second speaker was Mr. Richard Amper of the Long Island Pine Barrens Society. First, he encouraged the Commission to endorse the acquisition of the Elias Property along the Carmans River in the Brookhaven-Shirley area. He stated that Supervisor Grucci's support of this proposed acquisition has been outstanding, and that the Commission's support would be very helpful.

Second, he urged the Commission to expedite the processing of East Hampton Town's petition to join the Commission. He stated that he feels that the situation is clear cut and that East Hampton Town is entitled to opt into the Commission and Plan.

The third speaker was Mr. Ralph Schiano, representing the South Fork Groundwater Task Force. He stated that he is eager to have East Hampton Town included in the Commission.

The fourth speaker was Mr. Joseph Gazza, who inquired as to whether he should speak now on his development application pending before the Commission. It was agreed that he could address this matter later in the meeting.

Administrative

- ! Summaries for 2/3 and 4/28 (faxed): review, approval
Summary: A motion was made by Mr. Shea and seconded by Mr. Girandola to approve the 2/3/99 meeting summary as final. The motion was approved by a 5-0 vote.

A motion was made by Mr. Shea and seconded by Mr. Cowen to approve the 4/28/99 meeting summary as final. The motion was approved by a 5-0 vote.

- ! Presentation of award to Tim Hopkins upon the occasion of his departure from SC Water Authority
Summary: Mr. Proios presented Mr. Hopkins with a plaque (a copy of the inscription is attached), thanking him for his contribution to both the Pine Barrens Commission in general, and the Pine Barrens Credit Program in particular.

- ! Petition from East Hampton Town requesting inclusion in Commission: continuation of 6/9 discussion
Summary: Mr. Corwin distributed the attached news articles regarding the East Hampton Town petition to join the Commission, and the possible inclusion of part of the eastern portion of Southampton Town within the Central Pine Barrens zone.

Mr. Cannuscio and Mr. Shea then made a brief presentation on the latter question, displaying a map of part of the Southampton Town area east of the Shinnecock Canal, and distributing the attached statistical summary entitled "Town of Southampton Peconic Watershed Areas Targeted by Community Preservation Fund and Suffolk County Greenways". The sheet lists parcel counts and acreage subtotals for 13 categories of properties, and Mr. Shea went through a brief description of each.

Mr. Cannuscio then presented the attached memo summarizing a Southampton Town Board vote earlier today on the question of extending the Central Pine Barrens zone in Southampton Town's eastern area. The vote was 3-2 against the proposal. He then explained that the Town feels that the necessary protection measures can be accomplished locally.

Mr. Walter Olsen (of the Civil Property Rights Associates) asked about the southern half of the South Fork moraine, which was absent from the map used in the presentation. Mr. Shea explained that area has also been addressed by the Town in separate documents and studies. Mr. Proios asked about the distinction between OS1 and OS2 in the statistical table, and Mr. Shea explained that OS1 are critical acquisition areas. Mr. Amper of the Long Island Pine Barrens Society stated that the Southampton presentation is interesting, but does not respond to the East Hampton petition to the Commission.

Mr. Vilella stated that the Riverhead Town Board would like to hear from the East Hampton Town Board at a Riverhead work session. Mr. Proios raised the question of who would draft the new boundaries, Ms. Wiplush suggested that the

Commission counsel look further into the matter, and Mr. Rigano suggested that he be directed to meet with the East Hampton Town attorney to discuss the "opt in" proposal in detail. Mr. Amper then stated that all of this is ministerial work, and should not hold up action of the original petition.

Mr. Proios endorsed Mr. Rigano's suggestion, but stated that Mr. Rigano should be given a list of specific concerns and issues prior to his meeting. It was agreed that Mr. Rigano will meet with East Hampton officials prior to the next Commission meeting, and that Commissioners with issues for him to discuss should fax them to him next week.

Mr. Cannuscio left at this time, but a five member quorum remained.

Compatible Growth Area

- ! GB Realty / Ridge (Brookhaven) / site plan / hardship (materials distributed 5/19)
Summary: A separate stenographic transcript exists for this.

Public Comment

Summary: Ms. Wiplush presented follow up comments for the record on the discussion held earlier in the meeting regarding Ms. Paine's complaint regarding the Yaphank property clearing. Ms. Wiplush reported that Brookhaven Town had obtained a temporary restraining order from a State Supreme Court judge preventing any further land clearing on the parcel. She explained that the order was later lifted by an appeals court judge. Mr. Proios then asked whether that decision could not also be appealed, and a brief discussion ensued regarding the feasibility and logistics of such an action.

Pine Barrens Credit Program

- ! Schmelzer / Manorville (Brookhaven) / credit appeal: decision (hearing held 4/28; decision postponed on 5/19 until today)
Summary: Mr. Rigano summarized the facts of the appeal, explaining that 5.28 Pine Barrens Credits were offered through a Letter of Interpretation, that the parcel is approximately 2,780 feet from a road, and is without legal access. A brief discussion ensued, in which it was decided that the draft decision will not be accepted by the Commission. Rather, **a motion was made by Mr. Cowen and seconded by Mr. Girandola to not increase the Pine Barrens Credit allocation to the Schmelzer / Manorville property. In a brief discussion on the motion, Mr. Proios noted that the applicant has not provided any credible evidence why the credit allocation should be increased or the development yield factors changed. The motion was then approved by a 4-1 vote, with the dissenting vote cast by Mr. Villella.**

Mr. Schmelzer then asked whether the Commission has the map of old roads that he had provided to the Commission. The staff explained that they did not have it with them, but that they would return it. Mr. Schmelzer then stated that he does have legal access, that the property has been rezoned over the years from 2 acre to 5 acre lots, and that he has paid over \$5,400 in taxes on the parcel. He asked whether the Commissioners would pay taxes on it if it were worthless. Mr. Proios explained that the Commission has made a decision, and Mr. Schmelzer stated that the Commission made a decision without talking to him. He stated that today was supposed to be a continuation of the hearing. The Commission and staff stated that the hearing had already closed, and that today's discussion was for the purpose of making a decision on the appeal.

Plan Implementation

- ! Wildfire Task Force: fire weather station presentation (*members of the Weather Station Subcommittee*)
Summary: Mr. Urevich, Capt. Conklin, and Mr. Altorfer then discussed and demonstrated the fire weather station which the Commission previously purchased. Mr. Urevich introduced and listed the Fire Weather Station Subcommittee members, and thanked the Commission and the Suffolk County Water Authority (SCWA) for their financial, technical, and logistic support of the project. He explained that the station was installed at the SCWA's County Road 51 (Riverhead-Moriches Road) wellfield and pump station. The station is the same brand as (Forest Technology Systems), and compatible with, the station at the Wertheim National Wildlife Refuge in Shirley.

Capt. Conklin and Mr. Altorfer then demonstrated the physical and software components of the station (see attached materials), discussed the data which is monitored (e.g., temperature, relative humidity, fuel moisture, etc.), showed some of the tabular and graphic outputs of the system, and discussed the use of the data in calculating a fire danger rating.

Mr. Urevich and Capt. Conklin left at this point.

Pine Barrens Credit Program

- ! Long Island Country Club / Eastport (Brookhaven) / credit application: approval of easement
Summary: Mr. Rizzo explained that the Commission would need to approve the proposed (and attached) draft easement for this property in Eastport, which consists of a mix of land use and recreational activities. A discussion ensued regarding the need for greater specificity within the easement as to the exact locations and current extent of these uses, in order to be able to ascertain compliance with the easement in the future. It was then agreed that the applicant needs to provide map based documentation, possibly in the form of a survey, and that the staff will contact the applicant to request such

documentation.

Core Preservation Area

- ! Bilek / Calverton (Brookhaven) / single family residence / hardship: counsel's legal review (follow up to 5/19 hearing & 6/9 discussion)
Summary: Mr. Rigano suggested that the Commission delay this until executive session, in order to receive legal advice from counsel. That was agreed.

- ! Migliore / Middle Island (Brookhaven) / single family residence / hardship: discussion (6/9 hearing; record closes today)
Summary: Ms. Wiplush submitted copies of deeds and other materials pertaining to this property and application, both for inclusion in the hearing record and for the Commission to examine prior to making a decision. A brief discussion ensued regarding the exact nature of the information which may be pertinent. It was agreed that the Commission staff will mail these materials to the other Commission members prior to the next meeting.

- ! Gazza / Westhampton (Southampton) / industrial building / hardship: discussion (follow up to 6/9 hearing)
Summary: Mr. Joseph Gazza, the project sponsor and property owner, spoke about his application, and then asked when the Commission will make a decision on the Bilek / Calverton application. Mr. Gazza explained that he would like to know the Bilek / Calverton decision prior to the Commission making a decision on his application, since he felt that the two shared important characteristics.

He also spoke about the similarities that he felt were present in the Commission's prior decision on the ProCorm / Westhampton core hardship application, which is adjacent to his current project site, and which is on property that Mr. Gazza stated he originally owned. Mr. Gazza also presented the attached letter requesting guidance from the Commission and describing alternative actions that he might take with respect to this application.

- ! Elias / Brookhaven (Brookhaven) / adjacent to core: possible resolution of support for acquisition by US Fish and Wildlife Service
Summary: Mr. Corwin distributed and described the attached materials pertaining to an approximately 19 acre assemblage of parcels on the east side of the Carmans River, in the vicinity of the Brookhaven and Shirley hamlets in Brookhaven Town. He explained that the property has been proposed for acquisition, and that, in particular, the U.S. Fish and Wildlife Service is interested in adding the property to the Wertheim National Wildlife Refuge. He explained that the Refuge Director, Ms. Patricia Martinkovic, has asked the Commission to consider endorsing the acquisition of the property by the U.S. Fish and Wildlife Service (USFWS).

A discussion ensued regarding this, and Mr. Cowen stated that he wants to see a specific proposal from the USFWS regarding how the acquisition would be

funded, and that any such vote should be on just such a specific proposal. It was also noted during the discussion that there should also be a written request from the USFWS for such an endorsement, so that the Commission is not intruding on another party's business. Mr Corwin stated that he would speak with the Refuge staff regarding these points.

Compatible Growth Area

- ! Villas at Medford / Medford (Brookhaven) / site plan: revised landscape plan; decision (4/28 hearing; 6/9 discussion)
*Summary: Ms. Plunkett reported that the required landscape plan modifications had been made as requested at the 6/9/99 Commission meeting. **A motion was then made by Ms. Wiplush and seconded by Mr. Cowen to issue a negative declaration under the State Environmental Quality review Act for the Villas at Medford application. The motion was approved by a 5-0 vote.***

A second motion was then made by Ms. Wiplush and seconded by Mr. Vilella to approve the Compatible Growth Area hardship application of the Villas at Medford as modified by the revised site plan. The motion was approved by a 5-0 vote.

Mr. Corwin left at this point.

Closed Advisory Session

- Summary: **A motion was made by Mr. Girandola and seconded by Mr. Shea to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 5-0 vote, and the Commission entered into closed session from approximately 5:36 pm to 6:40 pm.***

Core Preservation Area

- ! Bilek / Calverton (Brookhaven) / single family residence / hardship: continuation of discussion earlier in meeting
*Summary: **A motion was made by Mr. Cowen and seconded by Mr. Shea to deny the Bilek / Calverton core area hardship application based upon the existence of a self created hardship. The motion was approved by a 5-0 vote.***
- ! Gazza / Westhampton (Southampton) / industrial building / hardship: continuation of discussion earlier in meeting
Summary: Mr. Gazza withdrew his application without prejudice at this point.

Adjournment

Summary: A motion was made by Mr. Shea and seconded by Mr. Proios to adjourn the meeting. The motion was approved by a 5-0 vote. The meeting ended at approximately 6:50 pm.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. News article re Yaphank site (5/?/99; 1 page)
4. Copy of Timothy Hopkins plaque inscription (6/30/99; 1 page)
5. Various news articles re Pine Barrens expansion (miscellaneous dates; 8 pages)
6. Town of Southampton Peconic Watershed Areas chart (undated; 1 page)
7. Memo to Commission from Mr. Cannuscio re Town Board vote (6/30/99; 1 page)
8. Fire weather station components and sample graphs (undated; 3 pages)
9. Memo re proposed LI Country Club easement (6/29/99; 3 pages)
10. Letter re hardship application for SCTM #900-311-1-23 (6/30/99; 1 page)
11. Maps and documents re the Elias Property (miscellaneous dates; 14 pages)



**CENTRAL
PINE
BARRENS**

**JOINT
PLANNING
&
POLICY
COMMISSION**

Robert J. Gaffney
Chair

Felix J. Grucci, Jr.
Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
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**Commission Meeting Summary (FINAL)
for Wednesday, July 21, 1999 (Approved 11/10/99)
Riverhead Town Hall
East Main Street and Howell Avenue; Riverhead, NY
2:00 pm**

Commission members present: Mr. Proios (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven; Mr. Girandola voting unless otherwise noted), Mr. Vilella (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 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 2:14 pm by Mr. Proios, with a five member quorum.

Public Comment

Summary: The first speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. He expressed dismay at the lack of progress by the Commission on the Town of East Hampton's petition to join the Commission. He also expressed dismay at the Town of Southampton resolution to not petition the Commission to have the eastern part of the Town added to the Central Pine Barrens.

The second speaker was Mr. Ralph Schiano, representing the South Fork Groundwater Task Force. He explained that the Task Force is a not for profit, 501(c)(3) organization dedicated to protecting the South Fork aquifer from misuse. He noted that they have established an office and staff, and noted the contributions of Ms. Julie Penny and Assemblyman Fred Thiele, Jr. in promoting the extension of the Pine Barrens Protection Act to the South Fork. He stated that now is the time to move forward with the extension, and requested that he receive all of the Commission's draft agendas and meeting notices. He also noted that the recent Southampton Town Board vote to not seek an extension of the Pine Barrens Protection Act was a straw vote, and not a formal vote.

The third speaker was Mr. John DeCuevas, representing himself.

He stated that he is a long time resident of the East Hampton and Amagansett areas, and that long term protection of the groundwater resource is the most important thing that the Commission can do.

The fourth speaker was Ms. Sue Avedon, representing herself. She described herself as a long time resident, and complained about runaway development and the need to stop it. She stated that the pine barrens legislation is the vehicle with which to do that, and that, if there is a snafu with the extension, then it must be moved along. She stated that she is looking to the Commission to do this work.

The fifth speaker was Mr. Arthur Kaliski, representing himself. He noted that the last pine barrens meeting he attended was the signing of the Plan, and that he is a past Chair and President of the Long Island Chapter of the Sierra Club. He stated that the Commission is here today because citizens forced government into action. He stated that Southampton and East Hampton have been unable to protect groundwater, that a part of the Suffolk County sales tax is to be used for protecting drinking water, and that a part of the groundwater resource is still not protected. He stated that there are many other people concerned about this who could not be here today.

The sixth speaker was Mr. Peter Danowski, an attorney representing Mr. Olin Warner, whose property is the subject of an agenda item today. He stated that he would wait until later in the agenda to speak.

The seventh speaker was Ms. Gloria Rubino, representing herself. She stated that she is scared and frustrated re the groundwater issue. She referred to recent water restrictions on Shelter Island due to the drought, to the lack of water restrictions on golf courses, to the issue of urban sprawl, and to a visit by an organic farmer to her property to discuss plantings.

The eighth speaker was Mr. George Rubino, representing himself. He stated that he has been an East Hampton resident for 37 years, that saving drinking water and protecting land is why we are here today, and that shouldn't have to be the case. He urged the Commission to extend the pine barrens area to the South Fork.

The ninth speaker was Mr. Walter Olsen, President of Civil Property Rights Associates. First, he stated that he wanted to comment at the last Commission meeting regarding the Commission's treatment of Mr. Schmelzer's credit allocation appeal. Mr. Olsen stated that the Commission has a duty to look at each credit appeal on a case by case basis, and to treat everyone fairly. He stated that Mr. Schmelzer was only looking for one additional credit, and asked if that was correct. Mr. Rizzo responded that the sought after increase was 1.4 credits. Mr. Olsen then stated that the Commission could preserve more land if they were more generous with the allocation of credits, and that the Commission made a big mistake by not doing so in this case. He feels that Mr. Schmelzer is in a unique position, that the Commission erred in finding that there is no access

to the property, that the County and other parties have bought the surrounding properties, and that the County should be brought to task. He stated that the Commission should use more latitude and thereby accomplish more.

Second, he noted a recent discussion regarding a Core Area parcel which had been purchased after the effective date of the Pine Barrens Act. He noted that the discussion on that led to a discussion of possibly updating and expanding the current roadfront exemption list. Mr. Olsen stated that he would like to be involved in reviewing any revised list, especially in Southampton. He also stated that he hoped that the hardship provision will remain, even if the law is updated.

Administrative

- ! Executive Summary of Water Quality Monitoring Program for Pesticides: discussion (not on the original agenda)

Summary: Mr. Proios explained that the pesticide groundwater survey being undertaken by the State and County resulted in a report last week, and that he will leave an executive summary with the Commission staff (attached). He briefly discussed the status of additional funding to increase the number of sample points. He noted that there are five different committees regarding runoff, pesticides, farms, etc.

- ! Peconic Estuary Program Comprehensive Assessment and Management Plan: discussion (not on the original agenda)

Summary: Mr. Proios also noted that the Peconic Estuary Program, run by the Suffolk County Health Department's Office of Ecology, has completed a Draft Comprehensive Conservation and Management Plan, and that hearings on the Draft Plan are being held in several locations in the upcoming weeks.

Core Preservation Area

- ! Wildlife Rescue Center of the Hamptons / Hampton Bays (Southampton) / wildlife rehabilitation center: determination of jurisdiction (not on the original agenda)
Summary: Mr. Proios reported that the Suffolk County Council on Environmental Quality (CEQ) has discussed the proposed Wildlife Rescue Center to be located at the Munn's Pond buildings within Sears Bellows County Park, along Montauk Highway in Hampton Bays. (Center brochure is attached.)

Ms. Virginia Frati, the Executive Director of the Center, was present and explained that the Center would take calls regarding injured wildlife, arrange for rehabilitation, treat animals at the site, and release them when they are ready. She estimated that they receive 20-25 calls per day from the general public.

Mr. Jim Hunter, Vice President of the Center was also present, and described the physical changes that would be made, including renovation of the buildings, construction of aviaries and mammal and raptor caging, and a diving duck

facility. It was noted that there would be no clearing, and that the project is at least 100 feet from the wetland.

Mr. Rigano reported that he has reviewed the statute and the project, and that it is consistent with the statute and he believes that it is not development, as per Environmental Conservation Law 57-0107(13)(i). A brief discussion ensued regarding the Environmental Assessment Form (EAF) that the Center had submitted, and several minor corrections that would be needed to it. The EAF had been prepared by the Center for submission to the Suffolk County CEQ, and was not required by the Commission.

The Commission agreed with Mr. Rigano's finding, and instructed the staff to issue a letter to that effect. Mr. Cowen then noted some of the discrepancies that should be corrected in the EAF.

Administrative

- ! Summaries for 5/19, 6/9, 6/30: review, approval (faxed)

Summary: One change was suggested to the 5/19/99 draft summary: Under "Hampton Hills Country Club", the first paragraph's second and third sentences should be omitted. **A motion was then made by Mr. Cowen and seconded by Mr. Murphree to approve the summary of the 5/19/99 Commission meeting with that change. The motion was approved by a 5-0 vote.**

A motion was made by Mr. Cowen and seconded by Mr. Vilella to approve the summary of the 6/9/99 Commission meeting as written. The motion was approved by a 5-0 vote.

One change was suggested to the 6/30/99 draft summary: Under "Schmelzer / Manorville", the first paragraph's first sentence should be omitted. **A motion was then made by Mr. Cowen and seconded by Mr. Vilella to approve the summary of the 6/30/99 Commission meeting with that change. The motion was approved by a 5-0 vote.**

- ! Petition of East Hampton Town to join Commission: report on meeting with East Hampton officials

Summary: Mr. Rigano reported that, as per the Commission's instructions at the last meeting, he contacted the East Hampton Town Attorney regarding a meeting to discuss this matter. They agreed on a date of 7/20/99 (yesterday) at which Mr. Rigano was to have met with the Town Board at the same time, but the meeting was postponed due to the expected absence of two board members. The new date is 8/31/99.

- ! Proposed revision of Suffolk County Nature Preserve Handbook: discussion (not on the original agenda)

Summary: Mr. Proios reported that the Suffolk County Nature Preserve

Handbook is being examined for possible revisions by the Suffolk County CEQ, pursuant to Suffolk County Legislative Resolution 638-1999 (attached). He explained that the *Handbook* requires that a site specific plan, called a Site Survey and Management Report, be developed for nature preserve properties. He also observed that the previous pine barrens *Plan* development discussions regarding the distinctions between active and passive recreational uses are pertinent to the current *Handbook* revision discussions.

- ! Introduction of new NYS DEC Regional Attorney (not on the original agenda)
Summary: Mr. Cowen introduced Ms. Karen Murphy, the new NYS DEC Region 1 Regional Attorney.

Pine Barrens Credit Program

- ! Long Island Country Club / Eastport (Brookhaven) / credit application: easement status (continued from 6/30)
Summary: A discussion ensued regarding the Club's application for Pine Barrens Credits on the portion of its property within Brookhaven Town (its property is split by the Brookhaven-Southampton town line. Mr. Rizzo distributed the attached packet of materials. Mr. Selleck, the property manager for the Club was present and participated in the discussion.

Specifically, the discussion centered upon the best means for recording the current site conditions (clearings, structures, uses, etc), and both hand-annotated aerial photographs as well as a formal survey were mentioned. Discussion also included the language that would go into the easement to describe those conditions, and which would permit the necessary field maintenance, expansions, etc. over the years to come.

It was agreed that aerial photographs would be the best and most economical solution, and the principal question would then be the best time of year to have then taken in order to show the necessary features. That will be looked into by Mr. Selleck, in consultation with the staff and Commission.

- ! DeRosa and Gibbons / Middle Island (Brookhaven) / credit appeal hearing (materials distributed 6/9; decision deadline is 8/3)
Summary: A separate stenographic transcript exists for this. (Also see attached letter withdrawing the credit appeal.)

Plan Implementation

- ! Wildfire Task Force: recommendation to add Suffolk County Police Department Arson Squad and Suffolk County Fire Academy as members (from 6/30 Task Force meeting)
Summary: **A motion was made by Mr. Cowen and seconded by Mr. Villella to approve the addition of these two organizations as members of the**

Wildfire Task Force. The motion was approved by a 5-0 vote.

Captain Conklin also reported that the 1999 Wildfire and Incident Management Academy will be held in October.

- ! Law Enforcement and Protected Land Council: resolution endorsing proposed Suffolk County Local Law regarding dumping in Central Pine Barrens (*materials to be distributed*)

Summary: The attached Suffolk County Legislature Introductory Resolution 1751-1999 (attached and previously distributed) was discussed. It provides enhanced penalties for dumping within the Central Pine Barrens. Also distributed and discussed was the attached memo from Mr. Proios suggesting several changes to the resolution, as well as the 7/6/99 resolution of support from the Protected Lands Council.

A discussion ensued regarding the provisions of the proposed county law, the mechanisms available for enforcement, and the coordination of jurisdictions which could enforce the law. A motion was then made by Mr. Cowen and seconded by Mr. Villella to endorse the proposed legislation with the changes noted on the attached copy. A discussion ensued regarding the above issues. The motion was eventually approved by a 5-0 vote.

Core Preservation Area

- ! Migliore / Middle Island (Brookhaven) / single family residence / hardship: decision (6/9 hearing; record closed 6/30)
Summary: A motion was made by Mr. Girandola and seconded by Mr. Murphree to deny this hardship application. Ms. Wiplush read a statement on behalf of Brookhaven Town stating that the application had failed to satisfy the pine barrens statute's hardship criteria, that the parcel was not different than the surrounding parcels, and that the applicant had failed to demonstrate that the parcel had no other beneficial use. The statement also observed that the parcel is in its natural state, and is adjacent to Suffolk County Parkland.

Mr. Cowen stated that he has the opposite view, that the hearing record supports granting the hardship, and that the information presented by the Town is not compelling. Mr. Girandola stated that this parcel is a perfect example of what the pine barrens statute is all about. The motion was then approved by a 3-2 vote, with the dissenting votes cast by Mr. Cowen and Mr. Villella.

- ! Warner / Calverton (Riverhead) / subdivision: determination of jurisdiction
Summary: Ms. Plunkett distributed written materials pertaining to the property owned by Mr. Warner which is currently covered by a Pine Barrens Credit Program easement, including the language of the easement and a 4/8/98 letter

from Mr. Corwin re the deliberations of the Commission at its 4/1/98 meeting regarding the proposed subdivision and its consistency with the existing conservation easement. Mr. Danowski, attorney for Mr. Warner, reviewed the history of the parcel, including the current application to subdivide the parcel. He stated that the easement would continue to apply to the new parcels.

A discussion ensued regarding the reason for the subdivision, the need to ensure that the new parcels would be covered by the easement, and the status of the subdivision under the pine barrens statute's "development" definition. Mr. Rigano then stated that the subdivision would not be "development" under the pine barrens law, and the Commission agreed. It was further agreed that the staff and counsel will research what will need to be done to assure that the easement is associated with the new parcels.

- ! Gazza / Westhampton (Southampton) / industrial building / hardship: acceptance of withdrawal (from 6/30 meeting)
Summary: Ms. Jakobsen distributed the attached withdrawal letter, and **a motion was made by Mr. Cowen and seconded by Mr. Girandola to accept the attached withdrawal. The motion was approved by a 5-0 vote.**

Compatible Growth Area

- ! GB Realty / Ridge (Brookhaven) / site plan / hardship: follow up to 6/30 hearing (8/20/99 decision deadline)
Summary: The hearing transcripts were distributed, and Ms. Plunkett summarized the status of this parcel and application. The proposed clearing exceeds the Compatible Growth Area clearing standard (i.e., it would occupy 78% of the 7.2 acre parcel), and the applicant proposes to compensate for this by the donation of a separate, noncontiguous 1.56 acre parcel to Brookhaven Town. The applicant has argued that this will meet the clearing standard. A discussion ensued regarding the site plan for the subject parcel, the status of other parcels nearby owned by the applicant, the proposed donation parcel, and the application of the use variance criteria for the Compatible Growth Area hardships. Further discussion of this matter was delayed until after the closed advisory session for legal advice.

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 5-0 vote.**

Compatible Growth Area (CGA)

- ! GB Realty / Ridge (Brookhaven) / site plan / hardship: follow up to 6/30 hearing

(8/20/99 decision deadline)

Summary: A motion was made by Mr. Cowen and seconded by Mr. Murphree to perform an uncoordinated review of the GB Realty application, and to issue a negative declaration under the State Environmental Quality Review Act. The motion was approved by a 5-0 vote.

A motion was then made by Mr. Cowen and seconded by Mr. Villella to approve the GB Realty CGA hardship application subject to staff review of a landscape plan for the site which includes revegetation, and based upon the Commission's determination that the use variance criteria required by the CGA hardship has been met. The motion was approved by a 5-0 vote.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Executive Summary of Water Quality Monitoring Program (June 1999; 10 pages)
4. Wildlife Rescue Center brochure (undated; 2 pages)
5. SC Legislature Res #638-1999 re Nature Preserve Handbook (7/14/99; 2 pages)
6. LI Wyandanch Club (LI Country Club) materials (miscellaneous dates; 10 pages)
7. Letter withdrawing DeRosa and Gibbons credit appeal (7/20/99; 1 page)
8. SC Legislature Introductory Resolution 1751-1999 re dumping (6/29/99; 7 pages)
9. Memo from G. Proios suggesting changes to draft dumping law (7/14/99; 1 page)
10. Protected Lands Council resolution re dumping law (7/6/99; 1 page)
11. Letter from Mr. Corwin re Warner conservation easement (4/8/98; 1 page)
12. Letter from Mr. Gazza withdrawing hardship application (7/8/99; 1 page)

Commission Meeting Summary (FINAL)
for Wednesday, September 1, 1999 (Approved 12/8/99)
Riverhead Town Hall, Town Board Meeting Room
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

Vincent G. Vilella
Member

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Commission members present: Mr. Proios (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven; Mr. Girandola voting), Mr. Vilella (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. Plunkett, Ms. Jakobsen, 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 five member quorum.

Public Comment

Summary: The first speaker was Mr. Ralph Schiano, President of the South Fork Groundwater Task Force. He complimented Mr. Rigano and Mr. Corwin on their presentation yesterday (8/31/99) to the East Hampton Town Board regarding the Town's interest in joining the Pine Barrens Commission. He also commented that the Southampton Town Board passed a resolution last Friday (8/27/99) requesting that the Commission form an advisory committee to look into the issues involved in the extension of the pine barrens zone and law to the South Fork Pine Barrens, and also referred to Southampton Town's prior resolution requesting the inclusion of eastern Southampton in the pine barrens. Mr. Shea promised to have a copy of the 8/27/99 resolution forwarded to the Commission.

The second speaker was Mr. Richard Amper, Executive Director of the Long Island Pine Barrens Society. He also spoke briefly on yesterday's meeting with the East Hampton Town Board. He commented that Mr. Rigano had pointed out several key provisions of the pine barrens law and Plan, and that the ensuing discussion was fruitful in letting the Board members understand what the Town must do to be a part of the Commission.

Administrative

! Petition to add East Hampton Town: report on meetings; discussion

Summary: Mr. Corwin distributed Section 57-0125 of the pine barrens law, as well as the 5/21/99 East Hampton resolution and the 8/10/99 Southampton resolution requesting extension of the pine barrens zone (attached). Also distributed was a letter (attached) from Mr. Stephen Jones of the Suffolk County Planning Department, in which he offered the professional assistance of the County Planning Department in the preparation of a South Fork Pine Barrens Plan. Mr. Rigano then discussed the presentations that he and Mr. Corwin made yesterday at East Hampton, including the types of questions and answers which were exchanged. He noted that Assemblyman Fred Thiele was present yesterday, and also spoke with the Town Board.

Topics discussed yesterday included: need definition of Core Preservation and Compatible Growth Areas; the Pine Barrens Credit Program's structure and functioning, including the allocation and use of Credits and the definition of receiving areas; definition of Critical Resource Areas; the current jurisdiction and review procedures of the Commission; the environmental impact analysis of any new Plan or additions to it; the existing land uses and planning and zoning areas in the Town; the participation of the East Hampton Supervisor on the Commission if the pine barrens law is amended; the Town's concerns with implementing a transfer of development rights program for the South Fork Pine Barrens; the membership and work of the stewardship councils; the availability of Town staff to both work on the planning effort and to later implement any resulting plan; and other topics. He noted that the suggestion was made that the East Hampton Supervisor begin meeting regularly with the Commission to discuss the South Fork planning process.

Mr. Robert Wieboldt, Executive Director of the Long Island Builders Institute, was present at today's meeting and suggested that a draft document stating the issues to be studied be produced, in order to permit everyone to react to something tangible.

The Commission then entered into a discussion as to whether there should be a new regional planning entity or whether the South Fork Pine Barrens should be incorporated into the existing Commission; whether East Hampton would participate in all Commission votes, or only those affecting the South Fork area; the lack of any existing Commission authority to regulate land use east of the Shinnecock Canal; the offer by Suffolk County Planning to assist with the South Fork planning work (see attached letter); the role of acquisition on the South Fork; the involvement of the Advisory Committee; and how the planning work would be carried out, including the involvement of the Commission in any such work. It was then agreed that the Commission may return to this agenda item later in the meeting, once it has received legal advice from counsel during an advisory session.

Pine Barrens Credit Program

! 7/27, 8/26 Clearinghouse meetings: results

- ! 8/26 Credit auction: results
- ! Southampton Town reverse auction of Credits: status
- ! Brookhaven Credit initiative: status

Summary: With respect to the 7/27/99 Clearinghouse Board meeting, Mr. Rizzo reported that the Clearinghouse approved the holding of a reverse auction for Credits in the Westhampton Beach and Remsenburg School Districts, with two builders participating. Together, they are seeking a total of 20 Credits. The contracts have been drafted and forwarded to the two builders.

At the same meeting, the Board approved the spending of up to \$1 million of the Clearinghouse's funds to purchase Credits from Brookhaven landowners and Credit holders. This initiative will involve owners and Credit holders to specify the price that they wish to receive for their Credits, similar to the reverse auction process. A brief discussion ensued regarding this offer.

Also at the same meeting, the Board scheduled an auction for their 8/26/99 meeting. At the 8/26 meeting, ten Brookhaven Credits and four Riverhead Credits, all owned by the Clearinghouse, were sold for a total of \$314,000. The high prices for the Credits were \$40,000 per Credit in Brookhaven and \$17,000 per Credit in Riverhead. (Press release and auction summary are attached.)

- ! Migliore / Middle Island / new credit appeal: discussion; possible scheduling of hearing

*Summary: Mr. Rizzo distributed the attached letter from Mr. Dominic Nicolazzi, representing the Migliore brothers who wish to appeal their Credit allocation for the noted parcels on East Bartlett Road in Middle Island in Brookhaven. The letter seeks permission to file an appeal of the Credit allocation despite the passage of the appeal deadline. The Commission agreed to accept the appeal, and **a motion was made by Mr. Cowen and seconded by Mr. Villella to schedule a public hearing on the Migliore credit appeal on 9/22/99 at 4:00 pm at the Commission meeting that day. The motion was approved by a 5-0 vote.***

Plan Implementation

- ! 1999 Pine Barrens Research Forum: current program

Summary: Mr. Corwin briefly described the current program for the 10/14-15/99 Forum, to be held at the Brookhaven national Laboratory (10/14 conference session) and the Wertheim National Wildlife refuge (10/15 field trip).

- ! Wildfire Task Force: status of 1999 Academy; modification to Commission resolution re Academy Board

Summary: Mr. Corwin summarized the courses, registration, and overall status of the 1999 Wildfire and Incident management Academy, to be held from 10/22 through 10/31/99 at the Brookhaven National Laboratory.

He also noted that the Academy Board has requested a modification to the

Commission's resolution establishing the Academy (originally passed 4/7/99 and modified 5/19/99). The requested change would provide that an additional member of the Academy Board be appointed in the event that one of the current Board members holds two qualifying positions for Board membership. This is currently the case with Capt. Conklin, who is both a Co-Vice Chair of the Wildfire Task Force as well as the Incident Commander for the Wildfire and Incident management Academy.

Mr. Corwin distributed the attached draft recommendation, and a brief discussion followed regarding some additional changes. The final set of changes are shown on the attached copy of the Commission resolution establishing the Academy (both the initial draft and the final version agreed to today are attached). **A motion was then made by Mr. Shea and seconded by Mr. Proios to amend the Commission resolution establishing the Wildfire and Incident Management Academy as shown on the attached version. A discussion then ensued regarding how often the membership of the Board would be likely to change, and the desire of the Commission to approve the designation of any new member. Mr. Villella then made a motion to amend the original resolution to include the handwritten changes to the original draft (see attached), and that was seconded by Mr. Cowen. The two motions were approved by a 5-0 vote.**

! Law Enforcement Council: current projects

Summary: Mr. Corwin reported that the Law Enforcement Council's airlift of abandoned vehicles from Fisher's Island to Orient Point County Park, originally started on the weekend of 7/24-25/99, will continue on 9/11/99. He also passed around photographs from the July weekend.

Core Preservation Area

! Gazza / Westhampton / new boundary change request: discussion

Summary: Ms. Jakobsen distributed the attached letter from Mr. Joseph Gazza, requesting a change in the core boundary in the vicinity of property that he owns on the west side of County Road 31, opposite Suffolk County's Gabreski Airport. A brief discussion of the request ensued, touching upon the current development and land use pattern in that area, the prior applications and permits for properties in the immediate vicinity, and the existing core area residential roadfront exemption list. It was noted that the core area roadfront list does not include the subject property, and that the list is for residential home construction purposes.

A motion was then made by Mr. Cowen and seconded by Mr. Girandola to schedule a public hearing on the Gazza / core boundary change request for 4:00 pm at the Commission meeting on 10/13/99. The motion was approved by a 5-0 vote.

- ! Update of core area roadfront parcel exemption list: discussion (*not on the original agenda*)

Summary: *A brief discussion ensued regarding the Commission's desire to have the Towns suggest changes to the core area roadfront exemption list, possibly including nonresidential property. After a brief discussion, **a motion was made by Mr. Cowen and seconded by Mr. Shea to request the three pine barrens towns to review and suggest any necessary modifications to the core area roadfront exemption list. The motion was approved by a 5-0 vote.** The Commission instructed the staff to forward a request to the three Town Supervisors to request such an update.*

Compatible Growth Area

- ! American Tissue Corporation / Yaphank (Brookhaven): SEQR Coordination response

Summary: *Ms. Plunkett distributed the attached State Environmental Quality Review Act lead agency coordination letter, site plan application, and Full Environmental Assessment Form which the Commission received from Brookhaven Town for the proposed American Tissue Corporation manufacturing facility. The project is proposed for an 80 acre parcel on the north side of the Long Island Expressway, west of County Road 101, in Yaphank in Brookhaven Town. She noted that the project appears to be a Development of Regional Significance under the Pine Barrens Plan, based upon the size of the proposed project. The response deadline for the coordination agency is 9/3/99. Ms. Plunkett noted that there appears to be an error or inconsistency in the tax map parcel numbers noted in the cover letter.*

Mr. Girandola stated that the project is supported by the Town's Industrial Development Agency. A brief discussion followed regarding the application process for a Development of Regional Significance (DRS). It was agreed that a letter would be sent stating that the Commission does not object to the Town Planning Board assuming lead agency status, but noting that the project requires an application to the Commission as a DRS.

Closed Advisory Session

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

Pine Barrens Credit Program

- ! Schmelzer / Manorville (Brookhaven) / Credit allocation appeal: adoption of written decision (*not on the original agenda*)

Summary: A motion was made by Mr. Cowen and seconded by Mr. Shea to adopt the attached written decision for the Schmelzer / Manorville credit appeal originally decided on 6/30/99. The motion was approved by a 4-1 vote, with the dissenting vote cast by Mr. Villella.

Administrative

! Petition to add East Hampton Town: continuation of prior discussion

Summary: The Commission resumed this discussion commenced earlier today by focusing upon the criteria which the Commission might specify, pursuant to Environmental Conservation Law 57-0125, in response to the East Hampton petition to join the Commission. It was agreed that Mr. Rigano would compile a list of suggested criteria for the Commission's consideration at its next meeting. A brief discussion followed regarding some of the steps that might be involved in satisfying these criteria, possible actions by the State Legislature, the differences under the pine barrens law between the Southampton and East Hampton requests, possible means by which a consensus could be achieved among interested parties on the steps to be taken, and the actions that are needed once the Commission issues the required criteria.

Adjournment

Summary: The meeting was adjourned at approximately 5:26 pm without a formal motion of adjournment.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Miscellaneous materials re South Fork Pine Barrens (misc. dates; 6 pages)
4. Letter from Mr. Jones of the SC Planning Dept. (8/19/99; 3 pages)
5. Press release and results of Pine Barrens Credit auction (8/26/99; 3 pages)
6. Letter appealing the Migliore credit allocation (8/16/99; 1 page)
7. Changes to resolution establishing Academy (draft and final) (9/1/99; 4 pages)
8. Letter from Mr. Gazza requesting core boundary change (8/25/99; 1 page)
9. American Tissue Corp. Materials from Brookhaven Town (8/4/99; 17 pages)
10. Decision on Schmelzer / Manorville credit appeal (9/1/99; 6 pages)

Commission Meeting Summary (FINAL)
for Wednesday, September 22, 1999 (Approved 12/8/99)
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

Vincent G. Vilella
Member

Commission members present: Mr. Proios and Mr. Dragotta (for Suffolk County; Mr. Proios voting when present), Ms. Wiplush (for Brookhaven), Mr. Cannuscio (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 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), and East Hampton Town Supervisor Catherine Lester. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:00 pm by Mr. Proios, with a four member quorum.

Public Comment

Summary: *There were no speakers at this time.*

Compatible Growth Area (CGA)

! Eastport - South Manor School District / Manorville / High School project: determination of jurisdiction (*materials were mailed*)
Summary: *Ms. Jakobsen distributed the attached letter from the Eastport - South Manor School District re their plan to construct a 348,000 square foot junior high school complex on a 76.1 acre site east of Dayton Avenue and south of Country Club Drive in Manorville in Brookhaven Town. Also present for the discussion were Mr. Frank Carasiti, the District Superintendent; Mr. Roger Smith of Burton, Beherendt & Smith, the consultants for the District; and Ms. Theresa Elkowitz of Freudenthal & Elkowitz Consulting Group, also working on this project.*

The site is currently zoned A2 Residence, and consists of 30 acres owned by the District, and 46.1 acres to be donated by Brookhaven Town. The site is estimated by the District to be approximately 95% wooded, and the District believes that the proposed clearing will comply with the Pine Barrens Plan's CGA clearance standard of 65%. The District also believes that the

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project is not defined as “development” since it would constitute a public improvement, similar to the Commission’s 11/18/98 determination that the construction of a school complex in Rocky Point was not defined as “development” under the state pine barrens law. It was also noted that the construction of such school facilities is not subject to Town site plan review, but is subject to permitting and environmental reviews by the NY State Education Department.

Mr. Carasiti explained that the District was formed as result of specific state legislation, and stated that the District’s student population is growing quickly, that there is no room left in the existing facilities, and that the situation is critical. Ms. Elkowitz spoke about the site plan details.

A general discussion then followed regarding the amount and location of the clearing; the disposal of sanitary wastes; whether the clearing and site plan details incorporate the proposed athletic fields; whether the project is consistent or complies with the goals and objectives of the pine barrens law; the specific points of discussion on the prior, unrelated Rocky Point School District project (including septic wastes, among other points; see attached copy of that resolution which was distributed); the placement and role of the uncleared areas as buffers; and the distinctions between the goals stated within the statute and those guidelines and standards which are part of the Plan produced pursuant to the statute. The attached “consistency analysis” prepared by Ms. Elkowitz’ firm was also discussed.

A motion was then made by Mr. Cowen and seconded by Mr. Cannuscio to find that the project proposed by the Eastport - South Manor School District for the 76.1 acre site discussed here today is not “development” as defined by the state pine barrens law as it is a public improvement consistent with the goals of the pine barrens law (Environmental Conservation Law 57-0107(13)(i)) and it is entirely within the Compatible Growth Area, to which the statute calls for development to be redirected. The motion was approved by a 4-0 vote.

Pine Barrens Credit Program

! Southampton Town reverse auction of Credits: status

Summary: Mr. Rizzo reported that the written materials were forwarded to landowners on 9/15/99. He also explained that those landowners wishing to participate but who do not yet have a Letter of Interpretation (LOI) for their parcel have until 10/8/99 to submit an LOI application. Submittal forms for the actual reverse auction process are due from all participating landowners by 11/30/99. He also noted that this auction is focusing upon the Remsenburg - Speonk and Westhampton Beach School Districts.

! Brookhaven Credit initiative: status

Summary: Mr. Rizzo stated that a letter will be mailed to all Brookhaven core

area landowners in the next three weeks, and that no deadlines for responses have been established yet.

Administrative

- ! South Fork Pine Barrens: report of counsel re criteria for response to East Hampton petition; general status
Summary: Mr. Corwin distributed copies of the 8/27/99 Southampton Town Board resolution requesting the formation of an advisory committee to examine the question of expanding the pine barrens law to cover the South Fork Pine Barrens. The resolution also calls specifically for the formation of a Legal Subcommittee of that group. Mr. Rigano also distributed copies of the attached draft criteria for review by the Commissioners, and discussed the items individually. They include such tasks as the definition of a core and compatible growth area, the amending of the pine barrens law, adoption of the Plan by the towns, definition of receiving areas for Pine Barrens Credits, preparation of a generic environmental impact statement, etc. A discussion ensued regarding the draft criteria, with the changes noted on the attached copy. It was agreed that no action would be taken today, and that the draft document would be taken back for further discussion within the towns.

Mr. Cowen stated that the pine barrens law must be amended before the proposed expansions and changes can be accomplished. He explained that he has prepared a draft resolution (attached) for review prior to the next meeting. Mr. Cannuscio agreed with Mr. Cowen that the law must be amended prior to any expansion occurring. Ms. Lester stated that she would like to have these items reviewed by her town officials as well. A brief discussion then ensued regarding the possibility of a separate commission being formed to oversee the South Fork Pine Barrens effort, as well as the possibility of utilizing the existing Pine Barrens Advisory Committee to assist with this topic.

Plan Implementation

- ! Wildfire and Incident Management Academy: status of 1999 Academy; recommendation for additional Board member and designation as Assistant Secretary (memo faxed)
Summary: Capt. Conklin reported that there are approximately 25 persons registered for the Academy at this time, and that there will be two classes on basic wildland firefighting.

Mr. Corwin then distributed the attached 9/16/99 memo regarding the recommendation of the Academy Board to add Mr. John Searing to the Board. He would permit the Board to resume its full five person size. **A motion was then made by Mr. Cowen and seconded by Mr. Cannuscio to appoint Mr. John Searing as a member of the Wildfire and Incident Management Academy Board, and to further appoint Mr. Searing as an Assistant**

Secretary of the Commission. The motion was approved by a 4-0 vote.

- ! Law Enforcement Council: results of 9/11 vehicle airlift
Summary: Capt. Conklin reported that 11 vehicles were airlifted by the Council agencies from Fishers Island to Orient Point on 9/11/99, and that they were then brought to a recycling center. The airlift is part of a project begun in July at the request of Southold Town to the Council.

He also reported that the off road vehicle sting operations have been resumed following the summer, with four having been held so far. Citations have been issued to those caught riding illegally.

- ! Fire danger ratings: status (not on the original agenda)
Summary: Capt. Conklin also reported that the fire danger has been low, but is now beginning to climb again. He expects a number of prescriptions for controlled burns to be implemented in the next few weeks.

- ! 10/14-15 Pine Barrens Research Forum: final program
Summary: Mr. Corwin distributed the attached brochure, and reported that approximately 1,000 copies have been mailed or otherwise distributed.

Capt. Conklin and Supervisor Lester left at this point.

Core Preservation Area

- ! BJ Heavy Equipment / Calverton: determination of jurisdiction
Summary: Ms. Jakobsen distributed and discussed the attached letter regarding a proposed project on a 4.19 acre parcel on the east side of Line Road, south of the former Grumman site, in Calverton in Riverhead Town. The site is currently zoned Natural Resource Protection (NRP), and contains an existing activity, heavy equipment repair, which appears to be nonconforming with current zoning. The proposed new activity, sand and gravel screening, would be carried on by a new owner who would buy the site contingent upon getting the necessary permissions. The question is whether the new activity is exempt from the pine barrens act, and, specifically, whether it is a change in use.

The ensuing discussion touched upon the allowable uses in the NRP zone; the four acre minimum lot size of that zone; the definition of "development" in the pine barrens law, especially section 57-0107(13)(b); whether the new use would be a change in allowable uses within the zone, or would be a change to a use not included in the current zone; and the need for clarification from Riverhead officials (who were not present).

It was then agreed that a letter would be sent to Riverhead Town requesting clarification re the current and proposed uses under the zoning code, and that counsel would look into the status of these activities under the definition of "development".

- ! Albertson Realty / Calverton / in vessel composting facility: determination of jurisdiction

Summary: Ms. Jakobsen distributed and discussed the attached letter from Mr. John McNulty of McNulty - Spiess, attorneys representing a client who wishes to construct an indoor, closed vessel composting facility on a parcel in Calverton, in Brookhaven Town (Suffolk County Tax Map number 200-300-1-4). The parcel is located on the south side of County Road 94 (Nugent Drive), east of the Long Island Expressway Exit 71, and west of Pinehurst Boulevard.

The parcel currently contains, in part, a now-defunct asphalt manufacturing facility which has been the focus of several environmental enforcement operations and court cases. The site is cleared with a number of existing structures. A discussion ensued regarding the proposed composting operation; whether the operation would require a core hardship permit (i.e., whether it is "development" under the pine barrens law); and the current state and previous uses of the site. It was agreed that this will be held until the next Commission meeting, pending counsel's review.

Compatible Growth Area (CGA)

- ! Suffolk County Greenways site / Eastport: determination of jurisdiction

Summary: Ms. Jakobsen distributed and discussed the attached letter from Ms. Gordon of Suffolk County Parks re Suffolk County Tax Map parcels 200-593-1-9 and 10, located north of Sunrise Highway, and east of Eastport Manor Road, in Eastport, in Brookhaven Town.

The County is considering purchasing the parcel under the new Greenways Program for land acquisition, and specifically under the active recreation component of the program. The site is approximately 57.1 acres, is currently zoned A2 Residence, is currently used for a sod farm with one existing building, and is being considered for use as a soccer field.

The soccer field use would involve parking, a bathroom facility, and possibly a concession. The letter asks whether the Commission needs to review the project. It was agreed that the matter will be held until the next Commission meeting, with counsel looking at it during the interim period.

- ! Medford Villas / Medford / site plan: change in previously approved site plan (not on the original agenda)

Summary: Ms. Wiplush explained that this project, previously approved by the Commission as a CGA hardship application, has recently been examined by the NYS Department of Transportation, which has requested that the site plan be modified to move the driveway approximately 50 feet further south. Since the Commission's approval referenced a specific site plan, that approval would have to be modified as well. After a brief discussion, **a motion was made by Ms. Wiplush and seconded by Mr. Cannuscio to modify the prior Commission approval of the Medford Villas / Medford CGA hardship application to**

permit the driveway to be moved approximately 50 feet to the south of the original location on the site plan which the Commission referenced. The motion was approved by a 4-0 vote.

Closed Advisory Session

Summary: A motion was made by Mr. Cowen and seconded by Mr. Cannuscio 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. The Commission entered into closed session from approximately 3:40 pm to 4:00 pm.

Pine Barrens Credit Program

! Migliore / Middle Island / credit appeal: hearing (10/16/99 decision deadline)
Summary: A separate stenographic transcript exists for this.

Attachments (in order of discussion):

1. Attendance list (2 pages)
2. Speaker list (1 page)
3. Letter from Ms. Elkowitz re Eastport - South Manor SD project (9/9/99; 12 pages)
4. Partial site plan for Eastport - South Manor SD project (undated; 1 page)
5. Final Commission resolution re Rocky Point SD project (11/18/98; 1 page)
6. Draft criteria for the South Fork Pine Barrens expansion (undated; 1 page)
7. Draft resolution re the South Fork Pine Barrens (undated; 1 page)
8. Press release re 1999 Wildfire & Incident Management Academy (9/13/99; 2 pages)
9. Memo from Mr. Corwin re recommendation of Academy Board (9/16/99; 1 page)
10. 1999 Pine Barrens Research Forum brochure (undated; 2 pages)
11. Letter from Mr. Buckman of BJ Heavy Equipment (9/16/99; 6 pages)
12. Letter from Mr. McNulty re closed vessel composting project (9/14/99; 4 pages)
13. Letter from Ms. Gordon re Suffolk County Greenways site (9/14/99; 1 page)

Commission Meeting Summary (FINAL)
for Wednesday, October 13, 1999 (Approved 1/5/00)
Park Police and Pine Barrens Center,
Southaven County Park
Victory Avenue, Yaphank, NY
2:00 pm



Commission members present: Mr. Proios (for Suffolk County), Ms. Wiplush (for Brookhaven), Mr. Hanley (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, and Mr. Rizzo (from the Commission). 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

Vincent G. Vilella
Member

The meeting was called to order at approximately 2:08 pm by Mr. Proios, with a four member quorum consisting of Mr. Proios, Ms. Wiplush, Mr. Shea, and Mr. Cowen.

Public Comment

Summary: *There were no speakers at this time.*

Administrative

- ! 11/10 and 12/8 upcoming meetings: overview and changes
Summary: *Mr. Corwin explained that the 11/10/99 and 12/8/99 meeting locations were being changed to the Commission office.*

- ! Technical amendment to Commission - Suffolk County Water Authority (SCWA) agreement: discussion, possible approval
Summary: *Mr. Corwin distributed the attached draft of an amendment to the existing agreement between the Commission and the SCWA. He explained that the agreement explicitly allows the receipt and disbursement of funds relating to the Wildfire and Incident Management Academy, which will be held for the second year later this month. Mr. Rigano stated that counsel has reviewed this and recommends that it be approved. The amendment will also have to be approved by the Board of the SCWA. **A motion was then made by Mr. Cowen and seconded by Mr. Shea to approve the amendment 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.** Mr. Corwin will request Mr. Gaffney to sign the amendment, since he*

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signed the original agreement.

- ! South Fork Pine Barrens: response to 9/22 discussion re criteria
Summary: Mr. Rigano reported that he has not received any comments on the draft criteria which he distributed to the Commission at the last meeting. Mr. Shea reported that Mr. Cannuscio generally supports the criteria, and that the Town Attorney's office will contact Mr. Rigano to discuss the matter.

Mr. Proios reported that he spoke to Mr. Michael LoGrande, the Chair of the Central Pine Barrens Advisory Committee, and that Mr. LoGrande would like a resolution from the Commission in order to convene the Advisory Committee to discuss this issue. A brief discussion ensued regarding the issuance of a Commission resolution, and it was then agreed that this topic would be held until later in this meeting.

Pine Barrens Credit Program

- ! Southampton Town reverse auction of Credits: status
Summary: Mr. Rizzo reported that approximately 60 Letter of Interpretation (LOI) applications have been received from Southampton Town core landowners who are interested in participating in the reverse auction. There was a 10/8/99 deadline for those applications, which are necessary in order for landowners who had not yet received an LOI to participate in the reverse auction.

There is also a deadline of 11/30/99 for all Southampton Town LOI holders (both new and previous recipients of LOIs) to submit a "transmittal form". The transmittal form contains the individual landowners desired price per credit that they wish to receive. This reverse auction has a per credit price range of \$17,500 to \$20,000.

- ! Brookhaven Credit initiative: status
Summary: Mr. Rizzo explained that no mailings have been made as yet for this Clearinghouse initiative to purchase \$1,000,000 worth of Brookhaven credits. This initiative will be discussed at the Clearinghouse's 10/19/99 meeting.

- ! Passing of Mr. Jack Hanley (not on the original agenda)
Summary: Mr. Corwin explained that Mr. Jack Hanley, the Riverhead Town representative to the Clearinghouse Board of Advisors until early this year, recently passed away after a long illness. Mr. Corwin noted that he will be requesting the Commission and the Clearinghouse to consider an appropriate commemoration of his service to the pine barrens effort, perhaps a plaque. The Commission agreed that this would be appropriate.

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

Plan Implementation

! Pine Barrens Research Forum: status

Summary: Mr. Corwin briefly discussed the final details for this year's Pine Barrens Research Forum, the fourth year for the Forum. It will be held tomorrow and Friday (10/14 and 10/15), with the main conference being held the first day at Brookhaven National Laboratory and a field session being held on Friday morning at the Wertheim National Wildlife Refuge.

! Wildfire and Incident Management Academy: status

Summary: Mr. Corwin and Ms. Jakobsen briefly summarized the status of the Academy, which will be held for the second year from 10/22 through 10/31 at Brookhaven National Laboratory. There are currently approximately 80 registrants, and special evening seminars (not courses) scheduled for three of the evenings.

Core Preservation Area

! BJ Heavy Equipment / Calverton / determination of jurisdiction: follow up from 9/22 meeting

Summary: Ms. Jakobsen described the status of this proposal, which involves a change from a heavy equipment repair facility to a sand and gravel screening operation on a 4.2 acre site. The site is in the Riverhead Town portion of the hamlet of Calverton, and the site is currently zoned NRP (Natural Resource Protection).

A letter of inquiry has been sent to the Town requesting a clarification as to whether the proposed activity change would constitute a change in use under the Town zoning code. That determination was requested by the Commission at its previous meeting.

During a brief discussion, Mr. Cowen and Mr. Rigano expressed the opinion that the proposal is development, and that a core hardship application is required. Mr. Hanley explained that the Town staff is examining the project at this time. It was then agreed that a hardship application is required for this project.

! Long Island Power Authority / Southampton Town / determination of jurisdiction (both Core Preservation and Compatible Growth Areas)

Summary: Ms. Jakobsen distributed and discussed the attached letter from Mr. William Davidson, Director of Government Relations for the Long Island Power Authority (LIPA), regarding a proposed new transmission line. The line would be approximately 22.5 miles in length within Southampton Town, from LIPA's Riverhead Substation to its Southampton Substation. Also distributed and discussed was the attached copy of a longer LIPA document describing the project further.

It was estimated that approximately 45% of the proposed line would be within the

Core Preservation Area, 5% would be in the Compatible Growth Area, and the remaining 50% would be outside of the Central Pine Barrens (specifically, to the east of the easternmost extent of the Central Pine Barrens).

Mr. Davidson was present and addressed several issues, including: the increase in electricity usage on the South Fork, which has exceeded the expected demand by up to 25% recently; the rated capacity of the existing transmission lines - approximately 69 kilovolts - and the acceptable range of a 10% deviation from this rating which assures that the system is not in jeopardy of becoming unstable; the drop this summer of the current system to 62 kv; the design features of the system when the demand becomes excessive, including the shedding of electric loads; the conservation measures that were requested from major customers this past summer; the lack of enough major customers on the South Fork to make this approach always effective; the use of emergency generators; the increase in building permits on the South Fork; the need for more generator capacity there; and the need for a solution to be in place before the Summer of 2000.

Also discussed were the alternative routes that LIPA and KeySpan considered when formulating the current transmission line proposal; the specific route that is involved in the current plan; the costs involved; the number of easements that will be required under each alternative; the current application to the Public Service Commission; the Commission's review and comment periods; and the desired construction start date of 3/31/00 in order to be prepared for the Summer 2000 demand by 7/1/00.

A discussion then ensued regarding the type of trenching to be used; the specifications of the electric cable to be utilized; and the equipment and operating area required by it.

Mr. Cowen stated that he does not feel that this project is already exempt; that he would like to see more details; and that the Pine Barrens Commission should have received this proposal earlier in order for the final project to be better designed with respect to the Commission's statute and the Plan. Mr. Proios stated that he felt that this is also a water quality issue, insofar as the project may involve the use of herbicides. Ms. Wiplush stated that the Commission needs a legal opinion from its counsel. A brief discussion then followed regarding the specific wetland areas that the project would, or may, impact or touch.

Mr. Walter Olsen, a representative of Civil Property Rights Associates, asked whether it would be feasible for the current lines of overhead transmission line towers to be abandoned in the future in favor of burying cables. Mr. Davidson then commented briefly upon the cost of such an undertaking, as well as the differences in maintenance between overhead and underground transmission lines.

Compatible Growth Area

- ! Suffolk County Greenways site / Eastport / determination of jurisdiction: follow up from 9/22 meeting

Summary: Ms. Jakobsen described this previously discussed proposal by Suffolk County to purchase a 50 acre site west of Eastport Road in Eastport, Brookhaven Town. The parcels involved are Suffolk County Tax Map parcels 200-593-1-9 and 10. The County intends to use the site for a soccer field complex under the active recreation component of the County's Greenways Program. The parcel currently is cleared with a sod farm, and the new use would involve playing field, parking area, rest rooms, and possibly a concession area.

The discussion then centered upon the definition of "development" under the pine barrens law, the fact that the site is cleared, its location within the Compatible Growth Area, and the size of the site in relation to the amount of septic waste that is likely to be discharged there. There was also a brief discussion as to whether the project would require a site plan review by the Town, or whether that would not apply because the project sponsor is a governmental entity.

Mr. Rigano then stated, and the Commission concurred, that the proposal as described does not constitute development under the pine barrens law, specifically citing section 57-0107(13)(i) of the statute. A letter will be forwarded to the Suffolk County Parks Department stating this determination.

- ! American Tissue / Yaphank / draft scoping outline: discussion (materials mailed; comment deadline is 10/20/99)

Summary: Ms. Plunkett and Ms. Jakobsen summarized this previously introduced industrial site plan to be located on the north side of the Long Island Expressway in Yaphank in Brookhaven Town. The project qualifies as a Development of Regional Significance under the Pine Barrens Plan, based upon its square footage.

They noted that the draft scoping outline for this project was previously mailed to the Commissioners, and that there is a 10/20/99 deadline for receipt of comments on that by the Town. They requested that Commissioners forward their comments on this to the staff for compilation and forwarding to the Town. Mr. Cowen gave the Commission staff written comments from his staff for inclusion in the Commission's letter.

Administrative

- ! South Fork Pine Barrens: response to 9/22 discussion re criteria

Summary: A brief discussion occurred regarding the draft resolution that had been previously distributed. Ms. Wiplush requested that the Commission hold off on acting on any resolution until the next Commission meeting. That was

agreed, and the matter will be placed on the next meeting's agenda.

Mr. Gaffney arrived at this point.

Plan Implementation

- ! Presentation of award to Commission Chair by the NYS Division of Military and Naval Affairs

Summary: Col. Frank P. Intini, Facility Commander of the New York Army National Guard's Aviation Support Facility #1 in Ronkonkoma and a member of the Law Enforcement Council, made a presentation to Mr. Gaffney on behalf of the NY State Division of Military and Naval Affairs. He noted that the new statewide GuardHELP program was born here in Suffolk County, and was specifically based upon the support of Mr. Gaffney, as County Executive and Commission Chair, and the Pine Barrens Law Enforcement Council. He also noted that the work of the Guard and the Council here in Suffolk County has prompted questions from the National Guard Bureau and the Secretary of Defense, and stated that the active component of the Army has also begun to emulate the local program.

He then read the inscription on the plaque that he presented to Mr. Gaffney. Mr. Gaffney spoke about the contribution of the Guard in Suffolk County in both emergency and non-emergency situations, and thanked Col. Intini for his participation on the Council.

This item was followed by a short break, after which Mr. Gaffney left.

Core Preservation Area

- ! Gazza / Westhampton / boundary change request: hearing
Summary: A separate stenographic transcript exists for this.

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 a closed session from approximately 4:53 pm to 5:47 pm.

The meeting was then adjourned without a resolution to that effect.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)

3. Draft amendment to Commission-SCWA agreement (undated; 3 pages)
4. Letter from Mr. Davidson re LIPA transmission line (10/7/99; 3 pages)
5. LIPA Summer 2000 Needs (undated; 20 pages)

Commission Meeting Summary (FINAL)
for Wednesday, October 20, 1999 (Approved 11/10/99)
Commission Office
3525 Sunrise Highway, 2nd Floor
Great River, NY
8:30 am



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

Robert J. Gaffney
Chair

Felix J. Grucci, Jr.
Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
Member

Vincent G. Vilella
Member

Commission members present: Mr. Proios (for Suffolk County), Ms. Wiplush (for Brookhaven), 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, and Mr. Milazzo (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation), and Dr. Davies (from the Suffolk County Planning Department). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 8:56 am by Mr. Proios, with a four member quorum.

1. Public Comment

Summary: *There were no speakers.*

2. Administrative

- ! South Fork Pine Barrens: possible resolution re East Hampton and Southampton proposed additions to Pine Barrens area (*draft resolution faxed*)

Summary: *Mr. Rigano went through the attached draft resolution re the South Fork Pine Barrens Planning process, which was faxed to the Commissioners on 10/18/99. Several changes were made to the language, as noted on the hand-annotations. One of the changes included breaking the draft resolution into two separate resolutions, one to start the planning process and one to establish criteria in response to the recent petition to the Commission pursuant to Environmental Conservation Law (ECL) Article 57-0125.*

A motion was then made by Mr. Cowen and seconded by Ms. Wiplush to approve the attached and hand-annotated copy of the draft resolution re the South Fork Pine Barrens planning process, without the original attachment establishing "criteria" in satisfaction of ECL 57-0125.

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<http://pb.state.ny.us>

A discussion then ensued regarding an alternative resolution that Southampton Town submitted yesterday. Mr. Shea explained that the alternative resolution was the result of a meeting among Southampton officials yesterday morning. Mr. Shea noted that the Town feels that the South Fork plan needs to be different than the current Central Pine Barrens plan, and include more options and planning tools. He further noted that the alternative resolution does not specifically refer to Core Preservation or Compatible Growth Areas for the South Fork, and also proposes attached criteria that are less restrictive than those in the original draft resolution. He also reported that the Town feels that amendments are needed to ECL 57, and that the Advisory Committee should be convened to help in the planning process.

A discussion then ensued regarding the provisions of ECL 57-0125 and the two options contained therein for the East End Towns which are not already part of the Commission, with Mr. Cowen and Ms. Wiplush agreeing that, if the intent of Southampton and East Hampton Towns is to conduct this new initiative under the auspices of the Commission, then the original resolution is not negotiable.

Mr. Shea explained that the Commission should be a part of any South Fork pine barrens initiative, and that the new planning effort has to recognize the differences between the Central Pine Barrens and the South Fork. He cited as an example the difference in the opportunities that exist for the use of Pine Barrens Credits between the two areas. Mr. Cowen explained that he agrees with much of what Mr. Shea has stated, but that, in order to be part of the Commission, the original resolutions are the only appropriate action for the Commission to take at this time.

A brief discussion then ensued regarding specific language that the original resolution regarding the planning process contains, especially regarding the areas to be delineated. Mr Cowen then asked for the vote to be called, and Mr. Proios did so.

The motion was approved by a 3-1-0 vote, with the dissenting vote cast by Mr. Shea.

Discussion then turned towards another resolution adopting the criteria for the participation of East Hampton Town in the Commission, and the inclusion of additional pine barrens land areas within Southampton Town east of the Shinnecock Canal.

A motion was made by Ms. Wiplush and seconded by Mr. Cowen to approve that resolution, with the omission of the first line (which originally identified it as an "attachment" to the first resolution). The motion was approved by a 3-1-0 vote, with the dissenting vote cast by Mr. Shea.

Mr. Corwin then asked whether the first resolution included an official request to convene the Pine Barrens Advisory Committee, and it was agreed that it did. A brief discussion then followed regarding the invitation of additional groups to attend that meeting as non-members of the Committee, representing the interests that have been promoting the establishment of a South Fork Pine Barrens region. It was agreed that those additional invitees would be compiled from several sources, including the Southampton Town Board resolution requesting the formation of a separate South Fork pine barrens advisory group.

! Adjournment

Summary: **A motion was made by Mr. Cowen and seconded by Ms. Wiplush to adjourn the meeting. The motion was approved by a 4-0 vote, and the meeting ended at approximately 9:44 am.**

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Draft Resolution re South Fork Pine Barrens (10/18/99; 5 pages)
4. Hand-annotated copy of portion of same resolution (10/20/99; 4 pages)
5. Southampton Town alternative resolution (10/19/99; 4 pages)
6. Final resolution commencing South Fork planning process (10/20/99; 2 pages)
7. Final resolution establishing criteria (10/20/99; 2 pages)

Commission Meeting Summary (FINAL)
for Wednesday, November 10, 1999 (Approved 12/8/99)
Pine Barrens Commission Office
3525 Sunrise Highway, Great River, NY
2:00 pm



Robert J. Gaffney
Chair

Felix J. Grucci, Jr.
Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
Member

Vincent G. Vilella
Member

Commission members present: Mr. Proios (for Suffolk County), Ms. Wiplush (for Brookhaven), 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, Mr. Rizzo, and Ms. Carter (from the Commission), Mr. LoGrande (of the Suffolk County Water Authority - SCWA - and Chair of the Advisory Committee), Mr. Spitz (from the NYS Department of Environmental Conservation), Capt. Conklin (from the NYS Forest Rangers, Co-Vice Chair of the Wildfire Task Force, and member of the Law Enforcement Council), Mr. Urevich (Co-Vice Chair of the Wildfire Task Force), Capt. Otterstedt (of the NYS Environmental Conservation Police and Vice Chair of the Law Enforcement Council), Commissioner Frank (of the Suffolk County Parks Department and Co-Chair of the Protected Lands Council), and Mr. Hamilton (of the NYS Department of Environmental Conservation and Co-Chair of the Protected Lands Council). 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 only three members initially present (and therefore without a quorum), consisting of Mr. Proios, Mr. Cowen, and Ms. Wiplush.

Plan Implementation: Presentation and Special Reports

- ! Wildfire Task Force, Fire Weather Subcommittee:** presentation of Certificates of Appreciation to Suffolk County Water Authority Staff assisting with the Eastport fire weather station (*John Urevich, Fire Weather Committee Chair*)
Summary: Mr. Urevich explained the use of the fire weather station purchased by the Commission and located at the Suffolk County Water Authority's Riverhead - Moriches Road (CR 51) well field, and thanked Mr. Michael LoGrande, Chairman and Chief Executive Officer of the SCWA, for his agency's support. Mr. Urevich noted the contributions of the Board of Directors of the SCWA, the work crews, and the administrative staff in obtaining and installing the station.

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He explained that the readings from the station are used in conjunction with those from the U.S. Fish and Wildlife Service's fire weather station at the Wertheim Refuge in order to produce a daily fire danger rating for the Suffolk County Department of Fire, Rescue and Emergency Services. He then presented Certificates of Appreciation to the SCWA Board (accepted by Mr. LoGrande), and those individuals listed on the attached copies of the Certificates.

Mr. Shea arrived at this point, and a four member quorum was present for the remainder of the meeting. Mr. LoGrande and the SCWA staff receiving Certificates left at this point.

- ! Wildfire and Incident Management Academy:** results *(Mr. Charles Hamilton, and Capt. Robert Conklin, NYS DEC)*
Summary: *Mr. Hamilton and Capt. Conklin summarized the activities of this year's Academy, which was held from 10/22 through 10/31/99 at the Brookhaven National Laboratory. Cosponsoring, local agencies included the NYS DEC; the State Emergency Management Office; the Laboratory; the Suffolk County Department of Fire, Rescue, and Emergency Services; the Suffolk County Fire Training Academy; The Nature Conservancy; the Wildfire Task Force; and the Commission. (See the attached materials which they distributed.) Numerous other agencies and organizations from other states also provided significant contributions of materials, instructors, or other resources, including the Colorado Wildfire Academy, the National Park Service, and other state and national organizations.*

All told, 18 courses were offered, approximately 50 organizations were involved in some manner (instructors, students, etc.), 15 states were represented, and 215 students were trained. Approximately 20 students were from local volunteer fire departments, and Mr. Hamilton noted that he would like to try to increase that total in future years. Field exercises were held on NYS DEC lands such as the Otis Pike Preserve. These exercises included training in the use of tools and equipment, prescribed burns, and fire investigations. He also noted that vendors of fire equipment provided literature for distribution, and that three evenings seminars were held on the National Fire Danger Rating System, the fire ecology of the pine barrens, and the conversion of military vehicles for wildland firefighting. A helicopter display was also provided by the NY Army National Guard. Mr. Hamilton distributed hats with the Academy logo to the Commissioners, and Mr. Proios thanked both speakers for their tremendous efforts in organizing and operating the Academy.

Mr. Hamilton left at this point.

- ! Protected Lands Council (PLC):** summary of Council work re mapping, sign policies, Stewardship Unit 6 planning, trail policies, etc. *(Suffolk Parks Commissioner Michael Frank, PLC Co-Chair)*
Summary: *Mr. Frank distributed and discussed several items (see the attached cover sheet) on the activities of the Council. He noted that the Council is co-chaired by Mr. Hamilton of the NYS DEC.*

Mr. Frank reviewed the Goals and Objectives of the Council, explaining that the Council is in the process of writing a single management plan for the pine barrens' protected lands. Towards that end, he reviewed and discussed the 12 stewardship units that the Council defined to organize their work, noting that the Council is currently finishing an initial section of the plan for Unit 6, the Peconic River Stewardship Unit.

He described the Council's milestones to date, including the inventory of problem access points (which was provided to the Law Enforcement Council for organizing their field operations), the trash removal projects, the Global ReLeaf planting days in support of the larger Long Island effort, the field visits conducted in support of the Council's planning work, and the inventory work. The inventory work has included natural resources, recreational uses, problem access points, and wildlife. Separate workshops were held for the recreational and wildlife inventories.

Mr. Frank also went through both the overview map of the stewardship units, as well as the detailed maps for each stewardship unit (part of the packet which was distributed). In particular, he explained the detailed planning that has gone into Unit 6 (Peconic River), and discussed both the map and the draft writeup for that unit.

Finally, he noted the current work on proposed roadside signage, and displayed and described a map showing the existing and proposed locations of signs along the major roadways through the Central Pine Barrens. He invited comments from the Commission on the proposed sign placements. Mr. Proios then thanked the members of the Council for their efforts.

! Law Enforcement Council (LEC): summary of Law Enforcement Handbook, toll free hotline, patrols, community service projects, etc. *(NY EnCon Police Capt. Richard Otterstedt, LEC Vice Chair)*

Summary: Capt. Otterstedt presented the Commissioners with copies of the recently completed Central Pine Barrens Law Enforcement Handbook, a product of an intensive, two year effort by members of the Council, the Commission staff, and other contributors. He specifically complimented and thanked Ms. Plunkett of the Commission staff for her diligence in producing the maps and coordinating the research and production of the text and summaries of the various laws. He noted that the guide is the first comprehensive interagency manual to provide the information necessary for a field officer to see the applicable laws in a given situation. He went through the contents, pointing out sections which an enforcement officer would find essential. Mr. Corwin then noted the extensive time which Capt. Otterstedt himself had contributed to the project, and also noted the legal research work by Mr. Rizzo.

Capt. Otterstedt and Mr. Frank then briefly described the origin and operation of the toll free hotline for reporting environmental problems in the pine barrens, 1-877-BARRENS. Mr. Proios then commended the members of the Council on their efforts as well.

! Park Twinning between Migliarino - San Rossore - Massaciuccoli (Pisa)

Regional Park and the Long Island Pine Barrens: distribution of draft Memo of Agreement; 12/8 visit from Pisa officials to initial draft agreement

Summary: *Mr. Corwin distributed and discussed the attached materials re the twinning project between the Central Pine Barrens and the San Rossore Regional Park in Pisa, Italy. He pointed out that the previously discussed Memorandum of Agreement (MOA) between the two regions was included in the handout materials in draft form, and requested that the Commissioners review the materials and provide comments to him in time for their incorporation into the agreement before the 12/8/99 Commission meeting. He explained that two representatives of the San Rossore Park are expected to attend the next Commission meeting in the hopes of initialing a first version of the draft MOA at that meeting.*

He then explained that the Commission is still expected to attend a more formal ceremony in Spring of 2000 in Pisa to formalize the full MOA, and that travel there would have to be at the attending individuals' expense.

Administrative

! Introduction of new Commission staff member (not on the original agenda)

Summary: *Mr. Corwin introduced Ms. Ann Carter, a new SCWA employee who has been assigned to the Pine Barrens Commission staff.*

Suffolk Parks Commissioner Frank, Mr. Urevich, and Capt. Otterstedt left at this point.

Public Comment

Summary: *The only speaker was Ms. Jean Mannhaupt, a citizen from Manorville who is a member of the Restoration Advisory Board for the U.S. Navy's work at the former Calverton / Grumman facility. She described the existence of groundwater pollution at the site, stated that it is traveling off site, and stated that the Navy is not concerned with this matter. She requested that the Commission participate in a set of upcoming public meetings on the site issues, and stated that areas outside the site, but within the pine barrens core area, are being impacted by the pollution.*

Administrative

! Summaries of 7/21, 10/20 meetings: review, approval (faxed)

Summary: ***A motion was made by Mr. Shea and seconded by Mr. Cowen to approve the summary of the 7/21/99 Commission meeting as drafted. The motion was approved by a 4-0 vote.***

A motion was made by Mr. Cowen and seconded by Mr. Shea to approve

the summary of the 10/20/99 Commission meeting as drafted. The motion was approved by a 4-0 vote.

- ! Roadfront parcel list updating: status, discussion (*memo faxed*)
Summary: Mr. Proios noted that the attached memo had been faxed from Mr. Corwin to the Commissioners reminding them about the Commission's request to the Towns to produce updates to their core area roadfront exemption list. Mr. Shea and Ms. Wiplush each noted that their two Towns are performing this work at the current time.

- ! South Fork - Montauk Pine Barrens: result of 11/9 Advisory Committee meeting
Summary: Mr. Proios reported that the Advisory Committee convened last night (11/9/99) in response to the Commission's recent resolutions of the South Fork Pine Barrens, and had discussed possible area definitions, goals of the South Fork Pine Barrens Plan, and related issues. The Committee has decided to meet again this coming Monday, 11/15/99, at 9:00 am, at the Commission office in an informal working session for all members who can attend. Specifically, the Committee will try to define specific goals and objectives for a plan for the area, since that was a task that a majority of the Committee agreed needed to be done first.

Pine Barrens Credit (PBC) Program

- ! Brookhaven Credit initiative: status of mailing, deadlines, etc.
Summary: Mr. Rizzo reported on the status of this offer by the Clearinghouse to spend up to \$1 million to purchase Pine Barrens Credits from willing core area landowners within Brookhaven Town. He noted that the deadline for Brookhaven landowners who do not currently have a Letter of Interpretation (LOI) to submit their LOI applications is 11/23/99. Once a landowner has their LOI, there is a second deadline of 12/29/99 to submit a Transmittal Form on which they state a desired purchase price for their Credits.

- ! Southampton Reverse Auction of Credits: status (*not on the original agenda*)
Summary: Mr. Rizzo explained that the current reverse auction, which is seeking to have 10 PBCs tendered for purchase by the participating developer, has a deadline of 11/30/99 for interested Credit holders to submit their Transmittal Forms.

- ! Upcoming informational sessions re PBC Program: information (*not on the original agenda*)
Summary: Mr. Rizzo reported that there are two upcoming public information sessions for the development and real estate community to learn about the use of Credits in development projects. One will focus upon Southampton Town and will be held on 11/17/99 at the Quogue Wildlife Refuge at 11:00 am.

The second session will focus upon Brookhaven and Riverhead Towns, and will be held on 12/9/99 at the Commission office at 12:30 pm (following the

Clearinghouse Board meeting at 10:00 am).

At each session, there will be speakers from the Commission, the Clearinghouse, the Towns, and the Suffolk County Health Department.

Core Preservation Area

- ! Gazza / Westhampton / boundary change request: close of public comments from 10/13 hearing; discussion (no decision deadline)

Summary: Ms. Jakobsen reported that the scale of the aerial photograph provided by the applicant during the public hearing on this request has been confirmed to be 1 inch equals 150 feet. Based upon this, the requested movement of a portion of the core area boundary would be 470 feet, which exceeds the Commission's statutory authority to move the line up to a maximum of 300 feet. The area affected is located along the west side of County Road 31 in Westhampton, Southampton Town.

A motion was then made by Mr. Cowen and seconded by Mr. Shea to deny the requested core boundary change based upon the fact that the Commission does not have the authority to grant the request. The motion was approved by a 4-0 vote.

- ! Gazza / Westhampton / misc. sites: request to remove selected burned trees (new item)

Summary: Ms. Plunkett distributed and discussed the attached letter from Mr. Gazza requesting that the Commission grant permission to remove certain dead trees from two parcels along the west side of County Road 31, In Westhampton (tax map numbers 900-311-1-8.004 and 23). Ms. Plunkett explained that she had met with Mr. Gazza at the site and that there are a total of five such trees that are dead, and which could fall into the parking area. A brief discussion ensued regarding the pine barrens statute's development definitions, the extent of the removal requested, and the method by which it would be accomplished. It was then agreed that removal of the trees would not constitute development, that the Commission staff would mark the trees to be removed, and that the removal should be done manually by the owner.

- ! U.S. Dept. Of Energy / telecommunications tower installation: correspondence re upcoming construction

Summary: Ms. Jakobsen distributed the attached letter and materials from the U.S. Department of Energy's Brookhaven Office re a proposed cell telephone tower to be constructed on the northern edge of the Brookhaven National Laboratory property, on a firebreak. Leslie Snyder, of Snyder & Snyder, a law firm representing Bell Atlantic Mobile, the proposed operator of the tower, was present. She was accompanied by Mr. Michael Johnson. A long discussion of the proposed project ensued, and the following topics were discussed: the absence of vegetation at the site; the condition of the site as shown in photographs (part of the Bell Atlantic material provided by the attendees and

attached here); the height of the tower (approximately 100 feet); the visibility of the tower from surrounding areas; the lack of any visibility or viewshed analysis (possibly using a balloon test); whether the project is "development" or not under the pine barrens law; whether the project is consistent with the goals and objectives of the pine barrens law; the reported existence of cellular "dead zones" in the project area; whether the project is exempt pursuant to federal law; the proposed construction of a second tower elsewhere on the Laboratory property; whether the second site is within the Compatible Growth Area (as the materials state); whether the two proposed towers could be merged to a single location; possible alternate tower locations; community reaction to the proposal; the very short notice between the Commission's receipt of the attached letter and the proposed construction start date of 11/19/99; the urgency of the request and how long the planning for this site has been underway prior to the letter to the Commission; and other topics.

It was then agreed to hold further discussion on this project until later in the meeting in order to obtain legal advice from counsel first.

The following is partly within the Core and partly within the CGA:

! Long Island Power Authority (LIPA) / Southampton Town / transmission line corridor: results of 11/3 meeting with Commission staff

Summary: Ms. Plunkett reported that Commission staff, herself included, had met with LIPA staff, Mr. Shea from Southampton Town, and Mr. Spitz from the NYS DEC on 11/3/99 regarding this proposed 22.5 mile new transmission line, as requested by the Commission at their 10/13/99 meeting. She reported that the original plan would have caused substantial clearing, but that the sponsors have also decided to revise their detailed plans. Consequently, this project will be reconsidered by the Commission when the new plans are ready.

Closed Advisory Session

Summary: **A motion was made by Mr. Cowen and seconded by Mr. Proios to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 4-0 vote, and the Commission entered into closed session from 4:33 pm through 5:15 pm.**

Core Preservation Area

! U.S. Dept. Of Energy / telecommunications tower installation: correspondence re upcoming construction

Summary: Mr. Proios explained that the Commission will hold this matter over to its next meeting on 12/8/99. In the discussion that followed, it was agreed that a balloon test will be done to determine the visibility of the proposed tower; that Commission counsel will research the relevant statutes, including the Pine Barrens and the State Environmental Quality Review Acts; and that the location of the proposed second tower will be pinpointed for the Commission's review and records. Ms. Snyder again stressed the urgency of the project to the sponsors,

and asked to be informed if there is anything that she and her colleagues can do to accelerate the Commission's review.

Adjournment

Summary: A motion was made by Mr. Cowen and seconded by Mr. Proios to adjourn the meeting. The motion was approved by a 4-0 vote, and the meeting ended at approximately 5:35 pm.

Attachments (in order of discussion):

1. Attendance list (2 pages)
2. Speaker list (1 page)
3. Certificates of Appreciation for Suffolk Water Authority staff (undated; 13 pages)
4. 1999 Wildfire & Incident Management Academy material (10/22 - 1/31/99; 8 pages)
5. Summary sheet from Protected Lands Council material (11/1/99; 1 page)
6. Cover sheet from Law Enforcement Handbook (undated; 1 page)
7. Pisa twinning material and Draft Memorandum of Agreement (undated; 19 pages)
8. Memo from Mr. Corwin re roadfront exemption list updating (10/26/99; 1 page)
9. Letter from Mr. Gazza re removal of dead trees (10/18/99; 1 page)
10. Materials re tower at Brookhaven Lab (11/3 - 11/5/99; 7 pages)
11. Map and photos of telecommunications tower site (undated; 3 pages)



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&
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**Commission Meeting Summary (FINAL)
for Wednesday, December 8, 1999 (Approved 1/5/00)
Pine Barrens Commission Office
3525 Sunrise Highway, Great River, NY
2:00 pm**

Commission members present: Mr. Proios (for Suffolk County), Mr. Girandola (for Brookhaven), Mr. Hanley (for Riverhead at the times indicated), 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 2:06 pm by Mr. Proios, with a four member quorum consisting of Mr. Proios, Mr. Girandola, Mr. Shea, and Mr. Cowen.

Public Comment

Summary: *There were no speakers at this time.*

Administrative

- ! Summaries of 9/1, 9/22, 11/10 meetings: review, approval (*faxed*)
Summary: ***A motion was made by Mr. Shea and seconded by Mr. Cowen to approve the summary of the 9/1/99 Commission meeting as drafted. The motion was approved by a 4-0 vote.***

A motion was made by Mr. Shea and seconded by Mr. Cowen to approve the summaries of both the 9/22/99 and 11/10/99 Commission meetings as drafted. The motion was approved by a 4-0 vote.

- ! Draft Commission schedule through July 2000: review, approval (*memo faxed*)
Summary: ***A motion was made by Mr. Girandola and seconded by Mr. Cowen to approve the dates and times for the Commission meetings shown on the attached schedule. The motion was approved by a 4-0 vote. The locations of the meetings will now be determined by Commission staff.***

- ! South Fork - Montauk Pine Barrens: status and results of Advisory Committee meetings

Summary: Mr. Corwin reported that the Advisory Committee met on 11/9/99 to consider the two South Fork Pine Barrens resolutions passed by the Commission at its 10/20/99 meeting. He explained that the Committee also met in a series of working sessions on 11/15/99, 11/22/99, and 12/6/99 to formulate a goal statement and a set of objectives for a South Fork Pine Barrens Plan. He noted that the Committee will convene another working session this Monday, 12/13/99, at 1:00 pm at the Commission office to continue its work. He also distributed the attached summary.

Mr. Shea explained that the Advisory Committee will begin work on boundaries for the South Fork area at this upcoming meeting. Mr. Proios noted that the possibility of obtaining an economic analysis has arisen, and whether the Commission would pay for such work, possibly by Dr. James Nicholas, who performed the last such analysis on the 1995 Plan. He also noted the existence of a "carriage house" proposal for the use of some Credits on the South Fork. Mr. Shea then briefly explained the substance of that proposal, which would involve the use of credits for the construction of an additional dwelling unit on certain properties.

Mr. Girandola then noted that the plan to be analyzed should be produced first, before any economic analysis is requested. A brief discussion then ensued regarding the effort that would be required to produce the data needed for such an analysis.

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

Core Preservation Area and Compatible Growth Area

- ! Long Island Power Authority / Southampton Town / transmission line corridor: new plans; status

Summary: Ms. Plunkett distributed the attached summary of the events to date and results of a field visit for this request for a determination of jurisdiction for a 22.5 mile underground electric transmission line within Southampton Town. She noted the locations visited, the proposed route of the project as documented to date, the condition and dimensions of the roads and rights of ways, and the likely disturbances to vegetation which could result.

Representatives of KeySpan were present (see attached sign in sheet), and Mr. Steve Dalton, from KeySpan's Environmental Engineering Department spoke. He reported that permission has been obtained to place the line underneath Speonk - Riverhead Road; stated that the drawings do not show exactly where the line will be placed or where the construction and excavation equipment will need to move; described the environmental analysis and related documents being prepared for submission to the Public Service Commission, including the

Environmental Management and Construction Plan; and briefly discussed the use of road shoulders and the company's intention to avoid clearing trees as much as possible.

Mr. Dalton then described the trenching procedure and dimensions and the placement of manholes or vaults approximately every 2500 feet to permit access to the underground line. A discussion then ensued regarding the amount of clearing, whether the project could be accomplished either without any tree removal or whether some tree clearing would be needed, and what species of trees would be likely to be affected or removed.

Discussion then turned to a suggestion by Mr. Cowen that the project sponsor submit a letter stating exactly what is proposed in order to permit the Commission to review its relationship to the pine barrens statute; the various dates involved in the LIPA and KeySpan schedules; the review by the Public Service Commission; and the Commission's meeting schedule. It was agreed that the Commission would make a determination at the 1/5/00 meeting if the necessary information is received by the Commission sufficiently before that meeting date.

Pine Barrens Credit (PBC) Program

! Title and title insurance policy: discussion (not on the original agenda)

Summary: Mr. Dominic Nicolazzi described three situations which his clients, who are core area property owners, have faced which have resulted in title problems that they have had to resolve.

He noted that these title problems have caused his clients to have to consider purchasing title insurance on their own, rather than qualifying for the Commission's payment of such insurance. He noted that these situations have involved small Credit values, such as fractions of a Credit, and that the cost of title insurance would be, he felt, be substantial compared to the expected value of the Credits. He explained that the problems were not serious title defects, and asked if there were any way in which the Commission could cover the title insurance costs.

A brief discussion ensued regarding the remedies to these title defects (e.g., affidavits), the cost of title insurance, including the minimum level commercially available, the current procedures by which the Commission and counsel examine any title defects, and possible solutions. It was agreed that Commission staff would meet to discuss the possible approaches to handling simple title defects, including any possible language changes to the current Commission resolution determining when the Commission will pay for insurance.

! General PBC Program information (not on the original agenda)

Summary: Mr. Corwin distributed the attached 12/1/99 PBC activity summary, and the recent news article on the Credit Program within Brookhaven Town.

- ! Brookhaven Credit initiative: status
Summary: *Mr. Rizzo reported that the Clearinghouse initiative to purchase \$1 million worth of Brookhaven Credits continues, with transmittal forms being accepted from Brookhaven credit owners through 12/29/99. He explained that the Clearinghouse will examine the results of the offering at a meeting likely to be held in January.*

- ! Southampton reverse auction: status
Summary: *Mr. Rizzo reported that the deadline for Southampton core area landowners to respond to this reverse auction was 11/30/99, and that there are two respondents who have asked for additional time. The Clearinghouse will examine those two requests at their meeting tomorrow. At present, more than the desired 10 Southampton PBCs have been offered by property owners.*

- ! Clearinghouse meeting and Credit information session (not on the original agenda)
Summary: *Mr. Rizzo noted that the Clearinghouse will meet tomorrow, 12/9/99, at 10:00 am at the Commission office, and that an informational session will be held by the Clearinghouse to explain Credit usage opportunities within the Towns of Brookhaven and Riverhead at 12:30 pm. He noted that speakers from the County and the Towns will be present to answer questions from developers and real estate professionals.*

- ! Andersen / Manorville / appeal: schedule hearing
Summary: *Mr. Rizzo distributed the attached Credit appeal from Mr. John Andersen regarding two parcels near County Road 111 in Manorville in Brookhaven Town. One parcel was allocated 1.0 PBC, based upon its road frontage, and one was allocated 0.1 PBC (without road frontage, but adjacent to the first). **A motion was made by Mr. Cowen and seconded by Mr. Shea to hold a hearing on the Andersen / Manorville Credit appeal at 3:00 pm at the Commission meeting on 1/5/00. The motion was approved by a 5-0 vote.***

Plan Implementation

- ! Pine Barrens Research Forum: 1996-97 Proceedings distribution
Summary: *Mr. Corwin distributed copies of the 1996-97 Pine Barrens Research Forum Proceedings (cover page attached), and noted that it would soon be mailed to speakers and attendees from all the past Forums.*

- ! Twinning between Migliarino - San Rossore - Massaciuccoli (MSRM) Regional Park and the Central Pine Barrens: update
Summary: *Mr. Corwin described the recent visit by Mr. Fabrizio Bianchi of the MSRM Park to Long Island. He and Ms. Plunkett described Mr. Bianchi's description of the MSRM organizational structure, including the Park Community, the Directive Board, and the Scientific Committee. He also touched upon the draft Memorandum of Agreement (MOA), and the need to finalize the contents of the MOA prior to the proposed Spring 2000 visit of a Central Pine Barrens delegation to Pisa for the formal signing. It was also noted that a meeting will*

likely be held in January for all those who are interested in attending the Pisa signing.

! Law Enforcement Council: update

Summary: Mr. Corwin summarized the recent NY Army National Guard helicopter accident, and the participation of the Law Enforcement Council members at the funerals and memorial ceremony.

He also noted that the Council is working on obtaining NY State peace officer status for certain federal law enforcement officers. Ms. Plunkett noted that the proposal would extend such status to the Department of Interior commissioned officers, including both the US Fish and Wildlife Service and the National Parks Service officers. The legislative effort is being sponsored by Senator Trunzo and Assemblyman Harenburg.

! Wildfire Task Force: update

Summary: Mr. Corwin distributed the attached materials regarding the planned controlled burn at the United Artists County Park in Eastport this week.

! US Department of Agriculture (USDA) budget cutbacks *(not on the original agenda)*

Summary: Mr. Proios noted that the Environmental Quality Enhancement Program of the USDA, which provided funds recently for the County through its Wildlife Habitat Improvement Program, has had its budget eliminated recently, and that letters of support would be useful.

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

Summary: Mr. Proios asked if a follow up letter has gone out to the Fire Districts and Fire Commissioners regarding future volunteer firefighter attendance at the next Academy. A brief discussion followed regarding such an outreach effort, and Mr. Proios then noted that the Commission itself may wish to send such a letter.

Core Preservation Area

! U.S. Dept. Of Energy (DOE) / communications tower: new materials and follow up from 11/10 meeting *(previously distributed)*

Summary: Ms. Jakobsen described the attached (and previously distributed) letter from Mr. George Malosh of the US Department of Energy's Brookhaven Group. She noted that the DOE office has performed a balloon test for visibility of the proposed tower, although the Commission staff were not invited to participate. She also noted that the National Environmental Policy (NEPA) determination referred to in the letter was not forwarded to the Commission, nor was the location of the second communications tower (referred to in the discussion at the last Commission meeting in a conversation with the project representatives) provided as requested at that time. The letter concludes with the statement of intent to commence the project.

Mr. Rigano observed that he believes that the request for a determination of jurisdiction can be deemed to have been withdrawn, based upon the US DOE letter, and that the Commission has several options at this time.

A discussion then ensued regarding the applicability of the “development” and “nondevelopment” definitions to this project; the possibility of the project being in violation of the pine barrens statute; the relevance of NEPA and State Environmental Quality Review Act (SEQRA) requirements to this project; the lack of any application for this project to Brookhaven Town; and whether the Commission could enter into a Memorandum of Understanding with the US DOE regarding the Brookhaven Laboratory property to avoid this situation in the future. It was agreed that counsel will draft a letter to the US DOE for review by the Commissioners.

Closed Advisory Session

***Summary:** A motion was made by Mr. Cowen and seconded by Mr. Shea to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 5-0 vote, and the Commission entered into closed session from approximately 4:07 pm to 4:50 pm.*

The meeting was adjourned without an adjournment resolution.

Attachments (in order of discussion):

1. Attendance list (2 pages)
2. Speaker list (1 page)
3. Draft meeting schedule through July 2000 (undated; 1 page)
4. Status of South Fork Pine Barrens Initiative (12/6/99; 1 page)
5. Commission staff report re LIPA transmission line (12/8/99; 2 pages)
6. Easement Protected Lands and Pine Barrens Credits (12/1/99; 1 page)
7. News article re Brookhaven Pine Barrens Credits (12/5/99; 1 page)
8. Letter from Mr. Andersen appealing Credit allocation (11/18/99; 1 page)
9. 1996-97 Pine Barrens Research Forum Proceedings cover (undated; 1 page)
10. Materials re proposed Eastport controlled burn (miscellaneous dates; 3 pages)
11. Letter from Mr. Malosh re communications tower (11/19/99; 1 page)