

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chair*
Felix J. Grucci, Jr., *Vice Chair*
Vincent Cannuscio, *Member*
Ray E. Cowen, *Member*
Vincent Villella, *Member*

P.O. Box 587
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Commission Meeting Summary (FINAL) for January 7, 1998 (Approved 1/28/98) Riverhead Town Hall; Howell Avenue and East Main Street; 2:00 pm

Commission members present: Mr. Proios (for Suffolk County), Ms. Wiplush (for Brookhaven), Mr. Villella and Ms. Filmanski (for Riverhead; Mr. Villella voting), 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 (from the Commission), Mr. Grecco (from the Suffolk County Department of Law and Vice Chair of the Pine Barrens Credit Clearinghouse), 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 2:12 pm by Mr. Proios, with a five member quorum.

Administrative

! Public comments

Summary: The only speaker was Mr. Walter Olsen, representing Civil Property Rights Associates. Mr. Olsen asked whether there had been any progress in investigating the physical blockage of a portion of Mill Road off of Edwards Avenue, north of the Long Island Expressway. He noted that he had reported that this may be preventing access to property owned by Mr. Kroll, who had originally called Mr. Olsen.

Ms. Plunkett and Capt. Conklin explained that they had looked at the area, and saw a blockage different than what Mr. Olsen had reported, but were unable to determine the location of Mr. Kroll's property. A letter to Mr. Kroll requesting more information on the location of his property has been sent out. After a brief discussion, it was agreed that Mr. Olsen and Ms. Plunkett will discuss this further, and may go out in the field together to see the site.

! Draft meeting summary for 12/17: distribution (for next meeting)

Summary: Mr. Corwin distributed this for review at the 1/28/98 meeting.

! Preliminary Draft 1998-99 State budget request: status *(to be distributed)*
Summary: Mr. Corwin distributed the attached preliminary draft budget which was submitted in December for inclusion in the 1998-99 Executive Budget document. No action is currently required by the Commission.

! Stenography cost policy: revision *(old policy to be distributed)*
Summary: Mr. Corwin distributed the attached current Commission policy on public hearing costs in general, and stenographic costs in particular. He recommended that the Commission modify its policy, originally adopted in 1994, to eliminate the requirement that applicants pay for the stenographic transcripts of hearings. He explained that the production of the transcripts was essentially a convenience, and apparently not required by law (unlike the legal notices in newspapers).

A motion was then made by Mr. Cowen and seconded by Mr. Shea to modify the Commission's resolution of 7/13/94 to now eliminate the need for applicants to pay for the cost of producing a stenographic transcript for their hearings, while retaining the requirement that they pay for the cost of legal notices published in newspapers. Mr. Proios and Ms. Filmanski asked whether the stenographic costs were covered in the current and proposed budgets, and Mr. Corwin stated that they were. The motion was approved by a 5-0 vote.

Pine Barrens Credit Program

! Offer to purchase credits from Brookhaven owners: status of purchase offer
Summary: Mr. Milazzo reported that this purchase offer would be mailed out this week, and that the response deadline has been changed from 1/30/98 to 2/6/98.

! Gazza / Westhampton / credit appeal: extension request until 1/28/98 *(postponed from 12/17 meeting)*
*Summary: Mr. Milazzo reported that Mr. Gazza has requested an extension of the decision deadline on his credit appeal for parcel number 900-286-2-10 for thirty days (see attached letter). **A motion was then made by Mr. Cowen and seconded by Mr. Shea to accept and approve that request for a decision extension. The motion was approved by a 5-0 vote.***

! Certificates, Letters of Interpretation, and transactions: summary
Summary: Mr. Milazzo then described a recent application for a Letter of Interpretation (LOI) for a parcel on Starr Boulevard, south of Nugent Drive, in the Calverton area of Brookhaven Town. The parcel has a deed from the 1950's which has never been recorded with the County Clerk.

Mr. Milazzo and Mr. Grecco then explained that the deed needs to be recorded before a LOI can be issued. Mr. Grecco also reported that the owner has been paying taxes on the property. During the ensuing discussion, the possibility of having the owner contact a title company to represent her arose, as did the question of who should do the filing of the deed, since the owner lives out of state and has no local contacts. It was agreed that the matter would be left to the discretion of Mr. Grecco and the Clearinghouse.

Plan implementation

- ! Draft County All Terrain Vehicle Law: discussion and possible resolution (carried over from 12/17 meeting)

*Summary: Mr. Corwin distributed the attached draft legislation (same item distributed at the prior meetings), and a brief discussion ensued regarding the reason that there is a gap in the County law at this time, the penalties, and the review of the legislation by the Towns. Ms. Wiplush and Mr. Shea reported that each of their Town Attorneys' offices have reviewed the legislation and have no objection. **A motion was then made by Mr. Cowen and seconded by Mr. Shea to recommend to the County of Suffolk that the current lack of a Suffolk County all terrain vehicle law be corrected by the passage of County legislation, in a form acceptable to County lawmakers. The motion was approved by a 5-0 vote.***

Capt. Conklin left at this time.

Core Preservation Area

- ! Mahfar Associates / Ridge / site plan: request for extension of SEQRA determination and decision deadline until 2/18/98

Summary: Ms. Plunkett distributed the attached letter from Mr. Sanderman, representing the applicant, requesting an extension of sixty days for both the State Environmental Quality Review Act (SEQRA) determination of significance and the decision deadline under the state pine barrens law. She also distributed another attached letter from Mr. Sanderman responding to comments on the project previously made the Ridge Civic Association and the Open Space Council.

A motion was then made by Mr. Cowen and seconded by Mr. Villella to approve the extension of both of those deadlines for this application to the 2/18/98 Commission meeting. The motion was approved by a 5-0 vote.

- ! Southampton Tradespersons Center / Westhampton / site plan: application

withdrawal

Summary: Ms. Plunkett read a written request received from Mr. Gazza, the project sponsor, to withdraw the Southampton Tradespersons Center application (attached; it is part of the same attachment as his other request for a credit appeal deadline extension). She also explained that Mr. Gazza has submitted a request for a hearing on a new application for this site, however, he said that he would not be submitting all the materials for this application today. It was noted that the Commission has previously scheduled hearings on other applications without all materials being present at the time of scheduling.

Mr. Amper, representing the Long Island Pine Barrens Society, requested a copy of the new application when it is received.

A motion was then made by Mr. Shea and seconded by Mr. Cowen to (1) accept the withdrawal of the original Southampton Tradespersons Center core hardship application and (2) to schedule a hearing on the new application, similarly titled, for the 1/28/97 Commission meeting, on the condition that the remaining materials be received from Mr. Gazza prior to that hearing. The motion was approved by a 5-0 vote.

Compatible Growth Area (CGA)

- ! Brookhaven Zoning Board of Appeals (ZBA) lots and Pine Barrens Plan clearance standard: follow-up analysis from 12/17

Summary: Ms. Plunkett provided additional copies of the attached memo (originally distributed at the 12/17/97 meeting). A discussion followed regarding the maximum impact that the clearance polices analyzed there could have; the need, if any, for a Plan amendment; and the question of what has happened with those lots currently approved by the Brookhaven Zoning Board of Appeals under the clearance restrictions of the Plan, since no Compatible Growth Area hardship applications have yet been filed for any of these lots. The issue of the effect of such Plan amendments on lands in the other two towns also arose briefly.

It was also noted in the discussion that clearance issues may arise regarding fire considerations, such as possible defensible space recommendations which may be considered by the Wildfire Task Force in its Prefire Management Plan. Distinctions were then drawn between the small lots in the developed portions of the Compatible Growth Area of Brookhaven Town, and the undeveloped small lots which exist in the core area of the three towns, where the CGA standards do not apply.

It was then agreed that no action would be taken at this time, and that the issue of clearance on the small "ZBA lots" would be revisited in the future.

Plan implementation

- ! Law Enforcement Council: next vehicle airlift (*not on the original agenda*)
Summary: Mr. Corwin reminded the Commission members that the next Law Enforcement Council airlift of abandoned vehicles from public lands within the core area will be held on 1/26/98 at the State's Rocky Point Natural Resources Management Area. (See attached memo, previously distributed, which was also provided at this time.)

Mr. Cowen left at this time, and a four person quorum remained. The meeting was temporarily adjourned from approximately 3:02 pm to approximately 3:52 pm. Mr. Villella was out of the room for the following item, but returned for the public hearing.

Administrative

- ! Designation of hearing officers for today's hearing (*not on the original agenda*)
Summary: A motion was made by Mr. Shea and seconded by Ms. Filmanski to designate the Commission members from Riverhead, Southampton, and Suffolk County as hearing officers for today's hearing. The motion was approved by a 4-0 vote.

Ms. Wiplush left at this time, and three Commission members remained, serving as hearing officers.

Public hearing: Scheduled for 4:00 pm

- ! Altaire Pharmaceuticals / Calverton / site plan / Core area
Summary: A separate stenographic transcript exists for this.

The public hearing ended at approximately 4:37 pm.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Preliminary Draft Commission Budget for 1998-99 Fiscal Year (Dec. 1997; 4 pages)
4. Public hearings cost policy of Commission (7/13/94; 3 pages)
5. Letter from J. Gazza re core application and credit appeal (1/5/98; 1 page)
6. Memo and draft County all terrain vehicle law (11/26/97; 3 pages)
7. Letter from P. Sanderman re extensions for Mahfar application (1/7/98; 1 page)
8. Letter from P. Sanderman responding to Ridge Civic Association and Open Space Council (1/7/98; 3 pages)
9. Analysis of clearance scenarios for ZBA lots in the CGA (12/17/97; 2 pages)

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Commission Meeting Summary (FINAL) for January 28, 1998 (Approved 2/18/98) Riverhead Town Hall; Howell Avenue and East Main Street; 2:00 pm

Commission members present: Mr. Dragotta (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven; Mr. Girandola voting), Ms. Filmanski (for Riverhead), Mr. Duffy (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 Ms. Trezza, Ms. Plunkett, Mr. Milazzo (from the Commission) and Mr. Spitz (from the NYS Department of Environmental Conservation). Additional attendees are shown on the attached sign-in sheet.

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

Administrative

! Public comments

Summary: *There were no speakers.*

! Draft meeting summaries for 12/17/97 and 1/7/98: changes and approval

Summary: **A motion was made by Mr. Duffy and seconded by Mr. Cowen to approve the summary of the 12/17/97 Commission meeting as written. The motion was approved by a 5-0 vote.**

A motion was made by Mr. Cowen and seconded by Mr. Duffy to approve the summary of the 1/7/98 Commission meeting as written. The motion was approved by a 5-0 vote.

Pine Barrens Credit Program

! Riverhead credits: results of sale offer

Summary: *Mr. Milazzo discussed the results of the Clearinghouse offer to sell its Riverhead Pine Barrens Credits. The Clearinghouse received two offers to purchase some of the Clearinghouse's 56 Riverhead PBCs through 1/12/98. One sought to purchase 5 PBCs at a per credit price of \$5250.00 and one*

sought to purchase 17 PBCs at a per credit price of \$5000.00. The Clearinghouse at its 1/20/98 meeting rejected both offers, based partly upon the amount paid for the PBCs.

! Riverhead receiving area appraisal: selection of appraiser

Summary: The Clearinghouse had previously recommended that the Commission proceed with the analysis of the selling point for Riverhead PBCs. Dr. Nicholas is to perform this analysis. In order for him to proceed, due to a lack of relevant land sales, an appraisal of the Riverhead receiving area parcels was needed. A Request for Proposals (RFP) for those appraisals was published by the Commission in October of 1997.

Twenty-three appraisers responded. To evaluate the responses a subcommittee was created. Mr. Milazzo reported that the subcommittee, consisting of Mr. Dragotta, Mr. Duffy and Ms. Laverne Tennenberg (from the Riverhead Assessor's Office), met earlier today and recommended that the Commission retain Given Associates to perform the appraisals. Given Associates submitted a total price of \$22,700.00 to perform the necessary appraisals. There was some ambiguity with the price due to the tiered approach within the RFP. This is to be resolved in discussion with Given Associates. Mr. Duffy emphasized the experience and familiarity of Given Associates with appraising lands in eastern Suffolk and working with conservation programs as strong attributes that made their response stand out.

A motion was made by Mr. Duffy and seconded by Mr. Cowen to approve the selection of Given Associates to perform the Riverhead receiving area appraisals. The motion was approved by a 5-0 vote.

! Offer to purchase small credit holdings in Brookhaven core (not on the original agenda)

Summary: Mr. Milazzo commented that the Clearinghouse's limited offer to purchase fractional PBCs from Brookhaven Core Preservation Area landowners was well received, as evidenced by the responses received to date. The offer closes on 2/6/98 and detailed results will be ready for the next Commission meeting.

! Gazza / Westhampton / credit appeal: withdrawal

Summary: Mr. Joseph Gazza submitted the attached withdrawal of his pending Pine Barrens Credit allocation appeal on Suffolk County Tax Map number 900-286-2-10. Mr. Gazza is now seeking a PBC Certificate in the amount of 0.10 PBCs for the parcel (the allocation contained in the original Letter of Interpretation issued for the parcel). That Certificate application is being processed at this time.

A motion was made by Mr. Cowen and seconded by Mr. Girandola to accept with prejudice the withdrawal of the Gazza / Westhampton credit appeal. The motion was approved by a 5-0 vote.

- ! Walton-Hampton Bays Associates-1, LLC / Hampton Bays / new credit appeal: set discussion date
Summary: This new credit appeal was received from Walton-Hampton Bays Associates-1, LLC, and the attached materials distributed. The appellant owns a 51.34 acre parcel on the south side of NYS Route 24, northwest of the intersection of Sunrise Highway (NYS Route 27) and NYS Route 24 in Hampton Bays, in Southampton Town. Pursuant to the allocation formula contained within the Plan, 13.86 PBCs were allocated in the Letter of Interpretation.

The appellant, through his attorney, Mr. Herbert Balin, seeks an additional allocation of 44 PBCs (i.e., in addition to the original 13.86 PBCs in the Letter of Interpretation). This is based upon their interpretation of former Section 6.7.7.6 of the Plan. This section permits the allocation of 1.00 PBC for each parcel of land containing at least 4,000 square feet of area on an existing improved road. Towards this end, the appellant submitted a map showing forty-four 4,000 square foot lots fronting on NYS Route 24.

A motion was made by Mr. Duffy and seconded by Ms. Filmanski to schedule the credit appeal discussion for Walton-Hampton Bays Associates for the 2/18/98 Commission meeting, at 4:00 pm. The motion was approved by a 5-0 vote.

- ! Clearinghouse schedule
Summary: It was noted that the next meeting of the Clearinghouse will be on 3/2/98 at 8:00 am at the Commission office.

Plan implementation

- ! Law Enforcement Council: results of 1/26 vehicle removal
Summary: Ms. Plunkett briefed the Commission on the recent airlifting of four vehicles by the New York Army Guard and other members of the Council. She stated that all vehicles were on New York State's Rocky Point Natural Resources Area and the recently purchased appendage to that known as the Lustgarten property. She also reported that the last vehicle required the use of a 120' cable in order to reach it comfortably amidst a stand of spruce trees. Additional airlifting may take place in the early spring if deemed necessary.
- ! Protected Lands Council: 1/21 review of the *Draft Fire Management Plan*
Summary: Ms. Plunkett explained that the Protected Lands Council met in addition to their regular meeting schedule to review the Draft Fire Management Plan prepared by the Wildfire Task Force. She reported that they passed a resolution concurring with the comments of the editorial board of the Task Force. In addition, the Council will consider a more detailed resolution at their 2/3/98 meeting, in which they will highlight specific issues for consideration by the Task Force.

Core Preservation Area

- ! Hughes / Ridge: new residential application; set hearing

Summary: Ms Plunkett distributed the attached correspondence from Mr. Davis, an attorney for Mr. Hughes. She stated that Mr. Hughes owns a parcel of land containing 66,000 square feet in an A2 zoning district on the east side of William Floyd Parkway, north of NYS Route 25 in Ridge, Brookhaven Town. She explained that she had spoken with Mr. Hughes several times regarding the jurisdictional status of his parcel.

The current request was unclear to the Commission and its counsel and some discussion then occurred regarding whether this was an application for a hardship exemption. The Commission instructed the staff to request a written clarification from the sponsor of the parcel's status with regards to the Town and whether they are seeking a hardship exemption from the Commission.

Compatible Growth Area

- ! Wendy's Restaurant / Miller Place / CGA hardship: discussion (hearing held 12/17/97)

Summary: Ms. Plunkett discussed the vegetative restoration plan that was submitted at the public hearing. She stated that it required some refinements which she provided for the applicant in written form. These changes were made and a new plan was submitted, which is before the Commission today. She recommended that a covenant be prepared to ensure the restoration work would be completed and monitored, as discussed at the hearing. A discussion ensued regarding whether the Commission would hold the covenant or the Town would request it when the site plan is approved.

Counsel raised the issue of the hardship criteria in the CGA and it was noted that the Commission should consider the criteria for a use variance. The Commission stated that they were comfortable with the information submitted. A lengthy discussion then took place regarding the SEQRA status of this application. The issue of whether or not a coordinated review should take place in all instances was discussed. It was stated that this application did undergo a lead agency coordination, however no other involved agency responded. A further discussion included the Commission's review responsibility under SEQRA and how these relate to the other agencies that have review authority, namely the three towns.

Temporary Recess

Summary: A motion was made by Mr. Girandola and seconded by Mr. Duffy to take a temporary recess. It was noted that no vote was needed for this, and none was taken. The recess followed.

Compatible Growth Area

- ! Medford Apartments / Medford / new CGA hardship application: set hearing
Summary: Ms. Plunkett distributed the application materials for 112 units of senior housing on 10.2 acres on the east side of Route 112 in Medford. She explained that the project did not meet the 65% native vegetation clearance standard and hence required a hardship decision from the Commission. She also stated that subsequent to receiving the application, she received a SEQRA coordination request from the Town of Brookhaven. The Commission decided that since the project was undergoing SEQRA it was incomplete for Commission review and therefore they would not set a hearing until further notice about SEQRA from the Town.

- ! Wendy's Restaurant / Miller Place / CGA hardship: continuation
*Summary: Further discussion ensued regarding coordinated reviews under SEQRA. Counsel suggested that the issue of when to coordinate lead agency designations on projects could be brought to the Commission prior to staff commencing coordination. **A motion was then made by Mr. Cowen and seconded by Mr. Duffy to table this particular application until Counsel presents the results of their SEQRA analysis. The motion was approved by a 5-0 vote.***

Public hearing at 4:00 pm

- ! Southampton Tradespersons Center / Westhampton / site plan (Core area)
Summary: A separate stenographic transcript exists for this.

The public hearing closed, and the regular meeting resumed, at approximately 4:48 pm. Mr. Corwin arrived near the start of the next item.

Core Preservation Area

- ! Southampton Tradespersons Center / Westhampton / site plan
Summary: The Commission clarified the SEQRA status of this application, determining that an uncoordinated review is applicable, then discussed different actions that could be taken by the Commission today. Counsel suggested that a negative declaration could be made today and that the project could receive approval as well. Mr. Duffy stated that he would like to hold the matter over until such time as he could review the Town's file. Mr. Cowen asked if the proposed conservation easement on the northern portion of the parcel could be held in escrow. It was determined that a condition of the approval could be that the easement be filed before the start of construction. Further discussion took place on whether to hold the matter over or to vote today.

A motion was then made by Mr. Cowen and seconded by Mr. Girandola to

(1) adopt a negative declaration pursuant to SEQRA since an uncoordinated review is being utilized, and (2) to approve this core area hardship application as presented during today's hearing, including the imposition of the 4.5 acre conservation easement proposed in "Insert A" of the application prior to construction. The motion was approved by a 4-0-1 vote, with the abstention cast by Mr. Duffy.

Adjournment of regular meeting

Summary: A motion to adjourn was made by Ms. Filmanski and seconded by Mr. Dragotta. It was approved by a vote of 5-0. The meeting ended at approximately 5:00 pm.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Letter from Mr. Gazza withdrawing credit appeal (1/14/98; 1 page)
4. Letter from Mr. Walton re Hampton Bays credit appeal (1/12/98; 3 pages)
5. Letter and attachments from Mr. Davis re Hughes application (1/7/98; 4 pages)

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Commission Meeting Summary (FINAL) for February 18, 1998 (Approved 3/11/98) Brookhaven Town Hall; Building 4; 3233 Route 112, Medford; 2:00 pm

Commission members present: Mr. Proios (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven; Mr. Girandola voting), Mr. Villella (for Riverhead), 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 (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 2:10 pm by Mr. Proios, with a four member quorum.

Plan implementation

- ! Special research presentation by Christine Champey, Smithtown High School and NYS Summer Institute for Science and Mathematics: *Sediment Characteristics of the Central Pine Barrens.*

(This was featured at the 1997 Pine Barrens Research Forum, and was the basis of her selection as a Westinghouse Science semifinalist.)

Summary: Mr. Thomas Breeden, Director of the NY State Summer Institute for Science and Mathematics at Suffolk County Community College, spoke briefly about the Summer Institute, describing its current and future funding. Mr. John Black, Ms. Champey's advisor for the summer session, noted that the program has existed for two summers, and noted that Ms. Champey had earned her Westinghouse semifinalist status through this program. Mr. Jan Naidu, representing Brookhaven National Laboratory where portions of the field research were completed, noted the Laboratory's support of the program.

Ms. Champey then described the goal of her research, namely to compare physical and chemical characteristics of the soils in the three study areas. One study site is within the NYS Department of Environmental Conservation's (NYS DEC) Rocky Point Natural Resources Management Area, a second is within the

Brookhaven National Laboratory's RHIC (Relativistic Heavy Ion Collider) construction area, and the final site is within the dwarf pine plains in the Westhampton area.

She then noted the differences that she has found in the soils from these areas for nine chemical parameters. Her results are grossly described within the attached abstract and in greater detail within the full report (not attached, but available in the Commission's Reference Library). Questions were then posed, with ensuing discussions regarding chemistry, the role of disturbances in influencing vegetation cover, and topics for possible future research. Following the talk, Mr. Cowen, on behalf of the NYS DEC Region 1 office, presented Ms. Champey with a Certificate of Appreciation for her work.

Administrative

! Public comments

Summary: The first speaker was Mr. Jack Austin, a Commissioner of the Ridge Fire Department. Mr. Austin stated that he feels that no one cares about helping the fire districts, and that all of the brush property in the Ridge area is in the pine barrens. He stated that there is not enough equipment, and that the districts' budgets have to be supplemented by money. He stated that when the property is off the tax assessment rolls, no revenue is generated. He offered the opinion that the pine barrens plan does not "relate" to the fire districts, and that gas, broken equipment and other items add up to a lot of money. He stated that there has to be a replacement for the lost tax money, and reported that the fire districts are also losing money due to the loss of insurance fees. He stated that there is animosity between the fire service and the "tree huggers", and that unless something is done that the Wildfire Task Force report will be "blackballed". He then noted that he has sent letters to several people with only some replies. A discussion then ensued over which parcels had been acquired or had their development rights purchased, and under which land programs. Mr. Girandola requested that Mr. Austin find out through the tax assessor how many tax dollars were being lost due to acquisition.

The second speaker was Mr. Walter Olsen, representing Civil Property Rights Associates. He first echoed Mr. Austin's comments. Mr. Olsen stated that he had said early in the pine barrens work that fire protection was a big issue, and that the Flanders Fire District has plenty of land to protect. He stated that the Commission is hearing noise from the environmental side, and that the firefighting issue is a large part of the problem and will get worse.

Mr. Olsen's second point was to note that the recent transfer of Pine Barrens Credits to a new movie theater site in downtown Hampton Bays did not change the septic treatment at the new site, and that this may be an example of the Pine Barrens Credit Program encouraging local pollution of the groundwater by permitting the site to exceed Health Department regulations. A brief discussion ensued regarding the overall groundwater pollution loading in Hydrogeologic

Zone 3.

- ! Draft meeting summary for 1/28/98: changes and approval

Summary: **A motion was made by Mr. Cowen and seconded by Mr. Villella to approve the summary of the 1/28/98 Commission meeting as written. The motion was approved by a 4-0 vote.**

Plan implementation

- ! Wildfire Task Force: resignation of Chair; recommendations of Task Force for new Chair and one Vice Chair

Summary: *Capt. Conklin, Vice Chair of the Wildfire Task Force, was present and reported that Mr. John Searing has resigned as the Chair of the Wildfire Task Force, and that the Task Force has recommended that (1) Mr. Phil Drower, currently a Vice Chair and Chief of the Task Force, become the Chair, and (2) that Mr. John Urevich, currently the Southampton Town Fire Chiefs Association representative, replace Mr. Drower as a Vice Chair. Capt. Conklin would remain as a Vice Chair.*

A motion was then made by Mr. Cowen and seconded by Mr. Villella to accept the resignation of Mr. Searing as Chair, to thank him for his service to the Task Force and the Commission, and to adopt the recommendations of the Wildfire Task Force regarding the new Chair and Vice Chair. The motion was approved by a 4-0 vote.

Capt. Conklin left at this time.

Pine Barrens Credit Program

- ! Walton-Hampton Bays LLC-1 / Hampton Bays: discussion postponement

Summary: *Mr. Milazzo reported that the attached letter from Mr. Herbert Balin, representing the applicant, has been received requesting a postponement of today's credit appeal discussion. **A motion was then made by Mr. Cowen and seconded by Mr. Girandola to accept the request and to reschedule the discussion of the Walton-Hampton Bays Associates credit appeal for the 3/11/98 Commission meeting, at 4:00 pm. The motion was approved by a 4-0 vote.***

- ! Offer to purchase credits from Brookhaven owners: status

Summary: *Mr. Milazzo reported that over 100 applications have been received in response to this offer, and the results will be tallied for the 3/2/98 Clearinghouse meeting.*

- ! Appraisal of Riverhead receiving area parcels: status

Summary: *Mr. Milazzo reported that the contract for performing these appraisals*

has been drafted, and is being reviewed by counsel. The contract will be awarded to Given Associates, as decided at a prior meeting. It is possible that only one or two of the batches of parcels listed in the Request for Proposals will be needed, and Dr. Nicholas' analysis will determine that.

! Next Clearinghouse Board meeting

Summary: The next Clearinghouse meeting will be on 3/2/98 at 8:00 am at the Commission office.

Core Preservation Area

! County Land Protection *(not on the original agenda)*

Summary: Mr. Proios noted that a number of new initiatives are being considered at this time in preparation for the State of the County address.

! Mahfar Associates / Ridge / site plan: extension of deadlines

Summary: Ms. Plunkett reported that the project sponsor has requested in writing an extension of the State Environmental Quality Review Act (SEQRA) deadline for the determination of significance and of the Commission's decision deadline. Since no Commission decision deadline has been set yet, and since the requested postponement date of 3/20/98 falls between two Commission meetings, it was agreed that an extension of the SEQRA deadline until 3/11/98, the next Commission meeting date, would be appropriate.

A motion was then made by Mr. Cowen and seconded by Mr. Villella to accept the request for an extension of the SEQRA deadline for determination of significance of the Mahfar / Ridge project and set the new deadline for 3/11/98. The motion was approved by a 4-0 vote.

! Correspondence from J. Gazza re core boundary change

Summary: Ms. Plunkett distributed the attached letter from Mr. Gazza requesting to appear before the Commission to discuss a proposed core area boundary change for several parcels on the west side of County Road 31 in Westhampton in Southampton Town. Since four of those parcels are currently owned by Mr. Gazza and are involved in the discussions of his Southampton Tradespersons Center application, it was agreed that this matter would be referred to counsel, and discussed at the next Commission meeting.

! Hughes / Ridge / single lot: correspondence from Brookhaven Town

Summary: Ms. Plunkett distributed the attached letter regarding a parcel on the east side of William Floyd Parkway, north of NYS Route 25, in Ridge in Brookhaven. The letter discussed a possible exemption of this parcel under the pine barrens law, and was referred to counsel for examination and a report at the next Commission meeting.

Compatible Growth Area

- ! Wendy's Restaurant / Miller Place / site plan: counsel's opinion on SEQRA status (follow-up from 1/28/98 meeting)

Summary: This Compatible Growth Area (CGA) hardship application for a site on the south side of NYS Route 25A, east of Miller Place Road, in Miller Place in Brookhaven Town was the subject of a public hearing held by the Commission on 12/17/97. It was noted that the Commission sent out a lead agency coordination letter, and that only one response was received, that being from the Suffolk County Department of Health Services noting that the application will require a permit from that agency.

Mr. Rigano spoke about the possibility of the Commission withdrawing the coordinated review it has already begun, then performing an uncoordinated review and proceeding to a determination of significance at that time, and permit the Town to proceed under SEQRA as it deems necessary. Mr. Rigano reported that the Commission could withdraw the coordinated review, but that it should notify all the parties with whom it has already communicated. Mr. Charles Voorhis, representing the applicant, was present and noted that the Town Board will also have to issue a special exception approval for the project.

A motion was then made by Mr. Cowen and seconded by Mr. Vilella to (1) withdraw the coordinated review and notify all the affected agencies of the withdrawal, (2) perform an uncoordinated review of this project under SEQRA, (3) issue a negative declaration of significance for this project, and (4) to approve the CGA hardship exemption for this project subject to a recommended restoration covenant being prepared and forwarded to Brookhaven Town. The motion was approved by a 3-0-1 vote, with the abstention cast by Mr. Girandola.

Administrative

- ! Public comments

Summary: Mr. Lou Gallo, representing the Miller Place Civic Association, asked about the justification for an uncoordinated review under SEQRA, and Mr. Cowen explained that it was because the project is an unlisted action under the SEQRA regulations. Mr. Gallo then asked what constitutes an uncoordinated review, and whether an Environmental Assessment Form (EAF) was prepared for this. The uncoordinated review was explained, and he was assured that an EAF was prepared. He asked if the project now goes to the Town, and was told that it does.

Adjournment of regular meeting

Summary: **A motion to adjourn the meeting was made by Mr. Girandola and seconded by Mr. Proios. It was approved by a vote of 4-0, and the meeting ended at approximately 3:41 pm.**

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Summary and abstract of Ms. Champey's student research (2/18/98; 2 pages)
4. Letter from Mr. Balin requesting new credit appeal discussion (2/11/98; 1 page)
5. Letter from Mr. Gazza regarding a core boundary change (2/10/98; 3 pages)
6. Letter from Mr. Davis re Hughes parcel in Ridge (2/9/98; 2 pages)

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chair*
Felix J. Grucci, Jr., *Vice Chair*
Vincent Cannuscio, *Member*
Ray E. Cowen, *Member*
Vincent Villella, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
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Commission Meeting Summary (FINAL) for March 11, 1998 (Approved 4/1/98) Commission Office; 3525 Sunrise Highway, 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. Villella (for Riverhead), Mr. Shea (for Southampton) and Mr. Cowen (for New York State).

Others present: General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Milazzo and Ms. Jakobsen (from the Commission), Mr. LoGrande (at the times shown; from the Suffolk County Water Authority and Chair of the Central Pine Barrens Advisory Committee), Mr. Grecco (at the times shown; from the Suffolk County Department of Law and Vice Chair of the Pine Barrens Credit Clearinghouse), Mr. Spitz (from the NYS Department of Environmental Conservation), and Capt. Conklin (at the times shown; 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 consisting of Mr. Proios, Mr. Villella, Mr. Shea, and Mr. Cowen.

Administrative

! Public comments

Summary: The only speaker was Mr. Walter Olsen, representing the Civil Property Rights Associates. Mr. Olsen asked for a clarification of the tabulations contained on the last page of the Suffolk County News Release of 3/10/98 regarding the land acquisition and protection programs. Specifically, that tabulation contains the entry "Core boundary adjustments" with a parcel count and acreage total to which Mr. Olsen referred. Ms. Plunkett explained that this refers to those cases where the Commission has determined that certain parcels are not included within the Core Preservation Area definition.

! Draft meeting summary for 2/18/98: changes and approval

Summary: **A motion was made by Mr. Villella and seconded by Mr. Cowen to approve the summary of the 2/18/98 Commission meeting as written. The motion was approved by a 4-0 vote.**

- ! Amendment to 1996-97 DEC-Commission contract for 1997-98 Fiscal Year: discussion

Summary: Mr. Corwin explained that the attached draft amendment to the Commission's 1996-97 fiscal year contract with the New York State Department of Environmental Conservation would extend it to cover the 1997-98 state fiscal year (which runs from 4/1/97 to 3/31/98). This extension would then permit the Commission to receive the \$615,000 which it was allocated for administrative costs in the 1997-98 state budget. **A motion was then made by Mr. Cowen and seconded by Mr. Villella to authorize the Commission Chair to sign the attached contract amendment on behalf of the Commission. The motion was approved by a 4-0 vote.**

Pine Barrens Credit (PBC) Program

- ! Certificates, Letters of Interpretation, and transactions: summary

Summary: Mr. Milazzo noted that there is an appeal discussion slated for later today, and that Mr. Grecco will discuss the Oaks credit application shortly. Mr. Milazzo then summarized the Pine Barrens Credit Program totals. In Brookhaven Town, 128 parcels totaling approximately 98 acres have been protected, with approximately 76 PBCs generated. In Riverhead Town, 5 parcels totaling approximately 36 acres have been protected, with approximately 56 PBCs generated. In Southampton Town, 48 parcels totaling approximately 34 acres have been protected, with approximately 12 PBCs generated. Overall, 181 parcels totaling approximately 169 acres have been protected, with approximately 144 PBCs generated by those parcels. He noted that the March 1998 PBC Registry has been issued, and that over 50 PBCs have been redeemed overall to date.

- ! Brookhaven small lot owner credit purchase offer: status (not on the original agenda)

Summary: Mr. Milazzo reported that the 3/6/98 response deadline for this offer has passed, with 211 responses received. He stated that these represent a total of approximately 454 acres, and that, if all of these parcels were to be awarded credits, a total of approximately 88 PBCs would be generated. He noted that these responses included both parcels which are eligible for this special outreach (i.e., meet the small lot definition of this offer), and those which are not (but may otherwise be eligible for the PBC Program). 127 of the 211 responses appear to be eligible, and these 127 eligible responses represent approximately 65 acres with a total potential of approximately 23 PBCs. If all of these credits were to be actually created and purchased by the Clearinghouse, the total disbursement would be approximately \$340,000.

Mr. Shea asked whether a similar offer would be made for the other two towns, and Mr. Milazzo explained that the Commission has already indicated a desire to see this happen, but that the current offer would need to be completed first.

- ! Next Clearinghouse Board meeting

Summary: Mr. Milazzo reported that the next Clearinghouse meeting will be on 4/21/98 at 8:00 am at the Commission office.

Administrative

Mr. LoGrande arrived at this point. Mr. Girandola and Ms. Wiplush arrived during the following item, and a five member quorum was present from that point forward. Mr. Grecco also arrived during this discussion.

! Results of 3/10/98 Advisory Committee meeting

Summary: Mr. Michael LoGrande, Chair of the Advisory Committee, summarized the Committee meeting last night (3/10/98; the agenda was previously faxed). He noted that the Committee meeting had initially been called by Mr. Amper, Vice Chair of the Committee and representative of the Long Island Pine Barrens Society, to discuss the Suffolk County land acquisition program. Mr. LoGrande reported that several members of the County real estate staff were present to explain the program's progress, and that the Committee had agreed to form a subcommittee to follow the land acquisition process, and that they would be organizing soon.

The Committee also discussed concerns expressed by Mr. George Fernandez of the Ridge Civic Association regarding the Brookhaven Town Fireman's Park shooting range. Specifically, Mr. Fernandez was concerned regarding the issues of noise, environmental impacts of spent shells, and the renewal of the Town's lease with the operator of the range. The Committee also discussed the more general issue of the siting of facilities such as this, especially within the pine barrens. Mr. LoGrande explained that a second subcommittee has been set up to look at the environmental issues raised by this discussion, and to possibly suggest long range management strategies to the relevant agencies. Mr. Spitz noted that Section 7.5.2.6 of the Central Pine Barrens Plan assigns responsibility for developing a plan to phase out incompatible, exclusive recreational uses on public lands within the pine barrens, if deemed appropriate, to the Protected Lands Council. Mr. Girandola raised the question of what jurisdiction the Commission has in this overall area, and a brief discussion ensued regarding the approaches which could be taken to address these concerns. Mr. Girandola noted that the Town has been working with the NYS DEC regarding the DEC's jurisdiction with respect to the issue of lead, and also noted that the residents could also speak directly with the operator regarding their concerns about noise.

A third area of discussion by the Committee was the possibility of recommending guidelines for consideration by the Commission when approving certain applications for development. Mr. LoGrande noted that Mr. Kim Darrow had expressed concerns regarding the physical state of two of the applications which received hardship exemptions from the Commission (see attached document from the Committee meeting). Mr. LoGrande explained that a third subcommittee had been formed to examine this issue, and that they would make recommendations to address concerns such as these.

The Committee also adopted a resolution urging the Commission not to appeal the recent State Supreme Court decision invalidating the permit which the Commission had granted to the Manorville Nursery Expansion project.

Mr. LoGrande then noted that the Advisory Committee would like to have a joint meeting with the Commission sometime during the summer, and that he would contact the Commission with a suggested date.

Mr. LoGrande left at this time. Capt. Conklin arrived during the following Pine Barrens Credit discussions.

Pine Barrens Credit Program

! Oaks / Ridge / Credit application: status

Summary: Mr. Grecco reviewed this application from a family of four members for Pine Barrens Credits. The parcel at issue, Suffolk County Tax Map number 200-294-4-25, was originally owned by four tenants in common, all family members. Three are still alive, and are willing to sign the conservation easement necessary to obtain credits. The fourth original owner, who lived in Oregon, has passed away without a will. His interest has passed to his wife and two minor children. The surviving wife has reportedly sent a letter saying that she is not interested in any proceeds from the parcel, and that the other original three owners can have the parcel's credits and proceeds. The issue then becomes the disposition of the children's interests in the parcel. Given the number of PBCs allocated, private title insurance is required for this transaction.

Mr. Grecco has spoken with a title insurance company, and reported that the company is willing to insure the Commission's easement. Mr. Grecco made a distinction between insurable and marketable title. In this instance, the title, although not marketable, is insurable. The title company will require that the release of the deceased owner's heirs' interests be attached to the easement. It has also been reported that the PBCs to be allocated are under contract.

Mr. Milazzo then explained that the issue is before the Commission today due to its prior deliberation that all known parties of ownership must consent. After a brief discussion, the Commission asked counsel for his opinion, and Mr. Rigano recommended that the Commission proceed with accepting the easement.

A motion was then made by Mr. Cowen and seconded by Mr. Villella to accept the Oaks credit application and to authorize the Clearinghouse to proceed with the acceptance of the easement from the three owners as described above. The motion was approved by a 4-1 vote, with the dissenting vote cast by Mr. Girandola.

! Certificates, Letters of Interpretation, and transactions: summary (continued)

Summary: Mr. Milazzo reported that a Letter of Interpretation application has been received for a parcel in Manorville in Brookhaven Town which is zoned HF

(Horse Farm) and which is, in fact, used as such. He noted that the Plan does not contain a development yield factor for this zoning category. He then noted that it could be considered as a nonresidential zoning category, and therefore receive one credit per acre based upon the Commission's prior determinations regarding nonresidential applications. Alternatively, it could be allocated one credit per 30,000 square feet, based upon the allowable uses in the Town code for this category, or be allocated one unit per 10 acres, based upon the portion of the Town code which sets 10 acres as the minimum lot size for this zoning category.

A lengthy discussion then ensued regarding the above possibilities, the extent of clearing, structures, and other development on the site and any commensurate reductions in allocation because of them, and the question of whether its current use qualifies as commercial and thus influences the allocation. Following this, the matter was referred to counsel for an opinion and it was agreed that the staff will request a letter from the owner explaining the current uses on the property.

- ! Riverhead receiving area appraisal: approval of contract with Given Associates
Summary: Mr. Rigano noted that the contract is acceptable, but recommended that its approval be subject to assuring that Given Associates has professional liability insurance. **A motion was then made by Mr. Cowen and seconded by Mr. Villella to approve the attached contract subject to the determination that Given Associates has professional liability insurance coverage, and to authorize the Commission Chair to sign the contract. The motion was approved by a 5-0 vote.**

Mr. Grecco left at this time.

Plan implementation

- ! Wildfire Task Force: recommendation to include Westhampton Fire District as a Task Force member
Summary: Capt. Conklin and Ms. Plunkett explained that the current membership of the Wildfire Task Force does not include the Westhampton Fire District, which is a district whose jurisdiction includes land within the Core Preservation Area, but which does not have a fire department organized to cover the district. Instead, the Westhampton Fire District contracts with the Westhampton Beach Fire District for fire coverage. They explained that the Wildfire Task Force has recommended that the Westhampton Fire District be included as a full voting member of the Task Force. Mr. Corwin then suggested that the Commission specify that the Westhampton Fire District would be automatically replaced as a Wildfire Task Force member by a fire department organized by the district if and when that should ever occur. **A motion was then made by Mr. Cowen and seconded by Mr. Shea to modify the prior Commission resolutions establishing the Wildfire Task Force to provide that the Westhampton Fire District is a full voting member, and to further**

provide that the District shall be immediately replaced by any fire department which the District may organize in the future. The motion was approved by a 5-0 vote.

A brief discussion then ensued regarding the prospects for obtaining the cooperation of the Task Force member agencies in the implementation of the fire plan, and Mr. Corwin noted that one approach being considered is to require that a member organization cooperate in the implementation of the plan in order to receive the benefits which the plan might recommend, including, for example, specialized equipment or training. It was also noted that the Commission staff is currently examining the plan for small corrections (grammatical, etc.), and that it will be forwarded to fire departments throughout Suffolk County soon for comment.

Capt. Conklin then explained that the burn window for both the Rocky Point and Sarnoff Preserve properties opens on 4/1/98, and that a helicopter water bucket fire training session is scheduled for 4/16/98 at Wildwood Lake in Southampton Town. He also explained that Col. Intini of the NY Army National Guard, Mr. Corwin, Mr. William Sickles of the Suffolk County Parks Department, and himself met with the Hampton Bays Civic Association on the evening of 3/6/98. Supervisor Cannuscio of Southampton was also present.

The residents at that meeting asked about the helicopter water bucket operations which have been proposed for Sears, Bellows and Penny Pond on the Suffolk County parkland in Flanders. Specifically, they expressed concerns about the use of Penny Pond, which is the nearest to their residences. Mr. Steven Lorence of the NY State Department of Environmental Conservation is looking into the environmental conditions of the three proposed ponds, and will provide a report and possibly recommendations prior to any decisions.

Capt. Conklin left at this point.

Core Preservation Area

- ! Mahfar Associates / Ridge / site plan: acceptance of withdrawal
*Summary: Ms. Plunkett reported that the attached letter has been received from Mr. Sanderman, representing the applicant, withdrawing this core hardship application. **A motion was made by Mr. Cowen and seconded by Mr. Vilella to accept the withdrawal of the Mahfar / Ridge core hardship application. The motion was approved by a 5-0 vote.***

- ! Altaire Pharmaceuticals / Calverton (Riverhead) / site plan: SEQR coordination response; discussion
Summary: Ms. Plunkett reported that the attached letter has been received from Riverhead Town stating that the Riverhead Town Board seeks to be the lead agency for this project. She summarized a prior core hardship application which was before the Commission for the Southampton Tradespersons Center Phase

1 project in the Westhampton area of Southampton Town, in which the affected town sought to be the lead agency. She also distributed and described the attached lead agency coordination response from the Suffolk County Health Department. A brief discussion ensued regarding the State Environmental Quality Review Act procedures for lead agency designation, and the relinquishing of lead agency status by the Commission.

A motion was then made by Mr. Shea and seconded by Mr. Girandola to state that the Commission has no objection to the Riverhead Town Board becoming the lead agency for the review of the Altaire Pharmaceuticals application. A brief discussion then ensued regarding the role of the Industrial Development Agency in this project, as well as the interagency coordination for determining the lead agency. The motion was then approved by a 5-0 vote.

- ! Hughes / Ridge: counsel's opinion on Commission jurisdiction
Summary: Mr. Rigano reported that Brookhaven Town is performing a single and separate information search for this parcel on the east side of William Floyd Parkway in Ridge. This had been carried over from the prior Commission meeting, at which a written request from the owner for a determination of whether this parcel was exempt from the pine barrens law was noted and referred to counsel for an opinion.

Pine Barrens Credit Program

- ! Walton-Hampton Bays Associates-1, LLC / Hampton Bays / new credit appeal: discussion
Summary: Mr. Milazzo summarized this credit appeal for a 51.34 acre parcel in a CR-120 zoning district on the south side of NYS Route 24 in Flanders in Southampton Town. A letter of Interpretation for 13.86 Pine Barrens Credits is being appealed, and the appeal states that the owner is seeking an additional allocation of 44 PBCs, for a total of 57.86 PBCs. Mr. Herbert Balin, attorney for the owner, was present (along with the owner) and discussed the Central Pine Barrens Plan's provisions for credit allocation, and stated that his client's intention in filing the appeal was to obtain credits for use in increasing density on a separate project within a designated PBC receiving area elsewhere in Southampton Town. He stated that he may need to approach the Commission again for an additional allocation of credits, since he is not sure how many credits his client will require for the density increase on that other project.

A discussion ensued over the basis for the additional allocation, including Mr. Balin's description of 44 proposed roadfront lots within the overall core area sending parcel, and the jurisdictions of the Commission and the agencies within Southampton Town. Mr. Balin said that, if his client needs additional credits, then the basis for that appeal will be both the use variance criteria and his client's alleged inability to achieve a reasonable return based upon the property's current zoning. Mr. Balin also reported that the County had once made an offer

to purchase his client's core property, but that the owner had rejected the offer. Mr. Balin also reported that there have not been any recent appraisals of the core property.

*Mr. Shea asked if Mr. Balin would consent to an extension of the Commission's deadline to decide this appeal, and Mr. Balin agreed on behalf of his client to an extension of the appeal decision deadline until the 4/1/98 Commission meeting. **A motion was then made by Mr. Shea and seconded by Mr. Villella to accept the extension of the Walton-Hampton Bays Associates credit appeal decision date until the 4/1/98 Commission meeting. The motion was approved by a 5-0 vote.***

Ms. Jakobsen and Ms. Trezza left at this time.

Closed Session

*Summary: Mr. Rigano requested a closed session for the purpose of providing legal advice to the Commission. It was then agreed that no further business would be conducted following the closed session. **A motion was then made by Mr. Shea and seconded by Mr. Cowen to enter into closed 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 4:23 pm to 5:16 pm.***

The meeting was then adjourned without any further business.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Suffolk County News Release (3/10/98; 3 pages)
4. Draft contract extension with the NYS DEC (undated; 3 pages)
5. Mr. Darrow's 3/10/98 Advisory Committee memo (undated; 1 page)
6. Draft contract with Given Associates for appraisal work (undated; 7 pages)
7. Letter from Mr. Sanderman re Mahfar / Ridge application (3/10/98; 1 page)
8. Letter from Mr. Hall of Riverhead Town re Altaire lead agency (2/24/98; 1 page)
9. Letter from Ms. Shaw of Suffolk Cty Health re Altaire application (3/3/98; 2 pages)

Central Pine Barrens Joint Planning and Policy Commission

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Commission Meeting Summary (FINAL) for April 1, 1998 (Approved 5/13/98) Park Police Headquarters, Southaven Park, Victory Avenue, Yaphank, 2:00 pm

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 Ms. Roth. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Milazzo, and Ms. Jakobsen (from the Commission), Mr. Grecco (from the Suffolk County Department of Law and Vice Chair of the Pine Barrens Credit Clearinghouse), 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 2:09 pm by Mr. Proios, with a four member quorum present consisting of Mr. Proios, Mr. Girandola, Mr. Shea and Mr. Cowen.

Administrative

! Public comments

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

! Draft meeting summary for 3/11/98: changes and approval

Summary: *The following changes to the 3/11/98 draft meeting summary were suggested: (1) under "Results of the 3/10/98 Advisory Committee meeting", the second paragraph, fifth sentence should read, in part: "..., exclusive recreational uses on public lands within the pine barrens, if deemed appropriate, to the Protected Lands Council"; (2) under the same section and paragraph, the last sentence should read, in part: "Mr. Girandola noted that the Town has been working with the NYS DEC regarding the DEC's jurisdiction with respect to the issue of lead, ..."; (3) under "Oaks / Ridge", the summary should read as follows:*

"Mr. Grecco reviewed this application from a family of four members for Pine Barrens Credits. The parcel at issue, Suffolk County Tax Map number 200-294-4-25, was originally owned by four tenants in common, all family members. Three are still alive, and are willing to sign the conservation easement necessary to obtain credits. The fourth original

owner, who lived in Oregon, has passed away without a will. His interest has passed to his wife and two minor children. The surviving wife has reportedly sent a letter saying that she is not interested in any proceeds from the parcel, and that the other original three owners can have the parcel's credits and proceeds. The issue then becomes the disposition of the children's interests in the parcel. Given the number of PBCs allocated, private title insurance is required for this transaction.

Mr. Grecco has spoken with a title insurance company, and reported that the company is willing to insure the Commission's easement. Mr. Grecco made a distinction between insurable and marketable title. In this instance, the title, although not marketable, is insurable. The title company will require that the release of the deceased owner's heirs' interests be attached to the easement. It has also been reported that the PBCs to be allocated are under contract.

Mr. Milazzo then explained that the issue is before the Commission today due to its prior deliberation that all known parties of ownership must consent. After a brief discussion, the Commission asked counsel for his opinion, and Mr. Rigano recommended that the Commission proceed with accepting the easement.

A motion was then made by Mr. Cowen and seconded by Mr. Villella to accept the Oaks credit application and to authorize the Clearinghouse to proceed with the acceptance of the easement from the three owners as described above. The motion was approved by a 4-1 vote, with the dissenting vote cast by Mr. Girandola.”;

and (4) under “Walton-Hampton Bays Associates-1”, the second paragraph should read as follows:

“A discussion ensued over the basis for the additional allocation, including Mr. Balin’s description of 44 proposed roadfront lots within the overall core area sending parcel, and the jurisdictions of the Commission and the agencies within Southampton Town. Mr. Balin said that, if his client needs additional credits, then the basis for that appeal will be both the use variance criteria and his client’s alleged inability to achieve a reasonable return based upon the property’s current zoning. Mr. Balin also reported that the County had once made an offer to purchase his client’s core property, but that the owner had rejected the offer. Mr. Balin also reported that there have not been any recent appraisals of the core property.”

A motion was then made by Mr. Shea and seconded by Mr. Cowen to approve the summary of the 3/11/98 meeting with these changes. The motion was approved by a 4-0 vote.

! Commission - Suffolk County Water Authority 1998-99 contract: draft

Summary: Ms. Roth discussed the attached draft contract extension, which was distributed at that time, between the Commission and the Suffolk County Water Authority (SCWA). The contract addresses the provision of staff services for the Commission by the SCWA, and she noted that the contract can only refer to the Commission's requested 1998-99 NY State budget allocation, since the State Legislature has not yet approved a 1998-99 state budget. This draft will be placed on the Commission's 4/22/98 agenda for approval.

Pine Barrens Credit Program

- ! Riverhead receiving area appraisal: status of work

Summary: Mr. Milazzo reported that the contract for this work has been signed by both parties, and the appraisals can now begin.

Mr. Villella arrived during the following discussion, and a five person quorum was present for the remainder of the meeting. Mr. Grecco also arrived during this discussion.

- ! Harrick / Manorville: counsel's opinion re allocation factor (from 3/11)

Summary: Mr. Milazzo showed an aerial photograph of this parcel in Manorville in Brookhaven Town, currently used as a horse farm. At the Commission's 3/11/98 meeting, the issue of what development yield factor should be used to compute the initial credit allocation was referred to counsel, since the current zoning of the parcel, HF (for Horse Farm), is not addressed in the Central Pine Barrens Plan.

Ms. Roth then noted two points of significance: (1) The HF zone appears to be a residential zone, in her opinion, since it provides for residential uses. She also noted specifically that this use does not appear to qualify as a "nonresidential" zone, which the Plan does address. (2) Under the Brookhaven Town code for an HF zone, the minimum lot size for a parcel to qualify for this zoning category is 10 acres. Thus, one possible interpretation of the code applied to this site is that the 34 acres within the subject parcel could be viewed as able to accommodate one home on ten acres, and the remainder could be used under the Town code for horses at the rate of 2 horses per acre. This level of activity could then be translated into a credit allocation.

Ms. Roth also observed that the Commission could examine the surrounding properties' lot area requirements to assist in determining a development yield for purposes of allocating credits. Finally, she noted that there are no other core area parcels with this zoning category, so there are no Pine Barrens Credit Program precedents with this zone to assist the Commission.

A discussion then ensued regarding the date of that parcel's zoning, the upzoning of the larger area in which it lies, the amount of clearing already present on the parcel, and what the typical PBC Program conservation easement would allow on the parcel. Mr. Cowen noted that the zoning provisions reflect that it is essentially a 10 acre zone, and that the allocation

should be based upon that, with a standard reduction for the existing dwelling. Mr. Girandola recommended that Ms. Roth's report be forwarded to the Clearinghouse Board for their consideration. It was noted during this discussion that the Commission may see this parcel during a credit allocation appeal, and that the Clearinghouse should be asked to make the initial decision. It was agreed that Ms. Roth's report would be forwarded to the Clearinghouse Board.

! Rodick Construction Company / Ridge: general release

Summary: Ms. Roth explained that she has been in contact with the Rodick Construction Company regarding a parcel of land that they originally owned (but which they have since sold) which is on the south side of the Suffolk County Pine Trail Nature Preserve in Ridge in Brookhaven Town. The parcel is partially within the core area and partially within the Compatible Growth Area (CGA), and was offered for inclusion in the Pine barrens Credit Program.

*The resulting easement inadvertently covered the entire parcel, and Ms. Roth has since reached an agreement with the owner at that time (Rodick Construction) to pay the difference in value, \$11,000, for the CGA portion of the property. In exchange, Rodick Construction has agreed to sign a general release waiving all future claims in this matter. **A motion was then made by Mr. Shea and seconded by Mr. Vilella to approve the general release in this matter and to pay Rodick Construction Company the sum of \$11,000. The motion was approved by a 5-0 vote.***

! Warner / Riverhead: correspondence

Summary: Mr. Milazzo distributed and discussed the attached correspondence regarding a proposed subdivision of the Olin Warner property in Riverhead Town which is now part of the Pine Barrens Credit Program and protected by a conservation easement under that program. Mr. Milazzo noted that the easement is tailored to his property, prohibits any future duck farming, and requires that Mr. Warner maintain sufficient liability insurance with the Commission as the insured party, and an indemnification clause for any future environmental remediation which may be required at the site. In March 1998, Mr. Warner filed a request for a minor subdivision of the property into three lots, with one lot encompassing the existing residence.

Ms. Roth reported that she has examined the easement and that the proposed subdivision itself does not violate the easement. The Commission agreed that Ms. Roth would write a letter to this effect.

! Walton-Hampton Bays Assoc / H. Bays: consideration of decision postponement and determination of appeal (decision date currently 3/11)

*Summary: Mr. Milazzo distributed the attached letter from Mr. Herbert Balin extending the Commission's time to make a decision on this credit allocation appeal until 4/22/98. **A motion was then made by Mr. Shea and seconded by Mr. Vilella to deny the Walton-Hampton Bays Associates credit allocation appeal. The motion was approved by a 5-0 vote.***

Plan implementation

- ! Protected Lands Council: status of plan; Global ReLeaf tree planting project
Summary: Mr. Corwin explained that the Protected Lands Council will be assisting with a tree planting program on 4/17/98 at the NYS Rocky Point Natural Resources Management Area. The project is part of a three year grant which the Eastern Campus of Suffolk Community College has received from American Forests, a national nonprofit organization. The grant provides for tree seedlings for reforestation. A two week plus schedule of plantings is planned, and the attached schedule was made available at the meeting.

- ! Law Enforcement Council: current projects
Summary: Mr. Corwin reported that the Suffolk County Park Police will be moving into the building where today's meeting is being held, and that the site will also serve as an interagency law enforcement center.

He also noted that the Council's work in airlifting bridge building materials for the reconstruction of the Ogden's Brook bridge in Montauk Point State Park will be acknowledged during a dedication ceremony on April 25 at the bridge site.

The Council has also continued to work on the revision of the old Suffolk County all terrain vehicle law, which the County Executive will introduce into the Suffolk County Legislature.

With regard to the abandoned vehicle removal program, there are now believed to be 26 more vehicles to be removed from core area public lands. This quantity is in addition to the 33 which have already been airlifted out, as well as several others which have been removed by ground transport.

The Law Enforcement Council and the Wildfire Task Force have begun to coordinate a joint effort to provide air operations training (especially helicopter water bucket training) to both the air and ground crews from the various agencies and fire departments concerned with both the pine barrens and other areas. As part of this effort, an initial demonstration session will be held for NYS Department of Environmental Conservation Commissioner John Cahill and NY National Guard Deputy Adjutant General William Martin on 4/16/98 at Wildwood Lake. The actual on-the-lake session will take approximately 90 minutes.

- ! Wildfire Task Force: status of plan development
Summary: Mr. Corwin explained that the Task Force is completing a revision of the draft fire plan, and will be meeting soon with the Suffolk County fire departments and fire districts to discuss it.

Core Preservation Area

- ! Suff County Dept. of Public Works / Manorville / bridge improvements: determination of jurisdiction

Summary: Ms. Plunkett distributed and discussed the attached letter from the Suffolk County department of Public Works regarding the proposed rehabilitation of bridges on Country Road 111 in Manorville in Brookhaven Town. The Commission agreed that this project was nondevelopment pursuant to the pine barrens law.

- ! Davis / Riverhead / dairy farm proposal: determination of jurisdiction

Summary: Ms. Plunkett distributed and discussed the attached letter from Mr. Lester Davis regarding a proposal for a dairy farm and associated retail operation on the south side of County Road 51 in Eastport in Southampton Town. The site is currently used for agriculture, and is protected under the Southampton Town agricultural development rights purchase program; an easement exists on the property, and is held by the Town. This easement and the subject parcel are not part of the Pine Barrens Credit Program. The question before the Commission is whether this proposal would be within the Commission's jurisdiction.

Mr. Davis was present, and discussed the history of dairy farms in parts of Suffolk County, the current extent of such farms, and the specifics of his proposed operation. He would like to see the project become a tourist stop, have a completely closed waste processing system, and have the facility use solar energy. The Commission agreed that the general proposal as presented would not fall within their jurisdiction, and the staff will write a letter to that effect.

- ! Gazza / Westhampton: counsel's opinion on boundary letter (from 3/11)

Summary: Ms. Roth distributed and discussed the attached letter from Mr. Joseph Gazza regarding his proposed alteration of the core area boundary along the west side of County Road 31 in Westhampton in Southampton Town. She discussed the pine barrens law's provision regarding the Commission's ability to alter the boundary, and then expressed the opinion that the boundary in this location cannot be moved from its current location. This is based upon the law's restrictions on moving the core boundary where the boundary is defined by certain highways. The discussion which followed focused upon the Commission's ability to move this section of the core boundary, and not upon the merits of Mr. Gazza's specific request. Specifically, the discussion centered upon the interpretation of the word "beyond" in the restrictions noted, and it was finally agreed that the Commission did have the authority to perform the type of request which Mr. Gazza has proposed. Mr. Gazza will submit a separate letter and map to the Commission in support of his request.

- ! Southampton Tradespersons Center / Westhampton: inquiry from Mr. Gazza (not on the original agenda)

Summary: Mr. Gazza noted that he had submitted an Internal Revenue Service form to the Commission counsel along with a request that it be signed by her or a Commission representative to verify the value of the conservation easement which is to be placed on a portion of that project's site. He noted that Ms. Roth had replied that the Commission would not sign that document. A brief discussion followed, and the Commission agreed with counsel's initial reply to

Mr. Gazza. During that discussion, it was noted that the area under the easement was serving to satisfy Suffolk County Health Department requirements. Mr. Cowen also requested that today's meeting record reflect the fact that the easement had nothing to do with the Commission's decision to grant a permit for this project.

! Tossini Service Station / Calverton: new application

Summary: Ms. Plunkett summarized this proposal for a gasoline station and convenience store at the northwest corner of the Long Island Expressway and Edwards Avenue in Calverton in Brookhaven Town, along the westbound Expressway entrance ramp at Exit 71. The one acre site, which previously contained a service station, is zoned for J5 Commercial. The prior use on the site did not contain a convenience store, and the prior service station has been closed for more than one year, possibly for remediation work. The question before the Commission is whether the new proposal constitutes development, and, specifically, whether the dormancy of the site qualifies as "abandoned" under the development definition provisions of the state pine barrens law.

A discussion then ensued regarding the reason for the station being closed, the length of time, the possibility that it was closed for remediation of groundwater contamination and whether that affects its classification as abandoned or not under the pine barrens law, and the question of whether the addition of the convenience store in the new proposal is a change in use as per the pine barrens law definition of development. It was decided that, if the station was closed for remediation of groundwater contamination and if the convenience store is a permitted use in the J5 district, then the new proposal would be considered nondevelopment. The staff will review the code and write an appropriate letter to the applicant.

! Hot Water St and Toppings Path / Manorville: status

Summary: Mr. Proios summarized the prior Commission discussions regarding the possible transfer of Hot Water Street and Toppings Path in the Manorville area of Brookhaven Town from Brookhaven Town to Suffolk County. He noted that the Town has forwarded a letter, also previously discussed at a Commission meeting, offering to do so. Mr. Proios reported that the County Executive wants to see that transfer occur, and Mr. Proios suggested that a resolution of support from the Commission, although not required to effect the transfer, would be useful in effecting that transfer.

A motion was then made by Mr. Proios and seconded by Mr. Girandola to recommend that Hot Water Street and Toppings Path, currently owned by Brookhaven Town, be transferred to Suffolk County. The motion was approved by a 5-0 vote.

Compatible Growth Area

! Medford Apartments / Medford / site plan: scheduling of public hearing

Summary: Ms. Plunkett summarized this new CGA hardship application for a 10 acre parcel on the east side of NYS Route 112, north of the Brookhaven Town Hall in Medford in Brookhaven Town. The application is before the Commission due to its nonconformance with the native vegetation clearing standard. Brookhaven Town has issued a negative declaration for this project. **A motion was then made by Mr. Cowen and seconded by Mr. Shea to schedule a public hearing on this application at 4:00 pm at the next Commission meeting date of 4/22/98. The motion was approved by a 5-0 vote.**

Closed Session

Summary: **A motion was made by Mr. Shea and seconded by Mr. Vilella to enter into executive 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 4:09 pm to 4:23 pm.**

The meeting was then adjourned without any further business.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Draft Commission-SCWA contract for 1998-99 (undated; 5 pages)
4. Letter and attachments from Mr. Danowski re Warner property (3/23/98; 3 pages)
5. Letter from Mr. Balin extending credit appeal decision date (3/30/98; 1 page)
6. Global ReLeaf tree planting schedule (undated; 3 pages)
7. Letter from SC DPW re bridge work in core area (3/11/98; 1 page)
8. Letter from Mr. Davis re dairy farm proposal (3/9/98; 1 page)
9. Letter from Mr. Gazza re proposed core boundary change (3/19/98; 1 page)

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chair*
Felix J. Grucci, Jr., *Vice Chair*
Vincent Cannuscio, *Member*
Ray E. Cowen, *Member*
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Commission Meeting Summary (FINAL) for April 22, 1998 (Approved 5/13/98) Suffolk County Pine Barrens Trail Information Center, Long Island Expressway Exit 70 North, Manorville, 2:00 pm

Commission members present: Mr. Proios (for Suffolk County), Mr. Villella (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, Mr. Milazzo, and Ms. Jakobsen (from the Commission), Mr. Grecco (from the Suffolk County Department of Law and Vice Chair of the Pine Barrens Credit Clearinghouse), 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 2:09 pm by Mr. Proios, with a four member quorum.

Administrative

! Public comments

Summary: The first speaker was Mr. Walter Olsen, representing Civil Property Rights Associates. His first comment was regarding the physical blockage of a portion of the dead end road adjacent to the north side of the Long Island Expressway at Exit 71, on the east side of Edwards Avenue, an issue which was discussed at prior Commission meetings. Since then, the Commission staff has attempted to determine the origin of the blockage, about which Mr. Olsen had originally received reports from a property owner who claimed that his road access to his property is obstructed. Mr. Olsen objected to a letter from Brookhaven Town in which a paragraph notes that access would be restored if the property is developed. He stated that he felt that such a response is unacceptable.

His second comment was an observation that, since the adoption of the Pine Barrens Plan, the town supervisors have been absent from most of the Commission meetings. He specifically noted that he felt that Mr. Shea, representing the Southampton Supervisor, was environmentally astute but did not necessarily have a balanced perspective. Mr. Olsen stated that the

supervisors should attend. Mr. Corwin then noted that Supervisor Villella has attended every Commission meeting since his election, and Mr. Olsen acknowledged that and complimented Mr. Villella.

The second speaker was Ms. Katherine Foster Screven, a property owner and resident of Manorville. Ms. Screven stated that she owns property in the core area on First Street, and that she believed that her land has been taken. Mr. Proios asked whether she had considered the Pine Barrens Credit Program, and she said that she did not want credits.

- ! Draft meeting summary for 4/1/98: distribution for review and approval at 5/13/98 meeting.
Summary: Mr. Corwin distributed this item for consideration at the next meeting.
- ! Commission - Suffolk County Water Authority 1998-99 contract: requested change; approval (original draft distributed at 4/1 meeting)
Summary: Ms. Roth distributed the attached draft version of the 1998-99 Fiscal Year agreement between the Commission and the Suffolk County Water Authority (SCWA). She explained that this version differs from the prior draft in that it contains indemnification language requested by the SCWA. She also noted that the indemnification clause is identical to that contained in the Commission's agreement with the Suffolk County Treasurer's Office for the administration of the Clearinghouse funds.

A motion was then made by Mr. Cowen and seconded by Mr. Villella 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.

Pine Barrens Credit Program

- ! Riverhead receiving area appraisal: status of work
Summary: Mr. Milazzo reported that a fully executed contract now exists with Given Associates, and that the appraisal work has begun.
- ! Gene's Four Season Landscaping / Middle Island / Letter of Interpretation (LOI) application: clarification of road definition (from 4/21 Clearinghouse meeting)
Summary: Mr. Milazzo summarized this LOI application for a set of parcels on the north side of East Bartlett Road in Middle Island in Brookhaven Town. The Clearinghouse Board referred this to the Commission for guidance on the definition of a road pursuant to Chapter 6 of the Plan. The application involves one flag lot parcel with access from East Bartlett Road, and a separate parcel owned by the same applicant which takes its physical access from the flag lot parcel's driveway.

The question is whether that interior parcel should be treated as having roadfront access as per Chapter 6's provisions for purposes of credit allocation. Mr.

Corwin read Section 6.7.6.6 of the Plan. Mr. Grecco offered the opinion that any ambiguity should be construed in favor of the property owner, according to standard rules of construction. He also stated that the Clearinghouse had tie votes when trying to resolve this issue, and criticized Southampton Town for its absence at the last Clearinghouse meeting and other meetings. He stated that alternate representatives are needed for the Clearinghouse Board in order to avoid tie votes.

Mr. Cowen observed that the Commission's work to date has dealt with those roads which are public, improved roads, and that the Commission should be consistent. **A motion was then made by Mr. Cowen and seconded by Mr. Shea to (1) treat the current Letter of Interpretation parcels consistent with past Commission practice, and therefore deem the interior parcel in question as not being a roadfront parcel, and (2) to interpret Section 6.7.6.6 of the Central Pine Barrens Comprehensive Land Use Plan, Volume 1, as referring to parcels on a public, improved road. The motion was approved by a 4-0 vote.**

- ! Appointment of alternates to PB Credit Clearinghouse Board of Advisors (not on the original agenda)

Summary: **A motion was then made by Mr. Proios and seconded by Mr. Vilella to urge each ex officio member of the Commission to appoint an alternate member to the Pine Barrens Credit Clearinghouse Board of Advisors. The motion was approved by a 4-0 vote.**

- ! Brookhaven small lot owner offer: revision (from 4/21 Clearinghouse meeting)
Summary: Mr. Milazzo reported that 137 responses have been received to the Clearinghouse's offer to purchase credits from those Brookhaven core property owners whose property holdings total to one credit or less, and that 17 of these respondents now have signed contracts with the Clearinghouse.

Mr. Milazzo and Mr. Grecco also reported that the Clearinghouse wants to be flexible with the small lot owners, and will consider accepting responses which are received after the 4/30/98 response deadline. They further explained that there may be situations where an individual has a contract with the Clearinghouse to sell their credits, but then receive a higher offer from a third party. The Clearinghouse would like to permit those original contracts to be broken if the property owner notifies the Clearinghouse in writing.

Mr. Grecco reported that the Suffolk County Health Department is either currently requiring, or considering requiring, the redemption of Pine Barrens Credits for certain waivers that the Department issues. Mr. Proios noted that this would have to be considered in the light of the 1995 Generic Environmental Impact Statement for the Central Pine Barrens Plan, which analyzed credit transfer within specific hydrogeologic zones.

Mr. Grecco then explained that the Clearinghouse would like to expand the

current small lot credit purchase offer to include the owners of individual parcels which are entitled to one credit or less, rather than the current offer to those individuals whose aggregate holdings are entitled to one credit or less.

Mr. Cowen and Mr. Spitz raised the question of how many parcels and credits would be involved if such a change were made, and what the overall impacts would be upon the credit program. It was agreed that the pertinent numbers would be obtained for the Commission to examine at its 5/13/98 meeting, which will permit the Commission to discuss this proposal again prior to the Clearinghouse's next meeting on 6/1/98.

- ! Varanelli / Manorville: new credit appeal; schedule discussion

Summary: Mr. Corwin distributed the attached materials, including a letter from Mr. Andrew Varanelli, the owner of property in the Manorville-Eastport area, appealing the credit allocation in his Letter of Interpretation. It was agreed that a discussion of this appeal will be held at the 5/13/98 Commission meeting.

At this point, Mr. Proios temporarily adjourned the meeting so that Commission members and attendees could travel to Hot Water Street and County Road 111 for the joint State and County press conference announcing the acquisition of 1100 acres of core property. The meeting was adjourned from approximately 3:00 pm through 3:30 pm. Capt. Conklin arrived when the meeting resumed. Also at this point, Mr. Frank Foster, a property owner in the audience, requested the members of the Commission to identify themselves, and they did so.

Plan implementation

- ! Protected Lands Council: status of regional management plan work

Summary: Mr. Corwin reported that the Protected Lands Council is about to begin addressing the policy questions and related gaps in the overall core area public lands management plan which their plan subcommittee has produced. The Council will start this at their 5/5/98 meeting.

Mr. Corwin also reported that the Council has contributed to the Global ReLeaf tree planting program with a field day at the Rocky Point Natural Resources Management Area. The Global ReLeaf program, operated by the national, not-for-profit American Forests in Washington, DC, has provided a three year grant to the Suffolk County Community College's Eastern Campus for this purpose. Mr. Corwin distributed the attached news clip and upcoming planting schedule.

- ! Law Enforcement Council: status of all terrain vehicle law; status of joint helicopter training work with Wildfire Task Force

- ! Wildfire Task Force: status of work

Summary: Capt. Conklin reported that the vehicle removal program will soon resume, and that 12 vehicles have been examined in anticipation of their possible airlifting, with more to be inspected. The schedule is partly dependent upon the NY Army National Guard's schedule.

Capt. Conklin also reported that the Law Enforcement Council and the Wildfire Task Force are jointly setting up a combined air and ground firefighting training program. Part of this program will be a familiarization of each agency with the other groups' roles (e.g., having the aviators work on the ground at times, putting the chiefs into the helicopters during training).

He also noted that a memorandum of understanding (MOU) regarding the use of State resources such as the National Guard is being worked out among the affected State agencies, coordinated through the State Emergency Management Office. The MOU would, for example, specifically detail the protocol for requesting the use of helicopter water drops on wildfires. He noted that the scheduled water bucket training session at Wildwood Lake on 4/16/98 had to be postponed due to fog.

It was also noted that the Wildfire Task Force has completed a new draft of the fire management plan, and that draft is being distributed to the fire chiefs and fire districts in Suffolk County for comments. A set of meetings with those individuals to discuss the draft plan is being set up.

Capt. Conklin noted that the member organizations of the Council are completing their review of the proposed restoration of the Suffolk County all terrain vehicle (ATV) law drafted by the County Attorney's office. Their comments and suggested changes will be forwarded to the County Executive. Capt. Conklin commented that restoration of the ATV track which was illegally bulldozed in Robert Cushman Murphy County Park will soon begin.

Finally, he reported that the Rocky Point Natural Resources Management Area and David Sarnoff Preserve prescribed burns are scheduled to be undertaken during the first two weeks of May.

Capt. Conklin left at this point.

- ! Suffolk County land acquisition program: discussion and possible resolution of support *(materials previously mailed)*

Summary: Mr. Proios summarized the attached resolutions regarding the Suffolk County land acquisition and protection programs which were passed this morning by the County Legislature's Parks Committee, and will now go to the full Legislature. Introductory Resolution (IR) 1331 expedites the process for acquiring small lots within the core area; IR 1334 authorizes The Nature Conservancy to assist the County in the small lot acquisition program; IR 1336 authorizes the Peconic Land Trust to assist the County with its land acquisition and protection programs; and IR 1387 authorizes the acquisition of properties within certain Suffolk County Tax Map Districts and Sections.

A motion was then made by Mr. Cowen and seconded by Mr. Shea to urge the County Legislature to approve, and the Suffolk County Executive to sign, the aforementioned County legislative resolutions. During a brief discussion, Ms. Roth noted that the Commission's transfer of development

rights program also assists in this overall protection effort for the core area. The motion was then approved by a 4-0 vote.

Core Preservation Area

- ! Suffolk County Community College / Eastport: report of counsel on development status of sewage treatment plant upgrade
Summary: Ms. Roth distributed and discussed the attached letter from Nelson, Pope & Voorhis regarding the sewage treatment facilities at the Suffolk Community College's Eastern Campus. The College's current plan is to install a new septic tank and leaching field in a new location, to replace the existing sewage treatment plant. The existing plant has had trouble meeting its permitted output parameters, due to a lower input flow than its design requires.

A discussion ensued regarding the development or nondevelopment status of the proposed action, the question of whether the proposed new action would actually mitigate the current environmental problem or simply change the applicable parameters since the new plant would be subject to different restrictions, the possibility of increasing the flow into the current plant by diverting some of the excess flow currently going into the Riverhead sewage treatment plant into the College facility instead, and the desirability of obtaining additional information before the Commission determines the development status of the proposed action.

It was agreed that Ms. Roth will contact Nelson, Pope & Voorhis for additional information regarding the current proposal, while the Commission staff will invite a representative of the College to attend the next Commission meeting on 5/13/98 to discuss alternatives to the current proposal.

Compatible Growth Area

- ! Medford Apartments / Medford / site plan / CGA hardship: request for postponement of today's hearing to 5/13/98
*Summary: Mr. Corwin explained that the attached request has been received from Mr. Sanderman, representing the applicant, to postpone today's scheduled public hearing until the 5/13/98 Commission meeting. **A motion was then made by Mr. Shea and seconded by Mr. Villella to accept the postponement request and to reschedule the Medford Apartments hearing for the 5/13/98 Commission meeting, at 4:00 pm. The motion was approved by a 4-0 vote.***

Administrative

- ! Public comments
Summary: The first speaker was Mr. Walter Olsen, representing Civil Property

Rights Associates. He stated that he felt that the College should address every alternative to solving their sewage treatment problem, and not just select the cheapest approach. He reported that he has been repeatedly asked in the past to explore alternatives on his projects, and that the College should do the same. He specifically included the possibility of the College having a contract with Riverhead Town to accept some of their sewage overflow.

The second speaker was Mr. Henry Dittmer, also representing Civil Property Rights Associates. Mr. Dittmer stated that, prior to the approval of the Central Pine Barrens Plan, he and Mr. Olsen had spoken with then Riverhead Supervisor Stark regarding the single and separate parcels in the core, their allocation of credits and the value of those credits. Mr. Dittmer then stated that his organization would be willing to drop their current lawsuit against the Commission under certain conditions. Ms. Roth responded that any discussion of a settlement of the suit should be conducted through the respective attorneys.

Public hearing: Scheduled for 4:00 pm

- ! Medford Apartments / Medford / site plan / CGA hardship: request for postponement
Summary: A separate stenographic transcript exists for this. The hearing was postponed until 5/13/98.

The meeting ended at approximately 4:54 pm.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Draft 1998-99 Commission SCWA contract (undated; 5 pages)
4. Credit appeal letter from Mr. Varanelli and associated materials (4/13/98; 4 pages)
5. News clip and schedule for the Global ReLeaf program (4/20/98; 4 pages)
6. County Legislature resolutions re land programs (various dates; 21 pages)
7. Letter from Nelson, Pope & Voorhis re SC Community College (3/13/98; 2 pages)
8. Hearing postponement request from Mr. Sanderman (4/21/98; 1 page)

Central Pine Barrens Joint Planning and Policy Commission

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Commission Meeting Summary (FINAL) for May 13, 1998 (Approved 8/5/98) Riverhead Town Hall, East Main Street and Howell Avenue; 2:00 pm

Commission members present: *Mr. Proios (for Suffolk County), Ms. Wiplush (for Brookhaven), Mr. Villella (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 and Ms. Jakobsen (from the Commission), Mr. Grecco (from the Suffolk County Department of Law and Vice Chair of the Pine Barrens Credit Clearinghouse), 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.

Administrative

! Public comments

Summary: *The only speaker was Ms. Jill Lewis, representing the Long Island Pine Barrens Society. She first noted that the Society has requested that a letter be sent from the Commission to the Governor urging that \$10 million in pine barrens land acquisition funds be included in the 1998-99 State budget, in addition to the \$2 million for this purpose that originates from the Natural Resources Damages Account. A brief discussion ensued regarding the effect that such a letter would have.*

Second, she stated that Mr. Richard Amper of the Society has spoken with Dr. LaLima of Suffolk Community College, and that Dr. LaLima may set up a task force regarding the sewage treatment plant issue.

Third, she noted that no response has been received to the attached letter from Mr. Amper to Mr. Gaffney regarding the soccer field proposal and associated litigation. Mr. Corwin noted that the letter was delivered to Mr. Gaffney, and that the matter has been referred to counsel.

- ! Draft meeting summaries for 4/1/98 and 4/22/98: review and approval
Summary: *The following changes were suggested to the 4/1/98 meeting summary: (1) under “Harrick / Manorville”, the third paragraph’s first sentence should read, in part: “... examine the surrounding properties lot area requirements to assist in determining ...”; (2) under “Walton-Hampton Bats Associates / Hampton Bays”, the second part of the section heading should read “consideration of decision postponement and determination of appeal”; and (3) under Tossini Service Station / Calverton”, the second paragraph’s next to last sentence should read: “”. **A motion was then made by Mr. Shea and seconded by Mr. Villella to approve the 4/1/98 meeting summary with these changes. The motion was approved by a 5-0 vote.***

*No changes were proposed to the 4/22/98 meeting summary, and **a motion was made by Mr. Cowen and seconded by Mr. Shea to approve the 4/22/98 meeting summary as drafted. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Ms. Wiplush.***

- ! Commission schedule for July through December: changes and approval
Summary: *The attached draft schedule was briefly discussed. It was agreed to combine the December meetings into a single 12/9/98 meeting. The locations will be determined later. **A motion was made by Mr. Shea and seconded by Mr. Villella to adopt the attached schedule of Commission meeting dates for the rest of 1998, with the noted change. The motion was approved by a 5-0 vote.***

- ! Public Officials and Employees Liability Insurance renewal: authorization of Chair or representative to sign
Summary: *Ms. Roth explained that this insurance policy is up for renewal, and noted the nature of the policy. This policy, formally known as the Public Officials Errors and Omissions and Employment Practices Liability policy, provides \$3,000,000 worth of coverage, runs from 6/9/98 through 6/9/99, and is identified as policy number 485-57-58 with the National Union Fire Insurance Company of Pittsburgh, PA. **A motion was made by Mr. Cowen and seconded by Mr. Proios to authorize renewal of the policy, and to authorize the Commission Chair or his Designated Representative to the Commission to sign the renewal application on behalf of the Commission. The motion was approved by a 5-0 vote, and Mr. Proios then signed the renewal.***

- ! Teleconference on federal drinking water standards (not on the original agenda)
Summary: *Mr. Proios described a 5/20/98 teleconference about source water assessment and the 1996 federal Safe Drinking Water Act amendments re drinking water. (See attached information.)*

Plan implementation

- ! Inclusion of Wertheim National Wildlife Refuge in core: sense resolution of support

Summary: Mr. Corwin explained that the U.S. Fish and Wildlife Service, which owns and manages the Wertheim National Wildlife Refuge in the Shirley area of Brookhaven Town, has asked about the possibility of having the Refuge included within the Central Pine Barrens and the Core Preservation Area. The Refuge, he explained, is immediately south of the southerly boundary of Southaven County Park. He noted that the U.S. Fish and Wildlife Service is sending a letter requesting inclusion to the original sponsors of the State pine barrens legislation.

He also noted that the Refuge's inclusion would completely enclose the Carmans River corridor within the Central Pine Barrens and the Core Preservation Area. Mr. Corwin explained that the State owns tidal wetlands along the shore of Bellport Bay, adjacent to the federal Refuge property, and that the question has arisen as to whether the State would want those areas included as well. Mr. Cowen stated that he has investigated this question, and that the State would prefer not to have their tidal wetland acreage included.

After a brief discussion, a motion was made by Mr. Shea and seconded by Mr. Vilella to support the inclusion of the Wertheim National Wildlife Refuge within the Central Pine Barrens and the Core Preservation Area. The motion was approved by a 5-0 vote.

! Wildfire Task Force: status of fire plan development; other work

Summary: Ms. Jakobsen reported that over 250 copies of the current draft fire plan have been distributed to the Suffolk County fire community, legislators, officials, and others. Notices regarding the three public informational sessions have been sent, with a fax response form for recipients to indicate which meeting(s) they or their colleagues will attend.

Capt. Conklin noted that the plan will have a wide distribution, including national exposure. He also noted that several national fire directors with the U.S. Forest Service and other federal agencies will be in the New York area in the coming weeks for a meeting, and they are planning a field visit to Suffolk County.

Capt. Conklin reported that he will be meeting with the Riverhead and Brookhaven fire chiefs' organizations in the next week, and that meetings with other fire groups are anticipated. He stated that the Task Force hopes to present their proposed final plan to the Commission in late August.

He then explained that there are approximately ten more days left in the window for water bucket training at Wildwood Lake this spring, and that the window will then close until after Labor Day. Given this and restriction and the other activities currently underway, the water bucket firefighting training sessions will not restart until that time.

The prescribed fire windows for the State lands have been shut down at this time, due to the degree of vegetation growth that has occurred this spring, and the consequent amount of smoke that would be produced if burning were to be undertaken now. The windows will reopen after approximately 8/15/98.

Hopefully, the live fuel moisture will then be at acceptable levels for prescribed burning.

- ! Law Enforcement Council: upcoming vehicle removal schedule
Summary: Capt. Conklin reported that the GuardHELP Program kickoff by the New York Army National Guard will be held on 5/20/98 at the NY Army National Guard's MacArthur Airport. This is a change in the original date.

With respect to the abandoned vehicle airlift program (one example of GuardHELP), there are currently 23 known vehicles remaining in the field. Mr. Corwin distributed the attached status memo on the vehicle removal program.

Finally, it was noted that the Council has completed a draft rewrite of the old Suffolk County all terrain vehicle (ATV) law. The draft provides for impoundment of ATVs.

Pine Barrens Credit Program

- ! Riverhead receiving area appraisal: status of work
Summary: Mr. Milazzo noted that Given Associates has begun their work, and that the first appraisal report is due in 60 days.
- ! Varanelli / Manorville / credit appeal: request to postpone discussion (*materials distributed*)
Summary: Mr. Corwin explained that Mr. Varanelli could not be here today, and has requested that this be postponed to the next Commission meeting on 6/3/98. That was agreed to by the Commission.
- ! Heatherwood Communities, LLC / Calverton (Brookhaven) / new credit appeals: schedule discussion
- ! The Woodstock Company / Middle Island / new credit appeal: schedule discussion
Summary: Mr. Milazzo distributed the attached credit allocation appeal letters and staff reports for two parcels in the vicinity of the Long Island Expressway and Nugent Drive, in Calverton in Brookhaven Town. They were received on 4/29/98, and a decision is due on 6/30/98.

He also distributed the attached credit allocation appeal letter and accompanying Brookhaven Town Planning Board correspondence for a parcel on the east side of County Road 21 in Yaphank in Brookhaven Town. The appeal was received on 4/22/98, and a decision is due on 6/23/98.

It was then agreed to hold discussions on these appeals at the 6/3/98 Commission meeting.

- ! Brookhaven small lot owner offer: analysis of parcels (*follow up from 4/1 meeting*)
Summary: Mr. Milazzo summarized the current offer, which is targeted towards

small property owners whose total holdings are entitled to one Pine Barrens Credit (PBC) or less. Mr. Grecco spoke about the reported demand for credits that might be forthcoming due to applications pending before the Suffolk County Department of Health Services. He noted that these applications may lead to requirements that the applicants purchase PBCs. He noted that, if this demand is projected through the year, up to 100 PBCs may be needed. He recommended that the Commission and Clearinghouse plan for such a situation.

Mr. Milazzo then noted that approximately 150 PBCs could be generated if the current offer were expanded to include all those parcels which, taken individually, are eligible for 1 PBC or less. This estimate assumes that the owners of all such eligible parcels would actually apply under a revised offer.

A discussion then ensued regarding the amount of money that would be expended under this proposed expansion of the current offer, the total number of PBCs that would be generated, and the price at which the Clearinghouse would resell the credits. Mr. Grecco then suggested that a new reverse auction could then be held, and Mr. Milazzo described the reverse auction process.

Ms. Wiplush asked to postpone this discussion to the next Commission meeting. Mr. Spitz noted that the current offer was intended to be a program for small property owners, and a brief discussion followed regarding whether the revised program would maintain that spirit. Further discussion was then held until later today.

Core Preservation Area

- ! Suffolk County Community College / Eastport: discussion of sewage treatment issue with College representative (*follow up from 4/1 meeting*)
Summary: *Mr. Fred Strahs-Lorenc from Suffolk Community College was present for this discussion, accompanied by Mr. Chic Voorhis and Mr. Art Koerber from Nelson, Pope & Voorhis, a consulting firm retained by the College for this project. Mr. Koerber explained the specifications and capabilities of the College's current septic system.*

Mr. Strahs-Lorenc then explained the proposed system, noting that the proposed clearing for the project would be approximately 0.3 acre within the College's 193 acre site. He reported that an alternate site for the replacement system might be to place it in one of the College's parking areas, but that would cost approximately \$50,000 to rip up the lot, bringing the total to approximately \$140,000. He reported that there is another alternative, which is to reconfigure the current septic system and building, but that depends upon whether sufficient funds are present in the 1998-99 State budget.

Mr. Cowen noted that the proposed project will not actually reduce the nitrate level emanating from the new system, but simply place the new system into a different regulatory category where the output level would be in compliance with

the regulations for that new category. Hence, the new project cannot be classified as an improvement, and would not qualify on that basis as nondevelopment under the pine barrens law.

Mr. Proios then noted that today is the first time the Commission has heard about the possibility of a redesign on the current building, and that the Commission should support that alternative. A discussion ensued regarding the standards applicable to the current and new systems, the duration of time over which the current system has exceeded standards, the possibility of accepting sewage flow from outside sources (e.g., the Riverhead municipal system) in order to bring the flow into the current system up to a level for which it was designed, the need for pretreatment in order to accept outside sewage flow, and the flow ranges for which the current plant was originally designed.

It was agreed that the College and the NYS DEC will meet regarding the current plant's State Pollution Discharge Elimination System permit, its compliance record, and the specific problems it has encountered; the College will look into trucking sewage to another site; and that the Commission will support the College's effort to obtain State funds for overhauling the existing plant.

- ! Nicolazzi / Manorville / commercial property: determination of jurisdiction
Summary: A brief discussion ensued regarding the status under the State pine barrens law of this 0.12 acre parcel in Manorville in Brookhaven Town. The parcel is zoned J-2 Business, and once had a three story building with both a residence and a business within it. The building burned in 1983, and all that remains is a portion of the foundation.

The discussion focused upon which, if any, of the nondevelopment provisions might apply to this site. It was agreed that the question would be referred to counsel for a report at the 6/3/98 meeting.

Compatible Growth Area

- ! Medford Apartments / Medford / site plan: hardship hearing (postponed from 4/1/98)
Summary: A separate stenographic transcript exists for this hearing.

Pine Barrens Credit Program

- ! Brookhaven small lot owner offer: analysis of parcels (follow up from 4/1 meeting)
*Summary: Ms. Wiplush requested that this discussion be postponed to 6/3/98 to permit the Town to study the proposal to expand the current small lot credit purchase offer to include parcels whose individual allocations would be one PBC or less. **A motion was then made by Ms. Wiplush and seconded by Mr. Shea to postpone discussion on this proposal to the 6/3/98 Commission meeting. The motion was approved by a 3-2 vote, with the dissenting votes cast by Mr. Proios and Mr. Cowen.***

In the brief discussion that followed, Mr. Grecco observed that he was simply reporting to the Commission the current state of the market for credits as he sees it, and not to speak on behalf of the Suffolk County Department of Health Services. Mr. Cowen then stated that representatives should keep themselves informed of the outcome of meetings which they are unable to attend.

Compatible Growth Area

- ! SC Dept. Of Public Works / Westhampton Beach / sewage treatment plant: lead agency coordination

Summary: Ms. Plunkett reported that the Commission has received a lead agency coordination letter for this project. The proposed plant would serve the Compatible Growth Area of Gabreski Airport, where the approximately 56 acres proposed for development as an industrial park are located.

It was noted that in 1996, the County Executive's office requested an interpretation from the Commission on the status of such an industrial park under the State pine barrens law. It was also noted that the new plant would not be within the industrial park itself, but would be south of it, within the Suffolk County Department of Public Works property.

The NYS DEC reviewer of the sewage treatment plant application requested that the County coordinate with the Commission regarding lead agency, since the project affects the pine barrens area. Mr. Cowen then noted that the Commission is not an involved agency, and Mr. Shea agreed. Mr. Proios stated that the County has been pursuing this project for years, since it would be an improvement over the current situation. It was agreed that the staff will send a letter stating that the Commission is not an involved agency.

Administrative

- ! Public comments

Summary: The only speaker was Mr. Walter Olsen, representing Civil Property Rights Associates. First, he agreed with Mr. Cowen, stating further that he believes that it is the responsibility of each supervisor to sit at the table, rather than send alternates, and that this would avoid delays in the Commission's work.

Second, with respect to the Suffolk Community College discussion, he stated that he did not see any aggressive discussion of alternatives to the proposed new septic system. He stated that the College seems focused upon building the new facility, and that, if pretreatment is required to accept additional flow into the current plant, then they should investigate the cost of that. He noted that there may be trucks passing the College which could stop there. He also noted that there should be monitoring of the plant as well. He remarked that the College is the guardian of Wildwood Lake and the Peconic River tributaries, and that the Commission should be more aggressive with the College, as it would be for a

private property owner.

Third, with regard to the Pine Barrens Credit Program in general, he stated that he is disappointed that so much activity and increases in credit values are occurring in Brookhaven Town, but not within Southampton Town. He asked whether someone can explain that, and what are the current values.

Mr. Milazzo then reported that the Clearinghouse records show a range of \$9,250 to \$12,000 per credit in Southampton Town, with a recent single transaction involving 4.02 PBCs which sold for \$40,000 in Southampton Town. He also noted that Mr. Grecco has recently signed the 47 th Pine Barrens Credit Certificate for property within Southampton Town. As for the difference in values between those two towns, he stated that the market demand is greater in Brookhaven Town.

Ms. Trezza and Ms. Jakobsen left at the start of the following executive session.

Executive Session

Summary: A motion was made by Mr. Cowen and seconded by Mr. Villella to enter into executive session for the purpose of discussing the WJF Realty litigation against the Commission. The motion was approved by a 5-0 vote. Mr. Proios stated that there would be no further business following the executive session, and the Commission entered into executive session at approximately 5:38 pm. The session ended at approximately 6:30 pm, and the meeting adjourned at that time.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Letter from Mr. Amper to Mr. Gaffney re soccer field proposal (4/9/98; 1 page)
4. Draft Commission meeting schedule for remainder of 1998 (5/13/98; 1 page)
5. Material re 5/20/98 drinking water teleconference (miscellaneous dates; 3 pages)
6. Memo regarding status of abandoned vehicle program (5/12/98; 3 pages)
7. Credit appeals and other materials for Heatherwood parcels (4/27/98; 5 pages)
8. Credit appeal and other material for Woodstock parcel (4/17/98; 2 pages)



**Commission Meeting Summary (FINAL)
for June 3, 1998 (Approved 10/7/98)
Park Police Headquarters, Southaven Park
Victory Avenue, Yaphank
2:00 pm**

Commission members present: Mr. Proios (for Suffolk County), Mr. Girandola (for Brookhaven), Mr. Vilella (for Riverhead), Mr. Shea and 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 Ms. Jakobsen (from the Commission), Mr. Grecco (from the Suffolk County Department of Law and Vice Chair of the Pine Barrens Credit Clearinghouse), and Mr. Spitz (from the NYS Department of Environmental Conservation, NYS DEC). 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 2:07 pm by Mr. Proios, with a five member quorum.

Administrative

! Public comments

Summary: The only speaker was Mr. Walter Olsen, representing Civil Property Rights Associates. He distributed to the Commission members copies of a document entitled "A Property Owner's Experience", by Carol LaGrasse. He encouraged everyone to read it, and stated that the author is very knowledgeable. He noted that the article is critical of government agencies.

He then stated that he has found the Commission's decisions to be fair, and wishes that such fairness would spread to other government branches such as the towns.

! Update of Commission's treasurer designations

Summary: Mr. Corwin explained that the Commission has previously designated the members of the Pine Barrens Credit Clearinghouse Board of Advisors as treasurers of the Commission, and that changes have occurred to the Board membership recently. He distributed the attached memo describing the current Board members, and he urged the Commission to adopt a resolution automatically designating

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the members and alternates to the Clearinghouse Board of Advisors as Commission treasurers. He noted that this would assure that the Board members are covered by the Commission's Directors and Officers insurance policy.

A motion was then made by Mr. Shea and seconded by Mr. Villella to (1) remove as Commission Treasurers any persons who are no longer members of the Clearinghouse Board of Advisors, and (2) to appoint as Commission Treasurers the current members and alternates of the Clearinghouse Board. The motion was approved by a 5-0 vote.

Pine Barrens Credit (PBC) Program

- ! Toussie / miscellaneous areas / new credit appeals: set discussion
Summary: Mr. Milazzo distributed the appeals for eight parcels owned by Mr. Robert Toussie, who is being represented in his appeals by Mr. Philip Sanderman. It was agreed that a discussion of these appeals will be held at the 6/24/98 Commission meeting.

- ! Heatherwood Communities, LLC / Calverton (Brookhaven) / credit appeals: discussion postponement request (materials distributed 5/13/98)
Summary: Mr. Milazzo explained that a request has been received from Mr. David Sloane, representing the appellants, to postpone today's scheduled discussion until the 6/24/98 meeting. That was agreed.

- ! Summary of 6/1/98 Clearinghouse meeting
- ! Riverhead receiving area appraisal: status of work
Summary: Mr. Milazzo reported that a total of 192 parcels are now covered by conservation easements under the PBC Program, with a total area of approximately 173 acres, and that 145.82 credits have been generated by these parcels. Within Brookhaven Town, there are 136 parcels, totaling 100 acres, under easements, and they have generated 77.45 PBCs. Within Riverhead Town, there are 5 parcels, totaling 36.36 acres, under easements, and they have generated 56.17 PBCs. Within Southampton Town, there are 51 parcels, totaling 36.54 acres, under easements, and they have generated 12.2 PBCs. He also reported that 147.3 PBCs have been conveyed since 1995 through private party transactions where a PBC Certificate was sold by the original owner. He further noted that the dollar total of all PBC transactions since the start of the program is approximately \$1,659,000.

Mr. Grecco then spoke about two issues relating to the Brookhaven Town PBC program: expansion of the current small lot credit purchase offer by the Clearinghouse, and a possible new reverse auction of credits. It was noted that Brookhaven has indicated support of both ideas, but is opposed to conducting both at the same time, while Mr. Grecco supported both initiatives.

Mr. Milazzo noted that the Clearinghouse is currently under contract to purchase

a total of seven PBCs as a result of the first small lot credit offer. Mr. Grecco reported that he believes that there is a current demand for approximately 100 PBCs. A discussion then ensued regarding the current demand level for credits, where the credits would likely be redeemed, and the difference in demand for credits to be redeemed with the Towns and the Suffolk County Department of Health Services.

It was then agreed that any further offers or reverse auctions would be held until the current small lot offer is completed. A further discussion then followed regarding the quantities of credits that an individual would be allowed to purchase, and whether there should be criteria for determining when to sell the Clearinghouse's credits. The Commission decided not to take any action at this time to limit credits.

! Riverhead receiving area appraisal: status of work

Summary: Mr. Milazzo reported that the first appraisal reports for the Riverhead PBC receiving area have been received from Given Associates. He also noted that the appraisals do take account of the zoning change for these parcels from Industrial A to Industrial C. He stated that Dr. James Nicholas is now being contacted to begin the evaluation of credits if used in this area.

Plan implementation

! Wildfire Task Force: status of fire plan; public info meetings

Summary: Mr. Corwin reported that the first of the public informational sessions was held this past Monday evening (6/1/98) at the Suffolk Community College Eastern Campus, with the Task Force Executive Board presenting the individual chapters of the Draft Fire Management Plan. There will be two more sessions on the next two Monday evenings at 7:30 pm: 6/8/98 at the Suffolk Community College's Brentwood Campus, and 6/15/98 at the Suffolk County Fire Academy at Yaphank. He noted that the comments which the Task Force receives from this meetings will be addressed, and then a final draft plan will be forwarded to the Commission for consideration.

! Law Enforcement Council: status of vehicle removals, ATV law

Summary: Mr. Corwin reported that the proposed Suffolk County all terrain vehicle law has been laid on table at the Suffolk County Legislature, and commended Ms. Plunkett of the Commission staff for her work in following through on the details of the draft legislation with the Council and its members agencies. A public hearing will be scheduled by the Legislature on this, and the date is still to be determined.

Mr. Corwin reported that the Council's abandoned vehicle airlift program has removed 41 vehicles, during ten work days, from the public lands of the core area. There are an additional 15 vehicles scheduled to be removed later this month, during three airlift work days.

Mr. Corwin then explained that the New York National Guard, whose local facility

is the Council member which provides the airlift services for the vehicle program, has announced the startup of a new statewide community assistance program, known as GuardHELP. The local unit's work, including training overflights, vehicle removals, and firefighting water bucket training, are examples of the new program. A formal announcement was recently held at the MacArthur Airport Facility on 5/20/98.

Core Preservation Area

- ! Bronfeld / Flanders (part core and part CGA; also Critical Resource Area) / major subdivision: acceptance of application withdrawal

Summary: Ms. Plunkett read a letter from Ms. Bronfeld, which withdraws her application for a core area hardship permit. Ms. Plunkett noted that the parcel, which is split by the core boundary and is partly within the Compatible Growth Area, has recently been acquired by Suffolk County. She also noted that it contains archaeological resources, wetlands, uplands, and old fields. The original application was for 70 lots on approximately 130 acres.

The acquisition of this parcel helps to connect the State holdings within the Sarnoff Preserve with the County's holdings on the east side of Pleasure Drive. She also observed that Mr. Shea wrote a report for Southampton Town in the 1980's that documented the features of the site. Mr. Shea commented that the Bronfelds should be commended for their patience in negotiating a sale to the County. Mr. Proios then commented briefly on the project review process.

A motion was then made by Mr. Shea and seconded by Mr. Girandola to accept the withdrawal of the Bronfeld application. The motion was approved by a 5-0 vote.

- ! Nicolazzi / Manorville (Brookhaven) / commercial property: counsel's report on determination of jurisdiction (from 5/13/98 meeting)

Summary: Ms. Roth explained that this property had contained a three story frame building containing a mixture of uses, that it burned in 1983, that the foundation was later filled, and that it is now a parking lot. A discussion then ensued regarding the nondevelopment provisions of the pine barrens law, and the definition of "structure" in the Brookhaven Town Code. Ms. Roth stated that the first part of Environmental Conservation Law Section 57-0107(13)(iii) applies to commercial as well as residential parcels.

Mr. Dominic Nicolazzi, representing the applicant, stated that the foundation is there, but is buried. A discussion ensued regarding the footprint of the building, the residential component of the prior use, the applicable town codes, and nonconforming uses. It was then agreed that the staff will send a letter stating that the prior structure, or one substantially similar, can be reconstructed.

- ! Krieger / Manorville (Riverhead) / residential property: determination of jurisdiction (new item)

Summary: The subject parcel is on Oakwood Drive in the Calverton portion of Riverhead Town, and it contains a mobile home approximately 10' by 40' which is currently occupied by the owners. They wish to construct a new unit approximately 12' by 56' on the parcel, in a different orientation and footprint, then remove the old structure. A survey was examined which shows both the old and new structures.

After a brief discussion regarding the definition of "structure" in the Riverhead Town code, it was agreed that the proposal was nondevelopment, and the appropriate letter will be sent to the owners.

! Triolo / Ridge / land division: new application; set hearing

Summary: This new application is for a split of an existing lot on Sally Lane in Ridge in Brookhaven Town. The parcel is approximately 2.36 acres in an A1 zoning district, and currently contains one single family home. The proposal is to split the lot into three lots averaging approximately 36,000 square feet each, providing for the construction of two additional homes. Ms. Plunkett distributed the application materials, including an Environmental Assessment Form which was necessary since this is an unlisted action.

A motion was then made by Mr. Cowen and seconded by Mr. Shea to schedule a public hearing on the Triolo core hardship application for the 6/24/98 Commission meeting at 5:00 pm. The motion was approved by a 5-0 vote.

! Suffolk Community College / Eastport / septic system upgrade: discussion (not on the original agenda)

Summary: Mr. Proios asked whether anyone knew if the new state budget contained funding for the College's sewage plant modifications. Ms. Plunkett stated that Mr. Strahs-Lorenc of the College's main administration office had said that it did not, and Mr. Proios commented that the College should try to have the budget amended. Mr. Spitz reported that the College has not yet contacted the NYS DEC re their discharge permit.

! Triolo / Ridge / land division: new application

Summary: Discussion then returned to the Triolo application (see above). It was agreed to have the Triolo application handled as an uncoordinated review under the State Environmental Quality Review Act.

Compatible Growth Area

! Medford Apartments / Medford / site plan: CGA hardship application decision (hearing held 5/13/98)

Summary: Mr. Shea noted that native vegetation and revegetation was discussed at the hearing, but that no information was provided to indicate how that will be done. He noted that since clearing is an issue in this application, such a revegetation plan is important. Mr. Girandola then stated that the Town imposed conditions on the project. Discussion then turned briefly to the number

of units that the sponsor is requesting. Mr. Cowen then touched upon the question of the number of parking spaces that are being required per unit.

Discussion then turned again to the vegetation issue, in particular whether revegetation should be required and its placement on the parcel. **A motion was then made by Mr. Girandola and seconded by Mr. Proios to grant the Compatible Growth Area hardship subject to the condition that 15.9% of the existing site which is currently in native vegetation as shown on the site plan shall remain intact. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Mr. Shea.**

Pine Barrens Credit Program

- ! Varanelli / Manorville / credit appeal: discussion (*materials distributed; postponed from 5/13/98*)

Summary: Mr. Corwin summarized this previously postponed credit appeal discussion for a parcel in the Manorville area of Brookhaven Town, in an old filed map area to the east of CR 111.

Mr. Varanelli, the applicant, was present and distributed an addendum to his initial appeal correspondence. He stated that the parcel had been purchased in 1969 by his family, that the allocation formula troubles him, and cited a recent sale of development rights on a vineyard for \$6,000 per acre. He stated that the offer for his credits was equivalent to \$5,000 per acre. He then explained that he felt that the formulas for allocation and redemption of credits were inconsistent, and then discussed prior credit appeals decided by the Commission that he also felt were not consistent.

Mr. Varanelli stated that he felt that his deed shows that he owns 48 lots, and that he could have received a higher allocation if he had owned separate 50' by 100' lots, due to the minimum allocation of 0.10 credit for any lot. He stated that the credit process should be straightforward and fair, and that it should not put a burden on property owners. He then cited a hypothetical example of the disparity that he felt was present between allocation and sending computations, and further stated that appealing and attending meetings places a tremendous burden on owners.

A discussion then ensued regarding the size of his parcel, the number of lots involved, and the contents of the deed. It was then verbally agreed by Mr. Varanelli and the Commission to extend the decision deadline for the appeal until the 6/24/98 meeting in order to determine the parcel's size. **A motion was then made by Mr. Cowen and seconded by Mr. Girandola to extend the deadline as stated above. The motion was approved by a 5-0 vote.**

- ! The Woodstock Company / Middle Island / credit appeal: discussion (*materials distributed 5/13/98*)

Summary: Mr. Milazzo summarized this credit appeal for a parcel in the old filed map area known as Flower City Park in the Middle Island/Yaphank area of Brookhaven Town. The decision deadline is 6/18/98. The parcel is 40' by 100', has no road frontage, is approximately 100' east of CR 21, and is surrounded by Suffolk County parkland and developed, residentially zoned land. It was noted that the property could be a core hardship candidate, and that the appeal seeks one full credit.

A discussion then ensued regarding the parcel location, the distance from CR 21, the size of the lot, the hardship possibility, and whether it is single and separate. **A motion was then made by Mr. Cowen and seconded by Mr. Shea to deny the credit appeal unless the applicant grants an extension to the 6/24/98 Commission meeting. The motion was approved by a 5-0 vote.**

Administrative

! Public comments

Summary: The only speaker was Mr. Walter Olsen, representing Civil Property Rights Associates. He stated that he thought that Mr. Shea's comments during the Medford Apartments hearing were reminiscent of the Southampton Town Planning Board, and seemed like micromanagement. He stated that he hoped that the Commission does not begin micromanaging projects.

Adjournment

Summary: **A motion to adjourn was made by Mr. Cowen and seconded by Mr. Villella. It was approved by a vote of 5-0.**

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Memo re Commission treasurer designations (6/3/98; 1 page)



**Commission Meeting Summary (FINAL) for June 24, 1998
(Approved 10/26/98)
Quogue Wildlife Refuge, Old Country Road, Quogue
2:00 pm**

Commission members present: Mr. Proios (for Suffolk County), Mr. Girandola (for Brookhaven), Mr. Villella and Ms. Filmanski (for Riverhead; Mr. Villella voting), Mr. Shea and Mr. Murphree (for Southampton; Mr. Shea voting) 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 Ms. Jakobsen (from the Commission), Mr. Grecco (from the Suffolk County Department of Law and Vice Chair of the Pine Barrens Credit Clearinghouse), 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 2:06 pm by Mr. Proios, with a five member quorum.

Administrative

! Public comments

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

! Suffolk County Water Authority 1998 salary increases: approval for reimbursement (memo faxed)

Summary: *Mr. Corwin discussed the attached memo previously distributed to Commissioners regarding salary increases for the Suffolk County Water Authority employees which staff the Commission. He noted that this includes a salary increase for the Executive Director position of 3.5%. **A motion was then made by Mr. Cowen and seconded by Mr. Villella to approve this increase and to authorize reimbursement of the Suffolk County Water Authority for staff increases for those individuals working on Commission business. The motion was approved by a 5-0 vote.***

Plan implementation

! Wildfire Task Force: plan status; informational meetings

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Summary: Mr. Corwin explained that the Task Force is working on a final draft for forwarding to the Commission, and reported that there have been three public information sessions conducted by the Task Force: 6/1/98 at Suffolk Community College in Southampton, 6/8/98 at Suffolk Community College in Brentwood, and 6/15/98 at the Suffolk County Fire Academy in Yaphank. He also thanked Mr. Cowen and Mr. Spitz for their interest and attendance at the Yaphank session. The sessions were specially targeted towards the County-wide fire and emergency services community.

A brief discussion then ensued regarding the State Environmental Quality Review procedure that would have to be conducted by the Commission once the draft plan is received, and Ms. Roth explained some of the issues which may arise here. She noted that the draft fire plan would be reviewed in the context of the generic environmental impact statement that accompanied the overall Central Pine Barrens Plan in 1995.

! Law Enforcement Council: vehicle removals; ATV law

Summary: Ms. Plunkett distributed the attached copy of the proposed Suffolk County all terrain vehicle law, described the provisions in it, and summarized the likely sequence which it will undergo at the County Legislature.

Mr. Corwin then summarized the abandoned vehicle airlift program, noting that the 50th vehicle removal is expected to occur this Friday, 6/26/98. He noted that press coverage is being sought for this event, and reiterated a standing invitation to any interested parties to attend.

! Wildfire Task Force: correspondence

Summary: Mr. Corwin explained that the attached, annotated news clipping has been received from Mr. Jack Austen, a member of the Wildfire Task Force, and that Mr. Austen would like to address the Commission regarding it. The news clip addresses the recent state purchase of the Whitney property in the Adirondacks, and the expected state payment of local property taxes on the land.

Mr. Austen, who is a Commissioner of the Ridge Fire District, then spoke about the difficulty that the fire departments face in obtaining volunteers, the fire districts' finances, and the difficulty in maintaining equipment. He stated that there were 37 fires in the pine barrens last year, that 140 hours were spent in the woods, and that the fire service has to pay for gas and repairs. He stated that the few dollars that they have is being taken from them when land is purchased for preservation. He then mentioned the current Florida fires, and stated that Long Island firefighters are volunteers. He stated that his opinion is that government is not doing enough, and cited the recent purchase of the Lustgarten property.

Mr. Cowen noted that current state law regarding the threshold for state payments in lieu of taxes is based upon whether 2% or more of the assessed valuation of a taxing district is being removed from the tax rolls. Mr. Austen

stated that Ridge has more than that amount off the tax rolls.

- ! Protected Lands Council: update on SC Nature Preserve Handbook
Summary: Mr. Corwin distributed the attached copy of Suffolk County Legislative Introductory Resolution 1628-98 which would approve a master plan for equestrian activities on Suffolk County park and nature preserve lands. The proposal is currently pending before the County Legislature. Mr. Proios then discussed the provisions of the legislation. It was noted that the proposal would amend the County Nature Preserve Handbook to accommodate an equine activities master plan, which is not attached to the resolution. It was also noted that the County Parks Board of Trustees has opposed this proposal, and that the Protected Lands Council will be considering the issue at its 7/7/98 meeting.

Mr. Corwin suggested that the Commission consider a resolution opposing the legislation. Mr. Cowen then observed that the Commission should be clear that any opposition that it may take to the proposed County legislation should not be construed as general opposition to all future amendments to the County Nature Preserve Handbook. As an example, he cited a prior meeting that he had with the Suffolk County Attorney and the County Attorney's staff regarding the issue of hunting of County lands governed by the Handbook. Mr. Proios then commented that better criteria are needed for determining appropriate uses on those lands.

It was agreed that the staff would provide a suggested resolution of opposition to IR 1628-98 for consideration by the Commission at its next meeting.

- ! Satellite remote sensing application (MEDEA Program): formal response from national steering committee; next steps
Summary: Mr. Corwin distributed the attached correspondence from the U.S. Geological Survey (USGS) and Representative Michael Forbes, along with materials distributed at a prior Commission meeting. The USGS letter conveys the formal acceptance by the U.S. Government's interagency MEDEA remote sensing program of the Commission's request to consider the Central Pine Barrens for long term environmental monitoring.

Mr. Corwin explained that the program, also known as the Global Fiducials Program, will enable scientists to utilize high-resolution satellite images collected over the coming years to study such topics as vegetation change, surface water properties and changes, atmospheric parameters, etc. With the acceptance of the Central Pine Barrens by the MEDEA Program's Civil Applications Committee, the next step will be for USGS and affiliated national scientists to work with local scientists to specify exactly what long term environmental monitoring will be performed, and then to work out the technical requirements for the satellite system to capture the necessary data.

Pine Barrens Credit Program

- ! Riverhead receiving area appraisal: status of work
Summary: *Mr. Milazzo reported that Given Associates has completed the first batch of appraisals necessary for the re-evaluation of the Riverhead receiving areas. The information will now be forwarded to Dr. James Nicholas for an economic analysis.*

- ! Brookhaven small lot revised offer: status
Summary: *Mr. Milazzo reported that the small lot credit purchase offer by the Clearinghouse has been mailed out to the Brookhaven core area landowners. It has a return date of 7/20/98. He then noted that the offer is on a "first come, first serve" basis, and that it is restricted to those lots which would receive one Pine Barrens Credit or less.*

- ! General program status
Summary: *Mr. Milazzo noted that the next Clearinghouse Board meeting will be on 7/2/98 at 8:00 am at the Commission office in Great River. He also presented conservation easements and vouchers for new parcels and anticipated credit purchases, respectively, to Mr. Proios, who signed them.*

- ! Heatherwood Communities, LLC / Calverton (Brookhaven) / credit appeals: request for postponement to 7/15/98 (from 5/13/98)
Summary: *Mr. Milazzo distributed the attached letter from Mr. David Sloane, an attorney representing Heatherwood Communities, which requests a postponement of the credit appeal discussion and decision date for these sites to 7/15/98. Mr. Cowen asked about the reason, and Mr. Milazzo reported that Mr. Sloane indicated that he wishes to provide financial information regarding the value of these properties.*

A brief discussion of this topic ensued, followed by a motion by Mr. Shea, seconded by Mr. Villella, to accept the request for a delay in the discussion and decision until the 7/15/98 Commission meeting, with the statement that the Commission does not believe that the appraisal values of the properties is germane to the credit allocation. The motion was approved by a 5-0 vote.

- ! Toussie / miscellaneous areas / new credit appeals: discussion (7/30/98 decision deadline)
Summary: *Mr. Milazzo distributed the attached map, and summarized this credit allocation appeal for eight parcels in the old filed map entitled Flower City Park in the Middle Island area of Brookhaven Town. The parcels are all to the east of CR 21, none are on the improved road, and several are in the far eastern portion of the old filed map. This old filed map also contains the Woodstock parcel, which is also on today's agenda.*

Mr. Philip Sanderman, an attorney representing the appellant, was present and discussed the individual parcels' allocations and the credits that are being sought. He also noted the purchase prices that the owner paid for each parcel. He then noted that his client is appealing because he wishes to get back his

original costs, and cited the Expressway 60 Patent appeal as an applicable precedent, in his opinion. Mr. Sanderman stated that his client intends to use the credits within Brookhaven Town.

The discussion then touched upon the owner's anticipation of values when the parcels were bought, and related issues. Mr. Spitz then requested that the minutes show that the appraisal is not a basis for a credit appeal. Mr. Sanderman then requested that the minutes show that the appellant voluntarily did not submit appraisal testimony.

The discussion then turned to the question of why these lots are different, and Mr. Sanderman stated the lots are single and separate, and submitted chains of title regarding this. After a brief discussion in which Mr. Cowen stated that he did not see anything to distinguish these parcels from others to which the normal credit allocation formulae have been applied, **a motion was made by Mr. Cowen and seconded by Mr. Girandola to deny the appeal and to allow the original allocation of credits to stand. The motion was approved by a 5-0 vote.**

Mr. Grecco left at approximately this time.

- ! The Woodstock Company / Middle Island / credit appeal: discussion (from 5/13/98; 6/24/98 decision deadline)

Summary: Mr. Michael Wallkam of the Woodstock Company was present for this item. Mr. Milazzo distributed aerial photos and written materials for this, and noted that it was in the same old filed map as the previous discussion item, but was one parcel removed from the improved CR 21.

Mr. Wallkam stated that the parcel was purchased to build, that it was single and separate, and that it had received permission for the construction of the road and house. A brief discussion ensued regarding the residential exemption provision of the pine barrens law within the core area, and of the road that would be built to the parcel if it were developed. Mr. Cowen observed that it was substantially similar to a roadfront parcel, and that the lot between the subject parcel and the road is developed with a single family residence.

A motion was then made by Mr. Cowen and seconded by Mr. Girandola to grant the appeal and offer one full credit for the parcel, based upon the previous approvals to put in a road to the parcel, and also based upon the close proximity of the parcel to an improved public road. The motion was approved by a 5-0 vote.

- ! Pope / Ridge / new credit appeal: schedule discussion (8/10/98 decision deadline)

Summary: Mr. Milazzo distributed the attached appeal letter from Mr. Dominic Nicolazzi, representing the appellants, the Letter of Interpretation, and associated materials. The original allocation for the parcel is 1.91 credits, and the appeal seeks 2.00 credits, an increase of 0.09 credit. The appeal letter mentions that the owners have been assessed for 2.5 acres, rather than a

smaller amount shown on the survey, and that an improved road extends to within 50 feet of the subject property.

After a brief discussion, a motion was made by Mr. Shea and seconded by Mr. Vilella to grant the appeal and to increase the allocation to 2.00 credits, with the comment that the yield factor used in the allocation process is not as relevant in this instance since this only involves a two lot subdivision. The motion was approved by a 5-0 vote.

- ! Fichter / Ridge / new credit appeal: schedule discussion (8/10/98 decision deadline)
Summary: Mr. Milazzo summarized this credit appeal for three lots along Crystal Brook Road in the area of Ridge, Brookhaven Town, which lies to the west of William Floyd Parkway and south of NYS Route 25. The appeal deadline was 4/29/98, based upon the Letter of Interpretation issue date of 3/30/98, but the appeals were dated 6/6/98. A discussion ensued regarding whether these appeals should be accepted, what the lag time was in the prior late appeals that were accepted by the Commission, and the location of the improved streets and paper streets in the area. It was agreed that the staff will determine the prior lag times for late appeals which were accepted, and this will be on the 7/15/98 Commission agenda.

Core Preservation Area

- ! Michaelangelo's Restaurant / Manorville (Brookhaven): boundary change request (materials to be distributed)
Summary: Mr. Sanderman represents the owner of the subject property, which is located on the east side of CR 111, south of the Long Island Expressway, in Manorville in Brookhaven Town. He explained that the site contains a restaurant and that new clearing at the site, as well as an extension to the building, were started without Town or Commission approvals. He stated that the owner would like to have the project be determined to be nondevelopment, or receive a core boundary change.

A discussion ensued regarding the nondevelopment provisions of the pine barrens law, the possibility that the work already undertaken is a violation of the pine barrens law, and the possibility of the owner filing an application for a core hardship exemption permit. It was agreed that the owner would file a core hardship application, and the issue of a violation would be looked into by the Commission and its counsel.

Pine Barrens Credit Program

- ! Varanelli / Manorville / credit appeal: discussion; decision (from 5/13/98; 6/24/98 decision deadline)
Summary: Mr. Varanelli was present and submitted the attached letter from The Nature Conservancy indicating that they are basing their purchase offering upon

a figure of 2.75 acres for his property. It was noted that this acreage would result in an increase in the original allocation of 0.09 credit, for a total of 0.44 credit. Mr. Varanelli spoke about the differences between the allocation and redemption of credits. He also stated that he is seeking three credits.

In the ensuing discussion, it was noted that the parcel is approximately 2,500 feet from the nearest improved road, and does not have any improved road frontage. **A motion was then made by Mr. Girandola and seconded by Mr. Cowen to deny the credit appeal, but to amend the total credit allocation to 0.44 credit, based upon the adjusted acreage figure. The motion was approved by a 5-0 vote.**

Compatible Growth Area (CGA)

- ! Brookhaven Town Center / Yaphank: amended site plan; recent correspondence
Summary: Ms. Plunkett reported that a State Environmental Quality Review Act coordination notice has been received from Brookhaven Town for a change in this major commercial shopping center development at the northwest corner of William Floyd Parkway and the Long Island Expressway in Yaphank. The original project, which was determined to be exempt from the pine barrens act in Chapter 9 of the 1995 Central Pine Barrens Plan, provided that construction would occur in two phases, with specified activities in each phase.

The revised plan alters the distribution of the activities within the two phases by increasing the extent of construction within Phase 1. The Town's coordination is for a Draft Environmental Impact Statement Supplement which the project sponsor has produced. A discussion ensued regarding whether the exemption language still applies, and counsel was asked to examine this issue for the next Commission meeting.

- ! Walter / Miller Place / land division; clearing restriction inquiry
Summary: Ms. Plunkett distributed and discussed materials for this inquiry regarding a 27,500 square foot lot that the owner wishes to split into three lots. The Brookhaven Town Zoning Board of Appeals imposed a 53% clearing restriction, but the applicant would like to clear 90%. The inquiry is whether a CGA hardship application is needed. It was agreed that a hearing will be held after such an application is received.

Administrative

- ! Public comments
Summary: The first speaker was Mr. Walter Olsen, representing Civil Property Rights Associates. Mr. Olsen referred to earlier remarks by Mr. Austen regarding the local fire departments. Mr. Olsen stated that legislation should have been in place earlier regarding the issue of taxes, preserved lands, and the fire districts. He stated that people are upset that no action is being taken. Mr.

Cowen remarked that altering the threshold at which the state provides payments in lieu of taxes requires state legislation. Mr. Olsen stated that the cost of fire suppression is staggering.

Mr. Olsen also commented that the equestrian groups are not getting what they were told they would be with respect to recreational uses of parklands. Mr. Cowen remarked that the issue with respect to the legislation discussed earlier today applies to County lands, not State lands. He noted that restrictions have to be in place so that conflicts among user groups are avoided.

At this point, further public comment was delayed to later in order to permit the scheduled public hearing to proceed.

Core Preservation Area

- ! Triolo / Ridge / land division: hardship hearing
Summary: A separate stenographic transcript exists for this.

Administrative

- ! Public comments
Summary: The next speaker was Ms. Gloria Hendrix, also representing Civil Property Rights Associates. She stated that she wants to know what it will cost to see the Pine Barrens Credit Program through to the end, and what the time frame is. Mr. Milazzo then explained the Pine Barrens Credit Program, and the choices available to owners among the credit program, hardship applications for development, etc. Ms. Hendrix then asked if the credits are marketable, and she was advised that a lengthier conversation with Mr. Milazzo regarding the details of the credit transactions and how they are sold was advisable.

The next speaker was Mr. Henry Dittmer, also representing Civil Property Rights Associates. He stated that he felt that the Commission was acting harshly in the matter of the Michaelangelo's application discussed earlier today.

Closed Session

Summary: **A motion was made by Mr. Cowen and seconded by Mr. Girandola to enter into closed session for the purpose of receiving legal advice from counsel. 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. Memo re SCWA salary increases (6/17/98; 1 page)

4. Proposed Suffolk County all terrain vehicle law (6/9/98; 5 pages)
5. Annotated news clip re purchase of Whitney land in Adirondacks (6/3/98; 1 page)
6. Suffolk County Legis. Intro Res 1628-98 and attached materials (6/2/98; 7 pages)
7. Letters regarding MEDEA remote sensing program (5/1/98, 6/2/98; 2 pages total)
8. Letter from Mr. Sloane re postponement of Heatherwood action (6/23/98; 1 page)
9. Map showing Toussie and Woodstock parcel locations (undated; 1 page)
10. Pope parcel appeal letter and related material (miscellaneous dates; 7 pages)
11. Letter to Mr. Varanelli from The Nature Conservancy (12/31/97; 2 pages)

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chair*
Felix J. Grucci, Jr., *Vice Chair*
Vincent Cannuscio, *Member*
Ray E. Cowen, *Member*
Vincent G. Villella, *Member*

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Commission Meeting Summary (FINAL) for July 15, 1998 (Approved 8/5/98) Brookhaven Town Hall, Building 4 3233 Route 112, Medford; 2:00 pm

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

Others present: General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Jakobsen, and Mr. Rizzo (from the Commission), Mr. Grecco (from the Suffolk County Department of Law and Vice Chair of the Pine Barrens Credit Clearinghouse), and Mr. Spitz (from the NYS Department of Environmental Conservation). Additional attendees are shown on the attached sign-in sheet.

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

Administrative

! Public comments

Summary: Mr. Richard Amper, representing the Long Island Pine Barrens Society, said he would prefer to wait until Commission counsel arrives to speak.

! 1998-99 Fiscal Year final budget: review and approval

Summary: Mr. Corwin distributed the attached proposed final Commission budget for the 1998-99 State Fiscal Year, and noted the differences between it and the Preliminary Draft Budget which the Commission submitted to the Governor's Office in December, 1997. The final Commission budget for 1998-99 is \$630,000, which is \$10,000 less than the submitted request.

He noted that the Commission will need to approve a final budget in order to produce a formal contract between the Commission and the NYS Department of Environmental Conservation, since the final budget will be an attachment. **A motion was then made by Mr. Shea and seconded by Ms. Filmanski to approve the distributed budget as final. The motion was approved by a 5-0 vote.**

Mr. Rigano arrived during the preceding discussion.

! Public comments

Summary: Mr. Amper, representing the Long Island Pine Barrens Society, spoke about the recent State Supreme Court decision regarding the development classification of the proposed athletic fields at Fireman's Park, a Brookhaven Town Park within the core area.

He discussed the scope of the judge's decision in that case, and urged the Commission to not appeal, but rather to work with the Pine Barrens Society and its attorneys on finding mutually acceptable language for the final judgement to be submitted to the court. He discussed concerns regarding the scope of the current decision's language regarding recreation.

He also stated that the Society is still willing to work with all interested parties in finding alternate locations for the proposed soccer fields. He also briefly discussed the court's deadlines for submitting papers.

Core Preservation Area

! Michaelangelo's / Manorville / site plan: discussion (from 6/24)

Summary: Mr. Philip Sanderman, representing the applicant, was present and briefly described the attached core hardship application, which was distributed by Mr. Corwin. The application, which was received earlier today, is for an alteration of, and addition to, an existing restaurant on a 1.6 acre site on the northeast side of County Route 111, south of the Long Island Expressway, in Manorville, Brookhaven Town.

A brief discussion ensued regarding the application; the current state of construction work on the site; whether any permits exist for the work which was begun, and then halted, on the site; whether a hardship permit is required for the work; and whether a violation of the pine barrens law exists or not. Mr. Corwin noted that prior correspondence was submitted by Mr. Sanderman regarding the development status of the project under the pine barrens law. Mr. Sanderman requested that a hardship hearing be scheduled.

The Commission determined that a hearing should be scheduled, and **a motion was then made by Mr. Cowen and seconded by Ms. Filmanski to schedule a hearing on this core hardship application for the 8/5/98 Commission meeting at 5:00 pm. The motion was approved by a 5-0 vote.**

Pine Barrens Credit Program

! Heatherwood Communities, LLC / Calverton (Brookhaven) / credit appeals: discussion (7/15 decision deadline)

Summary: Mr. Corwin summarized these credit allocation appeals for two

parcels, one on the east side and one on the west side of Edwards Avenue, immediately south of the intersection of the Long Island Expressway's Exit 71 and Edwards Avenue, in Calverton in Brookhaven Town. Following a brief discussion, the Commission postponed further discussion until 4:00 pm today to allow the appellant's representative, Mr. David Sloane, to appear.

! Fichter / Ridge / credit appeal: discussion (8/10/98 decision deadline)

Summary: *Mr. Corwin summarized the appeals for these three adjacent parcels on the west side of Crystal Brook Road in Ridge in Brookhaven Town. The three parcels were allocated less than one credit each, with their total allocation equaling one Pine Barrens Credit (PBC).*

He noted that the first question which the appeals presented to the Commission was whether to accept them, since they were filed after the deadline for doing so. Mr. Dominick Nicolazzi, representing the appellants, was present and explained that the appeals were filed late due to his having only recently been retained by the property owners. After a brief discussion, the Commission decided to accept the appeals.

Mr. Nicolazzi then addressed the substance of the appeals, stating that the parcels were single and separate under Brookhaven Town criteria, and that he had title searches to that effect. Mr. Girandola asked whether they were up to date, and Mr. Nicolazzi said that they were not completely current. The possibility of having new searches was discussed, and Mr. Nicolazzi stated that would be too expensive for his clients.

It was then agreed that a less expensive continuance search could be conducted on each to bring them up to date. Mr. Nicolazzi agreed to do that, and the Commission and Mr. Nicolazzi then agreed to extend the discussion and decision on these appeals until the 8/5/98 Commission meeting.

! Suffolk County small lot program: discussion (not on the original agenda)

Summary: *Mr. Grecco, speaking on behalf of the Suffolk County Real Estate office, responded to several statements made in a recent letter from Mr. Richard Amper of the Long Island Pine Barrens Society regarding the County's acquisition program in general, and the recently undertaken small lot acquisition program in particular. He disagreed with the comparison in that letter between the County and State acquisitions.*

Mr. Grecco then discussed an administrative issue which the County real estate staff have encountered when speaking with small lot owners who are also considering participation in the Pine Barrens Credit Program's recent small lot offer. The deadline for the landowners to respond to the Pine Barrens Credit Program's recent small lot offer within Brookhaven Town is 7/20/98, and the landowners would be better able to consider their choice of programs if the PBC Program deadline could be extended slightly in order to permit them to receive some response from the County Real Estate office.

It was then agreed that the Suffolk County Real Estate staff will explain the overlap of deadlines for the two separate programs (the County's small lot acquisition program and the Clearinghouse's small lot offer). It was also noted that credits are needed in Southampton Town, and the possibility of sending a similar solicitation to Southampton property owners was discussed. Mr. Cowen briefly described the State acquisition program's history. Finally, Mr. Corwin introduced Mr. Mark Rizzo, a summer intern, to the Commission. Mr. Rizzo is assisting Mr. Milazzo with the Pine Barrens Credit Program work.

- ! Gabreski Airport / Westhampton: discussion (not on the original agenda)
Summary: *Mr. Proios distributed the attached news clipping article regarding the County's Gabreski Airport, and the possible development of the central portion of the site.*

Plan implementation

- ! Wildfire Task Force: plan status
Summary: *Ms. Jakobsen explained that the Draft Fire Management Plan is currently undergoing internal Task Force review and revision, based upon comments received from the Suffolk County fire community. Many of these comments resulted from the three public informational sessions which the Task Force sponsored. A mailing will go out to the Task Force members next week with the revised draft, and the Task Force will then approve it for forwarding to the Commission. The next Task Force meeting was scheduled for 7/29/98, but is being rescheduled.*

Mr. Corwin then noted that one of the next efforts to be undertaken by the Task Force will likely be the Fire Protection Assessment which the Draft Fire Management Plan recommends. This involves the analysis of each geographic region (probably each fire district) within the Central Pine Barrens to determine the exact location and nature of the fire hazards, fire risks, and significant values (e.g., structures, ecologically important sites, etc.).

This analysis will produce a set of detailed maps showing these three factors. The maps are then used in conjunction with the general policies in the Draft Plan to identify specific, tangible actions which can be taken in each district. These actions can include stationing or obtaining physical resources, locating fire substations, identifying areas for prescribed burning, etc.

Mr. Corwin also noted that two members of the Commission staff have recently completed the S130/S190 wildland fire training courses given by the NYS DEC Forest Rangers. This training will also be available to other staff members this fall at the proposed Fire Academy which the NYS DEC Region 1 Office is organizing. He then noted that the Academy will be held at the end of October, and will offer several courses in the Incident Command System, emergency response and organization, and wildland fire training.

He then noted that the next Task Force meeting, being rescheduled, will include a discussion of the possibility of recommending to the Commission two new members of the Task Force: the New York Army National Guard's Army Aviation Support Facility #1, based at MacArthur Airport in Ronkonkoma, and the U.S. Fish and Wildlife Service. The former has been instrumental in conducting the helicopter water bucket firefighting training, and the latter is now a core area public conservation landowner.

Mr. Corwin also distributed the attached news clips relating to the fire plan development, the recent Florida wildfires, the abandoned vehicle removal program (next agenda item), the Wertheim Refuge addition (also a later agenda item), and other pine barrens topics.

! Law Enforcement Council: status of vehicle removal program

Summary: Mr. Corwin reported that the Council has just completed the airborne removal of its 50th abandoned vehicle from the core area, and that 6/26/98 event was commemorated with a press conference at the Sarnoff Preserve in Riverside in Southampton Town. The vehicles removed that day were all located within the Hampton Hills County Parkland. Four vehicles were removed that day, for a cumulative program total of 53. There are approximately 12 known additional vehicles to be removed when the effort resumes in the fall.

! Consideration of resolution re SC Introductory Resolution re equine activities (draft of County Park Trustees' resolution to be distributed)

Summary: Mr. Corwin distributed the attached resolution from the Suffolk County Department of Parks' Board of Trustees opposing the County Legislature Introductory Resolution 1628-98 relating to equine activities on County Parklands. He noted that discussion of this topic began at the 6/24/98 Commission meeting, and that the Commission had expressed a desire to obtain the Trustees' resolution first, since some of the language endorses the work of the Protected Lands Council.

After a brief discussion, a motion was made by Mr. Cowen and seconded by Mr. Shea to oppose the passage of Introductory Resolution 1628-98, and to endorse the content of the Suffolk County Parks Departments' Board of Trustees to that effect. The motion was approved by a 5-0 vote.

! Wertheim National Wildlife Refuge: recent amendment to ECL 57; follow-up tasks

Summary: Mr. Corwin reported that the Governor signed into law on 7/12/98 an amendment to the state pine barrens law which includes the Wertheim National Wildlife Refuge lands into both the Central Pine Barrens and the Core Preservation Area boundaries. He briefly described the location, size, and extent of the Refuge, referring to updated maps of the Carmans River Stewardship Unit, just produced by Ms. Plunkett of the Commission staff. The attached one page description of the Refuge was also distributed.

Mr. Corwin then noted that the addition of the Refuge to the core area makes the U.S. Fish and Wildlife Service (USFWS), which owns and manages the Refuge,

a voting member of both the Protected Lands Council and the Law Enforcement Council. He further noted that it also makes the USFWS eligible for voting membership on the Wildfire Task Force, and explained that the Task Force will consider such a membership recommendation to the Commission at the next Task Force meeting.

Mr. Grecco left at approximately this time.

Core Preservation Area

- ! Altaire Pharmaceuticals / Calverton (Riverhead): acceptance of application withdrawal
Summary: Mr. Corwin read the attached letter from Altaire Pharmaceuticals withdrawing their core area hardship application. **A motion was then made by Mr. Shea and seconded by Mr. Cowen to accept the withdrawal. The motion was approved by a 5-0 vote.**

- ! Brookhaven Shooting Range / Ridge: request for determination of jurisdiction
Summary: Mr. Rigano requested that the Commission defer this item to the closed session later in the meeting, in order for him to provide legal counsel to the Commission on this. That was agreed.

Compatible Growth Area (CGA)

- ! Walter / Miller Place / land division: new hardship; set hearing
Summary: Mr. Corwin reported that this new CGA hardship application is for relief from the clearance standard on a parcel west of the NYS Rocky Point Natural Resources Management Area and south of NYS Route 25A, in Miller Place in Brookhaven Town. He recommended scheduling a hearing. **A motion was then made by Mr. Cowen and seconded by Mr. Girandola to schedule a public hearing on this application for the 8/5/98 Commission meeting, with the hearing starting at 5:00 pm. The motion was approved by a 5-0 vote.**

- ! LI Fisherman / Yaphank / site plan: new hardship; set hearing
Summary: Mr. Corwin reported that this new CGA hardship application is for relief from the clearance standard on a parcel east of the William Floyd Parkway and north of the Long Island Expressway, in Yaphank in Brookhaven Town. He recommended scheduling a hearing. **A motion was then made by Mr. Girandola and seconded by Mr. Cowen to schedule a public hearing on this application for the 8/5/98 Commission meeting, with the hearing starting at 5:00 pm. The motion was approved by a 5-0 vote.**

Administrative

! Public comments

Summary: Mr. Walter Olsen, representing Civil Property Rights Associates, spoke about Mr. Grecco's earlier remarks regarding the small lot acquisition program. Mr. Olsen stated that the County should "get in line" with fair market values, and took issue with Mr. Grecco's estimates of the acres of core land that remain to be protected, stating that he felt it was many times that amount. He stated that the County needs to pay more money for its acquisitions.

Pine Barrens Credit Program

! Overall credit program: discussion (not on the original agenda)

Summary: Mr. Proios spoke briefly about possible ways to stimulate interest in the credit program. A short discussion ensued regarding ways to make the credits better known and available.

! Heatherwood Communities, LLC / Calverton (Brookhaven) / credit appeals: discussion (7/15 decision deadline)

Summary: At this point (after 4:00 pm), there was still no representative of the applicant present. **A motion was made by Mr. Cowen and seconded by Mr. Shea to deny the Heatherwood appeal, based upon the lack of any relevant information being provided to form a basis for any additional allocation. The motion was approved by a 5-0 vote.**

Closed Session

Summary: **A motion was made by Mr. Cowen and seconded by Ms. Filmanski to enter into closed session for the purpose of receiving legal advice from counsel. The motion was approved by a 5-0 vote.** The Commission entered into closed session from approximately 4:05 pm to 5:11 pm.

Compatible Growth Area

! Mirando Nursery Expansion / Manorville / litigation: discussion (not on the original agenda)

Summary: Mr. Rigano summarized briefly the sequence of papers that has been filed in this case. In particular, he noted that the Commission filed a brief opposing the granting of standing for the Long Island Pine Barrens Society, one of the plaintiffs. Mr. Cowen then stated that he was opposed to the filing of that brief.

Core Preservation Area

! Michaelangelo's / Manorville / site plan: discussion (from 6/24)

Summary: Mr. Rigano stated that the proposed activities in this project do

require a core hardship permit from the Commission. The Commission members agreed on this and that there should be discussions between the project sponsor's attorneys and the Commission counsel regarding possible violations.

- ! Brookhaven Shooting Range / Ridge: request for determination of jurisdiction
Summary: Mr. Rigano stated that the activities proposed in the jurisdictional inquiry to the Commission do not qualify as nondevelopment under the state pine barrens law. (See the attached correspondence from the project's consultant.) The Commission members agreed, and the sponsor will be told that a core hardship application is required.

Mr. Girandola and Mr. Rizzo left at approximately this time.

Public hearing: Scheduled for 5:00 pm

- ! Triolo / Ridge / land division / core (continued from 6/24/98)
Summary: The hearing began at approximately 5:15 pm. A separate stenographic transcript exists for this. The hearing record was kept open through 8/4/98.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Proposed Final Budget for 1998-99 Fiscal Year (7/15/98; 5 pages)
4. Hardship application for Michaelangelo's Restaurant (7/15/98; 3 pages)
5. News article re Gabreski Airport (5/12/98; 1 page)
6. Selected news clips (miscellaneous dates; 11 pages)
7. Suffolk County Parks Board of Trustees resolution (6/18/98; 2 pages)
8. Wertheim National Wildlife Refuge description (undated; 1 page)
9. Application withdrawal letter from Altaire Pharmaceuticals (7/13/98; 1 page)
10. Letter from Bennett Enterprises re Brookhaven shooting range (7/15/98; 6 pages)



**Commission Meeting Summary (FINAL)
for August 5, 1998 (Approved 8/26/98)
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; Mr. Girandola voting), Mr. Villella and Ms. Filmanski (for Riverhead; Mr. Villella voting), Mr. Shea (for Southampton) and Mr. Cowen (for New York State).

Others present: General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Milazzo, Ms. Jakobsen, and Mr. Rizzo (from the Commission), Mr. Grecco (from the Suffolk County Department of Law and Vice Chair of the Pine Barrens Credit Clearinghouse), 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. Gucci, Jr.
Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
Member

Vincent G. Villella
Member

The meeting was called to order at approximately 2:09 pm by Mr. Proios, with a five member quorum.

Administrative

! Public comments

Summary: The first speaker was Ms. Jill Lewis, representing the Long Island Pine Barrens Society. She read the attached one page statement from Mr. Richard Amper, Executive Director (who was not present). She also submitted the attached statistical materials which were not read aloud. The statement addresses remarks made at the 7/15/98 Commission meeting by Mr. Grecco.

The second speaker was Mr. Grecco, responding to the previous statement. He countered Mr. Amper's statistics with different counts of acres projected by the County and acres remaining in the core area to be protected, and criticized Mr. Amper's absence. Mr. Grecco noted that his figures were based upon an analysis of the core area maintained and updated by the Commission staff.

The third speaker was Mr. Walter Olsen, representing Civil Property Rights (CPR) Associates. First, he stated that he, his wife, and Mr. Henry Dittmer (also present and representing CPR Associates) were interested in the actions

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of the Pine Barrens Credit Clearinghouse Board of Advisors, but that they were not informed about a recent meeting of the Clearinghouse Board. Mr. Corwin and Ms. Trezza noted that Mr. Olsen was called personally with the changes in the dates of the meetings, and Mr. Olsen said that he did not get the change.

Second, Mr. Olsen reported that the road leading to property owned by Mr. Kroll on the north side of the Long Island Expressway and east of Edwards Avenue, in Calverton in Brookhaven Town, remains blocked by a debris and dirt pile. He stated that he had seen a letter from Brookhaven Town re this, and that he found the letter unacceptable. In the discussion that followed, the Commission and staff repeated statements made at prior Commission meetings that the road was not blocked by the Commission or any agent of the Commission, and that the Commission staff had already tried to determine the origin of the blockage, and the agency responsible for that roadway. It was noted that the Town Highway Department could be contacted re this.

The fourth speaker was Mr. Cowen, who reported that NYS DEC staff have estimated that the combined acquisitions of the County and State since the enactment of the pine barrens law account for approximately 58 to 60% of the private, undeveloped, and unprotected land which was in existence at the time that the law passed.

Pine Barrens Credit Program

! Proposed third Brookhaven reverse auction of credits: discussion

Summary: Mr. Milazzo reported that the Board of Advisors is considering a third reverse auction for Brookhaven Town credits, and he then explained the overall reverse auction process. Mr. Grecco explained that the Board wished to facilitate the meeting of credit sellers and buyers through this auction, and would like the approval to move forward with this.

Mr. Girandola then inquired about the number of developers who are interested, and Mr. Grecco explained that there were two in June, 1998. A discussion followed regarding there could or should be guidelines for the sale of the credits, the question of the legal ability of the Commission to set guidelines for their sale, whether there should be a cap on the number of credits sold, the likelihood of one private individual buying up all or most of the available credits and thus influencing the credit market, and the responsibility of the Clearinghouse in administering the program. Mr. Grecco stated that the Board has a responsibility to the taxpayers to protect the core land and stimulate the credit market, and Mr. Girandola replied that his responsibility was to protect the Towns.

A motion was then made by Mr. Cowen and seconded by Mr. Shea to approve a third reverse auction of Pine Barrens Credits for Brookhaven Town. A discussion followed regarding the role of the Clearinghouse, the purpose of a reverse auction, and whether a monopoly on credits is being created that would dampen the market for credits in Brookhaven. Mr.

Girandola then described a possible worst case scenario in this latter regard. It was then noted that a similar argument could be made about someone buying up all the vacant land in a town, and then influencing the real estate market.

Mr. Girandola then asked where the list of potential purchasers of credits would come from, and Mr. Milazzo explained that it would be derived from the Brookhaven Planning Department's logs of recent development applicants, business telephone directory listings, and other public sources. Mr. Grecco suggested that an extensive public relations effort be performed to reach as many potential credit purchasers as possible. The motion was then approved by a 5-0 vote.

! Status of the program (not on the original agenda)

Summary: Mr. Milazzo reported the following statistics for the credit program: In Brookhaven Town, 150 parcels totaling 104.58 acres have been protected, with 80.41 PBCs issued. In Riverhead Town, 5 parcels totaling 36.36 acres have been protected, with 56.17 PBCs issued. In Southampton Town, 52 parcels totaling 36.63 acres have been protected, with 12.3 PBCs issued. Overall, 207 parcels totaling 177.57 acres have been protected, with 148.88 PBCs issued.

Mr. Proios asked if these have been mapped, and Ms. Plunkett said that they had. She noted that the map on display at the meeting showed the location of the protected parcels.

Mr. Milazzo noted that the Clearinghouse currently owns 1.6 PBCs from Brookhaven Town. Mr. Proios then signed easements for additional parcels with a total of 0.4 PBC. Mr. Milazzo then noted that the next meeting of the Clearinghouse is scheduled for 9/10/98 at 8:00 am at the Commission office.

Mr. Proios asked if the tax map numbers of the parcels protected by easements could be made available to the County's Management Information Services department, and it was agreed that they could.

! Fichter / Ridge / credit appeal: discussion and decision (8/10/98 decision deadline; carried over from 7/15)

Summary: Mr. Corwin distributed the attached continuation title search which was received for the parcels involved in the Fichter appeal from the 7/15/98 Commission meeting. **A motion was then made by Mr. Cowen and seconded by Mr. Shea to allocate one full Pine Barrens Credit to each of the three Fichter appeal parcels, based upon their proximity to an improved public road and to utilities. The motion was approved by a 5-0 vote.**

Administrative

! Draft summaries for 5/13 and 7/15: review, approval

Summary: The following change was suggested to the 5/13/98 meeting summary: under "Brookhaven small lot owner offer", the final paragraph's last sentence should read: "Further discussion was then held until later today." **A motion was then made by Mr. Shea and seconded by Mr. Vilella to approve the summary of the 5/13/98 Commission meeting with this change. The motion was approved by a 5-0 vote.**

The following change was suggested to the 7/15/98 meeting summary: under "Marando Nursery Expansion", the last two sentences should read: "In particular, he noted that the Commission filed a brief opposing the granting of standing for the Long Island Pine Barrens Society, one of the plaintiffs. Mr. Cowen then stated that he was opposed to the filing of that brief." **A motion was then made by Mr. Cowen and seconded by Mr. Vilella to approve the summary of the 7/15/98 Commission meeting with this change. The motion was approved by a 5-0 vote.**

Plan Implementation

- ! Wildfire Task Force: plan status
- ! New York Wildfire and Incident Management Academy: status; resolution authorizing a separate account for Academy finances

Summary: Ms. Jakobsen reported that the revised Draft Fire Management Plan has been mailed out to the Wildfire Task Force members and other interested parties. The Task Force will meet next on 8/13/98 at 7:30 pm at the Eastport Fire Department. The Plan is likely to be officially approved by the Task Force at that time, then forwarded to the Commission for review, acceptance, and processing under the State Environmental Quality Review Act.

Capt. Conklin then reported that work is beginning on the fire protection assessment portion of the Draft Fire Management Plan. He also reported that the Air-Ground Firefighting Coordination Committee, which includes members of both the Wildfire Task Force and the Law Enforcement Council, is putting together a manual for the use of aerial firefighting resources. The Committee is also sponsoring a Helicopter Firefighting Awareness Seminar, to be held on 8/12/98 at the Suffolk County Fire Training Academy in Yaphank. The class will be held twice that day, and attendees may register for either the 1:00 to 4:00 pm session, or the 7:00 pm to 11:00 pm session.

He also reported that approximately 150 acres burned last week in the Rocky Point and Middle Island areas, and that included approximately 17 individual fires, with approximately 10 departments responding. NYS DEC crews were used for mop-up operations.

Capt. Conklin then noted that the NYS Wildfire and Incident Management Academy will be held at the Brookhaven National Laboratory from 10/27/98 through 11/2/98, and will be cosponsored by several organizations. Capt. Conklin reported that he gave a presentation to the Northeast Fire Compact, an

organization of the state and federal fire officials from the northeastern United State, yesterday and that the Compact members gave their support to the proposal. He reported that the instructors are now being lined up for the scheduled courses.

Mr. Corwin then distributed the attached draft brochure for the Academy, and explained that the Suffolk County Water Authority (SCWA) finance staff has requested a resolution from the Commission authorizing the SCWA to establish a separate account to track the finances of the Academy. He explained that the goal is to have the Academy be self-financing. **A motion was then made by Mr. Cowen and seconded by Mr. Villella to authorize the SCWA finance staff to set up such an account for Academy finances. The motion was approved by a 5-0 vote.**

Pine Barrens Credit Program

- ! Fichter / Ridge / credit appeal: discussion and decision (8/10/98 decision deadline; carried over from 7/15)
Summary: Mr. Milazzo read the attached letter from Ms. Doris Fichter to Mr. Dominic Nicolazzi into the meeting record. The letter states her desire to sell her credits now, as well as her reason for the sale.

Plan Implementation

- ! State legislation for payments in lieu of taxes: bill distribution
Summary: Ms. Plunkett distributed the attached state legislative bill (Senate bill 1308, Assembly bill 2069) regarding state tax aid payments to selected taxing districts regarding Central Pine Barrens land. The bill has both Senate and Assembly sponsors. The bill will continue in Committee when the Legislature convenes in 1999. This distribution is a follow-up to a prior Commission meeting at which copies were requested by the Commission.

Mr. Proios then asked about the possibility of changing the criteria for payments to fire districts under the Rural Fire Protection Grants program, since the program currently uses the population of townships, rather than fire districts, as the basis for determining eligibility. Capt. Conklin noted that this program is not based upon state law, but rather upon a federal program, which establishes the thresholds.

Mr. Cowen then noted that he has looked into the conditions which currently trigger state payments in lieu of taxes when state land acquisitions take property off a tax roll. The Real Property Tax Law Section 545 states that payment eligibility is determined on a "per occurrence" basis; that is, an individual acquisition must meet the minimum threshold in order to trigger state payments.

- ! Update of tax map and other computerized geographic data among agencies:

discussion (not on the original agenda)

Summary: Mr. Proios reported that he had received a request from the Suffolk County Police Department to receive information promptly from the Towns regarding new subdivisions, so that the new house numbers can be entered into the Enhanced 911 system. A brief discussion ensued regarding this, and the work that Brookhaven Town has already begun.

- ! Law Enforcement Council: ATV law update; 8/19 dedication of Southaven Law Enforcement Center

Summary: Capt. Conklin and Ms. Plunkett described the attached Suffolk County legislative proposal regarding regulation of the use of all terrain vehicles. A public hearing is scheduled for this on 8/11/98 at the Suffolk County Legislature's Riverhead auditorium. They also reported that the next draft of the Law Enforcement Handbook is under production, and will be reviewed by the Council at its August meeting.

Mr. Girandola then raised the question of what is the definition of public lands as used in the law, and the question of whether Brookhaven Town could, at some future time, allow such vehicle use on any of its property. Mr. Cowen raised the issue of whether the provisions of the draft law were in conflict with state laws regarding handicapped access via all terrain vehicles. Ms. Plunkett then read a portion of the State Vehicle and Traffic Law regarding the ability of municipalities to designate lands for ATV use. It was agreed that the Town and State staffs would review the proposed law to ensure the ability to do so if necessary.

- ! Paumanok Path - East Hampton Inaugural Oct 17,18,24,25: cosponsorship of first day's walks

Summary: Mr. Corwin explained that East Hampton Town and the East Hampton Trails Preservation Society are sponsoring two weekends (four days) of inaugural walks on the East Hampton portion of the Paumanok Path. They have invited the Commission to cosponsor the first day's walks, which begin just west of the Southampton-East Hampton town line. Mr. Corwin distributed the attached draft press release and description, noted that sponsorship did not involve contributions of money, and reported that the event was fully insured.

He then noted that the Commission has endorsed the completion of the Paumanok Path in Section 7.5.2.15 of the Central Pine Barrens Plan, and that the three towns on the Commission all host a portion of the Path. He also observed that the Law Enforcement Council contributed directly to the Path's completion in East Hampton through the Ogden's Brook Bridge building materials airlift, and that the Protected Lands Council and Law Enforcement Council removed several abandoned vehicles from the Hither Woods portion of the Path. Finally, he noted that the first day's walks would be appropriate to sponsor, since they start in Southampton, a Commission member.

A motion was then made by Mr. Cowen and seconded by Mr. Shea to have the Commission cosponsor the 10/17/98 Paumanok Path East Hampton Inaugural Walks. The motion was approved by a 5-0 vote.

Capt. Conklin left at approximately this time.

Core Preservation Area

- ! Michaelangelo's / Manorville / site plan: discussion of possible violation (from 7/15)
Summary: Mr. Rigano recommended that this discussion be held for a closed session, and that was agreed.

- ! Triolo / Ridge / land division: discussion (hearing held 7/15/98)
Summary: Ms. Plunkett noted that the transcript of the 7/15/98 hearing for this application for a core hardship (for a 2.5 acre parcel on Sally Lane in Ridge in Brookhaven Town) stated that coordination under the State Environmental Quality Review Act (SEQRA) was needed. She noted that the Commission had previously indicated that this would be handled as an uncoordinated review under SEQRA.

It was then noted that this property was originally lost for nonpayment of taxes in 1992, and that the already improved property was placed up for auction by the County three times since then. It was purchased by the current owner in May 1997, with the deed actually conveyed on 3/4/98. It was noted that the property was placed up for auction because it was improved property.

A motion was then made by Mr. Cowen and seconded by Mr. Villella to deny the Triolo / Ridge core hardship application, based upon the contents of the hearing record and the failure of the application to pass the self-induced hardship test of the pine barrens statute. At this point, Mr. Rigano recommended that the Commission also issue a negative declaration under SEQRA for this application, and that the negative declaration be in a separate resolution. It was then agreed to table the current resolution.

A separate motion was made by Mr. Cowen and seconded by Mr. Shea to issue a negative declaration under SEQRA for this application. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Mr. Girandola.

The original motion to deny the hardship application was then considered. That motion was also approved by a 4-0-1 vote, with the abstaining vote cast by Mr. Girandola.

- ! Waltel / Manorville / single lot: determination of jurisdiction
Summary: Ms. Plunkett distributed the attached two letters and Brookhaven Town correspondence from the Waltels, requesting permission to place a home on their property on North Street, in Manorville in Brookhaven Town. The property consists of 10.28 acres zoned A-5 Residential, and was created as a result of a 1988 subdivision approved by Brookhaven Town (see attached approval). Ms. Plunkett noted that the parcel does meet current zoning, and

recommended that it be treated as nondevelopment.

A brief discussion ensued regarding the clearing restrictions in the 1988 subdivision approval, the fact that the property was in agriculture at that time, and the question of whether the Planning Board was aware of the state of the property when those restrictions were imposed. It was agreed that the matter would be referred to counsel for an opinion at the 8/26/98 Commission meeting.

Mr. Grecco left at approximately this point.

Closed Session

Summary: A motion was made by Mr. Proios and seconded by Mr. Shea to enter into a closed session for the purpose of receiving legal advice from counsel. The motion was approved by a 5-0 vote. The Commission then entered into closed session from approximately 3:55 pm to 5:23 pm.

Compatible Growth Area

! Manorville Nursery Expansion / Manorville: litigation

Summary: Mr. Rigano noted that he will file revised papers in this matter regarding the issue of standing of the Long Island Pine Barrens Society.

Ms. Wiplush left at this time, but a five member quorum remained. Mr. Villella and Ms. Filmanski left during the first of the following hearings, and a four member quorum then remained.

Core Preservation Area

! Michaelangelo's / Manorville / site plan: core hardship public hearing (*decision deadline to be determined*)

Summary: A separate stenographic transcript exists for this hearing. Immediately after the hearing (but not contained within the hearing transcript), a motion was made by Mr. Cowen and seconded by Mr. Shea to approve the Michaelangelo's application with the condition that a stipulation agreement be prepared to satisfy the violation of NY Environmental Conservation Law Article 57 specifying that the applicant pay \$2000.00 and also restore the northern portion of the site with native plants. The motion was approved by a 4-0 vote.

Compatible Growth Area (CGA)

! Walter / Miller Place / land division: CGA hardship public hearing (*11/11/98 decision deadline*)

Summary: A separate stenographic transcript exists for this hearing. Immediately after the hearing (but not contained within the hearing transcript), a motion was made by Mr. Cowen and seconded by Mr. Girandola to grant the Frederick Walter land division CGA hardship application. The motion was approved by a 4-0 vote.

! LI Fisherman / Yaphank / site plan: CGA hardship public hearing (11/20/98 decision deadline)

Summary: A separate stenographic transcript exists for this hearing.

The hearings ended at approximately 6:43 pm, and the meeting adjourned at that time.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. LI Pine Barrens Society statement on county land acquisition (undated; 9 pages)
4. Continuation title search for Fichter parcels (7/22/98; 1 page)
5. Draft brochure for Wildfire and Incident Management Academy (7/27/98; 5 pages)
6. Letter from Ms. Fichter to Mr. Nicolazzi re credits (undated; 1 page)
7. State legislative bill re payments in lieu of taxes (1/21/97; 4 pages)
8. County legislative resolution re all terrain vehicles (undated; 3 pages)
9. Draft press release for East Hampton Paumanok Path inaugural (7/25/98; 5 pages)
10. Letters re Waltel property (7/27/98, 7/30/98, and 10/3/88; 7 pages total)



**Commission Meeting Summary (FINAL)
for August 26, 1998 (Approved 9/16/98)
Brookhaven Town Hall, Building 4
3233 Route 112; Medford
2:00 pm**

Commission members present: Mr. Proios (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven; Mr. Girandola voting), Mr. Villella (for Riverhead), and Mr. Shea (for Southampton).

Others present: General counsel was Mr. Rigano. 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 Department of Law and Vice Chair of the Pine Barrens Credit Clearinghouse), Mr. Spitz (from the NYS Department of Environmental Conservation), Capt. Conklin (from the NYS Forest Rangers, and also a Vice Chair of the Wildfire Task Force and a member of the Law Enforcement Council), and Col. Intini (from the NY Army National Guard and a member of the Law Enforcement Council). 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. Villella
Member

The meeting was called to order at approximately 2:04 pm by Mr. Proios, with a four member quorum.

Public Comment

Summary: The first speaker was Ms. Eddie Foster, a resident of Manorville. She stated that she has been attending pine barrens hearings for years, that the government wants to take something for which they will not pay, that she will start working again on getting a building permit or payment, that her property was worth \$55,000 per acre before Mr. Amper and his associates came around, and that she is a life-long resident but that may change since no one will be able to live in New York State when the small lots are taken off the tax roll.

She stated that the government cannot manage the land it has, and cited the 1995 fires as an example of how help and equipment had to be brought in from other areas to contain them. She stated that you (addressing the Commission) don't know what you are doing.

The second speaker was Mr. Frank Foster, also a resident of Manorville. He asked why there are variations between the prices at which land is being sold to Suffolk County and the

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prices at which credits are being sold. Mr. Proios then described briefly the difference between the land acquisition and the Pine Barrens Credit Program, as well as the use of independent appraisals in the land acquisition program. Mr. Foster then stated that he had heard that the County has bought land along the Long Island Expressway in Manorville in order to put in a service road.

Administrative

- ! Draft summary for 8/5: review, approval

Summary: Mr. Corwin explained that a section was missing from the draft 8/5/98 meeting summary, and distributed the following correction, Immediately following the "Closed Session" description, the following insertion should be made:

"Compatible Growth Area

- ! Manorville Nursery Expansion / Manorville: litigation

Summary: Mr. Rigano noted that he will file revised papers in this matter regarding the issue of standing of the Long Island Pine Barrens Society."

A motion was then made by Mr. Villella and seconded by Mr. Shea to approve the 8/5/98 meeting summary as final with the above change. The motion was approved by a 4-0 vote.

Core Preservation Area

- ! Recent acquisitions by Suffolk County (not on the original agenda)

Summary: Mr. Proios distributed the attached summary of parcels purchased and dollars spent under the County's Drinking Water Protection Program. He suggested that new acquisitions be noted in the Commission's meeting minutes.

Pine Barrens Credit (PBC) Program

- ! Program status

Summary: Mr. Milazzo reported that approximately 186 acres have been protected through the PBC Program across the three towns. He also stated that he has PBC Certificates for Mr. Grecco to sign representing an additional 5.1 credits for parcels in Brookhaven Town. Mr. Grecco signed the certificates.

- ! Draft preapproved subordination agreement for properties with mortgages: discussion; possible acceptance

Summary: Mr. Milazzo distributed a draft subordination agreement which would be used for a small number of PBC Program applications for properties which

have a mortgage lien on them. The matter was referred to counsel for review.

! Skaalerud / Calverton (Brookhaven): new credit appeal

Summary: Mr. Milazzo distributed the attached letter from Mr. Dominic Nicolazzi on behalf of Mr. Skaalerud regarding the credit allocation for Suffolk County tax map parcel 200-270-2-12, in the Calverton section of Brookhaven Town. Mr. Milazzo also distributed the attached aerial photograph of the parcel and the surrounding area. The appeal was filed late, but after a brief discussion, the Commission agreed to hear the appeal.

The appeal is for one full credit, rather than the 0.1 credit allocated in the Letter of Interpretation. The appeal notes that the parcel is an island in the Peconic River, and that it has an access easement associated with it on a mainland parcel. The appeal further notes that the easement leads to an improved public road, and that is partly the basis of the appeal. The Commission requested some additional information from the applicant's representative, and the appeal will be discussed at the 9/16/98 Commission meeting.

Plan Implementation

! Wildfire Task Force: plan status; recommendation from Task Force to add NY Army Guard and Wertheim Wildlife Refuge

Summary: Capt. Conklin reported that the Wildfire Task Force, at its 8/13/98 meeting, voted to recommend the Draft Central Pine Barrens Fire Management Plan to the Commission, and that the Task Force Executive Board will present the Plan at the Commission's 9/16/98 meeting.

He reported that the 8/12/98 Helicopter Firefighting Awareness Classes were completed with the help of instructors, members and staff from the SC Fire, Rescue and Emergency Services Department (SC FRES); the Wildfire Task Force; the NYS Forest Rangers; the NY Army National Guard; the US Fish and Wildlife Service; and the National Park Service. The classes were held at the SC Fire Training Academy, and attracted a total of approximately 50 people.

Capt. Conklin then reported that the Wildfire Task Force, at their 8/13/98 meeting, recommended to the Commission that the New York Army National Guard's Army Aviation Support facility #1 and the US Fish and Wildlife Service be added as members to the Wildfire Task Force. **A motion was then made by Mr. Shea and seconded by Mr. Villella to add these two organizations to the Wildfire Task Force as full voting members. The motion was approved by a 4-0 vote.**

Capt. Conklin then reported that the helicopter water bucket training will resume sometime after Labor Day. Col. Intini explained that the water bucket training will begin to incorporate both air and ground fire and emergency personnel, and that the State Emergency Management Office will be approached about personnel funding for this work. He noted that the work of the Council and Task

Force here on Long Island is of keen interest to the National Guard leadership in Albany; specifically, there is interest there in exporting the training and techniques developed here to the Albany and Rochester Army Aviation facilities. Capt. Conklin noted that this work is also being examined by several federal and state organizations across the country.

Mr. Proios asked about the communications issues regarding radio frequencies and equipment, and Capt. Conklin briefly discussed the work of the Task Force, SC FRES, and the SC Combined Radio Committee. He also explained that special radio frequencies and equipment are needed for avionics communications, and that the Forest Rangers now have that capability.

- ! New York Wildfire and Incident Management Academy: status
Summary: Capt. Conklin reported that the NY Wildfire and Incident Management Academy will be held from 10/27/98 through 11/2/98 at the Brookhaven National Laboratory. The Academy will feature approximately 13 courses on the Incident Command System (ICS), Wildland Firefighting and Fire Behavior (the S-130 / S-190 course sequence which qualifies personnel for both wildfire fighting and prescribed burning), air operations, urban interface firefighting, and several other topics.

One of the courses will be I-100, ICS Introduction, a two hour course which is targeted towards elected and appointed officials, executives, and other management-level individuals, and the Commission members and representatives are being particularly invited to attend this course. A mailing on the overall Academy is in progress.

- ! Helicopter water bucket training: SEQRA determination of significance
Summary: Ms. Plunkett summarized the environmental reviews and approvals which this program has gone through to date. She distributed the attached materials, including a proposed Negative Declaration under the State Environmental Quality Review Act (SEQRA) for the proposed training activities at Sears, Bellows, and Penny Ponds in the Flanders area of Southampton Town. Also distributed were a map, copies of correspondence re the proposal, and a completed Environmental Assessment Form.

The NYS DEC has issued a letter of nonjurisdiction for this proposal, and the Southampton Town Trustees have issued a letter of permission through calendar year 1998. She noted that the training can only occur between 11/1/98 and 3/31/99 for Bellows and Sears Ponds, and on certain days between mid-November through December 31, 1998, plus certain days in the period from February through March 1999, for Penny Pond. This is based upon SC Department of Parks' constraints. She also noted that the water depth will be measured within several days prior to a scheduled exercise to assure sufficient depth for the bucket; a 10 foot minimum is required. With respect to concerns about the coastal plain ponds, she noted that the NYS DEC has reviewed this, and found that the helicopter descent will not affect the pond's flora. This is partly attributable to the fact that the helicopter will not be landing at the pond

area.

Col. Intini then explained the specific sequence of steps that his crew goes through during a water bucket exercise, and the factors that they look to train people to handle during these exercises. Mr. Shea inquired about setbacks from homes and similar areas, and Col. Intini noted that he observes a one half mile setback. Mr. Shea asked about the frequency and duration of the training, and Col. Intini replied that approximately 10 pilots will need to be trained and qualified at least once per year, and that the helicopter is expected to be on site for approximately one and one half hours during each session. Col. Intini also spoke about prior notifications of the residents of the area.

A motion was then made by Mr. Shea and seconded by Mr. Vilella to adopt the attached negative declaration under SEQRA for the proposed water bucket training. The motion was approved by a 4-0 vote.

! Law Enforcement Council: current activities

Summary: Capt. Conklin explained that a draft standard operating procedure for the helicopter removals of abandoned vehicles has been completed and will be reviewed by the Law Enforcement Council at their meeting tomorrow. The vehicle lifts will resume this fall.

Ms. Plunkett reported that a new draft of the Central Pine Barrens Law Enforcement Handbook has been completed and distributed to the Council. This draft is due in large part to the work of Mr. Mark Rizzo, an intern working with the Commission staff. Mr. Rizzo then explained that he has been verifying the laws and their citations at the law library.

Col. Intini remarked that the Governor is well aware of the vehicle removal work occurring in Suffolk County, and that there is interest in the Albany Guard headquarters in providing this service elsewhere. Specifically, several vehicles in the Albany Pine Bush region may be removed by air, and the Long Island Guard unit would participate in the training of the Albany unit if this occurs.

Capt. Conklin reported that Ranger Darryl Kittle of his staff is being promoted to Lieutenant, and will be transferring to the Schenectady region at approximately the end of September. He noted the valuable work that Ranger Kittle has performed in Region 1, including wildfire training, serving as second in command, etc.

At this point, Capt. Conklin, Col. Intini, Mr. Milazzo, and Mr. Rizzo left.

! Paumanok Path East Hampton Inaugural: final details

Summary: Mr. Corwin distributed and described the attached final press release from the East Hampton Trails Preservation Society regarding the October 17, 18, 24, and 25 inaugural walks on the 45 mile section of the Paumanok Path in East Hampton Town.

- ! 1998 Pine Barrens Research Forum, 10/8-9: status
Summary: Mr. Corwin distributed the attached preliminary announcement and registration form for the third annual Pine Barrens Research Forum, to be held on October 7 and 8, 1998 at Brookhaven National Laboratory. This year's event is cosponsored by the Commission, the Laboratory, and the Long Island Groundwater research Institute of SUNY at Stony Brook. He summarized some of the topics to be covered. A final agenda is being prepared.

Core Preservation Area

- ! Waltel / Manorville / single lot: counsel's opinion on jurisdiction (from 8/5 meeting)
Summary: Mr. Rigano reported that this proposal to place a home on a parcel of land on North Street in Manorville in Brookhaven Town (discussed at the 8/5/98 Commission meeting) is nondevelopment under the state pine barrens law, commenting that the lot in question resulted from a land division in 1988, and meets the current zoning, which is A5 Residential.

Compatible Growth Area

- ! Brookhaven Town Center / Yaphank: complete amended Draft GEIS; call for comments
Summary: Ms. Plunkett explained that an amended Draft Environmental Impact Statement has been completed for this revision of the original project for a shopping mall on the northwest corner of the Long Island Expressway and CR 46. She noted that the original plan was exempted from Commission jurisdiction in the 1995 Pine Barrens Plan, and that there is now the question as to whether this is the same project and therefore still exempt.

Mr. Rigano stated that he believes that the project is still exempt, noting that the site is the same. Mr. Girandola stated that the square footage of the project remains the same, but that the revision proposes to build more square footage as part of Phase 1. It was decided that no comment would be made by the Commission as part of the Town's SEQRA process

Core Preservation Area

- ! Core area parcel status: summary
Summary: Ms. Plunkett distributed and summarized the attached breakdown of the parcels in the core area. She explained the sources of the data, and the associated currency and reliability of the numbers.

For example, some parcels are spilt by the core line, and it is not immediately possible to determine how much of each is inside the core area. Another example of the difficulty counting parcels are the lag times between the announcement of an agreement and the closing of a contract, then between the

closing and receipt of a deed or other official notification.

During the discussion which followed, it was noted that the acreage of the Suffolk County Gabreski Airport is incorrectly tabulated, and Ms. Plunkett said that she will correct that mistake.

The Commissioners expressed appreciation for the tabulation, and it was agreed that receiving such a tally on a regular (not necessarily monthly) basis would be informative.

- ! Northrop Grumman / Calverton (Riverhead): SEQRA coordination for change of zone
Summary: *Ms. Plunkett reported that the Commission has received a SEQRA lead agency coordination from Riverhead Town for a change of zone proposal for the developed parcel on the south side of Grumman Boulevard which is owned by the Northrop-Grumman Corp. The proposal was initiated by the owner and involves a change from Defense Institutional to Industrial A. The Town Board wishes to become lead agency.*

A brief discussion then ensued regarding the state of plans for the larger, fenced-in US Navy parcel on the north side of Grumman Boulevard, across the street from the subject parcel. It was noted that the subject parcel is not part of that planning process.

Discussion turned to whether the change of zone requires a core area permit, and Mr. Rigano read the relevant provision from the pine barrens law regarding what constitutes development. It was then agreed that today's question was simply whether the Commission wishes to seek lead agency status. It was agreed that the Commission will not request lead agency status for this action.

Closed Session

Summary: **A motion was made by Mr. Shea and seconded by Mr. Villella to enter into executive session for the purpose of receiving legal advice from counsel. The motion was approved by a 4-0 vote, and the Commission entered into closed session from approximately 4:23 pm through 5:00 pm.**

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Drinking Water Protection Program summary sheet (8/25/98; 1 page)
4. Credit appeal letter for Skaalerud parcel (8/22/98; 2 pages)
5. Aerial photograph of Skaalerud parcel (undated; 1 page)
6. SEQRA materials re water bucket training (8/25/98; 27 pages)
7. Paumanok Path press release and walk details (8/17/98; 5 pages)
8. 1998 Pine Barrens Research Forum first announcement (undated; 1 page)
9. Core area parcel status chart (8/12/98; 2 pages)



**Commission Meeting Summary (FINAL) for September 16, 1998
(Approved 10/7/98)
Park Police and Pine Barrens Center
Southaven County Park; Yaphank
2:00 pm**

Commission members present: Mr. Gaffney and Mr. Proios (for Suffolk County at the times indicated; Mr. Gaffney voting when present), Ms. Wiplush (for Brookhaven), Ms. Filmanski (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. Grecco (from the Suffolk County Department of Law and Vice Chair of the Pine Barrens Credit Clearinghouse), Mr. Spitz (from the NYS Department of Environmental Conservation), and Capt. Conklin (from the NYS Forest Rangers, Vice Chair of the Wildfire Task Force, and member of the Law Enforcement Council). Additional attendees are shown on the attached sign-in sheet.

Robert J. Gaffney
Chair

Felix J. Gucci, Jr.
Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
Member

Vincent G. Vilella
Member

The meeting was called to order at approximately 2:14 pm by Mr. Proios, with a five member quorum.

Public Comment

Summary: The only speaker at this time was Mr. Howard Maye, a resident of Manorville representing himself. Mr. Maye spoke about his concerns regarding the proposed installation of a cellular telephone station on an existing utility pole in the Manorville area, and the long term implications of the spread of such installations.

The specific site to which he referred is an existing Long Island Power Authority pole on South Weeks Avenue in Manorville, east of the William Floyd Parkway, north of the Long Island Expressway, at Exit 69. He described the dimensions and other specifics of the site, and stated that he was concerned about the spread of these facilities due to their aesthetic and health effects. He distributed the attached materials on these issues, and then discussed the pine barrens law's definitions section regarding "development".

Specifically, he referred to the provision that addresses changes in the type of a use or structure, as well as other sections. He stated that the problem that he saw was not with simply this site, but with the others that will follow across the landscape.

He noted that other states and areas have tried creative approaches for colocation of utilities and communications facilities, as well as

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camouflaging of towers and facilities to minimize their visual effect. He expressed hope that the Pine Barrens Commission will act unfavorably on the current project.

Administrative

! Draft summary for 8/26: review, approval

Summary: Ms. Roth suggested the following changes to the draft meeting summary for 8/26/98: (1) under "Draft preapproved subordination agreement", the summary should read, in whole:

"Mr. Milazzo distributed a draft subordination agreement which would be used for a small number of PBC Program applications for properties which have a mortgage lien on them. The matter was referred to counsel for review.";

(2) under "Northrop Grumman / Calverton", the summary should read, in whole:

"Ms. Plunkett reported that the Commission has received a SEQRA lead agency coordination from Riverhead Town for a change of zone proposal for the developed parcel on the south side of Grumman Boulevard which is owned by the Northrop-Grumman Corp. The proposal was initiated by the owner and involves a change from Defense Institutional to Industrial A. The Town Board wishes to become lead agency.

A brief discussion then ensued regarding the state of plans for the larger, fenced-in US Navy parcel on the north side of Grumman Boulevard, across the street from the subject parcel. It was noted that the subject parcel is not part of that planning process.

Discussion turned to whether the change of zone requires a core area permit, and Mr. Rigano read the relevant provision from the pine barrens law regarding what constitutes development. It was then agreed that today's question was simply whether the Commission wishes to seek lead agency status. It was agreed that the Commission will not request lead agency status for this action."

A motion was then made by Mr. Shea and seconded by Ms. Filmanski to approve the summary of the 8/26/98 meeting with these changes. The motion was approved by a 4-0-1 vote, with the abstention cast by Mr. Cowen.

! 10/7 Commission meeting: possible relocation to Commission office

Summary: Mr. Corwin suggested that the 10/7/98 Commission meeting, which is currently scheduled to be held at the Riverhead Town Hall, be relocated to the Commission office in Great River. This is due to the Pine Barrens Research Forum beginning the next day (10/8/98), and the need to finish preparations for that after the Commission meeting. That was agreed upon.

Plan Implementation

- ! Law Enforcement Council: comment on last meeting (*not on the original agenda*)
Summary: Mr. Proios reported that the Law Enforcement Council, at their last meeting, were seeking vehicles for patrolling the pine barrens, and that there is a potential source of such equipment through the federal government. He volunteered to obtain and provide that information to the Council.

Pine Barrens Credit Program

- ! Program status and results of 9/10/98 Clearinghouse Board meeting
Summary: Mr. Milazzo reported that the Clearinghouse Board approved a third reverse auction of Pine Barrens Credits for Brookhaven Town, with a price range of \$15,000 to \$20,000 per credit. He then summarized the reverse auction process.

He then reported that the Clearinghouse Board held an extensive discussion of conservation easements for properties that are partially developed, but which contain enough acreage to qualify for a credit allocation under the Pine Barrens Plan formula. He explained that this generally occurs in the case of residential properties when the parcel is larger than the applicable zoning category's minimum lot size.

The Clearinghouse recommended an approach to the placement of the conservation easement on those sites which would cover the entire site. Since the Commission holds the easements, the Clearinghouse is forwarding the recommendation for review and a decision.

In the extensive discussion that followed, various hypothetical situations were discussed, as were issues regarding surveys, possible building envelopes, changes in the easement language, and other factors. The discussion also touched upon general policy questions and the specific several applications for credits on such parcels that have been received. It was then agreed that a draft easement would be crafted by counsel and faxed around prior to the next meeting.

- ! Skaalerud / Calverton (Brookhaven): credit appeal discussion
*Summary: Mr. Milazzo summarized this previously discussed credit appeal for a one half acre parcel consisting of an island in the Peconic River in Calverton in Brookhaven Town. Mr. Dominic Nicolazzi, representing the appellant, discussed the parcel; its accompanying easement on a separate parcel on the mainland which provides access to a public, improved road; the 1965 purchase date of the parcel; and reported that it was single and separate. In the discussion that followed, it was noted that the parcel is unique and is adjacent to public land. **A motion was then made by Mr. Cowen and seconded by Mr. Proios to grant the credit appeal and to assign one full credit to the one half acre parcel.***

The motion was approved by a 5-0 vote.

Mr. Gaffney arrive at this time.

- ! Toussie / miscellaneous areas (Brookhaven): possible litigation representation by Attorney General

*Summary: Ms. Roth reported that the NY Attorney General's staff has indicated a willingness to represent the Commission in this matter, if a request is made to them. **A motion was made by Mr. Cowen and seconded by Mr. Gaffney to defer this case to the NY Attorney general's Office for legal representation of the Commission. The motion was approved by a 5-0 vote.***

Mr. Grecco left at approximately this time.

Core Preservation Area

- ! Michaelangelo's Restaurant / Manorville: authorization of Chair to sign stipulation resolving clearing violation

*Summary: Ms. Roth reported that the attached stipulation has been agreed to by the property owner in this matter, which involves clearing and construction in the core area without a core area hardship permit. She explained that the Commission would need to agree to it and authorize the Chair to sign it. **A motion was made by Mr. Cowen and seconded by Mr. Shea to authorize the Commission Chair to sign the stipulation on behalf of the Commission. The motion was approved by a 5-0 vote.** The stipulation was then signed by Mr. Gaffney and that signing was notarized by Ms. Filmanski.*

Plan Implementation

- ! NY Incident and Wildfire Management Academy: status and final schedule

Summary: Mr. Corwin summarized the upcoming October Academy, a joint project of several agencies which provides formal training to fire, emergency, volunteer, and other personnel involved with response to, and management of, incidents and emergencies. He distributed copies of the final schedule (cover page attached) and specifically urged government officials to consider attending the two hour course entitled Incident Command System for Executives. Mr. Gaffney has signed a letter to Suffolk County elected officials inviting them to join him in attending on 10/27, the first day of the Academy.

- ! 1998 Pine Barrens Research Forum: status and final schedule

Summary: Mr. Corwin distributed the attached final schedule for the third annual Pine Barrens Research Forum, to be held 10/8 and 10/9 at Brookhaven National Laboratory, and cosponsored by the Commission, the Lab, and the LI Groundwater Research Institute at SUNY at Stony Brook. He briefly described the talks and field trips, and noted that Mr. Gaffney was one of the welcoming

speakers.

- ! Presentation of County Executive Proclamation to Ranger Darryl Kittle
Summary: Mr. Gaffney presented Ranger Kittle with a County Executive Proclamation honoring him for his service on Long island. Ranger Kittle is receiving a promotion to Lieutenant and will be transferred to the Schenectady region.

- ! Wildfire Task Force: presentation of *Draft Central Pine Barrens Fire Management Plan*
Summary: The Draft Fire Plan was summarized, both by chapter and by specific recommendations by the Wildfire Task Force Executive Board, consisting of Chief Phil Drower of the Wading River Fire Department, Chair, Mr. John Urevich of the Southampton Town Chiefs Council, Co-Vice Chair, and Capt. Robert Conklin of the NYS Forest Rangers, Co-Vice Chair. Several other members of the Wildfire Task Force were present as well, including Ex-Chief John Searing of the Rocky Point Fire Department, who served as the Task Force's initial Chair. At the conclusion of the presentation, Mr. Gaffney stated that the Draft Plan is an excellent product, and noted how much everyone involved with the 1995 wildfires has learned since that time. The Commission members congratulated and thanked the Task Force for their hard work and fine results. A brief discussion ensued regarding some of the specific recommendations, including the acquisition of various firefighting and support equipment such as radios, the issue of payments in lieu of taxes, etc.

A motion was then made by Mr. Cowen and seconded by Ms. Filmanski to accept the Wildfire task Force's Draft Fire Management Plan for the purposes of commencing review of the Plan pursuant to the State Environmental Quality Review Act. The motion was approved by a 5-0 vote.

A second motion was then made by Mr. Cowen and seconded by Mr. Gaffney to make the Wildfire Task Force a permanent council of the Commission. The motion was approved by a 5-0 vote.

Capt. Conklin and the other members of the Law Enforcement Council and the Wildfire Task Force left at this time.

Pine Barrens Credit Program

- ! Continuation of conservation easement discussion from earlier in meeting
Summary: At this point, discussion returned to the earlier topic of possible changes to the preapproved conservation easement language in order to have a version applicable to partly developed residential properties. Mr. Cowen suggested a specific set of changes that everyone agreed to review before the next meeting. Those changes will be compiled by counsel and forwarded to Commission members in the next several days.

Core Preservation Area

! Sprint / Manorville: determination of jurisdiction

Summary: Ms. Plunkett distributed the attached inquiry letter from Sprint regarding the status of their proposed cell telephone installation on an existing utility pole in Manorville. (This is the same project referred to at the start of the meeting during the public comment period.) They are seeking a determination of jurisdiction.

Ms. Roth commented briefly on some of the issues which arise in determining the proposal's status under the state pine barrens law, including whether the company is considered a public utility, whether the project involves clearing or construction, and whether the project is consistent with the goals and objectives of the pine barrens statute.

A brief discussion ensued regarding whether a hearing should be scheduled, but it was agreed that no hearing could be scheduled until an application is made. It was also agreed that there is a lack of information at this time, and that further information is required from the sponsor before a determination is made. Commission staff will visit the site and request the sponsor's presence at the next Commission meeting.

Ms. Emily Pines, the Brookhaven Town Attorney, and Mr. Wayne Bruyn, the Deputy Southampton Town Attorney, arrived at this time.

! Fireman's Park / Ridge: discussion of proposed addition to park facilities (not on the original agenda)

Summary: Ms. Plunkett summarized the prior review of this project which the Commission undertook, when it was submitted by a private concessionaire at the Town facility. The prior inquiry regarding the status of the project under the state pine barrens law resulted in a determination that the project qualified as "development" under the law, and that a core hardship application would be required. However, no application was ever received by the Commission. She noted that she received an inquiry from the Town Attorney's office yesterday regarding the scheduling of a hearing, and Ms. Wiplush raised the matter for discussion today.

Ms. Pines noted that the project is cosponsored by the Town and the licensor. Mr. Cowen noted that an application is required in order to schedule a hearing, as was just decided with the Sprint project. It was agreed that an application would have to be filed in order to proceed further.

Executive Session

Summary: A motion was made by Mr. Cowen and seconded by Ms. Filmanski to enter into executive session for the purpose of receiving legal advice from

counsel. The motion was approved by a 5-0 vote, and the Commission entered into executive session from approximately 4:49 pm through 6:40 pm.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Handouts regarding cell telephone installations (undated; 2 pages)
4. Stipulation agreement with Michaelangelo's Restaurant (9/16/98; 3 pages)
5. Wildfire and Incident Management Academy cover page (10/27/98; 1 page)
6. 1998 Pine Barrens Research Forum flyer (10/8/98; 2 pages)
7. Project status inquiry letter from Sprint (9/16/98; 3 pages)



**Commission Meeting Summary (FINAL)
for October 7, 1998 (Approved 10/26/98)
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; Mr. Girandola voting when present), Ms. Filmanski (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, Mr. Milazzo, Ms. Jakobsen and Mr. Rizzo (from the Commission), Mr. Grecco (from the Suffolk County Department of Law and Vice Chair of the Pine Barrens Credit Clearinghouse), and Mr. Spitz (from the NYS Dept. of Environmental Conservation). Additional attendees are 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 consisting of Mr. Proios, Ms. Filmanski, Mr. Murphree, and Mr. Cowen. Mr. Girandola and Ms. Wiplush then arrived.

Public Comment

Summary: There were no speakers.

Administrative

! Draft summaries for 6/3, 6/24, and 9/16: review, approval
Summary: The following changes were suggested to the 6/3/98 summary: (1) under "Update of Commission's treasurer designations", the following sentence should be added at the end of the last paragraph: "The Commission decided not to take any action at this time to limit credits."; and (2) under "The Woodstock Company / Middle Island", the first paragraph's third sentence should read, in part, "... and is surrounded by Suffolk County parkland and developed, residentially zoned land." **A motion was then made by Mr. Cowen and seconded by Mr. Proios to approve the 6/3/98 meeting summary with these changes. The motion was approved by a 4-0-1 vote, with Ms. Wiplush abstaining.**

It was agreed that the draft 6/24/98 meeting summary will be held until the next Commission meeting.

*No changes were suggested to the 9/16/98 summary. **A motion was made by Mr. Cowen and seconded by Mr.***

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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Murphree to approve the draft 9/16/98 meeting summary as final. The motion was approved by a 5-0 vote.

- ! Possible rescheduling of 10/28 Commission meeting due to conflicts
*Summary: Mr. Corwin suggested that the 10/28/98 Commission meeting be rescheduled due to the NY Wildfire and Incident Management Academy from 10/27 through 11/2. After a brief discussion, **a motion was made by Ms. Filmanski and seconded by Mr. Cowen to reschedule the Wednesday, 10/28/98 Commission meeting to Monday, 10/26/98 at 2:00 pm at the Commission office in Great River. The motion was approved by a 5-0 vote.***

Pine Barrens Credit Program

- ! Draft report on Riverhead receiving area economic review: discussion
Summary: Mr. Milazzo reported that the recent draft report by Dr. James Nicholas outlining the results of his economic re-evaluation of the Riverhead receiving areas has been forwarded to the Commission members for comments, and that comments are also anticipated from the Town assessors. After a brief discussion it was agreed that Commission and assessor comments will be sought by 10/15, and those comments will be forwarded to Dr. Nicholas for consideration. It was agreed that this will be done before the Commission formally accepts the report.

Mr. Milazzo noted that the next Clearinghouse Board of Advisors meeting is set for 10/30/98 at 8:00 am at the Commission office in Great River.

Mr. Milazzo then explained that a solicitation of interest in a third reverse auction of pine barrens credits within Brookhaven Town was recently mailed out to 250+ developers, development firms, and recent subdivision and site plan applicants. A response was requested by 10/16/98.

- ! Conservation easement for developed properties: revisions; possible approval
Summary: Mr. Milazzo summarized this previously discussed topic regarding those properties within the core area which are developed with a single family home, but still qualify for an allocation of credits under the Pine Barrens Plan. He noted that, at the last Commission meeting, several possible text changes to the standard, preapproved conservation easement which would customize the easement for these cases were discussed. He then summarized the easement changes which were written down by counsel and distributed to the Commission members.

*After a brief discussion, **a motion was made by Mr. Cowen and seconded by Mr. Murphree to adopt the attached revised easement as a standard preapproved conservation easement for those core properties which are developed with a single family home but qualify for an allocation of credits. The motion was approved by a 5-0 vote.***

Mr. Milazzo noted that this will immediately apply to three pending Letter of Interpretation applications.

Plan Implementation

- ! *Draft Central Pine Barrens Fire Management Plan: status of SEQRA review*
Summary: Ms. Jakobsen explained that the adoption of the Draft Central Pine Barrens Fire Management Plan will be subjected to the State Environmental Quality review Act (SEQRA) process as a distinct resource management plan, rather than also attempting at this time to process it as an amendment to the Central Pine Barrens Comprehensive Land Use Plan. A brief discussion ensued regarding the eventual amendment of Volume 1 of the Central Pine Barrens Plan to include both the new fire plan material, as well as other amendments to the overall Plan which are not related to fire management.

Ms. Jakobsen explained also that she was in the process of completing the Environmental Assessment Form (EAF) required under SEQRA, and is preparing a lead agency coordination letter to be sent to all involved agencies. A brief discussion ensued regarding the processing time for determining the lead agency, and also regarding the differences between adoption of the fire plan and amending of the larger, overall pine barrens Plan.

- ! *NY Wildfire and Incident Management Academy: status (not on original agenda)*
Summary: Ms. Jakobsen reported that approximately 40 students have registered for courses to date, including both Long Island and out-of-area students. She reported that the Academy consortium was experiencing trouble reaching individual members of fire departments and other organizations. Specifically, it is difficult to get copies of the brochure to these individuals.
- ! *1998 Pine Barrens Research Forum: status (not on original agenda)*
Summary: Mr. Corwin reported that the 10/8 and 10/9 Pine Barrens Research Forum will focus upon cultural and historic resources, with several unusual topics, poster displays, and two field trips on the second day.

Core Preservation Area

- ! *Jensen / Manorville / subdivision: determination of jurisdiction*
Summary: Ms. Plunkett summarized this request to the Commission for certification of a nondevelopment exemption from the state pine barrens law, and distributed and explained the attached materials. The subject property is a 22 acre parcel on the south side of Mill Road, east of the Halsey Manor Road intersection, in the Manorville area of Brookhaven Town.

The property was issued a cluster development approval in 1988 by Brookhaven Town when the zoning was A2 Residential. The property was later rezoned to A5 Residential, and that action was the subject of litigation between the owner

and the Town. As a consequence of the litigation, the Town has issued a letter stating that the property will be rezoned to the original A2 Residential zoning.

The property owner's representative recently contacted the Commission staff regarding both a Letter of Interpretation (LOI) application and a nondevelopment certification. The attached correspondence withdraws the LOI application and requests the nondevelopment certification.

A discussion ensued regarding whether this situation meets the nondevelopment provision of the pine barrens act requiring previously issued approvals to conform with current zoning. Ms. Plunkett reported that the applicant's representative requested the opportunity to appear at the next meeting. It was agreed that Commission counsel will review this matter prior to the next meeting.

- ! Firemen's Park / Ridge / shooting range: new hardship application; set hearing
Summary: Ms. Plunkett distributed and discussed the attached core hardship application for a lavatory, kitchen area expansion, and water main installation for the existing shooting range and restaurant facility. The application is jointly submitted by Brookhaven Town and The Long Island Shooting Range. The application includes an EAF. A brief discussion ensued regarding coordinated and uncoordinated SEQRA reviews. The Commission requested that the staff do an uncoordinated review if a SEQRA review is necessary.

A motion was then made by Mr. Cowen and seconded by Mr. Murphree to schedule a core hardship hearing on this application for 2:00 pm at the Commission's 10/26/98 meeting at the Commission office. The motion was approved by a 5-0 vote.

Closed Session

Summary: **A motion was made by Ms. Filmanski and seconded by Mr. Cowen to enter into closed session for the purpose of receiving legal advice from counsel. The motion was approved by a 5-0 vote, and the Commission entered into executive session from approximately 2:55 pm through 5:00 pm.**

The meeting then adjourned with no further business conducted.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Revised easement for parcels with single family homes (undated; 7 pages)
4. Jensen / Manorville property material (miscellaneous dates; 13 pages)
5. Firemen's Park core hardship application (10/5/98; 17 pages)



**Commission Meeting Summary (FINAL) for October 26, 1998
(Approved 11/18/98)
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; Mr. Girandola voting), Ms. Filmanski (for Riverhead), Mr. Shea and 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, Ms. Jakobsen, and Mr. Rizzo (from the Commission), Mr. Grecco (from the Suffolk County Department of Law and Vice Chair of the Pine Barrens Credit Clearinghouse), 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 2:51 pm by Mr. Proios, with a five member quorum.

Robert J. Gaffney
Chair

Felix J. Gucci, Jr.
Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
Member

Vincent G. Vilella
Member

Core Preservation Area

- ! Fireman's Park / Ridge / shooting range facility: hardship application hearing
Summary: A separate stenographic transcript exists for this.
- ! Sprint / Manorville / site plan: follow-up discussion from 9/26
Summary: Ms. Plunkett summarized this request from Sprint's attorney, Mr. Lawrence Re, regarding an application before the Brookhaven Town Zoning Board of Appeals (ZBA) from Sprint Spectrum, LP. He has requested a determination of jurisdiction by the Commission for proposed antenna additions by Sprint to an existing utility pole site in the core area north of the Long Island Expressway, west of Exit 69, near Weeks Avenue.

Mr. Re was present, along with two consultants: Mr. Peter Tolischus of Heyer, Gruel & Talley, and Mr. Thomas Petreshock of Goodkind & O'Dea. Mr. Re spoke about the pending Sprint application to the Brookhaven ZBA, its adjournment pending the Commission's determination of jurisdiction, the portions of the Town Code which apply to the

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Sprint application, the applicable portions of Federal Communications Commission regulations, the service gap which he stated exists in the Manorville area, and the specifics of the proposed work. He and Mr. Tolischus showed a set of photographs of the existing poles in the area, with the proposed antenna equipment added to the photos. Mr. Tolischus described the viewpoints from which the photographs were taken.

A discussion then followed regarding the type of structure which would be placed on the ground at the base of the pole, the presence of native vegetation in the area, the amount of clearing that would be required, and the differences between the site plan and what the Commission staff saw on a site visit. It was agreed that the existing vegetation line would be placed on the site plan, and that the project will be deemed nondevelopment under the state pine barrens law if it does not involve clearing. Ms. Plunkett then asked Commission counsel which provision of the pine barrens statute would apply if the project were to be deemed nondevelopment, and Ms. Roth stated that she would advise the staff at a later time.

Mr. Howard Maye, a resident of Manorville representing himself, then spoke. Mr. Maye stated that he did not believe that there was a service gap, but, rather, a possible gap in the quality of the existing service, and that the proposed project is not necessary in his opinion. He also stated that he believes that utilities do not have untethered rights, that this is a new installation, and that it should be considered development. Mr. Re then stated that his client would not have pursued this project if there was not a serious service gap.

Administrative

- ! Draft summaries for 6/24, and 10/7: review, approval

*Summary: The following changes were suggested to the draft 6/24/98 meeting summary: (1) under "Toussie / miscellaneous areas / new credit appeals", the final paragraph's second sentence should read, in part: "... to distinguish these parcels from others to which the normal credit allocation formulae have been applied, a motion was made ..."; (2) under "The Woodstock Company / Middle Island / credit appeal", the final sentence should read: "Mr. Cowen observed that it was substantially similar to a roadfront parcel, and that the lot between the subject parcel and the road is developed with a single family residence." **A motion was made by Mr. Girandola and seconded by Ms. Filmanski to approve the summary of the 6/24/98 meeting with the above changes. The motion was approved by a 5-0 vote.***

*The following change was suggested to the draft 10/7/98 meeting summary: the section entitled "Executive Session" should be entitled "Closed Session" instead, and the first sentence should read, in part: "To enter into closed session for the purpose ...". **A motion was made by Ms. Filmanski and seconded by Mr. Cowen to approve the summary of the 10/7/98 meeting with the above changes. The motion was approved by a 5-0 vote.***

Core Preservation Area

- ! Jensen / Manorville / subdivision: determination of jurisdiction (from 10/7 meeting)
Summary: Mr. Glenn Gruder, an attorney with Mars, Sloane & Conlon who is representing Ms. Jensen in this matter, described the approval process and history of this parcel. The owner is seeking a certification of nondevelopment for a cluster subdivision of a 24 acre parcel in the Manorville core area of Brookhaven Town. The property was purchased in 1987, when it was zoned A2 Residential. Approvals for a cluster subdivision plan containing 11 lots of approximately two acres each were granted by the Town in September 1988 and January 1989.

Following this, the Town rezoned the area, including this parcel, to A5 Residential, and the owner filed a lawsuit against the Town in August 1991. Mr. Gruder reported that the owner and the Town have conducted settlement negotiations, and reports that the Town is willing to rezone the parcel back to A2 Residential as part of a settlement. Mr. Gruder explained that he has forwarded a letter of intent to rezone the parcel, which was written by the Town, to Ms. Plunkett of the Commission staff, and requested that the record show that she has been extremely professional in dealing with this project. Ms. Roth stated that this letter is not sufficient. Mr. Gruder would also like some guidance as to what procedure should be followed with the Commission once the Town rezones the property. Ms. Roth stated that if the Town does rezone the property to A2 Residential, then the project would be considered nondevelopment.

Mr. Cowen asked whether the Town will honor the original approval, and Mr. Girandola reported that they would. Mr. Girandola then asked if the owner's original request for a Letter of Interpretation under the credit program has been withdrawn, and Ms. Plunkett confirmed that it had. Mr. Gruder then raised the question of whether his client could file for Pine Barrens Credits, and a brief discussion ensued regarding the procedure for doing so. Mr. Gruder stated that he will reexamine his options once the Town acts on the rezoning.

Plan Implementation

- ! NY Wildfire and Incident Management Academy: status
Summary: Mr. Corwin and Ms. Trezza reported that the Academy is scheduled to run from 10/27/98 through 11/2/98 at Brookhaven National Laboratory, and that approximately 160 students have enrolled in the various courses dealing with emergency and incident management and wildfire operations. Mr. Corwin encouraged the Commission members and representatives to consider attending the opening ceremony (at 9:00 am on 10/27/98) and the two hour I-402 course, "Incident Command for Executives", to be held immediately after the opening ceremony. Both will be held at Berkner Hall.

Pine Barrens Credit Program

! Third reverse auction: status

Summary: Mr. Milazzo explained that the period for developers to express an interest in participating in the third reverse auction of Brookhaven credits is open through 10/30/98. He also noted that the Long Island Builders Institute has completed a mailing about the third reverse auction to its members, and the Commission staff have also mailed the participation materials to all those parties who have filed recent site plan or subdivision applications with Brookhaven Town.

! Draft report on Riverhead receiving area economic review: comments, acceptance (from 10/7 meeting)

Summary: Mr. Milazzo reported that he is awaiting comments from two of the Commission's three town members on this draft report, and that they will be forwarded to Dr. Nicholas as soon as they are received for his consideration.

! Next Clearinghouse meeting (not on the original agenda)

Summary: Mr. Milazzo reported that the next Clearinghouse Board of Advisors meeting is set for 10/30/98 at 8:00 am at the Commission office.

Core Preservation Area

! Hughes / Ridge / land division: determination of jurisdiction (new)

Summary: Ms. Plunkett summarized this proposal for a two lot subdivision in Ridge in Brookhaven Town, and the pending request for a determination as to whether it is considered nondevelopment under the state pine barrens law. Ms. Roth reported that she is waiting for one additional item of documentation on this before formulating a legal opinion on this question. The item which is missing should address the question of whether the subdivision is exempt from a Town upzoning in the area from A1 Residential to A2 Residential. It was agreed that this matter will be held over to the next meeting.

! Steam Engine 39 Project / Calverton: correspondence from SC Planning (new)

Summary: Ms. Plunkett distributed the attached informational memo from the Suffolk County Planning Department regarding the possible reuse of a railroad spur from the Long Island Railroad's main line in Manorville up to Riverhead Town's Calverton facility. A brief discussion ensued regarding the possible applications of the pine barrens law to such a project.

Compatible Growth Area

! Riverhead Town code amendments for new industrial zone: discussion with respect to Central Pine Barrens Plan

Summary: Ms. Plunkett noted that Riverhead Town has rezoned portions of the Compatible Growth Area in that Town to an Industrial C zone, and that a revised

clearance standard would now apply to that area. Ms. Filmanski explained that the corresponding new clearance standard in accordance with the Central Pine Barrens Plan has been placed in the Town Code, but that the Industrial C zoning designation is currently the subject of litigation, subsequently no further amendments will be made at this time.

- ! Long Island Fisherman / Yaphank / site plan: acceptance of application withdrawal
Summary: Ms. Plunkett reported that this project has been changed, that a written withdrawal of the original application to the Commission has been received, and that a new application has been submitted to Brookhaven Town. If and when the new application is deemed to not be in conformance with the standards, the project sponsors will submit the new application to the Commission. **A motion was made by Ms. Filmanski and seconded by Mr. Cowen to accept the withdrawal of the original L.I. Fisherman application to the Commission. The motion was approved by a 5-0 vote.**

Public Comment

Summary: There were no speakers.

Closed Session

Summary: **A motion was made by Mr. Cowen and seconded by Mr. Murphree to enter into closed session for the purpose of discussing current litigation and receiving legal advice from counsel. The motion was approved by a 5-0 vote. The Commission entered into closed session from approximately 4:32 pm to 4:50 pm.**

The meeting was adjourned following the closed session, with no further business conducted.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. "Wireless Is At Work For You" paper (undated; 8 pages)
4. "An Analysis of the Radiofrequency Environment In ..." paper (6/22/98; 10 pages)
5. Memo from SC Planning re Steam Engine 39 proposal (10/21/98; 1 page)



**Commission Meeting Summary (FINAL)
for November 18, 1998 (Approved 12/9/98)
Riverhead Town Hall
East Main Street and Howell Avenue, Riverhead
2:00 pm**

Commission members present: Mr. Proios (for Suffolk County), Ms. Wiplush (for Brookhaven), Mr. Villella and Ms. Filmanski (for Riverhead; Mr. Villella voting except where noted otherwise), and Mr. Cannuscio and Mr. Shea (for Southampton; Mr. Cannuscio voting except where noted otherwise).

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), Mr. Grecco (from the Suffolk County Department of Law and Vice Chair of the Pine Barrens Credit Clearinghouse), 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 2:25 pm by Mr. Proios, with a four member quorum.

Public Comment

Summary: The first speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. Mr. Amper spoke about the court decision in the litigation between the Commission and the Society regarding a 1994 nondevelopment determination regarding construction of athletic fields in Fireman's Park in Brookhaven Town.

Mr. Amper stated that the Society does not believe that the pine barrens act precludes recreational activities, that the Society is willing to ask the judge to consider revising certain language in the recent decision, and that, if the Commission does not wish to join the Society in that request, then the Society will ask the judge to consider that on its own. He also stated that the judgement date, not the decision date, triggers the time period in which an appeal would have to be filed, and thus there is no urgency for the Commission to file a notice of appeal at this time.

Mr. Amper also spoke on the topic of the number of acres of clearing that would be involved in the proposed athletic fields, and noted that various estimates have been mentioned. He stated that he cannot find anywhere a reference to a figure of

Robert J. Gaffney
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Vice Chair

Vincent Cannuscio
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Ray E. Cowen
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16 acres. He then stated that there is no need to start the appeals clock running at this time.

The second speaker was Mr. Joseph Gazza, a private developer and the sponsor of the project known as the Southampton Tradesperson's Center in Westhampton, Southampton Town. Mr. Gazza stated that the Commission has previously approved his project, and that, as part of the discussion prior to the Commission's approval, he voluntarily offered a conservation easement on approximately 5 acres of the site. He emphasized that he had made this offer voluntarily. He also noted that he withdrew an application for development on a separate parcel and had applied instead for Pine Barrens Credits on that separate parcel.

Mr. Gazza explained that the Commission's resolution on the Tradesperson's Center application incorporated the conservation easement as a precondition to starting construction on the site. He reported that the easement had been prepared and reviewed, and that title insurance and a guaranteed survey had been provided as well. He then stated the issue of whether the easement would be a donation is still unresolved, and that his accountant had advised him that the easement has to be either a sale or a gift. He explained that the Commission Counsel had advised the Commission not to sign the Internal Revenue Service donation form. A brief discussion then ensued regarding the easement and the donation issue, and, in particular, whether the area to be covered by the easement is already protected from development. The discussion concluded after Ms. Roth stated that she would like additional time to review this situation.

Administrative

- ! Draft summary for 10/26: review, approval

Summary: The following changes were suggested to the 10/26/98 meeting summary: (1) under "Jensen / Manorville", the second paragraph's third sentence should read as follows: "Mr. Gruder explained that he has forwarded a letter of intent to rezone the parcel, which was written by the Town, to Ms. Plunkett of the Commission staff, and requested that the record show that she has been extremely professional in dealing with this project."; (2) under "Riverhead Town code amendments", the second sentence should be replaced by the following text: "Ms. Filmanski explained that the corresponding new clearance standard in accordance with the Central Pine Barrens Plan has been placed in the Town Code, but that the Industrial C zoning designation is currently the subject of litigation, subsequently no further amendments will be made at this time."

A motion was then made by Mr. Cannuscio and seconded by Mr. Vilella to approve the 10/26/98 meeting summary as final with these changes. The motion was approved by a 4-0 vote.

Core Preservation Area

- ! Long Island Shooting Range / Ridge: modification of 10/28/98 Commission resolution
*Summary: Mr. Proios distributed the attached draft resolution which would modify the Commission's 10/26/98 decision to grant a core hardship application to the Long Island Shooting Range for certain public improvements at the Brookhaven Town-owned Fireman's Park in Ridge. The new resolution would rescind the 10/26/98 decision and determine that the proposed construction does not constitute development as defined in the pine barrens act. **A motion was made by Mr. Proios and seconded by Mr. Cannuscio to approve the attached resolution to that effect. The motion was approved by a 4-0 vote.***

Plan Implementation

- ! Wildfire Task Force and Draft Central Pine Barrens Fire Management Plan: SEQR coordination response; designation of lead agency
*Summary: Ms. Jakobsen reported that the State Environmental Quality Review lead agency coordination letters for the fire plan went out on 10/14/98, and that the only response received was from Mayor Thelma Georgeson of the Village of Quogue, who said that her Village had no objection to the Commission being lead agency. Mayor Georgeson also wrote that she thought that the fire plan was well-written. Ms. Jakobsen noted that the lead agency response period has expired, and that the Commission can now act on that status, and that Commission staff will then complete Part 2 of the Environmental Assessment Form. **A motion was then made by Mr. Cannuscio and seconded by Mr. Vilella to designate the Commission as the lead agency for the review of the Draft Central Pine Barrens Fire Management Plan. The motion was approved by a 4-0 vote.***
- ! NY Wildfire and Incident management Academy: results
Summary: Ms. Jakobsen reported that approximately 140 students attended courses during the Academy, with both instructors and students attending from both the Long Island area as well as across the country. Mr. Corwin and Ms. Jakobsen briefly explained that the Academy's costs were covered entirely by a combination of contributions and registration fees, and that no subsidies were provided out of the Commission's budget for the Academy. Mr. Corwin also noted that the Academy may be held again, possibly annually.

Pine Barrens Credit Program

- ! Third reverse auction: status
Summary: Mr. Milazzo reported that the Pine Barrens Credit Clearinghouse has set a range of \$15,000 to \$25,000 per credit as the range within which developers participating in the next reverse auction of Brookhaven Pine Barrens Credits will have to be willing to purchase them. He explained that the staff's

intention is to contact all developers who initially expressed interest in participating in this auction with this specific price range, and to determine their acceptance of it. This will be followed by the signing of a contract with each developer, and then a mass mailing to the private property owners in the Brookhaven core area. He noted that there are currently 8 developers that have expressed interest, and that their total credit demand is approximately 70 credits.

- ! Draft report on Riverhead receiving area economic review: status of comments

Summary: Mr. Milazzo reported that he is still awaiting comments from Brookhaven Town, and Ms. Wiplush said that she will pursue those comments.

- ! Arma / Ridge: request for clarification of easement terms (new)

Summary: Mr. Milazzo distributed the attached letter from Mr. Harold Damm, an attorney representing Mr. Joseph Arma and Ms. Dorren Bartoldus, the owners of core area property in the Ridge area of Brookhaven Town. Their 4 acre property is improved with a residence, is zoned A1 Residential, and they currently have a Letter of Interpretation for the property for 2.2 Pine Barrens Credits, which they have a contract to sell to another private party. Mr. Damm is seeking a clarification of the terms of the easement with respect to maintenance of the property as referenced in the pine barrens act, Environmental Conservation Law 57-0107(13)(iii). Ms. Roth then explained that the Commission has previously interpreted the wording in this section of the law, and she explained that the Commission's interpretation is that the reference to residential associations only applies to the final part of the sentence. It was agreed that Ms. Roth will write a reply to Mr. Damm to that effect.

Compatible Growth Area

- ! Rocky Point Union Free School District / site plan: determination of jurisdiction

Summary: Mr. Stephen Donohue, the Superintendent of Schools for the Rocky Point School District, was present along with the consultants for the school's expansion project. Suffolk County Legislator Martin Haley, representing the legislative district containing the school, was also present.

Mr. Donohue distributed the attached letter requesting a nonjurisdiction determination from the Commission for this project, the attached sketch plan, and the attached "Draft Consistency Analysis With Central Pine Barrens Standards and Guidelines for Land Use - Compatible Growth Area". Mr. Corwin distributed the attached letter from Mr. Joseph Grillo, the architect for the school district project.

Mr. Donohue spoke about the proposed additions to the Rocky Point Junior-Senior High School located on the west side of Rocky Point-Yaphank Road (Country Road 21) in Rocky Point in Brookhaven Town, and the District's concern that the project retain its current state funding by being approved and started as quickly as possible. He also described the lead agency status of the NY State Education Department; the schedule that the Education Department

and the District will follow in producing a Draft Environmental Impact Statement; the location of the project on the previously cleared areas of the site; and the fact that the approximately 30 acre site contains the current school buildings, parking areas, grassy areas, athletic fields, and very little wooded area.

Mr. Proios then noted that Commission counsel has spoken with the State Education Department regarding the procedure for review of the project with respect to the Central Pine Barrens Plan's Compatible Growth Area provisions. Ms. Roth then explained that the question of who conducts this consistency review occurs because school district projects are exempt from Town review, and it is the Town which would normally conduct the review, and the State Education Department is the agency which issues the building permit here.

A discussion then ensued regarding the question of whether this project is considered "development" under the state pine barrens law, with Mr. Spitz stating that he felt it was exempt as a public improvement pursuant to ECL 57-0107(13)(i). Ms. Roth explained that this provision requires that the project be consistent with the goals and objectives of the statute, and noted that the project would increase the sanitary flow being produced on site, and that should be considered in determining consistency with the statute. The school district representatives explained that the new project would tie into the existing sewage system.

Legislator Haley then commented that the District has only 37 acres of vacant land for expansion, and that this project uses part of that acreage. He stated that this is a unique situation when compared with the land available in other school districts. He requested that the Commission find the project to be nondevelopment, and that the Commission help the District through the environmental process. A brief discussion then ensued over the issue of nondevelopment, and **a motion was made by Mr. Cannuscio and seconded by Mr. Vilella to determine that the proposed school expansion project does not qualify as development under the Environmental Conservation Law Article 57-0107(13)(i). The motion was approved by a 4-0 vote**, and Ms. Roth was requested to draft the final wording of the resolution.

! Wendy's Restaurant / Miller Place / site plan: modification of previously-approved site plan

Summary: Mr. Corwin distributed the attached letter from Mr. Chic Voorhis, a consultant representing the sponsors of a proposed Wendy's Restaurant on the south side of NYS Route 25A in Miller Place. He explained that the Commission has previously issued a Compatible Growth Area hardship exemption permit for this project, and that the attached letter requests that the Commission review certain planned changes to the site plan which was approved by the Commission. Mr. Corwin explained that the letter and accompanying site plan had just arrived.

After a brief discussion, it was agreed that Ms. Plunkett should review the changes upon her return from vacation, since she was the staff member who

originally reviewed the project. It was agreed that this will be placed on the Commission's 12/9/98 agenda.

Core Preservation Area

- ! Hughes / Ridge / land division: counsel's opinion re jurisdiction (from 10/26/98 meeting)
Summary: Ms. Roth reported that she has received from Brookhaven Town additional written material regarding this project which shows that the project is exempt from a Town upzoning in this area of Ridge from A1 Residential to A2 Residential. Consequently, she offered the legal opinion that the project does not meet the definition of "development" under the state pine barrens law. It was then agreed that the project is nondevelopment, and a letter will be sent to the project sponsors to that effect.

- ! DiBartolomeo / Manorville: correspondence re horse barn (new)
Summary: Mr. Corwin distributed the attached letter from Mr. Amadeo DiBartolomeo regarding the possibility of building a horse barn on his Manorville property which currently contains a residence. A brief discussion ensued regarding the pine barrens law's provision providing for accessory uses on residentially developed properties. It was also noted during the discussion that an application for Pine Barrens Credits for this parcel had previously been filed, but that no credits were awarded. It was then agreed that counsel will forward a letter to the owner explaining the accessory use nondevelopment provision of the pine barrens law.

- ! Suffolk Community College / Eastport: correspondence re Treetures Trail project (new)
Summary: Mr. Proios briefly introduced the attached correspondence from Ms. Jessica Allen of Suffolk County Community College regarding a proposed educational trail project utilizing the existing Kettlehole Trail on the College's Eastern Campus property in Eastport in Southampton Town. Mr. Corwin explained that he has asked Mr. Proios to handle this matter with the Commission since he is a friend of the person mentioned within Ms. Allen's letter, Ms. Mindy Block, who would be implementing the proposed project. Mr. Shea noted that he also knows Ms. Block, and would not be voting on any question regarding the project.

A brief discussion then ensued regarding the amount of clearing that would be involved. It was then agreed that Ms. Plunkett would examine the project and the site, and that this matter would be placed on the Commission's 12/9/98 agenda.

- ! Pawson / Manorville: new hardship request; set hearing (new)
Summary: Mr. Corwin distributed the attached letter from Mr. and Ms. Pawson requesting permission to build a house on a parcel of land on the south side of North Street, east of Lane's Road, in Manorville in Brookhaven Town. **A motion**

was made by Mr. Proios and seconded by Mr. Cannuscio to hold a hearing on this core hardship permit application at 4:00 pm at the Commission's 12/9/98 meeting. The motion was approved by a 4-0 vote.

Executive / Closed Session

Summary: A motion was made by Mr. Proios and seconded by Mr. Shea to enter into executive session for the purpose of discussing current litigation. The motion was approved by a 4-0 vote. The Commission entered into executive session from approximately 3:45 pm through 4:445 pm.

The meeting was then adjourned without any further business being conducted.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Resolution modifying the 10/28/98 LI Shooting Range decision (undated; 1 page)
4. Letter from Mr. Damm re Arma and Bartoldus easement (11/16/98; 1 page)
5. Letter from Mr. Donohue of Rocky Point Schools re expansion (11/18/98; 1 page)
6. Building plan for Rocky Point School expansion (9/21/98; 1 page)
7. Draft PB Plan consistency analysis for school expansion (undated; 10 pages)
8. Letter from Mr. Grillo re Rocky Point School District construction (11/3/98; 3 pages)
9. Letter from Mr. Voorhis re Wendy's Restaurant site plan (11/17/98; 3 pages)
10. Letter from Mr. DiBartolomeo re horse barn construction (11/10/98; 2 pages)
11. Letter from Suffolk Community College re Treeture Trail (11/13/98; 2 pages)
12. Letter from Pawsons re home construction in Manorville (11/14/98; 3 pages)



**Commission Meeting Summary (FINAL)
for December 9, 1998 (Approved 1/13/99)
Suffolk County Historical Society
300 West Main Street, Riverhead
2:00 pm**

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

Robert J. Gaffney
Chair

Felix J. Gucci, Jr.
Vice Chair

Vincent Cannuscio
Member

Ray E. Cowen
Member

Vincent G. Vilella
Member

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

Tour of "Barren and Wasteland: Long Islanders and the Pine Barrens".

Summary: Mr. Broege gave a brief tour of the exhibit to the Commissioners and other attendees, and described the work involved in producing it. The exhibit includes sections on the ecological, cultural, economic, agricultural, recreational, and other aspects of the barrens. Afterwards, Mr. Proios presented Certificates of Appreciation to the staff of the Suffolk County Historical Society who contributed to the 1998 Pine barrens Research Forum.

Public Comment

Summary: There were no speakers at this time.

Administrative

! Draft summary for 11/18/98: review, approval

Summary: The following change was suggested by Ms. Wiplush to the 11/18/98 meeting summary: under "Long Island Shooting Range / Ridge", the first sentence should

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read, in part: "... for certain public improvements at the Brookhaven Town-owned Fireman's Park in Ridge." **A motion was then made by Mr. Girandola and seconded by Ms. Filmanski to approve the 11/18/98 meeting summary with this change. The motion was approved by a 5-0 vote.**

- ! January through June 1999 meeting schedule: review, approval
Summary: After a brief discussion, it was agreed that the next Commission meeting would be held on 1/13/99 at the Commission office in Great River, and that the overall meeting schedule for the first half of 1999 would be settled at that time. **A motion was made by Mr. Girandola and seconded by Ms. Filmanski to schedule the next Commission meeting for 1/13/99 at 2:00 pm at the Commission office. The motion was approved by a 5-0 vote.**

Pine Barrens Credit Program

- ! Third reverse auction: status
Summary: Mr. Milazzo reported that over 300 letters were sent out to individuals and companies which have been recently involved in development activities within Brookhaven Town, or who are in the development or construction business, explaining the upcoming reverse auction of credits. There have been several responses from this. The auction will utilize a per credit price range of \$15,000 to \$25,000, the range within which the participating developers agree to purchase credits. A mailing is intended to be made in January to the eligible landowners.
- ! Correspondence: request for interpretation of Central Pine Barrens Plan Section 6.7.6.4
Summary: Mr. Milazzo explained that the attached correspondence has been received from Mr. Dominic Nicolazzi, requesting a clarification of Section 6.7.6.4 of the Central Pine Barrens Comprehensive Land Use Plan regarding the issuance of Pine Barrens Credits only when property taxes have been paid in full. Mr. Nicolazzi was present and explained that he is making this inquiry on behalf of ten landowners that he represents who are interested in participating in the Pine Barrens Credit Program. Several of them need to know what portion of which year's taxes have to be paid before they can file an easement and receive their credit allocation.

Mr. Grecco then explained the Suffolk County tax year and the payment schedule for first and second half taxes. Mr. Nicolazzi explained that the owners are being asked to place an easement on their properties effective 12/1, but are also expected to pay the first half of their upcoming year's taxes. Mr. Grecco explained that the Plan requires that taxes be paid in full prior to issuing credits.

A discussion followed regarding tax payment dates, tax deeds, easements, covenants, and similar issues. It was then agreed that this Plan section requires that taxes are due for the current half of the tax year when an easement is placed on a parcel for the purpose of issuing credits.

Plan Implementation

- ! Law Enforcement Council: vehicle removal status

Summary: Capt. Conklin reported that the last abandoned vehicle helicopter lift mission removed four vehicles, of which three were impounded by the Suffolk County Police Department, and one was recycled by Brookhaven Town. This brings the total for the program since inception to 57 vehicles. Capt. Conklin also noted that the Council is producing a new version of the Law Enforcement Handbook at this time.

Mr. Corwin then noted that the NY Army National Guard's Albany aviation facility has embarked upon a similar program in the Albany Pine Bush, in cooperation with the Albany Pine Bush Preserve Commission. He distributed the attached newspaper article describing that work.

Capt. Conklin reported that the prescribed fire window for part of the Otis Pike Preserve is open, and that a burn last week was canceled due to wind.

Mr. Corwin remarked that the Law Enforcement Council will be losing the services of NY Army National Guard Maj. Edward Murphy, the Chief Instructor Pilot for the local Army Guard aviation facility. Maj Murphy, who is retiring from the Guard for a civilian position, has been the principal pilot on all of the load lift missions with the Law Enforcement Council. Ms. Filmanski asked whether his departure affects the lift program, and Mr. Corwin explained that there is another qualified Blackhawk helicopter pilot who has participated in the lift missions, and who will become the principal pilot for future Council missions.

- ! Wildfire Task Force and Draft Central Pine Barrens Fire Management Plan: status
Summary: Ms. Jakobsen reported that materials will be mailed to the Commission members prior to the next meeting regarding the Determination Significance under the State Environmental Quality Review Act for the Draft Fire Management Plan.

Core Preservation Area

- ! Suffolk Community College / Eastport: correspondence re Treetures Trail project (from 11/18/98)

Summary: Ms. Plunkett distributed the attached map showing the location of the existing Kettlehole Trail on the Suffolk County Community College's Eastern campus. She then explained that the letter received from Ms. Jessica Allen, who represents the College and who was present, was a request to expand the Kettlehole Trail for an educational use. This would entail widening the Trail and possibly rerouting certain sections. She also described the Treetures characters as being developed through American Forests for ecological education for elementary school children.

A motion was then made by Mr. Cowen and seconded by Mr. Murphree to indicate that the proposed activity is not development as defined in Section 57-0107(13) of the pine barrens law. The motion was approved by

a 5-0 vote.

Public Comments

Summary: Mr. Joseph Gazza, the sponsor of the Southampton Tradespersons Center development in the core area on the west side of County Road 31 in Westhampton Beach, spoke regarding his efforts to finalize the conservation easement on the five acre portion of the site which the Commission's permit resolution incorporated. He explained that he has approached Suffolk County regarding accepting the easement.

Advisory Session

Summary: **A motion was made by Ms. Filmanski and seconded by Ms. Wiplush to enter into advisory session at the request of counsel. The motion was approved by a 5-0 vote.** The Commission then entered into advisory session from approximately 3:35 pm to 4:00 pm.

Core Preservation Area

! Pawson / Manorville / hardship application: hearing

Summary: A separate stenographic transcript exists for this.

Advisory Session

Summary: **A motion was made by Ms. Filmanski and seconded by Mr. Girandola to reenter into advisory session at the request of counsel. The motion was approved by a 5-0 vote.** The Commission then entered into advisory session from approximately 4:23 pm to 5:30 pm.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Letter from D. Nicolazzi requesting Plan clarification (11/23/98; 1 page)
4. News article re NY National Guard vehicle removals in Albany (11/30/98; 1 page)
5. Map showing location of proposed Treetures trail at SCC College (undated; 1 page)