

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*
James R. Stark, *Member*

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Commission Meeting Summary (FINAL) for January 8, 1997 (Approved 3/12/97) Riverhead Town Hall, Howell Ave & East Main Street / 2:00 pm

Commission members present: Mr. Proios (for Suffolk County), Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Freleng (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. Hopkins (from the Suffolk County Water Authority), 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: There were no speakers.

! Draft summary for 12/18 meeting: review and approval

Summary: **A motion was made by Mr. Freleng and seconded by Mr. Cowen to approve the summary of the 12/18/96 Commission meeting as drafted. The motion was approved by a 5-0 vote.**

! Specifications for logo design competition: review

Summary: Mr. Corwin distributed the attached draft announcement for a design contest for producing a Commission logo, plus the attached list of schools which have expressed interest in publicizing the contest among their students. It was agreed that 4/25/97 will be the deadline for submittal of design entries, that there would be an entry form with a signed statement which will assign all legal rights to the winning design to the Commission, and that the winning designer would be presented with an award (possibly a plaque with the selected logo) at a Commission meeting. It was also agreed that the draft announcement would reflect the Commission's responsibility to produce and implement a land use plan for the Central Pine Barrens, and that Mr. Corwin will fax a copy of the revised announcement in the next several days.

Pine Barrens Credit Program

! Warner / Riverhead: PBC Certificate issuance; credit purchase status

Summary: Mr. Grecco, Vice Chair of the Clearinghouse Board, reported that the closing between Mr. Warner and the Clearinghouse was held at 1:00 pm today, that the conservation easement on the subject property has been filed with the County Clerk's office, that the back taxes owed have been paid, that the title is clean, and that the Suffolk County Treasurer's office should be able to write the check to Mr. Warner by late

Monday morning, 1/13/97. The necessary funds, \$479,900, will be drawn from the Clearinghouse account being maintained by the County Treasurer's office. Mr. Warner has already signed the voucher needed by the County Treasurer's office. Mr. Proios then signed the voucher for the Commission.

Mr. Cowen then requested that the Clearinghouse consider what should be done with the credits which the Clearinghouse is purchasing, and that will be done at their next meeting. Mr. Grecco commented that the Clearinghouse is polishing its procedures for conducting "reverse auctions" in which credit holders are requested to submit purchase prices they would like to receive for their credits.

- ! Update from 1/6 Clearinghouse meeting: Status of Letters of Interpretation, PBC Certificates (PBCs), and Requests for Offers to sell PBCs

Summary: Mr. Milazzo distributed and summarized the attached summary of the activity of the Clearinghouse showing Letters of Interpretations and Pine Barrens Credit Certificates issued, breakdowns by towns and school districts, etc.

Ms. Roth then distributed and discussed the attached latest version of the Pine Barrens Credit reverse auction papers. She noted that the next such reverse auction would be held on behalf of three purchasers, and that, taken together, these purchasers are willing to buy 12 PBCs. She described the procedure by which the received bids would be tallied and a single purchase price per credit would be determined. She also described the process for completing the actual sales once that single purchase price for this reverse auction is determined.

Plan implementation

- ! Protected Lands Council work to date: summary

Summary: Ms. Plunkett distributed the attached summary to the Commission members of the Protected Lands Council's work to date which includes their recently approved goals and objectives for the formulation of a regional management plan. She also briefed the Commission on the Council's work on identifying problem access points for core area protected lands.

It was noted that the Council members will try to select a small number of these problem sites - perhaps up to three - and to physically modify the sites to alleviate the problems. This may include new gates or berms, rearrangement of parking areas, signs, etc. It was noted that this work would focus upon sites which can simultaneously serve, and affect, more than one public or participating non-profit or quasi-public landowner.

- ! Law Enforcement Council: status (not on the original agenda)

Summary: Mr. Corwin spoke briefly on the coordination of work efforts between the Protected Lands Council, the Law Enforcement Council, and the Wildfire Task Force.

Core Preservation and Compatible Growth Areas

- ! Chardonay Woods / Quogue: new application; scheduling of hearing

Summary: Ms. Plunkett summarized this new application, entitled Chardonay Woods, submitted to the Commission for a golf course and residential subdivision development on two adjacent parcels containing approximately 400 acres on the south side of Sunrise Highway in East Quogue, in Southampton Town. The property is partly within the Core Preservation Area (i.e., that portion of the site immediately adjacent to the south side of Sunrise Highway), and partly within the Compatible Growth Area (CGA).

She explained that these sites were the subject of a previously filed map, which included an additional site of approximately 210 acres and located to the west of the 400 acre site. This older project, which may be exempt under the pine barrens statute, contained two components. One was an affordable housing complex which was to be located on the smaller, separate parcel to the west. That parcel was, in fact, dedicated to Southampton Town, and now contains an affordable housing complex. The second component was a residential subdivision on the approximately 400 acre site.

Ms. Plunkett noted that the new application submitted to the Commission only refers to the vacant, approximately 400 acre parcel, and that the new application does not propose any development within the core area. She also noted that the CGA portion of the property is also a designated Critical Resource Area (CRA) in the Central Pine Barrens Comprehensive Land Use Plan. The CRA designation specifies "Buck moth habitat generally north of the 100 foot contour".

She explained that the new proposal contains a golf course, as well as detached and attached housing units. She explained that the new proposal requires a zone change to a Quasi Public Service Use District. A request for such a rezoning is pending before the Town Board, who is conducting the State Environmental Quality Review Act processing. A discussion was held regarding the reason for the CRA designation, the geology of the area (informally known as Henry's Hollow), processing of applications within CRAs under the Plan, and the application of the standards and guidelines to CRA projects. The Commission agreed that they will seek an outside opinion on the question of the buck moth and its habitat on this site.

A motion was then made by Mr. Cowen and seconded by Ms. Filmanski (1) to designate the Commission staff as the designated planning entity for review of this application by the Commission, (2) to request the assistance of the Suffolk County Department of Health Services in evaluating this application with respect to the standards regarding nitrogen loading to groundwater which are contained within the Plan, (3) to request that this review by the Health Department be completed by the date of the Commission's hearing on this application, if possible, and (4) to schedule a hearing on this application for 2/19/97 at 5:00 pm at the Brookhaven Town Hall. The motion was approved by a 5-0 vote.

Plan implementation

- ! Research presentation: Kyle Beucke, Ward Melville High School, Setauket
Summary: Mr. Beucke, a senior at Ward Melville High School in Setauket, was introduced by Mr. Corwin. It was noted that he provided a technical poster display at the October 1996 Pine Barrens Research Forum. Mr. Beucke summarized his research work on "Responses of Scarabs and Other Scavengers to Fire in a Pine Barrens Environment" (see attached paper).

Questions discussed included the methods and equipment used, duration of the work, and possible topics for future research. His work to date has concentrated in the Rocky Point and Westhampton areas, including both burned and unburned sites. Dr. Marilyn Jordan of the Long Island Chapter of the Nature Conservancy is his principal scientific advisor. At the conclusion of the discussion, he was presented with a Certificate of Appreciation by Mr. Proios for his contribution to the Pine Barrens Research Forum.

Executive session and adjournment

Summary: **A motion was made by Mr. Freleng and seconded by Ms. Filmanski to**

enter into executive session for the purpose of discussing certain legal issues. The motion was approved by a vote of 5-0. The Commission entered into executive session at approximately 4:35 pm and returned to open session at approximately 5:00 pm. The meeting was then immediately adjourned without a formal resolution.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Draft announcement of a Commission logo design competition (Undated; 2 pages)
4. List of schools interested in the design competition (1/6/97; 1 page)
5. Activity of the Pine Barrens Credit Clearinghouse (12/20/96; 2 pages)
6. Agreement Between the Purchaser and the PBC Clearinghouse (1/8/97; 7 pages)
7. Summary of Protected Lands Council goals and objectives (1/8/97; 6 pages)
8. *Responses of Scarabs and Other Scavengers to Fire in a Pine Barrens Environment*, K. Beucke (Jan. 1997; 34 pages)

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Commission Meeting Summary (FINAL) for January 29, 1997 (Approved 3/12/97) Riverhead Town Hall, Howell Ave & East Main Street / 2:00 pm

Commission members present: Mr. Proios (for Suffolk County), Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Freleng (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 (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), Mr. Searing (Chair of the Wildfire Task Force), Mr. Drower (Vice Chair of the Wildfire Task Force), and Capt. Conklin (from the NYS Forest Rangers and Vice Chair of the Wildfire Task Force). 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 four member quorum consisting of Mr. Proios, Ms. Wiplush, Ms. Filmanski, and Mr. Freleng initially present.

Administrative

- ! Public comments
Summary: There were no speakers.

Pine Barrens Credit (PBC) Program

- ! General update: Letters of Interpretation, PBC Certificates, and Requests for Offers to sell PBCs, etc.
Summary: Mr. Milazzo reported that the "reverse auction" for Pine Barrens Credits is almost complete. The auction, in which current credit holders are given an opportunity to state a price at which they would like to have their credits purchased by the sponsors of the reverse auction, will be mailed to all current holders of Letters of Interpretation or a Pine Barrens Credit Certificates for land in the Brookhaven Town pine barrens core area.

There are three willing purchasers sponsoring this first auction, and their total demand is for 12 PBCs to be purchased in the range of \$7500 through \$15,000 per credit. Mr. Milazzo explained the process which will be followed, and noted that the deadline for submittal is the close of business on 2/7/97.

He also reported that, within Brookhaven Town, the Clearinghouse has so far seen two Certificates redeemed for a total of 4.26 PBCs, and that a total of 12.8 PBCs have been issued there. There have been seven sales of Certificates recorded by the Clearinghouse in Brookhaven. Five of these are for \$10,000 per PBC and two are for \$12,500 per PBC. He also noted that just under one PBC has been issued in Southampton Town, while 47.99 PBCs have been issued in Riverhead Town. At their 2/11 meeting, the Clearinghouse will discuss the sale of PBCs.

- ! Barkus et al. / Manorville: appeal of allocation to 54 lot subdivision on Mill Rd; appeal decision due 3/10; schedule discussion; distribution of materials
Summary: Mr. Milazzo distributed and summarized the attached credit allocation appeal of Ms. Barkus, on behalf of herself and her co-owners of a subdivision map in Manorville, in Brookhaven Town. He explained that the original Letter of Interpretation (LOI) application was for 54 lots, of which the Clearinghouse found that 6 were affected by a utility easement. The Clearinghouse issued LOIs totalling 11.1 PBCs for the remaining 48 parcels at its 12/10/96 meeting.

At its 1/6/97 meeting, the Clearinghouse issued LOIs for the remaining 6 parcels, assigning a total of 1.57 PBCs to those, thus giving the overall 54 lots an aggregate allocation of 12.67 PBCs. The attached appeal was filed on 1/9/97, immediately prior to the Clearinghouse meeting that month. A brief discussion followed regarding the content of the current appeal, and a prior credit appeal for a subdivision map in the Manorville area.

Mr. Milazzo explained that Ms. Barkus has requested to be present at the discussion of her appeal, and it was then decided to hold a discussion of the appeal at the 2/19/97 Commission meeting at Brookhaven Town Hall, Building 7, at 4:00 pm.

Mr. Grecco left at this time.

Plan implementation

- ! NY Army National Guard: status of external load training; request for water bucket training
Summary: Mr. Corwin distributed the attached letter from Col. Intini to Suffolk County Parks Commissioner Frank regarding a proposed training session by the New York Army National Guard. The training session would be for familiarizing the NY Army Guard's Army Aviation Support Facility #1 crews with the use of their new helicopter-borne water buckets for firefighting purposes. The letter notes that these practice sessions require fresh water sources only, and suggests two sites within the Central Pine Barrens which may meet this and other requirements.

After a brief discussion, it was agreed that no permit would be required from the Commission for this operation. The two sites mentioned in the letter as possible locations, the portion of the Carmans River within Southaven County Park and Wildwood Lake, were also discussed. It was agreed that the matter would most likely properly remain with the SC Parks Department for those two proposed sites, and the status of this under the State Environmental Quality Review Act was also discussed.

Mr. Cowen arrived during the latter portion of the following Quogue Tennis Time discussion, and a five member quorum was then present.

Core Preservation Area

- ! Quogue Tennis Time (formerly Hampton Athletic Club) / Quogue: resolution of outstanding violation; stipulation, trail easement, and fine
Summary: Ms. Plunkett summarized the work to date on this, including the resolution of a clearing violation under Environmental Conservation Law Article 57, and the proposed stipulation and settlement. She noted that the settlement includes the dedication of a trail easement along portions of the property and a \$1000 fine. She noted that Mr. Proios, representing the Commission Chair, should sign the stipulation agreement. Mr. DiPietro, the attorney for the Quogue Tennis Time owner, was present and commented

briefly on the granting of the easement to Southampton Town rather than other parties.

A motion was then made by Mr. Freleng and seconded by Ms. Filmanski to authorize the Commission Chair or his designated representative to sign the attached stipulation on behalf of the Commission. The motion was approved by a 5-0 vote. Mr. Proios then signed two original copies of the stipulation and his signatures were notarized by Ms. Filmanski.

Plan implementation

- ! Wildfire Task Force: summary of 1/22 meeting; request for new members (Chairman Searing)

Summary: Mr. Searing distributed and discussed the attached status report from the Wildfire Task Force. First, he conveyed a formal recommendation from the Wildfire Task Force, passed by resolution at their 1/22/97 meeting (see attached letter), that five new organizations be added as members of the Task Force. They are the Suffolk County Fire Chiefs Association, the Suffolk County Fire Districts Association, and the three Fire Chiefs Associations for the Towns of Brookhaven, Riverhead, and Southampton. A brief discussion ensued regarding whether there would be other groups requesting membership, and whether these and other groups have been attending the Task Force meetings.

A motion was made by Mr. Freleng and seconded by Mr. Cowen to modify the Commission resolution establishing the Wildfire Task Force to add as members the Suffolk County Fire Chiefs Association, the Suffolk County Fire Districts Association, and the Fire Chiefs Associations for the Towns of Brookhaven, Riverhead, and Southampton. The motion was approved by a 5-0 vote.

Mr. Searing then noted that the sections of the final plan have been tentatively identified and assignments for first drafts of them have been made. Some of the attendees at the Task Force meetings have expressed concern regarding the effect of the transfer of development rights program on the tax revenues for the pine barrens fire districts, as well as the possibility of reimbursement for responding to fires in the pine barrens region.

Mr. Searing, Mr. Drower, and Capt. Conklin left at this time.

Compatible Growth Area

- ! Bussola Associates site plan / Rocky Point: jurisdiction and standards clarification
Summary: Ms. Plunkett distributed and discussed the attached letter from Mr. Schnurr of Young & Young describing the Bussola Associates site plan for a restaurant and associated parking area on the south side of the former NYS Route 25A in Rocky Point, in Brookhaven Town. The letter describes the parking and clearing issues involved in this project within the Compatible Growth Area, which is currently before Brookhaven Town.

The issue for the Commission is the fact that the project as proposed would not meet the clearance standards in the Central Pine Barrens Comprehensive Land Use Plan. After a brief discussion, it was agreed that the project should be submitted to the Commission as a Compatible Growth Area hardship application, and that the staff will inform the applicant of that.

- ! Ridgehaven Estates subdivision / Ridge: Draft EIS; 2/20 Town hearing; 3/3 comment deadline

Summary: Ms. Plunkett explained that this project involves two separate sites within the Compatible Growth Area in Ridge, in Brookhaven Town, for residential development on a total of approximately 162 acres. (See the attached fact sheet). The project also involves an approximate doubling of the capacity of the existing sewage treatment plant located on the northerly of the two parcels, and it was noted that this plant has experienced problems in the past with overflows and other state violations. Currently, the project is before the Brookhaven Town Board, which has accepted a Draft Environmental Impact Statement (DEIS), has set a hearing on the project for 2/20, and has established a deadline of 3/3 for DEIS comments.

A discussion ensued over whether the Commission should make comments on this project, and, if so, what those comments should focus upon. Mr. Proios felt that the Commission should examine this proposal more closely and provide detailed comments, while others felt that the Commission should concentrate instead upon those projects which are directly within its review jurisdiction under the Plan. The discussion concluded with instructions to the staff to forward a letter to Brookhaven Town indicating that the Commission does not have jurisdiction over this at this time, but that the Town should review the project for conformance with the standards.

- ! Chardonay Woods golf course and subdivision / East Quogue: project review status (5/7 decision deadline)

Summary: Ms. Plunkett explained that this project was referred to the Suffolk County Department of Health Services since the last Commission meeting, with the specific request that the conformance of this project with the nitrogen loading standards in the Plan be examined.

Ms. Roth has examined the issue of species of special concern, with a particular eye towards the status of the buck moth. A letter has been forwarded to the Natural Heritage Trust requesting any information in their data base regarding ecological elements or communities on the project site. Arrangements have also been made with staff from the NYS Department of Environmental Conservation, Cornell Cooperative Extension, Southampton Town, and the Commission to visit the site to examine the ecological resources there related to buck moths. A tentative date of 2/6 was noted. Mr. Warren of Inter-Science Research Associates, representing the project sponsor, was present and requested that his firm be represented at that site visit, and that was agreed upon.

The applicant has also provided a chronology of State Environmental Quality Review Act (SEQRA) milestones which have occurred for this project (attached), and that was distributed and discussed briefly. The applicant's representative has asked how the Ecology Committee arrived at the specific Critical Resource Area feature designation in the Plan, especially regarding the 100 foot topographic contour. Ms. Plunkett has contacted the Suffolk County Planning staff who assisted the Ecology Committee in order to determine more about this question.

A discussion ensued regarding possibly delaying the hearing on this project, in order to permit additional time for staff and counsel to examine the SEQRA status. A discussion was also held regarding the difference between the plan submitted to the Commission and the prior and current applications for this site which have been, or are currently, before Southampton Town for review. It was noted that the current application to the Commission is designated as "Plan F" in the DEIS.

Mr. Cowen raised the possibility of designating the Southampton Town staff as the

*planning entity to assist the Commission with its review of this project. **A motion was then made by Mr. Cowen and seconded by Ms. Filmanski to designate the Southampton Town Department of Land Management as the designated planning entity to assist the Commission in the review of this project, if they are willing to accept that designation. The motion was approved by a 5-0 vote.***

Mr. Warren then asked who his firm should coordinate and communicate with on this application. During the discussion which followed, it was agreed that the applicant should communicate with both the Town and the Commission staff, and that the Commission staff would assure that the Town staff is kept informed of everything they receive. Mr. Cowen noted that there were two areas in which the Commission would focus a special effort: the buck moth and nitrogen loading.

Mr. Rigano noted that a Final Environmental Impact Statement (FEIS) is needed before the Commission could make a decision, and that Southampton Town must accept the designation as the Commission's planning entity for this project.

A motion was then made by Mr. Freleng and seconded by Mr. Proios to extend the hearing date for the Chardonnay Woods project to 3/12/97 subject to the agreement of the applicant. During the brief discussion that followed, a quorum was temporarily lost when Ms. Wiplush and Ms. Filmanski were out of the room. The motion was held for a vote until they returned. Mr. Warren then repeated his request for technical information on the use of the 100 foot contour interval for the buck moth in the site Critical Resource Area designation.

Ms. Filmanski returned at this point, and a four member quorum was then present.

Core Preservation Area

- ! Southampton Tradespersons Center Phase 2 industrial site plan / Westhampton: new application; scheduling of hearing
Summary: Ms. Plunkett summarized this proposal by Mr. Gazza to begin the review process for Phase 2 of the Southampton Tradespersons Center on the west side of CR 31 in Westhampton in Southampton Town. It was noted in the discussion that a provision may be present in the Commission's decision on the initial phase of the project that the remainder of the project would not be developed for a certain period of time. It was agreed to hold off on the processing of this new request until the language of the prior decision could be examined.

Ms. Wiplush returned during the prior discussion, and a five member quorum was then present.

Compatible Growth Area

- ! Chardonnay Woods golf course and subdivision / East Quogue: project review status
Summary: **The motion made and seconded during the earlier Chardonnay Woods discussion was brought up for a vote at this time. The motion was approved by a 5-0 vote.**

Administrative

- ! Public comments
Summary: Mr. Dittmer, representing Civil Property Rights Associates, briefly referred to the tax plan recently announced by Governor Pataki, then inquired as to whether the

Town assessors have met to discuss tax policies on land within the pine barrens, and whether the Commission would recommend to them that the taxes on the core area land be reduced. The Commission members agreed that they had previously discussed this and concluded that the assessors are legally independent entities which must make those determinations.

Mr. Dittmer also asked whether the meetings of the committees and councils are publicized on the Commission's schedule. Mr. Corwin explained that they are generally listed on the schedule, unless they are called on short notice. He noted that the Law Enforcement Council meetings are generally not listed since they frequently involve police matters which are closed sessions, but that those meeting dates are available from the office, and members of the public are welcome at those portions which are open.

Executive session and adjournment

***Summary:** A motion was made by Ms. Filmanski and seconded by Mr. Cowen to enter into executive session for the purpose of discussing legal issues. The motion was approved by a vote of 5-0. The Commission entered into executive session at approximately 4:45 pm, and returned to open session at approximate 5:07 pm. The meeting was then immediately adjourned without a formal resolution.*

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. PBC allocation appeal of Ms. Barkus et al. (1/27/97; 14 pages)
4. Memo from Col. Intini to SC Parks Commissioner Frank (1/21/97; 2 pages)
5. Stipulation between Commission and Quogue Tennis Time (1/29/97; 6 pages)
6. Wildfire Task Force Progress Report and letter to Commission (1/29/97; 2 pages)
7. Wildfire Task Force establishment resolution with amendments through 1/29/97 (1 page)
8. Letter from Mr. Schnurr to Commission re Bussola Associates site plan (1/27/97; 3 pages)
9. Ridgehaven Estates project summary sheet (1/29/97; 1 page)
10. Letter from Mr. Dobriner to Commission re Chardonnay Woods (1/21/97; 2 pages)

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Commission Meeting Summary (FINAL) for February 19, 1997 (Approved 3/12/97) Brookhaven Town Hall Building 7; 3233 Route 112; Medford

Commission members present: Mr. Proios and Mr. Dragotta (for Suffolk County; Mr. Proios voting), Mr. Girandola (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Freleng (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. Hopkins (from the Suffolk County Water Authority), 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 2:03 pm by Mr. Proios, with a four member quorum initially present. The initial quorum consisted of Mr. Proios, Mr. Girandola, Mr. Freleng, and Mr. Cowen. Mr. Dragotta was also present.

Administrative

! Public comments

Summary: There were no speakers.

! Draft summaries for 1/8 and 1/29 meetings (please sign Speaker Sheet)

Summary: These will be held over until the 3/12/97 meeting.

Plan implementation

! Advisory Committee meeting of 2/11/97: results, recommendations, etc.

Summary: Mr. Corwin summarized the topics from the 2/11 Advisory Committee meeting. The meeting was preceded by a presentation from the Brookhaven National Laboratory's Office of Environmental Restoration staff on the groundwater contamination work at the Laboratory. The speakers discussed groundwater conditions at the Lab site, including the number, contamination types, and the extent of the plumes. They also addressed the remediation strategies being employed. Mr. Corwin also explained that the actual meeting content was principally comprised of a report by himself on the Commission's current and recent actions, and a report by Mr. Milazzo on the Pine Barrens Credit Program.

Mr. Milazzo and Mr. Spitz arrived at this point. Ms. Filmanski arrived during the following item, and a five person quorum was then present.

Compatible Growth Area

- ! Chardonnay Woods golf course and subdivision / East Quogue: approval of new hearing date of 3/12 (5/7 decision deadline)
Summary: Ms. Roth discussed the application submitted to the Commission which was formerly known as Plan F in the Draft Environmental Impact Statement submitted to Southampton Town. She stated that the Commission cannot render a decision on the application prior to the acceptance of the Final Environmental Impact Statement (FEIS) by the lead agency, which in this case is the Southampton Town Board. She then noted the specific passage from the State Environmental Quality Review Act implementing regulations.

A brief discussion ensued regarding whether to extend the decision deadline and the hearing date, the possible withdrawal of the application pending action by the lead agency, or the possibility of denying without prejudice. The discussion included an examination of Chapter 4 of Volume 1 of the Plan, which states that projects located in a Critical Resource Area must conform to the standards and guidelines in Chapter 5. It was also noted that the Southampton Town Department of Land Management has declined to be the Commission's designated planning entity under Environmental Conservation Law Article 57 for this application. The Commission decided that the Commission staff should review the project; however, this work should not be a priority since the Commission cannot rule on this project until the FEIS is completed.

It was then agreed that the hearing scheduled for 3/12/97 will be cancelled based upon the understanding that the applicant will submit an extension request before the next Commission meeting. **A motion was then made by Mr. Cowen and seconded by Ms. Filmanski to cancel the public hearing originally scheduled for 3/12/97 for the Chardonnay Woods / East Quogue application. The motion was approved by a 5-0 vote.**

Pine Barrens Credit Program

- ! Status: Letters of Interpretation, PBC Certificates, and Requests for Offers to sell PBCs, results of 2/11 Clearinghouse meeting
Summary: Mr. Milazzo distributed the attached Summary of PBC Clearinghouse Activity through 2/14/97. He noted that two credits have recently been sold within Brookhaven Town for \$15,000 each.

He also reported that the results of the recently completed reverse auction has resulted in an established purchase price for that auction of \$15,000 per credit. The reverse auction mailing to holders of Letters of Interpretation in Brookhaven Town elicited a response from 25% of the recipients. He noted that the respondents would now enter into contracts of sale, although they are still free to choose not to sell. Mr. Milazzo also reported that the Clearinghouse would like to forward reverse auction papers to all core owners in Brookhaven Town.

Mr. Milazzo stated that the Barkus / Manorville credit allocation appeal discussion is set for 4:00 pm today. He summarized the differences between the Barkus appeal and the prior appeal in the same geographic vicinity known as the Expressway 60 Patent and Bernard Meyer appeal. Specifically, it was noted that the prior appeal involved the application of the definition of "developer" utilized in the Suffolk County Sanitary Code Article 6. He briefly described the arrangement of the parcels in the current appeal, and the Brookhaven Town single and separate determination for the Barkus lots.

A brief discussion then ensued regarding the excess demand over supply for Pine Barrens Credits.

Core Preservation Area

- ! Bronfeld subdivision / Flanders: acceptance of hearing adjournment to 3/12
Summary: Ms. Plunkett explained that a written request has been received from the applicant's representative to postpone the hearing date for this application to 3/12/97. She also noted that an additional extension is likely as well, although no other specific date was proposed by the applicant. The Commission requested the staff to try to obtain a date when the applicant would like this matter to be heard.

*It was agreed to reschedule the Bronfeld hearing date to 3/12/97 with the understanding that this may be postponed further at the applicant's request. **A motion was made by Mr. Cowen and seconded by Mr. Freleng to accept the request for a postponement of the Bronfeld / Flanders core hardship application to 3/12/97. The motion was approved by a 5-0 vote.***

- ! Southampton Tradespersons Center / Westhampton: follow-up info from 1/29 meeting; new application and hearing

Summary: Ms. Plunkett explained that this project's initial phase was for two 6,000 square foot buildings on the west side of County Route 31 in Westhampton in Southampton Town. The applicant had agreed, as part of the Southampton Town approval for that first phase, to not proceed with the succeeding phases of the project until at least September 1997. Ms. Plunkett noted that such a condition was not part of the Commission's approval of that first phase, however. A brief discussion ensued regarding the text of that initial Southampton Town approval. It was then agreed that the Commission should schedule a hearing on this new application, and that will be done later today.

- ! DiGregorio subdivision / Flanders: new application; set hearing

Summary: Ms. Plunkett explained that this application is for a cluster subdivision of six lots on a site within the core area, south of the Bronfeld property, on the west side of Pleasure Drive in Flanders in Southampton Town, and east of the old filed map formerly owned by the Omnia Corporation. The six proposed lots would include three lots for three existing residences, and three vacant lots. The zoning of the site is split between the CR-60 and CR-200 zoning categories.

It was noted that the portion of the site which would not be included in the six proposed cluster lots is currently the subject of acquisition negotiations between the owner and Suffolk County. During the discussion, it was also noted that the total yield of the site would depend upon wetlands and the analysis of the split zoning on the lot. No State Environmental Quality Review Act processing has begun for this yet, and thus no decision deadline for the Commission can be established at this time. It was agreed that a hearing will be scheduled.

- ! Southampton Tradespersons Center, DiGregorio subdivision: set hearings

Summary: **A motion was made by Mr. Cowen and seconded by Ms. Filmanski to hold hearings on the Southampton Tradespersons Center / Westhampton and the DiGregorio subdivision / Flanders applications on 3/12/97 at 5:00 pm at the Brookhaven Town Hall in Medford. The motion was approved by a 5-0 vote.**

Mr. Cowen left at the start of the following discussion, and a four person quorum was then present.

Plan implementation

- ! Advisory Committee meeting of 2/11/97: results, recommendations, etc.

Summary: Mr. Amper of the L.I. Pine Barrens Society asked about the discussion that occurred at the Advisory Committee meeting regarding the Pine Barrens Credit Program, and Mr. Hopkins briefly described the approaches which had been described there for presenting the PBC Program to the core area owners.

Executive session

Summary: Mr. Proios announced that an executive session would be held between now and the scheduled discussion of the Barkus / Manorville credit appeal. **A motion was then made by Ms. Filmanski and seconded by Mr. Girandola to enter into executive session for the purpose of discussing current litigation. The motion was approved by a vote of 4-0.** The Commission entered into executive session at approximately 3:05 pm and returned to open session at approximately 3:20 pm. The meeting was then temporarily adjourned until the start of the credit appeal discussion.

Pine Barrens Credit Program

! Barkus et al. / Manorville: appeal of credit allocation (3/11 decision deadline)

Summary: Ms. Barkus was present along with Mr. Meyer, her representative. Mr. Milazzo summarized the property and the history of this application, including the location, number of lots, the initial allocation of credits, and the appeal. The appeal includes 54 lots in the Manorville core area of Brookhaven Town. Eight of the lots are roadfront lots, and six of the lots are at least partially covered by a utility easement for power lines.

Ms. Barkus and Mr. Meyer explained that the lots had been kept in different ownerships in order to preserve their development rights under the older Brookhaven Town zoning. They mentioned meetings with Town officials over a period of years regarding their property.

A discussion ensued over the acreage owned or controlled by the lot owners, including a discussion of the eligibility of the areas occupied by the paper streets in the subdivision. The applicants are seeking a new allocation of 37 Pine Barrens Credits. The discussion at this point included the yield which would be permitted on these lots under the Suffolk County Sanitary Code Article 6 and the options which the Commission might examine in deciding the appeal.

Ms. Barkus and Mr. Meyer agreed to extend the Commission's decision deadline to 3/12/97 for this appeal. **A motion was then made by Mr. Freleng and seconded by Ms. Filmanski to extend the decision deadline for the Barkus / Manorville credit appeal to 3/12/97. The motion was approved by a 4-0 vote.** A further discussion of this appeal will be held at the 3/12/97 Commission meeting at 3:00 pm.

Adjournment of regular meeting

Summary: The meeting ended at approximately 4:45 pm without a formal adjournment resolution.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Summary of PBC Clearinghouse Activity (2/14/97; 1 page)
4. Summary of new core hardship applications (2/19/97; 1 page)
5. Staff report for Barkus et al. PBC allocation appeal (2/18/97; 6 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*
James R. Stark, *Member*

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Commission Meeting Summary (FINAL) for March 12, 1997 (Approved 4/2/97) Brookhaven Town Hall; Building 4; 3233 Route 112; Medford

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

The meeting was called to order at approximately 2:13 pm by Mr. Proios, with a five member quorum consisting of Mr. Proios, Ms. Wiplush, Ms. Filmanski, Mr. Freleng and Mr. Cowen.

Administrative

! Public comments

Summary: There were no speakers.

! Draft summaries for 1/8, 1/29, and 2/19

Summary: **A motion was made by Mr. Cowen and seconded by Ms. Filmanski to approve the draft summary of the 1/8/97 Commission meeting as final. The motion was approved by a 5-0 vote.**

Changes suggested to the draft summary for the 1/29/97 Commission meeting included: (1) under "Chardonnay Woods", the motion in the fifth paragraph should read, in part: "... to designate the Southampton Town Department of Land Management as the designated planning entity to assist the Commission in the review of this project, if they are willing to accept that designation."; and (2) also under "Chardonnay Woods", the text of the motion in the last paragraph should be revised to state that the hearing date should be extended subject to the agreement of the applicant. **A motion was then made by Mr. Cowen and seconded by Ms. Filmanski to approve the draft summary of the 1/29/97 Commission meeting with those changes. The motion was approved by a 5-0 vote.**

One change was suggested to the draft summary for the 2/19/97 Commission meeting: under "Draft summaries", the parenthesized portion of the heading should be omitted. **A motion was then made by Mr. Cowen and seconded by Mr. Freleng to approve the draft summary of the 1/29/97 Commission meeting with that change. The motion was approved by a 5-0 vote.**

Pine Barrens Credit Program

- ! Status: Letters of Interpretation, Certificates, and other matters
Summary: Mr. Milazzo explained that there has been no Clearinghouse Board meeting since the last Commission meeting. He distributed the attached sheet summarizing the different calculations that have been made by various parties concerning the land area subject to the credit allocation appeal of Ms. Barkus and others.

- ! Ciardullo and Heinlein / Manorville: new appeal; set discussion (decision due 4/28)
Summary: Mr. Milazzo distributed the attached letter from Ms. Karen Brown, representing the above owners of Suffolk County Tax Map parcels 200-355-2-13 and 200-356-1-1 and 2, requesting an extension until 3/28/97 to submit an appeal of the Letters of Interpretation, and explaining the reason. The parcels total 30.86 acres and are located between the L.I. Expressway and Mill Road in Manorville, in Brookhaven Town. A total of 5.43 Pine Barrens Credits were allocated to the set of parcels.

Ms. Roth read the applicable section of the Plan and recommended that the Commission establish criteria for extensions of the 30 day appeal deadline. The ensuing discussion touched upon the consequences of a Letter of Interpretation holder missing the 30 day appeal deadline, the extenuating circumstances which might justify extensions, and how to incorporate the extenuating circumstances into discrete criteria.

A motion was then made by Mr. Cowen and seconded by Mr. Freleng to accept and grant the requested extension of the deadline for filing an appeal of the above noted Letters of Interpretation appeal to 3/28/97, and to accept the appeal until that date based upon the extenuating circumstances described in the attached 2/25/97 letter from Ms. Brown. The motion was approved by a 5-0 vote.

- ! Conservation easements: authorization to sign (not on the original agenda)
Summary: Mr. Milazzo explained that the Commission staff occasionally has the need to obtain a signature on a conservation easement when both of the persons currently authorized by the Commission to sign - Mr. Gaffney and Mr. Proios - are unavailable. A brief discussion followed, and **a motion was made by Ms. Filmanski and seconded by Mr. Freleng to add Mr. Dragotta and Mr. Cowen as persons authorized by the Commission to sign conservation easements on behalf of the Commission. The motion was approved by a 5-0 vote.**

- ! Ciardullo and Heinlein / Manorville: new appeal; set discussion (decision due 4/28)
Summary: **A motion was made by Ms. Filmanski and seconded by Mr. Cowen to schedule a discussion of the Ciardullo and Heinlein credit allocation appeal at the 4/2/97 Commission meeting at 3:00 pm. The motion was approved by a 5-0 vote.**

- ! Contract with NYS DEC for capitalization funds: status
Summary: Mr. Corwin explained that the reports required under the Commission's contract with the NYS Department of Environmental Conservation for the Pine Barrens Credit Clearinghouse funding have been filed. In addition, an invoice must be signed by a Commission-authorized person and submitted to the NYS DEC's Natural Resource Damages Unit to obtain the \$50,000 balance of the contract.

A motion was made by Mr. Cowen and seconded by Mr. Freleng to authorize the signing of the invoice by Mr. Proios, as well as the deposit of the check into the Pine Barrens Credit Clearinghouse account maintained by the Suffolk County Treasurer when it arrives. The motion was approved by a 5-0 vote. Mr. Proios then signed the invoice.

Plan implementation

! NY Army National Guard load training: status

Summary: Mr. Corwin reported that the next training exercise involving the removal of vehicles by helicopter from the core area public lands is scheduled for 3/27/97, with a rain date of 3/28/97. Commissioners and representatives will be kept informed of this.

He also noted that the Commission's commendation resolution passed in August 1996, which honors both the NY State Division of Military and Naval Affairs and the local Army Aviation Support Facility #1 will be formally presented at the 4/23/97 Commission meeting. He noted that a brief reception will follow the presentation.

Mr. Girandola arrived at this point.

! Environmental education outreach: status of first program

Summary: Ms. Plunkett reported that the first Commission-sponsored elementary education field trip was scheduled for 6/5/97 at the Quogue Wildlife Refuge. The event will be coordinated with Ms. Gigi Spates, Director of the Refuge, and will host three fifth grade classes from East Islip.

! Future memorial resolution for Bill Shaber (not on the original agenda)

Summary: Mr. Corwin explained that Mr. William Shaber, a representative of the Suffolk Alliance of Sportsmen, Inc. to the Pine Barrens Advisory Committee passed away on 2/28/97. He explained that Mr. Shaber was an original member of the Hunting and Fishing Working Group, a current participant at the Protected Lands Council meetings, and occasionally attended the Law Enforcement Council meetings.

Mr. Corwin suggested that the Commission consider passing a commendation and memorial resolution for Mr. Shaber, and that the resolution be formally presented to the Shaber family at an upcoming Commission meeting. There was general agreement on this, and a draft resolution will be circulated prior to the 4/2/97 Commission meeting.

! 1997 Pine Barrens Research Forum (not on the original agenda)

Summary: Mr. Corwin reported that tentative preparations for a Second Pine Barrens Research Forum are underway. Dr. Bokuniewicz of the L.I. Groundwater Research Institute at SUNY at Stony Brook is speaking with pine barrens researchers in other areas of the country. Dr. Naidu of the Brookhaven National Laboratory has reserved space at the Laboratory for 10/30 (half day) and 10/31 (all day). It is anticipated that this year's Forum might include a session on elementary and secondary environmental education methods, and thus the possible need for the extra half day.

! Proposed pine barrens celebration day (not on the original agenda)

Summary: Mr. Corwin and Mr. Proios discussed an idea initially suggested by Mr. Lowrie of The Nature Conservancy to hold a one day session on the various aspects of Long Island's pine barrens. The idea is partly modelled after the annual New Jersey Pinelands Short Course, which is sponsored by the NJ Pinelands Commission and Rutgers University's Cook College.

The day would include sessions on groundwater, ecological resources, history and cultural resources, etc., and would also include field trips in the area. Mr. Amper, representing the LI Pine Barrens Society, was present and spoke about the types of events and what the overall it might be called. He noted that the Eastern Campus of the Suffolk Community College is very interested in hosting the event. A tentative date of 10/25/97 is currently planned.

Compatible Growth Area

- ! Chardonnay Woods golf course and subdivision / East Quogue: extension of hearing and decision dates (*hearing currently today; decision due 5/7*)
Summary: Ms. Plunkett stated that the attached letter has been received from the project sponsor agreeing to extend the Commission's decision deadline for this application for an additional 120 days from receipt by the Commission of the Notice of Completion of the Final Environmental Impact Statement (FEIS) from the Southampton Town Board, and to have the Commission hearing held during that 120 day period.

A discussion ensued regarding the Commission's deadlines and the requirements of the State Environmental Quality Review Act (SEQRA) requirements. The Commission requested that Ms. Roth verify the SEQRA requirements. **A motion was made by Mr. Girandola and seconded by Mr. Cowen (1) to accept the extension of the Commission's decision deadline on the Chardonnay Woods application to 120 days following the receipt by the Commission of the Notice of Completion of the FEIS from the Southampton Town Board, and (2) to hold the Commission's hearing on this application during that 120 day period. The motion was approved by a 5-0 vote.**

Core Preservation Area

- ! Bronfeld subdivision / Flanders: possible new postponement of hearing date (*hearing currently set for today; no decision deadline*)
Summary: Ms. Plunkett reported that the attached letter was received from the applicant requesting an adjournment of the hearing from today to 6/4/97. **A motion was made by Ms. Filmanski and seconded by Mr. Freleng to accept the hearing postponement request and to reschedule the Bronfeld core area application to the 6/4/97 Commission meeting at 5:00 pm. The motion was approved by a 5-0 vote.**
- ! Nassau County Council of Boy Scouts golf course / Wading River: decision extension (*decision due 3/15*)
Summary: Ms. Plunkett explained that the attached letter has been received from the project sponsor requesting a postponement of the Commission's decision deadline until 4/2/97. **A motion was made by Ms. Filmanski and seconded by Mr. Freleng to accept and approve the new Commission decision deadline for this application to 4/2/97. The motion was approved by a 5-0 vote.**
- ! Morgan / Manorville: new hardship application; set hearing (*no decision date yet*)
Summary: Ms. Plunkett distributed and described a new core area hardship application from Mr. Morgan for single family homes on each of two separate building lots of approximately 7.6 and 7.8 acres. The lots are located on both sides of the Suffolk County Pine Trail Nature Preserve, north of North Street, in Manorville, in Brookhaven Town. The lots are zoned A-5, and were formerly farmland.

A brief discussion occurred over the lack of application completeness criteria in the core area, the Commission's core application checklist, and the access to the parcels. **A motion was made by Mr. Cowen and seconded by Mr. Freleng to hold a hearing on the Morgan core hardship application at the 4/23/97 Commission meeting at 5:00 pm. The motion was approved by a 5-0 vote.**

Pine Barrens Credit Program

- ! Barkus et al. / Manorville: decision (*continued from 2/19; decision due 3/12*)
Summary: Ms. Barkus and Mr. Meyer, her representative, were present for the

discussion. Mr. Milazzo distributed a map showing the Barkus property and described the number of lots, the acreage under various measuring approaches, and compared this appeal with a prior credit appeal in the Manorville area. During the ensuing discussion, the outparcels were noted, as was the need to maintain access to them. Mr. Meyer stated that Ms. Barkus' holdings extend to the center of the paper streets, and commented upon routes by which the outparcels could be provided access.

Mr. Milazzo explained that 12.67 Pine Barrens Credits (PBCs) were originally allocated to the 54 parcels involved in the appeal. Mr. Proios outlined several options as well. If all roads are included, the acreage involved is 24.06 acres, while it is 19.34 acres if they are excluded. A discussion ensued as to how the Plan's development yield factors should be applied under the various calculation approaches.

A motion was then made by Mr. Cowen and seconded by Mr. Girandola to allocate a 1 PBC per acre for each of the 19.34 acres shown on the tax maps, for a total of 19.34 PBCs. The motion was approved by a 5-0 vote.

Executive session

Summary: **A motion was made by Mr. Freleng and seconded by Mr. Cowen to enter into executive session for the purpose of discussing current litigation. The motion was approved by a vote of 5-0. The Commission entered into executive session at approx. 3:30 pm and returned to open session at approximately 4:03 pm.**

Ms. Filmanski left at this point, and a four person quorum remained. The meeting was temporarily adjourned until the start of the public hearings.

Public hearings

- ! Southampton Tradespersons Center industrial site plan (core area) / Westhampton (no decision deadline yet)
 - ! DeGregorio subdivision (core area) / Flanders (no decision deadline set)
- Summary: A separate stenographic transcript exists for these.

The meeting and hearings ended at approximately 7:02 pm.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Memo re Barkus credit appeal area calculations (3/11/97; 1 page)
4. Letter from K. Brown re extension of credit appeal deadline (2/25/97; 1 page)
5. Invoice to NYS DEC for PBC Clearinghouse fund balance (3/12/97; 1 page)
6. Letter from S. Dobriner re Chardonnay Woods decision and hearing (2/27/97; 1 page)
7. Letter from H. Young re Bronfeld hearing postponement (3/10/97; 1 page)
8. Letter from A. Cangemi re Boy Scouts' application decision deadline (3/10/97; 1 page)

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Commission Meeting Summary (FINAL) for April 2, 1997 (Approved 4/23/97) Riverhead Town Hall; Howell Ave. & East Main St.; Riverhead

Commission members present: Mr. Proios (for Suffolk County), Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Freleng (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), Capt. Conklin (from the NYS Forest Rangers and Vice Chair of the Wildfire Task Force) 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 2:22 pm by Mr. Proios, with a four member quorum consisting of Mr. Proios, Ms. Filmanski, Ms. Wiplush, and Mr. Cowen. Mr. Freleng arrived during the public comment period at the start of the meeting, and a five person quorum was then present.

Administrative

! Public comments

Summary: The only speaker was Mr. Nobiletti, representing Exact Technologies. He requested that the Commission reaffirm its core area hardship permit for a water extraction facility on the west side of Country Route 31 in Westhampton in Southampton Town. He explained that the parcel is being reviewed by the Southampton Board of Zoning Appeals for a use variance, and that questions were being raised there about the quantity of water being withdrawn from the aquifer.

He requested a letter or other material explaining the Commission's review and approval, and requested it in time for tomorrow evening's (4/3/97) continuation of the appeals board hearing. After a brief discussion, it was agreed that the Commission staff would provide copies of its public records regarding the project, but that Mr. Nobiletti should forward a written note to the Commission.

! Draft summary for 3/12 meeting: changes and approval

Summary: **A motion was made by Mr. Cowen and seconded by Mr. Freleng to approve the draft summary of the 3/12/97 Commission meeting as written. The motion was approved by a 5-0 vote.**

Pine Barrens Credit Program

! Status: Letters of Interpretation, Certificates, results of 3/26 Clearinghouse meeting

! Gazza / Westhampton: town development rights conversion issue

Summary: Mr. Grecco, Vice Chair of the Clearinghouse Board, discussed the attached memo from Mr. Tripp, Chair of the Board. The memo summarizes three issues

discussed at the 3/26/97 Board meeting: (1) the desire of the Board to set aside part of the capitalization funds (possibly \$1 million) and seek purchase prices from the owners of core lots which would receive less than one credit; (2) the hiring of a marketing firm to review, and to make recommendations on, correspondence from the Clearinghouse; and (3) the new request from Mr. Gazza to convert approximately 880,000 square feet of Southampton Town development rights, currently "stored" on a lot in the Compatible Growth Area (CGA).

Regarding the first topic, it was noted by Mr. Grecco the setting aside of a sum of money for purchase of fractional credits might help overcome some current sluggishness in responses to the Pine Barrens Credit solicitation, and would benefit the building community by having the Clearinghouse aggregate fractional credits from different owners into larger blocks of credits. This aggregation would reduce the number of transactions which purchasers and users of credits would have to undertake, and thus stimulate the use and redemption of credits. It was agreed that this idea should be pursued by the Clearinghouse.

Regarding the second topic, it was noted that Mr. Hanley, the Clearinghouse member representing Riverhead, suggested that professional review of the materials prepared by the Clearinghouse might increase the response. He suggested that local universities and colleges might have departments or programs which would perform this. A brief discussion ensued regarding the need for a Request for Proposals (RFP) to be prepared, and the funding of such work. It was agreed that the staff would prepare a draft RFP for consideration by the Commission and the Clearinghouse.

Regarding the third topic, Mr. Freleng summarized the transfer of these Southampton Town development rights from twenty parcels in the core area to a CGA parcel for storage only, and the dedication of the sending properties within the core to Southampton Town. Issues discussed at this time included the intention of the Town for use of these rights at the time of transfer and core lot sterilization, the difficulty in finding non-core area old filed maps that the Town development rights could now be used on, the occurrence of the transfer and storage after the pine barrens law but prior to completion of the pine barrens plan, the issue of using state funds for the purchase of credits which did not directly result in core area easements, and the process by which old filed maps can be reopened for development.

During this discussion, Mr. Gazza was present and presented the Commission with the attached letter. Mr. Cowen stated that the issue should be resolved by the applicant, Southampton Town, and the Suffolk County Health Department. Mr. Proios offered to speak with Mr. Moran of the County Health Department. It was also noted that Mr. Gazza cannot apply to the Clearinghouse for credits on the core area land involved, because he no longer owns it.

More generally, Mr. Milazzo noted that the current proportional market prices are \$10,000 per credit in Southampton, and \$15,000 per credit in Brookhaven. He noted that core owners in Southampton have been contacted by purchasers, and are applying for Pine Barrens Credit Certificates. He noted that the second reverse auction is about to be distributed.

! Ciardullo and Heinlein / Manorville: revised filing extension request

Summary: Mr. Milazzo discussed the attached letter from Ms. Brown, representing the above owners, which requests an extension to 4/18/97 to file a credit appeal and an extension of the decision deadline to 5/14/97. **A motion was then made by Mr. Freleng and seconded by Ms. Filmanski to accept and approve the requested extensions for the Ciardullo and Heinlein credit appeal. The motion was approved**

by a 5-0 vote.

- ! Proposed ECL 49 amendment re conservation easements: resolution of support
Summary: Mr. Corwin distributed the attached draft bill currently in the State Legislature specifically naming the Commission as an entity permitted to be the grantee on conservation easements authorized under the NY Environmental Conservation Law (ECL) Article 49. Ms. Roth explained the purpose of the amendment (see attached legislative memorandum). Mr. Corwin requested that the Commission consider a resolution supporting the bill, and noted that the Clearinghouse Board of Advisors passed a resolution of support for the bill at its 3/26/97 meeting.

A motion was then made by Mr. Cowen and seconded by Mr. Freleng to endorse the passage of this bill by the Legislature and its signing by the Governor. The motion was approved by a 5-0 vote.

Mr. Grecco left at this point.

Plan implementation

- ! New York Army National Guard load training: status (Capt. Conklin)
Summary: Capt. Conklin, a member of the Law Enforcement Council, reported that the 3/27/96 external load lift training exercise by the NY Army National Guard's Army Aviation Support Facility #1 resulted in the removal of 5 vehicles from core area public lands. He stated that eight of the Law Enforcement Council's agencies contributed personnel to the lift, that he had inspected the vehicles for any hazards prior to the lifting, and that four of the vehicles were removed from State-managed federal lands.

He also noted that there are approximately 20+ known additional vehicles remaining in the public lands within the core area, including several in the Southampton portion of the core. The cable show "Eye on Crime" also taped portions of the lift.

A brief discussion ensued regarding the upcoming purchase of the Nassau County Council of Boy Scouts property. This was followed by a brief note that the Protected Lands Council, at yesterday's (4/1/97) meeting discussed the desire to secure the area where the car lifts have occurred against further illegal vehicle access.

- ! Wildfire Task Force: status (Capt. Conklin)
Summary: Capt. Conklin, Vice Chair of the Task Force, described the status of the Task Force's draft of the fire management plan using the attached status report from Mr. Searing, Chair of the Task Force. The suppression and communications sections are essentially complete and are being refined now. The sections on prescribed fire, and public education and prevention remain to be completed. He reported that the Task Force is trying to have a draft version together at their April or May meeting, and trying to provide a draft to the Commission at one of the June meetings.

He requested that the Task Force report deadline be extended from its current 4/30/97 date to later in the year. After a brief discussion of possible new dates, **a motion was made by Mr. Cowen and seconded by Ms. Filmanski to extend the deadline for the Wildfire Task Force report to 9/1/97, based upon the progress shown to date. The motion was approved by a 5-0 vote.**

Following the vote, a brief discussion was held regarding the availability of federal grants to fire departments in the pine barrens area. Capt. Conklin explained that the grants are generally unavailable to much of New York State's fire departments, since the eligibility criteria is based upon the population of townships, not fire districts, and the Long Island

townships are generally too populous to qualify. Mr. Proios commented that the Commission should look into requesting an appropriate change in the applicable federal laws, and that was informally agreed.

! Rocky Point Natural Resources Area prescribed fire plan (Capt. Conklin)

Summary: Capt. Conklin distributed and summarized the attached Rocky Point Fire Management Plan and Prescribed Burning Plan for the Rocky Point Demo Burn Unit. The first document is consistent with the Rocky Point Natural Resources Management Area Unit Management Plan. It describes the objectives of the fire management program, the procedures for notification of prescribed burns, the ecological and fuel reduction impacts of the program, etc.

The State is working with The Nature Conservancy, the U.S. Fish and Wildlife Service, the Rocky Point Fire Department, and all other relevant agencies on the demonstration burn for later this month or May. He reported that there is a public meeting at 7:00 p.m. this evening at the Rocky Point High School on the proposed demonstration burn.

He noted that the conditions must be exactly within the parameters of the fire prescription, or else the burn is not undertaken. If the conditions change during the burn so that they are no longer conform to the prescription, then it is stopped. He described the notification that has already begun for all residences and businesses within one mile of the burn unit. The window of dates for the demo burn opens on 4/26 and closes on 5/10. The Commission will be notified 24 hours before the burn.

Capt. Conklin stated that this is not the first prescribed burn to occur on Long Island, and noted that such burns have been conducted at the Hempstead Plains in Uniondale, at the Mashomack Preserve on Shelter Island, at Montauk County Park, and that one is being planned on Plum Island.

! Forest Practice Management Board (not on the original agenda)

Summary: Mr. Proios asked about the State's Forest Practice Management Boards, and a brief discussion ensued over the potential utility of establishing one for Suffolk County. Mr. Cowen noted that Mr. Sinclair of his office could provide further information, and it was agreed that he would be asked to discuss this at a future Commission meeting.

! Memorial resolution for Mr. Shaber

Summary: Mr. Corwin distributed the attached revised draft resolution to the Commission. This was approved at yesterday's (4/1) Protected Lands Council meeting. **A motion was made by Mr. Cowen and seconded by Mr. Freleng to approve the attached resolution from the Protected Lands Council in commemoration of Mr. William Shaber. The motion was approved by a 5-0 vote.**

Mr. Conklin left at this point.

Compatible Growth Area

! Chardonnay Woods / E. Quogue / CRA: acceptance of revised decision deadline

Summary: The attached 3/17/97 letter from Mr. Dobriner representing the project sponsors was discussed briefly. **A motion was made by Mr. Cowen and seconded by Mr. Freleng (1) to void the Commission's earlier (3/12/97) resolution on the Chardonnay Woods project and, in its place, (2) to accept the extension of the Commission's decision deadline on the Chardonnay Woods application to 120 days following the receipt by the Commission of the Findings Statement on this project from the Southampton Town Board, and (3) to hold the Commission's**

hearing on this application during that 120 day period. The motion was approved by a 5-0 vote.

- ! Acquisition program and Critical Resource Areas (not on the original agenda)
Summary: The question briefly arose regarding the recent purchase by New York State of core area property to the east of the Chardonnay Woods property, and the recent reports that the purchased property contained a site known as Henry's Hollow. The question then arose whether the Chardonnay Woods site, which contains the Henry's Hollow formation, was eligible for purchase as a Critical Resource Area. Mr. Corwin noted that the State is currently revising its Statewide Open Space Plan, which contains land acquisition guidance. He noted that the Region 1 Advisory Committee is considering a recommendation that both the core area and the Critical Resource Areas be made eligible for acquisition funds.

- ! Disposal And Reuse Draft EIS for Naval Weapons Industrial Reserve Plant (U.S. Navy) / Calverton: Draft EIS and 4/17 public hearing
Summary: Ms. Plunkett reported that the U.S. Navy has issued a Draft Environmental Impact Statement for the Disposal and Reuse of the Calverton Naval Weapons Industrial Reserve Plant. She distributed the executive summary of the report, and noted that the U.S. Navy will hold a hearing on the document on 4/17/97 at 7:30 p.m. at the Riverhead Ramada Inn.

She also noted that the document states that the Riverhead Town zoning code has been amended to conform with the Central Pine Barrens Comprehensive Land Use Plan; however, Ms. Roth stated that this has not yet been accomplished. Ms. Filmanski will look into that matter.

Core Preservation Area

- ! Nassau County Council of Boy Scouts golf course / Wading River: acceptance of withdrawal of application (decision due 4/2)
Summary: Ms. Plunkett reported that the attached letter from Mr. Cangemi, representing the Nassau County Council of Boy Scouts has been received. The letter withdraws the Scouts' application for a core area hardship permit. **A motion was then made by Ms. Filmanski and seconded by Mr. Freleg to accept the withdrawal of the Nassau County Council of Boy Scouts' core hardship application. The motion was approved by a 5-0 vote.**

- ! Hampton Hills Golf Course / Northampton: expansion; new jurisdiction determination
Summary: Ms. Roth summarized this recent inquiry from Southampton Town regarding the Commission's jurisdiction over a proposed expansion of the facilities at the Hampton Hills Golf and Country Club in Northampton, in Southampton Town. The proposal being made to the Town is for the expansion of the clubhouse, the construction of storage sheds, and the revamping and expansion of the parking area. Ms. Roth observed that the Commission could consider this inquiry in the light of the Commission's prior decision regarding the Longwood Youth Sports Association application for facilities in Firemen's Park in Ridge in Brookhaven Town, and she distributed a copy of the Commission's interpretation of nondevelopment there. She also observed that the area involves a golf course facility.

The question of whether any clearing would be required arose, and it was agreed that a site visit by the Commission staff would be desirable. Mr. Freleg reported that his staff did not observe any areas which would be cleared. Ms. Roth raised the issue of whether this was a recreational use and whether the proposal conforms to the intent of

the pine barrens law. She stated that the latter question probably centers around the question of clearing.

A discussion ensued regarding what is considered recreation. Mr. Freleng stated, on behalf of the Town, that the project should be considered to be nondevelopment under the pine barrens law. Other members of the Commission requested that Ms. Roth inform the Town staff that a core area hardship application must be filed with the Commission for this project.

- ! Suffolk Community College Eastern Campus / Riverhead: new determination of jurisdiction
Summary: Ms. Plunkett noted that the attached request from Mr. Ettlinger of the College's Eastern Campus has been received regarding a proposed well to be dug as part of an upcoming Science Career Awareness Day on 4/11, and which would be used in the future for instructional, not potable, purposes. The proposed well would be located in a grassy area near the Shinnecock Building.

Mr. Freleng stated that Southampton Town received a tip that there is ongoing construction at the Eastern Campus, and he asked the Town inspector to visit the site. The inspector reported that there is construction going on within the oval ring road on the site, but that the Town does not have jurisdiction there. A brief discussion ensued regarding the Commission's January 1995 resolution which deemed the activities contained within Phase 1 of the Eastern Campus' Master Plan to be nondevelopment.

A motion was made by Mr. Cowen to determine that the well is nondevelopment subject to a field verification by the Commission staff. There was no second, and it was agreed that a resolution is unnecessary for determining nondevelopment status. The motion did not pass. It was then agreed informally that the well is deemed nondevelopment pursuant to Environmental Conservation Law 57-0107(13)(i). It was further agreed that Commission staff will visit the site to check for compliance with the Commission's 1995 resolution, and, if clearing violations are found, that appropriate follow-up actions will be taken.

Mr. Freleng left at this point, and a four person quorum remained.

- ! Blake / Ridge / residential subdivision: new application; set hearing (no decision deadline yet)
Summary: Ms. Plunkett summarized this application for a three lot subdivision of a 5.2 acre parcel on the west side of William Floyd Parkway (County Road 46), south of the Suffolk County Pine Trail Nature Preserve, in Ridge in Brookhaven Town. The applicant has submitted an incomplete Environmental Assessment Form, and correspondence has been received on this from Congressman Forbes' office, to whom she wrote for assistance. A survey was obtained from the applicant's surveyor, which shows a four lot subdivision instead of the three lots referenced in the letter. Ms. Roth stated that the Commission should treat this as an application.

A motion was made by Ms. Filmanski and seconded by Mr. Cowen to schedule a hearing on this application at 5:00 pm at the Commission meeting of 5/14/97 at the Quogue Wildlife Refuge in Quogue. The motion was approved by a 4-0 vote.

- ! Hughes / Ridge / land division: new determination of jurisdiction
Summary: Ms. Plunkett summarized this request for a determination of jurisdiction, and possible exemption from the pine barrens law, for a 1989 Brookhaven Town approved two lot land division in Ridge in Brookhaven Town. The parcel is located between the Blake parcel described above and the Suffolk County Pine Trail Nature Preserve. The Commission examined the map supplied by the owner, which shows a two lot division

with flag roads accessing the site from William Floyd Parkway. Since that approval, the site has been rezoned from A1 Residence to A2 Residence.

It was agreed that the owner will need to obtain an exemption from that upzoning from Brookhaven Town before the Commission can consider deeming it as nondevelopment. This will be communicated to the owner.

- ! Goldstein / Manorville / single residence: new determination of jurisdiction
Summary: *Ms. Plunkett described this lot located on the core area side of County Road 111, at the intersection with the unimproved portion of Hot Water Street. All necessary approvals have been issued for construction of a single family residence, including a Town building permit and Suffolk County Health Department approval.*

After a brief discussion, it was agreed that there is no nondevelopment provision in the pine barrens law which applies to this project, and a motion was then made by Ms. Filmanski and seconded by Mr. Cowen to treat this as a core hardship application and to schedule a hearing at 5:00 pm at the Commission's 5/14/97 meeting at the Quogue Wildlife Refuge at Quogue. The motion was approved by a 4-0 vote.

Executive session

Summary: *A motion was made by Mr. Cowen and seconded by Ms. Filmanski to enter into executive session for the purpose of discussing certain legal issues. The motion was approved by a vote of 4-0. The Commission entered into executive session from approximately 5:30 pm to approximately 5:55 pm.*

Adjournment

Summary: *The meeting ended at approximately 5:55 pm without a formal resolution of adjournment.*

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Memo from Mr. Tripp re 3/26/97 Clearinghouse meeting (4/2/97; 3 pages)
4. Cover letter only from Mr. Gazza re Town development rights (4/2/97; 1 page)
5. Letter from Ms. Brown re Ciardullo and Heinlein credit appeal (4/1/97; 1 page)
6. NYS Legislature bill A5299/S3103 re conservation easements (undated; 3 pages)
7. Wildfire Task Force status report from Mr. Searing (4/2/97; 1 page)
8. Rocky Point Fire Management Plan (3/25/97; 26 pages)
9. Rocky Point Natural Resource Mgmt. Area Demo Burn Plan (3/25/97; 15 pages)
10. Commendation and memorial resolution for Mr. Shaber (4/1/97; 2 pages)
11. Letter from Mr. Dobriner re Chardonnay Woods deadlines (3/17/97; 1 page)
12. Letter from Mr. Cangemi withdrawing Boy Scouts' hardship application (3/25/97; 1 page)
13. Letter from Mr. Ettlinger re well at Suffolk Community College East (3/24/97; 2 pages)
14. Material re 1994-95 Suffolk Community College master plan inquiry to Commission and Commission resolution (11/15/94 and 1/3/95; 4 pages together)

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 23, 1997 (Approved 5/14/97) Suffolk County Pine Barrens Trails Information Center LI Expressway Exit 70 North; Manorville; 2:00 pm

Commission members present: Mr. Gaffney, Mr. Proios, and Mr. Dragotta (for Suffolk County), Mr. Girandola (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Freleng (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), Mr. Frank (from the Suffolk County Parks Department and Co-chair of the Protected Lands Council), Mr. Hynes (from the Suffolk County Parks Department and Chair of the Law Enforcement Council), Capt. Conklin (from the New York State Forest Rangers, Vice Chair of the Wildfire Task Force, and member of the Law Enforcement Council).

Additional attendees included members of the Law Enforcement Council, staff members from the New York State Division of Military and Naval Affairs and the New York Army National Guard (see attached list), and those persons shown on the attached sign-in sheet.

The meeting was called to order at approx. 2:57 pm by Mr. Gaffney, with a five member quorum.

Plan Implementation - Awards and Remarks

- ! Welcome by Suffolk County Parks Commissioner Michael Frank
- ! Trails Center introduction and additional welcoming remarks
Summary: Mr. Frank welcomed the attendees briefly, and introduced Ms. Manfredonia, President of the L.I. Greenbelt Trail Conference. She briefly described the functions and activities of the Trails Center, which is owned by Suffolk County and operated by the Conference. She also mentioned and thanked some of the volunteers who helped organize today's meeting and reception. Mr. Frank then introduced Mr. Gaffney.
- ! Commendation from County Executive Gaffney to Col. Intini of the NY Army National Guard
- ! Commission and Protected Lands Council Commendation and Memorial Resolution for Mr. William Shaber to his family
- ! Letter from Mr. LoGrande, Chair of the Advisory Committee, regarding Mr. Shaber's work
Summary: Mr. Gaffney described his work with Col. Intini and his unit during the 1995 wildfires, the agreement with the NY Army National Guard for training flights over the pine barrens public lands, and the recent work involving simultaneous external helicopter load training and abandoned vehicle removal from the same areas. He then presented a formal County Executive's Commendation to Col. Intini.

Mr. Gaffney then described his recollections of Mr. William Shaber, and noted his contributions to the development and implementation of the Plan. He then presented

Mrs. Shaber with a formal copy of the Commendation and Memorial Resolution passed by both the Commission on 4/1/97 and the Protected Lands Council on 4/2/97.

Mr. Meringolo, a representative to the Advisory Committee for the Suffolk Alliance of Sportsmen, Inc., read a letter from Mr. Michael LoGrande, Chair of the Advisory Committee, regarding Mr. Shaber's work on the Pine Barrens Advisory Committee.

- ! Overview of the Law Enforcement Council and load training / vehicle removal work
Summary: Mr. Frank introduced Mr. Hynes, Chair of the Law Enforcement Council. He spoke about the work of the Law Enforcement Council and thanked the staff of the NY Army National Guard for their cooperative work with the Commission.
- ! NYS Dept. of Environmental Conservation Certificate of Appreciation to AASF #1
Summary: On behalf of Governor Pataki and the NYS DEC, Mr. Cowen presented a Certificate of Appreciation from DEC Commissioner Cahill to the NY Army National Guard's Army Aviation Support Facility #1 for their cooperative work with the Commission. Mr. Cowen also commended Mr. Corwin's work for the Commission.
- ! Commission commendation to NYS Division of Military and Naval Affairs and the Army Aviation Support Facility (AASF) #1
Summary: Mr. Gaffney presented copies of the Commission's Commendation Resolution (from 8/21/96) to Maj. Gen. Robert Rose, Commander of the New York Army National Guard (representing the NYS Division of Military and Naval Affairs) and to Col. Intini, Facility Commander of the Army Aviation Support Facility #1.
- ! National Guard Bureau's Environmental Cleanup Award to AASF #1
Summary: Maj. Gen. Rose presented the National Guard Bureau's national Environmental Cleanup Award, a heritage painting, to Col. Intini for the Army Aviation Support Facility #1. Maj. Gen. Rose then spoke about the excellent match which the Guard's commanders feel exists between the training needs of the Guard and the local environmental needs of this region, especially the Central Pine Barrens work. Col. Intini emphasized that the Law Enforcement Council forms a team, and introduced the individual representatives of the Law Enforcement Council's agencies.
- ! Certificates of Appreciation
Summary: Mr. Corwin presented Certificates of Appreciation to several individuals for their support of the load training and vehicle removal. They included Supervisor Grucci and Councilman Gerrard of Brookhaven Town (accepted by Mr. Gerrard), Commissioner Friscia of the Brookhaven Department of Public Safety, Deputy Commissioner Rignola of the Brookhaven Vehicle Control Department, Commissioner Frank of the Suffolk County Parks Department, and Trustee Kruger of the Suffolk County Parks Department's Board of Trustees. Mr. Corwin noted that Mr. Kruger was the person to first suggest the removal of the abandoned vehicles by air, and started the necessary discussions with the National Guard.
- ! Suffolk County Parks Presentation to AASF #1
Summary: Mr. Corwin then presented Col. Intini and Maj. Murphy with a special award constructed by the staff of the Suffolk County Parks Department, consisting of a helicopter with a suspended truck and pine branches below. Col. Intini stated that Maj. Murphy would be in charge of daily watering of the pine boughs.

An informal reception immediately followed. The meeting resumed at approximately 4:00 pm, with a five member quorum consisting of Mr. Proios, Mr. Cowen, Ms. Filmanski, Mr. Freleng, and Mr. Girandola. Mr. Dragotta was also present.

Administrative

! Public comments

Summary: *There were no speakers.*

! Draft summary for 4/2 meeting: changes and approval (draft faxed)

Summary: *The following changes were suggested to the draft summary of the 4/2/97 meeting: (1) under "Draft summary for 3/12 meeting", the resolution to approve should read, in part: "... to approve the draft summary of the 3/12/97 Commission meeting as written."; (2) under "Gazza / Westhampton", the second listed item in the first paragraph should read, in part: "the hiring of a marketing firm to review, and to make recommendations on, correspondence from the Clearinghouse"; the next to last paragraph's second sentence should read, in part: "Mr. Cowen stated that the issue should be resolved ..."; (3) under "Hampton Hills Golf Course / Northampton", the first paragraph's third sentence should read, in part: "Ms. Roth observed that the Commission could consider this inquiry in the light of ..."; the first paragraph's last sentence should read: "She also observed that the area involves a golf course facility."; and the second paragraph's third sentence should read: Ms. Roth raised the issue of whether this was a recreational use, and whether the proposal conforms to the intent of the pine barrens law."*

A motion was then made by Ms. Filmanski and seconded by Mr. Freleng to approve the draft summary of the 4/2/97 Commission meeting with these changes incorporated. The motion was approved by a 5-0 vote.

Pine Barrens Credit Program

! Environmental Conservation Law Article 49 amendment: status (not on the original agenda)

Summary: *It was noted that this has been passed by the Legislature and is before the Governor for signing. A letter expressing the Commission's and the PBC Clearinghouse's resolutions of support for the bill was sent by Commission counsel to the Governor's counsel. No further discussion was held.*

! PBC Clearinghouse funding contract with NYS DEC: status (not on the original agenda)

Summary: *Mr. Corwin explained that the contract requires that several items be filed with the NYS DEC's Natural Resources Damages Unit showing that the original funding was deposited and how it has been used. He reported that these filings have now been made, and that the final payment of \$50,000 under the contract has been received and invested by the Suffolk County Treasurer's Office. He also noted that an annual statement of the balance of the funding account as of March 31 of each year must be filed with the NYS DEC, and that report was prepared by the Suffolk County Treasurer's Office and filed with the NYS DEC by the Commission.*

! Ciardullo and Heinlein / Manorville: distribution of materials (decision due 5/14)

Summary: *Mr. Milazzo distributed the attached letter from Ms. Brown, representing the owners, appealing the Letter of Interpretation for three parcels. A discussion of the appeal will be held at the 5/14/97 Commission meeting.*

Core Preservation Area

! DiGregorio / Flanders / residential subdivision: status (closed 4/22)

Summary: *Ms. Plunkett distributed the attached letter from the Southampton Planning Board in response to a lead agency coordination inquiry from the Commission. The letter states that the Planning Board would agree to the Commission being the lead*

agency if the applicant produces a yield map, otherwise the Planning Board wants to be the lead agency.

Ms. Plunkett reported that she spoke with the applicant, and that he will flag the wetlands and produce a yield map. The 20 day period for determination of significance ends on 5/13/97, and the applicant will agree to extend that to 5/14/97, the next Commission meeting. Ms. Plunkett explained that the action of subdividing the parcel, without any proposed construction, does not require a NYS DEC freshwater wetlands permit. However, the DEC staff will verify the wetland delineations.

Ms. Roth read the applicable portion of the State Environmental Quality Review Act (SEQRA) regulations regarding the time frame for making a determination of significance. These state that a determination must be made when the lead agency has all information it may reasonably need to do so. It was agreed, however, that the staff would request a letter of agreement from the applicant stating that the necessary information will be provided.

A motion was made by Mr. Cowen and seconded by Ms. Filmanski to designate the Commission as the lead agency for this application. The motion was approved by a 5-0 vote.

- ! Southampton Tradespersons Center Phase 2 / Westhampton / industrial site plan: status (closed 4/22)

Summary: Ms. Plunkett described this project, and noted that the SEQRA analysis performed for this site only covered Phase 1, not this new phase. She distributed the attached letter from the Southampton Planning Board, which does not object to the Commission assuming lead agency status. **A motion was made by Ms. Filmanski and seconded by Mr. Cowen to designate the Commission as the lead agency for this application. The motion was approved by a 5-0 vote.**

A discussion then ensued regarding the 20 day period under the SEQRA regulations for determining the significance of this action, how much is known about the buck moth habitat on the site, whether one field visit is sufficient, and comparisons between the field work on this site and the Chardonnay Woods (an independent application) site. It was agreed that a DEC staff person would be asked to perform a field inspection of this site. In addition, the other issues outlined in the letter from Southampton Town will have to be addressed before a determination of significance is made.

- ! Suffolk Community College East / Riverhead: Master Plan status (from 4/2)

Summary: Ms. Plunkett distributed the attached memo from herself to the Commission and the attached letter from the College administration regarding the recent work at the Eastern Campus. It was agreed that a letter will be sent from the Commission counsel requesting that a College representative attend a Commission meeting to discuss the College's Master Plan and the Eastern Campus work.

- ! Gazza / Westhampton: correspondence; possible new hardship and hearing

Summary: Ms. Plunkett distributed the attached letter from Mr. Gazza regarding a parcel in the core area of Southampton Town for which the Commission has already granted a core hardship exemption permit for a private water supply well. The letter mentions other uses, and a discussion ensued regarding whether the letter is a new core hardship application. The existing permit, the provisions of the Southampton Town zoning code, and the requirements for a use variance were discussed. It was agreed that Commission counsel will send a letter regarding the permit that was issued already, and the minimum relief provisions of the pine barrens law for core hardship exemption permits. She also distributed the attached letter from a Southampton Town resident

regarding the pending application on this property before the Town's Zoning Board of Appeals.

! Martz / Manorville: new hardship; set hearing

Summary: *Ms. Plunkett described this new core hardship application for the construction of one single family home on one of two parcels on the south side of Mill Road in Manorville. She explained that these parcels are part of a prior subdivision, but they do not conform to current zoning. She recommended scheduling a hearing. A motion was made by Ms. Filmanski and seconded by Mr. Cowen to hold a hearing on the Martz / Manorville core hardship application at the 5/14/97 Commission meeting at the Quogue Wildlife Refuge at 5:00 pm. The motion was approved by a 5-0 vote.*

A brief recess occurred at this time, and the public hearing began at approximately 5:25 pm.

Public hearing

! Morgan / Manorville: core area residential application *(no deadline yet)*

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

Attachments (in order of discussion):

1. Attendance list (2 pages)
2. Speaker list (1 page)
3. Credit appeal from Ms. Brown for Ciardullo and Heinlein (4/16/97; 3 pages)
4. Letter from Ms. Graboski of Southampton Planning Board re DiGregorio subdivision (4/17/97; 1 page)
5. Letter from Ms. Graboski of Southampton Planning Board re Southampton Tradespersons Center Phase 2 application (4/17/97; 1 page)
6. Memo from Ms. Plunkett re Suffolk Community College Eastern Campus (4/21/97; 1 page)
7. Letter from Mr. Strahs-Lorence of Suffolk Community College administration regarding Eastern Campus Master Plan work (4/9/97; 2 pages)
8. Letter from Mr. Gazza regarding Westhampton core property (4/5/97; 2 pages)
9. Letter from Ms. Penny regarding Exact Technologies water extraction application (3/15/97; 3 pages)

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Commission Meeting Summary (FINAL) for May 14, 1997 (Approved 6/4/97) Quogue Wildlife Refuge; Old Country Road; Quogue Village; 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. Freleng (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. 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 2:18 pm by Mr. Proios, with a five member quorum.

Administrative

! Public comments

Summary: There were no speakers at this time.

! Draft summary for 4/23 meeting: changes and approval

Summary: Ms. Roth suggested one change to the 4/23/97 draft meeting summary: Under the "NYS DEC Certificate of Appreciation to AASF #1", the last sentence should read, in part: "Mr. Cowen also commended ...". **A motion was then made by Ms. Filmanski and seconded by Mr. Freleng to approve the summary of the 4/23/97 Commission meeting with this change. The motion was approved by a 5-0 vote.**

! Public comments

Summary: The only speaker was Mr. Joseph Gazza, owner of the Westhampton core area property which is the site of the Exact Technology groundwater extraction project previously approved by the Commission. Mr. Gazza distributed the attached letter to the Commission, the attached newspaper article, and the attached memorandum from the attorneys for Exact Technology to the Southampton Town Zoning Board of Appeals (ZBA). He reviewed the application process which he and the proposed purchasers of the site have undergone at the Southampton ZBA, his view of the Commission's role in regulating land use within the core area, and his request to have the Commission provide further information to the Southampton ZBA.

Mr. Cowen noted that the Commission requested at the 4/23 meeting that its counsel draft a letter to the ZBA, and Ms. Roth stated that she had a draft for the Commission to review later today. It was agreed that Ms. Roth would forward an approved letter to Mr. Gazza tomorrow, following the Commission's discussions later today.

Core Preservation Area

- ! Garsten, Block and Molinoff / Calverton-Wading River: parcel classification and discussion
Summary: Mr. Peter Danowski, an attorney representing the owners of a Calverton-Wading River area pine barrens parcel (Suffolk County Tax Map 600-96-1-14), spoke about the classification of that parcel under the pine barrens law. The attached documents showing the history of applications and project reviews were distributed and discussed. Mr. Danowski stated that he believes that the language of NY Environmental Conservation Law (ECL) Article 57 which describes the core area boundary should be interpreted as excluding that parcel, since the statute refers to the parcels which it names by tax number as being Camp Wauwepex. He asserted that, although the above tax number appears in the statute, it is not, and was not, part of the Camp Wauwepex property.

A discussion ensued regarding the language of the statute and its possible interpretation. **A motion was then made by Mr. Cowen and seconded by Ms. Filmanski that the definition of the Core Preservation Area NY ECL 57 is to be interpreted as including the lands known as Camp Wauwepex, and to not include Suffolk County Tax Map Parcel 600-96-1-14. The motion was approved by a 5-0 vote.**

Administrative

- ! Report of Commission Activities: status
Summary: Mr. Corwin stated that a draft of the Commission's Report of Activities would be distributed before the 6/4/97 meeting, and that it would cover both the Third and Fourth Annual Reports (from July 1995 through July 1997). He reported that land acquisition statistics have been received from both the County and State, and will be included. The report will include the work of the Councils and the Wildfire Task Force.

He also noted that he would like to have, in future Annual Reports, a comprehensive financial statement which covers the administrative funds of the Commission, the Pine Barrens Credit Clearinghouse funds for purchase of credits, and the other assets of the Commission, such as the real property easements which are accumulating in the Commission's name. Mr. Hanley, the Riverhead representative to the PBC Clearinghouse Board, has provided a lead for determining what a comprehensive financial statement for the Commission should include.

- ! Salary increases
Summary: Mr. Corwin explained that the Suffolk County Water Authority (SCWA) generally provides salary increases to its employees each year, and that those increases apply to the SCWA staff which serve as the Commission staff as well. Mr. Corwin explained that the SCWA provided a 3% increase to him for the 1997 year, but that increase cannot be reimbursed by the Commission's state funds unless the Commission approves, since the Executive Director's salary is set by the Commission. **A motion was then made by Mr. Cowen and seconded by Ms. Filmanski to approve a 3% increase in the Executive Director's salary starting with the 1997 year. The motion was approved by a 5-0 vote.**

- ! Suffolk County Water Authority-Commission 1997-98 contract: draft distribution
Summary: The attached draft contract between the SCWA and the Commission was distributed and briefly discussed. It requires as an attachment a 1997-98 Commission budget, and that is being prepared and will be distributed prior to the next meeting. A vote on approving both the budget and the contract will be on the 6/4/97 agenda.

- ! NYS DEC - Commission contracts: 1996-97; 1997-98

Summary: Mr. Corwin distributed the attached draft contract between the NYS DEC and the Commission for the 1996-97 fiscal year. This contract will provide for the Commission's \$600,000 allocation for that fiscal year to be paid to the Suffolk County Water Authority, as per the terms of the already approved 1996-97 SCWA-Commission contract. He also noted that the 1997-98 NYS DEC-Commission contract will be modeled after this one, and that contract cannot be completed until the State Legislature passes the 1997-98 state budget.

A brief discussion ensued regarding the differences between the draft 1996-97 DEC-Commission contract and the prior contract. It was agreed that those differences will be determined before the next Commission meeting, and that the prior year's contract format would be used if it proves suitable. A revised draft of the 1996-97 DEC-Commission contract will be distributed prior to the next Commission meeting.

- ! Commission meeting schedule through December: review and approval (faxed)
Summary: The attached draft of Commission meeting dates for June through December 1997 was discussed. It was agreed that the 6/25/97 date will be changed to 6/24/97. That date will be the only Tuesday meeting on the new schedule; all other dates are Wednesdays. **A motion was then made by Mr. Cowen and seconded by Ms. Filmanski to approve the attached list of dates for Commission meetings. The motion was approved by a 5-0 vote.** Ms. Trezza will arrange the meeting locations.
- ! Logo design entries: judging procedures (contest closed 4/25)
Summary: Mr. Corwin explained that 39 entries have been received, and inquired as to the desired judging procedures. It was agreed that the Commission will view them at the 6/4/97 meeting. Ms. Plunkett will prepare a scoring sheet.

Pine Barrens Credit (PBC) Program

- ! Environmental Conservation Law (ECL) Article 49 amendment: status
Summary: Mr. Proios reported that the amendment to ECL Article 49 which explicitly names the Commission as an entity which can hold conservation easements has been signed by the Governor. No further discussion was held.
- ! Letters of Interpretation and PBC Certificates: status
- ! PBC Clearinghouse 5/12 meeting: results and recommendations
- ! Second reverse auction: results (auction closed 4/25/97)
Summary: Mr. Milazzo summarized the results of the 5/12/97 PBC Clearinghouse Board of Advisors meeting. Four new PBC Certificates were issued at that time. The results of the second reverse auction were announced. A total of 36.55 PBCs were tendered by those responding to that solicitation, which sought 6.58 PBCs in total. Mr. Milazzo noted that the second reverse auction, for Brookhaven credits, was a success since it was oversubscribed. The purchase price for the second auction is \$13,000 per PBC, and the purchasers have selected the specific credits which they will buy.

He noted that Mr. Hanley of the PBC Board has suggested a consultant to review the text of the new PBC Program solicitation letter to be sent to all core property owners, and that will be pursued. Mr. Milazzo also noted that this new outreach will benefit from an update of the core property owner information from the three town assessors. Mr. Proios suggested that a letter be sent to the County's Director of Real Estate requesting that the credits currently held by the Clearinghouse be listed in the next Suffolk County auction catalog. Mr. Milazzo reported that the Clearinghouse will be purchasing 8.18 additional PBCs in Riverhead Town from the Gartenberg property in Calverton, adding to the existing 47.99 PBCs held by the Clearinghouse.

Mr. Milazzo reported that the Clearinghouse Board would like to approach Dr. Nicholas, who performed a prior analysis of the PBC Program, to determine the cost of his services for evaluating what price the Clearinghouse should seek when selling its credits. A discussion ensued regarding what the analysis would consist of, its necessity, and the cost of that service. It was agreed that the staff would first contact Dr. Nicholas to answer the question of cost. Since the Commission will meet again before the next Clearinghouse meeting, the Commission will have an opportunity to obtain this answer and will discuss the proposal again at the 6/4/97 meeting.

- ! Developmental Disabilities Institute / Yaphank: new credit appeal (7/7 decision deadline)
Summary: Mr. Milazzo distributed the attached appeal from the Developmental Disabilities Institute, Inc. for the credit allocation to a 0.46 acre core parcel, in an A5 Residence zone, in Yaphank, in Brookhaven Town. The allocation is 0.10 PBC, and an allocation in the range of 0.80 through 1.00 is sought. It was agreed that a discussion of this appeal will be held at 4:00 pm at the 6/4/97 Commission meeting.
- ! Ciardullo and Heinlein / Manorville: credit appeal decision (5/14 decision deadline)
Summary: Mr. Milazzo distributed the attached staff report on this, and described the basis of the appeal. After a brief discussion, **a motion was made by Mr. Cowen and seconded by Mr. Girandola to deny the credit appeal for this parcel on the basis that the credit allocations in the Plan are clearly based upon zoning. The motion was approved by a 5-0 vote.**

Plan implementation

- ! Law Enforcement Council and NY Army National Guard work: status
Summary: Capt. Conklin reported that 24 abandoned vehicles have been removed from the pine barrens public lands to date under the helicopter load training exercises with the NY Army National Guard. Five more vehicles are known to be on public lands within the core area, and an additional five are being located on maps. Two more airlifts are scheduled at this time for 6/19 and 6/21. To date, no spills from any of the vehicles have been found. Following removal of the abandoned vehicles to locations which are accessible to trucks, all of the vehicles were then removed by either Brookhaven or Southampton Towns. He briefly described some of the issues that are looked at when determining what vehicles are to be removed by helicopter.
- ! Wildfire Task Force
Summary: Capt. Conklin described the 4/26/97 prescribed burn at the state lands in Rocky Point, and played a videotape of portions of the burn. He noted that this is the first prescribed burn ever held in the core area of the pine barrens, and that approximately one third of the nine acre unit was burned that day. The burn was stopped at that point due to a change in weather conditions which came close to being outside the prescription parameters.

Mr. Proios asked where the weather information comes from during the burn, and Capt. Conklin explained that an on site weather monitor is measuring relative humidity and watching wind speed and direction. Capt. Conklin also described the test burn procedure, the use of backfires moving into the wind, the setting of upwind fires to burn small areas at a time, the ladder effects of fuels in some areas of the unit, and the procedure for shutting down the fire using previously cut fire lanes. A brief discussion was held regarding the effect of the fire upon the habitats in the area.

Capt. Conklin explained that the burn unit would be finished later this year. Mr. Dittmer asked about the cost of this work, and Mr. Cowen replied that the personnel involved

were already working for the state, or were volunteers. He also noted that there were additional personnel on hand for this first burn.

! Protected Lands Council: current field projects

Summary: Ms. Plunkett briefly described, and showed a map of, a proposal accepted by the Protected Lands Council to delineate twelve subareas of the Central Pine Barrens for purposes of management discussion, mapping, and similar work. The definitions are tentative and may change. She also distributed the attached inventory of problem access points compiled during the Council's prior work, and noted that the Council is examining several areas within the Manorville Hills region closely. No further discussion was held.

! Proposed Environmental Conservation Law (ECL) Article 57 amendment: discussion

Summary: The attached proposed amendment to ECL Article 57 was described by Mr. Proios. Mr. Freleng asked about the work to date of the Peconic Estuary Program (PEP), and Mr. Proios noted that there is a PEP Action Plan, part of the larger Comprehensive Conservation and Management Plan which is not yet completed. Ms. Wiplush stated that Brookhaven Town cannot support this, as it has not yet been discussed with the Town. Mr. Proios noted that the towns affected by the PEP Program are represented on the PEP committees. Mr. Girandola noted that Brookhaven Town does not want another layer of government.

A long discussion ensued regarding the effect of this amendment upon the Commission's implementation of the pine barrens Plan, the effect of the definition change in the proposed amendment, and the role of the redefined and renamed council which would be created under the amendment. After a long discussion, **a motion was made by Mr. Girandola and seconded by Mr. Cowen to oppose the attached proposed amendment to NY ECL Article 57, and to direct counsel to so inform the sponsor. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Mr. Proios.**

Core Preservation Area

! Morgan / Manorville: follow-up information from 4/23 public hearing (6/4 decision deadline)

Summary: Mr. Morgan was present and submitted copies of the surveys for each of the two parcels involved in this application for the construction of one single family home on each. The parcels are located on the north side of North Street, and on the west and east sides of the Suffolk County Pine Trail Nature Preserve, in Manorville in Brookhaven Town. Mr. Morgan also submitted a copy of the power of attorney from his now-deceased brother for the easterly of the two parcels.

After a brief discussion of the ownership and physical access for these parcels, it was agreed that two remaining items are needed: the Letters of Administration issued by a Surrogate's Court to the estate of the deceased owners of the westerly parcel; and a copy of the easement agreement which provides for physical access to the easterly parcel from North Street.

! Mahfar Associates / Ridge: new mini-golf, range, restaurant application

Summary: Ms. Plunkett described, and distributed information packets on, this new application for a golf driving range, a mini-golf course, a restaurant, and a 144 car parking lot on a 16 acre parcel. The parcel is zoned for both J2 and J3 commercial development, and is located within the core preservation area on the north side of NYS Route 25, east of William Floyd Parkway, in Ridge in Brookhaven Town. **A motion was made by Mr. Cowen and seconded by Ms. Filmanski to schedule a public hearing**

on this project for 5:00 pm at the Commission's 6/4/97 meeting. The motion was approved by a 5-0 vote.

- ! Goldstein / Manorville: request for adjournment of public hearing (originally set for today)
Summary: Ms. Plunkett reported that the Commission has received a request for a postponement of the public hearing on this core area application for a single family home on the corner of CR 111 and Hot Water Street in Manorville in Brookhaven Town until sometime after 7/21/97. She explained that the hearing was originally scheduled for today. However, since the extension request was pending, no legal notice was posted for today. **A motion was then made by Mr. Freleng and seconded by Mr. Girandola to accept the request for an extension of the Goldstein / Manorville project's public hearing, and to reschedule the hearing for 5:00 pm at the Commission's 8/6/97 meeting. The motion was approved by a 5-0 vote.**

Administrative

- ! Public comments

Summary: Mr. Walter Olsen reminded the Commission of his comments during the development of the Plan that the pine barrens legislation was open ended, and that ECL Article 57 could be amended at any time. He stated that he was concerned at the time that home rule could be threatened by this, and that the Commission was seeing that now. He stated that he doubles his caution to the towns regarding that issue.

He also stated that he was instrumental about fifteen years ago in defeating the then-proposed Peconic Estuary Sanctuary. He stated that an attorney was retained at that time by a marine industries association that he was then affiliated with to examine other such sanctuaries. He stated that the results were not favorable to home rule since restrictions resulted. He remarked that he had cautioned people at the time that such a situation could, and would, reappear. He then noted that he felt that all of these efforts were part of a greater Plan that everyone here was not privy to, and that he sees a loss of local control occurring. He applauded the town representatives here today for opposing the ECL amendment discussed earlier in the meeting.

Adjournment for public hearing

Summary: **A motion to recess for the scheduled public hearings was made by Mr. Freleng and seconded by Mr. Girandola. It was approved by a vote of 5-0. The public hearing portion began at approximately 5:12 pm.**

Mr. Girandola and Ms. Filmanski left at this time. A four person quorum consisting of Mr. Proios, Mr. Cowen, Mr. Freleng, and Ms. Wiplush was then present.

Public hearings

- ! Blake / Ridge: core hardship for residential subdivision (no decision deadline yet)
! Martz / Manorville / core hardship for single family residence (6/20 decision deadline)
Summary: A separate stenographic transcript exists for these hearings.

Executive session and adjournment

Summary: **A motion was made by Mr. Freleng and seconded by Mr. Cowen to enter into executive session for the purpose of discussing certain legal issues. The motion was approved by a vote of 4-0. The Commission entered into executive**

session at approximately 6:18 pm. **A motion was later made by Mr. Freleng and seconded by Mr. Proios to leave executive session. The motion was approved by a 4-0 vote.** The commission returned to open session and adjourned at approximately 6:38 pm.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Letter from Mr. Gazza re Exact Technology / Westhampton project (5/14/97; 1 page)
4. Newspaper article re Exact Technology Southampton ZBA application (5/8/97; 1 page)
5. Memorandum from Exact Technology's counsel to Southampton ZBA (4/3/97; 14 pages)
6. Letter and attachments from Mr. Danowski re Calverton-Wading River parcel (5/6/97 cover letter; 13 pages total)
7. Draft 1997-98 contract between the Commission and the SCWA (undated; 5 pages)
8. Draft 1996-97 contract between the Commission and NYS DEC (5/9/97; 13 pages)
9. Draft list of Commission meeting dates for 6/97 through 12/97 (undated; 1 page)
10. Letter of Interpretation and staff report for Developmental Disabilities Institute property (4/7/97; 3 pages)
11. Credit appeal letter from the Developmental Disabilities Institute (5/5/97; 1 page)
12. Staff report on the Ciardullo and Heinlein credit appeal (5/14/97; 2 pages)
13. Inventory of problem access points (5/13/97; 6 pages)
14. Proposed amendment to NY ECL Article 57 (4/16/97; 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*
James R. Stark, *Member*

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Commission Meeting Summary (FINAL) for June 4, 1997 (Approved 8/6/97) Riverhead Town Nutrition Center, 201 Howell Avenue, Riverhead 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. Freleng (for Southampton), and Mr. Cowen (for New York State).

Others present: General counsel was Ms. Roth. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Milazzo, and Mr. Trezza (from the Commission; Mr. Trezza is a summer intern), Capt. Conklin (from the NYS Forest Rangers, the Law Enforcement Council, and Vice Chair of the Wildfire Task Force), 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 four member quorum present consisting of Mr. Proios, Mr. Girandola, Mr. Cowen, and Ms. Filmanski.

Administrative

! Public comments

Summary: There were no speakers.

Mr. Freleng arrived at this point, and a five member quorum was present.

! Draft summary for 5/14 meeting: changes and approval (faxed)

Summary: The following changes to the 5/14/97 meeting summary were suggested by Ms. Roth: (1) under "Report of Commission Activities", the first paragraph's second and third sentences should read: "He reported that land acquisition statistics have been received from both the County and State, and will be included. The report will include the work of the Councils and the Wildfire Task Force."; the second paragraph's first sentence should read, in part: "... financial statement which covers ..."; (2) under "Law Enforcement Council", the fourth sentence should read: "To date, no spills from any of the vehicles have been found."; and (3) under "Proposed Environmental Conservation Law Article 57 Amendment", the motion in the last sentence should read, in part: "to oppose the attached proposed amendment to NY ECL Article 57, and to direct counsel to so inform the sponsor."

A motion was then made by Ms. Filmanski and seconded by Mr. Cowen to approve the 5/14/97 Commission meeting summary with these changes. The motion was approved by a 5-0 vote.

! NYS DEC - Commission 1996-97 contract: review and approval (distributed)

Summary: Ms. Roth discussed the attached contract between the Commission and the NYS DEC for the 1996-97 administrative funds. She explained that this draft differs

from the prior contract in that the new one does not require that a separate voucher be submitted to the DEC for each expenditure. The termination clause would remain as shown. She noted that a standard clause which the DEC uses in other contracts which would make any property purchased under the contract the property of the DEC has been eliminated.

A motion was then made by Mr. Cowen and seconded by Ms. Filmanski to approve the attached draft 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 5-0 vote. A final clean copy of the contract will be obtained for signature.

! Commission Logo contest: viewing

Summary: The Commission members individually viewed the 39 entries which were received for the Commission logo contest, and filled out scoring sheets prepared by Ms. Plunkett and Mr. Trezza. While those scoring sheets were tabulated by Mr. Trezza, the Commission continued with other agenda topics.

Pine Barrens Credit Program

! Marketing and outreach effort: update (from 5/14 meeting)

Summary: Mr. Corwin distributed the attached estimate for a professional marketing mailing from the Sandpiper Group, a consulting firm. This is a follow-up from the 5/14/97 Commission meeting. It was noted in the ensuing discussion that embarking upon a long term marketing campaign should involve contacting several additional firms, that the New Jersey Pinelands Commission should be contacted to see what approaches they used, and that the Commission should act today only on item one in the estimate.

A motion was then made by Mr. Cowen and seconded by Ms. Filmanski to (1) approve the expenditure of up to \$2000 for item one on the attached proposal, and (2) circulate an outline of a long term marketing approach to a set of private firms. The motion was approved by a 5-0 vote.

! Inquiry to Dr. Nicholas re possible update: results (from 5/14 meeting)

Summary: The attached letter from Dr. Nicholas was distributed. It responds to an inquiry to Dr. Nicholas from the 5/14/97 Commission meeting regarding the cost and requirements for updating the quantitative analysis of the Pine Barrens Credit Program. It was noted that vacant land sales in receiving areas would need to be obtained for the update analysis. If insufficient sales are available in an area, then appraisals would need to be performed.

After a brief discussion, **a motion was made by Ms. Filmanski and seconded by Mr. Cowen to approve the update of the Pine Barrens Credit Program analysis as described in the attached letter from Dr. Nicholas. The motion was approved by a 5-0 vote.**

! Developmental Disabilities Institute / Yaphank: appeal discussion (7/7 deadline)

Summary: Mr. Milazzo distributed the attached staff report on this credit appeal. Discussion of this appeal was held until the scheduled 4:00 pm time.

Administrative

! Commission Logo contest

Summary: Mr. Trezza announced that the winning entry in the logo contest was entry 16, submitted by Cynthia Harmon. It was also decided to select an entry from those submitted by students, and that was student entry number 37, submitted by Jeffrey Bingham, a student at Mattituck High School. The student entry will be principally used on educational materials. The tabulation sheet and the selected designs are attached.

Core Preservation Area

- ! Morgan / Manorville / single family residence: new info (decision due today)
Summary: Ms. Plunkett distributed the attached revised staff report on this application. She reported that the Commission has received the letter of administration for the westerly parcel (lot 7.6) of these two parcels on the north side of North Street in Manorville, Brookhaven Town. The previously requested information regarding the easement affecting the easterly parcel (lot 10) was also received. Mr. Morgan was present, and spoke briefly. Ms. Plunkett recommended that the hardships be granted subject to appropriate conditions in the staff report.

Ms. Roth discussed the Commission's ability to grant an approval on the easterly parcel in light of the remaining questions regarding access to it. She noted that the Commission's approval of the application for the easterly parcel could be subject to the applicant proving that he has access to the parcel, in order to assure that public safety is addressed. Mr. Freleng asked about the effect of the wetlands on the easterly parcel, and it was noted that the parcel is subject to both state and town wetlands laws, as well as the state's Wild, Scenic and Recreational Rivers Act.

A motion was then made by Ms. Filmanski and seconded by Mr. Freleng to grant the requested hardship permit on the westerly parcel (lot number 7.6) with the condition that the total clearing be limited to no more than 20%. During the ensuing discussion, Mr. Cowen asked that it be noted that his vote on this motion does not prejudice his actions or those of the NYS Department of Environmental Conservation on this project when it is before that agency. The motion was approved by a 5-0 vote.

A motion was then made by Mr. Freleng and seconded by Ms. Filmanski to grant the requested hardship permit on the easterly parcel (lot number 10) with the conditions that (1) the total clearing be limited to no more than 20%, and (2) the approval is subject to the submittal to the Commission's counsel by the applicant of a document showing that adequate physical access to the site exists. During the ensuing discussion, Mr. Cowen asked that it be noted here as well that his vote on this motion does not prejudice his actions or those of the NYS Department of Environmental Conservation on this project when it is before that agency. The motion was approved by a 5-0 vote.

Mr. Morgan then spoke briefly on his management of the property. No further discussion was held.

Capt. Conklin arrived at this point.

- ! Martz / Manorville / single family residence: new info; possible decision (6/20 decision)
Summary: Ms. Plunkett distributed copies of the staff report for this parcel on the south side of Mill Road, immediately east of the intersection with Halsey Manor Road, in Manorville in Brookhaven Town. The parcel is adjacent to the separate subdivision known as Manor Pines, which was previously granted a hardship exemption by the Commission. Mr. Girandola reported that Mr. Martz has offered to dedicate a portion of

his lot to Brookhaven Town, and that portion contains 233' of road frontage along Mill Road. The dedication would provide access from Mill Road to the dedicated open space which Brookhaven Town owns as a result of the Manor Pines subdivision.

Ms. Plunkett recommended that the Commission approve the hardship exemption for the single family home, subject only to no more than 20% of the lot being cleared, and specifically stated that the recommendation and suggested conditions are not related to the owner's proposed dedication of road frontage to Brookhaven Town.

In the accompanying discussion, it was noted that the testimony in the hearing had primarily addressed financial considerations of the owner, and that the dedication of the road frontage would be solely handled by the Town, probably during the building permit process. **A motion was then made by Mr. Girandola and seconded by Mr. Cowen to approve the core hardship exemption permit for the Martz / Manorville application. The motion was approved by a 5-0 vote.**

- ! Bronfeld / Flanders / subdivision: hearing extension (set for today; no deadline yet)
Summary: Ms. Plunkett stated that the applicant's representative has requested an indefinite extension of the public hearing date on this application; the applicant will request a specific date at a future time. **A motion was then made by Mr. Freleng and seconded by Mr. Cowen to grant the requested indefinite extension of the public hearing on the Bronfeld / Flanders application. The motion was approved by a 5-0 vote.**
- ! Blake / Ridge / residence subdivision: lead agency designation (no deadline yet)
Summary: Ms. Plunkett summarized this three lot subdivision proposal for a parcel on the east side of William Floyd Parkway, north of NYS Route 25, in Ridge in Brookhaven Town. The only issue today is the designation of lead agency status. **A motion was made by Mr. Freleng and seconded by Mr. Girandola to designate the Commission as the lead agency under the State Environmental Quality Review Act for the Blake / Ridge core hardship application. The motion was approved by a 5-0 vote.**
- ! Tender Care Preschool / Manorville / change of use: jurisdiction determination
Summary: Ms. Plunkett summarized this proposal for a change in use of an existing commercial building in the Manorville core area in Brookhaven Town, on the corner of Ryerson and Scudder Avenues. The site is zoned J-2 commercial, the proposal is a site plan to use the building for a day care and preschool facility. The Commission has received a letter from Brookhaven Town staff asking whether the proposal is considered development under the pine barrens law. A discussion ensued regarding whether this is a change in use or intensity of use. Counsel examined this question while the next agenda item was discussed.
- ! Hampton Hills / Northampton / site plan: new application; set hearing
Summary: Ms. Plunkett summarized this new application for a core hardship exemption permit for a the expansion of the clubhouse facilities and parking lot of the Hampton Hills Golf and Country Club in Northampton, in Southampton Town. The project has received a determination of nonsignificance from Southampton Town and has site plan approval with conditions. **A motion was made by Mr. Freleng and seconded by Ms. Filmanski to schedule a hearing on this new application at the 6/24/97 Commission meeting at Brookhaven Town Hall at 5:00 pm. The motion was approved by a 5-0 vote.**
- ! Tender Care Preschool / Manorville / change of use: jurisdiction determination
Summary: Following a recommendation from counsel, the Commission determined that

the project is nondevelopment pursuant to Environmental Conservation Law Article 57-0107(13)(viii).

- ! Goldstein / Manorville / single family residence: decision deadline extension request
Summary: Ms. Plunkett explained that the hearing for this project was extended by the Commission at the applicant's request, but that the Commission's decision date also needs to be extended. A letter has been received from the applicant agreeing to extend the decision date to 60 days following the hearing. **A motion was made by Ms. Filmanski and seconded by Mr. Freleng to accept and approve that extension of the Commission's decision date for the Goldstein / Manorville core hardship application. The motion was approved by a 5-0 vote.**
- ! NYS Department of Transportation highway rest area planning / various areas (not on the original agenda)
Summary: Mr. Proios raised the topic of the NY State Department of Transportation's plans to construct rest stops along the limited access highways which run, in part, through the pine barrens. It was agreed that further information should be obtained.
- ! Core area hardship permit dates (not on the original agenda)
Summary: Mr. Girandola raised the question of whether the Commission's core hardship permits should have expiration dates. Following a brief discussion, it was agreed that counsel should provide an opinion on that question.

Plan implementation

- ! Law Enforcement Council: update
- ! Wildfire Task Force: update (not on the original agenda)
Summary: Mr. Corwin distributed and summarized the attached news articles regarding the Law Enforcement Council's vehicle removal work with the NY Army National Guard. Capt. Conklin reported that 29 vehicles have been removed by helicopter from the core area public lands, that summer interns will work on the Law Enforcement Handbook, that some Law Enforcement Council agencies will be working at the upcoming air show at Gabreski Airport in Westhampton, and that helicopter water bucket training for firefighting is being planned.

Capt. Conklin noted that locations for the water bucket training are being identified, and that the training will involve members of the local National Guard units. Future training sessions will be accessible to interested parties, and the NYS DEC's aviation unit will be invited to participate. He noted some of the conditions which water source locations must meet.

He also reported that the fire management draft plan is under production, and that the draft needs to be completed, proofread for consistency, errors, and checked to be sure that it uses nationally accepted terminology. There has been considerable interest in the work of the Task Force from various areas of the country, including California and the Northeast Fire Compact. A U.S. Forest Service-sponsored workshop on Fire Hazard and Protection Assessment will be attended later this month by representatives of the Task Force, and Capt. Conklin described some of the topics which the course covers.

Mr. Corwin noted that this course is a follow-up to a visit by U.S. Forest Service representatives to Long Island late last year in which the assessment methodology was introduced to the Task Force. He also noted that the Commission should be aware of two issues surrounding the Task Force's forthcoming fire management plan: the

incorporation of the plan into the larger Central Pine Barrens Comprehensive Land Use Plan (whether by inclusion of the text, inclusion by reference, a Plan amendment, etc.), and the necessity to consider land use and regulatory issues in the core area in the light of the fire management plan's recommendations. Capt. Conklin then spoke briefly about some of the practices which the California fire managers have faced in this regard.

! Protected Lands Council: Manorville area proposals and field work

Summary: Mr. Corwin explained that the Council is planning a cleanup of portions of the public lands near the intersection of Hot Water Street and CR 111 in Manorville on 7/8 and 7/9. He also described the possibility, currently being examined by Brookhaven Town, of closing off portions of Hot Water Street and Toppings Path to general vehicle traffic. Ms. Plunkett described the work of the Protected Lands Council's plan development subcommittee.

! Central Pine Barrens Student Field Trip: reminder

Summary: Mr. Corwin reminded the Commission that the first Commission-sponsored student field trip to the pine barrens will be held tomorrow at the Quogue Wildlife Refuge from 10:00 am through 1:15 pm. Approximately 90 students from the JFK Elementary School in East Islip will attend, along with teachers and other adults.

! Pine Barrens Discovery Day (10/ 25) event: discussion

Summary: Mr. Corwin explained that the Nature Conservancy and the Eastern Campus of the Suffolk County Community College are sponsoring a one day Pine Barrens Discovery Day at the Eastern Campus on Saturday, 10/25/97, from approximately 8:30 am through 4:30 pm. The day's events will feature short talks on botany, water resources, birds and mammals, mapping, and separate programs for children. Field trips and lunch will also be featured. The Commission will assist as a cosponsor, and help to publicize and staff the event.

! Pine Barrens Research Forum (10/30): update

Summary: Mr. Corwin reported that this year's Pine Barrens Research Forum is again being organized by the L.I. Groundwater Research Institute, and also sponsored by the Commission and the Brookhaven National Laboratory. He reported that speakers have been invited from several areas of the country where pine barrens-related research is underway.

! Riverhead Town code amendments: status

Summary: Ms. Roth distributed the attached resolution from the Riverhead Town Board which completes the changes to the Riverhead Town Code amendments which the Commission had requested in order for the Town to have fully implemented the provisions of the Plan. No further discussion was held.

Pine Barrens Credit Program

! Developmental Disabilities Institute / Yaphank: appeal discussion (7/7 deadline)

Summary: Mr. Milazzo summarized the appeal of this original allocation of 0.10 credit to a 0.46 acre parcel in Yaphank in Brookhaven Town. The owner is seeking a new allocation in the range of 0.80 to 1.00 PBC, and the attached staff report describes the appeal. No representative of the owner was present. In the discussion, it was observed that the Commission has used its discretionary authority regarding credit appeals to revise allocations when unique features of a parcel have been demonstrated, however, no such features have been demonstrated by the owner for this parcel. **A motion was then made by Mr. Cowen and seconded by Ms. Filmanski to affirm the original credit allocation of 0.10 PBC, and to deny the appeal for a greater allocation. The**

motion was approved by a 5-0 vote.

Administrative

! Commission Logo contest

Summary: A motion was made by Mr. Cowen and seconded by Mr. Freleng to accept the logo design entry #16 by Cynthia Harmon as a winning entry and entry #37 by Jeffrey Bingham as a winning student entry for use especially in educational materials. The motion was approved by a 5-0 vote.

! Public comments

Summary: The first speaker was Mr. Walter Olsen, representing Civil Property Rights (CPR) Associates. First, Mr. Olsen stated that CPR Associates is opposed to the institution of an expiration date on core preservation area hardship exemption permits, and commented that the law provides that the permits provide the minimum relief necessary, and that value should not have to be reapplied for, or lost when the property is sold. He offered the opinion that expiration dates of the permits might actually speed up or encourage development on those core lots with permits, thus promoting development where the law discourages it. He also noted that the CPR Associates' membership mostly consists of long-term property owners.

Second, Mr. Olsen also referred to Capt. Conklin's description of some of the fire response and management practices in California. Mr. Olsen stated that he was concerned about the implications for owners of core area property of any fire risk assessment that might be made. He stated that people who live there preceded the establishment of the core area and should not be denied equal fire protection.

Third, he observed that the Commission ought to look at the question of clearing since clearing restrictions might be in conflict with fire prevention standards. He cited the example of the kangaroo rat habitat protection elsewhere in the country causing a fire protection problem for property owners.

The second speaker was Mr. Richard Amper, Executive Director of the Long Island Pine Barrens Society. He urged the Commission to forward a letter to the Governor encouraging the state to include \$10 million in the 1997-98 state budget for pine barrens land acquisition.

Executive session

Summary: A motion was made by Mr. Freleng and seconded by Mr. Cowen to enter into executive session for the purpose of discussing certain legal issues, including litigation matters. It was noted that the only open session matter remaining for the Commission following this executive session will be the public hearings scheduled for 5:00 pm. The motion was approved by a vote of 5-0. The Commission entered into executive session at approximately 4:35 pm. A motion was later made by Ms. Filmanski and seconded by Mr. Cowen to leave executive session and return to open session. The motion was approved by a 5-0 vote, and the Commission returned to open session at approximately 5:07 pm.

The public hearings began at approximately 5:17 pm, and ended at approximately 6:40 pm.

Public hearings - scheduled for 5:00 pm

! Bronfeld / Flanders / subdivision (core) (see hearing extension above)

Summary: *This hearing was not held due to its adjournment earlier today at the applicant's prior written request.*

! Mahfar Associates / Ridge / mini-golf, range, restaurant (core) (no deadline yet)

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

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Draft contract between Commission and NYS DEC (undated; 8 pages)
4. PB Credit Clearinghouse marketing memo from the Sandpiper Group (6/2/97; 1 page)
5. Letter from J. Nicholas re TDR analysis update (6/2/97; 1 page)
6. Staff report for Developmental Disabilities Institute credit appeal (6/4/97; 1 page)
7. Logo contest scoring tabulation and winning entries (6/4/97; 3 pages)
8. Morgan hardship application revised staff report (6/4/97; 2 pages)
9. Staff report for Martz / Manorville core hardship application (6/4/97; 2 pages)
10. News articles re Law Enforcement Council's vehicle removals (various dates; 4 pages)
11. Riverhead Town Board resolution re pine barrens code changes (5/20/97; 2 pages)

Central Pine Barrens Joint Planning and Policy Commission

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Commission Meeting Summary (FINAL) for June 24, 1997 (Approved 8/6/97) Brookhaven Town Hall, Building 4; 3233 Route 112, Medford 2:00 pm

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

Others present: General counsel was Ms. Roth. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Milazzo, and Mr. Trezza (from the Commission; Mr. Trezza is a summer intern), Capt. Conklin (from the NYS Forest Rangers, the Law Enforcement Council, and Vice Chair of the Wildfire Task Force), 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 2:14 pm by Mr. Proios, with a four member quorum consisting of Mr. Proios, Ms. Wiplush, Mr. Freleng, and Mr. Cowen.

Administrative

! Public comments

Summary: The only speaker was Ms. Amber Levofsky, representing the Long Island Pine Barrens Society. She distributed and read the attached statement expressing the Society's concerns regarding the actions of Suffolk County Community College in implementing its master plan at the Eastern Campus.

Pine Barrens Credit (PBC) Program

! 6/23 Clearinghouse Board of Advisors meeting: summary

Summary: Mr. Milazzo noted that the Gartenbergs, owners of two parcels in the core area of Calverton and south of River Road in Riverhead Town, will soon request that their 8.18 PBC Certificate be purchased by the Clearinghouse. He reported that the Clearinghouse has authorized the County Treasurer to place in an immediately accessible account the \$81,800 that will be required to purchase those credits (8.18 PBCs will be purchased at the Riverhead purchase price of \$10,000 per PBC).

! Statistical tabulation of Pine Barrens Credit Program to date (not on the original agenda)

Summary: Mr. Trezza is working on a cumulative tabulation of Letters of Interpretation and Pine Barrens Credit Certificates issued by the Clearinghouse since its inception. That information will be used in the Commission's Report of Activities.

Ms. Filmanski arrived during the following discussion, and a five member quorum was then present.

! Marketing and outreach effort: update (from 6/4 meeting)

Summary: Mr. Milazzo reported that the Clearinghouse's professional outreach mailing by the Sandpiper Group has progressed, and he distributed the attached summary of

qualifications of that firm's participant's. The attached draft of the mailing piece was described by Mr. Milazzo, and Mr. Corwin then explained that the language to be used will be provided once the general design is approved.

The Commission's prior request that the cost be kept to \$2000 for the mailing was discussed, with Mr. Corwin explaining that the Sandpiper Group's price for the mailing was originally \$2900, but that included printing. Removing printing costs brought the cost to under \$2000, but the printing would still have to be done. It was informally agreed that the printing cost would be considered separately. Several technical corrections and suggestions were made on the draft, and they will be forwarded.

- ! Mapping of easement sites to date (not on the original agenda)
Summary: Mr. Milazzo and Mr. Trezza displayed and explained a copy of the Commission's Public Lands Within the Central Pine Barrens map with the conservation easements plotted manually. This work was completed by Mr. Trezza as part of his summer internship.
- ! PBC Program valuation analysis update: status of work (from 6/4 meeting)
Summary: Mr. Milazzo reported that the Commission has received a listing of all sales in the Riverhead receiving area for the period of 6/1/90 to 6/1/97, courtesy of Ms. Donna Waide of the Suffolk County Department of Law's Division of Real Estate. That information will be sent to Dr. Nicholas for preliminary analysis. Following that, Dr. Nicholas will notify the Commission if there is insufficient data, and, specifically, whether appraisals of any properties will be necessary.

Plan implementation

- ! Protected Lands Council: first access point cleanup work days (7/8, 7/9)
Summary: Mr. Corwin and Ms. Plunkett described the 7/8 and 7/9 field work days, which will focus upon cleaning debris from the public lands in the vicinity of County Route 111 and the unimproved portion of Hot Water Street, in Manorville in Brookhaven Town. The cleanup is an interagency operation, with organizations on the Council contributing equipment, personnel and other resources. Mr. Corwin noted that volunteers have also come forward, principally from local environmental organizations.

This area was selected from the previously compiled list of problem area access points. The Law Enforcement Council's vehicle removal project has also concentrated upon this area. The intent is to remove as much debris as possible during that two day period (with 7/10 serving as a rain date for either day), and to temporarily secure the illegal ingress points on the north side of Hot Water Street using telephone poles available from the Long Island Lighting Company.

Ms. Roth stated that she believes that this cleanup action constitutes a Type II action under the State Environmental Quality Review Act (SEQRA), and recommended that the Commission assert this in a resolution. **A motion was then made by Mr. Cowen and seconded by Mr. Freleng to declare that the Commission finds that the proposed cleanup of the above described area is a Type II action under the SEQRA regulations. The motion was approved by a 5-0 vote.**
- ! Wildfire Task Force: summary of Wildfire Hazard Assessment course
Summary: Capt. Conklin described the three day course on fire protection assessment offered by the Northeast Fire Compact the prior week. He attended the course along with another Forest Ranger, Ms. Plunkett from the Commission staff, and participants from elsewhere in the northeastern United States. This assessment process has been

performed for areas such as the San Bernardino region of California, Colorado, and Hawaii. It uses local knowledge to define hazards (i.e., ambient landscape conditions prone to fire), risks (i.e., anthropogenic dangers), and values (i.e., features, specific sites or subareas which warrant customized fire management policies).

Values are inherently subjective, while risks and hazards are tangible, identifiable conditions such as volatile vegetation, fuel buildup, storage locations for hazardous or volatile materials, etc. These three components are mapped individually, then overlaid into a composite map, normally using a geographic information system. The composite map is then used to formulate fire policies and strategies such as full or modified suppression, prescription burning, forestry or clearance practices, locations of fire strike teams, etc. Capt. Conklin explained that the assessment methodology is also applicable to non-fire management planning, such as coastal areas protection.

He noted that exactly such a fire protection assessment of the Central Pine Barrens may be desirable, and will be addressed by the Task Force at its 7/25 meeting. If the Task Force agrees, then the details of the assessment will begin, and the upcoming fire management plan would include a requirement for it. He explained that such an assessment will be beneficial in determining where and why funds are needed.

! Law Enforcement Council: current work (not on the original agenda)

Summary: Capt. Conklin reported that a revised draft of the Suffolk County all terrain vehicle law, known as section 647, is being prepared, and will address impound policies and fines. Also underway is the next draft of the Central Pine Barrens Law Enforcement Handbook, and the possible use of prisoners from the Suffolk County jail in the Protected Lands Council's 7/8 and 7/9 cleanup days in Manorville. He also reported that member agencies of the Law Enforcement Council have received requests for assistance from organizations in East Hampton and Islip with the removal of derelict vehicles from public lands in those towns, as well as for the moving by helicopter of bridge materials within the state park at Montauk.

! Pine Barrens Discovery Day: status (not on the original agenda)

Summary: Mr. Corwin briefly explained the status of the 10/25 Pine Barrens Discovery Day to be held at the Eastern Campus of Suffolk County Community College, and principally sponsored by the College and The Nature Conservancy. The event will feature talks on botany, water resources, fauna of the pine barrens, and other topics. Field trips will also be sponsored, as will special events for children.

Core Preservation Area

! Suffolk Community College / Riverhead: College master plan status

Summary: Mr. Fred Strahs-Lorenc, the Associate Dean for Facilities for Suffolk Community College, was present and discussed both the College's new sewage treatment plant and its current construction work at the Eastern Campus south of Riverhead hamlet. He spoke first about the Eastern Campus' sewage treatment work, and the attached letter was distributed. He noted that the current treatment plant, located on a nearby, separate parcel from the campus, was designed for a 6000 student population, and a 10 building complex, in 1970. Currently, there are 2500 students and three academic buildings, and the plant is operating with a smaller inflow than its minimum design specifications call for. This has posed a hurdle for the plant to meet NYS Department of Environmental Conservation standards for the outflow. The College has retained a consulting firm to identify options regarding this problem.

He also noted that the College is undertaking an upgrade of the street lighting at the

entrance from Speonk-Riverhead Road. Further, he reported that a greenhouse is being replaced at the Eastern Campus, since one was destroyed by a 1995 storm.

Mr. Strahs-Lorenc also noted that the Phases 2 and 3 of the Eastern Campus' Master Plan will need to be substantially revised and updated. The focus would be upon infrastructure improvements rather than new infrastructure. Specifically, he noted that the Suffolk County Legislature and the County Executive, on 6/10/97, approved funding for several items: improvement of the exterior parking lot lighting, paving of approximately one mile of roadway from County Road 31 to the treatment plant, and installation of four tennis courts. He noted that since the College's funding is provided equally by Suffolk County and New York State, this approval is not sufficient to permit these projects to start; state approval of their portion of the funds is still required.

He stated that two basketball courts and two volleyball courts have been constructed, and tennis courts are still planned. He explained that the College has received comments from a regional accreditation body regarding the insufficiency of physical education facilities at the Eastern Campus. He reported that the County Executive has proposed a 20,000 square foot Cooperative Extension building, which could be located either in the Riverhead hamlet itself, or on the Eastern Campus. If that building is located on the campus, it would be placed in an already cleared area. The College's Eastern Campus Master Plan's Phase 1 work is essentially complete, with these specific items not yet done: the library and instructional resources building, the sprinkler system and fire alarm installations, and the hazardous materials and salt storage building. Although construction of the last item has not begun, the task of designing it has been sent out to a consultant.

Mr. Strahs-Lorenc explained that his office was unaware of the construction of the basketball and volleyball courts. This construction was the subject of prior communication from the Commission to the College since the courts are not included in the Phase 1 list which was the subject of the Commission's January 1995 core hardship permit approval. He explained that the Eastern Campus officials had looked at aerial photographs from a past date and saw a clearing in those photographs in the location where the courts were constructed. He stated that those officials had believed that this clearing, which regrew since the photograph was taken, justified the construction of the courts in that area. Mr. Strahs-Lorenc also stated that the Eastern Campus officials had also believed that any work conducted within the confines of the "ring road" on the campus was exempt. He stated that the College officials told him that approximately thirty trees were removed for construction of the new basketball courts.

Mr. Strahs-Lorenc stated that he has spoken with the College President regarding this incident, and was asked to apologize on behalf of the College for the mistake. A brief discussion ensued regarding the vegetation material piled up south of the courts and the steam plant. He explained that not all of this material had come from the area where the courts are now located, but did not specify the other source. That material is being mulched for use on the campus grounds.

A discussion then ensued regarding the revisions needed to Phases 2 and 3 of the Master Plan, and the various approaches which may be feasible for addressing the sewage treatment plant problem, including the applicable New York State and Suffolk County standards.

It was decided that Mr. Strahs-Lorenc will provide the Commission with a letter outlining the revisions to the Master Plan. Additionally, a revised plan illustrating the proposed facilities will also be submitted to the Commission. Mr. Strahs-Lorenc also said that he will forward a copy of the plan for the sewage treatment plant. Upon submittal of the

master plan documents, the Commission will review and discuss these items at a regularly scheduled meeting.

- ! We Got It Auto Parts / Flanders: site plan; determination of jurisdiction
Summary: Mr. Sendlewski, a consulting architect representing the owners of this site on the south side of NYS Route 24 in Flanders in Southampton Town, was present and discussed the attached material. The project consists of the demolition of existing buildings on the fully developed auto wrecking site and their replacement by a 60' by 60' masonry building. The project's site plan has received approval from the Southampton Zoning Board of Appeals, which had jurisdiction since the existing commercial facility is in a residential zone.

After a discussion regarding the nondevelopment provisions of the state pine barrens law, the Commission determined that the project is nondevelopment under NY Environmental Conservation Law Article 57, Section 57-0107(13)(iii).

- ! Westhampton Ministorage / Westhampton: new industrial site plan; set hearing
Summary: Ms. Plunkett summarized, and distributed copies of, this new application for a core hardship permit on this private parcel located on the northerly side of the Suffolk County Gabreski Airport, and accessible from the North Perimeter Road of the airport. The application is for the addition of four new industrial buildings with a total of 24,000 square feet to a site which currently has thirteen industrial buildings totalling 46,878 square feet on a 40 acre parcel. The site is in the dwarf pine barrens region. **A motion was made by Mr. Freleg and seconded by Ms. Filmanski to schedule a hearing on this application at the 7/16/97 Commission meeting at Brookhaven Town Hall in Medford at 5:00 pm. The motion was approved by a 5-0 vote.**

- ! Mahfar Associates / Ridge: minigolf course and restaurant; followup to 6/4 hearing (not on the original agenda)
Summary: Ms. Plunkett explained that Mr. Sanderman, attorney for the Mahfar Associates core hardship application which was the subject of a 6/4/97 hearing, has delivered a letter for inclusion in the hearing record. The letter addresses the issue of the existing covenants on this property on the north side of NYS Route 25, east of William Floyd Parkway, in Ridge in Brookhaven Town. She reported that Mr. Wood, an appraisal consultant for the same application, has also forwarded a letter for inclusion in the hearing record, which updates his testimony to reflect the incorporation of the values of Pine Barrens Credits from this property.

Ms. Plunkett also noted that the State Environmental Quality Review Act lead agency coordination is not yet complete for this application.

Compatible Growth Area

- ! Konak Garage Display / Rocky Point: site plan; determination of jurisdiction
Summary: Ms. Plunkett distributed and discussed the attached letter regarding a site plan known as Konak Garage Display for a parcel on the south side of the old NYS Route 25A, north of the new Route 25A bypass in Rocky Point in Brookhaven Town. The project is a site plan for a different business use than the restaurant and boutique use which was originally approved by Brookhaven Town in 1971. That approval was for a use which would have cleared the entire site; the new use involves clearing which would exceed the 65% clearance limit applicable to the Compatible Growth Area. The letter requests a waiver from that standard, based upon the 1971 approval.

Ms. Roth reviewed the nondevelopment provisions of the pine barrens law, and stated

that she believes that the current proposal does constitute development. She stated that she does not believe that the new project can be deemed nondevelopment based upon the 1971 site plan approval, since the new proposal is for a different use. Consequently, she stated that the applicant will need to obtain an exemption from the Central Pine Barrens Plan's standards. It was then determined by the Commission that the project will require a Compatible Growth Area hardship exemption from the Commission, and that the applicant will be so informed by the Commission staff.

Pine Barrens Credit Program

- ! Barkus / Manorville credit appeal: revision of Commission resolution (not on the original agenda)

Summary: *Mr. Milazzo discussed the 3/12/97 decision by the Commission on the credit allocation appeal filed by Ms. Barkus for property on the south side of Mill Road, in Manorville in Brookhaven Town. The resolution passed by the Commission contained a typographical error, in that it included Suffolk County tax map parcel number 200-411-5-11, and should have included parcel number 200-411-5-23 in its place. The allocation and all other matters remain the same. He requested that the Commission formally revise its 3/12/97 resolution.*

A motion was then made by Ms. Filmanski and seconded by Mr. Cowen to revise and amend the Commission's 3/12/97 Barkus credit appeal resolution to substitute Suffolk County tax map parcel number 200-411-5-23 for parcel number 200-411-5-11, without altering the credit allocation of 19.34 Pine Barrens Credits to the 54 parcels owned or controlled by Ms. Barkus. The motion was approved by a 5-0 vote.

Administrative

- ! Public comments

Summary: *The only speaker at this time was Mr. Walter Olsen, representing Civil Property Rights Associates. First, he expressed interest in the proposed cleanup and securing of the illegal access points into public lands from Hot Water Street. Mr. Olsen explained that the Flanders Neighborhood Watch Group had performed a cleanup of parklands in their area, only to have debris reappear. He reported that they requested Southampton Town to block off the problem access locations after they were cleaned again, but were told that access had to be maintained for emergency vehicles.*

He requested that the Commission be in contact with Southampton Town officials to explain how the Hot Water access points would be closed. Mr. Corwin commented that the Hot Water Street area currently has enough access points off it that the current planned closure of an initial few would not yet raise the same issue here. Mr. Freleng inquired about what department in Southampton Town the group had spoken with, and Mr. Olsen explained that it was another individual from the neighborhood group who had spoken with the Town officials.

Second, he commented upon Capt. Conklin's summary of the rewriting of the County's all terrain vehicle law. Mr. Olsen expressed the opinion that everyone ought to have a place to pursue their leisure time pursuits, and, although he is not an off road vehicle user or enthusiast, he would like to see an effort made to find a location where this activity can be practiced. He felt that it would be counterproductive to shut the activity down entirely, that healthy outdoor activities should be encouraged, and that he was confident that these groups would work with the affected agencies. He further noted

that this should apply to other uses as well, such as mountain biking.

Third, he noted that Southampton and Riverhead have a joint sewage treatment plant which is oversubscribed, and that the possibility of processing some of that excess wastewater input at the Eastern Campus' sewage treatment plant should be explored. He suggested that the College might even be able to receive the equivalent of a tipping fee for accepting the extra sewage that their plant needs to function properly. He noted that this would be preferable to dismantling the plan and constructing a new system for the campus.

Fourth, he requested that, in the future, maps for discussion by the Commission be posted on a wall or otherwise displayed so that all in attendance can view them easily.

Core Preservation Area

- ! Gazza / Westhampton: new core hardship for single family residence (not on the original agenda)

Summary: Mr. Gazza was present and submitted a new core hardship application for a site on the southwest corner of Sunrise Highway and County Road 31, in Westhampton in Southampton Town. This is the same site for which the Commission approved a core hardship permit for the Exact Technologies drinking water production well. Mr. Gazza stated that the Exact Technologies application remains pending before the Southampton Zoning Board of Appeals (ZBA), that it is headed for a seventh meeting on 7/17/97, and that approval of the application by that board appears very unlikely at this time.

He stated that the basis of his expectation is that the site is zoned for residential use, that the Exact Technologies proposal is a commercial use, and that the Southampton ZBA has informally stated that Mr. Gazza has not exhausted those uses already identified in the Town zoning code. He explained that agricultural use has been explored because a prior application to the Commission to clear the site for growing beach grass was denied by the Commission, that there has been no interest by any party in constructing an institutional use there, and that he does not wish to place a dwelling there because he does not believe that he can sell it. However, he stated that he is submitting a core hardship application for a single family home to the Commission today because he feels that he must explore this in order to address the Southampton ZBA's concerns. A brief discussion ensued regarding the testimony that was offered to the ZBA by Mr. Gazza regarding this issue, and the effect of the Commission counsel's letter to the ZBA.

A motion was then made by Mr. Cowen and seconded by Mr. Freleng to schedule a hearing on the new Gazza / single family home core hardship application at the Commission's 7/16/97 meeting at Brookhaven Town Hall in Medford at 5:00 pm. The motion was approved by a 5-0 vote.

Executive session

Summary: **A motion was made by Ms. Filmanski and seconded by Ms. Wiplush to enter into executive session for the purpose of discussing certain legal issues. The motion was approved by a vote of 5-0.** The Commission entered into executive session at approximately 4:39 pm and returned to open session at approximately 5:00 pm.

Public hearing

- ! Hampton Hills Golf and Country Club / Northampton / clubhouse and parking lot (core)
Summary: *A separate stenographic transcript exists for this.*

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Statement by L.I. Pine Barrens Society re Community College work (6/24/97; 1 page)
4. The Sandpiper Group Qualifications sheet (undated; 1 page)
5. Draft of PBC Program mailing to core owners (6/19/97; 2 pages)
6. Letter from F. Strahs-Lorenc re Community College's sewage plant (6/6/97; 1 page)
7. Materials re core hardship permit issued to Suf Comm College (Jan 95., Nov 94.; 4 pages)
8. Letter from M. Sendlewski re We Got It Auto Parts site plan (6/6/97; 9 pages)
9. Letter from Mr. Sanderman re Mahfar Associates parcel covenants (6/24/97; 2 pages)
10. Letter from Mr. Wood re Mahfar Associates appraisal testimony (6/24/97; 3 pages)
11. Letter from Mr. Jung re Konak Garage Display site plan (6/18/97; 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*
James R. Stark, *Member*

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Commission Meeting Summary (FINAL) for July 16, 1997 (Approved 8/27/97) Brookhaven Town Hall, Building 4; 3233 Route 112; Medford 2:00 pm

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

Others present: Commission counsel was not present. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Milazzo, and Mr. Trezza (from the Commission; Mr. Trezza is a summer intern with the Commission), and Mr. Grecco (from the Suffolk County Department of Law and Vice Chair of the Pine Barrens Credit Clearinghouse. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:17 pm by Mr. Dragotta, with a four member quorum present consisting of Mr. Dragotta, Mr. Girandola, Mr. Cowen, and Mr. Freleng.

Administrative

! Public comments

Summary: There were no speakers.

! Draft meeting summaries for 6/4/97 and 6/24/97 (faxed)

Summary: **A motion was made by Mr. Girandola and seconded by Mr. Cowen to table the 6/4/97 and 6/24/97 meeting summaries until the 8/6/97 Commission meeting. The motion was approved by a 4-0 vote.**

Ms. Filmanski arrived during the following discussion, and a five member quorum was then present.

Pine Barrens Credit Program (Clearinghouse meets 7/28, 3 pm, at Commission office)

! Letters of Interpretation, Certificates, transactions: summary

Summary: Mr. Milazzo distributed copies of recently issued Letters of Interpretation and recently filed easements to the town's Commission representatives. He also reported that Dr. Nicholas, the consultant retained to review the valuation of credits when used in the Riverhead receiving area, has reported that he has received the vacant land sales in that region for the last seven years. Dr. Nicholas will determine whether there are sufficient data for his analysis. He may recommend hiring an appraiser to provide

additional valuation data for that region.

Mr. Trezza distributed and discussed the attached charts showing the Clearinghouse's activities from its inception to now. Finally, Mr. Milazzo noted that he presented an overview of the credit program to the Protected Lands Council at their 7/1/97 meeting.

Mr. Grecco left at this time.

Plan implementation

- ! Protected Lands Council: results of 7/8-7/9 Hot Water Street interagency cleanup project; lessons; next steps

Summary: *Mr. Corwin reported that the two day cleanup of the public lands along Hot Water Street and Toppings Path in Manorville involved approximately 18 separate government agencies and private organizations, and removed approximately 28 tons of nonrecyclable materials. He noted that the total tonnage landfilled would likely be higher, since not all of the materials collected at central points was removed during those days; a separate day will be required for that. He also reported that approximately 30 cubic yards of recyclable metals were collected, and approximately 320 car and truck tires were collected. The tires will be recycled, and the Commission will pay those recycling fees, which total \$400. Mr. Corwin showed several slides of the first day's cleanup activities.*

Mr. Dennis Lynch, Commissioner of Waste Management for Brookhaven Town, was present and congratulated the participants on the cleanup effort. He noted that the Brookhaven Town Board, in recognition of the public service nature of the work, will entertain a resolution for a one-time waiver of the first \$2500 in town landfill tipping fees for the landfilled material from the cleanup. It was also noted during the ensuing discussion, that the Town is interested in addressing a similar dumping problem on Jerusalem Hollow Road, also in the Manorville region, and that any assistance that the Protected Lands Council can provide regarding this would be welcome.

The discussion then centered upon the next steps here, including establishment of a trailhead, kiosk, and parking area, and the possible gating (in order to restrict motorized vehicle access) of Hot Water Street and Toppings Path. The gating of the road has been discussed with Brookhaven officials, who are reviewing the proposal.

- ! Law Enforcement Council: current activities

Summary: *Mr. Corwin reported that the Law Enforcement Council and the Wildfire Task Force are planning to jointly undertake helicopter water bucket training exercises at Wildwood Lake in Southampton Town this fall. He distributed the attached two news articles describing the exercises and the recent approval by the Southampton Town Trustees. The exercises will involve the NYS Forest Rangers, NYS Department of Environmental Conservation (NYS DEC) personnel (including DEC aviators), the NY Army National Guard's Aviation Support Facility, the NY Air Guard's 106th Rescue Wing, the local fire chiefs, and others. The training is slated for selected weekdays only, from approximately early August through the end of 1997. The Southampton Town*

Trustees' approval is reviewable by them at the end of this calendar year.

Mr. Corwin also noted that the Law Enforcement Council is working on a second draft of the Pine Barrens Law Enforcement Handbook, and that work is being coordinated through the Suffolk County Parks Security Director's office.

! Wildfire Task Force: plan development and fire protection assessment

Summary: *Ms. Plunkett described the fire protection assessment work which a subcommittee of the Task Force is currently working on (this was described in detail at a prior Commission meeting). It was noted that this section will not be ready in time for inclusion in the overall draft plan which the Task Force will be submitting to the Commission at the next Commission meeting.*

Mr. Cowen spoke briefly about the current fire index, which is approximately 435, and noted that the field conditions are now ripe for a large fire, as they were in 1995.

Core Preservation Area

! Mahfar / Ridge / site plan: SEQR determination

Summary: *Ms. Plunkett distributed the attached staff report for this application for a miniature golf course, driving range, restaurant, and parking area on a 15.65 acre parcel, split between J-2 and J-3 zoning, on the north side of NYS Route 25, east of County Road 46, in Ridge, Brookhaven Town.*

The Commission hearing was held 6/4/97, and the lead agency coordination has been completed with no objections raised. She noted that covenants exist on the property, one restricting the use of the J-3 portion to a miniature golf range, the other restricting the use of the J-2 portion to a lumberyard. The project requires approvals by the Suffolk County Health Department, the NYS Department of Transportation, and the New York State DEC. She then reviewed the impacts of the project, as described in the staff report. That report recommends that a positive declaration be issued pursuant to the State Environmental Quality Review Act (SEQRA).

A motion was then made by Mr. Cowen and seconded by Mr. Girandola to declare the Commission as the lead agency for the Mahfar / Ridge application, and, based upon the materials contained in the hearing record and the staff report, to issue a positive declaration of significance pursuant to SEQRA. The motion was approved by a 5-0 vote.

! Blake / Ridge / land division: SEQR determination

Summary: *Ms. Plunkett distributed the attached staff report for this application for a subdivision of a 5.23 acre parcel, zoned A-2 residence, on the east County Road 46, north of NYS Route 25 and north of Patrick Lane, in Ridge, Brookhaven Town.*

The Commission designated itself as lead agency at its 6/4/97 meeting. She noted that the project will require approvals from the Brookhaven Zoning Board of Appeals, the Suffolk County Health Department, and the Suffolk County Department of Public Works.

A discussion then ensued regarding the core area hardship criteria, the minimum relief that would apply to any approval on this site, and, specifically, the number of lots that could be granted. A discussion also ensued regarding clearing, the staff recommendations on the attached report, a proposed negative declaration, and the minimum relief question.

A motion was then made by Mr. Cowen and seconded by Ms. Filmanski to issue a negative declaration for this project pursuant to SEQRA. The motion was approved by a 5-0 vote.

A motion was then made by Mr. Cowen and seconded by Ms. Filmanski to approve a core hardship exemption for the Blake / Ridge project for up to three lots, subject to the condition that, if the Brookhaven Zoning Board of Appeals chooses to grant three lots, then those three lots must be clustered to the westerly portion of the property in order to leave an undeveloped buffer area of approximately 1 to 2 acres on the easterly portion of the parcel to buffer the Paumanok Path trail corridor. The motion was approved by a 5-0 vote.

- ! Hampton Hills Golf & Country Club / Northampton / site plan: new materials as per 6/24 hearing

Summary: Mr. Richartz and Mr. Raynor, representing the applicants, were present and described the project revisions. The revised petition, which was distributed, contains handwritten changes which Ms. Plunkett explained have not yet been reviewed since they were just received prior to today's meeting. The revised plan contains a smaller building addition, and requires less parking and clearing. They estimated that approximately 33 fewer trees would be cleared under the revised plan. A brief discussion ensued regarding possible mitigation measures, and what additional information might be required to evaluate the project. It was agreed that the new area proposed to be cleared would be staked out by the applicant's representatives, and a site inspection would then be made by Ms. Plunkett before the next Commission meeting.

Administrative

- ! Public comments

Summary: There were no speakers at this time.

Plan implementation

- ! Protected Lands Council: distribution of materials (continuation of prior agenda item)

Summary: The cleanup days' participants, equipment, and results are summarized in the attached draft memo which Mr. Corwin distributed. The summary will be reviewed and revised by the Protected Lands Council at their next meeting. The attached news article regarding the cleanup was also distributed.

Recess until public hearing

Summary: ***A motion was made by Ms. Filmanski and seconded by Mr. Freleng to recess the Commission meeting until the 5:00 pm public hearings. The motion was approved by a 5-0 vote, and the meeting was recessed at approximately 3:52 pm.***

Mr. Girandola left at this time, and a four member quorum was then present.

Public hearings scheduled for 5:00 pm

- ! Westhampton Ministorage / Westhampton / additional storage units (core)
- ! Gazza / Westhampton / single family residence (core)

Summary: *Separate stenographic transcripts exist for these.*

Reconvening of regular Commission meeting

Summary: ***A motion was made by Mr. Cowen and seconded by Mr. Dragotta to reconvene the regular Commission meeting. The motion was approved by a 4-0 vote, and the Commission returned to regular session at approximately 5:46 pm.***

Core Preservation Area

- ! Gazza / Westhampton / single family residence (core)

Summary: ***A motion was made by Mr. Cowen and seconded by Ms. Filmanski to (1) issue a negative declaration pursuant to SEQRA for the Gazza / Westhampton application for a single family residence at the southwest corner of Sunrise Highway and County Road 31, in Southampton Town, and (2) to deny the application based upon the fact that a single family home on this site is not the minimum relief required by the pine barrens law, as documented in the permit history of the site, and to note that the previously approved water well application does represent the minimum relief for this site. The motion was approved by a 4-0 vote.***

Adjournment

Summary: ***A motion was made by Ms. Filmanski and seconded by Mr. Freleng to adjourn the meeting. The motion was approved by a 4-0 vote, and the meeting ended at approximately 5:49 pm.***

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Pine Barrens Credit Clearinghouse Summary of Activities to 7/14/97 (undated; 3 pages)
4. Summary of Protected Lands Council cleanup (7/16/97; 3 pages)

5. *Newsday* article re cleanup (7/9/97; 1 page)
6. *The Independent* article re helicopter water bucket training (7/9/97; 1 page)
7. *Southampton Press* article re helicopter water bucket training (7/10/97; 1 page)
8. Mahfar / Ridge application staff report (7/16/97; 2 pages)
9. Blake / Ridge application staff report (7/16/97; 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*
James R. Stark, *Member*

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Commission Meeting Summary (FINAL) for August 6, 1997 (Approved 8/27/97) Brookhaven Town Hall, Building 4; 3233 Route 112; Medford 2:00 pm

Commission members present: Mr. Dragotta (for Suffolk County), Mr. Girandola (for Brookhaven), Ms. Filmanski (for Riverhead), and Mr. Duffy (for Southampton).

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

The meeting was called to order at approximately 2:26 pm by Mr. Dragotta, with a four member quorum.

Administrative

! Public comments

Summary: The only speaker was Ms. Joanne Drielak, representing the Ridge Civic Association. She read and submitted the attached letter opposing the Mahfar / Ridge development proposal for a golf course and associated facilities in the core area. She stated that the project would set an undesirable precedent, and noted that the parcel borders the Paumanok Path, Fireman's Park, and Brookhaven State Park. She also observed that the Brookhaven Land Use Plan endorses the establishment of a downtown area for Ridge to the west of William Floyd Parkway, and the maintenance of open space east of that road, where this parcel is located.

! Draft meeting summaries for 6/4/97 and 6/24/97 (previously faxed)

Summary: **A motion was made by Ms. Filmanski and seconded by Mr. Girandola to approve as final the draft written summary of the 6/4/97 Commission meeting without changes. The motion was approved by a 4-0 vote.**

A motion was then made by Mr. Girandola and seconded by Ms. Filmanski to approve as final the draft written summary of the 6/24/97 Commission meeting without changes. The motion was approved by a 4-0 vote.

Pine Barrens Credit Program

! Credit valuation review by Dr. Nicholas: need for appraisals

Summary: Mr. Corwin distributed the attached letter from Dr. Nicholas in which he states the desirability of obtaining additional appraisals of land in the Riverhead receiving area. The letter explains that there are too few lands sales at present upon which to base a statistical analysis with a resulting high degree of statistical confidence. He suggests that approximately 29 additional parcel valuations would be useful to produce a statistically significant analysis. He also suggests criteria regarding the quantity, parcel sizes, the ability to develop the parcels, and the type of appraisal report necessary for this project.

Mr. Corwin reported that informal estimates from the appraisal community to date have indicated that perhaps \$20,000 would be required to produce the appraisals suggested, and that, prior to a Request for Proposals being generated by the Commission, that the Commissioners review the letter with their staffs.

Plan implementation

! Protected Lands Council: status of work

Summary: Mr. Corwin explained that the last of the accumulated debris from the 7/8 and 7/9 Protected Lands Council cleanup of the Hot Water Street area has been removed. The followup work was completed on 7/31/97 with the assistance of the Suffolk County Department of Public Works (which contributed a payloader, a dump trailer, and two operators), the Suffolk County Water Authority (which contributed a dump truck and an operator), a Suffolk County Parks Police officer, and two Commission staff members. The material remaining at the staging area from the two day cleanup was taken to the landfill, as were all of the accumulated piles of material along the entire length of Hot Water Street, from County Road 111 to County Road 51. Mr. Corwin estimated that approximately 45 tons of non-recyclable materials were landfilled altogether.

He then noted that the next steps for the Protected Lands Council included pursuing the eventual gating of Hot Water Street and Toppings Path (which Brookhaven Town is working on with the Commission), the establishment of a trailhead, parking area, and kiosk at the two ends of Hot Water Street, and the reexamining the other locations on the problem access points inventory. He also noted that the Council's plan subcommittee is continuing its work on the regional management plan.

! Law Enforcement Council: water bucket training lead agency and negative declaration

Summary: Capt. Conklin described the proposed helicopter water bucket firefighting training, which will be conducted by the NY State Forest Rangers, the NY Army National Guard, the NY Air National Guard, and the NYS Department of Environmental Conservation. The proposed site is Wildwood Lake in Southampton Town, and the training would be conducted on Tuesdays or Wednesdays, during the midday period, within a one and one half hour period on each of those days. The training will also

involve the local fire chiefs. Capt. Conklin also noted that the current drought index is above 400, despite the recent rain.

Ms. Plunkett distributed the attached negative declaration prepared pursuant to the State Environmental Quality Review Act (SEQRA) for consideration by the Commission, and explained that the project involves the efforts of both the Law Enforcement Council and the Wildfire Task Force. The negative declaration also includes as an attachment the recent approval of the training proposal by the Southampton Town Trustees. **A motion was then made by Mr. Duffy and seconded by Ms. Filmanski to designate the Commission as the lead agency for this proposal and to adopt the attached negative declaration pursuant to SEQRA. The motion was approved by a 4-0 vote.**

! Wildfire Task Force: draft plan status

Summary: Mr. Searing distributed the attached document summarizing the work of the Wildfire Task Force in producing the Preliminary Draft Pre-fire Management Plan (also attached). He described the formation and composition of the task force, the contents of the Preliminary Draft Plan, and the next steps in the review, modification, and implementation of the fire plan.

Mr. Searing then went through the contents of the Preliminary Draft Plan, and noted the features of each chapter. He specifically noted the chapters or accompanying documents which remain to be produced in time for the final version of the fire plan. These include a separate executive summary document, a separate document (or perhaps an additional chapter) regarding the long term financing of the plan's implementation, and the fire protection assessment (which has already been commenced). Mr. Searing also stated that the Wildfire Task Force members are recommending that the task force become a permanent council under the overall Central Pine Barrens Comprehensive Land Use Plan, the same status held by the Law Enforcement and Protected Lands Councils.

Mr. Corwin then spoke regarding the process for the review of the document, requesting that the Commission members and representatives try to have comments on the Preliminary Draft Plan by the 8/27 Commission meeting. Following those comments, and combined with staff comments, a revised draft will be forwarded to the task force members, and the next task force meeting will be scheduled to incorporate the comments. The Wildfire Task Force will also schedule a series of meetings and presentations for both the fire community and the general public. A proposed final plan will then be available for consideration. At this point, the Commission expressed its gratitude to the Wildfire Task Force for the fine work done to date.

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

Core Preservation Area

! Mahfar / Ridge / golf course and restaurant: site plan discussion

Summary: Mr. Sanderman, attorney for the project sponsors, was present and discussed this proposal for a minigolf course and driving range, restaurant, and parking

area on a 15.65 acre parcel on the north side of NYS Route 25, east of County Road 46 (William Floyd Parkway), in Ridge, Brookhaven Town. Mr. Sanderman discussed the covenants which exist on the property, especially the covenant restricting a portion of the site to use as a lumberyard. He also discussed the Commission's recent issuance of a positive declaration under SEQRA for this proposal. After a brief discussion, Mr. Sanderman stated that he would like to avoid an environmental impact statement of his client's proposal. He then stated that he was withdrawing, on behalf of his client, the proposed application under discussion, and that a new application will be forthcoming for the site.

! Hampton Hills Golf and Country Club / Northampton / facility site plan: revised plan discussion

Summary: Mr. Richartz and Mr. Van de Kieft, representatives of the project sponsor, were present and described the attached revised site plan for this facility in the Northampton area of Southampton Town. Ms. Plunkett has visited the project site and examined the area which would now be affected by the revised plan. She reported that less native vegetation would now be disturbed, and the specific area measurements are contained on the last page of the attached revised proposal.

It was noted that this proposal is an unlisted action under SEQRA, and a coordinated review has been made with the Suffolk County Department of Public Works, the Suffolk County Department of Health Services, and Southampton Town. None of the agencies have objected to the Commission becoming the lead agency, and the thirty day SEQRA coordination period ends tomorrow.

A brief discussion was held regarding the summary statistics contained within the application for vegetation clearing, and it was noted that some wooded areas will be removed, while some areas which were formerly used for parking will be revegetated with native plantings.

A motion was made by Mr. Duffy and seconded by Mr. Girandola to designate the Commission as the lead agency under SEQRA for the Hampton Hills Golf and Country Club proposal, and to issue a determination of nonsignificance for the proposal. The motion was approved by a 4-0 vote.

A motion was then made by Mr. Duffy and seconded by Mr. Girandola to approve the core area hardship exemption permit for this project, subject to the approval conditions in the attached 8/6/97 staff report. The motion was approved by a 4-0 vote.

Executive Session

Summary: Mr. Rigano requested an executive session, and Mr. Quaremba, an attendee at the meeting, requested the reason for the session. Mr. Rigano stated that it was for the purpose of discussing litigation, and Mr. Quaremba asked the specific case involved. A brief discussion ensued over that question, and Mr. Rigano stated that he would examine the law on the question of specifying the particular case.

A motion was then made by Mr. Duffy and seconded by Mr. Girandola 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 at approximately 4:29 pm. A motion was later made by Mr. Duffy and seconded by Ms. Filmanski to exit executive session. The motion was approved by a 4-0 vote, and the Commission returned to open session at approximately 4:29 pm.

Administrative

! Public comments

Summary: *The only speaker at this time was Mr. Henry Dittmer, representing the Civil Property Rights Associates organization. He stated that he would like to formally request that, in the future, the Commission state in writing the name of the litigation which they are entering into executive session to discuss.*

Adjournment of regular meeting

Summary: ***A motion to adjourn the Commission meeting until the public hearing portion was made by Ms. Filmanski and seconded by Mr. Duffy. It was approved by a vote of 4-0, and this portion of the meeting ended at approximately 4:48 pm.***

Public hearing: Scheduled for 5:00 pm

! Goldstein / Manorville / single family residence (core)

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

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Ridge Civic Association letter re Mahfar / Ridge application (7/23/97; 1 page)
4. Letter from Dr. Nicholas re Riverhead receiving area sales data (7/21/97; 1 page)
5. Negative declaration for the helicopter water bucket training (8/6/97; 3 pages)
6. Wildfire Task Force status report (8/6/97; 4 pages)
7. *Preliminary Draft Pre-fire Management Plan* (8/6/97; 100 pages)
8. Revised application of Hampton Hills Golf and Country Club (8/6/97; 7 pages)
9. Staff report on the Hampton Hills Golf and Country Club application (8/6/97; 2 pages)

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Commission Meeting Summary (FINAL) for August 27, 1997 (Approved 10/29/97) Suffolk County Pine Barrens Trail Information Center LI Expressway Exit 70 North; Manorville 2:00 pm

Commission members present: Mr. Dragotta (for Suffolk County), Mr. Girandola (for Brookhaven), 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 Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Milazzo (from the Commission), Mr. Tripp (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 2:22 pm by Mr. Dragotta, with a four member quorum.

Administrative

! Public comments (*please sign Speaker Sheet*)

Summary: The only speaker was Mr. Henry Dittmer, representing the Civil Property Rights Associates. He stated that he had spoken with Mr. Robert Freeman, the Executive Director of the NY State Committee on Open Government, and that Mr. Freeman told him that the specific litigation to be discussed must be announced prior to entering into executive session. He also reported that Mr. Freeman had forwarded to him a copy of prior correspondence Mr. Freeman had sent to another person re this issue.

! Draft meeting summaries for 7/16/97 and 8/6/97 (*previously faxed*)

Summary: **A motion was made by Mr. Duffy and seconded by Mr. Girandola to approve the draft summary of the 7/16/97 Commission meeting as final. The motion was approved by a 4-0 vote.**

The following change was suggested to the 8/6/97 Commission meeting summary: under the "Mahfar / Ridge / golf course" discussion, the next to last sentence should read: "After a brief discussion, Mr. Sanderman stated that he would like to avoid an environmental impact statement of his client's proposal." **A motion was then made by**

Mr. Duffy and seconded by Mr. Girandola to approve the summary of the 8/6/97 Commission summary with this change. The motion was approved by a 4-0 vote.

- ! Proposed license agreement with SC Real Property Tax Service Agency (to be distributed)
Summary: Mr. Corwin explained that the SC Real Property Tax Service Agency has forwarded a proposed license agreement between their office and the Commission which would provide a no-cost license for the Commission to utilize the Suffolk County tax maps. He also explained that license agreements were being sought by the Real Property agency for other tax map subscribers as well. Mr. Rigano stated the he has reviewed the proposal and has several questions about it, and recommended that this matter be held until the next Commission meeting, provided there is no urgency. It was agreed that Commission action would be held until those questions are answered.

Pine Barrens Credit Program

- ! Results of 8/25/97 Clearinghouse Board meeting
Summary: Mr. Tripp summarized the Clearinghouse's recommendation that a set of new property appraisals be performed for parcels within the Riverhead Town receiving area. Specifically, the Clearinghouse has recommended that at least ten new appraisals be performed for parcels within that area which do not have recent sales transactions recorded for them, and that the parcel appraisals be performed in batches of ten. Each batch's results would then be incorporated by Dr. James Nicholas into his statistical analysis, and he, in turn, would determine when an acceptable statistical confidence level had been reached for the overall valuation of the area.

A motion was then made by Mr. Cowen and seconded by Mr. Duffy to authorize the Commission staff to issue a Request for Proposals (RFP) for appraisals of the Riverhead receiving area parcels in steps of ten parcels at a time, up to a total of 53 parcels - the number of parcels in the receiving area - with the final step consisting of 13 parcels. The motion was approved by a 4-0 vote. A brief discussion then ensued regarding the origin of the step size of ten parcels, and it was explained that the size was recommended by Dr. Nicholas. It was then agreed that the RFP should state that the total number of parcels that are actually appraised will be determined by the Commission's consultant, Dr. Nicholas.

Mr. Milazzo then summarized the applications processed by the Clearinghouse at its last meeting, and reported that the second reverse auction of Pine Barrens Credits has been completed, including all of the sales transactions. He noted that several title issues required clarification as part of this.

Mr. Tripp then summarized the proposed Pine Barrens Credit Fair targeted towards local building and real estate professionals. The fair will be cosponsored by the Long Island Association (who will host the session), the Long Island Builders Institute, the Clearinghouse, and the Commercial and Industrial Brokers Society.

Mr. Tripp left at this point.

Plan implementation

- ! Law Enforcement Council: water bucket training status

Summary: Mr. Corwin reported that there have been three helicopter water bucket training sessions at Wildwood Lake, sponsored by the Law Enforcement Council and utilizing the staff and equipment of the NY Army National Guard's Army Aviation Support Facility. The sessions are currently scheduled for each Tuesday from approximately 10:00 am through 2:00 pm, conditions permitting. Wednesdays are utilized as fall-back days.

Area residents have attended each session, including a pre-training briefing on the ground at the Sarnoff Preserve. Mr. Corwin noted that one question which arose is whether the crews which receive this training will be on Long Island or be transferred out soon, and it was explained that these crews are locally based and will likely remain here.

- ! Wildfire Task Force: comments on Preliminary Draft Pre-Fire Management Plan

Summary: Mr. Corwin noted that comments from the Commissioners on the Preliminary Draft Pre-Fire Management Plan are needed as soon as possible in order to have them returned to the Wildfire Task Force for consideration. It was agreed that comments would be forwarded if possible prior to the next Commission meeting.

- ! Protected Lands Council: Hot Water Street and Toppings path correspondence from Brookhaven Town

Summary: The attached correspondence from Mr. Girandola to the Commission regarding the possible closure of Hot Water Street and Toppings Path in Manorville to motor vehicle traffic was distributed and discussed. Mr. Girandola explained the two proposed alternatives: turning over the roadway to another entity or having the Commission indemnify the Town for any closure. It was agreed that Commission counsel will research the impact and feasibility of these two options.

A brief discussion ensued regarding the number and location of the private parcels in the area which have access only from one of these two roads. It was noted that, in the event that the road is closed, the owners of these parcels would be given keys or combinations to any gates or locks.

Core Preservation Area

- ! Suffolk Community College / Riverhead / master plan: correspondence (to be distributed)

Summary: Ms. Plunkett distributed and discussed the attached correspondence from Suffolk Community College describing several capital projects in the College's Master Plan which affect the Eastern Campus. These include both projects which the County has approved and are now before the State for funding in the 1998-99 budget, and those which are in Phases 2 and 3 of the College's Master Plan. She also reported that a revised College Master Plan will eventually be produced, and it will be forwarded to the Commission.

- ! Mahfar / Ridge / golf course and restaurant: acceptance of application withdrawal
Summary: Ms. Plunkett distributed the attached letter from Mr. Sanderman, representing this project's sponsor, withdrawing this core hardship application for the site on the north side of NYS Route 25 and east of William Floyd Parkway in Ridge in Brookhaven Town. **A motion was then made by Mr. Cowen and seconded by Mr. Girandola to accept the withdrawal of the Core Preservation Area hardship exemption permit application for the Mahfar / Ridge site. The motion was approved by a 4-0 vote.**

- ! Exact Technologies / Westhampton / water extraction site plan: correspondence (to be distributed)
Summary: Ms. Plunkett distributed the attached letter from Mr. Gazza to the Southampton Zoning Board of Appeals regarding the Exact Technologies water extraction proposal. This was forwarded to the Commission by Mr. Gazza.

- ! Southampton Tradespersons Center / Westhampton / site plan: status and discussion
Summary: Ms. Plunkett distributed the attached staff report for this project located on the west side of County Road 31 in Westhampton in Southampton Town. The proposal calls for the construction of three new buildings with a total of 34,955 square feet plus parking and infrastructure on an 8.14 acre parcel split between LI-40 and CR-200 zoning districts. The site contains two existing buildings with a total of 12,033 square feet.

She noted that the site is located within the Town's Aquifer Protection Overlay District, which limits clearing in the residential portion of the site to 15% and, within the industrial portion, to 50%. The staff report recommends a positive declaration be made by the Commission pursuant to the State Environmental Quality Review Act (SEQRA), based upon the specific potential impacts enumerated there.

A motion was then made by Mr. Cowen and seconded by Mr. Girandola to accept the attached staff report for the Southampton Tradespersons Center proposal; to issue a positive declaration for this project pursuant to SEQRA; and to add to the scope of the environmental impact statement (EIS) the question of the minimum relief that would apply to this application since there is already development on the property. A discussion ensued regarding whether the Commission should have the applicant look at the question of cumulative impacts of this project in conjunction with possible future development of the other sites in the immediate are which are owned by this applicant but which are not part of this application. It was agreed that the EIS should include a discussion of cumulative impacts. The motion was then approved by a 4-0 vote.

- ! National Spallation Neutron Source / Upton / scoping session: information
Summary: Mr. Corwin distributed the attached announcement of a public scoping session for this project by the Department of Energy as an information item. It was noted during the brief discussion that the Brookhaven site was included on the list, but the preferred site for the new facility appears to be Oak Ridge National Laboratory.

Adjournment

Summary: **A motion to adjourn was made by Mr. Girandola and seconded by Mr. Cowen. It was approved by a vote of 4-0. The meeting ended at approximately 3:42 pm.**

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Tax maps and GIS products license agreement from SC Real Property (8/20/97; 21 pages)
4. Letter from J. Girandola re Hot Water Street and Toppings Path (8/25/97; 2 pages)
5. Letter and attachments from re Suffolk Community College capital projects (8/14/97; 5 pages)
6. Letter from P. Sanderman withdrawing Mahfar / Ridge hardship application (8/8/97; 1 page)
7. Letter from J. Gazza to Southampton ZBA re Exact Technologies (7/21/97; 10 pages)
8. Southampton Tradespersons Center staff report (8/25/97; 7 pages)
9. Scoping announcement for National Spallation Neutron Source (7/25/97; 9 pages)

Central Pine Barrens Joint Planning and Policy Commission

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James R. Stark, *Member*

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Commission Meeting Summary (FINAL) for September 17, 1997 (Approved 10/29/97) Quogue Wildlife Refuge; Old Country Road; Quogue Village 2:00 pm

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

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), 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 2:19 pm by Mr. Proios, with a four member quorum.

Administrative

! Public comments

Summary: There were no speakers at this time. Mr. Proios then noted two upcoming events of general interest: the Suffolk County Old Fashioned Fair on 10/3 through 10/5 at Yaphank, and the 1997 Conference on the Environment on 10/17 through 10/19 at Port Jefferson.

! Commission administrative funding: discussion

Summary: Mr. Corwin explained that the Commission's 1996-97 administrative funding contract with the NYS Department of Environmental Conservation has been approved by the NYS DEC's Albany office, and that a signature is needed from Mr. Proios as the designated representative of the Chair. The Commission authorized Mr. Proios to sign at a prior meeting. Mr. Proios then signed the appropriate number of originals. Mr. Corwin then outlined the procedures for now producing a 1997-97 administrative funds contract, and the accompanying Commission - Suffolk County Water Authority contract.

! Proposed license agreement with SC Real Property Tax Service Agency: status (distributed at 8/27 meeting)

Summary: Ms. Roth explained that her office is discussing this with the Suffolk County Law Department, and trying to agree on several changes to this no-cost license for use of the Suffolk County Tax Maps by the Commission.

Pine Barrens Credit Program

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

Summary: Mr. Milazzo reported that the Clearinghouse Board, at its last meeting, examined an application for a Letter of Interpretation for four parcels with HF (horse farm) zoning in Brookhaven Town. He explained that the Plan does not provide an allocation formula for this zoning category, which requires 30,000 square feet for each residential parcel. The Plan does provide allocation factors for 20,000 square feet (i.e., a factor of 1.6) and 40,000 square feet (i.e., a factor of 0.8), and the Clearinghouse interpolated from these factors to arrive at a factor of 1.2, which it utilized in approving a Letter of Interpretation.

*In the discussion that followed, it was agreed to later determine how many other parcels have this zoning classification. **A motion was then made by Mr. Duffy and seconded by Mr. Proios to ratify the Clearinghouse Board's action in the use of this allocation factor of 1.2. The motion was approved by a 4-0 vote.***

Mr. Milazzo then noted that the second reverse auction of Pine Barrens Credits has been completed, with the purchasers including Omnibuzz and the Suffolk County Water Authority. He also reported that the Long Island Association, the Clearinghouse, the Long Island Builders Institute, and the Commercial and Industrial Builders Society will cosponsor a Pine Barrens Credit Fair for any interested parties, possibly in October. The purpose of the Fair will be to provide necessary information for builders and other potential users of credits to become involved in the program. A question arose as to whether the credits held by the Clearinghouse could be listed on the Suffolk County auction catalogs, and it was agreed that would be looked at.

Finally, Mr. Milazzo noted that the Clearinghouse has accepted an easement on the 100th acre to be protected by the Pine Barrens Credit Program, and that a certificate would be awarded by the Clearinghouse to the Jagel Family Associates, the owner of that property, at the 10/8 Commission meeting at Riverhead Town Hall.

Plan implementation

- ! Wildfire Task Force: comments on Preliminary Draft Pre-Fire Management Plan

Summary: Mr. Corwin reminded the Commission representatives that comments on the Preliminary Draft Pre-Fire Management Plan are needed soon. After a brief discussion, it was agreed that comments would be provided within the next week.

- ! Protected Lands Council: public lands management plan overview (to be distributed)

Summary: Ms. Plunkett distributed and discussed the attached Regional Management Plan Draft Outline. The outline envisions that the final regional plan will contain both functional and geographic sections. The former would include resource inventory, management and stewardship principles, and goals and objectives. The geographic sections would be oriented around the twelve stewardship regions already defined by the Council.

- ! Pine Barrens Discovery Day (October 25): update
Summary: Mr. Corwin summarized the 10/25 Pine Barrens Discovery Day at the Suffolk Community College's Eastern Campus. The event was inspired by the New Jersey Pinelands Commission's annual Pinelands Short Course. The day will feature talks on the flora, fauna, geology, and natural history of the pine barrens, as well as recreation and the history of the preservation effort. A set of walks will be led by knowledgeable naturalists. The principal sponsors of the event are The Nature Conservancy and the Suffolk Community College's Eastern Campus. The Commission, the Suffolk County Executive's Office, the Long Island Pine Barrens Society, and several other groups are also supporting the event.

- ! 1997 Pine Barrens Research Forum (October 30 and 31): update
Summary: Mr. Corwin reported that this year's Pine Barrens Research Forum will include speakers from outside the Long Island area, as well as local individuals. Speakers from other areas will represent the New Jersey Pinelands, the Connecticut River Valley, Massachusetts (including Cape Cod), and the Albany Pine Bush. Local speakers represent several agencies and disciplines, including two talks on cultural resources (a topic not touched upon at the 1996 Forum).

- ! Long term satellite remote sensing: possible inclusion of pine barrens (New item)
Summary: Mr. Corwin distributed and discussed the attached materials regarding the Measurements of Earth Data for Environmental Analysis (MEDEA) project, a federally operated satellite remote sensing project. He explained that the project utilizes the excess remote sensing monitoring capability of an existing satellite system for studying environmentally significant regions of the earth.

He explained that he made inquiries during the past year regarding the possibility of having the Central Pine Barrens included in the program, and discussed the attached materials which document the informal application for such inclusion. The last item in the packet is a letter from the U.S. Geological Survey's Director to Congressman Michael Forbes explaining that the Central Pine Barrens application will be reviewed this fall and that there appears to be a good chance that it may be selected.

- ! Law Enforcement Council: Ridge clearing incident summary
Summary: Mr. Corwin distributed the attached press release and photographs from the Suffolk County District Attorney's office describing a clearing incident in the Ridge portion of Robert Cushman Murphy County Park, within the Core Preservation Area. The press release describes the discovery, investigation, and resolution of the case.

Core Preservation Area

- ! Southampton Tradesperson's Center / Westhampton / site plan: discussion
Summary: Mr. Gazza, owner of this property and sponsor of this application, was present and spoke to the Commission regarding the Central Pine Barrens Comprehensive Land Use Plan, the Southampton Town Western Generic Environmental Impact Study, and the degree of detail which these documents contain. He offered the opinion that the information contained in documents such as these

should render unnecessary the completion of an environmental impact statement for the Southampton Tradesperson's Center proposal, and he questioned whether an environmental impact study for this project would be useful.

- ! Goldstein / Manorville / single family residence: discussion (10/6 decision deadline)

Summary: *Ms. Plunkett summarized this core hardship application for a single family home on a 1.72 acre lot on the north side of County Road 111, west of Hot Water Street, and distributed and discussed the attached staff report and draft negative declaration. She also summarized the hardship criteria in the pine barrens law, and noted that construction of a single family home is now an unlisted, rather than Type II, action under the State Environmental Quality Review Act (SEQRA) regulations.*

*She recommended that the Commission issue a negative declaration and approval with the conditions noted in the staff report, including a 20% limit on clearing and restrictions on the placement of the driveway. Ms. Plunkett also noted that Mr. Goldstein indicated at the hearing on his application that he was not opposed to placing the driveway on the western side of the property. **A motion was then made by Mr. Duffy and seconded by Ms. Talmage to (1) adopt a negative declaration under SEQRA for the Goldstein / Manorville core hardship application and (2) to approve the core hardship application with the conditions noted on the staff report. The motion was approved by a 3-0-1 vote, with the abstention being cast by Ms. Wiplush.***

- ! Ridge Full Gospel Church / Ridge / site plan: new application; set hearing

- ! Pro-Corm / Westhampton / site plan: new application; set hearing

Summary: *Ms. Plunkett reported on, and distributed application materials for, the Ridge Full Gospel Church's core area hardship application for an addition to an existing church facility on a 3.3 acre parcel on the west side of Ruth Lane, south of NYS Route 25 and west of County Road 46 (William Floyd Parkway) in Ridge in Brookhaven Town.*

She also reported on, and distributed application materials for, a core hardship application which has been received from ProCorm of Westhampton for construction of a new 3,600 square foot warehouse, plus construction of an 860 square foot addition to an existing 3,660 square foot warehouse, on a 54,285 square foot parcel in a Light Industrial-40 zoning district on the west side of County Route 31, south of Sunrise Highway, in Westhampton in Southampton Town.

A motion was then made by Mr. Duffy and seconded by Ms. Talmage to schedule hearings on both of these applications at the 10/29/97 Commission meeting at 5:00 pm. The motion was approved by a 4-0 vote.

- ! Westhampton Ministorage / Westhampton / site plan: discussion (10/9 decision deadline)

Summary: *Ms. Plunkett recommended that the Commission adopt a determination of nonsignificance for this project, which involves the addition of buildings to an existing storage facility, on the east side of County Route 31, north of Suffolk County Gabreski Airport, in Westhampton in Southampton Town.*

A motion was then made by Mr. Duffy and seconded by Ms. Talmage to (1) designated the Commission as the lead agency under the SEQRA for this project

and (2) to adopt a determination of nonsignificance for this project pursuant to SEQRA. The motion was approved by a 4-0 vote.

Compatible Growth Area

! Chardonnay Woods / East Quogue / subdivision and golf course: discussion (No deadline established)

Summary: Ms. Plunkett noted that road clearing has occurred on this site in the East Quogue area of Southampton Town, which is the location of both a residential development which is exempt from the state pine barrens law, as well as a pending application before the Commission. Mr. Duffy stated that this site does have an approved final subdivision map which is grandfathered under the pine barrens law, and that the road clearing to date is consistent with that approved and grandfathered map. He stated that Southampton Town officials are aware of the clearing work, and are monitoring it as required. He also confirmed that there is a separate pending change of zone application for this site before the Town.

Administrative

! Public comments (please sign Speaker Sheet)

Summary: Mr. Proios asked if there were any public comments at this time, and there were none.

Executive and Closed Sessions

Summary: **A motion was made by Mr. Duffy and seconded by Ms. Wiplush to enter into an executive session for the purpose of discussing the litigation known as Dittmer, et al., v. County of Suffolk, et al., followed by a closed session for the purpose of receiving legal advice from counsel. The motion was approved by a 4-0 vote.** The Commission entered into executive session at approximately 4:50 pm, followed by a closed advisory session, and returned to open session at approximately 6:00 pm. The meeting ended at that time.

Ms. Talmage left during the executive session.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Protected Lands Council Regional Management Plan Draft Outline (9/17/97; 4 pages)
4. Satellite remote sensing and MEDEA application materials (misc. dates; 22 pages)
5. Protected Lands Council Regional Management Plan Draft Outline (9/17/97; 4 pages)
6. Goldstein / Manorville Staff Report and Draft Negative Declaration (9/16/97; 3 pages)

Central Pine Barrens Joint Planning and Policy Commission

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Vincent Cannuscio, *Member*
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James R. Stark, *Member*

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Commission Meeting Summary (FINAL) for October 8, 1997 (Approved 10/29/97) Riverhead Town Hall; Howell Avenue and East Main Street 2:00 pm

Commission members initially present: Mr. Proios (for Suffolk County), Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Duffy (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), 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 2:17 pm by Mr. Proios, with a five member quorum.

Administrative

! Public comments (please sign Speaker Sheet)

Summary: There were no speakers at this time. However, Mr. Henry Dittmer, representing the Civil Property Rights Associates, distributed the attached letter and article at the start of the meeting, and requested that it be part of the record.

Pine Barrens Credit Program

! Certificates, Letters of Interpretation, current appeals, and transactions: summary

! Riverhead receiving area evaluation: draft Request for Proposals for appraisals for Dr. Nicholas' analysis

Summary: Mr. Milazzo reported the following items from the Clearinghouse Board meeting of 10/6/97. A Pine Barrens Credit Fair will be held on 11/5/97, sponsored by the Clearinghouse, the Long Island Association, the Commercial and Industrial Brokers Society, and the Long Island Builders Institute. It will be held from 8:30 through 10:00 am at the Long Island Association, 80 Hauppauge Road, in Commack. Mr. Milazzo requested that the towns consider sending representatives or speakers to this event to describe the ways in which the credit program is being implemented locally.

Mr. Milazzo also reported that the attached draft Request for Proposals for property appraisals in the Riverhead receiving area was approved by the Clearinghouse. It calls for completion of the appraisals in steps, with Dr. Nicholas determining how many total appraisals would be required. One correction was noted: page 4 should state that

proposals must include a fee schedule. A motion was then made by Mr. Duffy and seconded by Ms. Filmanski to approve the attached draft Request for Proposals with the noted correction. The motion was approved by a 5-0 vote.

Mr. Milazzo distributed the attached Pine Barrens Credit appeal from Mr. Joseph Gazza for Southampton parcel 900-286-2-10. It was agreed that this will be discussed at the 10/29/97 Commission meeting at 4:00 pm.

The attached chart summarizing the Clearinghouse's activities from its 1995 inception through the present was also distributed and briefly discussed by Mr. Milazzo. He reported that the next Clearinghouse meeting will be on 11/5/97 at 8:00 am at the Long Island Association in Commack (immediately prior to the Pine Barrens Credit Fair).

Plan implementation

! Law Enforcement Council: status of water bucket training

Summary: Mr. Corwin reported that there have been a total of five helicopter water bucket firefighting training sessions by the Law Enforcement Council at Wildwood Lake in Southampton Town. These have been conducted by the NY Army National Guard's Army Aviation Support Facility in Ronkonkoma, and are serving to both certify the flight crews in various functional capacities for wildfire fighting, and to familiarize firefighters and other interested persons with the role of aerial water drops.

Mr. Corwin stated that an effort is underway to secure up to three additional water bodies for future water bucket training: Sears Pond, Bellows Pond and Penny Pond, all in the Sears Bellows and Hubbard County Parks in Flanders in Southampton Town. This will, among other requirements, necessitate a State Environmental Quality Review Act determination by the Commission for training at these new sites.

! Wildfire Task Force: status of Preliminary Draft Pre-Fire Management Plan

Summary: Mr. Corwin reported that all comments received from Commission members and their staffs have been incorporated into the next version of the Pre-Fire Management Plan, with the exception of the comments from Southampton Town. He distributed Southampton's comments (a copy is attached) and Mr. Duffy briefly discussed them. They include recommendations that the Commission include in the Plan construction, vegetation management, and infrastructure design guidance for use by private and public parties in the areas of planning, building, zoning, and fire protection. Mr. Duffy also noted that he will obtain the specific citation for the document to which his comments refer.

Mr. Corwin explained that the Wildfire Task Force will receive a copy of these comments in a text correction format (i.e., strikeouts and insertions, along with editorial comments), and they will then act upon those suggestions. This will then be followed by a set of public information sessions explaining the revised Pre-Fire Management Plan to fire officials and volunteers, interested organizations, and individual citizens.

! Protected Lands Council: status (not on the original agenda)

Summary: Mr. Corwin reported that the Protected Lands Council has agreed to assist

Brookhaven Town in an interagency clean up of a portion of Jerusalem Hollow Road, in Manorville on 11/17 and 11/18. Two days have been allotted for this. In the event that those two days are not needed for the quantity of debris there, the extra time will be devoted to cleaning a portion of Brookhaven State Park, in Ridge.

Ms. Plunkett then described the current effort by a Council subcommittee to develop a plan for public lands management. Mr. Corwin noted that there was a discussion at the 10/7/97 Council meeting regarding the possible use of one of several existing Suffolk County facilities in the Central Pine Barrens for an interagency law enforcement site. Ms. Plunkett then described the possible submission of an Environmental Protection Fund grant application by the Commission.

Core Preservation Area

- ! Westhampton Ministorage / Westhampton / site plan: decision (10/9 deadline)

Summary: Ms. Plunkett summarized this previously discussed application for construction of additional storage units on a partially developed site in the Westhampton area of Southampton Town (Suffolk County Tax Map number 900-248-1-110.2). The decision deadline for this application is 10/9/97. She noted that on the approximately 53 acre site which is zoned Light Industrial-200, 20% of the lot area, or approximately 10.6 acres, could be covered by buildings under the town code. The total lot coverage that would exist once the additional buildings requested in this application are constructed will be 3.1% of the total lot area.

*A brief discussion was then held regarding minimum relief under the state pine barrens law. Following this, **a motion was made by Mr. Cowen and seconded by Mr. Duffy to grant approval of this application for a core area hardship exemption permit, and to note that this relief combined with the relief previously granted by the Commission on this parcel, does not exceed minimum relief. The motion was then approved by a 5-0 vote.***

- ! Exact Technology / Westhampton / site plan: new correspondence

Summary: Ms. Plunkett distributed the attached two correspondence items regarding the Exact Technology core hardship application previously approved by the Commission: one from Ms. Julie Penny of the South Fork Coalition for Fresh Water (with attachments) opposing the project; and one from Mr. Kenneth Tuthill of Pine Barrens Pure (the project sponsor). A brief discussion ensued regarding the Commission's approval of this application and the contents of the hearing transcripts. It was agreed that counsel will draft a reply to the first letter, and that the reply will go out from the Commission office.

- ! Mahfar Associates / Ridge / site plan: new application; schedule hearing

Summary: Ms. Plunkett reported that a new application has been received for this site just east of Country Route 46 (William Floyd Parkway) and north of NYS Route 25 (Middle Country Road), and distributed copies. She noted that the prior application for this site, for which the Commission issued a positive declaration, included a driving range, parking lot, and restaurant. That application was withdrawn, and the new application differs in that the restaurant has been replaced with a lumber yard. She

recommended that a hearing date be set. A motion was then made by Ms. Wiplush and seconded by Mr. Duffy to schedule a hearing on this new application at the Commission meeting on 11/19/97 at 5:00 pm at the Riverhead Town Hall. The motion was approved by a 5-0 vote.

The meeting was recessed at approximately 3:19 pm until approximately 4:00 pm. At this time, Mr. Gaffney, Mr. Cannuscio, Mr. Stark, Senator Kenneth LaValle, Mr. John Turner from Assemblyman Thomas DiNapoli's office, and Supervisor Jean Cochran of Southold Town were present.

Press announcements, awards, and informal reception - 4:00 pm

! Commission logo contest presentations to winning designers

Presentations by County Executive Robert Gaffney, Commission Chair.

Commission Logo: Cynthia Harmon, NY City and Greenport

Educational and Outreach Program Logo: Jeffrey Brigham, Mattituck

Summary: Mr. Gaffney presented Mr. Brigham with a plaque in recognition of his logo being accepted as the Commission's educational and outreach design. Mr. Brigham, a student at Mattituck High School, was accompanied by his mother, his art teacher, and the Mattituck High School principal. Supervisor Cochran of Southold then presented him with a plaque as well in recognition of his accomplishment.

Mr. Gaffney then noted that the winning designer of the Commission logo contest, Ms. Cynthia Harmon of New York City and Greenport, could not be present today due to employment constraints. However, he read the attached letter from Ms. Harmon thanking the Commission for selecting her design.

**! Presentation of Pine Barrens Credit Program 100th protected acre milestone awards
Moderation and Presentations by Allan Grecco, Vice Chair, Pine Barrens Credit
Clearinghouse**

*Remarks by Pine Barrens Commissioners, Sen. LaValle, and a representative of
Assemblyman DiNapoli*

Presentation to Mr. Tom Brooks, representing Jagel Family Associates

Summary: Mr. Grecco presented plaques to Mr. Brooks, representing the family which owns the 100th acre protected by conservation easement through the Pine Barrens Credit Program; to Governor Pataki, with the acceptance being made by Mr. Cowen, for the State's support of the Program through the establishment of the Clearinghouse's capitalization fund; to Mr. Cowen for his work in negotiating the oil spill settlement which eventually provided those State funds; and to Mr. Gaffney, for his support of the Pine Barrens Plan implementation. Each of these recipients made brief comments and thanked various other people. The Commissioners then each made a statement regarding the success to date of the Pine Barrens Credit Program, as did Sen. LaValle.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Statement by H. Dittmer re pine barrens litigation (10/7/97; 2 pages)

4. Draft Request for Proposals for Riverhead receiving area "A" (10/6/97; 2 pages)
5. Pine Barrens Credit appeal letter from J. Gazza (9/25/97; 2 pages)
6. Summary of Clearinghouse Activities from Inception through 10/6/97 (10/6/97; 1 page)
7. Southampton Town comments on Pre-Fire Management Plan (9/26/97; 44 pages)
8. Letter from J. Penny opposing the Exact Technology water bottling project (9/23/97; 7 pages)
9. Letter from K. Tuthill, sponsor of the Exact Technology project (5/26/97; 7 pages)
10. Letter from C. Harmon thanking Commission for selecting her logo design (8/22/97; 1 page)

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Commission Meeting Summary (FINAL) for October 29, 1997 (Approved 11/19/97) Riverhead Town Hall; Howell Avenue and East Main Street 2:00 pm

Commission members present: Mr. Proios (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven at the times indicated; Mr. Girandola voting), Ms. Filmanski (for Riverhead), and Mr. Shea (for Southampton).

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), and Mr. Spitz (from the NYS Department of Environmental Conservation). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:15 pm by Mr. Proios, with a four member quorum, with Mr. Girandola representing Brookhaven Town.

Administrative

! Public comments

Summary: There were no comments at this time.

! Draft meeting summaries for 8/27, 9/17, and 10/8: corrections and approval (faxed)

Summary: **A motion was made by Ms. Filmanski and seconded by Mr. Girandola to approve the 8/27/97 meeting summary as written. The motion was approved by a 4-0 vote.**

The following changes were suggested to the draft 9/17/97 meeting summary: (1) under "Ridge Full Gospel Church", the first sentence should read, in part, "Ms. Plunkett reported on, and distributed application materials for, the Ridge Full Gospel Church's core area hardship application ..."; (2) under "ProCorm / Westhampton", the first sentence should read, in part, "She also reported on, and distributed application materials for, a core hardship application which has been received from ProCorm of Westhampton ..."; (3) under "Chardonnay Woods / East Quogue", the last sentence should read, in part, "... there is a separate pending change of zone application ..."; (4) under "Executive and Closed Sessions", the next to last sentence should read, in part, "The Commission entered into executive session at approximately 4:50 pm, followed by a closed advisory session, ...".

A motion was then made by Ms. Filmanski and seconded by Mr. Girandola to approve the 9/17/97 meeting summary with these changes. The motion was approved by a 4-0 vote.

A motion was made by Ms. Filmanski and seconded by Mr. Shea to approve the 10/8/97 meeting summary as written. The motion was approved by a 4-0 vote.

Pine Barrens Credit Program

- ! Certificates, Letters of Interpretation, current appeals, and transactions: summary
- ! Pine Barrens Credit Fair: reminder and summary of 11/5 event *(to be distributed)*
- ! Riverhead receiving area evaluation: final Request for Proposals for appraisals *(to be distributed)*

Summary: Mr. Milazzo noted that the Clearinghouse Board has not met since the last Commission meeting. He then distributed and briefly discussed the attached final version of the Request for Proposals (RFP) for appraisals of parcels within Riverhead receiving area "A". The RFP requires that responses be forwarded by 11/14/97. The RFP was mailed to 123 appraisers listed in the yellow pages of the telephone directory.

Mr. Milazzo noted that every easement created under the Pine Barrens Credit program is filed with the NYS Department of Environmental Conservation's Bureau of Real Property in Albany pursuant to NY Environmental Conservation Law Article 49. Copies are also given to the assessors and planners of the involved towns. He then distributed copies of the most recently filed easements to the town representatives. Mr. Proios asked whether the Suffolk County Department of Health Services receives copies, and it was noted that they do not currently receive the easements. A brief discussion ensued regarding the type of notification which the Health Department might find useful. That will be pursued by the Commission staff.

Mr. Milazzo also distributed to the town representatives copies of the most recent Letters of Interpretation issued by the Clearinghouse. He noted that the next Clearinghouse Board meeting will be on 11/5/97 at 8:00 am at the Long Island Association at 80 Hauppauge Road in Commack, immediately prior to the 8:30 am Pine Barrens Credit Fair being held at that location.

Mr. Milazzo then summarized title problems (other than liens and judgements) which are occasionally encountered by the Clearinghouse Board and staff when processing applications for Letters of Interpretation or Pine Barrens Credit Certificates. Problems may involve the number, age, or availability of owners of a parcel. He described illustrative cases, including, for example, a partial ownership being passed on to survivors following a death, where some of the inheritors are minors who cannot simply agree to the easement restrictions. This case was exacerbated by the lack of any adult authorized to make this decision for the minors. Mr. Milazzo reported that the Clearinghouse had discussed what options are available, and would like the Commission's recommendation.

He described a second example in which a husband and wife owned a parcel, the

husband then passed away, and his interest in the property passed on equally to two adult children, one of whom has not been in contact with the family for many years, and may not be available to agree to the easement. After a brief discussion, it was agreed, upon a suggestion by Mr. Girandola, that the recommendation is to explain the problems in each case to the applicants, and request that they resolve their legal issues as appropriate.

! Gazza / Westhampton / credit allocation appeal: extension request

Summary: Ms. Roth reported that Mr. Gazza, whose Pine Barrens Credit appeal was scheduled for a discussion by the Commission today, has requested in writing (attached) a postponement of the discussion to the 11/19/97 Commission meeting. **A motion was then made by Ms. Filmanski and seconded by Mr. Shea to accept the requested postponement of the Gazza / Westhampton credit allocation appeal discussion to the 11/19/97 Commission meeting. After a brief discussion, it was agreed that a resolution for this purpose was unnecessary, and not normally considered for discussion postponements. Ms. Filmanski and Mr. Shea agreed to withdraw the motion, and no vote was taken.**

Plan implementation

! Law Enforcement Council / Sears Bellows and Hubbard County Parks / helicopter water bucket training: SEQRA determination (to be distributed)

Summary: Ms. Plunkett explained that three possible additional training locations have been identified for this activity, based upon their physical and environmental characteristics, including, for example, water depth and surrounding land use. These sites are Sears and Bellows Pond within Sears-Bellows County Park, and Penny Pond, within Hubbard County Park. All are in the Flanders area of Southampton Town, and all are located within Suffolk County Parkland. Col. Intini of the New York Army Guard's Army Aviation Support Facility has visited all three sites and found them to be acceptable for their training needs.

Ms. Plunkett explained that this training is an unlisted action under the State Environmental Quality Review Act. She also reported that the NYS DEC's Bureau of Habitat at the Region 1 Stony Brook office has examined the proposal with respect to the State's freshwater wetlands laws, and found that no freshwater wetlands permit is required. That office has written the attached letter stating this, and discussing the factors which were considered, including turbidity of the underwater soils due to the overflight. Ms. Plunkett distributed and discussed the attached draft negative declaration with a short Environmental Assessment Form for consideration.

Mr. Shea asked whether the Southampton Town Trustees have been contacted, and whether the flight approach to Penny Pond would be over County parkland only, or would include Southampton Town parklands. With respect to the latter, it was noted that the approach to Penny Pond would be solely over County parklands. With respect to the former, a discussion ensued regarding the status of the Southampton Town Trustees in regards to the State environmental laws. Mr. Shea reported that the Trustees have been upheld as exempt from SEQRA since they predate the founding of

New York State. He also noted that a permit may be required from them. It was then agreed to postpone action on this matter to the 11/19/97 meeting in order to determine the role of the Southampton Town Trustees in this proposal.

- ! Wildfire Task Force / Preliminary Draft Pre-Fire Management Plan: status
Summary: Mr. Corwin distributed copies of the Preliminary Draft Pre-Fire Management Plan annotated with comments received from the Commissioners and their staffs. This document has been mailed to the Wildfire Task Force for reading in advance of their next meeting on 11/12/97 at 7:30 pm at the Ridge Fire Department. No further discussion was held.
- ! Pine Barrens Research Forum: reminder and summary of 10/30 and 10/31 event
Summary: Mr. Corwin summarized the Pine Barrens Research Forum set for the next two days at Brookhaven National Laboratory, and cosponsored by the Laboratory, the Long Island Groundwater Research Institute at SUNY Stony Brook, and the Commission. Speakers will be featured from New Jersey, New York, New England, and Long Island, and the second day will feature a half day field trip.
- ! Central Pine Barrens Plan: upcoming draft of proposed amendments
Summary: Ms. Roth discussed several possible amendments which the Commission may wish to consider. These included a definition of what constitutes a "complete application" (a phrase which the pine barrens law uses), language to address the transfer of credits between municipalities (there currently is none in the Plan), and a definition within the Pine Barrens Credit Program section of what constitutes a valid lot or parcel for purposes of allocating credits.

After a brief discussion, it was agreed that counsel would draft language for the first and third of these. Mr. Corwin also noted that there are several minor corrections needed elsewhere in the Plan. It was agreed that all of these would be included in a draft for consideration, possibly at the next Commission meeting.

Core Preservation Area

- ! NYS Dept. Of Transportation rest stop proposal / Eastport: correspondence from the Long Island Association (to be distributed)
Summary: Ms. Plunkett distributed the attached letter from Mr. Mitchell Pally of the Long Island Association regarding the NYS Department of Transportation's proposals to build rest areas along New York State Route 27 (Sunrise Highway). The letter inquires as to whether one of the parcels involved is within the core area. She explained that the parcel is in the core, and that a letter was sent stating that. It was agreed that no further action is needed at this point.
- ! Ridge Full Gospel Church / Ridge / site plan: application withdrawal; acceptance (a public hearing on this was scheduled for today)
*Summary: Ms. Plunkett distributed and briefly discussed the attached letter from Ms. Deborah Yelvington withdrawing the Ridge Full Gospel Church's core hardship application. **A motion was then made by Mr. Shea and seconded by Mr. Girandola***

to accept the attached written withdrawal of the core hardship application of the Ridge Full Gospel Church. The motion was approved by a 4-0 vote.

Mr. Richard Hanley, Riverhead Town Planning Director, was present for the following discussion.

- ! Altaire Pharmaceuticals / Calverton / site plan: determination of jurisdiction
Summary: Ms. Roth stated that McMillan, Rather, Bennett & Rigano represents Altaire on other matters and should not comment on Altaire's application. Ms. Plunkett distributed the attached materials received from Altaire Pharmaceuticals describing a proposal for a 40,000 square foot building on a partly developed core area parcel on the south side of Grumman Boulevard in Calverton in Riverhead Town. The letter asks whether the project would constitute development under the pine barrens law. Also present for the Commission's discussion were Mr. Al Sawyer (Vice President of Altaire) and Mr. David Hunt (a consultant on the project). A discussion ensued regarding the specific points of the proposal, and ended with agreement that the project did constitute development and requires a core area hardship application.

Mr. Hanley left at this point.

- ! High Flux Beam Reactor / Brookhaven National Laboratory (not on the original agenda)
Summary: Mr. Proios noted that the U.S. Department of Energy is planning to write an Environmental Impact Statement on the possible restart of the High Flux Beam Reactor, which has been shut down since the discovery of a tritium plume earlier this year. He raised the topic of the Commission's involvement in this environmental impact analysis. After a brief discussion, it was agreed that the Commission should keep itself informed of the progress of this work.

Compatible Growth Area

- ! Interpretation of clearing restriction on pre-existing, nonconforming lots (requested by Brookhaven Town)
Summary: Mr. Girandola distributed the attached letter from his office to the Commission, requesting clarification of the Plan restrictions on clearing on lots within the Compatible Growth Area (CGA) which are 20,000 square feet or less. Specifically, the discussion which followed focused upon those lots which are smaller than the minimum lot size required by their zoning category (e.g., lots which are 20,000 square feet or less and are located in an A-1 Residential category which requires 40,000 square feet for a building lot).

It was noted that there are two categories of nonconforming lots in the Brookhaven CGA: those which were in existence prior to approval of the Plan, and those which have come into existence since then. The latter category includes lots which have been created by action of the Brookhaven Zoning Board of Appeals.

The discussion included the question of whether to apply the standards contained in Figure 5-1 of the Plan Volume 1 to a parcel as per its zoning category (the language of Figure 5-1) or as per its actual size. It was noted that using the latter might require a

Plan amendment, while applying the former (i.e., using the figure in its present form) might result in a CGA hardship application being made to the Commission for many such lots. It was agreed that an estimate should be made of the number of such lots which currently exist, or which could be created, and that this subject should be discussed further at that time. It was further agreed that, currently, these parcels would require CGA hardship applications if the proposed development on them does not comply with the Plan's clearing standard as per Figure 5-1.

Administrative

! Public comments

Summary: Mr. Dittmer, representing Civil Property Rights Associates, stated that he was interested in a reference made during the Altaire Pharmaceuticals discussion about the tax status of the property which that company intends to purchase from the Northrop-Grumman Corporation, and specifically whether it is on the tax rolls. It was agreed that he should ask the Town Assessor those questions.

Closed Session

Summary: **A motion was made by Ms. Filmanski and seconded by Mr. Shea to enter into closed session for the purpose receiving legal advice from counsel. The motion was approved by a 4-0 vote.** The Commission entered into closed session at approximately 4:07 pm. **A motion was later made by Mr. Shea and seconded by Mr. Girandola to return to open session. That motion was approved by a 4-0 vote, and the Commission returned to open session at approximately 5:02 pm.**

Public hearings: Scheduled for 5:00 pm

- ! Ridge Full Gospel Church / Ridge / site plan / core area (Withdrawn - see above)**
- ! ProCorm / Westhampton / site plan / core area**

Summary: A separate stenographic transcript exists for these.

The public hearings were completed at approximately 5:32 pm.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Request for Proposals for Riverhead receiving area "A" (10/28/97; 3 pages)
4. Request from J. Gazza to postpone discussion of his credit appeal (10/29/97; 1 page)
5. Draft negative declaration for helicopter water bucket training (Undated; 2 pages)
6. Letter from S. Lorence re helicopter training and freshwater wetlands (9/25/97; 2 pages)
7. Letter from M. Pally of the LI Association re State highway rest stops (9/29/97; 1 page)
8. Letter withdrawing Ridge Full Gospel Church application (10/20/97; 1 page)
9. Letter and attachments from Altaire Pharmaceuticals (10/9/97; 6 pages)
10. Letter from J. Girandola re clearing on nonconforming CGA lots (10/27/97; 2 pages)

Central Pine Barrens Joint Planning and Policy Commission

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Commission Meeting Summary (FINAL) for November 19, 1997 (Approved 12/17/97) Riverhead Town Hall; Howell Avenue and East Main Street; 2:00 pm

Commission members present: Mr. Dragotta (for Suffolk County), Ms. Wiplush (for Brookhaven), Ms. Filmanski (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 (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 2:13 pm by Mr. Dragotta, with a four member quorum.

Administrative

! Public comments

Summary: The first speaker was Mr. Walter Olsen representing the Civil Property Rights Associates. He reported that he received a call from the owner of property in Brookhaven Town, near Mill Road on the north side of the Long Island Expressway at Exit 71. The owner told him that there had been a closure of a paved road and that had prevented him from reaching his parcel. The Commission noted that no such road closure had been undertaken by it or any of its organizations, but offered to try to find out more information if Mr. Olsen could provide further details to the staff.

The second speaker was Mr. Allan Grecco, representing Suffolk County, who spoke about the attached recent article regarding the Suffolk County land protection programs. He noted three responses to the principal portion of the article by Mr. Richard Amper: (1) that the money used from the Drinking Water Protection Program was diverted by the County Legislature, not Mr. Gaffney; (2) that five million dollars of purchases are under contract; and (3) that the purchases made under a prior administration were financed by floating bonds, on which the County is still paying interest.

- ! Draft meeting summary for 10/29: corrections and approval
Summary: *The following changes were suggested to that meeting summary: (1) under "Draft Meeting Summaries", the motion in the last paragraph should contain the date "10/8/97" rather than "9/17/97"; and (2) under "Altaire Pharmaceuticals", the following sentence should be inserted at the start: "Ms. Roth stated that McMillan, Rather, Bennett & Rigano represents Altaire on other matters and should not comment on Altaire's application.".* **A motion was then made by Ms. Filmanski and seconded by Mr. Shea to approve the 10/29/97 meeting summary with those corrections. The motion was approved by a 4-0 vote.**

- ! Postponement of 12/10 meeting to 12/17: consideration
Summary: *Mr. Corwin explained that the postponement is suggested to prevent a conflict with the State Open Space Plan information sessions and hearings on 12/10/97. A motion was then made by Mr. Shea and seconded by Ms. Filmanski to cancel the Commission meeting of 12/10/97 and reschedule it for 12/17/97 at 2:00 pm at the Riverhead Town Hall. The motion was approved by a 4-0 vote.*

- ! Draft meeting schedule for Jan through June 1998: corrections and approval
Summary: **A motion was made by Ms. Filmanski and seconded by Mr. Shea to approve the attached meeting dates for the first half of 1998, with the locations to be determined. The motion was approved by a 4-0 vote.**

Pine Barrens Credit Program

- ! Certificates, Letters of Interpretation, current appeals, and transactions: summary
- ! *Pine Barrens Credit Fair*: results of 11/5 event
Summary: *Mr. Milazzo summarized the Clearinghouse Board meeting of 11/5/97 and the Pine Barrens Credit Fair held that day at the Long Island Association. One sentiment expressed there was that people are looking for credits to purchase, and there are numerous prospective purchasers. The next Board meeting is 12/1/97 at 8:00 am at the Commission office in Great River.*

- ! Gazza / Westhampton / credit allocation appeal: discussion (from 10/29 meeting)
Summary: **A motion was made by Ms. Filmanski and seconded by Mr. Shea to approve the extension of the Gazza credit allocation appeal discussion to 12/10/97 as noted on the attached letter from Mr. Gazza. The motion was approved by a 4-0 vote.**

- ! Receiving area evaluation: Request for Proposals (RFP) results (to be distributed)
Summary: *Mr. Corwin distributed the attached summary of the 15 proposals received in response to the Riverhead receiving area appraisal RFP. This will also be given to the Clearinghouse Board. After a brief discussion, it was agreed that a committee would be formed to review the proposals.*

Plan implementation

- ! Protected Lands Council / Manorville and Ridge: 11/17,18 field work results
Summary: Capt. Conklin summarized the 11/17/97 cleanup of the southerly unpaved portion of Jerusalem Hollow Road in Manorville, and the 11/18/97 cleanup of Brookhaven State Park and adjacent State lands. Both events were interagency efforts. The first day's work was at the request of Brookhaven Town and the second was organized by the NYS Office of Parks, Recreation and Historic Preservation. Debris removed included household garbage, furniture, metal and concrete debris, glass, etc.. Recyclable metals and tires were separated.

- ! Law Enforcement Council: county all terrain vehicle law draft
Summary: Capt. Conklin reported that Council is scheduled, at the request of the NYS Office of Parks, to airlift building materials for the reconstruction of the Ogden's Brook bridge in Montauk Point State Park. The old materials will also be removed by air. The project site is inaccessible by vehicle. The bridge and path are part of the routing of the Paumanok Path in that area.

He also reported that, in the Hither Woods area of Montauk, several abandoned vehicles will be removed by the Council in conjunction with LILCO during the first week of December.

Finally, he reported that the Council has completed a draft rewriting of the County's former all terrain vehicle law, which is not currently in effect. He explained that the District Attorney's Office, a member of the Council, has assisted with this. He requested that the Commission review it and offer comments. A draft version was distributed and is attached here.

A brief discussion ensued regarding the necessity of requesting the County Attorney's Office to review it next, and of requesting the County Executive's Office to introduce it in the Suffolk County Legislature. It was agreed that this item would be placed on the Commission's 12/17/97 agenda for consideration of a resolution of support for the reinstatement of the law.

- ! Wildfire Task Force / Preliminary Draft Pre-Fire Management Plan: status
Summary: Capt. Conklin reported that review of the comments received on the draft plan began at the 11/12/97 Wildfire Task Force meeting, but that a quorum was not present, and no official changes could be made then. The review will continue at the next meeting on 12/17/97 at 7:30 pm.

The question of the pending State Environmental Quality Review Act (SEQRA) determination for the new helicopter water bucket training in Flanders arose, and Ms. Plunkett explained that the Commission had not yet heard from the Southampton Town Trustees.

Capt. Conklin left at this time.

! Pine Barrens Research Forum: results

Summary: Mr. Corwin noted that the second Research Forum on 10/30 and 10/31 was very successful, with both local and northeastern U.S. speakers, a large attendance, and a successful three stop field trip on the second day. Topics and speakers are already being suggested for a third Research Forum in 1998, with an emphasis upon cultural resources.

Core Preservation Area

! Brookhaven National Laboratory: High Flux Beam Reactor update

Summary: Mr. Corwin noted that the U.S. Department of Energy has begun the scoping for an environmental impact study on the possible restart of the High Flux Beam Reactor. The Commission has been asked to participate.

Compatible Growth Area

! Tall Grass Golf Course / Shoreham: interpretation of fertilization standard

Summary: Ms. Plunkett discussed this project on a 150 acre site on the south side of Cooper Street, east of Randall Road, in the unincorporated area of Shoreham in Brookhaven Town. She distributed the attached letter, along with additional materials (not attached) from Mr. DeLalio of DeLalio Sod Farms, the owner of the parcel, requesting an interpretation of the fertilized vegetation standard in the Plan. She explained that while the project plan notes that it does meet the 15% standard, the vegetation being proposed for the remainder of the site is fertilizer dependent.

Mr. David Sloane, attorney for the project sponsor, was also present and spoke briefly about the current use of the property as a sod farm and stated that 100% of the property is currently fertilized. The Commission referred this matter to its counsel and asked for a report at the next meeting.

Core Preservation Area

! ProCorm / Westhampton / site plan: possible decision (no deadline yet)

Summary: Ms. Plunkett distributed and discussed the attached staff report for this project on a 54,285 square foot parcel in a Light Industrial 40 zone on the west side of County Road 31, in Westhampton Beach in Southampton Town. The project consists of the construction of a new 3,600 square foot building and the addition of 860 square feet to an existing 3,660 square foot warehouse building. She explained that the project is an unlisted action under SEQRA, that a lead agency coordination has been completed, and that the project is currently before the Southampton Zoning Board of Appeals for a dimensional variance. Mr. Ralph Schneck, the owner and applicant, was also present.

The staff report recommended approval of the application with two conditions: to

leave the existing native vegetation on the southerly portion of the site, and to require that the remaining areas be replanted with native vegetation when the project has been built. A discussion then ensued regarding the degree of detail that the Commission should or could require on this question. Mr. Schneck expressed reservations about spending money on plants that might not survive.

A motion was then made by Mr. Shea and seconded by Ms. Filmanski to declare the Commission as the lead agency for the ProCorm / Westhampton application, and to issue the attached negative declaration of significance for this project pursuant to SEQRA. The motion was approved by a 4-0 vote.

A brief discussion then occurred regarding the fact that the property was purchased by the current owner after 1993, the year in which the pine barrens law took effect, and what impact that might have upon the application meeting the core hardship requirements of the law.

A motion was then made by Mr. Shea and seconded by Ms. Filmanski to approve the ProCorm / Westhampton application subject to the conditions that (1) all remaining native vegetation be protected during construction and fully preserved thereafter, and (2) buffer areas around the proposed parking and building be revegetated using native plants. It was noted that the second condition as stated here differs from the second condition suggested in the staff report. The motion was then approved by a 4-0 vote.

- ! Altaire Pharmaceuticals / Calverton / site plan: new application; set hearing
Summary: Ms. Plunkett reported that an application has been received for this proposal on the south side of Grumman Boulevard in Calverton in Riverhead Town, and that a hearing should be set. **A motion was then made by Ms. Filmanski and seconded by Mr. Shea to schedule a core area hardship exemption hearing on this application at 4:00 pm at the 12/17/97 Commission meeting. The motion was approved by a 4-0 vote.**

Compatible Growth Area (CGA)

- ! Wendy's Restaurant / Miller Place: hardship application; set hearing
Summary: Ms. Plunkett distributed and briefly discussed the application materials (not attached) for this application for a restaurant and parking on a 4.9 acre site on the south side of NYS Route 25A in Miller Place in Brookhaven Town. She noted that 1.9 acres are to be used for the project, and that it does not conform to the clearing standard in the Central Pine Barrens Plan.

A brief discussion also ensued over the completeness of the application, since the Plan requires that a SEQRA determination be made for projects in the CGA in order for an application to be complete. Brookhaven Town is currently undertaking that. **A motion was made by Mr. Shea and seconded by Ms.**

Filmanski to schedule a hearing for a CGA hardship for this project for 4:00 pm at the 12/17/97 Commission meeting, pending completion of the SEQRA determination needed for a complete application. The motion was approved by a 4-0 vote.

Administrative

! Public comments

Summary: *The only speaker at this time was Mr. Walter Olsen, representing the Civil Property Rights Associates. He first commented upon the Tallgrass at Shoreham project, noting that it is now a sod farm which is 100% fertilized, and that any use which fertilized less would be an improvement with respect to the fertilization standard.*

Second, he commented upon Capt. Conklin's reports, noting two topics: (1) He believes that some limited development in the core area is not necessarily detrimental, since those residents may become stewards of the surrounding land. He encouraged the Commission to consider issuing limited, dispersed hardships in the area; (2) He commented that he felt it was simply a matter of time before some residents became concerned regarding the helicopter training, and he suggested that the agencies involved consider using gravel pits or similar lands which may have water sources on site.

Third, he reported that he had asked the Suffolk County Legislature about the discrepancy that he believes exists between the values of Pine Barrens Credits and recent land sales. He questioned the report produced by Dr. James Nicholas for the Commission, stating that it was incomprehensible to an average person. He stated that he would like an explanation of the difference between the sales prices which he quoted for land sales and the Clearinghouse purchase prices for credits.

Executive and/or Closed Session

Summary: ***A motion was made by Mr. Shea and seconded by Ms. Wiplush to enter into a closed session for the purpose of receiving legal advice. The motion was approved by a 4-0 vote, and the Commission entered into closed session at approximately 3:52 pm. A motion was later made by Ms. Filmanski and seconded by Ms. Wiplush to exit the closed session. The motion was approved by a 4-0 vote, and the Commission returned to open session at approximately 4:53 pm.***

Pine Barrens Credit Program

! Cavalli / Manorville / credit allocation appeal: discussion

Summary: *Mr. Brad Kenealy, attorney for the applicant, was present and*

described the basis and content of the appeal of the Clearinghouse's Pine Barrens Credit allocation to a 19.03 acre parcel in the core area of Manorville in Brookhaven Town. He explained that his client received a Letter of Interpretation (LOI) for 21.83 credits in April, 1997, and has negotiated the sale of those credits, and taken other actions based upon that prospective sale.

He explained that a new LOI was issued for 3.16 credits, and the original LOI rescinded, following that. His client decided to appeal and seek 18.03 credits. Mr. Kenealy described how the four current lots were created in 1984, and that one contains an existing residence. The parcels, he stated, have been used for raising horses, have 900+ feet of road frontage, and that he believes that his client's situation mirrors a prior appeal in this area for Mrs. Barkus.

A motion was then made by Ms. Wiplush and seconded by Ms. Filmanski to issue the requested 18.03 Pine barrens Credits for the Cavalli / Manorville appeal, based upon the foregoing presentation and materials submitted in writing. A discussion then ensued regarding the differences between the prior Barkus appeal decision by the Commission and this appeal. Mr. Spitz noted that a crucial factor in the Barkus decision - the fact that the Barkus lots were both numerous and single and separate - is not present here. It was agreed that the appeal decision here will not be based upon the specific case of the Barkus decision. The motion was then approved by a 4-0 vote.

Adjournment of regular meeting

Summary: A motion to adjourn to the public hearing portion of the meeting was made by Ms. Filmanski and seconded by Mr. Shea. It was approved by a vote of 4-0. This portion of the meeting ended at approximately 5:03 pm, and the public hearing commenced at approximately 5:15 pm.

Public hearing: Scheduled for 5:00 pm

! Mahfar / Ridge / core area / site plan

Summary: A separate stenographic transcript exists for this. The hearing was adjourned to the 12/17/97 Commission meeting.

The hearing concluded at approximately 5:48 pm, and the meeting adjourned without further business.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. News article re County land acquisition and protection programs (11/16/97; 1 page)
4. Draft meeting dates for first half of 1998 (undated; 1 page)

5. Letter from J. Gazza re credit appeal discussion (11/17/97; 2 pages)
6. Riverhead receiving area appraisal proposals summary (11/4/97; 5 pages)
7. Draft revision of Suffolk County all terrain vehicle law (undated; 2 pages)
8. Letter from L. DeLalio re Tallgrass at Shoreham project (10/24/97; 1 page)
9. Staff report for ProCorm / Westhampton application (11/19/97; 2 pages)
10. Negative declaration for ProCorm / Westhampton application (11/19/97; 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*
James R. Stark, *Member*

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Commission Meeting Summary (FINAL) for December 17, 1997 (Approved 1/28/98) Riverhead Town Hall; Howell Avenue and East Main Street; 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. Duffy (for Southampton) and Mr. Cowen (for New York State).

Others present: General counsel was Ms. Roth. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Milazzo, and Mr. Graves (from the Commission), Ms. Jakobsen (from the Suffolk County Water Authority), 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), Mr. Hynes (from the Suffolk County Department of Parks and Chair of the Law Enforcement Council), 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 five member quorum.

Administrative

- Public comments
Summary: There were no speakers.
- Draft meeting summary for 11/19: corrections and approval
Summary: One change was noted to the draft meeting summary for 11/19/97: under "Cavalli / Manorville", the first sentence of the second paragraph should read, in part: "... a new LOI was issued for 3.16 credits, ...". **A motion was then made by Mr. Girandola and seconded by Ms. Filmanski to approve as final the draft Commission meeting summary of 12/17/97 with this correction. The motion was approved by a 5-0 vote.**
- Draft 1997-98 budget for administrative funds: review and approval
Summary: Mr. Corwin briefly described the attached draft budget for the 1997-98 fiscal year, and explained that it would need to be approved before the 1997-98 Commission - Suffolk County Water Authority contract, since the former is an

attachment to the latter. **A motion was then made by Mr. Girandola and seconded by Mr. Duffy to approve as final the attached Commission administrative funds budget for the 1997-98 State fiscal year. The motion was approved by a 5-0 vote.**

- Commission - SCWA contract: approval

Summary: Ms. Roth explained that the attached contract between the Commission and the Suffolk County Water Authority, which has already been signed by the Commission Chair and the Suffolk County Water Authority Chair, needs to be approved by the Commission. **A motion was then made by Mr. Girandola and seconded by Mr. Duffy to approve the attached and previously executed contract between the Commission and the Suffolk County Water Authority for the 1997-98 fiscal year. The motion was approved by a 5-0 vote.**

Pine Barrens Credit Program

- Certificates, Letters of Interpretation, and 12/1 and 12/15 meetings: summary
- Proposed sale of Riverhead credits: status
- Proposed offer to purchase credits from Brookhaven owners: discussion

Summary: Mr. Milazzo reported that the Clearinghouse Board met on 12/1/97 without a quorum, and on 12/15/97 with a quorum. The Board authorized the issuance of a request for proposed purchase prices for the Riverhead Pine Barrens Credits which the Clearinghouse currently owns. The attached announcement of the intent to sell these credits has a response deadline of 1/15/98.

He then described the Clearinghouse's proposed offer to purchase Pine Barrens Credits from small lot owners in the Brookhaven portion of the Core Preservation Area. The Board is proposing to utilize one million dollars of the Clearinghouse's funds to issue a flat rate offer of \$15,000 per credit to those owners. Any interested Brookhaven core property owners who do not already have Letters of Interpretation or Pine barrens Credit Certificates would have to apply for them in order to sell their credits. The offer would be made available to owners on a "first come, first serve" basis. The Clearinghouse requires approval by the Commission.

Ms. Filmanski noted that the Riverhead Town Board members would like an assurance that this program will be extended to all towns, and Mr. Duffy agreed with that. Mr. Girandola noted that Mr. Tripp of the Clearinghouse has discussed this proposal with him, and he in turn had spoken with the Brookhaven Supervisor. They support this approach, with the caveat that it will be directed to small property owners, and that there is no windfall to any one property owner.

A discussion then ensued regarding whether there should be a cap on the number of credits purchased from a single owner, how a small property owner should be defined for this program, the proposed "first come, first serve" policy,

and a distinction between people who own large numbers of small lots versus those who own a small number of small lots.

A motion was then made by Mr. Cowen and seconded by Mr. Girandola to approve the proposed offer by the Clearinghouse to purchase Pine Barrens Credits from small lots owners in the Brookhaven portion of the core area subject to three provisions: (1) that the offer is made to owners of parcels which are entitled to one or less Pine Barrens Credit, (2) that if this program proves successful, it will be extended to Riverhead and Southampton Towns, and (3) that the Clearinghouse Board reserves the right to reject any or all credits offered for sale to the Clearinghouse at its discretion. The motion was approved by a 5-0 vote.

Mr. Milazzo then updated the Commission on a situation previously described to them wherein an applicant to the Credit Program has been unable to receive a PBC Certificate because the property in question, formerly owned by an individual named Mr. Barbera, is now jointly owned by his survivors. His wife, son and daughter own the property, but the son has not been heard from for many years and the family is unable to locate him. Mr. Milazzo distributed the attached letter from Ms. Grace Barbera, the deceased owner's wife, in which she describes the situation. The Commission then agreed that, although the situation is unfortunate, the Commission and the Clearinghouse are unable to issue a certificate without either the son's signature or some other legal resolution by the family. Mr. Milazzo will inform the applicant of this.

Mr. Milazzo then noted that, through today, 161 parcels totaling 136.45 acres in the core area have been protected by easements through the Credit Program.

- **Gazza / Westhampton / credit appeal: discussion (from 11/19 meeting)**
Summary: Mr. Gazza was present and submitted the attached written request for a postponement of the discussion his credit appeal for a parcel in the Westhampton area of Southampton Town. The discussion was scheduled for today and the requested date is 1/7/98. **A motion was then made by Mr. Girandola and seconded by Mr. Duffy to accept the requested postponement to the 1/7/98 Commission meeting. The motion was approved by a 5-0 vote.**

Mr. Grecco left at this point.

Plan implementation

- **Law Enforcement Council: recent activities; County all terrain vehicle law: support resolution (from 11/19 meeting) (Mr. Hynes, Chair of Council)**
Summary: Mr. Hynes summarized the recent Council activities. These include the 11/24/97 airlift of footbridge building materials to and from the Ogden's Brook site within Montauk Point State Park (see attached news article), and the recent cleanup of abandoned vehicles from the power line right of way in the Hither Woods area of Montauk, in conjunction with LILCO (a member of the Protected

Lands Council; see attached press release from the East Hampton Trails Preservation Society). Four of the Council's member agencies also conducted a field enforcement operation in the area between Toppings Path and Sears Bellows County Park on 11/30/97, with twenty summonses issued to all terrain vehicle (ATV) operators. See the attached memo.

Mr. Hynes then discussed the proposed draft of the County ATV law, which was discussed by the Commission at its 11/19/97 meeting in anticipation of passing a resolution of support for the restoration of that law. Mr. Girandola asked that this item be deferred until the next Commission meeting in order to permit the Brookhaven Town Attorney's office to review it. Mr. Proios suggested that the County and Town laws be made consistent with respect to fines.

A discussion then ensued regarding the countywide scope of the proposed law, the deterrent value of impounding ATV's used in violations, and the procedures for enforcing these laws and for citizens to report potential violations. It was noted that the Suffolk County Parks Department is trying to set up a 24 hour telephone line for reporting all environmental violations and having trained operators who could refer calls to the appropriate agencies for response. It was agreed that the ATV law will be placed on the Commission's 1/7/98 agenda.

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

- *Proposed pollution prevention outreach and grant: discussion (to be distributed; Judy Jakobsen, SC Water Authority)*
Summary: Ms. Jakobsen distributed and discussed the attached materials regarding the U.S. Environmental Protection Agency's (EPA's) 1998 Pollution Prevention Incentives for the States Grant Program. This national program is administered within New York State by the NYS Department of Environmental Conservation's Pollution Prevention Office in Albany. The Suffolk County Water Authority is considering submitting a grant application for the 1998 program in conjunction with several other partners, one of which could be the Commission.

The grant would focus upon the Central Pine Barrens, and involve an outreach program for local schools, a voluntary waste minimization audit program for local industries who wish to participate, and other components as outlined on the attached materials. The ensuing discussion touched upon the contributions of staff time and other resources that would be required from each of the partners if the grant application was successful.

Ms. Jakobsen noted that a letter of agreement would be needed from each proposed partner in the work for the grant application that NYS DEC would submit to the EPA, and a sample is included in the attached materials. It was agreed that counsel will examine the powers of the Commission and determine whether the Commission can provide such a contribution of staff time for this work.

Core Preservation Area

- Suffolk Community College / Riverhead: correspondence re septic system
Summary: Ms. Plunkett distributed and discussed the attached letter from Nelson, Pope & Voorhis regarding the installation of a new sanitary system at the Community College's Eastern Campus. She noted that the letter discusses the amount of clearing that would be involved, and mentions various pine barrens standards.

However, the project is located within the Core Preservation Area, for which there are no standards within the Central Pine Barrens Comprehensive Land Use Plan, since the pine barrens law governs development within the core area. She noted that the letter appears to request a letter of jurisdiction from the Commission. It was agreed that the letter should be referred to counsel for an opinion.

Compatible Growth Area

- Tall Grass Golf Course / Shoreham: counsel opinion (from 11/19 meeting)
Summary: This proposed project involves the construction of a golf course on a 150 acre site, currently containing a sod farm, located on the south side of Cooper Street, east of Randall Road, in the unincorporated area of Shoreham in Brookhaven Town. This matter was referred to counsel at the 11/19/97 meeting for an opinion regarding the interpretation of the 15% fertilized vegetation standard.

Ms. Roth explained that the existing sod farm is a permitted use under the A1 Residence zoning category for the site, and that the proposed golf course is also a permitted use if a special permit is issued for it. She stated that a change in use within the same zoning category does not constitute development under the pine barrens law, and that she is therefore of the opinion that this project is not within the Commission's jurisdiction.

The issue of the intensity of the current and existing uses with respect to nitrogen loading from fertilizer also arose in the ensuing discussion. Mr. Girandola noted that the Town is interested in this also, and he reported that the Suffolk County Department of Health Services would like to have a groundwater monitoring program at this site. Ms. Plunkett noted that the Suffolk County Water Authority is also interested in having a monitoring program in place.

It was agreed that the Commission staff will forward a letter to the project sponsors stating that the proposal is nondevelopment, and recommending that a groundwater monitoring program be put in place on the site.

- Brookhaven Town Center / Yaphank / SEQRA coordination
Summary: Ms. Plunkett reported that the Commission has received a State Environmental Quality Review Act (SEQRA) lead agency coordination letter from

Brookhaven Town for the revision of the Brookhaven Town Center project. The revision involves an increase in the total retail space for Phase 1 of the project, from 900,000 square feet to 1,600,000 square feet.

Mr. Girandola stated that the original Brookhaven Town Center project, which the Central Pine Barrens Plan stated is nondevelopment, contained two phases, and that the applicant is proposing to change the original 900,000 square foot size of the Phase 1 work by shifting some of the Phase 2 square footage into Phase 1. He explained that the total square footage of the project remains the same. A brief discussion ensued regarding the two phases and their redefinition, and the Plan's nondevelopment finding for the overall project.

The Commission requested that staff issue a letter stating that it has no objection to the Town acting as lead agency and that the Commission would reserve comments until the completion of the amended Draft Environmental Impact Statement.

- Brookhaven ZBA lots and clearance standard: follow-up from 10/29
Summary: Ms. Plunkett distributed the attached breakdown of Compatible Growth Area acreage for lots in Brookhaven Town which are both privately owned and are zoned A1 Residence, along with the acreage totals of possible cumulative clearing if the lots involved are developed and cleared under various scenarios, including the current clearing standards contained within the Plan.

Mr. Girandola noted that the question of possibly allowing a different clearing percentage on these lots, which originally raised the need for this quantitative analysis, would only apply to filed lots, and not to so-called "described" property. Mr. Girandola estimated that the Brookhaven Zoning Board of Appeals sees approximately seven cases a month of these lots where current clearance restrictions are an issue. It was agreed that the Commission would consider the statistics presented and determine the need for a Plan amendment at a future date.

The meeting was temporarily adjourned at approximately 4:15 pm, and the following public hearings began at approximately 4:25 pm.

Public hearings

- Altaire Pharmaceuticals / Calverton / site plan / Core area
- Mahfar / Ridge / site plan / Core area (*continued from 11/19*)
- Wendy's / Miller Place / Compatible Growth Area hardship application
Summary: A separate stenographic transcript exists for these.

Mr. Girandola and Ms. Wiplush left at this point, and a four person quorum remained.

Closed Session

Summary: The Commission entered into closed session at approximately 5:28 pm, and returned to open session at approximately 5:42 pm.

The meeting was then adjourned without any further business, and without a formal resolution of adjournment.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Draft 1997-98 Commission administrative funds contract (12/17/97; 1 page)
4. 1997-98 Commission - Suffolk County Water Authority contract (12/12/97; 4 pages)
5. Offer to sell Clearinghouse's Riverhead Pine Barrens Credits (12/16/97; 2 pages)
6. Letter from Ms. Barbera re her Credit Program application (11/20/97; 1 page)
7. Request for delay of credit appeal discussion by Mr. Gazza (12/17/97; 1 page)
8. News article re Ogden's Brook footbridge materials airlift (11/27/97; 1 page)
9. Press release re 12/3/97 removal of vehicles from Hither Woods (11/28/97; 2 pages)
- 10 Memo from Lt. Tarbet re 11/30/97 ATV sting (12/1/97; 1 page)
11. Draft County ATV law (undated; 2 pages)
12. 1998 U.S. EPA Pollution Prevention grant proposal (12/17/97; 4 pages)
13. Nelson, Pope & Voorhis letter re Suffolk Community College (11/19/97; 2 pages)
14. Memo regarding clearing standard and CGA lots (12/17/97; 2 pages)