

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chair*
Vincent Cannuscio, *Member*
Ray E. Cowen, *Member*
Felix J. Gucci, Jr., *Member*
James R. Stark, *Member*

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Commission Meeting Summary (FINAL) for January 3, 1996 (Approved 1/10/96) Brookhaven Town offices, Medford / 2:00 pm

Present: Mr. Proios (for Suffolk County), Mr. Gucci, Mr. Girandola and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Freleng (for Southampton) and Mr. Cowen (for New York State). General counsel was Ms. Roth. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Milazzo, and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:16 pm, with the quorum consisting of Mr. Cowen, Mr. Freleng, Mr. Gucci, and Mr. Proios. Ms. Filmanski arrived at the point noted. Mr. Proios welcomed Supervisor Gucci of Brookhaven Town as the newest Commissioner.

Administrative

! Public comments

Summary: Mr. Gergela, representing the L.I. Farm Bureau, said that the Farm Bureau is concerned that agriculture not be misrepresented or confused with other land uses. He suggested that the Commission utilize the advice of the Suffolk County Agricultural and Farmland Protection Board to formulate a policy for evaluating agricultural proposals. Mr. Gergela noted that the Board is state chartered and affiliated with Cornell Cooperative extension. The Commissioners agreed to look into that possibility.

! Draft summary for 12/6 meeting (faxed)

Summary: **A motion was made by Mr. Girandola and seconded by Mr. Proios to approve the draft summary of the 12/3/95 Commission meeting. The motion was approved by a vote of 4-0.**

! Scheduling: Later time for 1/10 meeting (1/10 hearings remain at 5:00 pm); locations for 2/21 and 3/20 meetings

Summary: After a brief discussion, it was agreed that the meeting of 1/10/96 would be rescheduled for 3:00 pm, rather than 2:00 pm. Mr. Cowen suggested that the meetings of 2/21 and 3/20 be held at the Quogue Wildlife Refuge, and Ms. Trezza will determine the availability of that facility. No vote was taken at this point.

! New Commission Vice-chair

Summary: Mr. Proios noted that the Commission no longer has a Vice Chair, due to Mr. LaMura's departure from office as the Brookhaven Supervisor. **A motion was then made by Mr. Proios and seconded by Mr. Cowen to name Mr. Gucci as the new Vice Chair of the Commission. The motion was approved by a vote of 4-0.**

! Clarification of designated representative lists and other appointments

Summary: Ms. Roth requested that the County Executive and the three supervisors restate their appointments of designated representatives for Commission meetings, and their appointments to the Pine Barrens Credit Board in writing. Mr. Corwin also noted that three of the Advisory Committee positions, namely the three town-wide civic representatives, are also appointed by the supervisors.

Ms. Roth noted that she must submit to the state ethics panel a list of the Commission's policymaking position holders by 2/28/96, and that would include the designated representatives and the Pine Barrens Credit Board of Advisors members.

! 1995-96 NYS DEC administrative funds contract: draft contract

Summary: Mr. Corwin distributed to the Commission members a draft, work-in-progress version of the proposed contract between the Commission and the NYS Department of Environmental Conservation (NYS DEC) for the Commission's administrative state funding for the 1994-95 fiscal year, totalling \$150,000, and that portion of the 1995-96 fiscal year funding to be obtained from the NYS DEC, namely \$350,000. Thus, the total for this contract is \$500,000.

He noted that the budget to be submitted with this contract will actually be a record of expenses already incurred by the Suffolk County Water Authority for the Commission's work. That accounting will be ready in the next week or two. The format of this contract was determined by the NYS DEC Albany staff based upon the recently completed contract between the Commission and the NYS DEC for the Pine Barrens Credit Program capitalization funds, and thus had to await completion of that contract.

Mr. Corwin explained that, once this contract is submitted, the balance of the Commission's 1995-96 administrative funding, namely \$300,000, will be obtained through a second contract with the Natural Heritage Trust, a New York State-chartered public benefit corporation. Finally, a draft budget for the 1996-97 fiscal year funding, \$600,000, will be prepared for consideration during February 1996.

Core Preservation Area

! L.I. Compost / Eastport: status

Summary: Ms. Roth reported that the L.I. Compost Corp. has amended their application to the NYS Department of Environmental Conservation for their existing East Moriches site, not within the Central Pine Barrens, to exclude grass clippings from the materials processed there. This does not alter their current application to the Commission for a new site within the Central Pine Barrens.

It was also noted that the materials requested by the Commission from the L.I. Compost Corp. for their application for a core hardship permit for the proposed new Eastport site have not yet been received. Consequently, an extension of the Commission's current decision deadline of 2/4/96 may be necessary in order to receive and study any such additional information which may arrive.

Administrative

! Clarification of designated representative lists and other appointments

Summary: Ms. Roth asked Mr. Grucci to designate his alternate for today's meeting prior to his departure today. Mr. Grucci stated that Mr. Girandola will serve as his designated representative for today's meeting.

At this point, Mr. Grucci left and Mr. Girandola represented him.

Core Preservation Area

- ! Hampton Tennis and Fitness Club / Oakville: stipulation; trail easement
Summary: Ms. Roth reported that the new owners of this site, the Quogue Tennis Time (a New York limited liability company), have forwarded through their attorney, Mr. Yedid, a statement agreeing to enter into the same agreement that the Commission had reached with the prior owner.
- ! Frank Turrigiano / Ridge: new
Summary: Ms. Plunkett summarized this core hardship application for a single residence on a 35,223 square foot lot in an A1 Residence zone on the west side of Big Pine Road, south of Medford Road, in Ridge (Brookhaven Town). The parcel is not on the proposed core roadfront exemption list and is not part of an exempt subdivision. It was noted that the parcel is within the Peconic River's Wild, Scenic and Recreational River Corridor. The application to the Commission is ready for a hearing, which will be scheduled later today.

Ms. Filmanski arrived at this point.

- ! Regina and Stanley Seltzer / Calverton: New
Summary: Ms. Plunkett summarized this core hardship application for a single residence on a one acre lot in an A2 Residence zone on the north side of South River Road, west of Edwards Avenue, in Calverton (Brookhaven Town). The parcel is not on the proposed core roadfront exemption list and is not part of an exempt subdivision. It was noted that the parcel is within the Peconic River's Wild, Scenic and Recreational River Corridor. The application to the Commission is ready for a hearing, which will be scheduled later today.
- ! NYNEX Corp. / Yaphank: development status
Summary: Ms. Plunkett stated that NYNEX has forwarded a letter asking whether the Commission has jurisdiction over a proposed extension of the existing parking lot at their facility in Yaphank (Brookhaven Town). The site is located on the east side of County Route 21 (Yaphank-Middle Island Road), south of Rustic Road. The purpose of the extension is to store portable turbine generator trailers.

The possible nondevelopment status of the proposal and specific nondevelopment provisions of the statute were discussed. It was then agreed that the proposal was nondevelopment pursuant to ECL 57-0107(13)(ii) and (vi), and staff was directed to forwarded a letter stating that to NYNEX.
- ! Joseph Gazza / Westhampton: follow up from 12/6 hearing
- ! Joseph Gazza / Speonk: follow up from 12/6 hearing
Summary: Ms. Plunkett distributed a revised staff report on these two applications. The decision deadline for each of these projects is 2/21/96, and there is sufficient time for reviewing the revised report. No further discussion was held.
- ! Raymond Wiwczar / Flanders: parcel inquiry (Core and Compatible Growth)
Summary: Ms. Plunkett summarized this correspondence from Mr. Wiwczar requesting acquisition of two lots he owns in the Flanders area of Southampton Town. The two lots are in the immediate vicinity of that segment of the Core Preservation Area boundary which runs from the west side of Pleasure Drive southwest to the northeast corner of the NYS Sarnoff Preserve.

Ms. Plunkett noted that an initial examination of the current maps appears to show that one of the parcels is actually within the Compatible Growth Area, while the other parcel appears to be split by the Core Preservation Area boundary. A discussion ensued regarding the possibility of having this boundary segment surveyed. The suggestion

was raised that the Suffolk County Department of Public Works might be able to do this, if their resources permit, and Mr. Proios said that he would look into that.

- ! L.I. Farm Bureau: 12/19/95 correspondence
Summary: The attached letter from the L.I. Farm Bureau was read by Mr. Corwin, and discussed by Mr. Gergela. The discussion which followed noted the avenues which are available to core area property owners for procuring tax reassessments and possible reductions. The independent role of the town assessors was noted. It was agreed that the request in the letter would be brought to the Clearinghouse Board of Advisors meeting on 1/22/96, and the assessors would be invited to attend that meeting.
- ! Brookhaven National Lab / Upton: Sewage treatment plant upgrade meeting
Summary: The meeting set for 1/4/96 at the Brookhaven National Laboratory to discuss the Lab's sewage treatment plan upgrade was noted (see attached letter), and Mr. Proios briefly discussed the work and analysis which the Lab has done to date.

Compatible Growth Area

- ! Ocean Hills / Red Creek: staff review summary
Summary: Ms. Plunkett distributed a 1/3/96 staff report, and discussed the desirability of ensuring that the project complies with the soil erosion guidelines during construction. She noted that the project meets all standards. A brief discussion ensued regarding the assurance required in the Plan that the dedicated open space be managed appropriately, and it was agreed that the dedication of the open space area to Southampton Town satisfied this concern.

A motion was then made by Mr. Cowen and seconded by Mr. Girandola to approve the Compatible Growth Area application known as Ocean Hills at Red Creek with the condition that the applicant shall comply with the soil and erosion control standards in the NYS Department of Environmental Conservation's Best Management Practices as specified in the Plan's Standards and Guidelines. The motion was approved by a vote of 5-0.

Core Preservation Area

- ! Rita Kristiansen / Calverton: development status
Summary: Ms. Plunkett reported that Ms. Kristiansen has forwarded a letter asking whether the Commission has jurisdiction over the proposed construction of a single residence and accessory uses on a 0.25 acre parcel in an A10 residence district on the north side of South River Road, east of Forge Road, in Calverton (Brookhaven Town). The parcel is not on the proposed core roadfront exemption list, and is not part of an exempt subdivision. The property previously contained a concrete slab which was part of a prior construction effort which was never completed. After a brief discussion, it was determined that the proposed construction is subject to the core hardship permit process.

Compatible Growth Area

- ! Self storage of Quogue / Quogue Village: new
Summary: Ms. Plunkett summarized this Compatible Growth Area site plan application for three self storage buildings containing a total of 8,450 square feet on a 2.66 acre parcel in a Light Industrial zone at the southwest corner of County Route 104 and Old

Country Road in Quogue Village (Southampton Town). It was noted that the Interim Goals and Standards for Development still apply to projects within the Compatible Growth Area within Quogue Village. The application is ready for a hearing.

Compatible Growth Area and Core Preservation Area

- ! Setting of hearing for CGA and Core Preservation Area applications just discussed
Summary: A motion was made by Ms. Filmanski and seconded by Mr. Cowen to (1) hold a hearing on the Frank Turrigiano development application on 1/10/96 at 5:00 pm at the Brookhaven Town offices in Medford, and (2) to hold hearings on the Regina and Stanley Seltzer, and the Self Storage at Quogue, development applications on 1/24/96 at 5:00 pm at the Riverhead Town Hall. The motion was approved by a vote of 5-0.

Administrative

- ! Rescheduling of 1/10/96 meeting
Summary: A motion was made by Ms. Filmanski and seconded by Mr. Cowen to reschedule the Commission meeting of 1/10/96 at the Brookhaven Town offices in Medford from 2:00 pm to 3:00 pm. The motion was approved by a vote of 5-0.

Plan Implementation

- ! Plan amendments: revised text (faxed); status
- ! Plan amendments: reviews of core roadfront exemption list
- ! Recommended changes to Article 57: continuation of 12/6 discussion
Summary: Mr. Corwin noted that the latest version of the Plan amendments is the copy produced following the 12/6/95 meeting, as stated on the cover.

Several points were noted in the ensuing discussion: (1) the towns were requested to review once more their core roadfront parcel exemption list, and Southampton reported that it has done so; (2) the proposed legislative amendments to Article 57 in the Plan originally included two provisions for this core roadfront exemption, but there may now only be one new "nondevelopment" provision; (3) the disagreement over the final content of the Pine Barrens Credit allocation formula remains to be resolved; (4) an additional legislative change could be requested to reconcile the development application processing periods required by the Environmental Conservation Law (ECL) Articles 57 and 8; (4) the possible alteration of the new roadfront exemption list provision of ECL Article 57 to refer to an amended version of the June 1995 Plan; and (5) the possible modification of the Plan to reflect the core roadfront exemption provisions which are likely to be enacted. These issues will be discussed at the next Commission meeting.

- ! Possible co-sponsorship of pollution prevention seminar in February
Summary: Mr. Corwin noted that Ms. Jakobsen of the Suffolk County Water Authority's Pollution Prevention Program, had requested assistance with a mailing for a February 1996 Pollution Prevention Seminar for local government and small businesses in Suffolk County. The Commission's mailing list for local governments and private entities was requested, in exchange for the Commission being listed as a cosponsor of the seminar. This was agreed to.

Pine Barrens Credit Program

- ! PBC Clearinghouse Board of Advisors: summary of 12/19 meeting
- ! Clearinghouse Investment Guidelines: adoption with Clearinghouse Board changes
- ! PBC value range proposals: Clearinghouse recommendations
- ! PBC value range estimation: letter from Chair to SC Water regarding reimbursement
Summary: Mr. Corwin noted that the Board of Advisors received a written report from the County Treasurer (attached), recommended - along with the County Treasurer - changes to the draft Clearinghouse Investment Guidelines (attached), reviewed the economic consultant proposals, and processed several Letter of Interpretation applications.

*Mr. Corwin went through the proposed changes to the Clearinghouse Investment Guidelines. **A motion was then made by Mr. Cowen and seconded by Mr. Freleng to approved the revised draft of the Clearinghouse Investment Guidelines dated 1/3/96 (attached to this summary). The motion was approved by a vote of 5-0.***

Mr. Corwin and Mr. Milazzo summarized the recommendations of the Clearinghouse Board of Advisors for an economic consultant to estimate the value range of Pine Barrens Credits. Mr. Corwin distributed to the Commissioners the proposals from Dr. James Nicholas and Urbanomics, the first and second recommendations, respectively, of the Board of Advisors. Mr. Girandola stated that he wants to see copies of all of the proposals received prior to voting to accept any of them. In addition, the Commission members requested a written recommendation from the Board of Advisors containing the basis for their recommendations. These items will be provided.

Mr. Corwin noted that the Suffolk County Water Authority will provide the initial funding for this work, contingent upon receiving written assurance from the Commission Chair that those funds will be reimbursed from the Commission's operating funds.

- ! Letters of Interpretation: summary
Summary: Mr. Milazzo distributed and briefly discussed the attached summary. No further discussion was held.
- ! Clearinghouse Registry: Draft of first monthly issue
Summary: Mr. Milazzo distributed and discussed the attached draft format for the new Registry. Mr. Corwin explained that the Registry will be issued regularly, possibly monthly. A discussion was held regarding the desirability of listing as potential sellers of credits any persons who have not yet applied for a Letter of Interpretation.

It was agreed that the Registry would contain a listing of those Pine Barrens Credit Certificates which have been issued, those Letters of Interpretation which have been issued, Letter of Interpretation applications which have been filed, and those persons asking to be listed as possible purchasers of Pine Barrens Credits.

- ! PBC Certificates: introductory summary of survey and title issues (to be discussed by Clearinghouse on 1/22 and Commission on 1/24)
Summary: Ms. Roth summarized several logistical questions which arise in the processing of applications for Letters of Interpretation and Pine Barrens Credit Certificates. They will be brought to the Clearinghouse Board of Advisors at their meeting on 1/22/96, and include: when should a survey be required for a property, when is title insurance appropriate or necessary, which party should bear the costs of these items, and under which criteria should or could these requirements be waived by the Board of Advisors. Following that discussion, the Commissioners will see these issues at their 1/24/96 meeting.

- ! Gabreski Airport: meeting to discuss possible transfers of nonresidential uses
Summary: After a brief discussion, it was agreed that Ms. Roth and Mr. Dragotta of the County Attorney's office would meet to discuss the legal issues involved in the proposed transfers of credits to the airport. A later meeting would then be held, involving a larger number of persons.

Executive Session and Adjournment

Summary: A motion was made by Ms. Filmanski and seconded by Mr. Girandola to enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously. The Commission entered into executive session at approximately 5:46 pm, and returned to open session at approximately 6:10 pm. The meeting ended at approximately 6:10 pm without a formal resolution.

Attachments:

1. Speaker Sign-in Sheet, Attendance Sheet
2. Summary of Development Applications and Inquiries (1/3/96)
3. Letter from K. Darrow re L.I. Compost application (12/28/95)
4. Letter from Brookhaven Lab re sewage treatment meeting (12/12/95)
5. Summary of Pine Barrens Credit Applications (1/3/96)
6. Pine Barrens Credit Registry draft format (1/3/96)
7. Clearinghouse Investment Guidelines revised draft (1/3/96)
8. Letter from L.I. Farm Bureau re tax assessments (12/19/95)

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Commission Meeting Summary (FINAL) for January 10, 1996 (Approved 1/24/96) Brookhaven Town offices, Medford / 3:00 pm

Present: Mr. Proios and Mr. Dragotta (for Suffolk County), Mr. Girandola (at the point shown) and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), and Mr. Freleng (for Southampton). A four person quorum was 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. Spitz. Additional attendees are shown on the attached sign-in sheet.

Administrative

- ! Public comments
Summary: *There were no speakers.*
- ! Brookhaven town representative for this meeting (not on the original agenda)
Summary: *Ms. Wiplush is an authorized representative for today's meeting.*
- ! Draft summary for 1/3 meeting (faxed 1/9)
Summary: *Mr. Corwin reported several suggested changes, plus typographical corrections, to the 1/3/96 Draft Commission Meeting Summary. Substantive changes were: (1) under "LI Compost", "Ms. Roth" should replace "Mr. Cowen"; (2) under "Hampton Tennis and Fitness", "company" should replace "corporation"; (3) prior to the "Seltzer" discussion, the sentence should read: "Ms. Filmanski arrived at this point."; and (4) under "Ocean Hills", "soil erosion guidelines" should replace "soil erosion standards".*

A motion was then made by Mr. Freleng and seconded by Ms. Filmanski to approve the draft summary of the 1/3/96 meeting with those corrections. The motion was approved by a vote of 4-0.
- ! Application fee(s): initial discussion
Summary: *Mr. Corwin outlined the four areas of expense in the processing of development applications. They are (1) staff time, (2) legal notices, (3) stenography, and (4) legal counsel. He recommended that the Commission not charge for staff time, as that is a responsibility of the Commission. He also noted that legal notices and stenography are currently paid by the applicant, so that no net cost is incurred by the Commission. The cost which remains is the legal counsel.*

The discussion which followed touched upon the types of situations in which legal costs could become extraordinary, whether recovery of a portion of those costs is appropriate, and the types of thresholds above which such recovery would be appropriate. After a detailed discussion, it was agreed that the question of thresholds for recovery of extraordinary legal costs would be examined by staff and counsel, and discussed again, possibly at the next Commission meeting.

Mr. Girandola arrived during the following discussion.

Plan Implementation

- ! Recommended changes to Article 57: continuation of 1/3 discussion
Summary: Ms. Roth distributed the attached suggested amendment to NY Environmental Conservation Law (ECL) Article 57 to coordinate the Commission's review of development applications under ECL 57 and 8, the State Environmental Quality Review (SEQR) Act. A discussion ensued regarding the Core Preservation and Compatible Growth Area review periods, and the SEQR periods for Determinations of Significance and Findings Statements. Ms. Roth worked on modifying the proposed language while other portions of the amendments were discussed.

Mr. Deering, representing Assemblyman DiNapoli and the NYS Legislative Water Commission's Assembly Office, requested clarification from the Commission of its opinion on the originally proposed new nondevelopment paragraph 57-0107(13)(xi). This provision would permit the Commission to add parcels to the proposed core roadfront exemption list contained in the Plan's legislative recommendations section.

A discussion ensued regarding revising the list, criteria employed in constructing the lists and the fact that the proposed standards or criteria for additions remain to be developed. It was agreed that the proposed new 57-0107(13)(xi) should be omitted, and that the present list should remain as it is with the tax numbers in the list noted as those being in effect on June 28, 1995 (i.e., as shown in the Suffolk County Tax Map books labeled "1994").

Pine Barrens Credit Program

- ! Pine Barrens Credits value range estimation: Clearinghouse's written recommendation; discussion of responses to Request for Proposals
Summary: Mr. Milazzo distributed the attached written recommendation from the Clearinghouse Board of Advisors. Mr. Corwin reviewed the conditions of the Request for Proposals, and a brief discussion was held regarding the work. **A motion was made by Ms. Filmanski and seconded by Mr. Freleng to accept the attached proposal by Dr. James Nicholas for estimating the range of values of Pine Barrens Credits, and to authorize the Commission Chair or his Designated Representative to enter into a contract with Dr. Nicholas. The motion was approved by a vote of 4-0.**
- ! Gabreski Airport: meeting re possible transfers of nonresidential uses
Summary: An initial meeting is expected between Ms. Roth and Mr. Dragotta to discuss the current legal status of the Suffolk County Gabreski Airport.

Plan Implementation

- ! Recommended changes to Article 57: continuation of 1/3 discussion
Summary: Revised language was suggested by Ms. Roth for inclusion in the upcoming legislative amendments to ECL Article 57. The proposed new language would alter the end of ECL 57-0121(10) to read as follows:

The time within which the Commission must decide a core preservation area hardship application for which a determination of environmental non-significance has been made by the Commission pursuant to Article 8 of this chapter is one hundred twenty days from receipt of such application. The time within which the Commission must decide a core preservation area hardship application for which

a determination of environmental significance has been made by the Commission pursuant to Article 8 of this chapter is sixty days from issuance of a Findings Statement by the Commission. If the Commission fails to make a decision within the aforesaid time periods, the development shall be deemed to be approved by the Commission, unless extended by mutual agreement of the applicant and Commission

This language was agreed upon, and it was reiterated that the legislative amendments should not include the originally proposed new section ECL 57-0107(13)(xi).

A motion was then made by Mr. Freleng and seconded by Ms. Filmanski to endorse the proposed amendments to ECL Article 57 with (1) the above language for coordinating ECL Article 8 and Article 57, and (2) the omission of the originally proposed paragraph ECL 57-0107(13)(xi). The motion was approved by a vote of 4-0.

Executive Session and Adjournment

Summary: A motion was made by Ms. Filmanski and seconded by Mr. Freleng 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 4:50 pm. A motion to exit executive session and to adjourn was made by Ms. Filmanski and seconded by Mr. Girandola. It was approved by a vote of 4-0. The meeting ended at approximately 5:24 pm.

Attachments:

1. Speaker Sign-in Sheet, Attendance Sheet.
2. Proposed Amendment to Article 57 Re SEQR Compliance (1/10/96)
3. Memo from Clearinghouse re economic analysis consultant (1/8/96)
4. Proposal by Dr. James Nicholas (Received 11/30/95)

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Commission Meeting Summary (FINAL) for January 24, 1996 (Approved 2/21/96) Riverhead Town Hall / 2:00 pm

Present: Mr. Proios and Mr. Dragotta (for Suffolk County), Mr. Girandola (at the point indicated) and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Freleng (for Southampton) and Mr. Cowen (at the point indicated; for New York State). General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, and Mr. Spitz. Additional attendees are shown on the attached sign-in sheet.

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

Administrative

! Public comments

Summary: *There were no speakers.*

! Draft summary for 1/10 meeting (faxed)

Summary: *Under the "Executive Session" summary on page 3, Mr. Corwin noted that Ms. Roth suggested that the sentence read: "... for the purpose of discussing current litigation.". Under the "Recommended changes to Article 57" summary on page 2, two changes were suggested: (1) by Ms. Filmanski that the last sentence be revised to end as follows: "with the tax numbers in the list noted as those being in effect on June 28, 1995 (i.e., as shown in the Suffolk County Tax Map books labeled '1994')."; (2) by Ms. Wiplush that the first line of that paragraph end "...and the fact that the proposed standards or criteria for additions remain to be developed."*

A motion was made by Ms. Filmanski and seconded by Mr. Freleng to approve the draft summary of the 1/24/96 meeting with the above changes. The motion was approved by a vote of 4-0.

Mr. Cowen and Mr. Spitz arrived at this point. A five member quorum was then present.

! 1995-96 NYS DEC and Natural Heritage Trust administrative funds contracts: budgets / actual expenses attachments

Summary: *Mr. Corwin distributed and discussed the attached draft budget and summary of expenses for the Commission's two administrative funding contracts for its 1995-96 fiscal year. The funds are being obtained through the NYS Department of Environmental Conservation's (NYS DEC) Albany office and the Natural Heritage Trust (NHT), a New York State public benefit corporation whose grants are administered through the NYS Office of Parks, Recreation and Historic Preservation.*

Mr. Corwin noted that the NYS DEC funds would first be applied to the oldest unreimbursed expenses of the Commission, and that the NHT funds would then be applied to those later expenses not covered by the first contract. He also explained that a draft budget for the Commission's 1996-97 fiscal year expenses would be discussed

at a Commission meeting in late February or early March, prior to the start of the 1996-97 fiscal year on 4/1/96.

A motion was made by Mr. Cowen and seconded by Ms. Filmanski to approve the two draft budgets for attachment to the NYS DEC and Natural Heritage Trust contracts for the Commission's 1995-96 fiscal year funds and to authorize the Commission Chair or his designated representative to sign the administrative funds contract with the NYS DEC. The motion was approved by a vote of 5-0.

Mr. Girandola arrived during the following discussion.

- ! Proposed policy on legal costs of application reviews (faxed)
Summary: Mr. Corwin noted that, at the 1/10/96 meeting, a recommendation was requested for a threshold above which applicants for permits would have to cover legal costs of reviewing their applications. Mr. Rigano explained the recommendation (attached) that the threshold be one thousand dollars. After a brief discussion, the following policy statement was suggested by Mr. Proios and agreed upon:

"Based upon recommendations of legal counsel and staff, the Commission hereby establishes a cost recovery policy for extraordinary expenses that cumulatively exceed \$1,000 for legal and/or other professional services related to application review, to be effective immediately."

A motion was then made by Mr. Cowen and seconded by Mr. Freleng to approve and adopt this cost recovery policy. The motion was approved by a vote of 5-0.

Mr. Walter Olsen, representing the Civil Property Rights organization, criticized the new policy as outrageous, stating that it would unfairly require applicants to pay for both their own costs and those of the Commission.

- ! Increase in pay level of Executive Director (not on the original agenda)
Summary: Mr. Proios reported that Mr. LoGrande, Chair of the Suffolk County Water Authority (SCWA), had contacted the County Executive's office to request that the Commission consider increasing the Executive Director's pay level by 5%, since the SCWA has given pay raises to its employees effective 1/1/96. This approval would also permit the SCWA to be reimbursed for the new salary level.

A motion was then made by Ms. Wiplush and seconded by Ms. Filmanski to approve a 5% pay increase for the Executive Director effective 1/1/96. The motion was approved by a vote of 5-0.

Core Preservation Area

- ! L.I. Compost / Eastport: status (2/4 decision deadline)
Summary: Ms. Plunkett reported that a letter (attached) dated 1/23/96 has been received from the attorney for the L.I. Compost Corp. withdrawing their application for a Core Preservation Area permit. It was noted that today was the last Commission meeting before the decision deadline.

A motion was then made by Mr. Girandola and seconded by Ms. Filmanski to accept the withdrawal of the L.I. Compost Core Preservation Area hardship permit application. Mr. Cowen then asked whether the withdrawal had been solicited, and Ms. Plunkett stated that it had not. The motion was then approved by a vote of 5-0.

- ! Frank Turrigiano / Ridge: possible decision (2/6 decision deadline)
Summary: Ms. Plunkett summarized the status of this Core Preservation Area hardship permit application for a single family residence on an approximately 35,000 square foot lot on the west side of Big Pine Rd, south of Medford Rd, in Ridge in Brookhaven Town. The parcel is not on the proposed core exemption list in the Plan. A discussion followed regarding the extension of Big Pine Rd, the negative declaration from the Brookhaven Town Board, the Town wetlands permit which has expired, and the covenant filed in connection with that town wetlands permit.
- A motion was then made by Mr. Cowen and seconded by Mr. Freleng to approve the Core Preservation Area hardship permit application of Frank Turrigiano subject to the condition that a revised survey be submitted to show the nondisturbance buffer (as cited in the covenant filed on this property) as well as a note regarding protection of this area during all site construction; and with the statement that the approval of this core permit by the Commission is without prejudice to any application by this applicant to the NYS Department of Environmental Conservation for a wetlands permit. The motion was approved by a vote of 5-0.**
- ! Joseph Gazza / Westhampton: status (2/21 decision deadline)
Summary: Mr. Gazza was present and displayed an aerial photograph of the site; provided a copy of a lease with a nurseryman for use of a separate parcel owned by Mr. Gazza to show an established business relationship with the proposed tenant; a proposed lease for the subject site; this year's tax bill; and a bond to ensure that the proposed use actually occurs. Mr. Gazza stated that the State Environmental Quality Review Act (SEQRA) review should result in the activity being a Type 2 action, based upon the new implementing regulations. He noted that the farmer needs to know whether the property will be available. Mr. Gazza requested direction regarding allowable uses. Mr. Proios discussed the credit program, and Mr. Gazza discussed his experience with development rights in Southampton Town. Mr. Proios suggested that counsel review the effect of the new SEQRA regulations on this project. Mr. Gazza again asked for advice as to allowable uses. It was agreed that discussion should focus upon the present application. Mr. Cowen inquired about the access point, and Mr. Gazza stated that it would be along County Rd 31.
- ! Rita Kristiansen / Calverton: new; set hearing (3/24 decision deadline)
Summary: Ms. Plunkett summarized this application for a single residence on a 0.25 acre lot in an A10 Residence zone on the north side of South River Rd, east of Forge Rd, in Calverton in Brookhaven Town. It was agreed that a hearing will be set for this.
- ! Edward Ledogar / Westhampton: parcel inquiry
Summary: Ms. Plunkett discussed a 1/19/96 letter (attached) from Mr. Ledogar inquiring whether construction of a residence on a certain parcel would be allowed. It was agreed that the letter did not constitute an application, and a reply will be sent.
- ! Boy Scouts property / Wading River: correspondence
Summary: Mr. Corwin discussed the 1/18/96 letter (attached) from Mr. Cangemi regarding the Boy Scout property in Riverhead Town. It was agreed that Mr. Rigano will speak with Mr. Cangemi to determine his concerns prior to a written response.

Compatible Growth Area

- ! Aroya and Brodbeck / Middle Island: follow-up (4/27 decision deadline)
Summary: Ms. Plunkett summarized the status of this site plan application on Route 25

in Middle Island. A discussion occurred regarding the clearing, and its location on the two parcels comprising the project site. The calculation of the clearing percentage was also raised. The site plan shows clearing calculations for only one of the two parcels, but adherence to the clearing standard can only be determined over the project site. The applicant and his representatives agreed to revise the site plan to show the appropriate calculations. A discussion was held regarding the amount of fertilized vegetation, and the extent of current growth and regrowth on the site.

- ! Sunset Construction Corp. / Shoreham: follow-up (2/12 decision deadline)
Summary: Ms. Plunkett summarized the status of this application for a land division south of Willard St and east of Randall Rd in the unincorporated area of Shoreham in Brookhaven Town. Issues discussed were the overall density of the proposal, the manner in which the open space is to be delineated on the map, and the abandonment of a portion of the paper roadway to achieve the required open space.

A motion was made by Mr. Cowen and seconded by Ms. Filmanski to approve the Sunset Construction application subject to the conditions that (1) a revised map be submitted which shows the completion of the abandonment of the agreed upon portions of the road with the delineations of the revised lot areas, and (2) the clearing restrictions be revised such that Lot "A" is restricted to 70% clearing and Lot "B" is restricted to 58% clearing in order to be commensurate with the revised lot sizes pursuant to the road abandonments. The motion was approved by a vote of 5-0.

- ! Salvatore Golfo / Quogue Village: follow-up (3/27 decision deadline)
Summary: Ms. Plunkett distributed a revised report to the Commissioners for this site plan application south of Old Country Road, east of the Quogue Wildlife Refuge, in Quogue Village. Topics discussed included variations on the current site plan and the location of the proposed curb cut. No further discussion was held.
- ! Quick Storage of Quogue / Quogue Village: new application; set hearing
Summary: Ms. Plunkett distributed materials to the Commissioners regarding this site plan south of Old Country Rd, west of County Rd 104. No further discussion was held.

Compatible Growth Area and Core Preservation Area

- ! Scheduling of hearings on development applications
Summary: **A motion was made by Mr. Cowen and seconded by Mr. Proios to hold public hearings on the applications of Rita Kristiansen for a Core Preservation Area permit and Quick Storage of Quogue for a Compatible Growth Area permit on 2/7/96 at 5:00 pm at the Brookhaven Town offices in Medford. The motion was approved by a vote of 5-0.**

Plan Implementation

- ! Village of Westhampton Beach: correspondence
Summary: Mr. Corwin distributed the attached letter from Mr. Haefeli, on behalf of Westhampton Beach Village. It was agreed that the Commission could not simply approve the existing zoning regulations, as suggested in the letter, and that a reply to would be forwarded.
- ! SC Agricultural and Farmland Protection Board: discussion of possible cooperative work with Commission

Summary: Mr. Kenneth Schmidt, Chair of the Suffolk County Agricultural and Farmland Protection Board, described the purpose and composition of that Board. The Board oversees the state-designated agricultural districts, and addresses certain land use issues affecting these districts. The Board currently has several farmers, an agricultural business person, a planner, and a Cornell Cooperative Extension specialist on it. The Board is working with the Suffolk County Planning Dept on a farmland protection plan. It is willing to assist the Commission with agricultural issues where possible. A discussion ensued regarding ways in which the Commission and the Board could cooperate.

- ! Environmental Conservation Law Article 57 legislative changes: status
Summary: Minor word changes to the proposed Article 57 amendments were given by Ms. Roth to Mr. Deering of Assemblyman DiNapoli's office since the last meeting.
- ! Plan amendments: status
Summary: No new results were reported.

Pine Barrens Credit Program

- ! Credit value range estimation: status, contract, data, tentative date for draft report and joint Commission-Clearinghouse meeting, resolution to reimburse SCWA for consulting cost
Summary: Mr. Corwin reported that the data needed by Dr. Nicholas should be mailed by the end of the week. He requested a specific resolution authorizing reimbursement to the Suffolk County Water Authority for the funds necessary to pay for the work. **A motion was made by Ms. Filmanski and seconded by Mr. Cowen to authorize such reimbursement to the Suffolk County Water Authority for the cost of the Pine Barrens Credit value range estimation work. The motion was approved by a vote of 5-0.**
- ! Letters of Interpretation and Pine Barrens Credit Certificates: summary
Summary: Mr. Corwin distributed the attached Summary of Pine Barrens Credit Applications, and highlighted two. First, the applicant listed as "Expressway 60 Patent" has filed an appeal of their Letter of Interpretation, and that will be decided by the Clearinghouse. Second, the Tuccio application is the first Letter of Interpretation application filed for nonresidentially zoned core area property.
- ! Gabreski Airport: meeting re possible transfers of nonresidential uses
Summary: Mr. Rigano reported that initial discussions were held regarding legal issues affecting the Suffolk County Gabreski Airport and the possibility of transferring nonresidential development credits there.

Adjournment

Summary: The meeting ended at approximately 4:52 pm without a formal resolution.

- Attachments:**
1. Speaker Sign-in Sheet, Attendance Sheet.
 2. Draft Commission budget and expense chart (1/24/96)
 3. Proposed legal cost policy (1/19/96)
 4. Letter from P. Mineo withdrawing L.I. Compost application (1/23/96)
 5. Letter from E. Ledogar re certain core property (1/19/96)
 6. Letter from A. Cangemi re Boy Scouts property (1/18/96)
 7. Letter from R. Haefeli re Westhampton Beach Village (1/17/96)
 8. Summary of Pine Barrens Credit Applications (1/23/96)

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 February 7, 1996 (Approved 2/21/96) Brookhaven Town offices, Medford / 2:00 pm

Present: Mr. Proios and Mr. Dragotta (for Suffolk County), Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Freleng (for Southampton) and Mr. Cowen (for New York State). General counsel was Ms. Roth. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Milazzo, Capt. Conklin, and Mr. Searing (Chair of the Wildfire Task Force). Additional attendees are shown on the attached sign-in sheet.

Mr. Proios called the meeting to order at approximately 2:16 pm with a four member quorum present. Ms. Wiplush arrived during the first item, and a five member quorum was present at that point.

Administrative

! Public comments

Summary: Mr. Dittmer, representing the Civil Property Rights organization, stated that he had received bomb threats on his telephone answering machine two days ago, and had reported them to the Suffolk County Police Department. He stated that he thought that the Commission should be aware of these incidents. Several Commissioners suggested that Mr. Dittmer contact the Federal Bureau of Investigation.

! Proposed joint Commission - PBC Board of Advisors meeting date to discuss PBC value range draft report: 3/13/96 at 2:00 pm

Summary: Mr. Corwin stated that a joint meeting of the Commission and the Clearinghouse Board of Advisors for discussing the draft report to be received from Dr. Nicholas would be desirable. A tentative date of 3/14/96 was agreed upon, with an alternate date being the Commission meeting on 3/20/96. No vote was taken at this time.

! 1/24 policy on legal costs of application reviews: proposed revision

Summary: Ms. Wiplush described a proposed revision (attached) to the legal costs policy passed at the 1/24/96 meeting, and noted that it was specifically in response to objections raised at that time by Mr. Olsen of the Civil Property Rights organization. The revision exempts single family residences and any applicants who would suffer economic hardship. The single family residence proposal was agreed upon. The economic hardship exemption was rejected since it was unclear what would constitute such a hardship.

A motion was made by Ms. Wiplush and seconded by Mr. Cowen to modify the legal cost recovery policy from the 1/24/96 meeting to include the additional statement: "Said cost recovery policy shall not apply to any application for a single family dwelling." The motion was approved by a vote of 5-0.

! Commission - Suffolk County Water Authority agreement: renewal, authorization to sign

Summary: Ms. Roth summarized the attached draft renewal of the administrative

agreement between the Commission and the Suffolk County Water Authority (SCWA). The agreement is similar to the prior one, with the difference being that the new draft refers to the new administrative funds contracts.

A motion was made by Ms. Filmanski and seconded by Mr. Cowen to approve the agreement between the Commission and the SCWA and to authorize the Commission Chair to sign the contract for the Commission. The motion was approved by a vote of 5-0.

- ! Summary of the 1/24/96 Commission meeting (not on the original agenda)
Summary: Mr. Corwin noted that the 1/24/96 meeting summary was not yet ready, and would be provided prior to the next meeting.

Plan Implementation

- ! Wildfire Task Force: report of Mr. Searing
Summary: Mr. Searing, Chair of the Wildfire Task Force, reported that the Task Force held its second meeting on 1/25/96 at the New York Air Guard Headquarters in Westhampton, and thanked the Guard for agreeing to host the meetings. Ms. Antenen of the Nature Conservancy gave a presentation at that meeting on pine barrens ecology, and the Task Force discussed the organization of the fire plan. He reported that a strongly worded discussion had ensued over the format of the Task Force meetings, and that issue is being addressed now.

The next step is to begin specifying the plan goals and objectives, and to break into working groups for writing. He noted that a short-term spring strategy is also needed. The next meetings are 2/29/96, 3/28/96, and 4/25/96, at the New York Air Guard.

Mr. Proios, who attended the Task Force meeting, reported that there was mention of prescribed burning. A brief discussion ensued today regarding examining the native vegetation and/or clearance issues once the Task Force's work is more advanced.

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

- ! Article 57 legislative changes: bill draft and status
Summary: Mr. Deering, representing Assemblyman DiNapoli and the Legislative Water Commission's Assembly office, reported that a bill draft with the changes to Environmental Conservation Law Article 57 was about to be introduced. He also advised the Commission that two million dollars from the Natural Resources Damages Account (part of the Northville oil spill settlement) would be transferred into the state's Environmental Protection Fund (EPF) for ease of administration. The Consensus Group is working to ensure that a separate ten million dollars in state budget allocations for pine barrens land acquisition remains available through the EPF also.

Mr. Deering noted that concern exists regarding the disposition of EPF funds which remain unexpended at the end of the fiscal year, and the possibility that such monies would go into the state's general fund. Mr. Deering recommended forwarding a letter to the Governor from the Chair of the Commission on both of these topics.

It was also noted that Mr. Deering will be leaving the Legislative Water Commission next week, and the Commissioners and other members present thanked him for his dedication and significant contributions during the past several years.

Core Preservation Area

- ! Rita Kristiansen residence / Calverton: request to postpone tonight's hearing
Summary: Ms. Plunkett reported that the applicant has requested an adjournment of this evening's hearing. It was agreed that should be done at the hearing.
- ! Regina Seltzer / Calverton (Brookhaven): extension of decision deadline
Summary: Ms. Plunkett reported that the applicant is having a survey completed, as discussed at the 1/24/96 hearing. A written request has been received from the applicant for an extension of the decision deadline to 3/11/96.

A motion was made by Ms. Filmanski and seconded by Mr. Cowen to approve the extension of the Commission's decision deadline on the Seltzer/Calverton application to 3/11/96. The motion was approved by a vote of 5-0.

- ! Joseph Gazza / Speonk: status (not on the original agenda)
- ! Joseph Gazza / Westhampton: status (not on the original agenda)
Summary: Ms. Roth stated that she is examining the status of these applications under the new State Environmental Quality Review Act (SEQRA) regulations. She asked Mr. Cowen about the availability of certain materials regarding the new regulations from the Albany office of the NY State Department of Environmental Conservation (NYS DEC), and Mr. Cowen gave her the name of a person to contact.

Compatible Growth Area

- ! Peter Eliopolous site plan / Rocky Point: possible decision
Summary: Mr. Voorhis represented the applicant for this outdoor storage site plan for a site south of State Route 25 and east of Rocky Point Landing Rd in Rocky Point in Brookhaven Town. Issues discussed included the removal of trees, replanting after construction, and vegetation buffers. Ms. Plunkett recommended approval with the condition that the buffers be replanted and restored after construction.

A motion was made by Mr. Freleng and seconded by Ms. Wiplush to approve the Eliopolous site plan application with the condition recommended by the staff, namely that the vegetation buffers be replanted and restored following construction. The motion was approved by a vote of 5-0.

- ! Aroya and Brodbeck site plan / Middle Island: possible decision
Summary: Ms. Plunkett reported that this site plan has been revised as requested by the Commission for this medical office facility on the south side of State Route 25, east of Bartlett Rd, in Middle Island in Brookhaven Town. She recommended approval without conditions, based upon the revised site plan.

A motion was made by Ms. Filmanski and seconded by Mr. Cowen to approve the site plan application of Aroya and Brodbeck without conditions, based upon the revised site plan. The motion was approved by a vote of 5-0.

- ! Eastport Manor Development / Eastport: SEQRA coordination; discussion
Summary: Ms. Plunkett described this project (which is not an application to the Commission) as a 240 bed nursing home which received a change of zone from Brookhaven Town in May 1995 from A1 Residence to NHH. Two questions which arose are identifying when the change of zone takes effect (i.e., following adoption of the Plan or update of the local codes) and why there have been three separate SEQRA coordinations for different phases of this project.

Ms. Wiplush stated that the Town's position is that changes of zone took effect upon adoption of the Plan in June 1995. Ms. Roth stated that she would like some time to review the Town's opinion on the effective date of zone changes, and that she would also review the SEQRA materials regarding this project.

- ! Tomforde Land Division / Yaphank: new application; set hearing
 - ! R. Strauss Associates land division / Medford: new application; set hearing
 - ! Josephine Aliperti land division / Shoreham: new application; set hearing
- Summary: Ms. Plunkett described these three projects in Brookhaven Town as being in the Commission's jurisdiction because they require variances from the minimum lot sizes, although each conforms to the Commission's standards.*

The Tomforde project is a land division into three lots on the north side of Patchogue Rd, east of Gerard Rd, in Yaphank. The Strauss project is a land division on the north side of Granny Rd, west of Ashton Rd, in Medford. The Aliperti project is a land division on the east side of Blackfoot Trail, south of State Route 25A, in Rocky Point. A hearing will be set for these later in the meeting.

Plan Implementation

- ! Ecology Committee correspondence
- Summary: Mr. Corwin distributed the attached letter from Mr. Black, Chair of the Ecology Committee, regarding Commission funding to fill in ecological data gaps, having the Protected Lands Council develop comprehensive management goals and strategies, and the recommendation that a natural resources inventory be prepared for certain core sites which are the subject of development applications.*

Mr. Corwin suggested that the ecological data issue begin to be addressed by having the Commission sponsor a seminar or conference to identify current pine barrens research topics being pursued. The purpose of the session would not be to debate management goals or the relative importance of those topics. A written summary of the session could be produced. This suggestion was informally agreed upon.

Pine Barrens Credit Program

- ! PBC Clearinghouse: new 2/28/96 meeting and hearing times
- Summary: Mr. Corwin reported that the 2/28/96 Clearinghouse Board of Advisors meeting and hearing have been changed to 3:00 pm and 3:30 pm, respectively (still at the Commission office). He reviewed the current responsibility of the Clearinghouse Board for deciding allocation appeals, and the fact that the proposed Plan amendments would make this the Commission's responsibility.*
- ! Credit value range estimation: status, contract, data, tentative date for draft report and joint Commission-Clearinghouse meeting
- Summary: Mr. Milazzo summarized the preparation of the data required for Dr. Nicholas' work. The data has been forwarded and reviewed by Dr. Nicholas, and certain additional requested information is being forwarded.*
- ! Letters of Interpretation and Pine Barrens Credit Certificates: summary
- Summary: Mr. Milazzo summarized the current Letters of Interpretation applications (attached), and the actions of the Clearinghouse Board of Advisors at its 1/29/96 meeting. The first issuance of Pine Barrens Credits was authorized at that meeting to Mr. Aliano, and the associated conservation easement will now be filed. Mr. Milazzo*

also summarized the Tuccio application. A discussion ensued regarding allocation formulas for nonresidentially zoned core lands.

Compatible Growth Area

- ! Tomforde Land Division / Yaphank: new application; set hearing
 - ! R. Strauss Associates land division / Medford: new application; set hearing
 - ! Josephine Aliperti land division / Shoreham: new application; set hearing
- Summary: A motion was made by Mr. Cowen and seconded by Ms. Filmanski to hold hearings on the Tomforde land division at Yaphank, the Strauss land division at Medford, and the Aliperti land division at Rocky Point on 2/21/96 at 5:00 pm at the Quogue Wildlife Refuge in Quogue. The motion was approved by a vote of 5-0.***

Pine Barrens Credit Program

- ! Additional PBC Program Seminar: 3/5 at LI Association, 4:00 pm
- Summary: Mr. Corwin reported that an additional Pine Barrens Credit Program seminar will be held at the Long Island Association's Hauppauge office on 3/5/96 at 4:00 pm. The session is being organized at the request of the L.I. Association, the L.I. Builders Institute, and the L.I. Farm Bureau.***

Core Preservation Area

- ! Acquisition of Cyran property in Calverton by New York State (not on the original agenda)
- Summary: Mr. Cowen reported that the NYS DEC has acquired property from Mr. Cyran in Calverton, along the Peconic River and straddling the Brookhaven-Riverhead town line. This will ensure canoeing access under the Edwards Ave bridge.***

Compatible Growth Area

- ! Eastport Manor Development / Eastport: SEQRA coordination; discussion
- Summary: Ms. Roth stated that she concurs with the previously expressed position of Brookhaven Town that changes of zone granted during the period prior to adoption of a final pine barrens plan became effective upon adoption of the final Plan in June 1995.***

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 current litigation. The motion was approved unanimously. The Commission entered into executive session at approximately 4:15 pm and returned to open session and adjourned at approximately 5:14 pm on a motion by Ms. Filmanski, seconded by Ms. Wiplush, and approved by a vote of 5-0..

- Attachments:**
1. Speaker Sign-in Sheet, Attendance Sheet.
 2. Proposed revision to the 1/24/96 legal cost recovery policy (2/7/96)
 3. Draft renewal of agreement between the Commission and the Suffolk County Water Authority (2/96)
 4. Letter from J. Black, Chair of Ecology Committee (1/22/96)

5. Summary of Pine Barrens Credit Applications (1/23/96)

Central Pine Barrens Joint Planning and Policy Commission

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Commission Meeting Summary (FINAL) for February 21, 1996 (Approved 3/20/96) Quogue Wildlife Refuge, Old Country Rd, Quogue / 2:00 pm

Present: Mr. Proios (for Suffolk County), Mr. Girandola (for Brookhaven), Ms. Filmanski (for Riverhead), and Mr. Freleng (for Southampton). 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), Mr. Bagg (from the Suffolk County Planning Department), and Mr. Hynes (from the Suffolk County Parks Department and the Law Enforcement Council). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:20 pm. A four person quorum was present throughout the meeting.

Administrative

! Public comment

Summary: There were no speakers.

! Draft summaries for 1/24 and 2/7 meetings (faxed): corrections and approval

Summary: The following corrections to the 1/24/96 meeting summary were suggested: (1) Mr. Dragotta should be listed as present; (2) under L.I. Compost, the last sentence should end: "today was the last Commission meeting before the decision deadline"; (3) under Gazza / Westhampton, the second sentence should read in part: "review should result in the activity being a Type 2 action, based upon ..."

The following corrections to the 2/7/96 meeting summary were then suggested: (1) under Public Comments, add the following sentence: "Several Commissioners suggested that Mr. Dittmer contact the Federal Bureau of Investigation."; (2) under Proposed joint Commission - Board of Advisors meeting, the last sentence should read "No vote was taken at this time."; (3) under Seltzer / Calverton, the first sentence should read in part: "... having a survey completed, ..."; (4) under Credit value range estimation, the last sentence should read: "The data has been forwarded and reviewed by Dr. Nicholas, and certain additional requested information is being forwarded."

A motion was then made by Ms. Filmanski and seconded by Mr. Freleng to approve the draft summaries of the 1/24/96 and 2/7/96 meetings, with the above corrections to each. The motion was approved by a vote of 4-0.

! Administrative funds contracts and 1996-97 budget: status

Summary: Mr. Corwin reported that the NYS Department of Environmental Conservation's Albany office has the contract, and that it will then go to the Attorney General and the State Comptroller. He noted that the completed Project Agreement with the Natural Heritage Trust was forwarded to the NYS Office of Parks, Recreation and Historic Preservation, and it will then be sent to the Attorney General and

Comptroller. The agreement between the Commission and the Suffolk County Water Authority has been completed, but requires that the preceding contracts be attached.

- ! Welcome to the Quogue Wildlife Refuge (not on the original agenda)

Summary: Ms. Gigi Spates, Manager of the Quogue Wildlife Refuge, described the Refuge's origin, the role of the Southampton Township Wildfowl Association in its founding, and noted that portions were 61 years old this year. She also described highlights of the Refuge and its accessibility to the public.

Core Preservation Area

- ! Gazza / Speonk: SEQRA status and decision (2/21 decision deadline)

Summary: This proposal is for a site on the east side of County Road 51, south of the Suffolk County Community College Eastern Campus. Ms. Roth briefly discussed the new SEQR regulations, and recommended classifying this project as unlisted. The project history was reviewed, including the transfer of development rights (not Pine Barrens Credits) from other property in Southampton Town. Ms. Plunkett reviewed the staff report that was previously issued and described the impact of opening up the old filed map for development.

A motion was then made by Mr. Proios and seconded by Mr. Freleng to declare the Gazza / Speonk application an unlisted action, to issue a positive declaration for this application under the State Environmental Quality Review (SEQR) Act and its implementing regulations, and to state that a full environmental impact statement would be required prior to any construction. The motion was approved by a vote of 4-0.

A second motion was then made by Mr. Proios and seconded by Mr. Girandola to deny the Gazza / Speonk application without prejudice, permitting the application to be resubmitted with a full environmental impact statement. The motion was approved by a vote of 4-0.

It was then noted that a legislative amendment to Environmental Conservation Law (ECL) Article 57 is desirable in order to clarify the relationship between the ECL Article 8 (SEQRA) and NYCRR Part 617 deadlines and the ECL Article 57 deadlines.

- ! Gazza / Westhampton: SEQRA status and decision (2/21 decision deadline)

Summary: Ms. Plunkett reviewed this proposal for a site on the southwest corner of Sunrise Highway and County Road 31 involving the clearing of the entire site for agricultural purposes. She reviewed the staff report, site conditions including the dwarf pine plains and its ecological significance, and the existence of partial clearing on the site. She noted that the core hardship criteria of the pine barrens statute are not met, and recommended a positive declaration.

A motion was made by Ms. Filmanski and seconded by Mr. Freleng to classify the proposal as an unlisted action and to issue a positive declaration for the Gazza / Westhampton project under the SEQR Act and its implementing regulations. The motion was approved by a vote of 4-0.

A second motion was then made by Mr. Girandola and seconded by Mr. Proios to deny the Gazza / Westhampton application, without prejudice and providing the applicant the opportunity to submit a new application for the site. A discussion then ensued on the specific reasons for the denial, based upon the criteria in ECL Article 57. It was determined that the denial is based upon the fact that the total clearing of the parcel, as requested by the applicant, is not the minimum relief

necessary which the Commission is empowered by the statute to grant, and that total clearing would substantially impact upon the resources of the Core Preservation Area. A motion was then made by Mr. Girandola and seconded by Mr. Proios to amend the original motion to include these reasons for denial. The motion to amend the previous motion was approved by a vote of 4-0, and the amended original motion was approved by a vote of 4-0.

Compatible Growth Area

- ! Self Storage of Quogue site plan / Quogue Village: discussion
Summary: Ms. Plunkett summarized this project on the south side of Old Country Road in Quogue and discussed the attached letter from Mr. Marcks of Raynor and Marcks. **A motion was made by Mr. Proios and seconded by Ms. Filmanski to approve the Self Storage of Quogue application under the condition that the clearing on the project site is not to exceed 65%. The motion was approved by a vote of 4-0.**
- ! Eastport Manor Development / Eastport: follow-up from 2/7 discussion
Summary: Mr. Girandola followed up on the Commission's previous discussions of this project's SEQR history. He reported that the second and third coordination letters which were received by the Commission were sent in error, and should be ignored.
- ! Revised SEQRA regulations: comments from counsel
Summary: Ms. Roth summarized the changes made to the SEQR implementing regulations by the NYS Department of Environmental Conservation effective 1/1/96. These include changes to the scoping process, changes to the format of environmental impact statements, changes to the Type 1 and Type 2 classifications, elimination of a project's location within a Critical Environmental Area (CEA) as a basis for an automatic Type 1 classification, special provisions for exempting certain single family residences from SEQR review, removal of most current CEA definitions, and other changes. The Commission requested that counsel prepare a written summary of the significant changes to the Type 2 list in the SEQR regulations.
- ! Status of prior Brookhaven Town noncontiguous cluster plans under Article 57 (requested by Mr. Girandola)
Summary: Mr. Girandola explained the noncontiguous cluster provisions of Brookhaven Town's code, which address projects involving more than one parcel and in which at least one of the parcels is not physically adjacent to the remaining project parcels. These projects generally involve leaving one parcel, agreed to be environmentally significant or sensitive, as undeveloped and transferring the development yield to the other parcel(s).

Brookhaven Town would like an opinion from the Commission as to how the Commission's clearing standards would apply to project sites which include noncontiguous parcels. This is typical of some previously filed projects in which the development would be within the Compatible Growth Area. It was agreed that such projects would be treated as if the project's sending parcels were contiguous with the other parcels for purposes of the clearing standard. It was also agreed that the actual wording for this policy would be reviewed as part of the Town's code amendments.

Plan Implementation

- ! New York Army National Guard: cooperative work; training
Summary: Col. Intini was not present, but Mr. Corwin briefly described the proposed training work which he wished to discuss with the Commission. The discussion will be

tentatively rescheduled for the 3/6/96 meeting.

Pine Barrens Credit (PBC) Program

- ! Change in Suffolk County representative to Clearinghouse
Summary: Mr. Stein has resigned from the Clearinghouse Board of Advisors, where he represented Suffolk County, due to the time demands of his new position. Mr Gaffney has appointed Mr. Allan Grecco, an attorney with the Suffolk County Department of Law's Division of Real Estate, as Mr. Stein's replacement..

- ! Credit value range estimation: status of work
- ! Joint Commission - Clearinghouse meeting re draft report: possible scheduling
Summary: Mr. Milazzo reported that the data required by the recent Request for Proposals (RFP) for evaluating PBCs has been received by Dr. Nicholas. The 30 days for delivery of a draft report began 2/16/96 and ends Sunday, 3/17/96 (considered as ending on 3/18/96). Mr. Corwin noted that the joint meeting of the Commission and the Board of Advisors could thus be held on either 3/20/96 (a Commission meeting date) or 3/26/96 (a Board of Advisors meeting date). He noted that Dr. Nicholas has received the contract which calls for three equal payments.

- ! Pine Barrens Credit Registry: first issue and distribution procedure
- ! Pine Barrens Credit Registry: proposed new letter to owners; purchaser listings
Summary: Mr. Milazzo distributed and discussed the attached final version of the first issue of the Pine Barrens Credit Registry. The Commission members suggested several changes to the format and information content for future issues. The use of the Registry by planners and other officials was discussed. It was noted that a record of retired PBCs should be made available regularly.

*Mr. Milazzo distributed the attached draft of a proposed letter to core property owners regarding the PBC program. **A motion was made by Mr. Freleng and seconded by Ms. Filmanski to approve that new letter. The motion was approved by a vote of 4-0.***

- ! Conservation easement: proposed covenant change
Summary: Mr. Milazzo distributed the attached proposed language regarding toxic and hazardous waste which was requested by the County for addition to the conservation easement. Mr. Spitz noted that the proposed addition may conflict with current provisions addressing agriculture. It was agreed that new language would be drafted.

Compatible Growth Area

- ! Golfo site plan / Quogue Village: discussion
Summary: Mr. Carrington of Raynor and Marcks was present and discussed the design, including the entrance location, for this site on Old Country Road. He stated that the village engineer recommended against changing the entrance. It was noted in the discussion which followed that leaving the entrance as thus recommended will result in the removal of the remaining trees on the project site. The Commission discussed possible mitigation measures for this impact, including revegetation.

A motion was made by Mr. Girandola and seconded by Ms. Filmanski to approve the Golfo / Quogue Village application upon the condition that at least four 3 inch or larger caliper oaks are planted along with cedar trees as shown on the site plan. The motion was approved by a vote of 4-0.

Executive Session and Adjournment

Summary: A motion was made by Ms. Filmanski and seconded by Mr. Freleng 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 5:08 pm, and returned to open session at approximately 5:52 pm. The meeting was then adjourned without a formal resolution.

Attachments:

1. Speaker Sign-in Sheet, Attendance Sheet.
2. Letter from Stephen Marcks re Self Storage of Quogue (2/7/96)
3. Pine Barrens Credit Registry (2/15/96)
4. Draft of proposed letter to core owners re Registry (2/21/96)
5. Draft of proposed additional covenant for conservation easement (2/19/96)

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 6, 1996 (Approved 3/20/96) Brookhaven Town offices, Medford / 2:00 pm

Present: Mr. Proios (for Suffolk County), Mr. Girandola, Ms. Wiplush and Mr. Pavacic (for Brookhaven at the times indicated), Ms. Filmanski (for Riverhead), Mr. Freleng (for Southampton) and Mr. Cowen (for New York State). General counsel was Mr. Rigano (arriving at the point noted) and Ms. Roth. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett (from the Commission), Mr. Spitz and Capt. Conklin (from the NYS Department of Environmental Conservation), and Mr. Hynes (from the Suffolk County Department of Parks and the Law Enforcement Council). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:12 pm. A five member quorum was present throughout the meeting. The quorum initially consisted of Mr. Proios, Mr. Cowen, Mr. Freleng, Ms. Filmanski, and Mr. Pavacic.

Administrative

- ! Public comments
Summary: There were no speakers.

Plan Implementation

- ! Village concerns: discussion with Mayors of Quogue and Westhampton Beach
Summary: Mayor Thelma Georgeson of Quogue and Mayor John Petit of Westhampton Beach requested the Commission's support of a bill sponsored by Assemblyman Thiele which would remove the villages from the Central Pine Barrens entirely. A discussion was held regarding specific parcels in the Compatible Growth and Core Preservation Areas in each village, land use and zoning, and concerns of the villages regarding the development review process. Mr. Haefeli, attorney for Westhampton Beach, discussed land uses in that village's pine barrens area.

Mr. Corwin discussed the Commission's option of moving the core boundary line by 300 feet and the effect that such a move would have in the interim before action was taken on the bill. **A motion was made by Mr. Freleng and seconded by Mr. Cowen to support the (attached) bill to remove the Villages of Quogue and Westhampton Beach from the Central Pine Barrens. The motion was approved by a vote of 5-0.**

Ms. Wiplush arrived during the following discussion.

- ! Wildfire Task Force progress report: Vice Chair
Summary: Capt. Conklin, Chief Forest Ranger for NYS DEC Region 1 and the Co-vice chair of the Wildfire Task Force, summarized the Task Force's 2/29/96 meeting. The Task Force completed their first critique of the recent wildfire response, began formulating goals for the fire management plan, started discussing short term plans for

the spring fire season, and set up subcommittees on management, suppression, training, communications, and prevention and public education.

- ! NY Army National Guard: cooperative work; discussion with Col. Intini, Commander
Summary: Col. Intini, Commander of the Army Aviation Support Facility #1, New York Army National Guard at the MacArthur Airport in Ronkonkoma, presented the attached request to conduct external load training with helicopters over the Central Pine Barrens. The training could move materials which the Commission, the Suffolk County Parks Department, or others would request, using a sling. Mr. Hynes, Director of Security for the Suffolk County Parks Department and Chair of the Law Enforcement Council, noted that there are vehicles and debris which could be removed.

Col. Intini noted that the New York Army Guard has been conducting training flights over the pine barrens, and reporting activities or sites of concern to authorities. He emphasized that the Guard is not a law enforcement agency. It was noted that the Army Guard is interested in cooperative activities, that the Guard participated in the recent wildfire response, and that it has new equipment including water buckets for future fire response.

The proposed training work has been approved by the Division of Military and Naval Affairs in Albany. Commissioners asked about costs, and Col. Intini replied that the cost was absorbed as part of the Guard's normal operations. A National Environmental Policy Assessment review will have to be performed. A discussion was held regarding disposal of the debris, and Mr. Hynes explained that he was coordinating this with the affected towns and agencies.

A motion was then made by Mr. Proios and seconded by Mr. Freleng to approve the request for external load training using helicopters by the New York Army National Guard. The motion was approved by a vote of 5-0.

Mr. Hynes noted that the Law Enforcement Council has received a grant from the County's Drinking Water Protection Program for digital radios for interagency communications and for patrol vehicles. An additional allocation for global positioning system units is being sought.

Mr. Hynes and Col. Intini left, and Mr. Rigano arrived, at this point. Mr. Girandola arrived during the following discussion.

- ! Article 57 enforcement: protocol for violation reports (requested by Mr. Cowen)
Summary: Mr. Cowen discussed ECL Article 57-0121(8) regarding the responsibility for enforcing Article 57 during the period preceding town code modifications to implement the Plan. He contrasted this with the responsibility for enforcing development restrictions following town code modifications.

It was agreed that each town has responsibility for enforcing provisions of the Plan once town laws have been updated as per the Plan. It was noted that the approach that Southampton used in its code modifications - incorporating development restrictions in the Core Preservation Area - was desirable. This would insure continuity between the pre-code amendment period and the period following amendments.

Compatible Growth Area

- ! Prior clearing report in Middle Island (Brookhaven): follow-up information
Summary: The recent report of clearing on East Bartlett Road in Middle Island in

Brookhaven Town, which Capt. Conklin investigated in early February (see attached), was addressed by Mr. Girandola. Mr. Girandola reported that the permits were valid. No further discussion was held on this. Mr. Proios noted that the Law Enforcement Council was considering compiling laws applicable to the pine barrens in one volume.

Core Preservation Area

- ! Prior clearing report in Flanders (Southampton): follow-up information
Summary: A report of clearing in the core area of Flanders in Southampton Town, previously received by the Commission, was investigated by Southampton Town. The attached letter from Mr. Shea describes the location and extent of clearing, and a restoration plan required by the town for this site prior to issuance of a certificate of occupancy.

Capt. Conklin left at this point.

Administrative

- ! Draft schedule of April - June Commission meetings
*Summary: The attached schedule of Commission meetings through August 1995 was distributed and discussed. Locations will be determined once the dates are agreed upon. **A motion was made by Mr. Cowen and seconded by Mr. Freleng to approve the dates and times for the 4/96 through 8/96 Commission meetings shown on the attached sheet. The motion was approved by a vote of 5-0.***
- ! Brookhaven Lab request for Site Report comments: draft (faxed)
*Summary: Mr. Corwin discussed the request from the Brookhaven National Laboratory administration for a comment on the Laboratory's new Site Environmental Report, and the resulting draft comment describing the Laboratory's participation in the pine barrens work. Mr. Pavacic objected to the draft, stating that the Laboratory has not been regular in its attendance and has not contributed as fully as it could. Mr. Pavacic suggested that the wording be altered as shown on the attached sheet. **A motion was made by Ms. Filmanski and seconded by Mr. Pavacic to approve the corrected (attached) version of the draft comment for the Laboratory's report. The motion was approved by a vote of 5-0.***

Mr. Pavacic left at this point.

Core Preservation Area

- ! Seltzer / Calverton: decision deadline extension to 4/11 (currently 3/11)
*Summary: Ms. Plunkett reported that a request has been received from the applicant for an extension of the Commission's decision deadline from 3/11/96 to 4/11/96. **A motion was made by Ms. Filmanski and seconded by Mr. Freleng to accept and approve the extension of the Seltzer / Calverton decision deadline to 4/11/96. The motion was approved by a vote of 5-0.***

Compatible Growth Area and Core Preservation Area

- ! United Artists County Park (Core Preservation Area) Site Survey and Management Report: request for Commission comments

- ! Coram Airfield County Park (Compatible Growth Area) Site Survey and Management Report: request for Commission comments
Summary: Copies of the proposed Suffolk County Parks Department management plan for these two parks were received from Commissioner Frank of the County parks department. He requested that comments be sent to the Suffolk County Council on Environmental Quality by 3/20/96. It was agreed that the Commission might want to comment, but could not do so that quickly. Ms. Plunkett will forward copies to the Commissioners and comments will be prepared as soon as possible.

Compatible Growth Area

- ! Aliperti / Shoreham: possible decision (6/4 decision deadline)
Summary: Ms. Plunkett summarized this application and issued a staff report for a land division in an old filed map area on the east side of Blackfoot Trail, south of Route 25A, in Shoreham in Brookhaven Town. Mr. Girandola noted that the lots had been merged by virtue of their title holders being the same, and thus the Zoning Board of Appeals approval was required. Certain questions of conformance with the Commission's standards remain, according to Ms. Plunkett, and it was agreed to defer further discussion until possible conditions of approval or other mitigation measures can be discussed.
- ! Strauss / Middle Island: possible decision (6/4 decision deadline)
Summary: Ms. Plunkett summarized this application and issued a staff report for a land division of a 2.6 acre parcel on the north side of Granny Rd, west of Ashton Rd, in Middle Island, Brookhaven Town, into two 1.3 acre lots. Zoning Board of Appeals approval was granted, and it is in conformance with the Commission's standards. Ms. Plunkett recommended approval. **A motion was made by Mr. Freleng and seconded by Mr. Cowen to approve the Strauss / Middle Island application. The motion was approved by a vote of 5-0.**

Plan Implementation

- ! Article 57 legislative changes: bill draft and status
Summary: Mr. Corwin distributed copies of the pending bill, Senate bill number 6112 and Assembly bill number 8846 (attached), which would amend ECL Article 57 with the changes previously discussed and endorsed by the Commission. Mr. Spitz suggested that the language be checked carefully.
- ! Advisory Committee meeting of 2/22: resolutions passed and correspondence
Summary: Mr. Corwin summarized the Advisory Committee meeting of 2/22/96, and distributed the attached resolutions from that meeting. The discussion which ensued focused upon the Commission's concern that the Advisory Committee issue recommendations to the Commission rather than directly to outside entities. The relevant sections of the statute were discussed, as was the possibility of sending a letter to the Advisory Committee members stating the Committee's legal responsibility.
A motion was made by Mr. Cowen and seconded by Ms. Filmanski to forward such a letter to the Advisory Committee members. The motion was approved by a vote of 5-0. The contents of the letter will be drafted in conjunction with the Commission Chair and his representatives.

Core Preservation Area

- ! SC Pine Barrens Review Commission: 2/29/96 correspondence (not on original agenda)
Summary: Mr. Corwin distributed the attached 2/29/96 letter from Mr. Hauptman of the Suffolk County Pine Barrens Review Commission regarding current deficiencies in ecological data, and the need for ecological research funding. Mr. Corwin noted that the Commission will try to support research to the extent possible, starting with the previously discussed one day conference to identify current pine barrens research.

Plan Implementation

- ! Proposed Plan amendments: status (not on the original agenda)
Summary: Mr. Proios stated that the Commission should begin the procedure for adopting the Plan amendments, and would like to have the Commission agree upon them at the next meeting. He also requested that Mr. Hopkins prepare a letter explaining the basis for the present residential allocation formula and how that basis was incorporated into the generic environmental impact statement. Mr. Corwin will circulate an updated version of the amendments prior to the next meeting.
- ! Public comments
Summary: Mr. Olsen, representing Civil Property Rights Associates, stated that he was surprised at the sponsorship by Mr. Thiele of the proposed boundary change to exclude the two villages from the pine barrens area. He stated that the villages' arguments were no stronger than those made by individual private owners earlier in the pine barrens process, but that they had not received as favorable a reaction. He stated that changes should be made for private owners as well.

Ms. Schmelzer asked whether the County can receive development rights from the land that it has purchased for preservation. The Commissioners replied that it cannot receive development rights since the Plan prohibits that for public land owners.

Executive Session

Summary: **A motion was made by Ms. Filmanski and seconded by Mr. Freleng to enter into executive session to discuss certain legal issues. The motion was approved unanimously.** The Commission entered into executive session at approximately 4:45 pm and returned to open session at approximately 5:20 pm.

Public Hearing

Summary: The scheduled public hearing for the Kristiansen / Calverton core hardship application was held at this time.

Pine Barrens Credit Program

- ! Conservation easement: change in covenant language
Summary: **After a brief discussion, a motion was made by Ms. Filmanski and seconded by Mr. Girandola to approve the attached change to the preapproved conservation easement shown on the 3/4/96 memo from Mr. Milazzo. The motion was approved by a vote of 5-0.**
- ! Single and separate status determinations (requested by Board of Advisors)
Summary: Mr. Corwin explained that the Clearinghouse Board of Advisors had requested whether an expedited process could be instituted for determining the single and separate status of a parcel in each of the three towns. It was agreed that the

process would be examined.

- ! Comparison of old and new SEQR regulations (not on the original agenda)
Summary: Ms. Roth distributed and briefly discussed the attached analysis of the new State Environmental Quality Review Type 2 list contained in the revised 6 NYCRR Section 617.5, as requested at the 2/21/96 Commission meeting.

Executive Session continuation

Summary: **A motion was made by Mr. Girandola and seconded by Mr. Cowen to resume the executive session to discuss certain legal issues. The motion was approved unanimously. The Commission reentered the executive session at approximately 5:53 pm and returned to open session at approximately 6:45 pm.**

Pine Barrens Credit Program

- ! Alternative allocations and associated SEQR work
Summary: **A motion was made by Mr. Proios and seconded by Mr. Cowen to recommend to the Clearinghouse that no action be taken on any application for credits for nonresidentially zoned land, and to direct the staff to prepare a set of possible formulas for credit allocations to such lands in conjunction with the towns, and to state that the State Environmental Quality Review Act will be addressed as part of this work. The motion was approved by a vote of 5-0.**
- ! Representation of Clearinghouse at Commission meetings (not on the original agenda)
Summary: **After a brief discussion, a motion was made by Mr. Girandola and seconded by Mr. Proios that, due to the importance of the Clearinghouse work, the Commission desires that the Chair of the Clearinghouse attend the meetings of the Commission. The motion was approved by a vote of 5-0.**

Adjournment

Summary: **A motion to adjourn was made by Ms. Filmanski and seconded by Mr. Proios. It was approved by a vote of 5-0. The meeting ended at approximately 6:52 pm.**

Attachments:

1. Speaker Sign-in and Attendance Sheets.
2. Bill from Mr. Thiele re removing villages from pine barrens area (2/8/96)
3. Letter from Col. Intini of NY Army Guard re external load training (3/1/96)
4. Memo from Capt. Conklin re Bartlett Rd clearing (2/9/96) and copies of Brookhaven Town permits
5. Letter from Mr. Shea re Pleasure Drive clearing (3/1/96)
6. Draft Commission meeting schedule for 4/96 - 8/96 (undated)
7. Suggested corrections from Mr. Pavacic of Brookhaven Lab quote (3/6/96)
8. Senate bill 6112 / Assembly bill 8846 amending ECL Article 57 (2/20/96)
9. Resolutions from Advisory Committee meeting (2/22/96)
10. Letter from Mr. Hauptman re ecological research (2/29/96)
11. Proposed covenant language from Mr. Milazzo (3/4/96)
12. Analysis of revised Type 2 list in 6 NYCRR Section 617.5 (3/6/96)

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Commission Meeting Summary (FINAL) for March 20, 1996 (Approved 4/17/96) Southaven County Park, Yaphank / 2:00 pm

Present: Mr. Gaffney, Mr. Dragotta and Mr. Proios (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Cannuscio and Mr. Freleng (for Southampton) and Mr. Cowen (for New York State). General counsel was Ms. Roth. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Milazzo, Mr. Hopkins (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation), Mr. Moran (from the Suffolk County Department of Health Services), Ms. Parker (from the Suffolk County Department of Parks), Mr. Ryan (Brookhaven Town Assessor), and Dr. Nicholas (consultant for the Pine Barrens Credit valuation work). Members of the Clearinghouse present during the joint meeting at 3:00 pm included Mr. Tripp, Mr. Hanley, Mr. Grecco and Mr. Pally. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Gaffney at approximately 2:24 pm. A five member quorum was present throughout the meeting.

Administrative

! Public comments

Summary: There were no speakers.

! Draft summaries for 2/21 and 3/6 meetings: corrections and approval (faxed)

Summary: Corrections suggested to the 2/21/96 summary included: (1) under "Draft summaries", the next to last sentence should read in part: "... meetings, with the above corrections ..."; (2) under "Gazza / Westhampton", the second paragraph, first sentence should read in part: "... seconded by Mr. Freleng to classify the proposal as an unlisted action and to issue a positive declaration ..."; (3) under "Self Storage of Quogue", the first sentence should read in part: "... this project on the south side ..."; (4) under "Revised SEQRA regulations", the last sentence should read in part "... significant changes to the Type 2 list in the SEQR regulations."; (5) under "non contiguous cluster plans"; the first paragraph, last sentence should read in part: "... significant or sensitive, as undeveloped ..." and the second paragraph, third sentence should read in part "... sending parcels were contiguous"; and (6) under "Golfo site plan", the second paragraph, first sentence should read in part "... application upon the condition ...".

Corrections suggested to the 3/6/96 summary included: (1) under NY Army National Guard, the third paragraph should begin "The proposed training work has been ..."; (2) under "Prior clearing report in Flanders", the last sentence should read in part: "... required by the town for this site"; (3) under "Aliperti / Shoreham" the first sentence should begin "summarized this application and issued a staff report"; (4) under "Strauss / Middle Island" the first sentence should read, in part: "... summarized this application and issued a staff report ..."; (5) under "Proposed Plan amendments" a new second sentence should be inserted to read: "He also requested that Mr. Hopkins prepare a

letter explaining the basis for the present residential allocation formula and how that basis was incorporated into the GEIS."; (6) under Executive Session" (first occurrence), the summary should be rewritten to indicate that there was no adjournment for the public hearing, and to state the name of the application for which a hearing was held; (7) under "Alternative allocations", the next to last sentence should read in part: "... and to state that SEQRA will be addressed as part of this work ..."; (8) under "Attachments", a new item 10 should be added to list the 2/29/96 letter from Mr. Hauptman, and the following items renumbered.

A motion was made by Mr. Cannuscio and seconded by Mr. Girandola to approve the summaries of the 2/21/96 and 3/6/96 meetings with the above changes. The motion was approved by a vote of 5-0.

Core Preservation Area

- ! Kristiansen / Calverton residence: decision (3/24 deadline)

Summary: Ms. Plunkett summarized and issued the attached staff report for this core area hardship application for a single family residence on a 0.25 acre parcel in an A10 Residence zone on the north side of South River Road, east of Forge Road, in Calverton in Brookhaven Town. The staff report recommends granting the hardship with the condition that the limits of clearing and disturbance be clearly marked in the field and protected.

A motion was made by Mr. Gaffney and seconded by Mr. Cannuscio to approve the Kristiansen / Calverton core area hardship permit exemption application. During the discussion which followed, Mr. Cowen asked whether the project would be grandfathered under the Suffolk County Health Code's Article 6. Ms. Plunkett replied that she believed that the lot was grandfathered under that law (i.e., was shown on the 1980 tax maps), but that the applicant has not yet sought county Health Department approval.

A further discussion ensued on whether to attach conditions regarding the need for state and town wetlands permits and what approach to this has been taken by the Commission in the past. Mr. Cowen noted that the NYS Department of Environmental Conservation would need to consider a permit for this project, and decided that he would abstain from the vote. The motion was then approved by a vote of 4-0-1, with the abstaining vote cast by to Mr. Cowen.

- ! Gazza / Speonk & Westhampton: correspondence

Summary: The attached two letters from Mr. Gazza (3/10/96) were discussed. They address possible land uses on two parcels which were the subject of recent core area applications by Mr. Gazza and which were denied. It was agreed that a response would be sent stating that future applications may be made for land uses permitted by local zoning, and inviting his participation in the Pine Barrens Credit Program.

- ! T & T Waterworks / Westhampton: jurisdiction inquiry

Summary: Ms. Plunkett distributed a packet describing a proposed water extraction and bottling project. The project, which is not currently an application to the Commission, involves pumping water within the Core Preservation Area in the Westhampton vicinity, transporting it to a Riverhead bottling facility (outside the Central Pine Barrens), and selling it commercially. Mr. Tuthill, a project principal, was present and described the project. He is requesting a decision regarding what jurisdiction, if any, the Commission has over this project.

Issues discussed included the possible use of a Suffolk County Water Authority site in Westhampton for one of the extraction sites, the possible use of the site owned by Mr. Tuccio immediately north of Gabreski Airport, the extent to which the pumping would require clearing and new infrastructure, the reuse or upgrading of existing facilities at these sites, and the applicability of the statute's development and nondevelopment provisions. Mr. Girandola stated that he would like to have counsel clarify issues regarding the withdrawal of pine barrens groundwater, and Mr. Cannuscio concurred.

Mr. Girandola noted that the property owned by Mr. Tuccio is also before the Clearinghouse for a Letter of Interpretation, and raised the question of how this project would relate to residual uses if credits are issued and a conservation easement is placed upon the property. It was agreed that counsel would examine the project.

Compatible Growth Area

- ! Albert Clemens / Middle Island: new application; set hearing
Summary: Ms. Plunkett summarized this application for a minor residential subdivision of an 18,750 square foot parcel into two 9,375 square foot parcels in an A1 Residence zoning district on Pine Cone Street in Middle Island in Brookhaven Town. She stated that the application is complete and a hearing should be scheduled.

A motion was made by Mr. Gaffney and seconded by Mr. Cannuscio to schedule a hearing on the Clemens / Middle Island application on 4/17/96 at 5:00 pm at Southaven County Park. The motion was approved by a vote of 5-0.

PBC Program: Joint Meeting with Clearinghouse Board of Advisors at 3:00 pm

- ! Convening of joint meeting
Summary: The joint meeting began at approximately 3:26 pm with the four person Board of Advisors quorum listed above. Introductions were made.
- ! Discussion of Draft PBC Credit Valuation Report (mailed 3/18 for overnight delivery on 3/19)
Summary: Mr. Corwin introduced Dr. Nicholas, who discussed the attached draft report on the valuation of Pine Barrens Credits.

Dr. Nicholas first summarized the source of the data used for the statistical analysis, including the procedures for quality control of data points. Approximately 1200 land sales were utilized in the work. Riverhead's sales were for industrial and commercial land, while the other two towns' sales were exclusively for residential land. Extreme data values were removed by excluding the highest and lowest 5% of sales on a price per acre basis. Some sales were excluded since they could not be identified by school district. The analysis was performed first for all sales in the area, then separated by school district.

The analysis used multiple regression, with the goal being to determine what the right to add an additional building unit is worth in each receiving area category. Dr. Nicholas discussed the application of this technique elsewhere, including the New Jersey Pinelands. He noted that very high and very low values for this extra building right can always be found, but that these are not the average values. He further noted that the highest value receiving areas should be expected to enter the market first.

He noted that, within Southampton Town, the receiving areas are specific geographic areas, rather than being identified by zoning category. The value of the right to build an

extra unit in these areas is constrained by the relatively high density zoning classification already present there. Within Brookhaven Town, the receiving areas are designated by zoning category across the non-core area of the Town (exclusive of certain environmentally sensitive lands), and the right to build an extra unit is worth more since the base zoning density is lower. Within Riverhead Town, the receiving areas are two large industrial commercial zones, and the development increase is measured strictly in terms of wastewater generation increments. He noted that the Riverhead value estimates are based upon a limited sample of land sales in that vicinity. Estimates for these three towns are in the attached draft report.

Dr. Nicholas noted that the Southampton constraint against the transfer of credits between school districts poses an additional limitation on the value estimation process. This led to a brief discussion of school district considerations. The New Jersey approach of a statewide clearinghouse and a bid system for credits was described. The effect of that system on their school districts' absorption of credits was noted.

A discussion followed regarding how the values for credit usage within Southampton Town could increase, and Dr. Nicholas observed that additional receiving areas would accomplish this. He explained that the current zoning density permitted in several of the Southampton areas would be difficult to increase further, unless different types of construction were permitted. However, he felt that there was not a strong market for attached housing units in this area.

Dr. Nicholas spoke about the New Jersey Pinelands credit bank, and their policy of purchasing rights at 80% of the private market value. He described the New Jersey bank's policy of receiving bids from owners to sell their rights to the bank, and the purchasing of fractional rights by the bank.

The question of quantifying the value of planned development districts was raised. Dr. Nicholas responded that it was not feasible to estimate the value of these initiatives in advance, due to the unpredictability of the factors which would determine those values.

Mr. Cannuscio asked Dr. Nicholas for a recommendation as to what Southampton could do to increase the values of credit usage there, and Dr. Nicholas recommended adding approximately 200 acres of low density zoned land.

Dr. Nicholas remarked that the purposes of a credit clearinghouse should include the protection of sending area owners and the assistance of the private credit market. He observed that developers in New Jersey seem to prefer to purchase credits directly from the clearinghouse. He described the experience of the New Jersey bank with purchases and sales of credits, and the current situation in which credits are normally sold privately. He compared the New Jersey credit program and the Commission's with respect to the government levels involved.

At the conclusion of the presentation and discussion, **a motion was made by Mr. Cowen and seconded by Mr. Gaffney to (1) to release the draft report, (2) to invite written comments on the report from any interested person through the close of business on 4/19/96, (3) to request that the Clearinghouse review the draft report at its 4/23/96 meeting and forward comments to the Commission, (4) to discuss the draft report at the Commission meeting on 5/1/96, (5) to then forward to Dr. Nicholas the final comments upon the draft report for consideration in his production of the final report, and (6) to modify, with the assent granted personally today by Dr. Nicholas, the Commission's contract with him in order to produce a final report within ten (10) days following his receipt of the Commission's final comments. The motion was approved by a vote of 5-0.**

The Clearinghouse meeting was adjourned at approximately 4:53 pm, and the regular Commission meeting continued.

Plan Implementation

- ! Plan amendments: 3/18/96 revision of 12/6/95 document (faxed)
*Summary: A discussion was held regarding Section 6.6.2.1 of the amendments, and the question of which entity should establish the monetary value of credits to be purchased by the Clearinghouse. **A motion was made by Mr. Gaffney and seconded by Mr. Cannuscio to reword Section 6.6.2.1 of the proposed Plan amendments regarding the authority of the Board of Advisors to now read: "To advise and make recommendations to the Commission as to the monetary value of Pine Barrens Credits to be purchased by the Clearinghouse." The motion was approved by a vote of 5-0.***

Core Preservation Area

- ! Signing of first conservation easement under Pine Barrens Credit Program (not on the original agenda)
Summary: Mr. Gaffney signed the conservation easement for the property owned by Mr. Aliano within the Core Preservation Area, with Ms. Roth as the witness. That parcel is the first to send Pine Barrens Credits under the PBC program.

Mr. Gaffney and Mr. Cannuscio left at this point. The meeting was chaired by Mr. Proios from this point forward. Mr. Freleng remained, representing Mr. Cannuscio, and a five member quorum remained for the rest of the meeting.

Plan Implementation

- ! Plan amendments: 3/18/96 revision of 12/6/95 document (faxed)
*Summary: Prior to Ms. Roth describing the specific Plan amendments contained in the attached 3/18/96 document, it was suggested that the previous resolution affecting Section 6.6.2.1 be rescinded, and the affected proposed amendment change be included in an overall vote later in the meeting. **A motion was made by Ms. Filmanski and seconded by Mr. Cowen to rescind the previous resolution which altered Section 6.6.2.1 of the proposed Plan amendments. The motion was approved by a vote of 5-0.***

Ms. Roth discussed the attached proposed Plan amendments version of 3/18/96. During that discussion, several changes were agreed upon. Those changes are: (1) the last sentence of Section 4.5.1.5 should read, in part: "... unless such time periods are extended by mutual agreement ..."; (2) the last sentence of Section 4.5.2 should now read, in part: "... nonconformance with guidelines in Volume 1 ..."; (3) in Section 4.5.2.5, the first sentence should read, in part: "... of the application being deemed complete ..."; (4) in Section 4.5.2.6, the last sentence should read, in part: "... unless such time period is extended by mutual agreement ..."; (5) the original Plan Section 6.3.3 should now be shown as deleted under the proposed amendments; (6) in Section 6.6.2.1, the sentence should now begin "To advise and make recommendations to the Commission as to the monetary value of Pine Barrens Credits ..."; and (7) in Section 6.7.3.4, the final sentence should read, in part: "The Commission may confirm, increase, or decrease the allocation ...".

A motion was made by Mr. Cowen and seconded by Mr. Girandola to approve the changes to the proposed Plan amendments discussed above, to schedule a vote on the proposed Plan amendments at the 5/1/96 meeting, to publish a legal notice describing the proposed Plan amendments and stating the intent of the Commission to vote on them at the 5/1/96 meeting, and to have that notice published at least 30 days prior to the Commission meeting of 5/1/96. The motion was approved by a vote of 5-0.

Executive Session

Summary: A motion was made by Ms. Filmanski to enter into executive session for the purpose of discussing certain legal issues, but there was no second. No executive session was held.

Core Preservation Area

! T & T Waterworks / Westhampton: jurisdiction inquiry

Summary: A discussion ensued regarding the types of permits which would be required for the proposed water extraction and bottling project, and the classification of the project as development or nondevelopment under the pine barrens law. At the conclusion, the staff was directed to forward a letter to the project sponsor stating that the project is deemed to be development under the pine barrens law.

Adjournment

Summary: A motion to adjourn was made by Ms. Filmanski and seconded by Mr. Freleng. It was approved by a vote of 5-0. The meeting ended at approximately 6:30 pm.

Attachments:

1. Speaker Sign-in and Attendance Sheets.
2. Staff report on Kristiansen project (3/20/96)
3. Two letters from Mr. Gazza re recent core applications (3/10/96)
4. Report to the PBC Clearinghouse on Value of Development (3/15/96)
5. Proposed amendments to Plan for discussion at 3/20/96 meeting.

Central Pine Barrens Joint Planning and Policy Commission

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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 April 3, 1996 (Approved 4/17/96) Brookhaven Town offices, Building 4, Medford / 1:00 pm

Present: Mr. Proios and Mr. Dragotta (for Suffolk County at the points indicated), Mr. Girandola (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Freleng (for Southampton) and Mr. Cowen (for New York State). General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Hopkins, Mr. Milazzo (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation), Mr. Rodriguez (from the Brookhaven Town Code Enforcement Bureau and 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 by Mr. Proios at approximately 1:14 pm, with a four person quorum (no Brookhaven representative) at the start. Mr. Dragotta and Mr. Girandola arrived as indicated.

Administrative

! Public comments

Summary: Mr. Amper, representing the L.I. Pine Barrens Society, stated the Society's opposition to boundary changes, including those discussed for the Villages of Quogue and Westhampton Beach. He reported that the Society and other groups are working on alternative approaches to addressing the concerns of the villages.

Mr. Amper also stated the Society's concern regarding the proposed Manorville Nursery Expansion project, saying that it is a mining project and that the Commission should take a clear position of reviewing the project.

Third, he criticized Suffolk County for not purchasing land at the rate which he felt it could be, noting that he did not think that it was a fault of the real estate department. He stated that the County should be spending more on land. A discussion ensued between Mr. Amper and Mr. Proios regarding the available funds, the purchases made to date, and the amount which has been committed. Mr. Proios noted that the County has purchased a large number of acres, including the Omnia tract, and has committed at least \$10 million over a five year period for pine barrens purchases.

Mr. Girandola arrived now, and a five member quorum was present for the rest of the meeting.

Plan Implementation

! Wildfire Task Force: report of Mr. Searing

Summary: Mr. Searing noted that the Wildfire Task Force members are working very cooperatively, that five subcommittees have been formed (for management, suppression, training, prevention and education, and communications), and that special preparation is underway for the spring fire season. Additionally, North Shore

departments are working with the NYS Department of Environmental Conservation on fire management for the Rocky Point Natural Resource Management Area.

He reported that the Wildfire Task Force has recommended that the current Law Enforcement Council's grant request to Suffolk County to purchase global positioning units be augmented to include units for each Wildfire Task Force member. Mr. Cowen asked what their usage would be, and Mr. Searing replied that they would be used to track vehicles at fire scenes and to map fire scenes while fire work is in progress. Mr. Proios raised the question of the future of the current fire trails, and discussion then touched upon some areas being replanted, and some being retained. Other issues mentioned include fire district mapping, tax revenues, and training workshops.

Mr. Searing left, and Mr. Dragotta arrived, at this point.

! NY Army Guard load training: status

Summary: Mr. Rodriguez, representing the Brookhaven Code Enforcement Bureau and the Law Enforcement Council, addressed liability. He noted that Col Intini is very safety conscious, that the perimeter of the area will be secured, and that all of the pertinent town offices are working on the proper disposal of the vehicles and debris to be removed. There was a brief discussion regarding how to avoid excessive handling. Mr. Corwin noted that the National Environmental Policy Act forms required by the NY Army National Guard have been received and are being completed.

Mr. Rodriguez left at this point.

Administrative

! Composting conference (not on the original agenda)

Summary: Mr. Proios noted that a one day conference on composting will be held on 4/9/96 at Suffolk Community College's Eastern Campus in Riverhead.

Compatible Growth Area

! Aliperti / Shoreham: discussion (staff report issued at 3/6 meeting; 6/4 decision deadline)

Summary: Ms. Plunkett redistributed the attached staff report of 3/6/96. Mr. Rigano observed that the Commission could not require purchase of credits in this application. Mr. Aliperti was present and explained the origin of this parcel of land. Due to yesterday's approval by the Brookhaven Town Board of their town code amendments, a discussion ensued over whether the Interim Goals and Standards for Development still apply to this project. Counsel recommended not making a decision on this project yet in order to answer that question.

! Tomforde / Yaphank: discussion (6/4 decision deadline)

Summary: Ms. Plunkett noted that this application raises the same question as the Aliperti / Shoreham application above. It was agreed that no discussion would be held on this project either for the same reason.

Ms. Plunkett reported that there are three Compatible Growth Area projects to which this question applies: the above two plus the Clemens / Middle Island application.

! Manorville Nursery Expansion / Manorville: discussion (not an application)

Summary: Ms. Plunkett distributed the 3/25/96 Findings Statement from the Brookhaven Planning Board for this project, which is not currently an application before

the Commission. A discussion ensued over the possibility of exercising the Commission's authority to call up this project for review.

A motion was made by Mr. Cowen and seconded by Mr. Freleng to forward a letter to the sponsor of the Manorville Nursery Expansion project stating that the Commission is aware of the Statement of Findings issued by the Brookhaven Planning Board and is considering exercising the Commission's authority to call up the project for review pursuant to NY Environmental Conservation Law Section 57-0123(2) and the Central Pine Barrens Comprehensive Land Use Plan, Volume 1, Section 4.5.3. The motion was approved by a vote of 5-0.

Core Preservation Area

- ! Seltzer / Calverton: decision (4/11 deadline)

Summary: Ms. Plunkett distributed the attached staff report for this application for a single family residence on a 35,000 square foot lot in an A2 Residence zone on the north side of South River Road, west of Edwards Avenue, in Calverton in Brookhaven Town. She noted that the hearing has already been held and that additional information requested from the applicant has been submitted. She recommended approval upon the conditions that the clearing restriction be set at a maximum of 35% (approximately 12,000 square feet), that the wetland line be shown on the map as a buffer area, and that fertilized vegetation occupy a maximum of 15% of the lot.

A motion was made by Mr. Cowen and seconded by Mr. Girandola to approve the Core Preservation Area hardship exemption application known as Seltzer / Calverton, subject to the conditions stated above and in the staff recommendation. The motion was approved by a vote of 5-0.

- ! Hampton Tennis and Fitness Club / East Quogue: status of trail easement and settlement stipulation (in preparation for 4/17 meeting)
Summary: Ms. Plunkett distributed the attached draft stipulation for review prior to the 5/1/96 meeting; a vote on approving it will be scheduled for that date. The trail easement, part of the agreement, will be held by Southampton Town, with the Commission having third party enforcement rights. The language of the easement was approved by the Southampton Town Attorney's office. A brief discussion was held regarding who should sign the documents for the Commission.

Plan Implementation

- ! Plan amendments: notice; vote date; editorial corrections

Summary: Mr. Corwin noted that the most recent version of the Plan amendments document inadvertently omitted the renumbering of Section 6.3.4, now that the old Plan Section 6.3.3 is being omitted.

- ! ECL Article 57 amendments: status of bill

Summary: Mr. Corwin reported that the agreed upon amendments to the pine barrens law, Senate bill S6112 and Assembly bill A8846, have passed the Senate and are currently awaiting action in the Assembly. Assembly approval was held up in order to consider modifying the bill to contain the recently discussed changes to remove the villages from the pine barrens zone. It was agreed that there was no intention by the Commission to recommend combining those bills.

A motion was made by Mr. Girandola and seconded by Mr. Freleng to direct

counsel to forward a letter, following review of a draft to be composed and distributed to the Commissioners by counsel, to state that the Commission never intended to combine these bills, and to urge the expeditious passage and signing of S6112/A8846. The motion was approved by a vote of 5-0.

! Brookhaven Town code amendments: status

Summary: Mr. Girandola reported that the Brookhaven Town Board approved on 4/2/96 the amendments to the town code to bring it into compliance with the Central Pine Barrens Plan. He confirmed that the amendments which were adopted are the same amendments which the Commission has previously approved.

Pine Barrens Credit Program

! PBC Board of Advisors: New Vice-chair

Summary: **A motion was made by Mr. Proios and seconded by Mr. Girandola to appoint Mr. Grecco as the Vice Chair of the Pine Barrens Credit Clearinghouse Board of Advisors. The motion was approved by a vote of 5-0.**

! Clearinghouse Board 3/26 meeting: summary

Summary: Mr. Milazzo summarized the Clearinghouse Board of Advisors meeting of 3/26/96, and also distributed the attached Pine Barrens Credit Program status report. He reported that 121 Letters of Interpretation have been issued, and represent approximately 153 credits (including the allocation to Mr. Aliano's parcel). Seven Letter of Interpretation applications for nonresidentially zoned core property have been received. Nine new applications for Letters of Interpretation have been received, and are on the 4/23 Clearinghouse agenda. Three appeals are also being processed. The first appeal, for Expressway 60 Patent, will be decided at the Clearinghouse's 4/23 meeting; hearings on two other appeals will be held on that date.

The conservation easement associated with Mr. Aliano's property has been signed by the Commission Chair and Mr. Aliano, and is to be filed with the Suffolk County Clerk next. The filing requirements are in the process of being satisfied. The actual Pine Barrens Credit Certificate will then be issued.

Mr. Milazzo reported that the Clearinghouse urges progress on the development of a nonresidential property credit allocation formula, and that a letter be forwarded to owners of such property. He also noted that the Clearinghouse would like a clear definition of their future role, especially in light of the proposed Plan amendments, and a brief discussion ensued on this. Mr. Milazzo also distributed the attached letters from Mr. Sanderman and Mr. Gazza regarding the Pine Barrens Credit Program.

A motion was then made by Mr. Girandola and seconded by Mr. Freleng to instruct the staff to begin work on a draft nonresidential property credit allocation proposal. The motion was approved by a vote of 5-0.

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 certain legal issues. The motion was approved by a vote of 5-0.** The Commission entered into executive session at approximately 3:48 pm, and returned to open session at approximately 5:35 pm. The meeting then ended without a formal resolution.

Attachments:

1. Speaker Sign-in Sheet, Attendance Sheet.
2. Staff report re Aliperti / Shoreham application (3/6/96)
3. Manorville Nursery Expansion Findings Statement (3/25/96)
4. Staff report re Seltzer / Calverton application (4/4/96)
5. Draft stipulation with Quogue Tennis Time (undated)
6. Pine Barrens Credit Program Status Report (4/3/96)
7. Letter from Mr. Sanderman re credits for nonresidential property (3/28/96)
8. Letter and attachments from Mr. Gazza re core property (2/1/96)

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Commission Meeting Summary (DRAFT) for April 17, 1996 (Approved 5/1/96) Southaven County Park, Yaphank / 2:00 pm

Present: Mr. Proios and Mr. Dragotta (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven), Mr. Kratoville (for Riverhead), Mr. Cannuscio (at the point indicated) and Mr. Freleng (for Southampton) and Mr. Cowen (for New York State). General counsel was Ms. Roth. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Hopkins, Mr. Milazzo (from the Commission), and Mr. Spitz (from the NYS Department of Environmental Conservation). Clearinghouse Board of Advisors members present included Mr. Tripp and Mr. Grecco. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:22 pm. A five member quorum was present throughout the meeting.

Compatible Growth Area

- ! Aliperti / Shoreham: counsel's determination re standards
- ! Tomforde / Yaphank: counsel's determination re standards
- ! Clemens / Middle Island: counsel's determination re standards

Summary: Ms. Roth reported that these projects do not need to be processed according to the Interim Goals and Standards for Development, since Brookhaven Town has now adopted (on 4/2/96) its revised code to comply with the Plan. Consequently, projects which conform to those new code provisions and which do not trigger the Commission's jurisdiction as per the Plan do not need Commission review.

A motion was made by Mr. Freleng and seconded by Mr. Girandola to cancel the scheduled hearing at 5:00 pm today for the Clemens / Middle Island application. In the discussion which followed, it was agreed that Commission review of all three of these projects was unnecessary due to the Brookhaven Town code revisions. Mr. Freleng motioned to amend the original motion to also declare that no further review of these projects was necessary; the amendment was seconded by Mr. Girandola. The motion to amend was approved by a vote of 5-0, and the amended original motion was approved by a vote of 5-0.

Administrative

- ! Public comments

Summary: Ms. Jordan, representing The Nature Conservancy, presented the attached proposal. It involves the Commission paying approximately \$570 to \$624 for enlargements of color aerial photographs taken by the NYS Department of

Environmental Conservation's Aviation Division during the 1995 wildfires in Rocky Point and Westhampton. The enlargements will be digitized and rectified by a commercial firm which has volunteered its services. Mr. Freleng asked whether the product would be available to all interested parties, and it was agreed that it would. Mr. Girandola asked why the Nature Conservancy did not pay for the cost, and Ms. Jordan noted that their research budget did not have enough funds. It was also noted that the enlargements would be made available to the Wildfire Task Force as well. It was then informally agreed that this expenditure is approved.

Mr. Proios then introduced Mr. Kratoville, Riverhead Town Deputy Supervisor, who is representing Supervisor Stark.

The second speaker was Mr. Amper of the Long Island Pine Barrens Society, who spoke on:

(1) the various bills pending in the Suffolk County Legislature which would affect the Drinking Water Protection Program land acquisition funds, and the current petition drive for a ballot referendum; he urged the Commission to look closely at these bills very soon, and it was agreed that copies of those bills would be distributed to the Commission before the 5/1/96 meeting;

(2) the effort by various parties to find a legislative amendment to the pine barrens statute which would address the concerns of the Villages of Quogue and Westhampton Beach without changing boundaries. He noted that one such approach has been worked out and will be combined with the previously agreed amendments by the sponsors in the next week.

(3) the Manorville Nursery Expansion project. He urged the Commission to review the project and stated that it is a mining proposal with great physical impact. It was noted that the Commission has already stated its intent to consider asserting jurisdiction over this project at the 5/1/96 meeting.

- ! Draft summaries for 3/20 and 4/3 meetings: corrections and approval (faxed)
Summary: Suggested changes to the 3/20/96 meeting summary included: (1) under "Plan amendments", the new text for Section 6.6.2.1 should begin: "To advise and make recommendations ..."; (2) under "Executive Session", a statement should be added to clearly state that no executive session was held. No changes were suggested to the 4/3/96 summary.

A motion was then made by Mr. Cowen and seconded by Mr. Freleng to approve the 3/20/96 and 4/3/96 draft meeting summaries with the above corrections to the 3/20/96 summary. The motion was approved by a vote of 5-0.

Core Preservation Area

- ! Hampton Tennis and Fitness Club / East Quogue: easement, settlement stipulation
Summary: Ms. Roth stated there was an issue regarding this project which should be discussed in closed session. No further discussion was held at this time.
- ! Mazarakis / Manorville: development status
Summary: Ms. Plunkett distributed the attached request by Mr. and Mrs. Mazarakis for clarification of the Commission's jurisdiction over a J2 Commercial parcel that they own in Manorville hamlet. The Mazarakis' described the property, its past use, and the surrounding area. After questions by the Commissioners, it was agreed to discuss this

at the 5/1/96 meeting, after the Commission, staff, and counsel have examined it.

Plan Implementation

! Plan amendments (not on the original agenda)

Summary: It was briefly noted that the vote on the Plan amendments is scheduled for the 5/1/96 meeting. No further discussion was held.

Mr. Cannuscio arrived during the following discussion.

Pine Barrens Credit Program

! Clearinghouse recommendation regarding title policy: decision (faxed)

Summary: Mr. Milazzo summarized the attached draft Pine Barrens Credit Program title policy. Mr. Tripp, Chair of the Clearinghouse Board of Advisors, and Mr. Grecco, Vice Chair, were present and described the three policy categories. The first category includes cases where one credit or less is awarded. Here, no title report or insurance would normally be required, but an informational search would be completed by staff in the County Real Estate staff. The Board of Advisors felt that the cost (currently \$350, but due for a 6% increase as of 5/1/96) of title reports and insurance would be too great for owners of these parcels, estimated to number approximately 3000 parcels. Instead, the County informational search would extend back as far as 1977, the year in which the tax maps were introduced. This would cull out major title defects.

The second category includes cases where more than one, but less than or equal to five credits, would be awarded, estimated to include approximately 200 parcels. Here, a title report with insurance would be required, but a guaranteed survey would not. The Board of Advisors recommends that the Commission consider paying the cost of the cost of those requirements. Title reports with insurance currently cost \$350 (to rise by 6% on 5/1/96) which includes a minimum level of \$35,000 insurance. Higher insurance would cost incrementally more.

The third category includes those situations where more than five credits would be awarded. Here, a guaranteed survey, title report, and insurance would be required, with the credit recipient bearing the costs of those items.

Mr. Cowen asked Mr. Grecco how extensive he thought the title conflicts or questions were, and Mr. Grecco replied that, in his experience, title problems would be more frequent in the sending areas than in the remainder of the county.

Mr. Girandola raised the issue of persons fraudulently posing as the owners of sending area properties. A brief discussion ensued regarding possible means of eliminating or reducing the likelihood of those occurrences, including, but not limited to various proofs of identity. Ms. Roth asked about the possibility of using a dollar threshold, rather than credit levels, and it was agreed that credit values are more pragmatic.

Mr. Spitz noted that the possibility of the Clearinghouse inadvertently issuing a credit incorrectly would not mean that the credit is invalid, or that the Clearinghouse or the Commission would someday be purchasing invalid credits. He noted that once a credit is issued, it is valid by definition, regardless of any underlying errors or problems with property titles. Thus, there are no invalid credits. It was agreed that the Commissioners would review the Clearinghouse's recommendation and adopt a policy at the

Commission meeting of 5/1/96.

Executive Session

Summary: **A motion was made by Mr. Girandola and seconded by Mr. Cannuscio to enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously.** The Commission entered into executive session at approximately 3:45 pm and returned to open session at approximately 5:08 pm.

Adjournment

Summary: **A motion to adjourn was made by Mr. Kratoville and seconded by Mr. Cannuscio. The motion was approved by a vote of 5-0.** The meeting ended at approximately 5:08 pm.

Attachments:

1. Speaker Sign-in and Attendance Sheets.
2. Memo from Ms. Jordan re aerial photos (4/15/96)
4. Letter from Mr. and Mrs. Mazarakis (4/10/96) and nearby parcel listing
3. Clearinghouse Title Policy Recommendations (4/10/96)

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Commission Meeting Summary (FINAL) for May 1, 1996 (Approved 6/24/96) Riverhead Town Hall / 2:00 pm

Present: Mr. Proios (for Suffolk County), Mr. Girandola, Ms. Wiplush and Mr. Pavacic (for Brookhaven, at the times indicated), Ms. Filmanski (for Riverhead), Mr. Freleng (for Southampton) and Mr. Cowen (for New York State).

General counsel was Ms. Roth. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Mr. Hopkins, Ms. Plunkett, and Mr. Milazzo (from the Commission), Mr. Grecco (from the Suffolk County Attorney's Office and Vice Chair of the Pine Barrens Credit Clearinghouse Board of Advisors) and Mr. Spitz and Capt. Conklin (from the NYS Department of Environmental Conservation, at the times indicated). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:13 pm. A five member quorum was present throughout the meeting.

Administrative

! Public comments

Summary: Mr. Dittmer, representing Civil Property Rights Associates, spoke on the Pine Barrens Credit Program, stated that single and separate lots should be grandfathered, that incentives should be given to property owners to participate in the program, and stated that his members would be willing to negotiate.

Mr. Olsen, also representing Civil Property Rights Associates, stated that his suggestions have been ignored, that just compensation is the issue of concern, and that he has been unable to speak with officials.

Mr. Amper, representing the L.I. Pine Barrens Society, criticized Suffolk County regarding the purchases of pine barrens land, and briefly commented upon each Commission entity's actions or policies with regard to acquisitions.

! Draft summary for 4/17 meeting: corrections and approval (previously faxed)

Summary: A change was suggested by Ms. Roth to the section "Clearinghouse recommendation regarding title policy". A new sentence should be added to the end of the last paragraph there, reading: "It was agreed that the Commissioners would review the Clearinghouse's recommendation and adopt a policy at the Commission meeting of 5/1/96."

A motion was then made by Mr. Freleng and seconded by Mr. Cowen to approve the 4/17/96 meeting summary with that suggested addition. The motion was approved by a vote of 4-0-1, with Ms. Filmanski abstaining.

! Joint meeting with Clearinghouse Board of Advisors on 5/15: approval

Summary: Mr. Corwin reported that the Clearinghouse Board of Advisors has suggested a joint meeting with the Commission on 5/15/96 in order to discuss issues pertaining to title requirements for applicants, purchase policy for credits certificates, and other issues. That was agreed to without a formal resolution.

Plan Implementation

- ! Wildfire Task Force: status of work (not on the original agenda)
Summary: Capt. Conklin, a Vice Chair of the Wildfire Task Force, reported that the work committees on management, suppression, training, education and prevention, and communications have had their initial meetings, that an overall mission statement is being prepared, and that several immediate steps to address the spring brush fire season are being discussed.
- ! Research meeting of 4/26/96: results (not on the original agenda)
Summary: Mr. Corwin reported that the 4/26/96 meeting, initiated by Mr. Proios and held at his office, was well attended by both scientific researchers and government officials involved in, or affected by, the post-wildfire ecological studies being conducted in the pine barrens. SUNY at Stony Brook, the Nature Conservancy, the Ecology Committee, Suffolk County Planning, the Commission, the Quogue Wildlife Refuge, the Suffolk County Parks Police, C.W. Post / L.I. University, and others were represented. Other organizations were invited but were unable to attend.

Issues discussed included the coordination of research activities through a central office (possibly the Commission), the acquisition of basic materials useful to a wide array of researchers (e.g., aerial photographs), the need for properly locating and protecting research plots, the funding problems for both faculty researchers and graduate students, mapping tasks, and the research status conference which the Commission is sponsoring this summer. The attendees agreed that they would stay in contact informally, and the Commission staff would assist them collectively with photographs, maps, and participation in the upcoming research conference.

Administrative

- ! Possible Commission web site (not on the original agenda)
Summary: This was briefly discussed as a method of disseminating both introductory information on the Commission and the central pine barrens work, as well as a possible additional method of distributing application forms, development standards, and similar items to interested individuals throughout the country.
- ! Letter to Advisory Committee from counsel: status (not on the original agenda)
Summary: Ms. Roth distributed a work in progress, draft copy of the letter she was requested to draft from the Commission to the Advisory Committee regarding the duties of the Advisory Committee under the pine barrens law. No further discussion was held.

Core Preservation Area

- ! Mazarakis / Westhampton: development inquiry (follow up from 4/17)
Summary: Ms. Roth reported her determination that any construction on this commercially zoned site within the core area of Manorville hamlet would require a core hardship application and permit. A brief discussion then ensued over the future uses of the commercially zoned parcels in that area, and it was agreed that hardship

applications would be reviewed as they were submitted.

- ! Roberta Sterk / Manorville: new application; set hearing (*material to be distributed*)
Summary: *Ms. Plunkett summarized this application for a single family residence on Primrose Path in Manorville, Brookhaven Town, on a lot which does not meet current zoning requirements, but which is within a previously approved subdivision. The application has been through the Zoning Board of Appeals. Ms. Plunkett distributed the materials and noted that this lot is not on the core roadfront exemption list proposed in the Plan.*

A motion was made by Mr. Cowen and seconded by Ms. Filmanski to hold a public hearing on this core hardship application on 5/29/96 at the Riverhead Town Hall at 5:00 pm. The motion was approved by a vote of 5-0.

Compatible Growth Area

- ! Manorville Nursery Expansion / Manorville: assertion of jurisdiction discussion (*follow up from 4/3/96*)
Summary: *Ms. Plunkett summarized the Commission's records and actions with respect to this project, including the Commission's comments to the Brookhaven Town Planning Board (see attached materials). She noted that there is no application before the Commission for this project. It was noted that the lead agency coordination is complete, and that the Commission did not seek lead agency status. It was also noted that there is no application for this project before the NYS Department of Environmental Conservation yet. Ms. Roth suggested that the Commission enter into closed session in order to receive legal counsel on the matter of this project.*

Closed Session

Summary: ***A motion was made by Mr. Cowen and seconded by Mr. Freleng to close the public session and to enter into closed session for the purpose of receiving legal advice from counsel with respect to this project. The motion was approved by a vote of 5-0, and the Commission entered into closed session at approximately 3:15 pm.***

A motion was later made by Mr. Cowen and seconded by Mr. Freleng to leave closed session. That motion was approved by a vote of 4-0 (with Ms. Filmanski absent from the room), and the Commission returned to open session at approximately 4:10 pm. Ms. Filmanski returned during the open session.

Compatible Growth Area

- ! Change of zone referrals (*summary previously faxed*)
- ! SEQRA coordinations (*staff memo previously faxed*)
Summary: *These items were deferred to the 5/15/96 Commission meeting.*

Pine Barrens Credit Program

- ! Revised title policy: comments and approval of final version (*follow up from 4/3*)
Summary: *The following topics were discussed: what items the Suffolk County staff, under Mr. Grecco's direction, would be checking for when performing an information search on a real property title, the possibility of adding this list explicitly to the title policy*

language, the approximate number of such information searches which could be completed in a single week, and several modifications to the draft title policy language.

A motion was then made by Mr. Cowen and seconded by Mr. Girandola to approve the draft title policy with the specific written changes made at today's meeting (attached). The motion was approved by a vote of 5-0.

- ! Pine Barrens Credit valuation: comments upon draft report; comments to forward to Dr. Nicholas (follow up from 3/20; comments previously faxed)
Summary: The comments received on the draft report by Dr. Nicholas regarding the value of using Pine Barrens Credits were previously distributed to the Commissioners.. It was agreed to forward those comments directly to Dr. Nicholas without any additional synopsis or summary by the Commission.

Compatible Growth Area

- ! Manorville Nursery Expansion / Manorville: assertion of jurisdiction discussion (follow up from 4/3/96)
Summary: Mr. Cowen wrote and presented a petition (attached) to the Commission requesting that the Commission assert jurisdiction over the Manorville Nursery Expansion project. He stated that he believes that the project may have an adverse impact on the goals of the pine barrens land use Plan. Mr. Cowen read the attached petition aloud.

A motion was then made by Mr. Cowen and seconded by Ms. Filmanski to assert jurisdiction over the Manorville Nursery Expansion project, pursuant to Environmental Conservation Law Article 57-0123(2). Ms. Filmanski stated that the applicant should be informed that he can continue to proceed with his application to the NYS Department of Environmental Conservation (NYS DEC) for the necessary NYS DEC permit(s) concurrently with the Commission's review process. That statement was informally agreed to. The motion was then approved by a vote of 4-0-1, with the abstaining vote cast by Mr. Girandola.

Following the vote, it was agreed that it is premature to schedule a hearing now, and the staff was directed to notify the applicant.

Plan Implementation

- ! Plan amendments: SEQRA determination; discussion; vote
Summary: **A motion was made by Mr. Cowen and seconded by Ms. Filmanski to issue a negative declaration under the State Environmental Quality Review Act for the attached amendments to the Central Pine Barrens Comprehensive Land Use Plan. The motion was approved by a vote of 5-0.**

A motion was then made by Mr. Cowen and seconded by Mr. Proios to approve and adopt the attached amendments to the Central Pine Barrens Comprehensive Land Use Plan. The motion was approved by a vote of 5-0.

Pine Barrens Credit Program

- ! Nonresidential property credit allocation: status of work
Summary: Mr. Hopkins summarized the quantity and zoning categories of

nonresidentially zoned land within the Core Preservation Area within each of the three towns. These categories include Brookhaven's J2, J3, J4 and MF1 zones (with the latter being a multiple residence zone), Riverhead's Open Space Conservation, Natural Resources Protection, and Defense and Industrial zones, and Southampton's Open Space Conservation, and Industrial zones.

He also discussed special problems with regard to old filed maps, tax default parcels, parcels with wetlands or surface waters, and various existing conservation or recreation uses on some core area parcels. No further discussion was held.

Plan Implementation

- ! ECL Article 57 amendments: status

Summary: The recently amended version of the pine barrens law amendments, now known as Assembly bill 8846A and Senate bill 6112A, was previously distributed. The changes in the amended bill include language addressing the review of development projects within the incorporated villages with portions of their areas within the Central Pine Barrens.

The amended bill was briefly discussed, with Brookhaven Town representatives requesting more time to permit their legal staff to review. It was then decided to vote today, and **a motion was then made by Mr. Cowen and seconded by Mr. Freleng to approve the amended version's language, and to recommend the passage and signing of that bill. The motion was approved by a vote of 4-0-1, with the abstaining vote cast by Mr. Girandola.**

Pine Barrens Credit Program

- ! Pine Barrens Credit Registry: 5/1/96 issue (not on the original agenda)

Summary: The new Pine Barrens Credit Registry dated 5/1/96 was distributed. No discussion was held.

Plan Implementation

- ! Current county legislative bills: discussion (follow up from 4/17)

Summary: Mr. Proios summarized the several proposed bills now being considered by the Suffolk County Legislature which would affect the funding for the County's Drinking Water Protection Program. These bills include various provisions affecting the percentage of revenue which can or must be spent on certain categories of disbursements, such as land acquisition and tax stabilization.

One bill is pending which would require a study to be performed by the Suffolk County Planning Department regarding the effectiveness of the program to date, the placement of future wells, etc. One initiative and referendum proposal is being circulated within the County for signatures which would restrict the use of sales tax revenue.

Pine Barrens Credit Program

- ! Pine Barrens Credit purchases: draft policy from Board of Advisors (faxed)

Summary: The attached draft policy on the purchase of Pine Barrens Credit Certificates by the Clearinghouse was discussed. Ms. Roth recommended holding a

closed session for the purpose of giving legal advice pertaining to this matter.

Closed Session

Summary: A motion was made by Ms. Filmanski and seconded by Mr. Freleng to close the public session and to enter into closed session to obtain legal advice. The motion was approved by a vote of 5-0. The Commission entered into closed session at approximately 5:33 pm and returned to open session at approximately 6:30 pm.

Pine Barrens Credit Program

- ! Pine Barrens Credit purchases: draft policy from Board of Advisors (faxed)
Summary: A motion was made by Mr. Cowen and seconded by Mr. Freleng to adopt the attached Pine Barrens Credit Certificate purchase policy, using an 80% figure to be applied to the low end of each value range, deleting section 2 of the distributed draft policy, and setting a cap on the monthly purchase of Certificates. During the discussion, it was agreed that those persons who have already received a Letter of Interpretation whose appeal period has expired will be given another thirty day chance to appeal as of the date that the letters are sent. The motion was approved by a vote of 5-0.

Administrative

- ! Public comments
Summary: Mr. Olsen, representing Civil Property Rights Associates, stated that the inability of members of the audience to hear what is being said at the public meetings breeds mistrust. He also noted that policies should be changed. He stated that an executive session should be left to the end of a meeting.

Mr. Dittmer, also representing Civil Property Rights Associates, stated that the major issue for his organization was that one credit should be issued for each single and separate lot. A brief discussion then ensued regarding this.

Adjournment

Summary: A motion to adjourn was made by Ms. Filmanski and seconded by Mr. Proios. It was approved by a vote of 5-0. The meeting ended at approximately 6:52 pm.

Attachments:

1. Speaker Sign-in and Attendance Sheets.
2. Manorville Nursery Expansion summary packet
3. Brookhaven Town zone change and SEQR referrals packet
4. Title policy
5. Comments on Dr. Nicholas' PBC valuation report (packet)
6. Manorville Nursery Expansion petition to assert jurisdiction (5/1/96)
7. Amendments to Central Pine Barrens Plan (5/1/96)
8. SEQRA Negative Declaration for Plan amendments (5/1/96)
9. Resolution supporting state legislative bill A8846A / S6112A (5/1/96)
10. Pine Barrens Credit Registry (5/1/96)
11. Purchase of Pine Barrens Credit resolution (5/1/96)

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 and PBC Clearinghouse Meeting Summary (FINAL) for May 15, 1996 (Approved by the Clearinghouse Board 7/9/96 and by the Commission 7/10/96)

Joint Meeting with Pine Barrens Credit Clearinghouse Board of Advisors Brookhaven Town offices, Building 4, Medford / 2:00 pm

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

General counsel was Ms. Roth. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Milazzo, Mr. Hopkins (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation), Mr. Cochrane (Suffolk County Treasurer), Mr. Tripp, Mr. Grecco, Mr. Hanley, Mr. Pally (from the Pine Barrens Credit Clearinghouse Board of Advisors; present at the times indicated), and Mr. Moran (from the Suffolk County Department of Health Services). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Dragotta at approximately 2:20 pm. A five member quorum of the Commission was present throughout the meeting. At the start of the Commission meeting, Mr. Tripp, Mr. Grecco, and Mr. Hanley were present; thus, the Clearinghouse Board did not have a quorum at that time.

Administrative

! Public comments

Summary: Mr. Olsen, representing Civil Property Rights Associates, requested copies of the resolutions passed at the 5/1/96 meeting regarding title policy and purchases of Pine Barrens Credit Certificates. Mr. Corwin provided one and will provide the other as soon as possible.

Mr. Amper, representing the Long Island Pine Barrens Society, spoke on three topics. First, he reported that the initiative and referendum drive to place upon the ballot a modification of the County's Drinking Water Protection Program, has received approximately 20,000 signatures. The signatures are undergoing a check for validity now, before submittal of the petitions.

Second, the Advisory Committee has received and discussed the Commission's letter via counsel regarding the Advisory Committee's functions under the pine barrens law. He reported that the Advisory Committee does not agree with the Commission's position, and that many of the members helped to design the law. He observed that the Advisory Committee has decided not to focus on that disagreement, but rather on the issue of funding the acquisition program.

Third, he stated that the Commission is using executive sessions for holding discussions and making decisions that should be made in open session. He indicated that he did not wish to have to file suit regarding this issue.

Pine Barrens Credit Program

- ! Suffolk County Treasurer's report: Mr. Cochrane
Summary: Mr. Cochrane, the Suffolk County Treasurer, went over the attached report on the Clearinghouse funds for the period ending 4/30/96. He recommended that the funds be reallocated among certificates of deposits so that there is a certificate of deposit maturing each month. Specifically, he suggested that \$500,000 be moved into a certificate of deposit from its current money market status. This will require a vote of the Clearinghouse, as soon as there is a quorum today.

Commission Administrative

- ! Draft budget for 1996-97 fiscal year
Summary: Mr. Corwin went over the attached draft budget for the 1996-97 fiscal year. He explained that a draft budget was needed now, prior to the adoption of the final state budget, because the Commission's insurance policy for directors and officers was due for renewal prior to Jun 9, 1996, and the renewal application requires a budget breakdown. A final budget will be provided and adopted once the final version of the state budget is settled.

A motion was made by Mr. Cowen and seconded by Mr. Freleng to approve the attached draft budget for the Commission's administrative funding for the 1996-97 fiscal year. The motion was approved by a vote of 5-0.
- ! Financial disclosure (not on the original agenda)
Summary: Mr. Girandola asked whether the staff members file financial disclosure forms. Ms. Roth replied that the staff members are not required to, since they do not hold policymaking positions. Mr. Corwin noted that he has one on file already with Suffolk County since he is a County Park Trustee.
- ! Proposed joint meeting with Advisory Committee: at 5/29 Commission meeting
Summary: Mr. Corwin explained that the Advisory Committee has proposed a joint meeting with the Commission at the previously scheduled Commission meeting on 5/29/96. Mr. Girandola suggested that a separate Commission meeting date be scheduled for only that purpose. That was informally agreed, and the staff will coordinate the selection of such a date.

Compatible Growth Area (Commission)

- ! Manorville Nursery Expansion / Manorville: materials; setting of hearing
Summary: Ms. Plunkett summarized the application materials received to date, and distributed copies to the Commissioners.

A motion was made by Mr. Girandola that no public hearing be held on the Manorville Nursery Expansion application, and stated that Brookhaven Town will provide all minutes of the hearings which have been held on this project. The motion was then seconded by Mr. Freleng for purposes of discussion. In the ensuing discussion, it was agreed that the Commission can still ask the applicant for additional materials as deemed necessary. Mr. Cowen stated that he was unwilling to vote for such a resolution today without reviewing the materials distributed at today's meeting. The discussion touched upon the project's conformance with the Plan, and the overall requirements of the statute. The

motion was then approved by a vote of 3-1-1, with the dissenting vote cast by Mr. Cowen and the abstention cast by Mr. Dragotta.

- ! Application of clearing standard to small, ZBA approved lots

Summary: Ms. Plunkett distributed a summary (attached) of the clearing conditions which the Commission has previously applied as part of Compatible Growth Area decisions, including but not limited to the small, Zoning Board of Appeals (ZBA) lot splits (which only occur in Brookhaven, not in the other two towns). She suggested that the Commissioners review the document prior to discussing it.

Mr. Girandola raised the question of what clearing standard should be applied in the case of the ZBA lot splits of uncleared land. Mr. Pavacic was present at this point. Mr. Spitz suggested that, if a new standard is deemed necessary, then it could be applied to only those new ZBA lot splits which arise in the future. It was agreed to place this on the 5/29/96 Commission agenda, and that Brookhaven Town will work on a proposal for addressing these cases.

- ! Quogue Quick Storage / Quogue Village: staff overview

Summary: Ms. Plunkett noted that the applicant's representative, Mr. Marcks, will be here later in the meeting. She summarized the application involving an industrial subdivision consisting of five lots along Old Country Road in Quogue Village. She discussed the application, the site plan map, and the vegetation concerns.

Mr. Marcks arrived at this point. He noted that a 1987 approval from the Village required a 40 foot buffer along Old Country Road. Mr. Cowen asked if there was any nondevelopment exemption in the pine barrens law for industrial subdivisions, and it was agreed that there was not. A discussion was held regarding whether a Compatible Growth Area hardship application needs to be filed, whether a new hearing would then be needed, and what standards for hardship (core or CGA) need to be applied.

A motion was then made by Ms. Filmanski and seconded by Mr. Freleng to (1) accept the applicant's request for an extension of the Commission's decision deadline on this application to 6/12/96 and (2) to accept a request by Mr. Marcks today to convert the current application to an application for a CGA hardship application. The motion was approved by a vote of 4-1, with the dissenting vote cast by Mr. Girandola.

- ! Change of zone referrals and SEQR coordinations (faxed; follow up from 5/1)

Summary: Ms. Plunkett had previously distributed a packet of coordination letters and comment requests for pending change of zone requests from Brookhaven Town. In the discussion which followed, the effect of changes of zones within receiving areas was discussed, including possible effects upon the demand for purchase of Pine Barrens Credit Certificates. It was agreed that the Commission does not need to see every project within the towns, but that there is a general class of projects for which notice should be sent to the Commission.

A motion was made by Mr. Cowen and seconded by Mr. Freleng to recommend that, in the review of change of zone applications affecting as of right receiving areas, the towns undertake to the extent legal and possible to encourage the redemption of Pine Barrens Credits; and to further advise that the Commission does not need to see all change of zone applications within the entire town. The motion was approved by a vote of 5-0.

Mr. Pally arrived at approximately 4:00 pm, and a four member quorum of the Clearinghouse Board was then present.

Pine Barrens Credit Program

- ! Draft agreement with SC Treasurer: discussion
Summary: Ms. Roth had faxed the attached draft agreement with the SC Treasurer for the investment of the Clearinghouse's capitalization funds. The revised document contains language addressing the concerns of Suffolk County that the County was not indemnified.

A motion to approve the draft agreement was made by Mr. Cowen. At this point, Ms. Wiplush noted that she had not received the draft agreement until just now, and Mr. Girandola stated that documents should not be distributed so close to the meeting date. After a brief discussion, the motion was seconded by Ms. Filmanski. The motion was then approved by a vote of 4-0-1, with the abstaining vote cast by Mr. Girandola.

Mr. Cochrane left at this point.

Plan Implementation

- ! ECL Article 57 amendments: status
Summary: Mr. Corwin reported that the amendments, bill number A8846A/S6112A, have been passed by the Assembly, and are awaiting action by the Senate.
- ! Riverhead Town code amendments: status
Summary: Ms. Filmanski provided copies of the Riverhead Town code amendments which have been adopted by the Riverhead Town Board already. Ms. Roth will examine the amendments and they will be placed on the agenda for the 5/29/96 meeting.
- ! NY Army National Guard load training (not on the original agenda)
Summary: Mr. Corwin reported that the first load lift of the abandoned vehicles will be held on 5/23/96, with an accompanying press conference. He asked if there were any remaining concerns with respect to liability, and Ms. Wiplush stated that a document should be drawn up stating that the town is not liable for the work. A discussion ensued regarding the plans for the work, the safety procedures, and the jurisdictions involved.

Clearinghouse Administrative

- ! Draft summary for 4/23 Clearinghouse meeting: corrections, approval (faxed)
Summary: A motion was made by Mr. Hanley and seconded by Mr. Grecco to approve the summary of the Clearinghouse meeting of 4/23/96. The motion was approved by the Clearinghouse Board by a vote of 4-0.

Core Preservation Area

- ! Letter of Interpretation: summary of applications; issuance of new letters
Summary: Mr. Milazzo distributed the attached summary of complete Letter of Interpretation applications and associated staff reports through 5/15/96. He summarized the new applications for Letters of Interpretation and the Clearinghouse Board discussed each. The results are as follows:

A motion was made by Mr. Hanley and seconded by Mr. Grecco to allocate 0.10 credit on the application of the estate of Josephine Sullivan (200-528-2-20). The motion was approved by the Clearinghouse Board by a vote of 4-0.

A motion was made by Mr. Pally and seconded by Mr. Grecco to allocate 0.10 credit on the application of Harold Nussbacher (200-530-1-22). The motion was approved by the Clearinghouse Board by a vote of 4-0.

A motion was made by Mr. Pally and seconded by Mr. Hanley to allocate 2.64 credits on the application of Louis Gartenberg (600-137-4-10.4). The motion was approved by the Clearinghouse Board by a vote of 4-0.

A motion was made by Mr. Grecco and seconded by Mr. Pally to allocate 6.54 credits on the application of Louis Gartenberg (600-137-4-11.6), and to stipulate that the allocation may be reduced by 1.00 credit if a dwelling is determined to be on that parcel. The motion was approved by the Clearinghouse Board by a vote of 4-0.

A motion was made by Mr. Hanley and seconded by Mr. Grecco to allocate 0.21 credit on the application of John Leonhardt (900-167-2-8). The motion was approved by the Clearinghouse Board by a vote of 4-0.

A motion was made by Mr. Hanley and seconded by Mr. Grecco to allocate 0.10 credit on the application of Peter E. George, Jr. (900-212-6-16). The motion was approved by the Clearinghouse Board by a vote of 4-0.

A motion was made by Mr. Hanley and seconded by Mr. Pally to allocate 0.21 credit on the application of Mavis Branch-Payne (900-215.1-1-38). The motion was approved by the Clearinghouse Board by a vote of 4-0.

A motion was made by Mr. Hanley and seconded by Mr. Pally to allocate 3.00 credits on the combined applications of George Mathys (900-286-2-19,22, and 37). The motion was approved by the Clearinghouse Board by a vote of 4-0.

! PBC Certificates: issuance of first certificate

Summary: Mr. Tripp, acting as Chair of the Clearinghouse Board, signed the first Pine Barrens Credit Certificate for the Nicholas Aliano application, Certificate number 200-001. The signed original certificate will be forwarded to Mr. Aliano.

! Gazza / Southampton: Clearinghouse public hearing on allocation appeal

! New Clearinghouse Board meeting

Summary: Mr. Gazza arrived at this time with a letter requesting an extension of the decision deadline on his credit appeal. He stated that he has not completed all of the single and separate searches for the parcels involved in the appeal, and needs additional time. A discussion then ensued over the significance of single and separate status in deciding credit allocation appeals, the specific lots involved in the Gazza appeal, and the relationship of the Southampton Town development rights to the Commission program.

A motion was then made by Mr. Pally and seconded by Mr. Grecco to (1) accept the request for a delay of the decision date for the Gazza credit allocation appeal, (2) to set a new date of 6/18/96 for the Gazza decision, and (3) to schedule a meeting of the Clearinghouse Board of Advisors for 6/18/96 at 3:00 pm at the Commission office. The motion was approved by the Clearinghouse by a vote of 4-0.

! Parviz Zarabi / Manorville: credit appeal decision (5/15 deadline)

Summary: Mr. Grecco reported that the lots involved in this appeal are shown as currently owned by Suffolk County, and thus not eligible for credits. After a brief

discussion, a motion was made by Mr. Pally and seconded by Mr. Grecco to deny without prejudice the credit allocation appeal decision for the Zarabi / Manorville application. The motion was approved by the Clearinghouse Board by a vote of 4-0.

- ! Expressway 60 Patent and Bernard Meyer / Manorville: credit appeal decisions (5/15 deadline)

*Summary: Mr. Tripp noted that single and separate status is not necessarily a basis for a full credit being allocated to a parcel, however, the Plan does acknowledge the significance of certain roadfront parcels in the core area. He also discussed the State Wild, Scenic and Recreational Rivers Act regulations, and announced that those constraints will not be applied in deciding this appeal. Mr. Grecco also noted that the County's Health Code Article 6 was considered as well. It was decided to issue a total of 21.8 credits for all 37 parcels involved in the appeal. **A motion was then made by Mr. Hanley and seconded by Mr. Grecco to issue a total of 21.8 credits for these 37 parcels involved in the appeal. The motion was approved by the Clearinghouse Board by a vote of 4-0.***

Clearinghouse Administrative

- ! Authorizing the movement of funds among investments by the SC Treasurer (not on the original agenda)

*Summary: **A motion was made by Mr. Hanley and seconded by Mr. Pally to approve and authorize the transfer of \$500,000 by the Suffolk County Treasurer from its present location in a money market account to a certificate of deposit. The motion was approved by the Clearinghouse Board by a vote of 4-0.***

Pine Barrens Credit Program

- ! Pine Barrens Credit valuation: status of final report

Summary: Mr. Corwin reported that Dr. Nicholas will have a new draft completed by 5/21/96. No further discussion was held.

- ! PBC purchase policy: discussion, proposed letter

Summary: Two draft, work in progress versions of a letter to core area owners regarding the purchase of Pine Barrens Credits were discussed. Mr. Cowen suggested deleting certain sections of the draft letter proposed by Mr. Tripp, and it was agreed to remove it. It was further agreed to have comments sent to Ms. Roth for production of a new version.

*Mr. Tripp raised the question of what additional efforts the Commission or the Clearinghouse could make to help the program. He was particularly concentrating upon the issues which affect small lot owners. After a brief discussion, **a motion was made by Mr. Pally and seconded by Mr. Hanley to authorize Mr. Tripp, as Chair of the Clearinghouse Board, to work on the new version of the credit purchase letter on their behalf. The motion was approved by the Clearinghouse Board by a vote of 4-0.***

- ! Extension of appeal time for past recipients of interpretation letters: proposed letter

*Summary: **A motion was made by Mr. Hanley and seconded by Mr. Grecco to approve the attached letter to core area owners who have already received a Letter of Interpretation authorizing an extension of the time in which they may file an appeal of their Letter of Interpretation. The motion was approved by the***

Clearinghouse Board by a vote of 4-0.

- ! Title policy: payment of title insurance fees, implementation
Summary: Mr. Corwin raised the question as to whether the administrative costs of the Clearinghouse (e.g., appeal hearing stenography, legal notices, etc.) should be paid from the Commission's administrative budget or the Clearinghouse funds. It was informally agreed that all administrative costs of the Clearinghouse operation should be paid from the Commission's administrative budget.

Administrative

- ! Public comment
Summary: Mr. Hofstader, representing the Zarabi / Manorville appeal, summarized portions of the statement he had read into the record for his client at the previous Clearinghouse meeting.

Ms. Hendrix, a core area property owner, asked about the use of any income which the Clearinghouse may realize from the sale of credits. Several Board members explained the revolving fund nature of the capitalization fund to her.

Mr. Dittmer, representing Civil Property Rights Associates, spoke briefly about the suit which some New Jersey property owners had filed a few years after the New Jersey development rights transfer program began.

Executive Session and Adjournment

Summary: **A motion was made by Mr. Cowen and seconded by Mr. Freleng 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 approximately 6:06 pm.

A motion was later made by Mr. Girandola and seconded by Mr. Dragotta to exit from executive session. The motion was approved by a vote of 5-0, and the Commission returned to open session at approximately 7:02 pm. The meeting was immediately adjourned without a formal resolution.

- Attachments:**
1. Speaker Sign-in and Attendance Sheets.
 2. SC Treasurer's report on Clearinghouse funds (4/30/96)
 3. Draft Commission budget for 1996-97 fiscal year (5/15/96)
 4. Summary of applications to the Commission (5/15/96)
 5. Draft agreement with SC Treasurer
 6. Complete Letter of Interpretation Applications (5/15/96)

Central Pine Barrens Joint Planning and Policy Commission

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Commission Meeting Summary (FINAL) for May 29, 1996 (Approved 6/11/96) Riverhead Town Hall / 2:00 pm

Present: Mr. Proios (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), Mr. Freleng (for Southampton) and Mr. Cowen (for New York State). Mr. Grecco, Vice Chair of the Pine Barrens Credit Clearinghouse Board of Advisors, was 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.

Mr. Proios convened the meeting at approximately 2:30 pm with a four member quorum (excluding Mr. Cowen) initially.

Administrative

Mr. Cowen and Mr. Spitz arrived during this discussion, and a five member quorum was then present.

! Public comments

Summary: Mr. Schmelzer, a core area property owner, asked whether the Commission would recommend to the town assessors to reduce property taxes. Mr. Proios replied that the Commission has not discussed this, but could do so.

! Renewal of insurance policy: authorization of Chair or representative to sign

Summary: Ms. Roth summarized the attached application for a renewal of the public officials insurance policy. The application requires the signature of the Chair or his representative. **A motion was made by Ms. Filmanski and seconded by Mr. Freleng to authorize the Chair or his designated representative to sign the insurance policy renewal. The motion was approved by a vote of 5-0,** and Mr. Proios signed the application.

! Schedule changes

Summary: Mr. Corwin reported that the Clearinghouse meeting and hearing originally set for 6/18/96 will be held 6/25/96 at 2:00 pm and 2:30 pm, respectively, and the Protected Lands Council meeting of 6/11/96 was moved to 7/2/96 (time and place remain unchanged). He noted that the Wildfire Task Force is arranging two evening sessions, tentatively 7/15 and 7/16, for Chairpersons of the Fire Commissioner Boards and Fire Chiefs in Suffolk County, to explain the work of the Task Force.

! Correspondence (not on the original agenda)

Summary: Mr. Corwin read the attached correspondence from Ms. Hendrix, a core area property owner, regarding the Pine Barrens Credit (PBC) capitalization fund and Certificate purchase policy.

Compatible Growth Area

- ! Quogue Quick Storage / Quogue Village: discussion (6/12 deadline)
Summary: Ms. Roth explained that the question previously posed to her regarding this application was whether the Interim Goals and Standards or the core area hardship provisions should be applied to this project. She stated that, prior to enactment of the pending pine barrens statutory amendments, the provisions of the current version of the statute should be applied. Thus, the core area criteria would currently be applied.
- ! Manorville Nursery Expansion / Manorville: distribution of town hearing transcripts
Summary: Mr. Girandola distributed copies of Brookhaven Town's Planning Board and State Environmental Quality Review Act (SEQRA) public hearing records for this project. He noted that this project has been on the Planning Board's agenda five times. He explained that the only advertised public hearing was the SEQRA hearing.

The handout materials contain the portions of the Planning Board minutes regarding this project. Mr. Freleng asked for a copy of the site plan, and Mr. Cowen asked for a copy of the public notice for the town's SEQRA hearing. Mr. Girandola agreed to forward the public notice, and Ms. Plunkett said that Nelson & Pope would be contacted for additional site plan copies. A discussion ensued over a suitable date for a substantive discussion.

Administrative and Compatible Growth Area

- ! Commission meeting schedule changes (not on the original agenda) and Manorville Nursery Expansion discussion
Summary: After a brief discussion, it was determined that, in order to ensure a quorum for the next two meetings and to hold a discussion of the Manorville Nursery Expansion project at the second meeting, schedule changes would be made.

A motion was made by Mr. Cowen and seconded by Mr. Freleng to (1) change the date of the 6/12/96 meeting to 6/11/96, at 2:00 pm at a location to be determined, and (2) to change the date of the 6/26/96 meeting to 6/24/96, at 2:00 pm at a location to be determined. The motion was approved by a vote of 5-0.

Independent of this resolution, it was agreed that the Manorville Nursery Expansion project discussion would be held at the 6/24/96 meeting. Following the resolution, Ms. Trezza reported that the 6/11/96 meeting would be at the Riverhead Town Hall, and the 6/24/96 meeting would be at the Brookhaven Town offices in Medford.

Pine Barrens Credit Program

- ! Credit purchase and title requirements policies: final version of text
Summary: Mr. Milazzo distributed the attached proposed final text for the 5/1/96 Commission resolutions establishing policies on the title requirements for Pine Barrens Credit applications and the purchase policy for Pine Barrens Credit Certificates. After a brief discussion, it was agreed that these text versions would be discussed at the 6/11/96 meeting.

Mr. Milazzo also distributed the attached memo from Mr. Tripp, Chair of the Clearinghouse Board of Advisors, and the three town-specific proposed draft letters to core area owners regarding the purchase of credits. These items will also be discussed at the 6/11/96 meeting.

- ! Pine Barrens Credit valuation: third draft (*distributed; possible conference call*)
Summary: The attached third draft report by Dr. Nicholas on the values of utilizing Pine Barrens Credits was discussed briefly. Dr. Nicholas' memo explains the changes from the second draft which have resulted in modifications to the ranges of estimated values of credit usage. It was agreed that this draft will be examined by town officials prior to action by the Commission. This draft will be on the agenda for 6/11/96.

Plan Implementation

- ! NY Army National Guard and Law Enforcement Council: result of first field effort
Summary: Mr. Corwin reported that the first load training exercise involving the removal of derelict vehicles from the pine barrens by the New York Army National Guard was held on 5/23/96 in Manorville. Three vehicles were removed by air to a central spot where they were hauled away for recycling. Three additional vehicles were removed by County and Town crews. Law Enforcement Council agencies, the Suffolk County Parks Department, and the Brookhaven Town Code Enforcement and Vehicle Departments organized the first day. The next work session is set for 5/30/96.
- ! ECL Article 57 amendments: status
Summary: Mr. Corwin stated that bill A8864-A passed the Assembly and awaits Senate action.
- ! Riverhead Town code amendments: discussion
Summary: Ms. Roth discussed three topics within the new amendments: the lack of certain text regarding Compatible Growth Area standards, credit assignment to public lands, and the credit allocation schedule. She is discussing these with town officials.

Mr. Proios asked about the absence within the code amendments of the receiving area located on West Main Street, and Ms. Filmanski replied that a sewer main extension is planned for that area. Mr. Cowen then noted that the NYS Department of Environmental Conservation has issued a permit for the Tanger II Factory Outlet Expansion project which requires the extension of a sewer main to that project site.
- ! Protected Lands Council inventory task (not on the original agenda)
Summary: Mr. Proios observed that both the Protected Lands Council and the Ecology Committee would benefit from any natural resource inventory information which the three towns may have for property acquired recently by the county or the town.
- ! Suffolk County's Preservation Partnership proposal (not on the original agenda)
Summary: Mr. Proios explained the County Executive's Preservation Partnership proposal for open space and farmland protection. He noted that it provides \$15 million in capital funds over three years (at \$5 million per year), starting next year, and that it could begin sooner if funds are available. Funding would be accompanied by town funds. He discussed land protection work in Southampton, East Hampton, and Southold.
- ! Riverhead Town code amendments: additional discussion
Summary: Mr. Cowen asked how Section 6.3.4.3 of the Plan's Volume 1 applies to core area lands in Riverhead. The provision addresses the allocation of credits to property owned or held for land protection, preservation, or conservation. A discussion ensued regarding how to determine when this provision applies.

Administrative

! Additional public comments

Summary: Mr. Olsen, of Civil Property Rights (CPR) Associates, objected to an earlier statement by Mr. Proios. Mr. Olsen requested that today's record reflect his statement that CPR has not advised anyone to avoid grieving taxes. Mr. Dittmer, also of CPR Associates, stated that CPR has encouraged paying taxes under written protest.

Executive Session, Adjournment, and Public Hearing

Summary: A motion was made by Mr. Cowen and seconded by Mr. Freleng to enter into executive session for the purpose of discussing current litigation. The motion was approved unanimously. The Commission entered into executive session at approximately 4:06 pm, returned to open session at approximately 5:00 pm, and began the public hearing on the Sterk core application at that time.

Attachments:

1. Speaker Sign-in and Attendance Sheets
2. Application for renewal of the public officials insurance policy
3. Undated letter from G. Hendrix re the PB Credit Program (Received 5/28/96)
4. Proposed final text of the 5/1/96 PB Credit Certificate purchase policy
5. Proposed final text of the 5/1/96 PB Credit Program title policy
6. 5/29/96 memo from J. Tripp re PBC purchases and draft letters to owners
7. 5/20/96 third draft of Dr. Nicholas' economic report

Central Pine Barrens Joint Planning and Policy Commission

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Felix J. Grucci, Jr., *Vice Chair*
Vincent Cannuscio, *Member*
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Commission Meeting Summary (FINAL) for June 11, 1996 (Approved 6/24/96) Riverhead Town Hall / 2:00 pm

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

General counsel was Ms. Roth. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Hopkins, and Mr. Milazzo (from the Commission), Mr. Spitz and Capt. Conklin (from the NYS Department of Environmental Conservation), Mr. Grecco (from the Suffolk County Attorney's Office and Vice Chair of the Pine Barrens Credit Clearinghouse Board of Advisors), Mr. Ryan (Brookhaven Town Assessor), Mr. Hynes (from the Suffolk County Department of Parks and the Law Enforcement Council), and Col. Intini (from the New York Army National Guard and the Law Enforcement Council). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:20 pm, with an initial four member quorum (absent Ms. Filmanski initially).

Administrative

! Public comments

Summary: Mr. Charles Siegel, a core area property owner, asked whether the recently proposed state bond act would include funding for pine barrens acquisition funding. Mr. Cowen explained that it would.

! Draft summary for meetings: 5/29 faxed; 5/1, 5/15 to be distributed

Summary: Mr. Corwin reported that the meeting summaries for 5/1/96 and 5/15/96 are not completed yet. The following change to the 5/29 meeting summary was noted. The "Preservation Partnership" description on page 4, next to last sentence, should read in part: "...and that it could begin sooner if funds are available."

A motion was then made by Mr. Freleng and seconded by Mr. Cowen to approve the draft summary for the 5/29/96 meeting with that correction. The motion was approved by a vote of 4-0.

! Meeting with Advisory Committee: 7/9/96 at 9:00 am at Great River; resolution

Summary: Mr. Corwin reported that the above date has been suggested for a joint meeting between the Commission and the Advisory Committee. Topics to be discussed will likely include the funding for land acquisition and the working relationship between the two bodies.

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

Commission meeting for 7/9/96 at 9:00 am at the Commission's office in Great River. The motion was approved by a vote of 4-0.

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

! Map requests and distribution

Summary: Mr. Corwin discussed the possibility of providing copies of the public lands map of the Central Pine Barrens, which also shows the real property parcels and the core preservation and compatible growth area boundaries, to individuals and others at cost. A discussion ensued regarding the need for a disclaimer regarding accuracy, the resources required to produce the map and copies, the need to discuss the dissemination of the map with agencies having responsibilities for the data, etc. It was agreed that this would be discussed again.

! 5/28/95 letter from Ridge Fire District (not on the original agenda)

Summary: Mr. Proios noted the attached letter from the Ridge Fire District regarding a tract on land adjacent to their substation in the Lake Panamoka area of Ridge. Mr. Corwin reported that the letter was addressed to Mr. Gaffney as Chair of the Commission, and that it has been forwarded at his request to Mr. Fischler, Commissioner of the Suffolk County Fire, Rescue and Emergency Services Department.

! Clearing discussion (not on the original agenda)

Summary: Mr. Girandola reported that he had received a call from the Commission staff to look into the nature of a clearing operation along the west side of William Floyd Parkway, on the north side of the Suffolk County Pine Trail Nature Preserve. Mr. Corwin explained that the request was for information.

Mr. Girandola stated the Brookhaven Town's code amendments do not contain the clearing prohibition of Article 57, and that he felt that the state should be looking into such reports. The discussion also highlighted the 100 foot buffer along the Pine Trail Preserve for certain undeveloped, nonagricultural parcels contained within the statute's delineation of the core area.

Plan Implementation

! NY Army National Guard and Law Enforcement Council: results of first efforts; photo presentation

Summary: Col. Intini, facility commander for the Islip-based unit of the NY Army National Guard, and Mr. Hynes, Security Director for the SC Parks Department, described the recent two work days, and the prior preparatory activities, for the aerial lifting of abandoned vehicles. The discussion was illustrated by a slide presentation.

During the 5/23 and 5/30 work sessions, a total of seven vehicles were removed by helicopter, and three by ground crews. Col. Intini described the logistical aspects of the operation, and Mr. Hynes explained the interagency coordination. Mr. Corwin noted that the Army National Guard has an environmental awards program for its units, and that he will provide a draft resolution to the Commission recommending Col. Intini's unit for this award.

Col. Intini, Mr. Hynes, and Capt. Conklin left at this time.

! Wildfire Task Force: current work (not on the original agenda)

Summary: Mr. Corwin reported that Mr. Searing, chair of the Wildfire Task Force, is

working with his Vice Chairs and other Task Force members on an interim written report for presentation to the Commission in July.

Core Preservation Area

- ! TNT Waterworks / Westhampton: new; distribution of materials; set hearing
Summary: Ms. Plunkett distributed the application materials for a site owned by the Suffolk County Water Authority (SCWA) in Westhampton, and explained that the project appears to be an unlisted action under the State Environmental Quality Review Act (SEQRA). She recommended a coordination with other relevant agencies.

Mr. Nobiletti, representing the applicant, explained the lease arrangements with the SCWA. Ms. Wiplush raised the question as to whether the SCWA holds its properties in the public trust, and how that answer might affect arrangements such as this. A brief discussion ensued regarding the issues which counsel might be asked to examine in this application.

A motion was made by Ms. Filmanski and seconded by Mr. Cowen to hold a public hearing on the TNT Waterworks applications on 6/24/96 at 5:00 pm at the Brookhaven Town Offices in Medford. The motion was approved by a vote of 5-0.

Compatible Growth Area

- ! Quogue Quick Storage / Quogue Village: decision (6/12 deadline)
Summary: This application is now for a Compatible Growth Area hardship. Following up on the discussion from the 5/29/96 meeting, a discussion ensued regarding what hardship standards should be applied, since the pine barrens law amendments have not yet taken effect. Ms. Roth recommended that the core area standards be applied at this time. A brief discussion followed regarding the specific mitigation components of the site plan, including the staff recommendations re quantities and species of plantings to occur on the locations indicated on the most recent site plan. A brief discussion was held regarding enforcement of the mitigation components, and it was agreed that staff would visit the site at some point in the future, and relay this to the Village. The possibility of a performance bond was raised, discussed, and rejected.

A motion was then made by Mr. Freleng and seconded by Ms. Filmanski to approve the application. In the discussion which followed, Ms. Roth recommended that a detailed examination of the project with respect to the core area provisions be made. Mr. Cowen went through the core area criteria, and it was determined that the project as presented today satisfied each of the criteria. Mr. Freleng then made a motion to amend the pending approval to reflect that it is being made as per the conditions of Environmental Conservation Law (ECL) Article 57-0123(3), and Ms. Filmanski seconded that amending motion. The motion to amend the original motion was then approved by a vote of 5-0, and the amended original motion was then approved by a vote of 5-0.

Ms. Wiplush left during the following discussion.

- ! Manorville Nursery Expansion / Manorville: data inventory, site plan (from 5/29)
Summary: Ms. Plunkett distributed copies of the site plan, an inventory of the Commission's files and data on this project, and the attached 6/7/96 letter from Lorraine Kuehn of the Manorville Taxpayers Association. Mr. Girandola then discussed the assertion of jurisdiction vote provisions of the pine barrens law, and the need for

defining the scope of the Commission's review as well as the reviewing entity.

Mr. Proios stated that the law addresses water, vegetation, and outstanding geological features. He commented that the test bores described in the available materials are insufficient to determine the nature of the topographic feature on the property. Ms. Plunkett remarked that there is a professional geologist willing to examine the area. Mr. Girandola stated that the full Environmental Impact Statement (EIS) should be read, since these issues may be addressed there. He felt that the scope of the Commission's review should be defined, and then compared with the information that the EIS contains. It was agreed that the concerns which led to the assertion of jurisdiction include water quality, clearing, and geologic features.

Mr. Cowen observed that ECL 57-0123(2) requires that a planning entity be named. Mr. Girandola stated that Brookhaven Town suggests that an outside entity should review this project, and that the planning entity be the Suffolk County Planning Department. It was agreed that was acceptable, and discussion turned towards the scope of the review.

Topics discussed at this point include the removal of trees and other vegetation, the removal of the topographic feature and its constituent materials, water quality, and the development or nondevelopment status of the overall action and its components. It was agreed that the standards in the revised Chapter 5 of Volume 1 of the Plan should apply here. A lengthy examination of each standard in Chapter 5 then occurred. The outcome was that the project will be reviewed against all of the standards in the current Chapter 5 of Volume 1, excluding Sections 5.3.3.4, 5.3.3.9, and 5.3.3.12, and that Ms. Roth will examine the legal interrelationships of the overall project's component actions.

A motion was then made by Mr. Cowen and seconded by Mr. Girandola (1) to name the Suffolk County Planning Department as the planning entity for the Manorville Nursery Expansion pursuant to ECL 57-0123(2), (2) to direct the Commission staff to approach Mr. Jones, Director of the Planning Department regarding this request, (3) to request that the review be completed within 30 days if possible, and (4) to have the review done using all of the provisions of Chapter 5, Volume 1, of the Plan excluding Sections 5.3.3.4, 5.3.3.9, and 5.3.3.12. The motion was then approved by a vote of 5-0.

It was then informally agreed that when the report is complete, the applicant could appear before the Commission and make a presentation, if they wish to.

Pine Barrens Credit Program

- ! Pine Barrens Credit valuation report: status of review of third draft (*distributed*)
Summary: Mr. Girandola requested that a vote on accepting the third draft of Dr. Nicholas' report be delayed to the 6/24/96 meeting in order to permit Brookhaven Town additional time to complete its review.

Mr. Proios inquired whether the Clearinghouse members have reviewed the report, and Mr. Grecco replied that it has been distributed, but no comments received. He noted that the Clearinghouse has not met since the last Commission meeting, but that both he and Mr. Tripp are looking forward to having a version of the report accepted.

- ! 5/1/96 PBC Certificate purchase policy: final text approval (*from 5/29*)
- ! 5/1/96 title policy: final text approval (*from 5/29*)
Summary: Mr. Milazzo distributed the proposed final text versions of these two

resolution from the 5/1/96 meeting as modified by the Commission meeting discussions since then. Mr. Girandola stated that the tax bill to be submitted is not proof of payment. A discussion ensued over the materials to be required. It was agreed to hold off on approving the language of the title policy, but to accept the purchase policy text today.

A motion was then made by Mr. Cowen and seconded by Mr. Girandola to accept the text of the Pine Barrens Credit Certificate purchase policy as presented today (and attached). The motion was approved by a vote of 5-0.

- ! Draft letters to owners re PBC Certificate purchases: status (from 5/29)
Summary: It was agreed that approval of the letters should be done at the same time as the report is accepted, since the letters refer to values contained within the report.
- ! Pine Barrens Credit valuation report: status of review of third draft (distributed)
Summary: A brief discussion ensued over who should be charged with reapplying the methodology contained within the report to new data in the future. Several names were mentioned as possibilities, based upon their understanding of the statistical techniques used by Dr. Nicholas.

Mr. Grecco then introduced Mr. Dean Betro, a Hofstra Law School student and his summer intern who is accompanying him today. Mr. Grecco and Mr. Hopkins left at this time.

Administrative

- ! Public comments
Summary: Mr. Schmelzer, a core area property owner, asked whether the Commission has made a recommendation to the town assessors to reduce taxes on core pine barrens land. He stated that he has not had any trouble getting taxes reduced in Riverhead. Mr. Ryan, the Brookhaven Town Assessor, explained the legal reason why he could not simply do that as a blanket policy, due to a lack of appropriate data upon which he must base such reductions. In the discussion which followed, it was noted that any individual could apply for a reassessment, however.

Compatible Growth Area

- ! Proposed policy for small (substandard) lots: discussion
Summary: Mr. Girandola requested that this be rescheduled for the 7/10/96 meeting.
- ! Correspondence: 6/4 letter from Brookhaven Town re CGA reviews by Commission
Summary: The attached letter was discussed at length, with the principal issues being the SEQRA status of the Commission within the Compatible Growth Area, the distinctions between being an involved or interested agency, the question of who determines whether the Commission's jurisdictional thresholds have been met for individual projects, and the specific case of the Manorville Nursery Expansion project. The majority of Commission members present indicated that the Commission would like to receive SEQRA materials as an interested agency. Two of the three towns indicated that they would forward SEQRA materials routinely.
- ! Manorville Nursery Expansion / Manorville: data inventory, site plan (from 5/29)
Summary: The prior discussion of this project continued briefly, with the issues including the role of the approval of the mining portion of the project by the NYS DEC and the circumstances leading to the assertion of jurisdiction.

Plan Implementation

- ! Notification of Towns re Plan amendments and Southampton re code changes
Summary: Ms. Roth offered the attached draft resolution recommending to the Southampton Town Board that the Town's code amendments implementing the Central Pine Barrens Plan be amended to reflect the changes contained within the Commission's 5/1/96 Plan amendments (including changes to the residentially zoned property credit allocation formula). Several hand-written changes were made to the draft, and those changes are contained on the attached copy.

A motion was then made by Mr. Cowen and seconded by Mr. Girandola to approve the attached, modified version of the resolution making this recommendation. During the discussion, it was requested that the resolution be read aloud, and Mr. Cowen did so. The motion was then approved by a vote of 5-0.

- ! ECL Article 57 amendments: status
Summary: Mr. Corwin reported that the bill, A8846A/S6612A, passed both houses of the Legislature and is awaiting the Governor's signature. Mr. Cowen is currently awaiting word of the Governor's signature.
- ! SC Council on Environmental Quality request for comments on legislative bills
Summary: Mr. Proios reported that Ms. Elkowitz, Chair of the Suffolk County Council on Environmental Quality (CEQ, the County's SEQRA entity), must determine the SEQRA status of the various draft county legislative bills affecting the land acquisition program in Suffolk County. She has requested the Commission's input on these.

After a brief discussion, a motion was made by Mr. Freleng and seconded by Mr. Girandola to convey to the CEQ the recommendation that a full environmental impact analysis be completed on these bills, since they may have a potential significant adverse impact on the environment and on the implementation of the Plan. The motion was approved by a vote of 4-0-1, with the abstaining vote cast by Mr. Proios.

- ! Riverhead Town code amendments: status
Summary: These will be discussed at the Riverhead Town Board session on 6/13.
- ! Brookhaven Land Use Plan: status; distribution of relevant sections
Summary: Ms. Plunkett distributed those portions of Brookhaven Town's recent land use plan which are pertinent to the pine barrens Plan. No discussion was held.

Adjournment

Summary: A motion to adjourn was made by Mr. Freleng and seconded by Mr. Cowen. It was approved by a vote of 5-0. The meeting ended at approximately 6:00 pm.

Attachments:

1. Speaker Sign-in and Attendance Sheets.
2. Letter from Ridge Fire District re land in Lake Panamoka area (5/28/96)
3. Letter from L. Kuehn, Manorville Taxpayers Association re Manorville Nursery Expansion project (6/7/96)
4. Proposed final text of 5/1/96 PBC Certificate purchase resolution
5. Proposed final text of 5/1/96 title policy resolution
6. Letter from J. Girandola, Brookhaven Planning, re CGA projects (6/4/96)

7. Resolution recommending an amendments to Southampton Town code regarding residential PBC allocation formula (6/11/96)

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Commission Meeting Summary (FINAL) for June 24, 1996 (Approved 7/10/96) Brookhaven Town Offices, Medford, Building 4 / 2:00 pm

Commission members present: Mr. Proios (for Suffolk County), Ms. Wiplush and Mr. Pavacic (for Brookhaven at the times indicated; Ms. Wiplush 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, Mr. Hopkins (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation), Mr. Grecco (from the Suffolk County Attorney's Office and Vice Chair of the Pine Barrens Credit Clearinghouse Board), Mr. Jones (Director of the Suffolk County Planning Department), Mr. Bagg (from the Suffolk County Planning Department), and Mr. James Ryan (Brookhaven Town Assessor). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:10 pm, with a four member quorum present. Ms. Filmanski was absent initially, and Mr. Pavacic arrived during the public comment period.

Administrative

! Public comments

Summary: The first speaker was Mr. Peter Maniscalco, representing Cobblebridge Condominiums in Manorville, who spoke on the Manorville Nursery Expansion project. He stated that his group opposes the project's sand mining, and he appealed to the Commission to hold a public hearing on the application. He stated that although the Manorville Taxpayers Association is in favor of the project, he believes that the majority of Manorville residents are opposed to it.

He stated that his organization is not opposed to development of this land, that the project is actually mining rather than regrading, and stated that nursery stock is already growing on slopes there. He again asked the Commission to look at all issues and to allow a public hearing. He stated that development there should proceed in a manner beneficial to both the owner and the community.

The second speaker was Mr. Charles Siegel, a core area property owner. Mr. Siegel asked whether the proposed state bond act was dead for this legislative session. Mr. Cowen stated that he did not know the current status. Mr. Siegel discussed a New York Times article from 6/7/96 regarding the bond act, stated that he has not been able to obtain a copy of the bond act, and expressed concern that the act include Central Pine Barrens funding.

He also asked whether the bill containing amendments to the pine barrens act, including the core roadfront residential exemption, has been signed. Mr. Cowen reported that it has. He asked Mr. Proios whether Mr. Gaffney was going to sign county legislative

resolution 1179 of 1996 regarding the Drinking Water Protection Program. Mr. Proios replied that a public hearing was held this morning on that.

The third speaker was Mr. Henry Dittmer, representing Civil Property Rights Associates. He referred to the lawsuit filed by a number of property owners in federal court against the Commission, but which has not yet been served. He then referred to the attached 6/12/96 letter to the Commission from Mr. Edwin Schwenk, Executive Director of the Long Island Builders Institute, advocating the allocation of a full Pine Barrens Credit to each single and separate parcel. Mr. Corwin distributed copies of this letter, which is on today's agenda. Mr. Dittmer discussed the prices of credits and the possibility of settling the suit now. Ms. Roth suggested that Mr. Dittmer have their counsel contact the Commission counsel if they are interested in settling the suit.

The fourth speaker was Mr. Richard Amper, Executive Director of the Long Island Pine Barrens Society. He noted that Suffolk County has not bought land this year, and that the Commission should take a position on this. He also endorsed Mr. Maniscalco's position on the Manorville Nursery Expansion project, urged the Commission to hold a hearing, and stated that a review by the Commission would be different from a review by the town. Finally, he stated that the county should begin land acquisitions again, and that the initiative and referendum petition has been submitted.

Mr. Proios again noted this morning's public hearing on one of the pending land acquisition bills, and that the Commission, at its 6/11/96 meeting, passed a resolution urging the County's Council on Environmental Quality to perform a full environmental impact analysis upon those pending bills which would alter the Drinking Water Protection Program. Ms. Wiplush then commented, in regard to the Manorville Nursery Expansion project, that the public has already had an opportunity to comment.

Ms. Filmanski arrived during the beginning of the following item, and a five member quorum was then present until otherwise indicated.

- ! Draft summaries for 5/1, 5/15, and 6/11 meetings: changes and approval (faxed)
Summary: Changes suggested to the 5/1/96 meeting summary included: (1) Under both "Executive session" sections, the wording should be altered to reflect that those sessions were "closed sessions" rather than "executive sessions" and the corresponding motions to enter and leave the closed sessions should so modified; (2) under "Possible Commission web site", the last sentence should read, in part, "... to interested individuals ..."; (3) Under "Pine Barrens Credit valuation", the summary should begin "The comments received ..."; and (4) under "Pine Barrens Credit purchases", the next to last sentence should end with "... another thirty day chance to appeal as of the date that the letters are sent."

A motion was then made by Mr. Freleng and seconded by Mr. Cowen to approve the 5/1/96 meeting summary with the above changes. The motion was approved by a vote of 5-0.

Changes suggested to the 5/15/96 meeting summary included: (1) under "Public comments", the first sentence should read, in part, "... regarding title policy and purchases of Pine Barrens Credit Certificates.", (2) under "Manorville Nursery Expansion", the last sentence should be altered to reflect that the motion passed by a vote of 3-1-1, with the dissenting vote cast by Mr. Cowen and the abstaining vote cast by Mr. Dragotta; (3) under "Change of zone referrals and SEQR coordinations", the first sentence of the motion should read, in part, "... undertake to the extent legal and possible ..."; (4) under "New Clearinghouse Board meeting", the tape recording of the meeting should be checked to confirm the dates contained within the motion to accept

the Gazza appeal decision date change and to schedule a new Clearinghouse Board meeting; and (5) under "Expressway 60 Patent and Bernard Meyer", the summary should read, in part, "It was decided to issue a total of 21.8 credits for all 37 parcels involved in the appeal. A motion was then made ... to issue a total of 21.8 credits for these 37 parcels involved in the appeal."

It was then agreed to defer approval of the 5/15/96 summary until the tape recording of the meeting is checked as described.

Changes suggested to the 6/11/96 meeting summary included: (1) under "TNT Waterworks", the second sentence of the second paragraph should read, in part, "... and how that answer might affect ..."; and (2) under "Correspondence: 6/4 letter from Brookhaven Town re CGA reviews", the following text should be added at the end: "The majority of Commission members present indicated that the Commission would like to receive SEQRA materials as an interested agency. Two of the three towns indicated that they would forward SEQRA materials routinely."

A motion was then made by Mr. Cowen and seconded by Mr. Freleng to approve the 6/11/96 meeting summary with the above changes. The motion was approved by a vote of 4-0-1, with the abstaining vote cast by Ms. Wiplush.

- ! Clearinghouse meeting: change from 6/25 to 7/9 at 1:00 pm, Great River
Summary: Mr. Milazzo noted that the Clearinghouse Board of Advisors meeting, originally set for 6/25/96, will be held on 7/9/96 at 1:00 pm, at the Commission office.
- ! Joint meeting with Advisory Committee: draft agenda for 7/9/96
Summary: Mr. Corwin distributed, and briefly discussed, the attached preliminary draft agenda for the 7/9/96 joint meeting of the Commission and the Advisory Committee. He requested that Commission members forward any changes to him for inclusion of the final agenda.

Pine Barrens Credit Program

- ! Correspondence: 6/24 letter from L.I. Builders Institute re allocation
Summary: This was discussed earlier, during the public comment period.
- ! Pine Barrens Credit valuation report: status of review of third draft (from 6/11)
Summary: Ms. Roth recommended that the Commission receive legal advice on this matter in closed session, and it was agreed to defer discussion until then.
- ! 5/1/96 title policy: approval of final text (from 6/11; faxed)
Summary: Mr. Milazzo discussed the attached proposed final text of the Commission's 5/1/96 resolution on a title policy for use in the Pine Barrens Credit Program. It was agreed that the resolution should include Mr. Grecco's 5/16/96 letter, which is included by reference in the text of the resolution.

A motion was made by Mr. Cowen and seconded by Mr. Freleng to adopt and approve the attached text of the Commission's 5/1/96 title policy. The motion was approved by a vote of 5-0.

- ! Title searches: report on the County staff's efforts (not on the original agenda)
Summary: Mr. Grecco reported that the first sixteen searches in connection with applications for Pine Barrens Credit Certificates are complete. Eight of these showed no problems, and eight others raised issues which must be resolved before the

Clearinghouse can proceed with those applications. Title issues encountered included estates, missing contracts of sale, guardians, etc.

Mr. Grecco left at this point.

Plan implementation

- ! Riverhead Town code amendments: status

Summary: Ms. Filmanski stated that she did not have a formal report yet, but that there were no problems as far as she knew. Ms. Roth commented that she has spoken with the Riverhead Town Attorney, and that he has agreed that the best approach would be for the town to forward the proposed changes to the Commission first, prior to action by the Town Board.

- ! Possible Commission comments for Brookhaven Land Use Plan (faxed)

Summary: The attached draft comments were briefly discussed. Mr. Proios asked Mr. Pavacic how the hamlet areas described in the town plan were chosen, and Mr. Pavacic described both the prior hamlet studies and the approaches which will be taken for the hamlet areas not specifically addressed in the town plan.

A motion was then made by Mr. Cowen and seconded by Mr. Freleng to approve the attached comments and authorize staff to forward them to Brookhaven Town as official Commission comments. The motion was approved by a vote of 5-0.

Core Preservation Area

- ! TNT Waterworks Ltd. / Westhampton: discussion

Summary: Ms. Roth stated the Commission staff should not be the reviewers for this application, since the project involves the Suffolk County Water Authority (SCWA) as the owner of the site and the Commission staff members are also employees of the SCWA. She recommended that an outside agency perform the staff review, and that the hearing (originally set for 5:00 pm today) on this project be postponed so that the reviewing staff can be present.

The possibility of requesting the Suffolk County Planning staff to review this project arose. Mr. Proios noted that the Suffolk County Legislature appoints the members of the Suffolk County Water Authority Board, but that the Suffolk County Planning Department is part of the executive branch, and there should not be a conflict in having the county planning staff assist with this review. It was agreed that tonight's hearing should be postponed.

A motion was then made by Mr. Freleng and seconded by Ms. Filmanski to request the Suffolk County Planning Department to review this project for the Commission. The motion was approved by a vote of 5-0.

- ! Orr Associates / Ridge: new application-determine jurisdiction

Summary: Ms. Plunkett summarized this six lot subdivision originally approved in the 1980's. It is on the south side of Patrick Lane, which runs east from William Floyd Parkway in Ridge; the area is north of Route 25 and is within the core area. Two of the six lots have been developed residentially, two others are undeveloped but separated by the developed lots, and two are undeveloped and adjacent. The two adjacent undeveloped lots are now in common ownership. She observed that it is not clear whether any are single and separate lots.

A discussion ensued over whether the four undeveloped lots are part of an exempted subdivision, pursuant to the nondevelopment provisions of the pine barrens law, or whether they require a core hardship exemption permit. Although it is clear that the lots were approved prior to June 1993, it is not certain whether any of the grandfathering provisions apply here. Mr. Proios raised the issue of whether foreclosures, such as occurred here, merge lots due to common ownership. It was agreed that counsel would examine this project, and that a hearing would be scheduled on this application.

- ! Public hearings on TNT Waterworks and Orr Associates applications

Summary: A motion was made by Mr. Freleng and seconded by Ms. Filmanski to hold public hearings on the TNT Waterworks / Westhampton and the Orr Associates / Ridge core area hardship permit applications on 7/24/96 at 5:00 pm at the Riverhead Town Hall. The motion was approved by a vote of 5-0.

Compatible Growth Area

- ! Manorville Nursery Expansion / Manorville: meeting with J. Bagg, SC Planning Dept

Summary: Mr. Corwin distributed to the Commissioners packets from the Manorville Taxpayers Association containing letters of support which were delivered at the start of the meeting.

Mr. Jones, Director of the Suffolk County Planning Department, reported that he and Mr. Bagg of his staff have begun examining this application. Mr. Jones discussed policy issues regarding agriculture, nondevelopment, and other topics which arise in reviewing this project. Mr. Bagg noted that the Suffolk County Planning Commission does not have jurisdiction over site plans and therefore did not review this project, and that the Suffolk County Pine Barrens Review Commission declined comment. The memo from Mr. Corwin to Mr. Jones summarizing the 6/11/96 Commission resolution requesting help from Suffolk County Planning was discussed briefly.

Mr. Cowen raised the issue of applying the standards to geological features, and Mr. Bagg noted that such features are not the subject of any Plan standard. This led to a discussion of what standards would cover such features. Mr. Cowen observed that the project review could include an examination of whether the agricultural operations included as part of the project could be carried out on the hillside with its current slope. Mr. Pavacic summarized Brookhaven Town's review of agricultural feasibility on the slopes, the soils, and the possibility of terracing. The current use of sloped portions of the site for agriculture was discussed, and Mr. Pavacic reported that the applicant stated that these areas have been trouble spots for that activity.

Mr. Proios stated that he would like to have test results from on site agricultural wells, rather than only having off site well testing results. Mr. Pavacic responded that further examination of water quality in the area would also have to look at other potential pollution sources, and specify the number and placement of additional test wells.

Mr. Freleng stated that the review should be conducted within the scope specified. Mr. Jones and Mr. Bagg were requested to proceed with the review.

Mr. Bagg left at this point.

Closed session

Summary: A motion was made by Mr. Freleng to enter into closed session for the purpose of obtaining legal advice. The motion was not seconded at this time, and

did not pass.

Core Preservation Area

! NYNEX / Ridge: determine jurisdiction

Summary: Ms. Plunkett summarized this permit renewal application to Brookhaven Town by NYNEX for operation of a communications facility on a site owned by WLIG-TV, and located off the east side of Wading River Hollow Road, north of Route 25, in Ridge. Mr. Richard Ryan, representing NYNEX, spoke briefly regarding the renewal of the existing special permit from the town, for an existing building and telecommunications tower. He stated that no change was being made to the site, and that the town is now requiring a site plan approval. The town requested a determination of jurisdiction from the Commission. Mr. Pavacic spoke briefly on expiration dates for site plans within the town.

After a brief discussion about nondevelopment provisions, a motion was made by Mr. Proios and seconded by Mr. Cowen to deem the NYNEX Wading River Hollow Road communication facility project as nondevelopment pursuant to Environmental Conservation Law Article 57-0107(13)(ii). The motion was approved by a vote of 5-0.

Mr. Pavacic and Mr. James Ryan left during the following closed session.

Closed session

Summary: A motion was made by Mr. Freleng and seconded by Mr. Cowen to enter into closed session for the purpose of obtaining legal advice. The motion was approved by a vote of 5-0. The Commission entered into closed session at approximately 4:18 pm. A motion was later made by Mr. Cowen and seconded by Mr. Freleng to return to open session. The motion was approved by a vote of 5-0, and the Commission returned to open session at approximately 5:20 pm.

Core Preservation Area - public hearing

! TNT Waterworks Ltd. core hardship application / Westhampton (to be adjourned)

Summary: The hearing was convened and then adjourned until 7/24/96 at 5:00 pm at the Riverhead Town Hall. A separate stenographic transcript exists for this hearing.

Pine Barrens Credit Program

! Pine Barrens Credit valuation report: status of review of third draft (from 6/11)

! Pine Barrens Credit Certificate purchase policy: refinement (not on the original agenda)

Summary: A brief discussion ensued regarding the action which the Commission should take regarding the third draft of Dr. Nicholas' report on the Pine Barrens Credit program. A motion was made by Mr. Cowen and seconded by Mr. Proios to accept, but not to adopt, the third draft of Dr. Nicholas' report, dated 3/20/96, for the purpose of authorizing final payment to Dr. Nicholas of the balance owed to him. The motion was approved by a vote of 4-0-1, with the abstaining vote cast by Ms. Wiplush.

Certain language of the previous resolution to establish an initial price for the purchase of Pine Barrens Credits needs to be amended pursuant to the acceptance of Dr. Nicholas' report. Mr. Proios suggested the appropriate changes, and modifications were

then made. A motion was made by Mr. Proios and seconded by Mr. Cowen to adopt the attached resolution entitled "Resolution accepting the 5/20/96 report of Dr. James Nicholas and establishing an initial offering price for Pine Barrens Credits". The motion was approved by a vote of 4-0-1, with the abstaining vote cast by Ms. Wiplush.

Ms. Filmanski then left, and a four member quorum was present for the remainder of the meeting.

Executive session and adjournment

Summary: A motion was made by Mr. Cowen and seconded by Mr. Freleng 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 5:39 pm. A motion was later made by Mr. Freleng, seconded by Mr. Cowen, to exit executive session. It was approved by a vote of 4-0, and the Commission returned to public session at approximately 6:12 pm. The meeting was then adjourned without a formal resolution.

- Attachments:**
1. Resolution accepting the 5/20/96 report of Dr. James Nicholas and establishing an initial offering price for Pine Barrens Credits
 2. Attendance and speaker sign-in sheets.
 3. 6/12/96 letter from Mr. Schwenk of LI Builders Institute re PBC allocation
 4. Preliminary agenda for 7/9/96 Commission - Advisory Committee meeting
 5. Text of resolution on title policy (originally approved 5/1/96)
 6. Draft comments on the Brookhaven Town Land Use Plan

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*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Session of June 24, 1996
Brookhaven Town Offices, Building 4, Medford, NY

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

Resolution accepting the 5/20/96 report of Dr. James Nicholas and establishing an initial offering price for Pine Barrens Credits

Whereas, the Central Pine Barrens Joint Planning and Policy Commission has the ability to establish a price for the Pine Barrens Credit Clearinghouse using all information available to it, including the report prepared by Dr. James Nicholas dated May 20, 1996, recent land acquisitions of core property by New York State and Suffolk County, the Harriman School report prepared for the Commission on economic analysis, and other information available to it, and

Whereas, the Commission has the ability to establish a value for transfer of development rights credits as it believes is most appropriate,

Now, therefore, be it

Resolved, that this Commission establishes an initial offering price of:

- a) for the Town of Brookhaven, \$7,200 (seven thousand two hundred dollars) per Pine Barrens Credit,
- b) for the Town of Riverhead, \$10,000 (ten thousand dollars) per Pine Barrens Credit,
- c) for the Town of Southampton, \$5,600 (five thousand six hundred dollars) per Pine Barrens Credit, and be it further

Resolved, that this resolution supersedes that portion of a previous resolution related to the purchase price adopted by this Commission on May 1, 1996 and reaffirmed on June 11, 1996.

Record of motion:	Motioned by Mr. Proios, seconded by Mr. Cowen
Yea votes:	Mr. Proios, Mr. Cowen, Ms. Filmanski, and Mr. Freleng
Nay votes:	None
Abstentions:	Ms. Wiplush

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Commission and Advisory Committee Joint Meeting Summary (FINAL) for July 9, 1996 (Approved by Commission 8/7/96) Commission Offices, Great River / 9:00 am

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

Advisory Committee members present:

- ! Mr. LoGrande (for the Suffolk County Water Authority and Advisory Committee Chair),
- ! Mr. Amper (for the Long Island Pine Barrens Society and Advisory Committee Vice Chair),
- ! Mr. Darrow (for the Long Island Greenbelt Trail Conference),
- ! Ms. Davison and Mr. Lowrie (for The Nature Conservancy; Ms. Davison voting),
- ! Mr. DeTurk (for the Regional Plan Association),
- ! Ms. England (for the Open Space Council),
- ! Mr. Gill (for the Legislative Water Commission Senate Office; Sen. Tully's Office),
- ! Mr. Herrick (for the Long Island Board of Realtors),
- ! Ms. Kepert (the Brookhaven Town civic representative),
- ! Ms. LaWall (for the Southampton Alliance),
- ! Ms. McCaffrey (for the Eastern Suffolk Board of Realtors),
- ! Dr. Naidu (for the Brookhaven National Laboratory),
- ! Mr. Pally (for the Long Island Association and Board Member of the Pine Barrens Credit Clearinghouse),
- ! Mr. Passantino (for the North Fork Environmental Council).
- ! Dr. Pescod (for the South Fork Promotion Committee),
- ! Dr. Schoonen (for the State University of New York at Stony Brook),
- ! Mr. Schwenk (for the Long Island Builders Institute),
- ! Mr. Shaber and Mr. Meringolo (for the Suffolk Alliance of Sportsmen; Mr. Shaber voting),
- ! Mr. Tripp (for the Environmental Defense Fund and Chair of the Pine Barrens Credit Clearinghouse Board), and
- ! Mr. Turner (for the Legislative Water Commission Assembly Office; Assemblyman DiNapoli's Office),

Others present: General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Milazzo, Mr. Hopkins, and Ms. Greene (from the Commission), Mr. Tripp (Chair of the Clearinghouse Board; also listed above), Mr. Grecco (from the Suffolk County Law Department and Vice Chair of the Clearinghouse Board), Mr. Pally (Board Member of the Clearinghouse; also listed above), Mr. Jones (from the Suffolk County Planning Department), Mr. Spitz (from the NYS Department of Environmental Conservation), Mr. Garcia (from the Brookhaven Town Supervisor's Office), and Mr. Betro (from the Suffolk County Law Department). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Gaffney and Mr. LoGrande at approximately 9:22 am, with a

five member Commission quorum present, and a 20 member Advisory Committee quorum (out of 26 member organizations) present. Mr. LoGrande opened the meeting with brief welcoming comments.

Administrative

! Public comments

Summary: *The first speaker was Mr. Olsen, representing Civil Property Rights Associates. Mr. Olsen commented that he felt that property was being stolen, and referred to a speaker at an early meeting with the landowners at Shoreham-Wading River High School. He noted that some landowners are elderly or infirm, and should not have to wait a long time for resolution of their situations. Mr. Olsen stated that the Commission has shown bad faith in their meetings, and urged action regarding landowner issues. He also stated that the property owners' legal counsel is prepared to discuss their concerns with the Commission's counsel.*

The second speaker was Mr. Darrow, the Advisory Committee representative for the L.I. Greenbelt Trail Conference. He stated that there have not been enough joint meetings such as today's, and urged that future joint meetings be held in the evenings since many Advisory Committee members must take time off from their work to attend day meetings. He also urged Suffolk County to begin land purchases once again.

The third speaker was Mr. Amper, the Advisory Committee representative for the L.I. Pine Barrens Society. He stated that the principal problem for the pine barrens program is the funding of the acquisition program and the recent use of \$25 million from the County's Drinking Water Protection Program (DWPP) for tax relief. He observed that the Commission has not taken a position on this, and that the Advisory Committee has been criticized by the Commission for communicating opinions on matters such as land acquisition funding directly to outside entities and persons, rather than through the Commission. He is looking forward to a position from the Commission on these issues, and displayed a bar chart from the County Legislature's Budget Review Office showing the amount of money spent on land acquisition under the DWPP over the past several years. He noted that the chart shows a visible drop in expenditures for this year.

! Approval by Advisory Committee of its 5/13/96 meeting minutes (previously distributed)

Summary: **A motion was made by Mr. Amper and seconded by Mr. Tripp to approve the draft minutes of the 5/13/96 Advisory Committee meeting. The motion was approved by the Advisory Committee by a vote of 20-0.**

Welcome

! Introductions of Commissioners, Committee members, representatives and alternates

Summary: *Mr. Corwin noted that there are many new persons involved with the Commission and the Advisory Committee since the last joint meeting, and asked the attendees to introduce themselves, which they did.*

! Statement by Commission Chair Robert Gaffney

Summary: *Mr. Gaffney described yesterday's meeting of the Consensus Group, and the agreement reached there regarding the Consensus Group's position on land acquisition funding from Suffolk County. He observed that it was agreed yesterday that \$40 million dollars in county funds were needed for the land acquisition program in the Central Pine Barrens, but that today's events have shown an apparent lack of an agreement. Mr. Gaffney referred to the Budget Review Office chart displayed by Mr. Amper, and stated that the quantity of land purchased earlier in the program was paid*

for by bonding in anticipation of future sales tax revenues, and that the cost of those bonds was now due and being repaid from current sales tax revenues.

! Statement by Advisory Committee Chair Michael LoGrande

Summary: Mr. LoGrande noted that the support shown by the voters for the original Drinking Water Protection Program referendum in November of 1987 was due to the combination of benefits which the program offered to residents throughout Suffolk County. He also noted the results of the Consensus Group meeting yesterday.

He then commented that the function of the Advisory Committee is to advise the Commission on the development of the land use plan. He encouraged anyone to attend the Commission meetings individually, but stated that when the members of the Advisory Committee are operating together as that Committee, then they should act according to their charge under Environmental Conservation Law Article 57. He noted that the land use plan was the largest portion of this work.

Discussion topics for joint meeting

! Land acquisition programs (status, funding)

Summary: Mr. Tripp observed that the issue for Suffolk County is not the amount of funding needed, but the use of those funds and the degree of certainty that they will be used for land purchases.

Mr. Gaffney stated that there is a total of approximately six million dollars available now in the Drinking Water Protection Program (DWPP), and discussed the current bill sponsored by Legislator Carraciolo which would place a referendum on the November ballot amending the DWPP to ensure that \$32 million is available for pine barrens land acquisition during the next several years. This would be combined with the money already available to nearly achieve the above noted figure of \$40 million in Suffolk County funds. Mr. Gaffney then noted the pending referendum supported by citizen petitions which would direct that all future monies be used for land acquisition. He further noted that there is a third possible referendum item, based upon a bill sponsored by Legislator D'Andre, which would provide for the Legislature to use its discretion is expending the future DWPP revenues.

Mr. LoGrande observed that this is a very different situation than the 1987 referendum, since the voters could be faced with two or three competing referenda questions on the same topic. He stated that he was encouraged by yesterday's Consensus Group meeting, and that Legislator Carraciolo's referendum bill was favored at the conclusion of that meeting.

Mr. Gaffney stated that there is a need for having elements in the Drinking Water Protection Program which will appeal to a wide range of voters. Mr. Tripp then asked if Legislator Carraciolo's bill was the middle ground, and Mr. Gaffney replied that it was. Mr. Gaffney noted that the \$32 million provided for in that bill would be augmented by the remaining \$6.5 million already in the DWPP account, and that the remaining \$1.5 million, needed to reach the \$40 million total, could be found for the land acquisition program.

At this time, Mr. Schwenk observed that the Consensus Group is not mentioned in the pine barrens law, and that he believes that the Advisory Committee has been bypassed. He stated that the Advisory Committee should have more influence. Mr. Gaffney stated that the Consensus Group has no status under the law, but stated that they are effective since they can reach agreement among various interest groups. He cited the past

situation regarding the delineation of Critical Resource Areas during the Plan development work. A brief discussion then ensued regarding the membership of the Consensus Group, and what was discussed at their meeting yesterday. During this discussion, Mr. Gaffney noted that the Commission does not have land acquisition money, but that Suffolk County does, and it was his responsibility as County Executive to oversee administration of those funds.

Mr. Amper then stated that the Commission has not yet taken a position against Legislator D'Andre's bill. A motion was then made by Mr. Tripp and seconded by Mr. Darrow (1) to urge the Commission to recommend that the County Executive veto Legislator D'Andre's Drinking Water Protection Program referendum bill, (2) to recommend that the Commission endorse the figure of \$40 million in Suffolk County funding as being necessary for pine barrens land acquisition, and (3) to urge the Commission to support Legislator Carraciolo's Drinking Water Protection Program referendum bill, which would provide \$32 million in pine barrens land acquisition funds, provided that there are suitable guarantees that there will be an additional \$8 million required to reach the \$40 million total.

In the discussion which followed, several issues were raised, including how much of the core area's development rights would be transferred to the Compatible Growth Area (raised by Ms. Kepert), that the Plan anticipates approximately 10,000 acres being purchased within the core area from the June 1995 Plan adoption, the role of the capitalization fund in the development rights transfer program and the disposition of surplus funds at the close of that program.

Mr. Cowen noted that the Plan contains deliberate redundancies in that the transfer program is sized to accommodate all of the core acreage, but the land acquisition policy nonetheless advocates full acquisition of three quarters of the privately held, undeveloped core acreage, and the statute provides for hardship exemptions for development. The specific situation within Brookhaven Town was also discussed, with Mr. Grucci noting that Brookhaven Town has fulfilled its obligations with respect to the design of the Pine Barrens Credit Program. Ms. Kepert agreed with Mr. Grucci, and stated that there are no guarantees that the transferred credits will be used to enhance the receiving area communities.

A discussion then ensued over the language of the motion. It was agreed by the sponsors of the motion that the revised motion would be "(1) To urge the Commission to recommend that the County Executive veto Legislator D'Andre's bill, (2) to certify that \$40 million in Suffolk County pine barrens land acquisition funds are necessary, and (3) to thereby support Legislator Carraciolo's bill provided that there are suitable guarantees that an additional \$8 million in county land acquisition funds are available to augment the \$32 million provided by Legislator Carraciolo's bill."

Mr. Meringolo then raised the issue of access to, and use of, the lands to be acquired for hunting and fishing, and it was agreed that would be an appropriate topic for the next Advisory Committee meeting.

The motion was then approved by the Advisory Committee by a vote of 19-1, with the dissenting vote cast by Ms. McCaffrey.

A motion was then made by Mr. Cannuscio and seconded by Mr. Grucci to oppose Legislator D'Andre's bill and to strongly support Legislator Carraciolo's bill as the favored course of action to fund pine barrens land acquisition. The motion was approved by the Commission by a vote of 5-0.

Mr. Cannuscio left at this point, and Mr. Freleng became the Southampton voting representative. Mr. Gaffney left midway during the following discussion, and Mr. Proios became the Suffolk County voting representative. A five member quorum of the Commission remained.

- ! Role of Advisory Committee under Environmental Conservation Law Article 57
- ! Communication between Commission and Advisory Committee (process, representatives, etc.)
- ! Schedule: next Committee meeting and next joint meeting of Commission and Committee
Summary: Mr. Corwin briefly described the mechanisms used previously for communicating between the Commission and the Advisory Committee. Ms. Kepert stated that she found this joint meeting to be very useful. Mr. Darrow agreed, and suggested that one or more joint meetings should be held per year.

Mr. Darrow also stated that he believes that the statutory language describing the Advisory Committee role should be interpreted more expansively than the Commission has done, and Mr. Amper agreed. Mr. Grucci stated that he would like a better understanding of what the Advisory Committee feels its role should be. It was then agreed that a joint meeting should be held again this year, possibly in October.

Mr. Herrick stated that he would like to have property taxes and assessment as a discussion topic at that joint meeting, and Mr. Amper added that Mr. Meringolo's earlier topic of the use of protected lands should also be a topic for that meeting. Mr. Grucci stated that he would like a summary of lands protected and school district impacts.

It was then agreed to have a September meeting for the Advisory Committee, and a joint Commission and Advisory Committee meeting in October.

! Public comments

Summary: Mr. Olsen, representing Civil Property Rights Associates, stated that property owners had been characterized during today's meeting incorrectly, and that it is not true that their land cannot be found. He noted what he has paid for land, the prices paid for other parcels by government agencies, and that he believes that the pine barrens law has devalued property. He noted that Mr. Breslin is a participant in the suit recently filed by several property owners, and that his holdings alone would be worth more than the funds available for purchase.

Mr. Olsen cited Mr. Cowen as saying that several options are available to landowners, including the hardship provision, but that hardship permits might not be accessible to persons purchasing the land after the pine barrens law took effect. Mr. Cowen noted that the Commission has approved hardship permits which would go with the property in the future.

Mr. Olsen stated that he felt that the burden is upon the state and the Commission to approach the owners, rather than expecting owners to exhaust their other options prior to being considered for acquisition. He stated that owners should not have to navigate through the system. Mr. Cowen replied that the Commission has not required any owner to exhaust other options before being considered for acquisition. He specifically stated that New York State is approaching owners for possible land purchases without regard to what has or has not been approved for the properties. Mr. Olsen then cited an example of a subdivision owned by an elderly person, which he had presented to the Commission with the request that it be placed on an acquisition list, and stated that the owner has not heard from anyone.

The next speaker was Mr. Dittmer, also representing Civil Property Rights Associates. He stated that large parcels had been purchased, but inquired as to how many small

parcels had been bought. He also stated that the development credits do not represent single and separate ownership, and described how zoning of a core parcel did not permit a full credit. He also cited examples of building lots which he has sold recently, noted that he did not know whether the lawsuit papers had been served yet, stated that the Commission should look elsewhere for comparable sales, and encouraged the Commission to write to the assessors regarding reducing taxes on core area land.

Mr. Proios left at this point, and a four person Commission quorum was present for the remainder of the meeting.

! Public comments (continued)

Summary: The next speaker was Ms. Hendrix, also representing Civil Property Rights Associates. She asked who makes up the differences in taxes lost when a parcel is acquired. A brief discussion ensued regarding the payments in lieu of taxes programs. She also remarked that federal dollars should be sought for the pine barrens.

Adjournment

Summary: A motion to adjourn the Commission meeting was made by Mr. Cowen and seconded by Mr. Freleng. It was approved by the Commission by a vote of 4-0. The Commission meeting ended at approximately 11:45 am. The Advisory Committee meeting was adjourned at the same time without a formal resolution.

Attachments: Attendance and speaker sign-in sheets.

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Commission Meeting Summary (FINAL) for July 10, 1996 (Approved 8/7/96) Riverhead Town Hall / 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), 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, Mr. Hopkins (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation), Mr. Grecco (from the Suffolk County Attorney's Office and Vice Chair of the Pine Barrens Credit Clearinghouse Board), Mr. Betro (from the Suffolk County Attorney's Office) and Chief Searing (Chief of the Rocky Point Fire Department and Chair of the Wildfire Task Force). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:15 pm with a five member quorum.

Administrative

! Public comments

Summary: Mr. Siegel, a core property owner representing himself, asked about the correct version of the Suffolk County Legislature bill sponsored by Legislator Caracciolo placing a referendum on the November ballot to modify the County's Drinking Water Protection Program. In a brief discussion, Mr. Proios explained the sponsorship and recent history of the bill, number 1179-96.

! Summaries for meetings of 5/15 (revised per 6/24 discussion) and 6/24 (faxed)

Summary: Mr. Corwin noted that the tape recording for the 5/15/96 joint meeting with the Clearinghouse Board has been checked as requested at the 6/24/96 meeting, and reported that the description given in the "Gazza / Southampton" section in the Revised Draft of the summary is accurate. No changes were suggested.

One change was suggested to the 6/24/96 summary. In the resolution accepting the report of Dr. Nicholas, the end of the second Whereas clause should read, in part, "... as it believes is most appropriate ...".

A motion was made by Mr. Freleng and seconded by Mr. Cowen to approve the revised draft 5/15/96 summary, and the draft 6/24/96 summary with the above change. The motion was approved by a vote of 5-0.

! Revision of Commission meeting schedule (not on the original agenda)

Summary: Mr. Girandola suggested that the Commission meet every three weeks. It was agreed that a draft schedule for the remainder of 1996 would be forwarded for consideration at the next meeting.

Plan implementation

- ! Wildfire Task Force: Interim report (J. Searing, Chair)
Summary: Mr. Searing discussed the work-in-progress Wildfire Task Force Interim Progress Report dated 7/10/96. Issues discussed included participation of the member organizations, possible reasons for reluctance or skepticism, the reports of the five subcommittees (contained within the interim report), the utility of a fire danger index or rating system, the role of any future state or federal funding, and the meetings with the Suffolk County fire chiefs and commissioners set for 7/15 and 7/16.

During this discussion, Mr. Corwin was asked to contact the National Weather Service's regional office to inquire about the production of a fire danger index. It was agreed that comments on the report would be forwarded as soon as possible. A version of the report will be accepted, not adopted, at the next Commission meeting.

Mr. Searing left at this time.

Pine Barrens Credit Program

- ! Report of the Clearinghouse Board (not on the original agenda)
- ! Nonresidential property allocation work: status
- ! Pine Barrens Credit Registry: suggested format revision
Summary: Mr. Grecco, Vice Chair of the Clearinghouse Board of Advisors, reported that the next Clearinghouse meeting will be on 7/24/96 at 3:00 pm at the Commission office in Great River. He noted that the Gazza appeal hearing record is closed.

Mr. Milazzo reported that the Clearinghouse has authorized the sending of letters to core property owners regarding the purchase of Pine Barrens Credits. Mr. Freleng stated that he has received calls from owners of land outside the core area regarding whether their property was in a receiving area, and what that would mean for future development of those sites. He suggested that a seminar could be held by the Commission to discuss this, and Mr. Corwin agreed that could be done.

Mr. Grecco reported that the Clearinghouse board discussed the issue of distribution of any remaining funds after the program has expired, and decided not to address that at this time. The Clearinghouse also discussed what needs to be done to promote the Pine Barrens Credit Program without performing the functions of a broker. Mr. Girandola stated that the Pine Barrens Credit Registry serves that purpose. A brief discussion ensued, and it was agreed that a proposal would be constructed by the Clearinghouse regarding promoting the program without performing the functions of a broker.

Mr. Proios asked about the Clearinghouse's consideration of single and separate lots. Mr. Grecco described the decision at yesterday's Clearinghouse meeting for the Expressway 60 Patent and Bernard Meyer credit allocation appeal. The Clearinghouse did consider the arguments made in that case regarding the single and separate status of the lots involved, as well as factors such as the application of the Suffolk County Health Code Article 6 provisions, the configuration of the lots, and the adjacency or nonadjacency of each lot to a legally improved road. The decision on the appeal was to increase the credit allocation from 10.7 Pine Barrens Credits (PBCs) to 21.8 PBCs. Mr. Grecco also stated that the Clearinghouse views each parcel for which an appeal is submitted as unique.

Mr. Hopkins then discussed the question of allocating credits to nonresidentially zoned

core property. He reported that the staff is currently favoring the allocation of one PBC per acre for such property, with the exception of that property within Riverhead Town which is zoned as Open Space Conservation (OSC). In the latter case, the recommendation is to allocate one PBC per four acres.

Mr. Freleng asked about the basis for this, and Mr. Hopkins noted that these recommendations are based upon the degree of development which would be permitted upon those core area lands, which are also within Hydrogeologic Zone 3, under the Suffolk County Health Code. The exception noted for the Riverhead OSC lands is based upon the Riverhead OSC zoning category being more restrictive than the County Health Code. Mr. Freleng asked that this recommendation be summarized in writing for the next meeting, and that was agreed.

Mr. Proios asked about the case of dry uses which do not generate sewage flow, and Mr. Hopkins suggested that they could be best handled on an appeal basis.

Mr. Grecco, Mr. Hopkins and Mr. Milazzo left at this time.

Plan implementation

- ! Villages: implementation of new ECL Article 57 provisions (*previously distributed*)
Summary: Implementation of the Environmental Conservation Law (ECL) Article 57 amendments which address the Villages of Quogue and Westhampton Beach was raised. The discussion which followed highlighted the possibility that the villages' land use and zoning regulations might not have to be changed, or not changed substantially, due to the small amount of land affected. Although there are not many parcels which are affected by the statute, it was agreed that the staff should analyze the subject parcels and review the current zoning codes.

A motion was then made by Mr. Girandola and seconded by Mr. Proios to request copies of the applicable ordinances from the Villages of Quogue and Westhampton Beach for analysis by the Commission and staff. The motion was approved by a vote of 5-0.
- ! Final version of 6/11/96 resolution: forwarded to Council on Environmental Quality
Summary: Mr. Corwin distributed the attached final text of the Commission's 6/11/96 resolution to the county's Council on Environmental Quality (CEQ) regarding the pending county legislation which would affect the county's Drinking Water Protection Program.
- ! Current research conference: status of planning
Summary: Mr. Corwin distributed the attached copy of the current draft agenda for the 10/4/96 research conference. The conference would be cosponsored by the Commission, the Long Island Groundwater Research Institute (at the State University of NY at Stony Brook), and the Brookhaven National Laboratory. Dr. Bokuniewicz, Director of the Groundwater Research Institute and SUNY at Stony Brook's representative to the Central Pine Barrens Advisory Committee, has been contacting potential speakers and constructing the initial agenda.

Mr. Corwin noted that the conference will concentrate upon identifying the current research activities, rather than making judgements about preferred future research. Mr. Proios asked about possible speakers on groundwater quality, and Mr. Corwin suggested that he speak with Dr. Bokuniewicz.

- ! Pending state legislation re installment purchases: discussion (faxed)
Summary: *The attached pending state legislation authorizing installment purchases of land by municipalities was briefly discussed. Ms. Wiplush noted that the definition of municipality under the State Finance Law does include counties. **A motion was made by Mr. Cowen and seconded by Mr. Proios to support the passage and signing of Senate bill 7709 / Assembly bill 10948. The motion was approved by a vote of 5-0.***

Core Preservation Area

- ! Core application reviews: application of new ECL Article 57 provisions for projects already undergoing SEQRA review
Summary: *Ms. Plunkett went through the recently added provisions of ECL Article 57 regarding the calculation of Commission decision deadlines for core area applications. The new language bases the decision deadlines upon the dates on which a State Environmental Quality Review Act (SEQRA) determination was made, or a findings statement was issued, by the Commission.*

The question has arisen as to how to apply those provisions to projects for which those SEQRA actions have already been taken by another agency. It was agreed that the dates of receipt of such applications by the Commission would be used to calculate the offset for Commission decision deadlines.
- ! TNT Waterworks / Westhampton: status
Summary: *Ms. Plunkett reported that the Suffolk County Water Authority (SCWA) has declined to enter into an agreement with this project's sponsor for the proposed site, which is owned by the SCWA. Consequently, the core hardship application has been withdrawn by the sponsor.*

A motion was then made by Mr. Cowen and seconded by Mr. Freleng to accept the withdrawal of the core hardship application of TNT Waterworks. The motion was approved by a vote of 5-0.
- ! Ridge Full Gospel Church / Ridge: site plan jurisdiction inquiry
Summary: *Ms. Plunkett summarized this site plan for a new church facility on the west side of Sally Lane in Ridge. Brookhaven Town referred this to the Commission for a determination as to whether the Commission has jurisdiction over the project. Issues discussed included the development and nondevelopment provisions of the pine barrens law (specifically regarding residential uses), the findings statement, and the presence of wetlands on a portion of the site. The matter was referred to counsel for a legal opinion and will be discussed again at the next meeting.*
- ! Orr Associates / Ridge: counsel's opinion on development status (not on the original agenda)
Summary: *Mr. Rigano discussed this four lot residential project on the south side of Patrick Lane, which runs east from William Floyd Parkway in Ridge. He stated that construction on at least two of the four lots would constitute development as defined in the pine barrens law. Thus, the Commission will proceed with the previously scheduled hearing for this project on 7/24/96.*

Compatible Growth Area

- ! Proposed policy for small, substandard lots: discussion (from 5/15)
Summary: *This item was deferred to a future meeting to be determined.*

Adjournment

Summary: A motion to adjourn was made by Ms. Filmanski and seconded by Mr. Cowen. It was approved by a vote of 5-0. The meeting ended at approximately 4:30 pm.

Attachments:

1. Attendance and speaker sign-in sheets.
2. Final 6/11/96 Commission resolution for Council on Environmental Quality
3. Draft agenda for 10/4/96 Pine Barrens Research Conference
4. Pending state legislation S7709 / A10948 re installment land purchases

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 24, 1996 (Approved 8/7/96) Riverhead Town Hall / 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). Mr. Stark was present at the times indicated.

Others present: General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Milazzo, Mr. Hopkins (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation), Mr. Tripp (Chair of the Pine Barrens Credit Clearinghouse Board), Mr. Grecco (from the Suffolk County Attorney's Office and Vice Chair of the Pine Barrens Credit Clearinghouse Board), and Mr. Betro (from the Suffolk County Attorney's Office). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order by Mr. Proios at approximately 2:24 pm with a five member quorum present.

Administrative

! Public comments

Summary: The first speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society (LIPBS). He stated that the LIPBS has filed suit against Brookhaven Town over the approval of the Manorville Nursery Expansion, and that the project is sand mining. He noted that the LIPBS has called for a public hearing by the Commission, and that the LIPBS has a stenographer at today's meeting to transcribe comments on this project. He also discussed the magnitude of the project.

The second speaker was Mr. Peter Maniscalco, representing himself. He stated that he is a plaintiff in the suit over the Manorville Nursery Expansion approval, and that the project is sand mining, not regrading. He criticized the buffer along County Route 111, and referred to an April 1996 letter to the Planning Board regarding having the sponsor apply for certificates of occupancy for existing structures on the site. Other issues raised included debris along Chapman Boulevard, and the results of his calls to the NYS Department of Environmental Conservation (DEC) regarding excavations and agricultural activities, culverts, the DEC's jurisdiction. He asked why the County had voted against holding a public hearing, and Mr. Proios stated that the County had abstained. Mr. Maniscalco stated that the abstention should not have occurred.

The third speaker was Ms. Stephanie Joyce, representing herself. She stated that she is a resident of Cobbleridge Condominiums, that the ridge referred to in the name is the hill on the Manorville Nursery Expansion site, stated her reasons for moving to the area and that she was worried about health impacts such as noise and dust pollution.

The fourth speaker was Mr. Walter Richter, Jr., representing himself. He is vigorously

opposed to the Manorville Nursery Expansion project, is concerned about the pine barrens, and thinks that the project would be precedent setting.

The fifth speaker was Ms. Christine Chase. She read a letter from the Suffolk County Water Authority to the town regarding the Manorville Nursery Expansion discussing the regrading, groundwater quality impacts, reduction of the vertical distance from the surface to the water table, the County Route 111 wellfield, and fertilizer usage.

The sixth speaker was Ms. Carrie Meek. She read a letter from the Suffolk County Department of Health Services to Brookhaven Town regarding the Manorville Nursery Expansion, addressing segmentation, wildlife, and natural communities on the site.

The seventh speaker was Ms. Leslie Hanellin, representing herself. She lives in the area and is a plaintiff in the suit regarding the Manorville Nursery Expansion. Her concerns included health, safety, traffic, and impacts on private wells in her area. She is an environmental consultant, and concerned about the future impacts.

The eighth speaker was Mr. Charles Siegel, a core area property owner representing himself. He asked why Senate bill 7948 / Assembly bill 11332 does not contain funding for pine barrens acquisition. Mr. Cowen explained that the state has established a separate mechanism, the Environmental Protection Fund (EPF), that provides \$12 million in this fiscal year for pine barrens land acquisition. Mr. Siegel asked about next year, and Mr. Cowen said that the state budget is done each year.

Mr. Siegel said that there is a lack of commitment by the state, and Mr. Cowen stated that there is a full commitment by the state and the Governor to fund the pine barrens acquisition program. Mr. Proios noted that the EPF, in this fiscal year alone, is funded at \$100 million, and that money is split among several categories. Mr. Siegel stated that there has been no reduction in taxes since the pine barrens work started, and that he still believes that there is a question as to how much money will be allocated.

The ninth speaker was Ms. Ann Haney, representing herself. She stated that she has been a neighbor of the Manorville Nursery Expansion site since 1977, and is frightened. She is concerned about prior tree removals, that she has sought reassurances from the town regarding the project's impacts, and that she is concerned about a well on her property. She feels that tree preservation and aquifer protection affect all of Long Island. She stated that the project is not regrading. She also raised the issue of water quality, including that in the area of Brookhaven National Laboratory.

The tenth speaker was Mr. Gil Turpin, representing himself. He stated that he is a resident of the area behind the nursery site and has attended all of the town meetings on the Manorville Nursery Expansion project. He believes that there is no concern for residents. He moved there in 1977, prior to much of the development that has occurred in the ensuing time, and the current project, which he described as sand mining, motivated him to speak. He expressed concern about the community's future.

The eleventh speaker was Mr. Walter Olsen, representing Civil Property Rights Associates. He stated that the public comment period today has turned into a public hearing on the Manorville Expansion project. He believes that the past work on Critical Resource Areas (CRAs) during the Plan development set the stage for the current discussions regarding the Manorville Nursery Expansion. Mr. Olsen also remarked that there should be public comment periods at both the start and end of the Commission meetings, and noted on the agenda.

The twelfth speaker was Mr. Greg Good, representing Cobbleridge Condominiums. He

is opposed to the Manorville Nursery Expansion project. He said that it sets a dangerous precedent, and that he is concerned about impacts upon communities, ecology, and the quality of life. He stated that the impacts should be weighed against benefits to the community.

- ! Draft summary 7/9 meeting (faxed)
Summary: This will be held until the 8/7/96 meeting.
- ! Meeting schedule for remainder of 1996 (faxed)
Summary: The attached proposed Commission meeting schedule was briefly discussed. **A motion was made by Mr. Freleng and seconded by Mr. Cowen to approve the attached meeting schedule. The motion was approved by a vote of 5-0.**
- ! Designation of Mr. Freleng, and removal of Mr. Duffy, as a treasurer
Summary: Mr. Corwin explained that the Clearinghouse Board members are normally designated as Commission treasurers, and Mr. Freleng has recently replaced Mr. Duffy as the Southampton members of the Clearinghouse Board. **A motion was then made by Ms. Filmanski and seconded by Mr. Cowen to remove Mr. Duffy as a Commission treasurer and to designate Mr. Freleng as a Commission treasurer. The motion was approved by a vote of 4-0-1, with Mr. Freleng abstaining.**

Compatible Growth Area

- ! Correspondence from G. Gatta, SC Executive's Office re Gabreski Airport (not on the original agenda)
Summary: The attached 7/23/96 letter from Mr. Gatta, Deputy County Executive, regarding Gabreski Airport was discussed. The letter explains that a Request for Proposals for development of a light industrial park within the Compatible Growth Area of the airport is being written, and requests the Commission's review of the development or nondevelopment status of the project under the pine barrens law. This was referred to counsel for an opinion at the 8/7/96 meeting.

Pine Barrens Credit Program

- ! Nonresidential property allocation work: status
Summary: Mr. Hopkins reviewed the staff recommendations for allocating Pine Barrens Credits (PBCs) to nonresidentially zoned core property, which were discussed at the 7/10/96 meeting, and distributed the attached draft chart of those recommendations. A discussion ensued over the use of a 40,000 square foot or 43,560 square foot definition of an acre for the purposes of allocating PBCs to these lands. The possibility of changing the chart to use "40,000 square feet" instead of an acre was raised, and of changing the chart to read 0.25 PBC per acre for the Riverhead Open Space Conservation-zoned lands. Ms. Wiplush requested that no vote be taken on this chart or any version of it until the next meeting.

Ms. Wiplush was absent when the following vote to enter executive session was taken, and returned during the executive session. Mr. Stark was present during part of the executive session.

Executive session re current litigation

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

enter into executive session to discuss litigation issues. The motion was approved by a vote of 4-0, with Ms. Wiplush not present at that time. The Commission entered into executive session at approximately 3:35 pm. A motion was later made by Mr. Freleng and seconded by Ms. Filmanski to exit executive session and return to open session. The motion was approved by a vote of 5-0, and the Commission returned to open session at approximately 4:29 pm.

Plan implementation

- ! Wildfire Task Force: Interim Progress Report changes and acceptance (from 7/10); results of open sessions with countywide fire departments and districts
Summary: A motion was made by Mr. Cowen and seconded by Mr. Freleng to accept, but not to adopt, the attached Wildfire Task Force Interim Progress Report dated 7/24/96, and to thank the members of the Wildfire Task Force for their efforts and hard work. The motion was approved by a vote of 5-0.

Pine Barrens Credit Program

- ! Southampton Town Code amendments to conform residential allocation formula with Plan amendments (not on the original agenda)
Summary: Mr. Rigano recommended that the Commission place on the 8/7/96 agenda a vote on the proposed Southampton Town code amendments. The amendments would alter the town code's Pine Barrens Credit allocation formula to conform with the Commission's 5/1/96 Central Pine Barrens Comprehensive Land Use Plan amendments. It was agreed to put this on the 8/7/96 agenda.

Core Preservation Area

- ! Ridge Full Gospel Church / Ridge: opinion of counsel on jurisdiction (from 7/10)
Summary: Following up from the 7/10/96 Commission meeting, Mr. Rigano stated that he has considered the question of whether additions to an existing church on residentially zoned property within the core is development or nondevelopment under the pine barrens law. He stated that a church use is not a residential use as described by Environmental Conservation Law Article 57, and therefore a core hardship application is required.
- ! Exact Technology Corp. (affiliate of TNT Waterworks, Ltd.) / Westhampton (new site): new hardship application; set hearing
Summary: Ms. Plunkett described this new application for a commercial groundwater extraction facility on the west side of County Road 31, south of Sunrise Highway, in Westhampton. Copies of the application were also distributed. She also noted that the prior application for a site on the east side of the same road has been withdrawn, as formally noted at the Commission meeting of 7/10/96.

Mr. Freleng reported that the Southampton Building Inspector has stated that this new application will require either a use variance or a change of zone, since the new site is zoned CR-200, a residential zoning category. Mr. Freleng also stated that the application cannot be filed with Southampton Town until a core hardship permit is issued by the Commission, due to the Town Code.

A motion was made by Mr. Freleng and seconded by Mr. Cowen to hold a hearing on 8/7/96 at 5:00 pm at the Riverhead Town Hall on the Exact Technologies Corp.

site plan. The motion was approved by a vote of 5-0.

Ms. Plunkett noted that the Commission would perform the State Environmental Quality Review Act coordination for this new application.

! John Kendall / Ridge: request for nondevelopment decision

Summary: Ms. Plunkett summarized this proposal for the removal of an existing home, and the construction of a new home in a different location on the same parcel, on a four acre core area lot located on the east side of William Floyd Parkway, north of the Suffolk County Pine Trail Nature Preserve, in Ridge. A discussion ensued regarding the development or nondevelopment status of the project under the pine barrens law. Agreement was then reached that the proposal constitutes nondevelopment pursuant to Environmental Conservation Law Article 57-0107(13)(iii), and that the staff will inform the project sponsor of this.

Compatible Growth Area

! ECL Article 57 villages provision: land use regulations and summary (from 7/10; faxed)
Summary: Ms. Plunkett discussed the attached memorandum regarding the land areas within the Villages of Quogue and Westhampton Beach which are also within the Central Pine Barrens. She also discussed the results of the staff examination of the village ordinances obtained since the last Commission meeting.

Site visits and other analyses in Quogue Village indicated that the clearing standard is the only portion of the Plan that would not be satisfied under the present code. Staff recommended that Quogue Village could simply add that standard to their code, and thus be in conformance with the Plan. Within Westhampton Beach Village, only two core area parcels need to be addressed. The village previously stated at a Commission meeting that these parcels would be rezoned to an open space designation.

A discussion followed regarding approval of the villages' conformance with the Plan. It was agreed that draft resolutions will be distributed prior to the 8/7/96 meeting.

Administrative

! Public comments

Summary: Mr. Proios asked for any additional public comments, and there were none.

Adjournment

Summary: The meeting ended at approximately 4:59 pm without a formal resolution.

Mr. Proios left at this time, and a four member quorum remained for the public hearing, chaired by Mr. Cowen.

Public hearing

! Orr Associates / Ridge: core hardship application

Summary: A separate stenographic transcript exists for this hearing.

Attachments: 1. Attendance and speaker sign-in sheets.

2. Schedule of Commission meetings for 9/96 through 1/97
3. Letter from G. Gatta, SC Executive's Office re Gabreski Airport (7/23/96)
4. Draft nonresidential allocation table
5. Wildfire Task Force Interim Progress Report dated 7/24/96
6. Memo from D. Plunkett re implementation of ECL Article 57 village provisions

Central Pine Barrens Joint Planning and Policy Commission

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Commission Meeting Summary (FINAL) for August 7, 1996 (Approved 8/21/96) Riverhead Town Hall / 2:00 pm

Commission members present: Mr. Proios (for Suffolk County), Mr. Girandola and Mr. Pavacic (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 not present. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Milazzo, Mr. Hopkins (from the Commission), Mr. Grecco (from the Suffolk County Attorney's Office and Vice Chair of the Pine Barrens Credit Clearinghouse Board), and Mr. Bagg (from the Suffolk County Planning Department). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:20 pm by Mr. Proios, with a five member quorum. Mr. Pavacic was initially absent, but arrived at the point indicated.

Administrative

! Public comments

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

! Draft summaries for 7/9, 7/10 and 7/24 meetings: review and approval (faxed)

Summary: **A motion was made by Ms. Filmanski and seconded by Mr. Cowen to approve the summary of the 7/9/96 meeting as written. The motion was approved by a 5-0 vote.**

A motion was made by Mr. Cowen and seconded by Mr. Freleng to approve the summary of the 7/10/96 meeting as written. The motion was approved by a 5-0 vote.

A motion was made by Ms. Filmanski and seconded by Mr. Cowen to approve the summary of the 7/24/96 meeting as written. The motion was approved by a 5-0 vote.

! Correspondence from Mr. Gazza (not on the original agenda)

Summary: **The attached 7/26/96 letter from Mr. Gazza to the Suffolk County Real Estate Department, with courtesy copies addressed to the Commission members, was distributed. No discussion was held.**

Mr. Pavacic arrived at the start of the next topic.

Pine Barrens Credit Program

! Comments upon the willingness of persons to sell credits (not on the original agenda)

Summary: Mr. Girandola reported that Mr. Grucci has heard from prospective purchasers of Pine Barrens Credits that persons listed as sellers in the Registry are unwilling to discuss prices with the callers. He reported that Mr. Grucci is concerned that credits be available to satisfy conditional approvals requiring credit redemptions.

A discussion ensued over possible reasons. Mr. Hopkins observed that this initial hesitance is one reason that the Clearinghouse has discussed a tender offering. Mr. Freleng stated that Southampton Town is also concerned about the availability of credits in order to consider approvals of projects requiring their redemption.

Mr. Proios noted that Letters of Interpretation expire one year after issuance. It was suggested that holders of such letters be contacted regarding this.

- ! Nonresidential property allocation: possible vote (draft chart distributed; from 7/24)
Summary: **A motion was made by Mr. Girandola and seconded by Mr. Cowen to adopt the attached "proposed nonresidential property allocation formula". The motion was then tabled in order to first adopt a significance determination under the State Environmental Quality Review Act (SEQRA).**

Mr. Corwin reported that Mr. Rigano, Commission counsel, recommended a negative declaration for the adoption of the nonresidential property credit allocation formula. A draft negative declaration was prepared pursuant to that recommendation. While copies were made, the discussion was suspended.
- ! Proposed Southampton Code change (Chapter 330-221B(2)) re residential allocation: Commission approval (distributed; from 7/24)
Summary: Mr. Freleng stated that a hearing on the attached Southampton Town Code change was scheduled by the Town Board for 8/13/96 at 1:00 pm at the Town Hall.

A motion was then made by Mr. Cowen and seconded by Ms. Filmanski to approve the attached proposed Southampton Town code change which will conform it to the residential property credit allocation formula incorporated into the Plan by the Commission on 5/1/96. The motion was approved by a 5-0 vote.
- ! Nonresidential property allocation: possible vote (draft chart distributed; from 7/24)
Summary: **The copies of the draft negative declaration for the adoption of a nonresidentially zoned property credit allocation formula were distributed and discussed. Several changes were made at the suggestion of Mr. Pavacic.**

A motion was then made by Mr. Cowen and seconded by Ms. Filmanski to adopt the attached negative declaration. The motion was approved by a 5-0 vote.

The original motion to adopt the attached allocation formula was then brought back for consideration, and it was approved by a 5-0 vote.
- ! Activity of the PBC Clearinghouse (not on the original agenda)
Summary: Mr. Grecco, Vice Chair of the Clearinghouse Board, reported that their next meeting will be 8/22/96 at 8:00 am at the Commission office, and that no Board meetings were held since the last Commission meeting.

Mr. Grecco left at this point.

- ! Nonresidential property allocation: possible vote (draft chart distributed; from 7/24)
Summary: **Mr. Freleng asked that copies of the resolution approving the nonresidential formula be forwarded to the towns, and that was agreed upon.**

Plan implementation

- ! Village compliance with ECL Art 57 provisions: resolutions (faxed; from 7/24)
Summary: The attached draft resolutions for the Villages of Quogue and Westhampton Beach were discussed, and changes made. It was noted that the two core area parcels within Quogue Village are protected from development. To conform the village code with the Plan for the Compatible Growth Area parcels within the village, a clearing standard should be incorporated into the village's code.

It was noted that Westhampton Beach Village has a new mayor and village attorney since the last meeting between the Commission and village officials, and Ms. Plunkett suggested that the revisions made to the Westhampton Beach resolution be shown to them prior to Commission action. Changes were made to the wording of the resolution so that it is clear that any future development proposals for the core parcels in that village must be forwarded to the Commission. Changes discussed included deleting the recommendation that the core parcels be rezoned for open space or conservation.

Changes were then made to the draft Quogue resolution, and a motion was then made by Mr. Cowen and seconded by Mr. Freleng to approve the following resolution:

"Whereas, the Village of Quogue contains lands within the Central Pine Barrens as defined in Environmental Conservation Law Article 57-0109, and

Whereas, a request was made to the Commission by the Village Trustees at the Commission meeting of March 6, 1996, to determine the applicability of the Plan to those lands within the Central Pine Barrens within the Village of Quogue, and

Whereas, in response to this request the Commission proposed an amendment applying to the Village of Quogue to Environmental Conservation Law Article 57 which was signed into law by the Governor of the State of New York on June 11, 1996, and

Whereas, pursuant to said amendment the Commission has reviewed said parcels within the Central Pine Barrens and has reviewed the applicable land use and zoning regulations regarding these parcels, and

Whereas, such analysis has found that the two parcels located in the Core Preservation Area are presently in public ownership and are protected from future development, therefore not requiring any Village Code amendments, and

Whereas, such analysis has found that for those vacant parcels located within the Compatible Growth Area, the only applicable land use standard is the clearing standard found in Volume I, Chapter 5 of the Plan, and

Whereas, it is the understanding of the Commission that the Village Trustees are amenable to incorporating this standard into their Code, now therefore be it

Resolved, that the Commission hereby recommends the incorporation of this standard in the Villages' zoning code, and be it further

Resolved, that such an amendment to the Village of Quogue Code would cause the Village to be in conformance with the Plan, and be it further

Resolved, that in the event an applicant does not meet said standard the Village

shall refer said applicant to the Commission pursuant to Volume I, Chapter 4 of the Plan, and be it further

Resolved, that upon receipt of such code amendment the Commission hereby deems the Village of Quogue to be in conformance with the Plan."

The motion was approved by a 5-0 vote.

- ! NY Army National Guard load training: commendation resolution
Summary: This will be considered at the next Commission meeting.
- ! Pine Barrens Research Forum, 10/4/96: status (first announcement faxed)
Summary: Mr. Corwin distributed the attached first announcement for the 10/4/96 Pine Barrens Research Forum to be cosponsored by the Commission, the Long Island Groundwater Research Institute at SUNY at Stony Brook, and the Brookhaven National Laboratory. He briefly described the topics and the talks.

Publicizing of the conference is underway. There is no charge for the conference. A voluntary contribution was considered, but later rejected, as a source of a modest scholarship. This was rejected due to possible legal complications for a small benefit.
- ! Signs within Central Pine Barrens (not on the original agenda)
Summary: Mr. Cowen asked about the status of the NYS Department of Transportation signs along major state roads in the pine barrens. Mr. Corwin replied that he had received a call several weeks back from Sen. LaValle's Albany staff that the signs' wording was approved, and that there might be an unveiling soon.

Compatible Growth Area

- ! Manorville Nursery Expansion / Manorville: status of review
Summary: Mr. Bagg, the Suffolk County Planning Department staff member assigned to this review, discussed the issues identified to date by himself and Mr. Jones, the Planning Department Director. He stated that the Plan standards are not always clear, and that only the Commission can interpret and apply the Plan's standards.

He reported that approximately five acres of the project site contain pine oak heath vegetation, ranked as S2 and S3 by the NY Natural Heritage Program. The application of the Plan's clearance, vegetation and species protection provisions to this site needs to be clarified, since this portion of the site is slated for clearance.

He said that Planning Department is examining the assertion that agriculture cannot be successfully carried out on the current slopes, and that on a site visit during a rainfall, there was no evidence of erosion. They are looking through the assessments in the project documents for information on soil types, and their suitability for agriculture.

The question of groundwater impact has been raised, and the application of the Plan's nitrate standard, which cites the Suffolk County Health Code's Article 6 requirements. He is uncertain whether the 6 mg/l standard applies, and what effect the proposed agricultural activity, following the removal of the hill, would have upon the nitrate level. He noted that the project application asserts that the loading would be approximately 5.9 mg/l. Mr. Bagg noted that the site contains Carver Plymouth soils not conducive to agriculture, that soil amendments would thus be needed, and that might affect groundwater nitrate loading. He stated that the County's Department of Health Services is studying the impacts of agriculture on nitrate levels, and he is inquiring whether that

study would be helpful in reviewing this project.

He noted that there is no geological features standard in the Plan. A surficial geology map exists for the South Fork, from a US Geological Survey study entitled Hydrogeology of the South Fork of Long Island. That map shows numerous kame deposits on the South Fork, and Mr. Bagg is attempting to see if a similar map exists for the Central Pine Barrens. The issue was then raised briefly by Mr. Proios as to the exact identification of the site feature as a kame.

Scenic resources were then discussed, and Mr. Bagg noted that the Plan standards do address them. He noted that the view of the area will change under the proposed project, and cited the example of a radio tower which would become visible. Mr. Girandola noted that the tower is already visible from other areas.

Mr. Bagg noted that most of the vegetation on the uncleared portions of the site is similar to that in the core area. The Commission's 8/29/96 decision deadline was then discussed, as was requesting a deadline extension from the project sponsor.

Mr. Bagg noted that there are different owner names for the parcels comprising the site, and that should be clarified. Mr. Pavacic briefly described the prior land division process there. Mr. Girandola agreed to provide any materials which are part of the project application which would further clarify the ownership of the lots involved.

Mr. Cowen said a decision extension for this project should be sought, and it was agreed that counsel should seek that. Mr. Proios stated that Mr. Trent of the County's Health Department should attend the next Commission meeting to discuss the agricultural nitrate impact report referred to earlier and best management practices.

Plan implementation

! Land acquisition funding (not on the original agenda)

Summary: Mr. Proios reported that the County Executive has vetoed the bill (discussed by the Commission on 7/9/96) sponsored by Legislator D'Andre which would have placed upon the November ballot a referendum to change the County's Drinking Water Protection Program (DWPP) to permit the County Legislature to use its discretion in allocation of the sales tax revenue for the DWPP. He reported that the Affiliated Brookhaven Civic Organizations sent a letter supporting the DWPP referendum bill sponsored by Legislator Carraciolo. Mr. Proios briefly touched upon the state monies for land acquisition in the 1996-97 state budget.

! Protected Lands Council work (not on the original agenda)

Summary: Mr. Cowen asked about the changes being considered to the County's preserve management guidelines. Mr. Corwin stated that Commissioner Frank of the County's Parks Department requested the Protected Lands Council, at its July meeting, to compare the Suffolk County Nature Preserve Handbook with the Plan, and to recommend steps to make them consistent, and to simplify issues the Parks Department faces in applying the Handbook's provisions.

Mr. Meringolo, an Advisory Committee alternate representative for the Sportsmens' Alliance of Suffolk, Inc., volunteered to do that and provided a report at the 8/6/96 Council meeting. His report discussed land categories, use restrictions and their sources. The report will be discussed again at the September Council meeting, since a quorum of the Council was not present on 8/6. Mr. Cowen noted that a single overall management plan for logical assemblages of public lands is needed.

Core Preservation Area

- ! George Mathys / Westhampton: new core hardship application (industrial); set hearing
Summary: Ms. Plunkett summarized this application for an industrial site plan on a site which is less than one half acre, zoned LI-40, on the west side of County Road 31 in Westhampton, in Southampton Town. The site contains pine oak vegetation, but is not dwarf pine barrens. The Commission will perform the SEQRA coordination. A decision deadline cannot be computed until a SEQRA status determination is made. The project will require a town variance. A hearing will be scheduled later today.

- ! Policy of towns regarding core area development applications (not on the original agenda)
Summary: Mr. Corwin asked about the town's policies on the timing of the filing of applications for projects within the core area. The town representatives agreed that their town policies are that such town applications should not be filed until a core hardship permit is obtained from the Commission. This would prevent the payment of fees, bonds, etc. for applications that might ultimately be denied by the Commission.

- ! Nassau County council of Boy Scouts / Wading River: new core hardship application (golf course); set hearing
Summary: Ms. Plunkett summarized this application for a core permit for the construction of a golf course on property on the north side of NYS Route 25, east of Wading River-Manorville Road, in Wading River, in Riverhead Town. She distributed a memo noting that there are two Environmental Assessment Forms (EAF), and a SEQRA negative declaration for a prior minor subdivision of the original lot into the two current parcels. She said that it is unclear which EAF was associated with that SEQRA determination.

She asked whether SEQRA coordination is now required. It was agreed that since that prior approval did not include a golf course, the SEQRA coordination for this new application should be started by the Commission, and counsel should simultaneously be consulted regarding the prior SEQRA determination. A hearing will be set today.

- ! John Feore / Manorville: new core hardship application (residential); set hearing
Summary: Ms. Plunkett summarized this application for a single family residence on a parcel slightly larger than one acre in an A2 Residence zoning district on the west side of Halsey Manor Road in Manorville, in Brookhaven Town.

- ! Scheduling of hearings for the new core area hardship permit applications
*Summary: **A motion was made by Mr. Cowen and seconded by Mr. Freleng to hold a hearing on the Mathys / Westhampton and Feore / Manorville core area hardship permit applications on 8/21/96 at 5:00 pm at the Brookhaven Town Offices in Medford. The motion was approved by a 5-0 vote.***

A motion was made by Mr. Freleng and seconded by Mr. Cowen to hold a hearing on the Nassau County Council of Boy Scouts / Wading River core area hardship permit application on 9/11/96 at 5:00 pm at the Riverhead Town Hall. The motion was approved by a 5-0 vote.

Compatible Growth Area

- ! Prior clearing report along County Rd 46 / Ridge: follow up info
Summary: Mr. Corwin explained that this area is located at the northwest corner of County Road 46 and the Suffolk County Pine Trail Nature Preserve in Ridge, in

Brookhaven Town, and that this was discussed at a prior meeting. The tax map was shown. The area cleared may include part of a 100 foot buffer along the preserve which is included in the pine barrens law's Core Preservation Area boundary.

Mr. Girandola has looked into the lot being cleared, and provided a site plan and an aerial photo of the site. The site plan is for North Ridge Estates, a residential subdivision, and Mr. Girandola stated that it received final approval in late 1992, and that the project would thus be nondevelopment under the pine barrens law.

It was noted that a list of parcels which are partly included in that preserve's buffer and in the core area could be prepared for use by the Brookhaven Town planning staff.

- ! Suffolk County Gabreski Airport light industrial park / Westhampton: opinion of counsel re jurisdiction (distributed; from 7/24)
Summary: Mr. Corwin reported that Mr. Rigano has recommended that the proposed light industrial park at the County's Gabreski Airport, as outlined in a letter from Mr. Gatta, Deputy County Executive, and discussed at the 7/24/96 meeting, be deemed nondevelopment. The site consists of approximately 56 acres in the Compatible Growth Area portion of the Gabreski Airport. It was agreed that the project is nondevelopment pursuant to Environmental Conservation Law Article 57-0107(13)(i).

Administrative

- ! Public comment

Summary: The first speaker was Mr. Olsen, representing the Civil Property Rights Associates. He stated that the Pine Barrens Credit allocations are pathetic and too low, that there should be no surprise that there has been no willingness to sell credits, and that the values of credits are too low. He asked the Commission members to place themselves in the position of the core property owners, and stated that the legislation calls for bonuses and incentives for owners to participate in the transfer program, and that the only incentives at present are for the persons using credits to build in the receiving areas.

Mr. Olsen stated that there is a risk in having builders proceeding with projects requiring redemption of Pine Barrens Credits before purchasing the credits. He said that a method is needed to encourage the Clearinghouse to put incentives into the program to attract owners, that there has been no appreciable change in the program, and that the Commission will see a total boycott of the program.

Mr. Girandola restated that there are people who have agreed to be listed in the Registry as sellers of credits, but who have been unwilling to even discuss a price when approached by purchasers. He stated that the problem is that there has not been any discussion of price. A discussion ensued regarding the values of properties now versus previous years, market conditions, and the approval rate of the Commission for core area applications. Mr. Cowen referred to the approvals of core hardships, and stated that such applications may be filed by core area owners.

Mr. Dittmer, also representing Civil Property Rights Associates, referred to Dr. Nicholas' comments at the first meeting with Dr. Nicholas in Center Moriches, and subsequent meetings. Mr. Dittmer stated that Dr. Nicholas warned that the program was unworkable as it was formulated.

Adjournment

- Summary: The regular meeting was adjourned without a resolution at approximately 4:50 pm.

Public hearing at 5:00 pm

! Exact Technology Corp. (affiliate of TNT Waterworks, Ltd.) / Westhampton (new site): core hardship application

Summary: *A separate stenographic transcript exists for the hearing.*

Attachments:

1. Attendance and speaker sign-in sheets.
2. Commission cc of letter from Mr. Gazza to SC Real Estate Dept (7/26/96)
3. Draft PBC allocation chart for nonresidentially zoned property
4. Negative declaration for approval of nonresidential allocations
5. Proposed Southampton code change with new residential PBC allocations
6. Draft resolutions on villages' conformance with Plan

(Note: The final text of the Quogue resolution is contained in the main body of this meeting summary.)

7. First announcement for the 10/4/96 *Pine Barrens Research Forum*

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 21, 1996 (Approved 9/11/96) Brookhaven Town Offices, Bldg 4, Medford / 2:00 pm

Commission members present: Mr. Dragotta (for Suffolk County), Mr. Girandola, Ms. Wiplush and Mr. Pavacic (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 Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett and Mr. Milazzo (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation), Mr. Grecco (from the Suffolk County Attorney's Office and Vice Chair of the Pine Barrens Credit Clearinghouse Board), Mr. Jones (Director of the Suffolk County Planning Department), Mr. Bagg (from the Suffolk County Planning Department), and Mr. Trent (of the Suffolk County Department of Health Services). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:16 pm by Mr. Dragotta, with a five member quorum.

Administrative

! Public comments (please sign Speaker Sheet)

Summary: The first speaker was Ms. Susan Hoshyla, a Manorville resident representing herself. She stated that she is in favor of the Manorville Nursery Expansion application, that the project involves regrading and is not a sand mine, and that the alternative would be more development. She also criticized Mr. Amper and the Long Island Pine Barrens Society for their position on this application, stated that there was a lack of trees on the property, that agriculture is an important part of the community, that the Manorville Taxpayers Association has supported prior upzonings in the area and that the nursery application will ensure less development.

The second speaker was Mr. Peter Hoshyla, a Manorville resident representing himself. He stated that the use of the Manorville Nursery Expansion site for agriculture cannot be denied, and that the owner should be able to do as he wishes with the property. He also stated that he has a letter from Ms. Kuehn, a past president of the Manorville Taxpayers Association, and that the Association was originally opposed to the project, but was now in favor. He stated that the LI Pine Barrens Society has incorrectly characterized the project, including the amount of traffic involved. He also discussed the proposed buffer along the roads, the commercial nature of the intersection there, the Cornell Cooperative Extension guidelines for nurseries, the proposals that there be no screening of materials there and that operations only occur during specified hours.

The third speaker was Ms. Katherine Screven, a core area property owner representing herself. She stated that the pine barrens are a disgrace and a dumping ground. She stated that it is time for the owners to fight back, and that they keep their property in good condition. She stated that she lives near a horse farm and that the owners dump

manure on her property, and complained about the number of horses there. She asked how people could enjoy the pine barrens with the dumping that occurs, and stated that she has removed tires, machinery, and other items from her property, and that people from other areas shouldn't be allowed to dump there. She then stated that the proposed Manorville Nursery Expansion should be allowed.

The fourth speaker was Mr. John Stiffel, representing himself. He first submitted the attached, undated letter from Ms. Elsie Brown. He stated that he owns a cabin in the Adirondacks, and that New York State has ruined that area. He advised that the pine barrens should be left alone and that people should be allowed to develop. He also stated that people have kept the pine barrens as they are, not the government. He stated that he is leaving Long Island since he cannot afford to live here. At this point, Mr. Girandola read the attached letter from Ms. Elsie Brown, in which she supports the Manorville Nursery Expansion.

The fifth speaker was Mr. Richard Amper, representing the LI Pine Barrens Society. He stated that the Society has not criticized Compatible Growth Area projects in the past, and discussed the policy making process of the Society, the costs of development, and stated that the Society is not opposed to agricultural activity. He stated that the Society does not take exception to the expansion of the nursery operation, but that this project is a sand mining operation.

- ! Draft summary for 8/7 meeting: review and approval (faxed)
Summary: After a brief discussion, this was deferred until later in the meeting.

Pine Barrens Credit Program

- ! Summary of current applications
- ! Richard Weeks / Middle Island: new Letter of Interpretation appeal; set hearing
Summary: Mr. Milazzo stated that, to date, there have been 65 Letters of Interpretation totalling 102 Pine Barrens Credits (PBCs) in Brookhaven Town, 4 Letters of Interpretation totalling 48.11 PBCs in Riverhead Town, and 62 Letters of Interpretation totalling 28.93 PBCs in Southampton Town. He noted that the next meeting of the Clearinghouse Board will be tomorrow (8/22/96) at 8:00 am at the Commission office in Great River.

He reported that Mr. Richard Weeks of Middle Island, who received an allocation of zero PBCs for a parcel with a house and a restrictive covenant, has filed an appeal, and recommended that a hearing be held. Mr. Girandola stated that he would like a staff report on this parcel, similar to those which are produced for development application reviews.

Mr. Milazzo noted that one PBC Certificate for 3.26 credits has been issued and redeemed, and that 16 informational title searches have been performed by the Suffolk County Real Estate Department staff for the Clearinghouse. Of these, 8 have yielded no problems, and 8 have indicated one or more problems with the applicant's title. He also noted that the letters mailed recently are being received by core owners, and that calls are being regularly received by the staff in response. The topic of potential purchasers contacting listed sellers was then briefly discussed.

A motion was then made by Mr. Girandola and seconded by Mr. Freleng to hold a hearing on the Weeks / Middle Island PBC allocation appeal on 9/11/96 at 5:00 pm at the Riverhead Town Hall. The motion was approved by a 5-0 vote.

Plan implementation

! NY Army National Guard load training: commendation resolution

Summary: Mr. Corwin summarized the previously distributed draft resolution commending the NY Army National Guard Aviation Support Facility #1, located at MacArthur Airport in Islip, and the NYS Division of Military and Naval Affairs, for their cooperative work to date. Mr. Corwin explained that, although the helicopter load training work, which involves the removal of derelict vehicles from the pine barrens, is going to continue, a commendation resolution would strengthen the possibility of the local Army National Guard unit being considered for a yearly, statewide National Guard Natural Resources Conservation Award this fall.

A motion was made by Mr. Cowen and seconded by Mr. Freleng to approve the following final resolution (including changes to the draft), with the provision that the crew member list is to be checked and corrected as necessary:

"Whereas, the New York Environmental Conservation Law Article 57 recognizes the special ecological and hydrological nature of the 100,000 acre Central Pine Barrens of Suffolk County, NY, and

Whereas, the Central Pine Barrens Joint Planning and Policy Commission, created by this law as a regional partnership among the State of New York, the County of Suffolk and the Towns of Brookhaven, Riverhead, and Southampton, has created and approved the June 1995 Central Pine Barrens Comprehensive Land Use Plan for this region, and

Whereas, the Public Lands Management chapter of this Plan, and the Law Enforcement Council created under it, recognize the need for interagency coordination, resource sharing, and stewardship of the public lands within the Core Preservation Area of the Central Pine Barrens, and

Whereas, the New York Army National Guard and the New York State Division of Military and Naval Affairs requested permission for external load training exercises utilizing UH-60 Blackhawk and other helicopters and associated equipment, within the Central Pine Barrens, and

Whereas, the load training missions proposed were identified by the Army National Guard, the Commission, and the agencies comprising the Law Enforcement Council as being of mutual benefit in that the external load training exercises and associated low-level contour flying, would result in additional oversight, monitoring, and clean-up of dumping activity on these lands, and

Whereas, this Commission by its resolution of March 6, 1996 granted such permission for this interagency effort to protect the pine barrens' ecological and hydrological features, and

Whereas, this work has begun successfully with the external load training missions of May 23 and May 30, 1996, which have resulted in the removal of abandoned vehicles, and their associated hazards and potentially detrimental impacts, from these public lands, and

Whereas, the Commission wishes to acknowledge the indispensable role which these missions, and the future missions currently under discussion, play in the long-term stewardship of these areas and the precedent it sets for long-term

interagency cooperation,

Now, therefore, be it

Resolved, that this Commission hereby gratefully acknowledges and commends the contribution of the New York Army National Guard's Army Aviation Support Facility #1 and the Headquarters in Latham, NY in the planning and execution of these training missions, and be it further

Resolved, that this Commission specifically acknowledges the individual contributions, listed alphabetically, of SSG Les Allier, CW4 James R. Beauman, SSG Joseph Gallo, SSG Efrain Hernandez, SGT James Holloman, COL Frank Intini, SGT Stephen Lawrence, CPT Edward Murphy, SPC Joseph Watson, and CW4 Wallace Wright, and be it further

Resolved, that the Commission reemphasizes its previous support for continued cooperative work, and looks forward to all future endeavors."

The motion was approved by a 5-0 vote.

Administrative

- ! Draft summary for 8/7 meeting: review and approval (faxed)
Summary: One change was suggested to the 8/7 summary: (1) under "Land Acquisition Funding", the latter part of the first sentence should read, in part: "... in allocation of the sales tax revenue ...".

A motion was then made by Ms. Filmanski and seconded by Mr. Cowen to approve the 8/7/96 meeting summary with that change. The motion was approved by a 5-0 vote.

Core Preservation Area

- ! Request from Suffolk County Parks for support letter for Environmental Protection Fund grant (8/30 grant deadline; material faxed)
Summary: Mr. Corwin summarized this application (see attached materials) by the SC Parks Department to the NYS Office of Parks, Recreation and Historic Preservation for a \$100,000 grant under the Environmental Protection Fund. The grant would be used, with additional County monies, for the restoration of the Flanders Club property, located on Suffolk County parkland within the Hubbard County Park complex on the north side of NYS Route 24 in Flanders, in Southampton Town. The property is within the Core Preservation Area. The Parks Department has requested letters of support from interested groups and individuals, including the Commission.

Mr. Cowen noted that the Commission could endorse the grant application, but should not endorse any specific uses or recreational activities noted in the background materials. He also noted that the resolution should state that a management plan ought to be completed prior to any uses or activities being selected for the site.

A motion was then made by Mr. Cowen and seconded by Ms. Filmanski to authorize the forwarding of a resolution of support for the above grant application by SC Parks to the NYS Office of Parks, with the conditions noted by Mr. Cowen above to be contained within the resolution. It was agreed that the specific

resolution text would be circulated to the Commissioners prior to being forwarded to NYS Parks. The motion was approved by a 5-0 vote.

- ! Exact Technologies / Westhampton: distribution of materials requested at hearing
Summary: Ms. Plunkett distributed the additional materials which the Commission requested of this applicant at the 8/7/96 hearing on this project on the west side of CR 31 in Westhampton, in Southampton Town. The applicant has proposed an alternative site plan design, with a different building location, and he would like to display the new design and the viewsheds requested by the Commission at the next meeting. That was agreed.

- ! Orr Associates / Ridge: SEQR coordination from Town
Summary: Ms. Plunkett summarized this project involving four lots on the south side of Patrick Lane, east of William Floyd Parkway in Ridge, in Brookhaven Town. The Commission has previously discussed this project and held a hearing on it. Mr. Rigano noted that he is currently examining a letter from the Brookhaven Town Attorney's Office on the issue of vested rights, and he will have an opinion shortly.

Compatible Growth Area

- ! MTK Enterprises / Ridge: approval conditions and current status
Summary: Ms. Plunkett noted that this project, a Compatible Growth Area application for a site at the southeast corner of NYS Route 25 and William Floyd Parkway in Ridge, in Brookhaven Town, which was approved by the Commission, is under construction. She reported that clearing has occurred and a field inspection is desirable in order to determine whether the Commission's approval conditions requiring a buffer have been violated or not. Mr. Girandola noted that the Town has implemented the Commission's conditions and asked that the Commission staff provide pertinent materials to him. He stated that Brookhaven Town could then decide whether to perform a field inspection.

- ! Manorville Nursery Expansion / Manorville: report by SC Planning; summary by SC Health of recent agricultural study; correspondence; possible decision extension
Summary: Mr. Corwin distributed to the Commissioners copies of the stenographic transcripts of public comments on this project from the 8/7/96 Commission meeting which the LI Pine Barrens Society forwarded to the Commission. Ms. Plunkett summarized the results of a postcard mailing which has been arriving in the mail.

Mr. Jones and Mr. Bagg presented the attached written report on their review of this project. Mr. Bagg went through the report section by section, and several topics were singled out by Commission members for further discussion. Those topics included the feasibility and effectiveness of conducting farming operations on the slopes, the nitrate levels that are currently known in the area and those that are projected or possible after the proposed project is underway, and the distinction drawn in the report between development activities as defined under the pine barrens law (the example cited was clearing) and agriculture and horticulture activities.

Mr. Jones discussed the horticulture and agriculture activities, the 65% clearing standard, and the report's recommendation that a redesign of the project be considered. The redesign was then discussed further, including the possible use of the area proposed as a buffer for the proposed farming and the restriction of farming operations to the area below the 90 foot contour level. He also summarized the "Recommendations" portion of the report.

Mr. Cowen then asked whether the proposed project could be modified so as to

accommodate the same areal extent of nursery crops without removing the hill, and Mr. Jones replied that it could. Mr. Jones stated that he did not believe that the proposed buffers are necessary for the proposed nursery expansion. Mr. Cowen asked whether there would be any sand mining under the report's proposed revision, and Mr. Jones replied that there would be some terracing and removal of gravel.

Mr. Pavacic asked whether the Soil and Water Conservation District staff could offer any examples of other Carver-Plymouth soil type areas where the type of terracing and project modifications proposed in the report are being done, and Mr. Bagg replied that the Soil and Water Conservation District staff appeared to be saying that the issue at hand was the soil type, not the slope. Mr. Pavacic noted that the top layers of soil are to be stockpiled on the project site for later use. Mr. Girandola then noted that the State Environmental Quality Review Act findings are completed, that the residents in the area want buffers along the roadways, and that the project being proposed, and the approvals granted to date, are only for the first phase of the work. He then noted the requirements that exist for each phase to commence.

Mr. Girandola then asked whether the Suffolk County Planning staff had reviewed the applicability of the development and nondevelopment provisions of the pine barrens act to this project. Mr. Bagg explained that was the reason that the report divided the project into those two areas. A general discussion then ensued over the development and nondevelopment aspects of the project.

The meeting was temporarily adjourned from approximately 4:21 pm through 4:28 pm.

Mr. Gergela, representing the Long Island Farm Bureau, noted that the Farm Bureau had participated in the writing of the legislation and the Plan, and that their position is that agriculture should not be considered as development. He then introduced Mr. Sanok of the Cornell Cooperative Extension, who briefly discussed Integrated Pest Management, and the use of fertilizers. Mr. Sanok also discussed a new program utilizing yard waste and municipal compost to improve soil structure. Mr. Pavacic asked for further clarification about the role of carbon in improving soil structure, and Mr. Sanok discussed the requirements, including recommended ratios, for carbon, nitrogen, and oxygen. He also described the use of a mixture of manure and compost materials as fertilizer, and the effects of varying from the recommended ratios.

Mr. Trent, from the Suffolk County Department of Health Services, spoke briefly on the Health Department's current study of the impact of agriculture activities on nitrate levels. He noted that the study is not specifically targeted to nurseries, and distributed the attached two pages. One shows the average annual nitrate concentrations in groundwater from ten selected monitoring wells in agricultural areas, from 1975 through 1996, and the second is an excerpt from the Suffolk County Water Authority's water supply distribution maps for the area around the proposed project site. In the discussion that followed, the direction of groundwater flow in the project area, the location of public water supply wells in the area, and the likelihood of detecting any possible plumes that may exist were all discussed.

A discussion then ensued over the holding of an additional meeting to permit the Commissioners time to consider the SC Planning Department report. It was agreed to meet on 8/23/96.

At this point, Mr. Amper of the LI Pine Barrens Society asked whether Brookhaven Town should recuse itself from the vote, and Mr. Rigano noted that he can only reply to legal questions from the Commission. This led to a brief discussion of this issue with respect to any future assertion of jurisdiction by the Commission. No conclusion was drawn.

Administrative

- ! Scheduling: possible meeting 8/26/96, 9:30 am, Riverhead Town Hall (faxed)
Summary: **A motion was made by Mr. Cowen and seconded by Mr. Girandola to hold an additional Commission meeting on 8/23/96 at 8:30 am at the Brookhaven Town Offices in Medford. The motion was approved by a 5-0 vote.**

Administrative

- ! Public comments
Summary: *There were no speakers at this time.*

Adjournment of regular meeting

Summary: *The regular meeting ended at approximately 4:53 pm without a resolution.*

Public hearings at 5:00 pm

- ! George Mathys / Westhampton: core hardship application (industrial)
- ! John Feore / Manorville: core hardship application (residential)
Summary: *A separate stenographic transcript exists for these items.*

Attachments:

1. Attendance and speaker sign-in sheets.
2. Letter from E. Brown re Manorville Nursery Expansion (undated; 1 page)
3. Memo from R. Corwin re NY Army Guard commendation (8/20/96; 1 page)
4. Letter from SC Parks re Env. Protection Fund grant (8/1/96; 2 pages)
5. Manorville Nursery Expansion SC Planning report (8/21/96; 22 pages)
6. SC Health Dept. average annual nitrate concentration and public water distribution map (undated; 2 pages)

Central Pine Barrens Joint Planning and Policy Commission

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Commission Meeting Summary (FINAL) for August 23, 1996 (Approved 10/2/96) Brookhaven Town Offices, Bldg 4, Medford / 8:30 am

Commission members present: Mr. Proios (for Suffolk County), Mr. Grucci, Ms. Pines, Mr. Girandola, Ms. Wiplush and Mr. Pavacic (for Brookhaven at the times stated; Mr. Grucci voting when present; Mr. Girandola voting otherwise), Mr. Stark and Ms. Filmanski (for Riverhead at the times stated; Mr. Stark voting when present), Mr. Cannuscio and Mr. Duffy (for Southampton at the times stated; Mr. Cannuscio voting when present) and Mr. Cowen (for New York State).

Others present: General counsel was Mr. Rigano. Staff members from the Commission included Mr. Corwin, Ms. Trezza, Ms. Plunkett, and Mr. Milazzo. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 8:44 am by Mr. Proios, with a five member quorum consisting of Mr. Proios, Mr. Girandola, Ms. Filmanski, Mr. Duffy and Mr. Cowen. Ms. Pines, Mr. Pavacic, and Ms. Wiplush were also present.

Administrative

! Public comments

Summary: The first speaker was Ms. Leslie Hanellin, representing herself. She stated that she is a resident of the area around the Manorville Nursery Expansion site and that her property is surrounded by residential development. She stated that she is concerned about the impacts of that project upon her children and upon the safety and health of the area residents. She is also concerned about the project's impacts on noise, traffic, dust, and stated that she is concerned about raising children near a sand mine.

The second speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. He stated that the allowable clearing should be based on the parcel size, that no permit should be issued for a proposal that is not in conformance with the Plan, and that the Society has reviewed the Suffolk County Planning Department report on the proposed project and have found its recommendations ambitious but consistent with the Plan. He stated that the Society's position is that the applicant is seeking approval for a sand mine. He also commented briefly upon his recollections regarding the writing of the law, and the assertion of jurisdiction provision in there.

The third speaker was Mr. Peter Maniscalco, representing Cobbleridge Condominiums in Manorville. He described a recent Newsday article and its coverage of sand mining jurisdiction. He also discussed erosion, submitted two photographs of the Manorville Nursery Expansion site (photocopies of which are attached, with the originals in the project file), discussed his belief that the removal of the hill will be followed by residential development of the site, and stated that he hopes that the Commission has the courage to deny the application.

Compatible Growth Area

- ! Manorville Nursery Expansion / Manorville: correspondence from project sponsor (faxed); discussion; decision (8/29 decision deadline); SEQRA findings
Summary: Mr. Corwin distributed the attached 8/22/96 letter from Mr. Marando, sponsor of the Manorville Nursery Expansion project, to the Commission stating his reasons for keeping the project proposal in its current form.

Mr. Rigano stated that the 19 acre land division is part of this application, and discussed where the pine barrens law and the Plan address geological features. Mr. Duffy stated that the Southampton Town staff has read the Suffolk County Planning report presented at the 8/21/96 Commission meeting, and that they had hoped that it would clarify the clearance and use questions pertinent to this proposal better than it did. He noted that the report discusses the agricultural provisions of the law and Plan. A discussion then ensued regarding the Brookhaven Town A2 residence zoning district's permissible uses. Mr. Cowen asked Mr. Rigano what area constitutes the project site. In the discussion which followed, Mr. Rigano outlined two possible interpretations of the project's status: either the proposal is either a combination of mining and agriculture, or is simply agriculture.

Mr. Girandola then discussed the approval process which the proposal has already undergone, including the various phases of the project. He noted that the current Brookhaven Town approval is only for Phase 1 of the project, that additional approvals are required for the future phases, and that a restoration bond is required for approval of each phase.

Mr. Rigano then discussed the Brookhaven Town and Commission documents produced on this project to date, and noted that in the Commission's 5/3/95 comments on the Draft Environmental Impact Statement (DEIS) on this project (copies of those comments were distributed and are attached), the Commission stated that this project does constitute development, and that it does have jurisdiction over the proposal.

Mr. Cowen again asked the question of what area the project site contains. A brief discussion then ensued over a possible new vote to reaffirm the Commission's 5/3/95 vote approving the attached comments on the Draft EIS. Mr. Girandola then outlined the approval and DEIS process, and stated that Brookhaven Town has recognized everyone's interests during this process. A brief discussion then ensued over the impacts to groundwater by agricultural activity, both in this area and elsewhere.

Mr. Rigano noted that agriculture is regulated under the Plan, and that the Commission must proceed under both the Environmental Conservation Law (ECL) Article 57 (the pine barrens statute), and ECL Article 8 (the State Environmental Quality Review Act, SEQRA), and must address all relevant impacts.

A motion was then made by Mr. Cowen and seconded by Mr. Proios to affirm the Commission's decision of 5/3/95 that the Manorville Nursery Expansion is a sand mining operation and not incidental regrading for agricultural activity. Mr. Duffy stated that he would abstain, but noted that the prior decision is already in the Commission's record. Mr. Cowen then stated that he would offer to withdraw the motion to the extent that the Commission's record is already clear. Mr. Girandola stated that Brookhaven agrees with Southampton on this matter, and noted that Brookhaven had abstained from the 5/3/95 vote.

A discussion then ensued on the definition of the project site, with Mr. Rigano noting Sections 5.3.3.6 and 5.3.3.6.1 of the Plan Volume 1. Mr. Rigano stated that

the project site consists of 119 acres, and that a total of 86.7 acres is either cleared or would be cleared, for a total of 72% clearance. He noted that this assumes that the 19 acre piece is not cleared, and that the percentage would be higher if that assumption is not true.

Ms. Wiplush then discussed the Plan provisions regarding the core and the Compatible Growth Area (CGA), and the standards and guidelines for the CGA, including Section 5.3.3.10.1 of the Plan Volume 1 regarding best management plans. The discussion then shifted to the intention of the Commission in certain Plan Volume 1 provisions, and the question of whether the clearing standard is to only be applied to the expansion area of this application. The question of how Section 5.3.3.6 of the Plan Volume 1 should be applied was then discussed.

A motion was then made by Mr. Cowen and seconded by Mr. Proios to table the previous motion regarding the reaffirmation of a portion of the Commission's 5/3/95 vote. The motion to table was approved by a vote of 5-0.

The discussion then briefly turned to the Plan Volume 1 standard regarding species and ecological communities, and Mr. Pavacic discussed both that and the project's buffer proposals. The groundwater standards of the Plan were discussed next, with Mr. Pavacic discussing the EIS materials regarding groundwater impact evaluations and the Suffolk County Planning report of 8/21/96. Mr. Proios observed that the on site well was not examined, and that the documentation looked at data from a public well in the project vicinity which is not in the flow path of groundwater from the project site. He also noted that the effect upon nitrate levels of the use of compost materials should be examined, as should the difference in groundwater impacts between removing the hill, thereby reducing the distance from the surface to the top of the water table, and terracing without removal of the entire hill.

Mr. Duffy then asked the Brookhaven Town representatives how the nutrient management and integrated pest management plans are enforced, and Mr. Pavacic replied that those plans have been submitted and are under review. The question arose whether Brookhaven Town has considered the recent monitoring plan proposed by the Suffolk County Water Authority for other areas of groundwater concern, and Mr. Pavacic noted that it did not exist at the time that this project was reviewed.

Mr. Cowen noted that if the current application meets the Plan standards, then the applicant is entitled to a permit; he also observed that if the current application does not meet those standards, then he feels that the suggestions contained in the 8/21/96 Suffolk County Planning report are appropriate. Mr. Girandola then stated that the Planning Department report's recommendations would violate the Plan's roadside standard.

Mr. Rigano then asked whether the hill is a feature that merits protection. Mr. Cowen replied that he would accept the Planning Department report's assertion that hills, or kames, are not rare features on Long Island, and suggested an informal survey of Commission members' dispositions on this project application. He then stated that he would vote against the application due to the groundwater standard, and that he would like to have language regarding this in the Commission's findings statement. Mr. Duffy stated that Southampton Town is concerned about groundwater quality, and that the agricultural easement suggested in the county report is important. Mr. Proios stated that a CGA hardship could be required due to the removal of the hill, the threat to groundwater, and the amount of clearing. Mr. Girandola then stated that he believes that the application was processed properly.

The meeting was temporarily adjourned at approximately 10:25, and Mr. Duffy left at that point. The meeting resumed briefly at approximately 11:15 am, with a four member quorum (Southampton being absent). Mr. Proios then explained that the meeting would be adjourned to allow other Commission members time to arrive. The meeting resumed at approximately 12:29 pm, with Mr. Cannuscio, Mr. Gucci, and Mr. Stark present. A five member quorum was present.

Compatible Growth Area

- ! Manorville Nursery Expansion / Manorville: continuation of discussion

Summary: Mr. Gucci summarized the actions taken by Brookhaven Town and the Commission on the Manorville Nursery Expansion application, and stated that the Commission should direct the staff to prepare findings to approve the project. **A motion was then made by Mr. Gucci and seconded by Mr. Cannuscio to direct the staff to prepare a draft SEQRA findings statement for the approval of the Manorville Nursery Expansion application. The motion was approved by a 3-2 vote, with the dissenting votes cast by Mr. Cowen and Mr. Proios.**

A second motion was then made by Mr. Stark and seconded by Mr. Gucci to have the draft findings statement prepared and distributed by 1:00 pm on 8/26/96, and to hold an additional Commission meeting at 5:00 pm on 8/26/96 at the Brookhaven Town offices in Medford. The motion was approved by a 5-0 vote.

Mr. Gucci and Mr. Stark left at this time. Mr. Girandola and Ms. Filmanski became the voting members for Brookhaven and Riverhead Towns, respectively. A five person quorum remained.

Pine Barrens Credit (PBC) Program

- ! Grantee on the conservation easements in the PBC program (not on the original agenda)

Summary: Mr. Rigano explained the role of the easement in the PBC program and, more specifically, the role of the grantee in accepting the conservation easement on sending area parcels. He recommends that Suffolk County ultimately be the grantee, but reported that the County Attorney's office has stated that a County Legislative resolution authorizing this is necessary. Mr. Rigano then explained that, in the interim, he recommends that the Commission be the grantee.

A motion was then made by Mr. Cowen and seconded by Mr. Cannuscio to authorize and approve the acceptance by the Commission of the grantee role in all conservation easements executed as a result of the Pine Barrens Credit program's procedures until such time as the County is authorized to accept them, and to specifically authorize the Commission Chair or his designated representative to the Commission to sign the appropriate papers to accept the conservation easements as grantee. The motion was approved by a 5-0 vote.

Administrative

- ! Public comments

Summary: The first speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. He stated that the Commission's action today on the Manorville Nursery Expansion project sets back pine barrens protection a decade, that the decision was political, and that he will see the Commission in court over this matter.

The second speaker was Ms. Susan Hoshyla, representing both herself and the Manorville Taxpayers Association. She stated that she is pleased with the Commission's action today on the Manorville Nursery Expansion application.

Mr. Cannuscio then remarked that Mr. Amper's comments are divisive and harmful to the implementation of the pine barrens agreement.

Adjournment of regular meeting

Summary: The meeting ended at approximately 12:45 pm without a resolution of adjournment.

Attachments:

1. Attendance list (2 pages)
2. Speaker sign-in list (1 page)
3. Photocopy (1 page) of two photos of the Manorville Nursery Site submitted by Mr. Maniscalco
4. 8/22/96 letter from J. Marando, sponsor of the Manorville Nursery Expansion (2 pages)
5. 5/3/95 Commission staff comments on the Manorville Nursery Expansion to the Brookhaven Town Planning Board (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*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Commission Meeting Summary (FINAL) for August 26, 1996 (Approved 10/2/96) Brookhaven Town Offices, Bldg 4, Medford / 5:00 pm

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

Others present: General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, and Mr. Milazzo (from the Commission), and Ms. Eaderesto (from the Brookhaven Town Attorney's Office). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 5:23 pm by Mr. Proios, with a five member quorum present.

Administrative

! Public comments (Part of each meeting; please sign Speaker Sheet)

Summary: The first speaker was Mr. Richard Amper, representing the L.I. Pine Barrens Society. He stated that, at the 8/23/96 meeting, he thought that the Commission might consider the alternative to the Manorville Nursery Expansion which was presented in the SC Planning Department report. He stated that the Commission should consider itself sued, and that he is troubled by the Commission calling a sand mine something else. He stated that you cannot change the rules. He is disturbed by comments made at the last meeting, and again asked the Commission not to approve the project.

The second speaker was Ms. Regina Seltzer, representing the L.I. Pine Barrens Society. She asked if she could see the draft written findings statement for the Manorville Nursery Expansion being discussed today prior to her making any comments. Mr. Rigano advised the Commission against that since it is still a draft document. Ms. Seltzer then asked if she could comment after the Commission's discussion and prior to the vote, and that was agreed.

The third speaker was Mr. Peter Maniscalco, representing Cobbleridge Condominiums in Manorville. He stated that the Manorville Nursery Expansion proposal is not for a nursery expansion, or otherwise the recommendations contained within the Suffolk County Planning Department report would be followed. He stated that he believes that after the removal of the hill, the land will be rezoned. He stated that the project should be voted down.

Compatible Growth Area

! Manorville Nursery Expansion / Manorville: SEQRA findings (draft faxed); decision (8/29 decision deadline)

Summary: Mr. Cowen asked if it was the intention of the Commission to limit the

magnitude of this proposal by time (i.e., to a period of years; possibly four and one half years) and by volume of materials. Mr. Rigano answered affirmatively. Mr. Cowen stated that Brookhaven Town's findings statement contains language referring to such limitations. A discussion then ensued over a guarantee that these limitations will be imposed and enforced by Brookhaven Town. Mr. Pavacic then discussed the nutrient management provisions, the integrated pest management program, the requirements for best management practices at each phase of the project, the requirements for inspections at each phase, and the financial bonds required by Brookhaven Town, including the manner in which those bonds would be carried over to successive phases. Mr. Cowen asked when the time limitation for the completion of the project would begin, and Mr. Rigano replied that it could commence today.

Mr. Pavacic then went through line by line changes which Brookhaven Town is recommending to the draft findings statement (all changes discussed here are contained within the attached findings statement). Some of the specific points discussed at this time included the following.

The questions arose as to whether the various site management plans to be required will be specified in a separate document, and Mr. Pavacic stated that they would. The question also arose whether there is a subdivision of the 19 acre parcel, and Mr. Pavacic replied that there was in the Draft Environmental Impact Statement, but that the subdivision had been withdrawn. The geographic direction in which the sand removal work would proceed was discussed. The placement of a statement within the findings statement that the project is in conformance with the standards and guidelines of the Plan was also discussed.

Mr. Cowen stated that the resolution should contain a statement that the expiration of the four and one half year period ends on a specific date. Mr. Girandola objected to this, stating that, since there are other permits to be obtained by the sponsor, this would be an unfair stipulation. Mr. Rigano suggested that the limitation be that the project end within four and one half years from the date that all necessary permits are received. The rate of work as measured in hours per day, days per week, and truck trips per hour was also discussed, but no specific additional language was agreed to. Mr. Proios raised the issue of the agricultural easements recommended in the Suffolk County Planning Department report, but no additional language was agreed to regarding that.

At this point, Mr. Amper asked if the audience could see the document now, and Mr. Rigano replied that it was not yet final. Ms. Seltzer asked whether the Commission has agreed that this is a mining operation, and Mr. Cowen replied that Friday's discussion covered that, but that no new resolution was reached that day. Ms. Seltzer stated that this proposal is being treated as one project, but that it actually has three phases. She stated that she did not see how the Commission could act if the information available is incomplete. She cited the number of truck trips per day and the size of the trucks as examples of the missing information. She stated that the Commission is being asked to approve a project with incomplete information.

A motion was then made by Mr. Girandola and seconded by Ms. Filmanski to accept the attached statement of findings for the Manorville Nursery Expansion as revised (the attached copy contains the revisions) and to authorize the Commission Chair or his designated representative to the Commission to sign the statement of findings. The motion was approved by a 3-2 vote, with the dissenting votes cast by Mr. Cowen and Mr. Proios. The statement of finding was then signed by Mr. Proios.

A second motion was then made by Mr. Girandola and seconded by Ms. Filmanski

to adopt the attached resolution as revised (the attached copy contains the revisions) approving the Manorville Nursery Expansion project. The motion was approved by a 3-2 vote, with the dissenting votes cast by Mr. Cowen and Mr. Proios.

Adjournment of regular meeting

Summary: A motion to adjourn was made by Mr. Proios and seconded by Mr. Duffy. It was approved by a vote of 5-0. The meeting ended at approximately 6:00 pm.

Attachments:

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Statement of Findings on the Manorville Nursery Expansion (8/26/96; 25 pages)
4. Resolution approving the application of the Manorville Nursery Expansion (8/26/96; 10 pages)

**State Environmental Quality Review
STATEMENT OF FINDINGS
Manorville Nursery Expansion & Hot Water Street Land Division**

Pursuant to 6 NYCRR Part 617 and Article 8 (State Environmental Quality Review Act) of the N.Y. Environmental Conservation Law, the Central Pine Barrens Joint Planning and Policy Commission, as an involved agency, has prepared the following findings.

NAME OF ACTION: Manorville Nursery Expansion and Hot Water Street Land Division

APPLICANT: Joseph Marando Nurseries, Inc.
County Road 111 and Chapman Boulevard
Manorville, NY 11949

INVOLVED AGENCY:
Central Pine Barrens Joint Planning & Policy Commission
3525 Sunrise Highway
P. O. Box 587
Great River, New York 11739

Contact Person Who Can Provide Additional Information:
Raymond P. Corwin, Executive Director
(516) 563-0385

LEAD AGENCY: Town of Brookhaven
Planning Board
3233 Route 112
Medford, New York 11763

INVOLVED AGENCY JURISDICTION:

Pursuant to Environmental Conservation Law Section 57-0123(2) the Central Pine Barrens Joint Planning and Policy Commission ("the Commission") "shall have jurisdiction to review and approve ... proposed developments found by the commission after petition by a commissioner to have significant adverse impact on the land use plan." At their meeting of May 1, 1996, the commission, by majority vote, asserted jurisdiction over the subject project.

DESCRIPTION OF ACTION:

The project involves expansion of an existing 62 acre nursery operation onto an adjacent 38.06 acre site. The mining of sand from a portion of the existing 62 acre nursery operation as well as a portion of an adjacent 38.06 acre parcel will occur in order to allow for the nursery expansion. The existing 62 acres is currently being farmed with nursery stock. The adjacent 38.06 acre parcel is wooded. The project also involves a land division which will divide a 19 acre parcel from the 38.06 acre nursery expansion site. The 19 acres is located to the south of the expansion site and is also wooded. Of the 38.06 acre expansion site, approximately 24.7 acres would be cleared of natural vegetation while approximately 13.3 would remain in its existing natural state.

A total of 1 million cubic yards of material will be mined from the expansion area and adjacent nursery, with 915,000 cubic yards to be removed from the property and the remaining 85,000 cubic yards to be stockpiled for later use. The mining component will take approximately 4.5 years. The material will be removed from the site by truck (tractor trailers) which will access CR 111 via a haulage road in the north central portion of the property between the existing nursery and expansion area.

Natural and undisturbed buffers will be retained on the north, east and south sides of the 38 acre expansion parcel. These include retaining the natural vegetation in an approximately 250 foot wide area along the northern portion of the parcel adjacent to CR 111, a 150 foot wide area along the eastern portion of the site adjacent to Bruce Drive and Peter Court and a 70 foot wide strip at the southern end. A replanted slope of mixed herbaceous vegetation is proposed for the final slope of the excavated area on the east side of the site. The remainder of the expansion site will be replanted with nursery stock for farming.

PROJECT LOCATION:

Southeast corner of the intersection of County Road 111 and Chapman Boulevard, north of Hot Water Street and Easterly Court, approximately 270' west of Bruce Drive and Peter Court, Manorville, Town of Brookhaven, County of Suffolk.

SUFFOLK COUNTY TAX MAP #:

0200-509-6-1.1 & 15.1
0200-509-7-1.2, 13. & 1.4

SEQRA CLASSIFICATION:

Type I Action.

SEQRA HISTORY:

A Positive Declaration was issued for the project on February 28, 1994. A Draft Environmental Impact Statement was accepted on March 27, 1995. A public hearing on the DEIS was held on April 24, 1995 and comments on the DEIS were received until May 4, 1995. A Final Environmental Impact Statement was accepted on August 14, 1995 and circulated to other involved agencies and interested parties in accordance with SEQRA.

INVOLVED AGENCY FINDINGS

The jurisdiction of the Commission under N.Y. Environmental Conservation Law, Section 57-0123(2) and the Central Pine Barrens Comprehensive Land Use Plan (the "Plan") Section 4.5.3, requires the review of the standards and guidelines, as identified by the Commission, that are set forth in Volume 1, Chapter 5 of the Plan.

REVIEW OF STANDARDS AND GUIDELINES

Below is the text for each standard and guideline reviewed by the Commission for this project, followed by the findings of the Commission. Based on the following review, the Commission has determined that the project is in compliance with the relevant standards and guidelines.

1. Nitrate-nitrogen

Plan Section 5.3.3.1 Provides:

Nitrate-nitrogen, a contaminant that emanates from numerous types of land uses, is a recognized indicator of groundwater quality. The Suffolk County Department of Health Services abides by the New York State nitrate-nitrogen standard for drinking water.

Standards

Suffolk County Sanitary Code Article 6 compliance

All development proposals subject to Article 6 of the Suffolk County Sanitary Code shall meet all applicable requirements of the Suffolk County Department of Health Services. Projects which require variances from the provisions of Article 6 shall meet all requirements of the Suffolk County Department of Health Service's Board of Review in order to be deemed to have met the requirements of this standard.

Sewage treatment plant discharge

Where deemed practical by the County or State, sewage treatment plant discharge shall be outside and downgradient of the Central Pine Barrens. Denitrification systems that are approved by the New York State Department of Environmental Conservation or the Suffolk County Department of Health Services may be used in lieu of a sewage treatment plant.

Guideline

Nitrate-nitrogen goal

A more protective goal of two and one half (2.5) ppm may be achieved for new projects through an average residential density of one (1) unit per two (2) acres (or its commercial or industrial equivalent), through clustering, or through other mechanisms to protect surface water quality for projects in the vicinity of ponds and wetlands.

* * *

This standard states that all development proposals must be in compliance with Suffolk County Sanitary Code Article 6. Where deemed practical by the County or State, sewage treatment plant discharge should be outside and downgradient of the Central Pine Barrens. The more protective guideline goal of two and a half (2.5) ppm may be achieved for new projects through an average residential density of one (1) residential dwelling unit per two (2) acres, or its commercial or industrial equivalent, through clustering or through other mechanisms to protect surface water quality for projects in the vicinity of ponds and wetlands.

38 Acre Mining Operation - The proposed clearance of approximately 24.7 acres of the expansion area is not expected to have an impact from nitrates on the underlying groundwater beneath the site. In fact, recharge to the groundwater reserve under the area where the overlying vegetation has been removed may increase due to the fact that evapotranspiration through the vegetation is no longer taking place. In addition, the mining operation is also not expected to add any nitrates to the underlying groundwater.

Expansion of Agriculture/Horticulture Operation - The expansion of the nursery onto the 38 acres will require the use of nitrogen based fertilizer as well as extensive irrigation. The poor quality of the soils on approximately 87.5% of the expansion area will have to be compensated for by augmentation with manure and fertilizers, as well as intensive irrigation in order to allow for growth of nursery stock. According to the Environmental Impact Statement, it is estimated the current nursery operation generates a nitrogen concentration of 9.6 mg/l and the proposed vegetated 38 acre expansion site generates .1 mg/l. The final nitrogen concentration from the expanded nursery on the 38 acre site is projected to be 5.9 mg/l, taking into account the implementation of best management practices. This is under the 6 mg/l standard set under Article 6 of the Suffolk County Sanitary Code.

Taking into consideration that the poor soils on the expansion site have to be augmented with manure as well as fertilizer, which may leach nitrates to the underlying groundwater, there is concern whether 6 mg/l will be met, especially in light of the fact that the ongoing nursery operation is estimated to generate nitrate concentrations of 9.6 mg/l. In order to minimize impacts to the groundwater and meet 6 mg/l, the Town has required that a nutrient management plan be made part of the project.

19 Acre Parcel Resulting From The Land Division - The development of this area must comply with Article 6, meeting 6 mg/l.

2. Other chemical contaminants of concern

Plan Section 5.3.3.2 provides that:

In addition to the specific standards for nitrate-nitrogen above, other contaminants of concern may be relevant in specific applications or in specific areas. This is particularly true for organic contaminants of anthropogenic origin.

Standard

Suffolk County Sanitary Code Articles 7 and 12 compliance

All development projects must comply with the provisions of Articles 7 and 12 of the Suffolk County Sanitary Code, including any provisions for variances or waivers if needed, and all applicable state laws and regulations in order to ensure that all necessary water resource and wastewater management infrastructure shall be in place prior to, or as part of, the commencement of construction.

* * *

In addition to the specific standards for nitrate/nitrogen, the Plan states that other contaminants of concern may be relevant in specific applications or in specific areas. This is particularly true of organic contaminants of anthropogenic origin and all development projects must comply with the provisions of Articles 7 and 12 of the Suffolk County Sanitary Code.

38 Acre Mining Operation - Clearing the area of vegetation and removing the excess material from the site are not expected to produce organic contaminants of anthropogenic origin. It is assumed that all vehicles and equipment will be maintained off-site and will be in proper operating condition. In order to minimize impacts to groundwater, the Town has specified that any fuel for trucks and equipment stored on the site shall be stored in appropriate leak-proof containment in accordance with all Town, County, State and Federal laws and regulations.

Expansion and Agriculture/Horticulture Operation - Herbicides and pesticides may be part of any nursery operation. These may impact underlying groundwater. In order to minimize potential impacts to groundwater from pesticides and herbicides, the Town has required that an integrated pest management plan (IPM), using the information contained in the DEIS and FEIS, be prepared by the applicant, approved by the Town, and made a part of the project.

19 Acre Parcel Resulting From Land Division - The development of this area is expected to be 2 acre residential. As a result, the development of this area should not result in the release of chemical contaminants other than lawn and garden fertilizer, and pesticides which should be controlled under standard 5.3.3.6.

3. Wellhead protection

Plan Section 5.3.3.3 provides that:

The New York State Department of Health advocates the exclusion of potentially contaminating activities from an area extending for 200 feet in all directions from a well site. Although this may have been considered adequate to prevent the rapid drawdown of bacterial contamination or its entry into groundwater through poorly constructed wells, it does not necessarily ensure an adequate level of protection against the suite of organic and inorganic pollutants that may threaten community water supplies.

Standard

Significant discharges and public supply well locations

The location of nearby public supply wells shall be considered in all applications involving significant discharges to groundwater, as required under the New York State Environmental Conservation Law Article 17.

Guideline

Private well protection

The Suffolk County Department of Health Services' guidelines for private wells should be used for wellhead protection.

* * *

The location of nearby public supply wells shall be considered in all applications involving significant discharges to groundwater as required under the New York State Environmental Conservation Law Article 17. In addition, the SCDHS guidelines for private wells should be used for wellhead protection.

38 Acre Mining Operation - The proposed vegetation clearing and mining operation of the project are not expected to adversely affect any nearby public or private wells.

Expansion of Agriculture/Horticulture Operation - The proposed expansion of the nursery site may increase nitrate, herbicide and pesticide use in the area with potential for contamination in the underlying aquifer. The SCWA has a proposed well site approximately 2,500 ft. to the southeast on CR 111. According to the EIS, the nearest monitoring well (S-47755) with current available water data is located at the northeast corner of Halsey Manor Road and Hot Water Street in Manorville, approximately 2,040 feet southeast and downgradient of groundwater flow from the site.

Water quality data obtained from the available SCDHS files for Well S-47755 indicates that water quality in the Upper Glacial Aquifer in the area is of excellent quality. In addition, the data from the Suffolk County Water Authority Distribution Area 44 (a public water supply main exists beneath Chapman Blvd.) indicated that all organics in the area were found to be well below current standards. The irrigation well on the existing nursery site does not appear to have been analyzed for organic or inorganic constituents. The homes located on Easterly Court, Ross Court, Ricky Road, Peter Court, Bruce Drive and Sandie Lane are not connected to public water. As a result, individual private wells are utilized to obtain water for these homes. As stated previously, groundwater flows in a south/southeasterly direction. There is a concern that the private well quality of some of the homes on Easterly Court and Ross court may be impacted by a change to agricultural use of the upgradient land.

The expansion of the agriculture/horticulture operation is not expected to adversely impact public or private supply wells. There are no public supply wells that are located in proximity to the site. There are private wells located to the south and east of the project site. Currently there are no known water quality concerns associated with these wells. However, mitigation proposed by the applicant and the preservation of 35% of the 38 area expansion site in unfertilized natural vegetation are anticipated to reduce potential for impacts to private well water. Additional mitigation proposed by the applicant is expected to further minimize potential groundwater quality and quantity impacts. These measures include the utilization of Integrated Pest Management (IPM) techniques, preparation and implementation of a nutrient management plan, excluding the use of calcium chloride for dust control, use of the on-site well only when necessary and hand application of slow-release organic fertilizers to root systems of nursery stock.

19 Acre Parcel Resulting From The Land Division - The development of this area is expected to be 2 acre residential and, as a result, is not expected to adversely impact supply wells or groundwater quality.

4. Stormwater runoff

Plan Section 5.3.3.5 provides:

Development of lands within the pine barrens inevitably results in an increase of runoff water following precipitation. Runoff water originating from the roofs of buildings and from driveways is usually discharged directly to subsurface dry wells situated on the building lot. However, the great volume of runoff water originating from paved streets and roads is usually discharged by pipes into large open recharge basins or sumps. These basins may cover several acres and require the removal of considerable native vegetation to the detriment of the site's ecology and aesthetics.

Standard

Stormwater recharge

Development projects must provide that all stormwater runoff originating from development on the property is recharged on site unless surplus capacity exists in an off site drainage system.

Guidelines

Natural recharge and drainage

Natural recharge areas and/or drainage system designs that cause minimal disturbance of native vegetation should be employed, where practical, in lieu of recharge basins or ponds that would require removal of significant areas of native vegetation.

Ponds

Ponds should only be created if they are to accommodate stormwater runoff, not solely for aesthetic purposes.

Natural topography in lieu of recharge basins

The use of natural swales and depressions should be permitted and encouraged instead of excavated recharge basins, whenever feasible.

Soil erosion and stormwater runoff control during construction

During construction, the standards and guidelines promulgated by the New York State Department of Environmental Conservation pursuant to state law, which are designed to prevent soil erosion and control stormwater runoff, should be adhered to.

Development projects must provide that all stormwater runoff originating from development on the property is recharged on-site unless surplus capacity exists in an off-site drainage system. Natural recharge and drainage areas should be utilized where possible.

38 Acre Mining Operation - Due to the rapid permeability of the soils of the site, stormwater runoff does not currently appear to be a problem and is not expected to be one when the site is cleared of vegetation and the excess material removed. All stormwater would be recharged on site. Further, natural recharge, rather than recharge basins or ponds will be utilized.

The Town has required an erosion control program that requires silt fences, hay bale check dam, and hay mulch. The erosion control installation will be inspected and approved by Town of Brookhaven staff prior to physical work at the site. Further details are described in the Town's March 25, 1996 Findings Statement.

Expansion of Agriculture/Horticulture Operation - Due to the rapid permeability of the soil, stormwater runoff is not expected to be a problem from the proposed agricultural operation. All stormwater would be recharged on site.

19 Acre Parcel Resulting From The Land Division - It is expected that stormwater runoff generated on the 19 acre site will be recharged on the site. However given the expected residential development, an excavated recharge basin may be necessary. Soil erosion is not anticipated to be a problem on this site since it is relatively flat.

5. Natural vegetation and plant habitat

Plan Section 5.3.3.6 provides:

Clearing is defined, for the purposes of this standard, as the removal of any portion of the natural vegetation found on a site exclusive of any vegetation associated with active agricultural or horticultural activity or formalized landscape and turf areas. Excessive clearing of natural vegetation can result in severe soil erosion, excessive stormwater runoff, and the destruction or reduction of pine barrens plant and wildlife habitat.

Further, the Long Island Comprehensive Waste Treatment Management Plan (the "208 Study"; Long Island Regional Planning Board, Hauppauge, NY, 1978) indicated that fertilizers are a significant source of nitrogen and phosphorous contamination to ground and surface waters. Due to the low fertility, soils common to the pine barrens (e.g., Carver, Haven, Plymouth and Riverhead) require both irrigation and fertilizer application for establishment and maintenance of turf and nonnative vegetation. As native pine barrens vegetation is replaced with turf through development, increased contamination and a general change in the ecosystem may be expected.

Standards

Vegetation Clearance Limits

The clearance of natural vegetation shall be strictly limited. Site plans, surveys and subdivision maps shall delineate the existing naturally vegetated areas and calculate those portions of the site that are already cleared due to previous activities.

Areas of the site proposed to be cleared combined with previously cleared areas shall not exceed the percentages in Figure 5-1. These percentages shall be taken over the total site and shall include, but not be limited to, roads, building sites and drainage structures. The clearance standard that would be applied to a project site if developed under the existing residential zoning category may be applied if the proposal involves multi-family units, attached housing, clustering or modified lot designs. Site plans, surveys and subdivision maps shall be delineated with a clearing limit line and calculations for clearing to demonstrate compliance with this standard.

To the extent that a portion of a site includes Core property, and for the purpose of calculating the clearance limits, the site shall be construed to be the combined Core and CGA portions. However, the Core portion may not be cleared except in accordance with Section

5.2 of the Plan.

Unfragmented open space

Subdivision and site design shall support preservation of natural vegetation in large unbroken blocks that allow contiguous open spaces to be established when adjacent parcels are developed. Subdivision and site designs should also be configured in such a way so as to prioritize the preservation of native pine barrens vegetation to the maximum extent practicable.

For the purpose of this paragraph, native pine barrens vegetation shall include pitch pines and various species of oak trees, understory and ground cover plants such as blueberry, wintergreen, bearberry and bracken fern, grasses and sedges such as little bluestem, Pennsylvania sedge and indian grass as well as those ecological communities listed in sections 5.6 and 5.7 in Chapter 5, Volume 2 of the Plan.

It is recognized that the preservation of nonnative but ecologically important habitats may be consistent with the intent and goals of the plan when such action would result in the creation of large contiguous natural open space areas and or the protection of rare, threatened or endangered species or their habitat.

Fertilizer-dependent vegetation limit

No more than 15% of an entire development project site shall be established in fertilizer-dependant vegetation including formalized turf areas. Generally, nonnative species require fertilization therefore, planting of such nonnative species shall be limited to the maximum extent practicable. The use of the nonnative plants in Figure 5-2 is specifically not recommended.

Native Plantings

Development designs shall consider the native planting suggestions contained in Figure 5-2.

Figure 5-1: Clearance standards

(This table shows total site clearance including lots, roads, drainage and other improvements.)

Zoning lot size (*)	Maximum site clearance (**)
10,000 square feet residential (1/4 acre)	90 %
15,000 square feet residential (1/3 acre)	70 %
20,000 square feet residential (1/2 acre)	60 %
30,000 square feet residential (2/3 acre)	58 %
40,000 square feet residential (1 acre)	53 %
60,000 square feet residential (1.5 acre)	46 %
80,000 square feet residential (2 acres)	35 %
120,000 square feet residential (3 acres)	30 %
160,000 through 200,000+ square feet residential (4 - 5+ acres)	20 % Clearance limitations on lots in this category shall not include the clearance necessary for the construction of driveways and septic systems. In no case shall the total clearance in this category exceed 25%.
Commercial, Industrial and Other or Mixed Use	65 %

Notes:

(*) These entries are the minimum lot sizes required by zoning, not the size of the subject parcels.

(**) In calculating the percentage of land cleared, the preserved areas in a development should preferably be native vegetation. These are maximum clearance standards, and more restrictive standards may be imposed during the review by the local municipality due to consideration of other standards, especially those addressing preservation of rare or endangered species, or unique flora or vegetation.

Figure 5-2: Planting recommendations

(Native plants are more drought tolerant than nonnative species, are adapted to our local environment, maintain natural ecological diversity, perpetuate fast disappearing native genotypes, and comprise a form of habitat restoration.)

Scientific name (In alphabetic order)	Common name
Recommended native plants	
<p> <i>Andropogon gerardi</i> <i>Andropogon scoparius</i> <i>Betula lenta</i> <i>Betula populifolia</i> <i>Celtis occidentalis</i> <i>Dennstaedtia punctilobula</i> <i>Epigea repens</i> <i>Hamamelis virginia</i> <i>Ilex glabra</i> <i>Ilex opaca</i> <i>Myrica pensylvanica</i> <i>Parthenocissus quinquefolia</i> <i>Pinus rigida</i> <i>Populus tremuloides</i> <i>Prunus maritima</i> <i>Prunus serotina</i> <i>Pteridium aquilinum</i> <i>Quercus alba</i> <i>Quercus coccinea</i> <i>Quercus rubra</i> <i>Rosa virginiana</i> <i>Rubus allegheniensis</i> <i>Salix discolor</i> <i>Sassafras albidum</i> <i>Solidago species</i> <i>Spirea latifolia</i> <i>Vaccinium angustifolium</i> <i>Vaccinium corymbosum</i> </p>	<p> Big bluestem Little bluestem White Birch Grey birch Hackberry Hay scented fern Trailing arbutus Witch hazel Inkberry American holly Northern bayberry Virginia creeper Pitch pine Quaking aspen Beach plum Black cherry Bracken fern White oak Scarlet oak Red oak Virginia rose Northern blackberry Pussy willow Sassafras Goldenrod Spirea Lowbush blueberry Highbush blueberry </p>
<i>Continued ...Invasive, nonnative plants specifically <u>not</u> recommended</i>	

<i>Acer platinoides</i> <i>Acer pseudoplatanus</i> <i>Ampelopsis brevipedunculata</i> <i>Berberis thunbergii</i> <i>Celastrus orbiculatus</i> <i>Coronilla varia</i> <i>Eleagnus umbellata</i> <i>Lespedeza cuneata</i> <i>Ligustrum sinense</i> <i>Lonicera japonica</i> <i>Lonicera maackii</i> <i>Lonicera tartarica</i> <i>Lythrum salicaria</i> <i>Miscanthus sinensis</i> <i>Pinus nigra</i> <i>Polygonum cuspidatum</i> <i>Pueraria lobata</i> <i>Robina pseudoacacia</i> <i>Rosa multiflora</i> <i>Rosa rugosa</i> <i>Rudbeckia hirta</i>	Norway maple Sycamore maple Porcelain berry vine Japanese barberry Asiatic bittersweet Crown vetch Autumn olive Himalayan bushclover Chinese privet Japanese honeysuckle Amur honeysuckle Tartarian honeysuckle Purple loosestrife Eulalia Black pine Mexican bamboo Kudzu Black locust Multiflora rose Rugosa (salt spray) rose Black eyed susan
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* * *

The clearing of natural vegetation is strictly limited by the Plan, based on land use, as set forth in the clearance standards. The 38 acre nursery expansion area and 19 acre parcel resulting from the land division are limited to 65% and 35% clearing, respectively.

38 Acre Mining Operation - 24.7 acres, or 65% of the 38 acre site are expected to be cleared of natural vegetation. Open space will be retained in an approximately 250 ft. wide area along the northern portion of the parcel adjacent to CR 111, a 150 ft. wide area along the eastern portion of the site adjacent to Bruce Drive and Peter Court, as well as a 70 ft. wide strip at the southern end. A replanted slope of mixed herbaceous and woody vegetation preferably with native planting, is proposed for the final slope of the excavated area on the east side of the site. Once established, this area is not expected to be fertilized.

Expansion of Agriculture/Horticulture Operation - Once the 24.7 of the 38 acre site has been cleared and the excess material has been removed from the expansion site, 65% of the site will be fertilized twice a year in order to grow the nursery stock. Although this appears to exceed the standard for limiting fertilizer dependent vegetation to no more than 15% of a project site, this limitation was intended to apply to residential commercial, and industrial development, not agricultural activity. The Commission intended for agricultural and horticulture fertilizer dependent vegetation to be subject to the plan under section 5.3.3.10 which provides for the application of best management practices, voluminous and detailed requirements for proper agricultural and horticultural operations in order to assure environmental protection.

In order to minimize impacts from fertilizer use, the Town of Brookhaven has required that a nutrient management plan be made a part of the agricultural operations. According to the nursery owner, two fertilizer applications are made to ornamental crops. Once in the early Spring every plant is fertilized, then during July a second application is applied to only those plants which require additional fertilization. Each year manure is added to the site to enrich the soils. Additionally, a winter rye cover crop is tilled into the soil in the early Spring for added nutrients.

19 Acre Parcel Resulting From The Land Division - This area is subject to a maximum site clearance of 35%, thus preserving open space since 65% will not be developed. Furthermore, fertilizer dependent vegetation must be limited to 15%.

6. Species and communities of special concern

Plan Section 5.3.3.7 provides:

The pine barrens ecosystem hosts several species of rare, endangered or threatened animals and plants, as well as

species of special concern. The State of New York has identified such species and has enacted laws to protect their number and habitat. The New York State Natural Heritage Program has also identified unique natural communities and habitats of special concern.

Standard

Special species and ecological communities

Where a significant negative impact upon a habitat essential to those species identified on the New York State maintained lists as rare, threatened, endangered or of special concern, or upon natural communities classified by the New York State Natural Heritage Program as G1, G2, G3 or S1, S2 or S3, or on any federally listed endangered or threatened species is proposed, appropriate mitigation measures as determined by the appropriate state, county or local government agency shall be taken to protect these species.

* * *

Where a significant negative impact upon a habitat essential to those species identified on the New York State maintained lists as rare, threatened, endangered or special concern, or upon natural communities classified by the New York State Natural Heritage Program as G1, G2, G3 or S1, S2 or S3, or on any federally listed endangered or threatened species is proposed, appropriate mitigation measures as determined by the appropriate State, County, or local government agency shall be taken to protect these species.

There are no rare, threatened, or endangered species that have been identified on the property. However, approximately 4.79 acres in the southern portion of the 38 acre expansion site are pine-oak-heath woodland which is ranked S2/S3 and G3/G4 by the New York State Natural Heritage Program. The project calls for a portion of the 4.79 acres of the 38 acre expansion area to be cleared with the remainder to be preserved in the 150 foot buffer on the east side of the site.

The pine-oak-heath woodland is common in the area. Substantial areas of pine-oak-heath woodland exist to the north, west and south of the dwarf pine plains in the vicinity of Francis S. Gabreski Airport, as shown on the Pine Barrens Ecological Communities Map. In addition, a significant amount of this habitat has been recently identified in the southern portion of the Rocky Point DEC property.

It must also be considered that this type of habitat has to be burned fairly frequently otherwise it will undergo succession to a pine-oak forest type of habitat. It is not expected that the pine-oak-heath woodland would be burned on this site, and if were not removed by the project, the habitat would undergo succession.

Based on the information set forth above, the loss of the pine-oak-heath woodland as part of the project does not pose a significant environmental effect.

7. Soils

Plan Section 5.3.3.8 provides:

Disturbance of, and construction on, steep slopes within the pine barrens involves considerable removal of native vegetation resulting in excessive surface water runoff and severe soil erosion. Steeply sloped areas are also subject to more rapid spread of wildfire than flat ground.

Guidelines

Clearing envelopes

Clearing envelopes should be placed upon lots within a subdivision so as to maximize the placement of those envelopes on slopes less than ten percent (10%).

Stabilization and erosion control

Construction of homes, roadways and private driveways on slopes greater than ten percent (10%) may be approved if technical review

shows that sufficient care has been taken in the design of stabilization measures, erosion control practices and structures so as to mitigate negative environmental impacts.

Slope analyses

Project review is facilitated if submissions contain a slope analysis showing slopes in the ranges 0-10%, 11-15% and 15% and greater. In areas with steep slopes, slope analysis maps should be required. This can be satisfied with cross hatching or shading on the site plan for the appropriate areas.

Erosion and sediment control plans

Erosion and sediment control plans should be required in areas of fifteen percent (15%) or greater slopes.

Placement of roadways

Roads and driveways should be designed to minimize the traversing of slopes greater than ten percent (10%) and to minimize cuts and fills.

Retaining walls and control structures

Details of retaining walls and erosion control structures should be provided for roads and driveways which traverse slopes greater than ten percent (10%).

* * *

The disturbance of and construction on steep slopes within the Pine Barrens involves considerable removal of native vegetation resulting in excessive surface water runoff and severe soil erosion. Steeply sloped areas are also subject to more rapid spread of wild fire than flat ground. The guidelines for soils involve stabilization and erosion control, slope analysis, and erosion and sediment control plans for areas of 15% or greater slopes.

The majority of the expansion site contains Carver and Plymouth Sands. This soil can be comprised entirely of Carver Sand, Plymouth Sand, or a combination of the two soils. This soil, according to the **Soil Survey of Suffolk County, New York**, is described as deep, rolling, excessively drained and well drained, coarse textured and moderately coarse textured on moraines. The hazard of erosion is slight to moderate in this unit. These soils are droughty and natural fertility is low. Carver Plymouth Sands with 0 to 3% slopes (CpA) comprise approximately 12.5% of the expansion area, while Carver Plymouth Sands with 3 to 15% slopes (CpC) comprise approximately 75% of the area. Carver Plymouth Sands are not well suited to crops commonly grown in the County because they tend to be droughty, which makes establishment of lawns and shrub plantings difficult to maintain. These soils are classified as agricultural capability Class VIIs-1. The capability unit is used to show in a general way the suitability of soils for most kinds of field crops. Soil groups within Class VIIs-1 are described as being "too droughty, too steep or too strong for crops or pasture." They are not suitable for nursery stock or other crops, because of their sandy texture, coarse fragmentation and steepness of slope. A permanent cover of plants should be maintained or restored on all soils of this unit. Bare, eroded, and steep areas can be revegetated by using mulch and seeding them with suitable plant species.

The remaining 12.5% of the expansion site is comprised of Plymouth Loamy Sand with 0 to 3% slopes. The hazard to erosion is slight on this Plymouth soil which is well suited to crops commonly grown in the County. This soil agricultural capability unit is IIIs-1.

The project site is located on the Ronkonkoma Moraine and is occupied by a hill-like feature which may be a kame or drumlan of glacial origin. As a result of this feature, 17.2% of the expansion site contains slopes greater than 15%, 27.1% of the site contains slopes in the range from 11 to 15%, and the remaining 55.7% of the site contains slopes in the range of 0 to 10% based on a slope analysis prepared in the EIS. Elevations range from a minimum of 50 ft. above sea level to a height of 135 ft. in the central part of the site, which represents a total change of 85 ft.

38 Acre Mining Operation - As noted previously, approximately 24.7 acres (65%) of the expansion site is proposed to be regraded and excavated. Approximately one million cubic yards of material will be excavated, with 915,000 cubic yards to be removed from the property, and the remaining 85,000 cubic yards, comprised primarily of topsoil, to be stock piled and reused over the expansion area when the project is completed. The majority of the site, including the highest elevation of 135 ft. will be reduced to approximately 60 ft. During the excavation portion of the project there will be a loss of slopes greater than 15%. In addition, a steep sloped embankment with slopes of approximately 41% will be left on the eastern and northern portions of the natural buffer areas after the excavation and regrading is complete. The Town of Brookhaven has required that the applicant shall prepare and submit to the Planning Board a revegetation plan for restoration of those areas disturbed by the project. The steep sloped area left after the excavation is completed is to be regraded and stabilized using hydroseeding with a mixture of perennial and annual grasses and planting of woody species. The Town has also required that while

the site is undergoing excavation, that erosion control and stabilization measures, including silt fences, hay bale check dams, and hay mulch should be used to prevent erosion on disturbed areas. The measures are described in the Town's Finding Statement dated March 25, 1996.

Expansion of Agriculture/Horticulture Operation - Once the development portion of the project is complete, the area involving the nursery will be fairly level and impacts on the slope with associated effects of erosion and sediment are not expected.

19 Acre Parcel Resulting From The Land Division - This area is relatively flat and is expected to conform to the soil standards.

8. Agriculture and horticulture

Plan Section 5.3.3.10 provides:

Scattered throughout the pine barrens are parcels devoted to agricultural and horticultural uses.

Guideline

Best management practices

Any existing, expanded, or new activity involving agriculture or horticulture in the Compatible Growth Area should comply with best management practices, as defined herein, and relevant requirements including local law. Best management practices are, for purposes of this Plan, the same practices stated in the most recent version of *Controlling Agricultural Nonpoint Source Water Pollution in New York State* (Bureau of Technical Services and Research, Division of Water, New York State Department of Environmental Conservation, 1991 and as later amended).

* * *

Any existing, expanded or new activity involving agriculture or horticulture in the Compatible Growth Area should comply with best management practices, as defined in the Plan, and relevant requirements including local law.

Expansion of Agriculture/Horticulture Operation - In order to minimize impacts to groundwater from nitrogen and fertilizer and other chemical constituents, best management practices shall be incorporated into the project plan. The best management practices for the nursery expansion shall include a nutrient management plan as well as an integrated pest management plan. The plan shall be prepared by the applicant and submitted to the Town of Brookhaven for review and approval prior to final site plan filing.

9. Scenic, historic and cultural resources

Plan Section 5.3.3.11 provides:

The Long Island Pine Barrens Protection Act specifies that the Plan shall consider and protect unique scenic, cultural or historic features. The Plan includes an inventory of many of these resources, and separate inventories for these items exist in local, state, county, federal or private inventories.

The Commission's policy is to protect and enhance those landscape based features of a community which define it, provide for its distinction from neighboring communities, provide for natural areas among the communities which complement the protection of the pine barrens ecosystem, and contribute to a regional diversity, both natural and cultural.

Guidelines

Cultural resource consideration

Development proposals should account for, review, and provide protection measures for:

1. Established recreational and educational trails and trail corridors, including but not limited to those trail corridors inventoried elsewhere in this Plan.
2. Active recreation sites, including existing sites and those proposed as part of a development.
3. Scenic corridors, roads, vistas and viewpoints located in Critical Resource Areas, and along the Long Island Expressway, Sunrise Highway, County Road 111 and William Floyd Parkway.
4. Sites of historical or cultural significance, including historic districts, sites on the State or National Registers of Historic Places, and historic structures listed on the State or National Registers of Historic Places, or recognized by local municipal law or statute.
5. Sensitive archaeological areas as identified by the New York State Historic Preservation Office or the New York State Museum.

Inclusion of cultural resources in applications

Development proposals should note established recreation and educational trails and trail corridors; active recreation sites; scenic corridors, roads, vistas and viewpoints located in Critical Resource Areas and undisturbed portions of the roadsides of the Long Island Expressway, Sunrise Highway, County Road 111 and William Floyd Parkway; sites on the State or National Register of Historic Places, and historic structures and landmarks recognized by municipal law or statute, or listed on the State or National Registers of Historic Places; and sensitive archaeological areas as identified by the New York State Historic Preservation Office or the New York State Museum within a five hundred (500) foot radius of the outside perimeter of the project site, including any project parcels which are physically separate from the bulk of the proposed development area.

A development proposal may be disapproved or altered if the local municipality determines that the development proposal, in its current form, may have a significant negative impact on any of the above resources.

Protection of scenic and recreational resources

Protection measures for scenic and recreational resources should include, but not be limited to, retention of visually shielding natural buffers, replacement of degraded or removed natural visual buffers using native species, use of signs which are in keeping in both style and scale with the community character, and similar measures.

Roadside design and management

Undisturbed portions of the roadside should be maintained in a manner that protects the scenic features of these areas. Clearing (including that for aisles, driveways, access and parking) is not precluded within these roadside areas, provided that appropriate buffers are maintained, and that manmade structures meet standards consistent with the character of the area.

* * *

Guidelines within the Plan state that development proposals should account for, review, and provide protection measures for scenic corridors, roads, vistas and view points located in Critical Resource Areas, and along the Long Island Expressway, Sunrise Highway, County Road 111, and William Floyd Parkway. Sites of historical or cultural significance as well as sensitive archaeological areas should be identified and preserved wherever possible.

No sites of historical or cultural significance, nor sensitive archaeological areas exist on the site. However, the existing nursery, as well as the 38 acre expansion site are a major scenic vista for individuals traveling in a southeasterly direction along CR 111, as well as individuals traveling along Chapman Blvd. A high radio tower can also be viewed from this area over the northern portion of the expansion area.

38 Acre Mining Operation - The excavation will remove the hill in the expansion portion of the property, lowering the elevation from approximately 135 ft. to approximately 60 ft. Natural buffer areas adjacent to CR 111, as well as along the eastern and southern portions of the property are to be retained for scenic purposes and shield the excavation operations from view. The proposed tree removal and excavation of the expansion site will not appreciably affect the view of the existing radio tower in the area. The large hill on the expansion site will be removed leaving a view of the

embankment on the eastern side of the property and the back lying hills which reach 250 ft. in height.

Expansion of Agriculture/Horticulture Operation - The existing nursery operation and the proposed expansion of the nursery are not aesthetically displeasing and are part of the rural vista throughout the Pine Barrens. In fact, the view of the nursery compared to the existing vegetation of the Pine Barrens does not appear to be appreciably different. The natural vegetation of the Pine Barrens can be viewed elsewhere for a significant portion of CR 111.

19 Acre Parcel Resulting From The Land Division - There are no cultural, recreational, educational, or scenic areas associated with this parcel. The development of this site should not exceed the standard.

REVIEW OF OTHER CONSIDERATIONS:

In addition to the standards and guidelines under the plan, the Commission has also evaluated the following considerations.

1. Geological Features

The hill involved in the 38 acre expansion site and on a part of the existing nursery may be a kame, a geological feature. A kame is defined as a low mound, knob, hummock, or short irregular ridge, composed of stratified sand and gravel deposited by a subglacial stream as a fan or delta at the margin of a melting glacier; by a superglacial stream in a low place or hole on the surface of the glacier; or as a ponded deposit on the surface or at the margin of stagnant ice. The term has undergone several changes in meaning, but can still be usefully applied to a deposit of glaciofluvial and glaciolacustrine sand and gravel whose precise mode of formation is uncertain. Research of various hydrogeologic reports and studies indicated that there are numerous kames in the Central Pine Barrens and South Fork areas. The Generalized Surficial Geology Map of the South Fork, Suffolk County, Long Island, New York, as contained in the **Hydrogeologic Appraisal of Water Resources of the South Fork, Long Island, New York** (Geologic Survey Water Supply Paper No. 2073), shows approximately 12 kame deposits on the South Fork of Long Island east of the canal. In addition, the book **EASTERN LONG ISLAND GEOLOGY WITH FIELD TRIPS**, by Les Sirkin, identifies kames in the following locations:

1. "Kame and kettle topography is prominent, making up morainal hills east of Little Round Pond."
2. "The kames forming Shelter Island Heights have elevations above 180 ft., with significant exposure of the morainal sediments in the bluffs along the northwest coast."
3. "The moraine at Little Hog Neck is comprised of outwash capped by ground till. It has characteristic hummocky topography with kamic hills, some over 90 ft. high."
4. "The moraine widens north to south to above 0.8 miles at Wildwood State Park, and to nearly 1.2 miles through Wildwood Village, with characteristic kame and kettle topography."

Based on the information presented, it does not appear that kames are a unique geologic feature.

2. Air Quality and Noise

Potential air quality impacts from the expansion include the creation of fugitive, windborne dust as bare soil is exposed or disturbed and emissions from additional mechanized equipment brought into the site including tractor trailers, payloaders and bulldozers. However, many soil particles are too large and heavy to be transported great distances and so these may settle out before they reach the perimeter of the site. In addition, any potential air quality impacts will be temporary. Mitigation measures proposed are anticipated to minimize potential air quality impacts. These include spraying water on exposed surfaces to reduce dust, driving trucks over a stone drive to remove dust and dirt, minimizing the exposed working face of excavated areas by utilizing phases, covering loads of soils for transport and minimizing speed of trucks. Emissions will be reduced by having equipment operating only during normal weekday business hours.

Currently, the only noise generated on the site includes the use of payloaders, pumps, and irrigation equipment during the growing season. The noise generated by this existing uses is not significant. Potential noise impacts from the expansion include noise generated by additional mechanized equipment brought into the site such as tractor trailers, payloaders and bulldozers. It should be noted, however, that any additional noise will be temporary. Furthermore, the additional equipment will be operating far from most sensitive receptors including residences. Mitigation measures proposed are anticipated to reduce potential noise even further. These include limiting operations to normal weekday business hours, regrading from below the grade of homes to the east, routing truck traffic to the north away from residential areas and shifting the proposed access roadway further north than that proposed in the original project design and preserving natural buffers between residential areas and the work area. Additional mitigation which may be considered includes temporary portable wooden sound barriers placed strategically between the area of operation and residential areas, especially those to the south.

3. Traffic

Traffic currently generated by the site is minimal and is produced by delivery and shipping of materials and employees. The majority of this traffic occurs during off-peak hours. During the course of the excavation and regrading project it was estimated that approximately 30-35 trailer loads per day would occur during a typical 8-hour workday. This would result in approximately 8-10 total trips produced by the site per hour per day. To minimize potential conflicts, the project has been amended so that no direct access onto Chapman Boulevard would occur and only direct access to County Road 111 would be allowed. The former construction entrance on Chapman Boulevard has been eliminated. Additional mitigation, however, may be required due to the fact that Chapman Boulevard has a pavement width narrower than current Town standards and the existing entrance location may need to be in a more appropriate area due to the construction of a major shopping center across from the existing nursery site on the west side of Chapman Boulevard. With the imposition of mitigation measures already proposed and additional mitigation to be determined, it is anticipated that potential adverse traffic impacts will be sufficiently mitigated. Furthermore, the majority of traffic generated will be temporary with a duration of approximately 4.5 years and will cease upon completion of final grading.

4. Community Services

The proposed project is not anticipated to result in significant impacts to community services. It will produce approximately \$3,000 more in additional revenue per year. Minimal need for other community services is expected as well.

5. Cumulative Impacts

The DEIS for the project examined potential cumulative impacts of the project in conjunction with others in the area of the project and overall vacant, developable land in the area of the project site. The analysis performed examined both the individual and cumulative impacts on such topics as groundwater, vegetation, wildlife and open space. Complete build-out of the study area would result in development of additional acreage and in turn would result in the removal of additional acres of existing vegetation and wildlife habitat, an increase of nitrogen added to groundwater, an increase in water use and an increase in traffic.

Manorville Nursery Expansion Site Plan and Hot Water Street Land Division is expected to contribute to cumulative impacts, in conjunction with other projects in the area, on open space, loss of vegetation and wildlife habitat, impacts on visual resources, impacts on topography and impacts on traffic. However, a sizeable portion of the area near the project site is within the Central Pine Barrens Core Preservation Area and therefore is expected to be preserved in its existing natural state.

However, mitigation measures on clearing of vegetation, preservation of visual buffers, use of nutrient management plans and traffic mitigation measures are expected to further reduce overall cumulative impacts. Furthermore, the GEIS for the Central Pine Barrens Comprehensive Land Use Plan considered cumulative impacts and did not note the generation of significant cumulative impacts in conjunction with the development of the project site.

6. Growth-Inducing and Precedent-Setting Actions:

The proposed project is not anticipated to be growth-inducing because significant new infrastructure is not proposed. The project may be precedent-setting due to the proposal to mine and reduce grades on the site first to allow agricultural activity. Some additional infrastructure may be required for the 19 acre land division.

MITIGATION MEASURES

The following mitigation measures are supported by the SEQRA review for this project:

1. To minimize impacts to groundwater, the project shall incorporate a nutrient management plan and an integrated pest management plan, in addition to other best management practices. These plans and items shall be reviewed by the Town of Brookhaven as described in the Town's March 25, 1996 Findings Statement.
2. To minimize erosion and related impacts, the project shall incorporate an erosion and stabilization plan that will be reviewed and approved by the Town of Brookhaven as described in the Town's March 25, 1996 Findings Statement.
3. The project shall incorporate the detailed program to establish buffers as described in the Town's March 25, 1996 Findings Statement.
4. To minimize air quality, noise and traffic impacts, the project shall incorporate the mitigation measures described in the Town's Findings Statement.
5. The 19 acre land division shall comply with Suffolk County Sanitary Code Article 6. Nitrogen concentrations in the groundwater shall not exceed a concentration of 6 mg/l. Furthermore the 19 acre land division shall have a maximum site clearance of 35% of the natural vegetation and fertilizer dependent vegetation shall not exceed 15%.

CERTIFICATION OF FINDINGS TO APPROVE

Having considered the relevant environmental impacts, facts and conclusions disclosed in the final environmental impact statement, having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.11, and having weighed and balanced relevant environmental impacts with social, economic and other considerations, this statement of findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, including the effects disclosed in the environmental impact statement, and
3. Consistent with the social, economic and other essential considerations, to the maximum extent practicable, adverse environmental impacts will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

Central Pine Barrens Joint Planning and Policy Commission

Signature of Responsible Official
(Print)

Name of Responsible Official

Title of Responsible Official
Central Pine Barrens Commission

Date

3525 Sunrise Highway, P.O. Box 587, Great River, New York 11739

RESOLUTION OF THE CENTRAL PINE BARRENS
JOINT PLANNING & POLICY COMMISSION

AUGUST 26, 1996

MANORVILLE NURSERY EXPANSION AND HOT WATER STREET LAND DIVISION

WHEREAS, the Central Pine Barrens Joint Planning & Policy Commission ("Commission"), pursuant to Environmental Conservation Law Section 57-0123(2) exercised its jurisdiction to review the proposed development known as the Manorville Nursery Expansion & Hot Water Street Land Division. On May 1, 1996, the Commission, by majority vote, asserted jurisdiction over the subject project to review whether the project would have a significant effect on the Central Pine Barrens Comprehensive Land Use Plan.

WHEREAS, the Town of Brookhaven, as lead agency under the State Environmental Quality Review Act, New York Environmental Conservation Law, Article 8, issued a positive declaration for this project resulting in the preparation of a draft environmental impact statement, a public hearing, and the preparation of a final environmental impact statement accepted on August 14, 1995. The Town of Brookhaven also prepared a finding statement pursuant to SEQRA.

WHEREAS, the Commission, as an involved agency under SEQRA is required to prepare a finding statement.

WHEREAS, the project site is located at the southeast corner of the intersection of County Road III and Chapman Boulevard in the Town of Brookhaven.

WHEREAS, the subject project involves the expansion of an existing 62-acre nursery operation onto an adjacent 38.06-acre site. The mining of sand from a 38-acre parcel and a portion of an adjacent existing 62-acre nursery operation will occur in order to allow for the nursery expansion. The 38-acre parcel that would be the subject of the mining operation is wooded and is occupied by a geologic hill-like feature which may be a kame or drumlin of glacial origin. The project also involves a land division which will divide a 19-acre parcel from the 38.06-acre nursery expansion site. The 19-acres is located to the south of the expansion site and is also wooded.

WHEREAS, approximately 24.7 acres of the 38-acre mining site would be cleared of natural vegetation while approximately 13.3 acres would remain in its existing natural state.

WHEREAS, a total of 1 million cubic yards of material will be mined from the 38-acre expansion area and adjacent nursery, with 915,000 cubic yards to be removed from the property and 85,000 cubic yards to be stock piled. The mining operation is anticipated to take approximately 4.5 years.

WHEREAS, natural and undisturbed buffers will be retained on the north, east and south side of the 38-acre expansion parcel.

WHEREAS, the Commission and Commission staff have considered extensive documentation regarding this project and has reached certain conclusions and determinations regarding this matter.

WHEREAS, the Commission's jurisdiction under New York Environmental Conservation Law Article 57 and the Central Pine Barrens Land Use Plan requires that the Commission evaluate the compliance of the project with relevant standards and guidelines, as identified by the Commission, set forth in Volume 1, Chapter 5 of the Central Pine Barrens Comprehensive Land Use Plan.

NOW, THEREFORE BE IT

RESOLVED, that the Commission has reached the following conclusions and determinations regarding compliance of the project with the relevant standards and guidelines set forth in Chapter 5 of the Plan:

I. Nitrate-nitrogen (Section 5.3.3.1)

This standard states that all development proposals must be in compliance with Suffolk County Sanitary Code Article 6. Where deemed practical by the County or State, sewage treatment plant discharge should be outside and downgradient of the Central Pine Barrens. The more protective guideline goal of two and a half (2.5) ppm may be achieved for new projects through an average residential density of one (1) residential dwelling unit per two (2) acres, or its commercial or industrial equivalent, through clustering or through other mechanisms to protect surface water quality for projects in the vicinity of ponds and wetlands.

38 Acre Mining Operation - The proposed clearance of approximately 24.7 acres of the expansion area is not expected to have an impact from nitrates on the underlying groundwater beneath the site. In fact, recharge to the groundwater reserve under the area where the overlying vegetation has been removed may increase due to the fact that evapotranspiration through the vegetation is no longer taking place. In addition, the mining operation is also not expected to add any nitrates to the underlying groundwater.

Expansion of Agriculture/Horticulture Operation - The expansion of the nursery onto the 38 acres will require the use of nitrogen based fertilizer as well as extensive irrigation. The poor quality of the soils on approximately 87.5% of the expansion area will have to be compensated for by augmentation with manure and fertilizers, as well as intensive irrigation in order to allow for growth of nursery stock. According to the Environmental Impact Statement, it is estimated the current nursery operation generates a nitrogen concentration of 9.6 mg/l and the proposed vegetated 38 acre expansion site generates .1 mg/l. The final nitrogen concentration from the expanded nursery on the 38 acre site is projected to be 5.9 mg/l, taking into account the implementation of best management practices. This is under the 6 mg/l standard set under Article 6 of the Suffolk County Sanitary Code.

Taking into consideration that the poor soils on the expansion site have to be augmented with manure as well as fertilizer, which may leach nitrates to the underlying groundwater, there is concern whether 6 mg/l will be met, especially in light of the fact that the ongoing nursery operation is estimated to generate nitrate concentrations of 9.6 mg/l. In order to minimize impacts to the groundwater and meet 6 mg/l, the Town has required that a nutrient management plan be made part of the project.

19 Acre Parcel Resulting From The Land Division - The development of this area must comply with Article 6, meeting 6 mg/l.

II. Other Chemical Contaminants of Concern (Section 5.3.3.2)

In addition to the specific standards for nitrate/nitrogen, the Plan states that other contaminants of concern may be relevant in specific applications or in specific areas. This is particularly true of organic contaminants of anthropogenic origin and all development projects must comply with the provisions of Articles 7 and 12 of the Suffolk County Sanitary Code.

38 Acre Mining Operation - Clearing the area of vegetation and removing the excess material from the site are not expected to produce organic contaminants of anthropogenic origin. It is assumed that all vehicles and equipment will be maintained off-site and will be in proper operating condition. In order to minimize impacts to groundwater, the Town has specified that any fuel for trucks and equipment stored on the site shall be stored in appropriate leak-proof containment in accordance with all Town, County, State and Federal laws and regulations.

Expansion and Agriculture/Horticulture Operation - Herbicides and pesticides maybe part of any nursery operation. These may impact underlying groundwater. In order to minimize potential impacts to groundwater from pesticides and herbicides, the Town has required that an integrated pest management plan (IPM), using the formation contained in the DEIS and FEIS, be prepared by the applicant, approved by the Town, and made a part of the project.

19 Acre Parcel Resulting From Land Division - The development of this area is expected to be 2 acre residential. As a result, the development of this area should not result in the release of chemical contaminants other than lawn and garden fertilizer, and pesticides which should be controlled under standard 5.3.3.6.

III. Wellhead Protection (Section 5.3.3.3)

The location of nearby public supply wells shall be considered in all applications involving significant discharges to groundwater as required under the New York State Environmental Conservation Law Article 17. In addition, the SCDHS guidelines for private wells should be used for wellhead protection.

38 Acre Mining Operation - The proposed vegetation clearing and mining operation of the project are not expected to adversely affect any nearby public or private wells.

Expansion of Agriculture/Horticulture Operation - The proposed expansion of the nursery site may increase nitrate, herbicide and pesticide use in the area with potential for contamination in the underlying aquifer. The SCWA has a proposed well site approximately 2,500 ft. to the southeast on CR 111. According to the EIS, the nearest monitoring well (S-47755) with current available water data is located at the northeast corner of Halsey Manor Road and Hot Water Street in Manorville, approximately 2,040 feet southeast and downgradient of groundwater flow from the site. Water quality data obtained from the available SCDHS files for Well S-47755 indicates that water quality in the Upper Glacial Aquifer in the area is of excellent quality. In addition, the data from the Suffolk County Water Authority Distribution Area 44 (a public water supply main exists beneath Chapman Blvd.) indicated that all organics in the area were found to be well below current standards. The irrigation well on the existing nursery site does not appear to have been analyzed for organic or inorganic constituents. The homes located on Easterly Court, Ross Court, Ricky Road, Peter Court, Bruce Drive and Sandie Lane are not connected to public water. As a result, individual private wells are utilized to obtain water for these homes. As stated previously, groundwater flows in a south/southeasterly direction. There is a concern that the private well quality of some of the homes on Easterly Court and Ross court may be impacted by a change to agricultural use of the upgradient land.

The expansion of the agriculture/horticulture operation is not expected to adversely impact public or private supply wells. There are no public supply wells that are located in proximity to the site. There are private wells located to the south and east of the project site. Currently there are no known water quality concerns associated with these wells. However, mitigation proposed by the applicant and the preservation of 35% of the 38 area expansion site in unfertilized natural vegetation are anticipated to reduce potential for impacts to private well water. Additional mitigation proposed by the applicant is expected to further minimize potential groundwater quality and quantity impacts. These measures include the utilization of Integrated Pest

Management (IPM) techniques, preparation and implementation of a nutrient management plan, excluding the use of calcium chloride for dust control, use of the on-site well only when necessary and hand application of slow-release organic fertilizers to root systems of nursery stock.

19 Acre Parcel Resulting From The Land Division - The development of this area is expected to be 2 acre residential and, as a result, is not expected to adversely impact supply wells or groundwater quality.

IV. Stormwater Runoff (Section 5.3.3.5)

Development projects must provide that all stormwater runoff originating from development on the property is recharged on-site unless surplus capacity exists in an off-site drainage system. Natural recharge and drainage areas should be utilized where possible.

38 Acre Mining Operation - Due to the rapid permeability of the soils of the site, stormwater runoff does not currently appear to be a problem and is not expected to be one when the site is cleared of vegetation and the excess material removed. All stormwater would be recharged on site. Further natural recharge, rather than recharge basins or ponds will be utilized.

The Town has required an erosion control program that requires silt fences, hay bale check dam, and hay mulch. The erosion control installation will be inspected and approved by Town of Brookhaven staff prior to physical work at the site. Further details are described in the Towns March 25, 1996 Findings Statement.

Expansion of Agriculture/Horticulture Operation - Due to the rapid permeability of the soil, stormwater runoff is not expected to be a problem from the proposed agricultural operation. All stormwater would be recharged on site.

19 Acre Parcel Resulting From The Land Division - It is expected that stormwater runoff generated on the 19 acre site will be recharged on the site. However given the expected residential development, an excavated recharge basin may be necessary. Soil erosion is not anticipated to be a problem on this site since it is relatively flat.

V. Natural Vegetation and Plant Habitat (Section 5.3.3.6)

The clearing of natural vegetation is strictly limited by the Plan, based on land use, as set forth in the clearance standards. The 38 acre nursery expansion area and 19 acre parcel resulting from the land division are limited to 65% and 35% clearing, respectively:

38 Acre Mining Operation - 24.7 acres, or 65% of the 38 acre site are expected to be cleared of natural vegetation. Open space will be retained in an approximately 250 ft. wide area along the northern portion of the parcel adjacent to CR 111, a 150 ft. wide area along the eastern portion of the site adjacent to Bruce Drive and Peter Court, as well as a 70 ft. wide strip at the southern end. A replanted slope of mixed herbaceous and woody vegetation preferably with native planting, is proposed for the final slope of the excavated area on the east side of the site. Once established, this area is not expected to be fertilized.

Expansion of Agriculture/Horticulture Operation - Once the 24.7 of the 38 acre site has been cleared and the excess material has been removed from the expansion site, 65% of the site will be fertilized twice a year in order to grow the nursery stock. Although this appears to exceed the standard for limiting fertilizer dependent vegetation to no more than 15% of a project site, this limitation was intended to apply to residential commercial, and industrial development, not agricultural activity. The Commission intended for

agricultural and horticulture fertilizer dependent vegetation to be subject to the plan under section 5.3.3.10 which provides for the application of best management practices, voluminous and detailed requirements for proper agricultural and horticultural operations in order to assure environmental protection.

In order to minimize impacts from fertilizer use, the Town of Brookhaven has required that a nutrient management plan be made a part of the agricultural operations. According to the nursery owner, two fertilizer applications are made to ornamental crops. Once in the early Spring every plant is fertilized, then during July a second application is applied to only those plants which require additional fertilization. Each year manure is added to the site to enrich the soils. Additionally, a winter rye cover crop is tilled into the soil in the early Spring for added nutrients.

19 Acre Parcel Resulting From The Land Division - This area is subject to a maximum site clearance of 35%, thus preserving open space since 65% will not be developed. Furthermore, fertilizer dependent vegetation must be limited to 15%.

VI. Species and Communities of Special Concern (Section 5.3.3.7)

Where a significant negative impact upon a habitat essential to those species identified on the New York State maintained lists as rare, threatened, endangered or special concern, or upon natural communities classified by the New York State Natural Heritage Program as G1, G2, G3 or S1, S2 or S3, or on any federally listed endangered or threatened species is proposed, appropriate mitigation measures as determined by the appropriate State, County, or local government agency shall be taken to protect these species.

There are no rare, threatened, or endangered species that have been identified on the property. However, approximately 4.79 acres in the southern portion of the 38 acre expansion site are pine-oak-heath woodland which is ranked S2/S3 and G3/G4 by the New York State Natural Heritage Program. The project calls for a portion of the 4.79 acres of the 38 acre expansion area to be cleared with the remainder to be preserved in the 150-foot buffer on the east side of the site.

The pine-oak-heath woodland is common in the area. Substantial areas of pine-oak-heath woodland exist to the north, west and south of the dwarf pine plains in the vicinity of Francis S. Gabreski Airport, as shown on the Pine Barrens Ecological Communities Map. In addition, a significant amount of this habitat has been recently identified in the southern portion of the Rocky Point DEC property.

It must also be considered that this type of habitat has to be burned fairly frequently otherwise it will undergo succession to a pine-oak forest type of habitat. It is not expected that the pine-oak-heath woodland would be burned on this site, and if were not removed by the project, the habitat would undergo succession.

Based on the information set forth above, the loss of the pine-oak-heath woodland as part of the project does not pose a significant environmental effect.

VII. Soils (Section 5.3.3.8)

The disturbance of and construction on steep slopes within the Pine Barrens involves considerable removal of native vegetation resulting in excessive surface water runoff and severe soil erosion. Steeply sloped areas are also subject to more rapid spread of wild fire than flat ground. The guidelines for soils involve stabilization and erosion control, slope analysis, and erosion and sediment control plans for areas of 15% or greater slopes.

The majority of the expansion site contains Carver and Plymouth Sands. This soil can be

comprised entirely of Carver Sand, Plymouth Sand, or a combination of the two soils. This soil, according to the **Soil Survey of Suffolk County, New York**, is described as deep, rolling, excessively drained and well drained, coarse textured and moderately coarse textured on moraines. The hazard of erosion is slight to moderate in this unit. These soils are droughty and natural fertility is low. Carver Plymouth Sands with 0 to 3% slopes (CpA) comprise approximately 12.5% of the expansion area, while Carver Plymouth Sands with 3 to 15% slopes (CpC) comprise approximately 75% of the area. Carver Plymouth Sands are not well suited to crops commonly grown in the County because they tend to be droughty, which makes establishment of lawns and shrub plantings difficult to maintain. These soils are classified as agricultural capability Class VIIs-1. The capability unit is used to show in a general way the suitability of soils for most kinds of field crops. Soil groups within Class VIIs-1 are described as being "too droughty, too steep or too strong for crops or pasture." They are not suitable for nursery stock or other crops, because of their sandy texture, coarse fragmentation and steepness of slope. A permanent cover of plants should be maintained or restored on all soils of this unit. Bare, eroded, and steep areas can be revegetated by using mulch and seeding them with suitable plant species.

The remaining 12.5% of the expansion site is comprised of Plymouth Loamy Sand with 0 to 3% slopes. The hazard to erosion is slight on this Plymouth soil which is well suited to crops commonly grown in the County. This soil agricultural capability unit is IIIs-1.

The project site is located on the Ronkonkoma Moraine and is occupied by a hill-like feature which may be a kame or drumlan of glacial origin. As a result of this feature, 17.2% of the expansion site contains slopes greater than 15%, 27.1% of the site contains slopes in the range from 11 to 15%, and the remaining 55.7% of the site contains slopes in the range of 0 to 10% based on a slope analysis prepared in the EIS. Elevations range from a minimum of 50 ft. above sea level to a height of 135 ft. in the central part of the site, which represents a total change of 85 ft.

38 Acre Mining Operation - As noted previously, approximately 24.7 acres (65%) of the expansion site is proposed to be regraded and excavated. Approximately one million cubic yards of material will be excavated, with 915,000 cubic yards to be removed from the property, and the remaining 85,000 cubic yards, comprised primarily of topsoil, to be stock piled and reused over the expansion area when the project is completed. The majority of the site, including the highest elevation of 135 ft. will be reduced to approximately 60 ft. During the excavation portion of the project there will be a loss of slopes greater than 15%. In addition, a steep sloped embankment with slopes of approximately 41% will be left on the eastern and northern portions of the natural buffer areas after the excavation and regrading is complete. The Town of Brookhaven has required that the applicant shall prepare and submit to the Planning Board a revegetation plan for restoration of those areas disturbed by the project. The steep sloped area left after the excavation is completed is to be regraded and stabilized using hydroseeding with a mixture of perennial and annual grasses and planting of woody species. The Town has also required that while the site is undergoing excavation, that erosion control and stabilization measures, including silt fences, hay bale check dams, and hay mulch should be used to prevent erosion on disturbed areas. The measures are described in the Town's Finding Statement dated March 25, 1996.

Expansion of Agriculture/Horticulture Operation - Once the development portion of the project is complete, the area involving the nursery will be fairly level and impacts on the slope with associated effects of erosion and sediment are not expected.

19 Acre Parcel Resulting From The Land Division - This area is relatively flat and is expected to conform to the soil standards.

VIII. Agriculture and Horticulture (Section 5.3.3.10)

Any existing, expanded or new activity involving agriculture or horticulture in the Compatible Growth Area should comply with best management practices, as defined in the Plan, and relevant requirements including local law.

Expansion of Agriculture/Horticulture Operation - In order to minimize impacts to groundwater from nitrogen and fertilizer and other chemical constituents, best management practices shall be incorporated into the project plan. The best management practices for the nursery expansion shall include a nutrient management plan as well as an integrated pest management plan. The plan shall be prepared by the applicant and submitted to the Town of Brookhaven for review and approval prior to final site plan filing.

IX. Scenic, Historic and Cultural Resources (Section 5.3.3.II)

Guidelines within the Plan state that development proposals should account for, review, and provide protection measures for scenic corridors, roads, vistas and view points located in Critical Resource Areas, and along the Long Island Expressway, Sunrise Highway, County Road 111, and William Floyd Parkway. Sites of historical or cultural significance as well as sensitive archaeological areas should be identified and preserved wherever possible.

No sites of historical or cultural significance, nor sensitive archaeological areas exist on the site. However, the existing nursery, as well as the 38 acre expansion site are a major scenic vista for individuals traveling in a southeasterly direction along CR 111, as well as individuals traveling along Chapman Blvd. A high radio tower can also be viewed from this area over the northern portion of the expansion area.

38 Acre Mining Operation - The excavation will remove the hill in the expansion portion of the property, lowering the elevation from approximately 135 ft. to approximately 60 ft. Natural buffer areas adjacent to CR 111, as well as along the eastern and southern portions of the property are to be retained for scenic purposes and shield the excavation operations from view. The proposed tree removal and excavation of the expansion site will not appreciably affect the view of the existing radio tower in the area. The large hill on the expansion site will be removed leaving a view of the embankment on the eastern side of the property and the back lying hills which reach 250 ft. in height.

Expansion of Agriculture/Horticulture Operation - The existing nursery operation and the proposed expansion of the nursery are not aesthetically displeasing and are part of the rural vista throughout the Pine Barrens. In fact, the view of the nursery compared to the existing vegetation of the Pine Barrens does not appear to be appreciably different. The natural vegetation of the Pine Barrens can be viewed elsewhere for a significant portion of CR 111.

19 Acre Parcel Resulting From The Land Division - There are no cultural, recreational, educational, or scenic areas associated with this parcel. The development of this site should not exceed the standard.

X. Conclusion

The mining operation must be completed within 5 years of the receipt of all necessary authorizations for mining activity.

Based on the Commission's review of the project and the relevant standards and guidelines, the Commission has determined that the project is in compliance with the relevant standards and guidelines and is approved by the Commission.

Record of Motion

Motion by Mr. Girandola

Seconded by Ms. Filmanski

Yes Votes: Mr. Girandola, Mr. Duffy and Ms. Filmanski

No Votes: Mr. Proios and Mr. Cowen

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 September 11, 1996 (Approved 10/23/96) Riverhead Town Hall / 2:00 pm

Commission members present: Mr. Proios and Mr. Dragotta (for Suffolk County; Mr. Proios voting unless otherwise noted), Mr. Girandola and Ms. Wiplush (for Brookhaven; Mr. Girandola voting), Mr. Richard Hanley (for Riverhead; present at the time indicated), 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, Mr. Hopkins (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation), and Mr. Grecco (from the Suffolk County Attorney's Office and Vice Chair of the Pine Barrens Credit Clearinghouse Board). 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 present consisting of Mr. Proios, Mr. Cowen, Mr. Girandola, and Mr. Freleng.

Administrative

! Public comments

Summary: The first speaker was Mr. Walter Olsen, representing Civil Property Rights Associates. He distributed the attached 10/19/96 Second Annual NY State Conference on Private Property Rights flyer, and invited Commissioners and others to attend.

The second speaker was Mr. Richard Amper, representing the L.I. Pine Barrens Society. He criticized the Nassau County Boy Scout Council's proposal to cut down wooded land to construct a golf course, the lack of an application by the Council for Pine Barrens Credits, stated that there had been no request to the County Legislature by the Council for acquisition of the property, and commented on the inclusion of the property in the Core Preservation Area by the pine barrens legislation.

He displayed a map referred to as the "LaRocca map", although he noted that it was not drawn by Mr. LaRocca, and a discussion ensued over its content and significance. Mr. Girandola stated that the map does not show the core area line, and Mr. Amper replied by discussing the role of the map in the work leading to the pine barrens legislation. Mr. Cowen observed that the significant point for the Commission is the fact that the property is in the core area defined by the legislation.

! Draft summary for 8/21 meeting (faxed): review and approval

Summary: Changes to the draft 8/21/96 meeting summary were suggested by Mr. Corwin as follows: under "NY Army National Guard load training: commendation resolution", (1) the fourth Whereas clause should read, in part: "... the New York State Division of Military and Naval Affairs ..."; (2) the first Resolved clause should read, in part: "... the New York Army National Guard's Army Aviation Support Facility ..."; and (3) in the second Resolved clause, the changes authorized in advance at the 8/21/96

meeting for a complete and correct list of names and ranks of the participating crew members have been obtained, although they were not read aloud.

A motion was then made by Mr. Dragotta and seconded by Mr. Cowen to approve the summary of the 8/21/96 Commission meeting with the above noted changes. The motion was approved by a 4-0 vote.

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

Pine Barrens Credit Program

- ! Summary of current applications and PBC Clearinghouse Board activities
Summary: Mr. Milazzo stated that there are currently 30 applications for Letters of Interpretation pending before the Board of Advisors. A total of 14 informational title searches are being performed by the Suffolk County Department of Law on behalf of the Clearinghouse Board. PBC Certificate number 200-2 has been issued to Wading River Northeast Associates for a core parcel of land in Manorville in Brookhaven Town.

- ! George Nicholson / Eastport: new credit allocation appeal; set hearing (10/22 decision)
- ! Lewis Maher / Westhampton: new credit allocation appeal; set hearing (10/22 decision)
- ! Joseph Landow / miscellaneous areas: new credit allocation appeal; set hearing (11/5 decision)
Summary: Mr. Milazzo explained that these three owners have filed appeals of their Letters of Interpretation (the three appeal letters are attached), and that the Commission may choose to hold a hearing on these appeals under the 5/1/96 amendments to the Central Pine Barrens Plan. A discussion ensued over the distinction between holding a hearing on these appeals and simply discussing them at a Commission meeting.

A motion was then made by Mr. Cowen and seconded by Mr. Girandola to schedule a discussion on the PBC allocation appeals of Mr. Nicholson, Mr. Maher, and Mr. Landow at the Commission meeting of 10/2/96 at the Brookhaven Town Offices in Medford at 4:00 pm, and to notify and invite these appeal applicants to meet with the Commission on this at that time. The motion was approved by a vote of 5-0.

- ! Suggested revision to preapproved easement in *PBC Handbook* (faxed)
Summary: Mr. Milazzo discussed the attached memo proposing a change in the language to the preapproved conservation easement included in the Pine Barrens Credit Program Handbook. The change clarifies that environmental restoration projects are permitted under the easement, and Mr. Milazzo discussed the provision of Environmental Conservation Law Article 57 which addresses environmental restoration. In the ensuing discussion, additional changes were also discussed.

A motion was then made by Mr. Cowen and seconded by Mr. Freleng to approve a change in the preapproved conservation easement so that the section on reserved rights now reads, in part: "The right to use the Property for operations or uses described in ECL Section 57-0107(13)(i, ii and vi), or environmental restoration projects commenced by the Grantor or his heirs, successors or assigns upon approval of any applicable federal, state, or local agency or any activity authorized under the federal natural gas act ...". The motion was approved by a vote of 5-0.

Plan implementation

- ! *Pine Barrens Research Forum*: status of 10/4/96 conference at Brookhaven Lab
Summary: Mr. Corwin explained that there will be 16 talks, each lasting 20 minutes, on ecological and hydrological topics. He noted that this format was selected over a concurrent session format in order to permit all attendees to hear each topic. He explained that proceedings would be produced and mailed to participants. He also specifically acknowledged the crucial contributions which Ms. Trezza and Ms. Plunkett have made to organizing the details of the Forum.
- ! *25th Annual Conference on the Environment*: announcement (not on the original agenda)
Summary: Mr. Proios described the *25th Anniversary Conference on the Environment* being sponsored by the NY State Association of Conservation Commissions and the NY State Wetlands Forum. The conference is to be held from 10/18 through 10/20/96 at Fishkill, NY. A flyer (attached) is available.

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

Core Preservation Area

- ! *Orr Associates / Ridge*: opinion of counsel re exemption from upzoning
Summary: Ms. Roth explained that counsel has examined the question of vested rights for this four lot subdivision on the south side of Patrick Lane, which runs east from William Floyd Parkway (County Route 46) in Ridge, in Brookhaven Town. She discussed the provisions of ECL 57-0107(13)(ix), one of the nondevelopment provisions. She also stated that a letter from the Brookhaven Town Zoning Board of Appeals states that the owner of these lots has vested rights under common law. Based upon these materials, she stated that the Orr Associates project is nondevelopment under the above noted section of the pine barrens law. She noted that this finding is based upon vested rights common law, as distinguished from the NY State Town Law Section 265(a) exemption.
- ! *John Feore / Manorville*: new info from hearing; discussion (from 8/21 hearing)
Summary: Ms. Plunkett distributed a staff report and additional correspondence from the applicant's attorney. She described this proposal for a single family home on a 49,000 square foot parcel in an A2 Residential zone on the west side of Halsey Manor Road, in Manorville in Brookhaven Town. She explained that this is a Type 2 action under the State Environmental Quality Review Act (SEQRA) regulations, that a single and separate search was submitted, that the Town Building Department is awaiting the Commission's decision, that Suffolk County Health Department approval is required, and that a curb cut and apron permit is required from the Highway Department.

She noted that the application cites both the extraordinary hardship and compelling public need provisions of the pine barrens law. A hearing transcript from the 8/21/96 Commission meeting was distributed. Ms. Plunkett recommended that the Commission approve this application under the extraordinary hardship provision only, and that (1) a 35% clearing restriction be imposed on the entire parcel, (2) that a maximum of 15% of the lot may be placed in fertilized vegetation, and (3) that the nondisturbance area is to be shown on the survey and is to be clearly marked in the field, and protected during all phases of construction and at all times following construction.

A discussion then ensued over the appropriate maximum clearing percentage for this lot, since its size in square feet is smaller than the minimum lot area generally required for the applicable zoning category, as well as being larger than one acre. It was agreed that such cases would be handled individually.

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

the application of John Feore for a core preservation area hardship permit under the category of extraordinary hardship, and not under compelling public need, for the parcel described above subject to the three conditions recommended by staff and noted above. The motion was approved by a vote of 4-0.

Mr. Hanley returned at this point, and a five member quorum was then present.

- ! Benjamin Bronfeld / Flanders: new core hardship; set hearing
Summary: Ms. Plunkett summarized this new application to the Commission for a major subdivision on a site zoned CR-60 on the west side of Pleasure Drive, in Flanders in Southampton Town. The project area contains both Core Preservation Area and Compatible Growth Area acreage. Ms. Plunkett stated that the hardship petition included a ten year chronology of milestones which this project has undergone. She noted that a SEQRA determination has not been made on this.

She explained that the design of the subdivision was intended to preserve both state regulated wetlands and an area with archaeological resources. The project has received sketch plan approval from Southampton Town, but has not received preliminary approval. The Environmental Assessment Form (EAF) for this project is from 1989, and the question arose as to whether the EAF should be accepted, since the state SEQRA rules have changed. It was agreed that a new EAF is needed. A discussion ensued over the Commission's jurisdiction, zoning, the wetlands, and the change in Town procedures regarding subdivision review since the project's original proposal. It was noted that the Commission will coordinate the lead agency determination.

A motion was then made by Mr. Girandola and seconded by Mr. Cowen to hold a hearing on the Bronfeld application on 10/23/96 at 5:00 pm at the Riverhead Town Hall, and to require that a new Environmental Assessment Form be completed for this application. A brief discussion then ensued over the desirability of having a survey of the core area boundary through this area performed, and it was agreed that surveying help would be sought from Suffolk County agencies. The motion was then approved by a 5-0 vote.

- ! Peconic Pines / Flanders: discussion (not on the original agenda)
Summary: Ms. Plunkett distributed the attached correspondence regarding a 13 acre parcel owned by Dorothy Braunlich and comprising a project known as Peconic Pines. The site is located on the south side of NYS Route 24 in Flanders in Southampton Town. She noted that the site is on the acquisition request list which the Commission maintains as a courtesy to the state and county real estate staffs, and that there has not been any application for credits for this site. Mr. Girandola suggested that the acquisition request list could be provided to persons seeking to purchase credits.
- ! Exact Technology / Westhampton: new materials (previously distributed); discussion
Summary: Ms. Plunkett noted that the Commission requested further information at the hearing on this water extraction project (on the west side of County Route 31, in Westhampton in Southampton Town) regarding the chemicals to be used to sterilize the water storage tanks and the visual impacts of the site building. She reported that an alternative site design has been submitted by the applicant, and that the lead agency coordination is now complete. Mr. Freleng stated that the Southampton Planning Board passed a resolution not objecting to the Commission being the lead agency for this. He noted that the Town controls the site planning, rather than the Commission.

Mr. Nobiletti, representing the project sponsor, spoke about the exact location of the building on the parcel, and about the size of the building and the minimum building sizes

in the Town code for residential and commercial structures. He also discussed the visual effects of the building and showed photographs or surveyors balloons at the corners of the proposed building. He then spoke about the ozone solution to be used for cleaning the tanks, its disposal in dry wells, and distributed written material on the lack of ozone impacts upon groundwater. It was noted that this is an unlisted action.

A discussion also ensued regarding the disposition of the remaining vacant land on the project site. Mr. Nobiletti stated that there is no objection from the applicant to the permanent preservation of that remaining vacant land area. He could not say, however, whether the applicant would prefer a covenant or a conservation easement.

A motion was then made by Mr. Cowen and seconded by Mr. Proios to declare the Commission as the lead agency for this application and to issue a negative declaration for this project under the State Environmental Quality Review Act. After a discussion regarding SEQRA, the motion was approved by a 5-0 vote.

A second motion was then made by Mr. Cowen and seconded by Mr. Hanley to approve the core hardship permit for the above application of Exact Technology under the conditions of extraordinary hardship, and that the approved project shall be as described in the documents dated 7/22/96, except that the building footprint size may increase up to a total size of, but not exceeding, one thousand square feet; and that the approval is conditioned upon the preparation of a legal instrument in a form to be approved by Commission counsel, and filed with the Suffolk County Clerk, to permanently preserve the remaining, undeveloped portion of the site. The motion was approved by a 5-0 vote.

- ! Nassau County Council of Boy Scouts / Wading River: SEQR discussion
Summary: Ms. Plunkett distributed additional information provided by the applicant regarding the use of fertilizers on golf courses. The question then arose as to whether the negative declaration issued by Riverhead Town for this project is sufficient for the current application before the Commission. It was noted by counsel that the negative declaration was issued with the specific prospect of a golf course in mind, and that the Commission should not make a new SEQRA determination.

Pine Barrens Credit Program

- ! Richard Weeks / Middle Island: Pine Barrens Credit allocation appeal (material faxed)
Summary: Mr. Weeks called to report that he is unable to make today's hearing on his credit allocation appeal. It was decided that the appeal hearing will be rescheduled.

Administrative

- ! Location change for 10/23/96 Commission meeting (not on the original agenda)
Summary: Ms. Trezza reported that the 10/23/96 Commission meeting will be held at Riverhead Town Hall, still at 2:00 pm.

Compatible Growth and Core Preservation Areas

- ! Chardonnay Woods / Quogue: request to meet with Commission (not on original agenda)
Summary: Ms. Plunkett reported that the sponsors of the Chardonnay Woods project in East Quogue in Southampton Town, which is not currently an application before the Commission, have requested to meet with the Commission. After a brief discussion, it

was decided to request that the sponsors file an application first.

Administrative

! Public comments

Summary: *The first speaker was Mr. Charles Siegel, representing himself. He asked about the Commission's policy on obtaining informational title searches for properties which are the subject of credit applications. The policy was then briefly discussed.*

The second speaker was Mr. Walter Olsen, representing Civil Property Rights Associates. He urged that the parcel owned by Ms. Braunlich (previously discussed) be acquired as soon as possible.

Closed session

Summary: ***A motion was made by Mr. Cowen and seconded by Mr. Freleng to enter into closed session for the purpose of obtaining legal advice. The motion was approved by a vote of 5-0. The Commission entered into closed session at approximately 4:45 pm and returned to open session at approximately 5:18 pm. The remainder of the meeting consisted of the public hearings noted below.***

Public hearings scheduled for 5:00 pm

! Richard Weeks / Middle Island: Pine Barrens Credit allocation appeal

Summary: *Not held today due to absence of applicant.*

! Nassau County Council of Boy Scouts / Wading River: core hardship application (golf course)

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

Attachments:

1. Attendance list (1 page)
2. Speaker list (1 page)
3. 10/19/96 *Property Rights Conference* flyer distributed by W. Olsen (1 page)
4. 8/21/96 Pine Barrens Credit allocation appeal letter from G. Nicholson (1 page)
5. 8/20/96 Pine Barrens Credit allocation appeal letter from L. Maher (1 page)
6. 9/1/96 Pine Barrens Credit allocation appeal letter from J. Landow (1 page)
7. 10/4/96 *Pine Barrens Research Forum* draft flyer (2 pages)
8. 10/18-20/96 *25th Anniversary Conference on the Environment* flyer (4 pages)
9. 9/10/96 memo re conservation easement changes from J. Milazzo (1 page)
10. 8/26/96 letter re Peconic Pines property from B. Schmitt (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 October 2 1996 (Approved 12/4/96) Brookhaven Town Hall, Medford / 2:00 pm

Commission members present: Mr. Dragotta (for Suffolk County), Mr. Girandola and Ms. Wiplush (for Brookhaven; Mr. Girandola voting), Ms. Filmanski (for Riverhead), Mr. 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, Mr. Hopkins (from the Commission), Mr. Spitz (from the NYS Department of Environmental Conservation), and Mr. Grecco (from the Suffolk County Attorney's Office and Vice Chair of the Pine Barrens Credit Clearinghouse Board). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:07 pm by Mr. Dragotta, with a five member quorum.

Administrative

! Public comments (please sign Speaker Sheet)

Summary: The only speaker was Mr. Amper, representing the Long Island Pine Barrens Society. First, he recommended that the Commission endorse the New York State Clean Air / Clean Water Bond Act, as other groups have done.

Second, he noted that Ballot Proposition Number 2 in Suffolk County, which is the Drinking Water Protection Program modification which would guarantee \$40 million for land acquisition in the pine barrens, has been endorsed by business and environmental groups. He also noted that The Nature Conservancy is working with the Suffolk County Department of Real Estate on the acquisition program.

Third, he addressed the core preservation area property and hardship application of the Nassau County Council of Boy Scouts. He stated that he believes that the Commission should review the basis for hardship exemptions, and that nondisturbance is a basis for such exemption permits. He stated that he believes that the property qualifies for both Suffolk County and New York State acquisition. He discussed the Boy Scout Council's assertions regarding the value of the property, that he believes that the values discussed to date are contingent upon one or more approvals, and that he believes that approval of the hardship application would not be legal. He further stated that the focus of discussions should be on what the Boy Scout Council can do with the property.

He then noted that the Society has begun issuing Freedom of Information Law requests for development projects within the pine barrens, and that this is the same process which began the initial cumulative impact lawsuit several years ago. He stated that a three member approval of an application does not make a project legal, and that the Society has not backed away from its positions. He noted that 1993 was a time of working out compromises on pine barrens issues, and that signals sent by the Commission should be clear. He advised the Commission not to prejudge any decision,

but rather to review the pine barrens law. He stated that the County and State must demonstrate a willingness to buy land.

- ! Draft summaries for 8/23 and 8/26 (faxed; 9/11 pending): review and approval
Summary: **A motion was made by Ms. Filmanski and seconded by Mr. Cowen to approve the summary of the 8/23/96 meeting as written. The motion was approved by a 5-0 vote.**

Ms. Roth suggested the following changes to the draft summary of the 8/26/96 meeting, under the section entitled "Manorville Nursery Expansion / Manorville: SEQRA findings": (1) the last sentence in the first paragraph here should end: "... and Mr. Rigano replied that it could commence today."; (2) the first sentence of the second paragraph should read: "Mr. Pavacic then went through line by line changes which Brookhaven Town is recommending to the draft findings statement." **A motion was then made by Mr. Cowen and seconded by Ms. Filmanski to approve the draft summary of the 8/26/96 meeting with these changes. The motion was approved by a 5-0 vote.**

- ! 1996-97 Fiscal Year Commission-Suffolk Water contract: discussion
Summary: Ms. Roth distributed the attached draft contract between the Commission and the Suffolk County Water Authority (SCWA), for a continuation of the administrative and fiscal services which the SCWA has been providing to the Commission, to cover the 1996-97 state fiscal year. Ms. Roth explained that the contract is similar to the prior contract with the SCWA, and recommended approval. **A motion was then made by Mr. Cowen and seconded by Mr. Freleng to approve the attached contract between the Commission and the SCWA for the 1996-97 fiscal year and to authorize the Chair or his designated representative to execute the contract. The motion was approved by a 5-0 vote.**

- ! Joint meeting with Advisory Committee: possible date(s)
Summary: Mr. Corwin explained that the Advisory Committee has requested a joint meeting with the Commission, possibly on 10/23/96, which is a previously scheduled Commission meeting date, immediately following the 5:00 pm public hearing being held that day. The Commission representatives present suggested that a letter be forwarded, and Mr. Corwin noted that Mr. LoGrande, the Advisory Committee Chair, is sending such a letter.

- ! Commission logo: discussion
Summary: Mr. Corwin noted that a logo would be very useful for the Commission's correspondence and publications, and noted that Mr. Proios suggested that a contest be held among graphic design and art students for this purpose. It was noted that a contest would permit the Commissioners to see alternative designs. It was agreed that the staff would begin contacting schools and working on the logistics of this.

Pine Barrens Credit Program

- ! Correspondence from Southampton re implementation of Plan and PBC Program
Summary: The attached correspondence from Supervisor Cannuscio of Southampton was distributed. No further discussion was held.
- ! Summary of current applications and PBC Clearinghouse Board activities
Summary: Mr. Milazzo stated that the Pine Barrens Credit (PBC) Clearinghouse Board met on 9/30/96, and described the new Letters of Interpretation approved then. He also noted that the Pine Barrens Credit Certificate originally issued to Wading River

Northeast Associates has been transferred to Campo Brothers, in anticipation of its redemption.

He also distributed the attached memo describing the proposed revision to the preapproved conservation easement within the Pine Barrens Credit Program Handbook. No action was taken at this time.

Mr. Milazzo explained the concept of a "Dutch Auction" for Pine Barrens Credits which is being considered by the Clearinghouse at this time. The auction is an offer to purchase credits from prospective sellers who each submit an asking price. Mr. Milazzo noted that the Clearinghouse feels that this may be another option for participants in the PBC Program to utilize. Specifically, the Suffolk County Water Authority (SCWA) currently wishes to purchase two credits by this method. In general, responses to these auctions would be tabulated by the Clearinghouse, and preference would be given to fractional credit holders.

Finally, Mr. Milazzo explained that the Nassau County Council of Boy Scouts had requested, in July of this year, an informal estimate of the number of Pine Barrens Credits which their property in Wading River would be awarded, and in response, the staff forwarded to them a copy of the Pine Barrens Credit Handbook with the suggestion that they complete the Letter of Interpretation Application. No response to that has been received. The Clearinghouse has suggested that the attached draft letter be forwarded to the Boy Scout Council's representative. After a brief discussion, it was decided to send the letter.

- ! Weeks / Middle Island: new hearing date and decision extension for credit allocation appeal (currently 10/22 decision deadline)
Summary: Mr. Milazzo explained that Mr. Weeks had stated that he would send a written request for an extension of his application's decision deadline, but none has been received. The discussion was tabled until later today to permit Mr. Milazzo to try to call Mr. Weeks again.

Plan implementation

- ! Westhampton Beach Village conformance with Plan: revised resolution (faxed)
Summary: A draft resolution on the conformance of the Village of Westhampton Beach with the Central Pine Barrens Comprehensive Land Use Plan was distributed by Ms. Plunkett. She also noted that no comments have been received from Village officials. Several changes were suggested by Ms. Roth, and discussed briefly. **A motion was then made by Mr. Freleng and seconded by Ms. Filmanski to approve the attached modified resolution as final. The motion was approved by a 5-0 vote.**
- ! Pine Barrens Research Forum on 10/4: status
Summary: Mr. Corwin summarized the preparation for, and content of, this Friday's 10/4/96 Pine Barrens Research Forum. Approximately 150 people have registered to date. If this format proves successful, he noted that other topics could be addressed in this manner. One possibility is a seminar for the Pine Barrens Credit Program.
- ! Comparison of Drinking Water Program ballot proposals: chart from SC Planning
Summary: The attached comparison chart from the Suffolk County Planning Department of the two Suffolk County Drinking Water Protection Program ballot proposals was distributed and briefly discussed.

Core Preservation Area

- ! George Mathys / Westhampton / industrial site plan: staff report; discussion
Summary: Ms. Plunkett described, and distributed the attached staff report for, this previously discussed industrial site plan application for a parcel on the west side of County Road 31, in Westhampton in Southampton Town, opposite from the Suffolk County Gabreski Airport. The site plan calls for a 2900 square foot building on a 17,135 square foot parcel in a Light Industrial 40 zone. Since the zoning district requires a 40,000 square foot minimum lot, variances might need to be obtained from the Town for the project. The site is wooded and vacant, and is adjoined by a tennis court construction company on the north, and an automobile facility on the south.

Southampton Town has no objection to the Commission being the lead agency. The Suffolk County Department of Public Works also has no objection, but noted that the project would require permits for curb cuts. No coordination response has been received from the Suffolk County Heath Department. Ms. Plunkett will coordinate with the Village of Westhampton Beach as a courtesy, although the site is not within the Village boundaries. The site is partly disturbed, since portions were previously cleared.

The staff report contains recommendations for conditions on any approval, and these were reviewed. A revised map was submitted by the applicant showing the clearing line. A discussion ensued regarding the clearing limitations, the language regarding this to be placed in any approval resolution, and the interaction with the Town's requirements. A brief discussion also ensued regarding the Town approval of the landscape plan. Finally, a brief discussion was held regarding the number and location of public access points along the west side of County Road 31 which lead into the interior parcels being preserved by the County and The Nature Conservancy.

Mr. Cowen suggested that the staff, as a task separate and distinct from the application being discussed today, examine the public and protected lands access points along the west side of the road for a future discussion. That was agreed.

A motion was then made by Mr. Cowen and seconded by Mr. Freleng to declare the Commission as the lead agency under the State Environmental Quality Review Act (SEQRA) for the Mathys / Westhampton core hardship exemption permit application, and to adopt the attached negative declaration pursuant to SEQRA. The motion was approved by a 5-0 vote.

A second motion was then made by Cowen and seconded by Mr. Freleng to approve the Mathys / Westhampton core hardship exemption permit application, with the minimum relief granted as per Environmental Conservation Law Article 57 requiring that this approval be subject to the landscaping requirements and the conditions contained within the staff report. The motion was approved by a 5-0 vote.

- ! Nassau County Council of Boy Scouts / Wading River / golf course: request for decision extension (currently 11/27; 30 days extra 12/27); comment for hearing record
Summary: The attached letter from Mr. Cangemi, representing the Nassau County Council of Boy Scouts, was distributed. The letter requests a thirty day extension of the Boy Scout Council's application decision deadline; thirty days additional would be 12/27/96. Also distributed was the attached letter from Mr. Darrow, a member of the Advisory Committee, recommending denial of the application, and encouraging the public acquisition of, or the transfer of development rights from, the property.

A motion was then made by Ms. Filmanski and seconded by Mr. Freleng to

approve the hardship application decision extension request of the Nassau County Council of Boy Scouts for thirty days, until 12/27/96. The motion was approved by a 5-0 vote.

Plan implementation

- ! Riverhead Town code amendments implementing *Plan*: discussion (not on the original agenda)
Summary: Copies of the current draft of the Riverhead Town code amendments (attached) implementing the Plan were distributed to the Commission members by Ms. Filmanski. The Riverhead Town Board has not yet scheduled a hearing on these changes.

Administrative

- ! Public comments
Summary: Mr. Dragotta asked if there were any additional public comments, and there were none.

Executive session

Summary: A motion was made by Ms. Filmanski and seconded by Mr. Girandola 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 3:23 pm. A motion was later made by Ms. Filmanski and seconded by Mr. Freleg to exit executive session. That motion was approved by a 5-0 vote, and the Commission returned to open session at approximately 4:12 pm.

Pine Barrens Credit Program

- ! Landow / misc areas: credit allocation appeal discussion (11/5 decision deadline)
Summary: Mr. Landow was present and discussed his appeals with the Commission. The parcel in the Red Creek (Hampton Bays) area, on the east side of Hubbard County Park (District 900, Section 172), received an allocation of 0.90 PBC. The two other parcels (District 900, Sections 235 and 333) received allocations of 0.38 and 0.10 PBC, respectively.

Mr. Landow explained that the Hampton Bays parcels was purchased in 1956, that it was single and separate, that it is at the intersection of three roads, and that he believed that the County park would be improved at one time. He stated that it was a good lot without wetlands, and that he was seeking a reasonable credit allocation. Mr. Cowen asked how many credits he was seeking, and Mr. Landow replied that he would like to receive two credits.

Regarding the Westhampton lot near the Hampton West Estates, Mr. Landow described an access arrangement he stated that he had with Mr. Nemeth, owner of an adjoining parcel. He stated that the arrangement was put in abeyance by the pine barrens issue, that the lot is single and separate, and that he is seeking a greater credit allocation. Mr. Cowen asked about the setting of the lot, and it was described as being south of the old military base housing complex. The final lot was described as being part of an old filed map located within the Town's old filed map overlay district.

It was noted that a decision will be made at the next Commission meeting on 10/23/96.

- ! Nicholson / Eastport: credit allocation appeal discussion (10/22 decision deadline)
Summary: Mr. Milazzo summarized this appeal of the Pine Barrens Credit allocations for two core area parcels in the Section 562 map within District 200 (Brookhaven Town), north of County Route 11 in Manorville. The applicant was unable to be here today, and has submitted a letter appealing the credits allocations of 0.10 PBC for each parcel (for a total of 0.20 PBC). He is requesting 1.00 PBC for each parcel (for a total of 2.00 PBCs). A discussion ensued regarding the basis for possible increases.

A motion was then made by Mr. Cowen and seconded by Mr. Girandola to deny the appeal of the Nicholson / Eastport credit allocation appeal, and to leave the original allocation in the Letter of Interpretation intact, based upon (1) the fact that the Commission has reviewed the Clearinghouse's original allocation of 0.10 PBCs for each parcel and found them to be correct, and (2) the fact that, upon the basis of the information provided by the applicant, no additional information regarding the parcel has been found which justifies an increased allocation. The motion was approved by a 5-0 vote.

- ! Maher / Westhampton: credit allocation appeal discussion (10/22 decision deadline)
Summary: Mr. Milazzo summarized this appeal of the Pine Barrens Credit allocations for a core area parcel in District 900 (Southampton Town), west of Summit Boulevard and north of Old Country Road in Westhampton. The applicant was unable to be here today, and has submitted a letter appealing the credits allocation of 0.17 PBC. A discussion ensued regarding the basis for possibly increasing the allocation.

A motion was then made by Mr. Cowen and seconded by Mr. Girandola to deny the appeal of the Maher / Westhampton credit allocation appeal, and to leave the original allocation in the Letter of Interpretation intact, based upon (1) the fact that the Commission has reviewed the Clearinghouse's original allocation of 0.17 PBC and found it to be correct, and (2) the fact that, upon the basis of the information provided by the applicant, no additional information regarding the parcel has been found which justifies an increased allocation. The motion was approved by a 5-0 vote.

- ! Weeks / Middle Island: new hearing date and decision extension for credit allocation appeal (currently 10/22 decision deadline)
Summary: No further contact was made with Mr. Weeks, and Ms. Roth recommended that the Commission reschedule today's hearing for 10/23/96. ***A motion was then made by Mr. Girandola and seconded by Mr. Cowen to reschedule the Weeks / Middle Island credit allocation appeal hearing for 10/23/96 at 5:00 pm at the Riverhead Town Hall. The motion was approved by a 5-0 vote.***

- ! Pine Barrens Credit "Dutch Auction" draft SCWA proposal: discussion (not on the original agenda)
Summary: The attached draft solicitation to purchase Pine Barrens Credits by the Suffolk County Water Authority was discussed. Mr. Cowen observed that the Commission should only endorse this "Dutch auction" proposal if there is either (1) language within the document which indemnifies the Commission against any claims arising from the execution of the proposal or (2) the actual decision making (e.g., which credits to purchase) is performed by the sponsor of such an offer to buy (with the SCWA being the sponsor in this initial proposal).

After a brief discussion, a motion was made by Mr. Cowen and seconded by Mr. Girandola to approve the draft offer to purchase credits by the SCWA provided

that one of these two conditions is met by the final document. The motion was approved by a 5-0 vote.

Executive session

Summary: A motion was made by Mr. Cowen and seconded by Mr. Freleng to enter into executive session for the purpose of discussing certain legal issues. The motion was approved by a vote of 5-0, and the Commission entered into executive session at approximately 4:59 pm. Mr. Girandola and Ms. Filmanski left during the executive session, leaving a four person quorum (with Ms. Wiplush representing Brookhaven Town). A motion was later made by Mr. Cowen and seconded by Mr. Freleng to exit the executive session. That motion was approved by a 4-0 vote, and the Commission returned to open session at approximately 5:45 pm.

Adjournment of regular meeting

Summary: The meeting ended at approximately 5:45 pm without a resolution.

Attachments:

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Draft contract with the SCWA for the 1996-97 fiscal year (undated; 5 pages)
4. Memo re change to PBC Program conservation easement (10/2/96; 1 page)
5. Letter from Sup. Cannuscio re Southampton implementation (9/10/96; 17 pages)
6. Draft letter to A. Cangemi re Boy Scout property PBC allocation (9/30/96; 1 page)
7. Resolution on Village of Westhampton Beach conformance with *Plan* (2 pages)
8. Comparison of Drinking Water Protection Program referenda (10/1/96; 1 page)
9. Staff report for Mathys / Westhampton application (10/2/96; 3 pages)
10. Negative declaration for Mathys / Westhampton application (10/3/96; 2 pages)
11. Letter from A. Cangemi re decision extension for Boy Scouts (9/30/96; 1 page)
12. Letter from K. Darrow re the Boy Scouts application (10/1/96; 2 pages)
13. Draft of Riverhead Town code amendments (undated; 15 pages)
14. Draft Offer to Buy PBC Credits by the SCWA (undated; 8 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 October 23, 1996 (Approved by Commission on 12/18/96) (Includes joint meeting with Advisory Committee) Riverhead Town Hall / 2:00 pm

Commission members present: Mr. Gaffney and Mr. Proios (for Suffolk County at the times indicated; Mr. Gaffney voting when present), Mr. Girandola and Ms. Wiplush (for Brookhaven; Mr. Girandola voting), Mr. Stark and Ms. Filmanski (for Riverhead at the times indicated; Mr. Stark voting when present), Mr. Cannuscio and Mr. Freleng (for Southampton at the times indicated; Mr. Cannuscio voting when present), and Mr. Cowen (for New York State).

Advisory Committee members present (for the joint meeting):

- ! Mr. LoGrande (for the Suffolk County Water Authority and Advisory Committee Chair),
- ! Mr. Amper (for the Long Island Pine Barrens Society and Advisory Committee Vice Chair),
- ! Mr. Balin (for the Association for A Better Long Island),
- ! Dr. Naidu (for the Brookhaven National Laboratory),
- ! Ms. McCaffrey (for the Eastern Suffolk Board of Realtors),
- ! Mr. Tripp (for the Environmental Defense Fund and Chair of the PBC Clearinghouse Board),
- ! Mr. Turner (for the Legislative Water Commission Assembly Office),
- ! Ms. Emrick (for the Long Island Association),
- ! Mr. Wieboldt (for the Long Island Builders Institute),
- ! Dr. Koppelman (for the Long Island Regional Planning Board),
- ! Mr. Morris (for the Open Space Council),
- ! Mr. Colao (the Southampton Town Civic Representative),
- ! Mr. Shaber (for the Suffolk Alliance of Sportsmen; Mr. Shaber voting); and
- ! Ms. Drake and Mr. McCallister (from the Group for the South Fork) were present as non-voting representatives.

Others present (for entire meeting or as noted): General counsel was Ms. Roth. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Milazzo, Mr. Hopkins, and Ms. Greene (from the Commission; Ms. Greene present for the joint meeting), Mr. Tripp (Chair of the Pine Barrens Credit (PBC) Clearinghouse Board; also listed above), Mr. Grecco (from the Suffolk County Law Department and Vice Chair of the PBC Clearinghouse Board), 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 by Mr. Proios at approximately 2:21 pm, with a five member quorum consisting of Mr. Proios, Mr. Cowen, Mr. Girandola, Ms. Filmanski, and Mr. Freleng.

Administrative

- ! Public comments
Summary: There were no speakers at this time.
- ! Draft summary for 9/11 meeting (faxed; 10/2 in progress): review and approval

Summary: A motion was made by Mr. Cowen and seconded by Mr. Freleng to approve the summary of the 9/11/96 Commission meeting as drafted. The motion was approved by the Commission by a 5-0 vote.

Pine Barrens Credit Program

- ! Summary of current applications and PBC Clearinghouse Board activities
- ! Landow / misc areas - three parcels: credit appeals decisions (11/5 decision date)
Summary: Mr. Milazzo explained that there has not been a Clearinghouse meeting since the last Commission meeting, and that the next Clearinghouse meeting is 10/29/96 at 5:00 pm at the Commission office in Great River.

Mr. Corwin then discussed the Red Creek (Southampton Town) parcel owned by Mr. Landow, which is one of three parcels on which Mr. Landow has appealed his credit allocations, discussed at the Commission's 10/2/96 meeting. The Red Creek parcel, tax map number 900-172-1-50, is located north of NYS Route 24, and near the eastern edge of Hubbard County Park. Mr. Corwin stated that he and other staff members have examined the core boundary description in this area, and believe that this parcel is not within the core. That was generally accepted, and a discussion ensued regarding the voiding of the Letter of Interpretation for this parcel, or reducing the allocation to 0 credits. Mr. Milazzo then went through the other Landow parcels whose allocations are being appealed (900-235-1-88 and 900-333-2-31). The ability of Mr. Landow to access the Westhampton parcel (900-333-2-31) arose, and it was agreed to hold this till later today to permit Mr. Milazzo to contact Mr. Landow.

Plan implementation

- ! Summary of 10/4 Pine Barrens Research Forum
Summary: Mr. Corwin summarized the day's speakers, topics, attendance, and the possibility of holding a second conference next fall. He noted that proceedings will be produced by the Long Island Groundwater Research Institute staff, and that would include abstracts, authors, contact information, and the opening remarks by Dr. Samios and Mr. Gaffney.

He noted that one of the poster presenters was Mr. Kyle Beucke, a student at Ward Melville High School in Setauket, and that Mr. Beucke has been invited to attend a Commission meeting, probably 1/8/97, to discuss his research work and receive his Certificate of Appreciation. Mr. Corwin noted that this is in keeping with the Commission policy of encouraging elementary and high school students to pursue pine barrens-related research and academic work.

- ! Communication among the Law Enforcement Council, Protected Lands Council, and the Wildfire Task Force (not on the original agenda)
Summary: Mr. Proios raised the topic of interaction among the Law Enforcement Council, the Protected Lands Council, and the Wildfire Task Force, and specifically noted that radio communications, field access points, and alternative siting of recreational activities were issues of common concern. He suggested that a joint meeting might be useful, and that was agreed. A date in early 1997 was suggested.

Mr. Stark and Mr. Richard Hanley arrived, and a five member Commission quorum remained.

- ! Riverhead Town Code Amendments: discussion (distributed at 10/2 meeting)
Summary: Ms. Roth summarized two principal issues with a prior draft of the

amendments implementing the Plan, which she has discussed with the Riverhead Town Attorney. They are: (1) the absence in the amendments of the "Receiving Area B" shown in the June 1995 Plan, and (2) the provision regarding real property owned by the Riverhead Community Development Agency. Ms. Roth stated that the latter is in conflict with the Plan. Specifically, the latter issue applies to approximately 400 acres which is part of the core area and also within the fence line around the Northrop-Grumman site in Calverton. These 400 acres are part of the approximately 2900 acres within the fence line to be turned over to the Town by the U.S. Government.

Mr. Hanley explained that the Town believes that this parcel's situation is unique, and that having credits available to the 400 acres will raise the value of the overall tract. A discussion followed regarding the code amendments, the Plan provision regarding credit allocation, the nondevelopment status of the site redevelopment, and the usefulness of credits in a formal appraisal. It was agreed that Mr. Hanley would speak with the Town's consultants regarding the appraisal work being performed.

Plan Implementation and Compatible Growth Area

- ! Quogue Village Code Amendments: status
- ! Edward Kaplan / Quogue Village: new site plan; set hearing
Summary: Ms. Plunkett explained that until the Quogue Village Board votes on the code amendments, development within its Compatible Growth Area remains subject to the Interim Goals and Standards. Consequently, she recommended that the Commission schedule a hearing on the Kaplan industrial site plan application for a parcel on the south side of Old Country Road, west of County Route 104, in Quogue Village. It is likely, however, that the Village Trustees will vote prior to the Commission's hearing date, in which case the hearing can be cancelled.

A motion was then made by Mr. Cowen and seconded by Mr. Freleng to hold a hearing on the Kaplan industrial site plan / Quogue Village Compatible Growth Area application on 11/13/96 at 5:00 pm at the Brookhaven Town Hall in Medford. The motion was approved by the Commission by a 5-0 vote.

Core Preservation Area

- ! DiPalma / Manorville: clearing analysis (not on the original agenda)
Summary: Mr. Cowen summarized the recent clearing report received by the Commission and investigated by the State Forest Rangers. The parcel involved contains Mr. DiPalma's residence, and is located on the east side of the Suffolk County Pine Trail Nature Preserve, northeast of the intersection of the L.I. Expressway and County Route 111 in Manorville, Brookhaven Town. Mr. Cowen reported that no violations of ECL Article 57 were found by Capt. Conklin. Capt. Conklin found that the clearing did not involve trees, and estimated in his report that the area was approximately one quarter of an acre.

Mr. Corwin explained that a standard procedure for the Commission staff to follow when clearing reports are received is desirable. He requested that the Towns' Commission representatives designate those persons in the Town governments who should be notified of those reports in order to investigate. That was agreed, but a formal memo from Mr. Corwin was requested, and that will be sent.

Pine Barrens Credit Program

- ! Landow / misc areas - three parcels: credit appeals decisions (11/5 decision date)
Summary: Mr. Milazzo has spoken with Mr. Landow by telephone since earlier in the meeting. Mr. Landow reported that he had a handshake agreement with Mr. Nemeth, the owner of the property immediately north of his Westhampton parcel, for future road access. The agreement was not in writing, and no further action was apparently taken following the original informal handshake agreement.

A motion was then made by Mr. Cowen and seconded by Ms. Filmanski (1) to deny, without prejudice, the credit allocation appeals of Mr. Landow for the tax map parcels numbered 900-235-1-88 and 900-333-2-31, unless further written evidence can be provided showing a substantive basis for an increase in the credit allocations, and (2) to find that the Red Creek / Southampton Town parcel owned by Mr. Landow and numbered as 900-172-1-50 is not within the Core Preservation Area as defined by ECL Article 57 and that the credit allocation for that parcel is hereby adjusted to 0 Pine Barrens Credits, and to further note that this parcel is within the Compatible Growth Area of Southampton Town, and is therefore eligible for development permitted in that area pursuant to the Town Code. The motion was approved by the Commission by a 5-0 vote.

Core Preservation Area

- ! Bronfeld subdivision / Flanders (core and CGA): review procedures, standards
Summary: Ms. Plunkett summarized this project involving approximately 133.6 acres on the west side of Pleasure Drive, south of State Route 24, in Flanders, Southampton Town, and for which a core preservation area hardship hearing is scheduled for 5:00 pm today. She explained the prior application history of this project, including the sketch plan approval for a clustered development, with lot sizes ranging from 20,000 through 50,000 square feet, which the project has received from the Town. The site is zoned CR-60, contains wetlands and archaeological resources, and is divided by the core preservation area boundary. A brief discussion ensued regarding the status of this project under the pine barrens law.

Mr. Turner, representing the Long Island Pine Barrens Society, spoke about the natural resource values on the site, and encouraged its acquisition. Mr. Olsen, representing Civil Property Rights Associates, described past activities there, including its use as a training track for horse racing, the removal of fill, and the presence of a dump site near the ponds.

A brief discussion ensued regarding the Town's review of this project to date, and that which should now occur. The change in the Southampton Town review process for major subdivision applications was discussed, as was the fact that the 1989 Environmental Assessment Form prepared for this project was completed pursuant to the State Environmental Quality Review Act (SEQRA) provisions then in effect; they have since changed. It was agreed that a new Environmental Assessment Form is required for this project in order for the Commission to undertake SEQRA processing, and that it is neither grandfathered nor nondevelopment under the pine barrens law.

- ! South Rocky Point Acres / Rocky Point: referral from SC Dept. of Health Services
Summary: Ms. Plunkett stated that a referral from the Suffolk County Department of Health Services has been received regarding the subdivision of 14.88 acres into nine lots on property located south of the old State Route 25A in Rocky Point, in Brookhaven Town. The property has subsequently been split by the new State Route 25A (which is south of the old route).

The question from the Health Department is whether this map will require an approval from the Commission. Ms. Plunkett explained that it is not yet clear if the parcel is partially or totally within the core preservation area and, if so, whether the map is grandfathered due to a prior preliminary approval by the Town. It was stated that additional information must be sought from the applicant's consultants in order to determine what map is the subject of the previous Town approval.

A question also arose as to the core preservation area boundary in this vicinity and the Commission requested that counsel review the boundary description and make a determination for the next meeting.

! Hampton Tennis and Fitness / Quogue: status

Summary: Ms. Roth summarized the recent history of the activities at this site on the west side of County Route 104 in the unincorporated area of Quogue, and the Commission's actions in addressing a violation of Environmental Conservation Law Article 57 on the site. She noted that the business located there has changed owners since the Commission's agreement with the prior owner regarding the settlement of that violation. The agreement included a monetary fine and the granting of a trail easement through a portion of the property. She reported that she has not had a recent contact with the owner's attorney regarding the acceptance of the agreement with the Commission by the new owner's bank. No further action was taken at this time.

Executive session

Summary: **A motion was made by Mr. Cowen and seconded by Mr. Freleng to enter into executive session for the purpose of discussing certain legal issues. The motion was approved by the Commission by a 5-0 vote. The Commission entered into executive session at approximately 4:33 pm. A motion was later made by Mr. Cowen and seconded by Mr. Freleng to exit executive session and return to open session. The motion was approved by the Commission by a 5-0 vote, and the Commission returned to open session at approximately 5:27 pm.**

Public hearings at 5:00 pm

- ! Richard Weeks / Middle Island: Credit allocation appeal (material faxed)
 - ! Bronfeld subdivision / Flanders: core hardship permit hearing
- Summary: A separate stenographic transcript exists for these items.

The meeting was temporarily adjourned from approximately 6:10 pm to 6:30 pm. Mr. Hanley left at this time, and Mr. Gaffney and Mr. Cannuscio arrived. A five member Commission quorum was present consisting of Mr. Gaffney, Mr. Cannuscio, Mr. Stark, Mr. Cowen, and Mr. Girandola.

Mr. LoGrande (Chair of the Advisory Committee), Mr. Amper (Vice Chair), and the other Advisory Committee members listed above arrived now or were already present. A quorum consisting of thirteen voting members of the Advisory Committee was present (see list above).

Joint meeting with Advisory Committee following conclusion of hearing

- ! Minutes of 9/25/96 Advisory Committee meeting: review and approval
- Summary: **A motion was made by Mr. Amper and seconded by Mr. Shaber to approve the minutes of the 9/25/96 Advisory Committee meeting as written. The motion was approved by the Advisory Committee by a 13-0 vote.**

- ! Nassau County Council of Boy Scouts / Wading River: discussion
Summary: Mr. LoGrande reported that he had forwarded a letter to the Commission, on behalf of the Suffolk County Water Authority, stating that the Boy Scouts' hardship application should not be approved due to groundwater impacts, and encouraging the acquisition of the property. Mr. Tripp reported that a letter - not a Letter of Interpretation - was sent by the Clearinghouse Board to the Boy Scouts informing them that the property would receive approximately 137 PBCs, and that the Clearinghouse's current purchase price for PBCs in Riverhead Town is \$10,000 per PBC.

Mr. Amper commented that all options should be considered for this property. Mr. Wieboldt emphasized that he would like to see development rights become an actively used commodity, and that allowing a golf course in the core area is not a good precedent. He also commented that each home built puts several people to work. Mr. Tripp observed that a combination of acquisition and allocation of PBCs might be applicable to this property.

A motion was then made by Mr. Tripp and seconded by Mr. Amper to recommend to the Commission that the Nassau County Boy Scouts core hardship application be denied. The motion was approved by the Advisory Committee by a 13-0 vote.

Mr. Stark noted that the applicant in this project has invested time and money in the project to date, and Mr. Amper stated that appropriate acquisition is essential for such lands.

- ! PBC Program Clearinghouse: promotional activities
Summary: Mr. Tripp noted that the next Board meeting is 10/29/96, that one credit has sold for \$12,500, that requests for purchase ("Dutch Auctions") for credits are being encouraged, that the Commission now has responsibility for appeals, and summarized the appeal decision by the Clearinghouse for Mr. Gazza for his Eastport parcels.

Mr. Wieboldt commented on the recent development decisions in Brookhaven in which additional density or buildout was offered if applicants purchased and redeemed credits. He also described the Montgomery County, Maryland rights transfer program, and suggested that PBCs be listed on multiple listing services, as they are elsewhere.

- ! Land acquisition program: status
Summary: Mr. Gaffney reported that the County has approximately \$4 million in purchase agreements either signed or ready to be signed, including one agreement that was concluded today. This total includes approximately 560 acres, and an additional approximately 100 acres are under negotiation. He noted that some of the properties for which prior offers were rejected are being reexamined. Mr. Gaffney explained that approximately \$6 million will have been committed or spent by December 1996, and that some landowners do not wish to close on their contracts until 1997. He said that the County will look for \$32 million to spend on pine barrens land acquisition, even if the referendum for that amount should fail at the polls. Additionally, the County's new Preservation Partnership will provide \$15 million over three years for land protection, not restricted to pine barrens land.

Mr. Cowen stated that the State completed a closing yesterday on the Tuccio dwarf pine barrens property in Westhampton, north of the Suffolk County Airport, an area of approximately 276 acres. He noted that this brings the total to date for the State's land acquisition in the pine barrens to 1750 acres, at a total cost of approximately \$16.25 million. He also noted that another 460 acres are presently under contract for purchase by the State, of which approximately 150 acres are in the dwarf pine barrens area within Southampton Town. Mr. Amper asked whether the new Clean Air / Clean Water bond

act would provide funds for pine barrens purchases, and there was general agreement that it would. Mr. Tripp asked about the smallest purchase to date, and Mr. Cowen explained that it was an approximately 4.7 acre tract on the Peconic River at Edwards Avenue, where Riverhead and Brookhaven Towns meet. The site is now used as a canoe launch and river access site. He cited several other parcel sizes being negotiated for, or purchased, which ranged from 11 through 24 acres. Mr. Gaffney stated that parcels as small as 4.6 acres are being purchased by the County.

Mr. Amper asked about the Towns' land funds, and Mr. Cannuscio explained the \$5 million Southampton bond act, and Mr. Stark discussed the \$2 million Riverhead bond, which he noted was already passed by the Riverhead Town Board. Mr. Stark noted that the Riverhead funds are for open space, aquifer protection (which could include core area land), and farmland protection. He also noted that, within the Town, approximately 3500 acres are in development rights protection programs, and between 12,000 and 14,000 acres are within agricultural districts requiring an eight year nondevelopment commitment. Mr. Gaffney then noted that the County also has a commitment to protection of several areas outside the Central Pine Barrens, and that would be addressed as well. Mr. Dittmer, representing Civil Property Rights Associates, then commented that small parcels should be acquired.

! Proposed State bond act: discussion

Summary: Mr. Amper commented that it would be helpful if the Commission could endorse the State's Clean Air / Clean Water bond act on the November ballot. Mr. Cowen noted that, as a State employee, he would be barred from supporting the bond act in such a manner. Mr. Gaffney stated that he has, and would continue to, support the bond act. Mr. LoGrande noted that Dr. Koppelman has recently written a letter to the editor of Newsday regarding the bond act, and he also noted the possible outcomes of the votes on the one State and two County referenda on the ballot. Dr. Koppelman stated that he will be meeting with Newsday to elicit their strong support for the bond proposal, and he warned that there are several groups throughout the State which are strongly campaigning against the initiative.

! Suffolk County Pine Barrens Review Commission (SC PBRC): discussion

Summary: Mr. Wieboldt began the discussion by stating that there is now an opportunity to remove an extra layer of development review from the Central Pine Barrens area and that this could be accomplished through the abolition of the SC PBRC. Mr. Gaffney stated that this would require an amendment to the Suffolk County Charter. He further stated that the SC PBRC has jurisdiction over areas other than simply the Central Pine Barrens, and that the details of such abolition are being considered.

A motion was then made by Mr. Wieboldt and seconded by Mr. Balin to eliminate dual jurisdiction in the Central Pine Barrens area. During the discussion, Dr. Koppelman made a motion to table the original motion which was seconded by Ms. Emrick. The motion to table failed by a 2 (ayes) to 5 (nays) vote. The original motion was then approved by an 8-1-1 vote with the opposing vote cast by Dr. Koppelman and the abstention cast by Ms. Emrick.

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

Summary: Dr. Naidu thanked Mr. Gaffney for providing both opening remarks and Certificates of Appreciation at the 10/4/96 Pine Barrens Research Forum held at the Brookhaven National Laboratory.

Adjournment of meeting

Summary: The joint meeting ended at approximately 7:15 pm without a formal

resolution by the Commission. A motion was made by Mr. Colao and seconded by Mr. Amper to adjourn the Advisory Committee meeting. The motion was approved by the Advisory Committee by a 13-0 vote.

Attachments (in order of discussion):

1. Attendance list (2 pages)
2. Speaker list (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 November 13, 1996 (Approved 12/4/96) Brookhaven Town Hall, Building 4, Medford / 12:30 pm

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

Others present: General counsel was Mr. Rigano and Ms. Roth (with Mr. Rigano leaving at the time indicated). 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. Spitz (from the NYS Department of Environmental Conservation), and Mr. Searing, Chair of the Wildfire Task Force and Chief of the Rocky Point Fire Department. Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 12:37 pm by Mr. Proios, with a five member quorum present.

Executive session (originally scheduled for 12:30 pm)

Summary: **A motion was made by Ms. Filmanski and seconded by Mr. Freleng to enter into executive session for the purpose of discussing certain legal issues. The motion was approved unanimously.** The Commission entered into executive session at approximately 12:37 pm and returned to open session at approximately 2:20 pm.

Mr. Rigano and Mr. Dragotta left at this point, and Mr. Searing arrived.

Administrative (originally scheduled for 2:00 pm)

! Public comments (*please sign Speaker Sheet*)

Summary: *There were no speakers.*

! Draft summary for 10/2 meeting: review and approval (*faxed; 10/23 summary pending*)

Summary: *This will be held until the 12/4/96 meeting.*

Plan implementation

! Wildfire Task Force work: status; upcoming hazard assessment course; final report extension request; other topics (*Mr. Searing, Chair*)

Summary: *Mr. Searing distributed and reviewed the attached status report. He discussed the overall participation of the Task Force member organizations, the increase in acceptance of the Task Force's work by the participating organizations, the specific issues of radio communications (including the availability of the 800 Mhz portion of the spectrum), and the United States Forest Service's Fire Hazard Assessment and Risk Reduction Planning program.*

The latter topic was introduced at the last Wildfire Task Force meeting by two visiting professional fire managers from the San Bernardino National Forest in California. They explained the application of the planning program to their area and other regions, and described an actual wildfire incident in their area. The hazard assessment portion of the planning process identifies fuel conditions in an area, type and structure of vegetation, slopes and topographic features, etc. The risk portion identifies site-specific land uses and the dangers they pose to initiating or fueling a wildfire (e.g., commercial, industrial, recreational, or residential activities). The value assessment portion identifies natural and cultural values which fire management and wildfire response work should seek to protect (e.g., residences, species and ecosystems, historic and archaeological resources, etc.).

Mr. Searing noted that this planning work, and the implementation of a resulting plan, does not eliminate aggressive fire management or wildfire response, but rather alters the types of activities performed. He described the visiting speakers' presentation of their use of prescribed burns for fuel and risk reduction, and the benefits which prior deliberate burns provided during later wildfire events. Mr. Searing described the Wildfire Task Force members' positive reactions to the presentations in general, and to their description of prescribed burns in an overall fire program in particular. He also stated that the Wildfire Task Force may wish to have the San Bernardino team come back to aid in the preparation of local "high risk" area maps.

Mr. Searing reported that a training session is being contemplated for this winter to enable local firefighters to be certified to serve on national wildfire teams. The training program might be held at the Brookhaven National Laboratory. It was noted that such training, and the experience which local firefighters would obtain assisting with fires elsewhere, would benefit local fire companies in the long term.

Mr. Corwin noted that Mr. Brady, the U.S. Forest Service representative to the Wildfire Task Force, was essential in arranging for this recent visit introducing the Fire Hazard Assessment and Risk Reduction Planning work, and that the Forest Service had paid all costs.

Mr. Searing also distributed the attached requests for an extension of the Wildfire Task Force's deadline for their final report to 4/30/97, and for funding for twenty global positioning system (GPS) units. After a brief discussion on the former, **a motion was made by Mr. Cowen and seconded by Ms. Filmanski to approve the request from the Wildfire Task Force to extend the deadline for their final report to the Commission to 4/30/97. The motion was approved by a 5-0 vote.**

The request for funding of the GPS units was discussed, and Mr. Proios noted that the Suffolk County Police have received funding for use of GPS units in their anti-drunk driving work. A brief discussion ensued over whether a similar funding mechanism could be used to cover this request, since the police program has a low unit purchase cost. The recent purchase by Suffolk County Parks of several GPS units for the Law Enforcement Council's work was also discussed. It was agreed that Mr. Proios would try to find out more about the purchases by the Police Department, and the subject would be revisited.

Finally, Mr. Searing reported on the acquisition by the New York Air National Guard, a member of the Wildfire Task Force, of helicopter water buckets, and of the recent discussion by the Task Force about the procedures for requesting their assistance through the State Emergency Management Office (SEMO). A possible "dry run" to exercise the statewide SEMO request procedure was discussed.

- ! Riverhead Town Code Amendments: discussion (from 10/23)
Summary: Ms. Filmanski distributed and described the attached revised draft of the Riverhead Town Code Amendments which would implement the Central Pine Barrens Plan. A discussion ensued regarding Section 108-180(B)(5) of the revised draft and its provisions regarding allocation of Pine Barrens Credits to the Core Preservation Area portion of the Calverton property formerly used by the Northrop-Grumman Corporation. The discussion touched upon the impermissibility of allocating credits to public lands under the Plan, the relationship of such an allocation to any assessment of the overall site, and possible alternative provisions which would not involve credit allocation.

The absence from the proposed code amendments of the Receiving Area B shown in the Central Pine Barrens Plan was noted, and it was agreed that the Riverhead receiving area capacity was not significantly affected by this deletion. However, this may require that the Plan be amended to reflect that deletion.

A motion was made by Mr. Cowen and seconded by Mr. Freleng to approve the attached Riverhead Code amendments under the condition that the second sentence of Section 108-180(B)(5) be deleted, so that no Pine Barrens Credits are allocated to Riverhead Community Development Agency property. The motion was approved by a 5-0 vote.

Plan Implementation and Compatible Growth Area

- ! Quogue Village Code Amendments: recent Village resolution
! Kaplan / Quogue Village / industrial site plan application: status
Summary: Ms. Plunkett reported that the Quogue Village Board, on 11/6/96, held a hearing on its code amendments referenced in the Commission's resolution of 8/7/96. No speakers were present at the hearing, and the Board approved the amendments.

She then recommended that the Commission refer the Kaplan industrial site plan application, which is within the Village of Quogue's Compatible Growth Area, back to the Village for processing under its amended code. She explained that this would be consistent with the action taken by the Commission regarding those Compatible Growth Area applications which were before the Commission when the Brookhaven Town code amendments implementing the Plan took effect.

A motion was then made by Mr. Cowen and seconded by Mr. Freleng to remand the Kaplan industrial site plan application back to the Village of Quogue for processing under the amended village code. The motion was approved by a 5-0 vote.

Core Preservation Area

- ! Bronfeld / Flanders / major subdivision: request for postponement of hearing continuation to 12/4/96 meeting
*Summary: Ms. Plunkett described the attached request from the applicant's representative to adjourn today's hearing on the Bronfeld core hardship hearing to 12/4/96 at 5:00 pm. **A motion was made by Mr. Cowen and seconded by Ms. Filmanski to adjourn the Bronfeld hearing from today to 12/4/96 at 5:00 pm. The motion was approved by a 5-0 vote.***
- ! Nassau County Council of Boy Scouts / Wading River / core hardship application for golf course: correspondence

Summary: Mr. Corwin distributed the attached letters from Mr. Pontillo (supporting the Boy Scouts' core hardship application) and Mr. Bail of the Wading River Civic Association (opposing the application).

! Peconic Pines / Flanders / major subdivision: discussion

Summary: Ms. Plunkett distributed and summarized recent correspondence from the representative of the property owner, who is Ms. Braunlich. This project and property, discussed by the Commission at its 10/23/96 meeting, involves parcel 900-170-3-38.1, a 13 acre parcel along the south side of State Route 24 in Flanders, in Southampton Town. The Peconic Pines project for this property includes a 7 lot major subdivision, with the lots being approximately 1 to 1.5 acres each, and an open space area included. Some wetlands are present on the northerly portion of the site.

Ms. Roth explained the approval history of the project. The project received final subdivision approval from the Town on 7/3/92, subject to four conditions. Those conditions were not subsequently met, and a 90 day extension of the time for meeting them was approved on 2/25/93. A second extension was obtained on 5/27/93 to 8/28/93. Thus, there was a valid final subdivision approval in place for the project on 6/1/93, which is the date that Environmental Conservation Law Section 57-0107(13) uses in specifying which residential projects are nondevelopment. Ms. Roth stated that the project meets the pine barrens law requirements for being considered nondevelopment. She also noted that the Southampton Town approval for this project has expired. Mr. Freleng requested the pine barrens law nondevelopment determination in writing, and Ms. Plunkett said that will be done.

Mr. Proios asked Mr. Olsen, who represents Civil Property Rights Associates and who initially brought the property to the Commission's attention, if he wished to comment. Mr. Olsen stated that something should be done to assist the property owner, and that having her start a new approval process before the town was not helpful. Mr. Freleng observed that the process could be faster if the project is not altered from its original form upon resubmittal. Ms. Plunkett noted that a Stage 1B archaeological assessment had been required by the Town's Planning Board in order to proceed, but that had not been done.

Pine Barrens Credit Program

! Summary of current applications and PBC Clearinghouse Board activities

Summary: Mr. Milazzo stated that 96 Letters of Interpretation (LOIs) have been issued to date for lands within Brookhaven Town, representing a total of 106.97 Pine Barrens Credits (PBCs); 6 LOIs representing 57.25 PBCs have been issued to Riverhead lands, and 192 LOIs representing 208.29 PBCs have been issued to Southampton lands. There are a total of 192 LOIs across the three towns, totalling 208.29 PBCs.

He also broke down the figures by school district within Southampton Town: 2 LOIs totalling 0.20 PBCs in East Quogue School, 23 LOIs totalling 3.44 PBCs within the Riverhead District (only the Southampton Town portion of that school district), 23 LOIs totalling 15.30 PBCs in Remsenburg-Speonk, and 42 LOIs totalling 25.13 in the Westhampton Beach district.

A total of two Pine Barrens Credit Certificates have been redeemed, and they include the original PBC Certificate for 3.26 PBCs by Mr. Aliano, redeemed for additional commercial space in an existing shopping center, and the Certificate for 1.00 PBC sold by Wading River Northeast Associates to Campo Brothers and redeemed for additional residential density.

Mr. Milazzo also has two new conservation easements to be signed by Mr. Proios, as the representative of the Commission Chair. These easements will result in two new PBC Certificates (both for Southampton lands) totalling 0.70 PBC; one will be for 0.40 PBC to be issued to Mr. Gazza and one will be for 0.30 PBC to be issued to Mr. Abramson.

- ! Schreck / Eastport: new credit allocation appeal (not on the original agenda)
Summary: Mr. Schreck, owner of parcels 900-215.3-1-53 and 63, has submitted the attached appeal of his total credit allocation of 0.42 PBC. He is requesting a total of 0.60 PBC. It was agreed to hold a discussion on this appeal at the 12/4/96 Commission meeting, at 4:00 pm.
- ! Landow / Westhampton: new correspondence (not on the original agenda)
Summary: Mr. Milazzo distributed the attached letter from Mr. Landow regarding parcel 900-333-2-31 in Westhampton, whose credit allocation he appealed earlier. The letter contains an attached affidavit from Mr. Nemeth, owner of an adjoining property. After a brief discussion, it was determined that the correspondence does not provide any new information to bolster the appeal for an additional credit allocation, and in particular does not demonstrate that a formal legal agreement was in effect between Mr. Landow and Mr. Nemeth for access to Mr. Landow's property.

A motion was then made by Mr. Cowen and seconded by Ms. Filmanski to deny the appeal of Mr. Landow on this parcel on the basis that insufficient documentation has been provided to indicate that any formal arrangement existed for Mr. Landow to obtain road access to his property. The motion was approved by a 5-0 vote.

- ! Weeks / Middle Island: credit allocation appeal discussion (from 10/23)
Summary: Mr. Milazzo summarized this pending credit appeal for a parcel in Middle Island. The parcel contains a house and a one acre area which is under covenants and restrictions. Mr. Milazzo explained that the zoning of the property was inadvertently determined to be A1 residential when the Letter of Interpretation application was received, and later was found to be A5 residential. He reviewed the credit allocation calculations which would apply in each zoning situation, and the allocation is 0 PBCs in each case.

A motion was then made by Ms. Filmanski and seconded by Mr. Girandola to deny the credit allocation appeal for this property. The motion was approved by a 5-0 vote.

Core Preservation Area

- ! Suffolk County Water Authority / Manorville / water storage tank: draft environmental impact statement completion (not on the original agenda)
Summary: Mr. Corwin distributed the draft environmental impact statement for this elevated water storage tank on the north side of County Route 111, south of Hot Water Street, in Manorville. The Commission members discussed this briefly, and noted that it was exempt from the pine barrens law. No further discussion was held.

Compatible Growth Area

- ! Nassau County Council of Boy Scouts / Wading River / core hardship for golf course: discussion (not on the original agenda)

Summary: Ms. Wiplush asked whether counsel had been requested to provide a legal opinion on whether this project was nondevelopment under the pine barrens law. Ms. Roth stated that this issue has not been looked at by counsel. It was then agreed that counsel should not pursue this question at this time since the hardship application is already awaiting a decision.

Adjournment of regular meeting

Summary: The meeting was adjourned from 4:07 pm until the public hearing set for 5:00 pm.

Public hearing(5:00 pm)

! Bronfeld / Flanders / major subdivision: core hardship hearing continuation

Summary: A separate stenographic transcript exists for this. (A postponement was granted earlier in this meeting; see above.)

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Status report from J. Searing re Wildfire Task Force work (11/13/96; 11 pages)
4. Letter from J. Searing requesting extension of Wildfire report date (11/12/96; 1 page)
5. Letter from J. Searing requesting funding for global positioning units (11/12/96; 1 page)
6. Revised draft Riverhead Town Code amendments implementing *Plan* (undated; 15 pages)
7. Letter from H. Young requesting adjournment of the Bronfeld hearing (11/7/96; 1 page)
8. Letter from S. Pontillo re Boy Scout hardship application (9/30/96; 2 pages)
9. Letter from S. Bail re Boy Scout hardship application (11/3/96; 1 page)
10. Letter from E. Schreck initialing credit appeal for Eastport property (11/11/96; 1 page)
11. Letter from J. Landow re credit appeal for Westhampton property (11/11/96; 2 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 December 4, 1996 (Approved 12/18/96) Riverhead Town Hall / 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. 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 2:16 pm by Mr. Proios, with a five member quorum.

Administrative

! Public comments

Summary: There were no speakers.

! Draft summaries for 10/2 and 11/13 meetings: review and approval

Summary: Ms. Roth suggested one change to the draft 10/2/96 meeting summary: under "1996-97 Fiscal Year Commission-Suffolk Water Contract", the next to last sentence should read, in part: "... to approve the attached contract between the Commission and the SCWA for the 1996-97 fiscal year and to authorize the Chair or his designated representative to execute the contract." **A motion was then made by Ms. Filmanski and seconded by Mr. Freleng to approve the summary of the 10/2/96 meeting with that change. The motion was approved by a 5-0 vote.**

Mr. Milazzo suggested the following changes to the draft 11/13/96 meeting summary as follows: (1) under "Landow / Westhampton", the first sentence should have "Westhampton" substituted for "Eastport"; (2) under "Weeks / Middle Island", the first two sentences should read: "Mr. Milazzo summarized this pending credit appeal for a parcel in Middle Island. The parcel contains a house and a one acre area which is under covenants and restrictions." **A motion was then made by Mr. Freleng and seconded by Ms. Filmanski to approve the summary of the 10/2/96 meeting with that change. The motion was approved by a 5-0 vote.**

Mr. Corwin noted that the 10/23/96 summary will be faxed later this week for review at the 12/18/96 meeting.

! Scheduling: meeting dates and times for January through June 1997

Summary: The attached draft Commission meeting schedule - with dates only -for the first half of 1997 prepared by Ms. Trezza was discussed. It was agreed to adopt it without the 6/25/97 date. **A motion was made by Mr. Freleng and seconded by Ms. Filmanski to adopt the attached meeting schedule with the deletion of the 6/25/97**

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

Pine Barrens Credit Program

! Summary of current applications and PBC Clearinghouse Board activities

Summary: Mr. Milazzo reported that 194 Letters of Interpretation (LOIs) have been issued to date across all three towns, which total 221.8 Pine Barrens Credits (PBCs). This is composed of 146 Brookhaven LOIs totalling 118.97 PBCs, 6 Riverhead LOIs totalling 57.23 PBCs, and 92 Southampton LOIs totalling 45.60 PBCs. He noted that a total of 0.70 PBC is in the form of unredeemed PBC Certificates, all within Southampton Town. These are comprised of 0.30 PBC in the Remsenburg-Speonk School District and 0.40 PBC in the Westhampton Beach School District.

Mr. Milazzo stated that there are two new proposed "Dutch Auctions" for the purchase of PBCs. He reported that out-of-area core property owners with Letters of Interpretation have been receiving offers to purchase their credits, but are hesitant to conduct transactions by mail with private individuals whom they do not know. The possibility of the Clearinghouse and the staff serving in an intermediary role to assure that these sales occur properly was discussed at the 11/26/96 Clearinghouse meeting. A brief discussion ensued regarding what entity would be appropriate to perform this role, with Mr. Proios observing that the staff knows the program better than anyone else, while others would need to learn it.

! Warner / Riverhead: approval of conservation easement; credit purchase procedure

Summary: Ms. Roth briefly discussed the attached proposed conservation easement for the property owned by Mr. Warner along the north side of the Peconic River, south of West Main Street, in Riverhead Town (tax map numbers 600-118-4-5.3, 13, and 14; approximately 30 acres). A Letter of Interpretation for 47.99 PBCs was issued for this property, and Mr. Warner has applied for a PBC Certificate and expressed a desire to then sell the PBCs to the Clearinghouse. She noted that the bulk of the changes to the easement are in the Covenants section. Mr. Milazzo explained that a signed easement has been received from Mr. Warner, and that only Schedule A, a description of the property to be encumbered, remains to be added. Mr. Danowski, representing Mr. Warner, stated that he would work with Mr. Milazzo to provide that.

A motion was made by Mr. Cowen and seconded by Ms. Filmanski to approve the attached conservation easement for the Warner / Riverhead property described above, and to authorize the Commission Chair or his designated representative to sign the easement. The motion was approved by a 5-0 vote.

Mr. Proios then signed the easement and Ms. Filmanski notarized it. A brief discussion ensued regarding Mr. Grecco's suggestion that a formal real estate closing be held, and that a marked-up title report be produced to serve as a title policy.

! U.S. Colium Corp. / Wildwood: new credit appeal on parcels 900-195.1-2-3,4,6,7

Summary: Mr. Milazzo described this appeal by the U.S. Colium Corp. (see attached letter) of its LOI allocation totalling 0.55 PBC for the above four parcels in Eastport in Southampton Town. The owner is seeking an allocation of 1.00 PBC for each parcel. He explained that an informational search by the Suffolk County Law Department did not show any title problems. It was noted that these parcels' original LOI application was in the name of an individual, and that a new application was later submitted in the name of the corporation which that individual owns.

A motion was made by Mr. Freleng and seconded by Ms. Filmanski to schedule a

discussion of the U.S. Colium / Eastport credit appeal allocation at the 12/18/96 Commission meeting. The motion was approved by a 5-0 vote.

Plan implementation

- ! Clearing reports: status of procedures for follow-up (from 11/18 memo)
Summary: Mr. Corwin reported that Riverhead and Southampton have provided a list of Town personnel to be notified of clearing reports which the Commission office receives from members of the public. Mr. Proios stated that he asked the Suffolk County Parks Department to also provide such a list.

- ! Quogue Village code amendments: notice of filing
Summary: Ms. Plunkett reported that the Quogue Village code amendments have been filed with the NY Secretary of State, and are now in effect. The amendments incorporate the clearing provision pursuant to the Commission's prior discussions, and were passed by the Village Board on 11/25/96.

Core Preservation Area

- ! Nassau County Council of Boy Scouts / Wading River / core hardship application for golf course: correspondence received; discussion re decision (due 12/27)
Summary: Mr. Corwin distributed the attached letter from Ms. Karen Weber opposing the construction of a golf course on the Boy Scouts property and urging acquisition. He also noted that the hardship application would be on the 12/18/96 Commission agenda for a decision, since the deadline is 12/27/96. No further discussion was held.

- ! Bronfeld / Flanders / major subdivision: request for postponement of today's hearing
Summary: Ms. Plunkett explained that the applicant's representative has requested a postponement of today's hearing until February, 1997. She distributed the attached draft resolution which explains the history of the project before the Commission, and grants the requested extension. It was agreed that the newly approved 2/19/97 Commission meeting date would be substituted into it. A brief discussion ensued regarding whether the resolution should be acted on now, or at the scheduled public hearing later today. That decision was deferred until later in the meeting.

Mr. Proios noted that the County's approved purchase list for the Drinking Water Protection Program currently includes only that portion of the project site which is within the core area, but that the proposed additions to that list would include the remaining (i.e., the compatible growth area) portions of the site.

Core Preservation and Compatible Growth Area

- ! South Rocky Point Acres / Rocky Pt: SC Health referral; discussion (from 10/23)
Summary: Ms. Plunkett summarized this previously discussed referral from the Suffolk County Department of Health Services for a 14.48 acre site south of the old route of NYS Route 25A in Rocky Point, Brookhaven Town. The site now includes property on both sides of the new route of NYS Route 25A, which is south of the old location. The Health Department asked whether the project, a 9 lot subdivision now split by the roadway realignment, requires approval from the Commission.

At the 10/23/96 Commission meeting, the issue was raised as to what portion, if any, of this project site was in the core area. She distributed the attached memorandum

regarding these issues, and the discussion focused upon the delineation of the core boundary in this area contained within the pine barrens law.

A motion was made by Mr. Cowen and seconded by Mr. Freleng to clarify the Core Preservation Area boundary, delineated in the NY Environmental Conservation Law Article 57, in the vicinity of the northeastern corner of the NYS Rocky Point Natural Resources Management Area and in the vicinity of NYS Route 25A as follows:

(1) that the wording in the core boundary delineation referring to "Thence generally northward along the easterly boundary of the NYS Rocky Point land, including all adjacent or contiguous undeveloped Town of Brookhaven parks, preserves open space areas, or reserved areas, to NYS Route 25A;" is meant to include those Brookhaven Town lands and then return to the easterly boundary of the NYS Rocky Point Natural Resource Management Area, and,

(2) that the northerly boundary of the Core Preservation Area proceeding westbound in this area is meant to follow the southern boundary of the NYS Department of Transportation right of way for the newly realigned roadway now known as NYS Route 25A, and

(3) that the attached hand-annotated map shows this clarification, and

(4) that the staff is authorized to amend the maps of the Commission to reflect this interpretation, subject to the availability of the necessary base maps from the NYS Department of Transportation.

The motion was approved by a 5-0 vote.

Ms. Wiplush was out of the room during the following item.

Pine Barrens Credit Program

- ! Schreck / Eastport: credit allocation appeal discussion for parcels 900-215.3-1-53,63
Summary: Mr. Milazzo explained that Mr. Schreck owns the above noted two parcels, each 1.29 acres, located in the core area of Eastport, at the intersection of Inwood Street and Summit Boulevard, which are unimproved streets. The parcels are not adjacent since they are separated by Inwood Street. The LOIs for these allocated 0.21 Pine Barrens Credit (PBC) to each, for a total of 0.42 PBC. Mr. Milazzo distributed the attached memorandum explaining that Mr. Schreck asserted that at the time of purchase, and for a long time after, each property could have been subdivided into three parcels. Mr. Schreck is requesting the minimum allocation of 0.10 PBC for each of the six parcels (a total of 0.60 PBC) into which the two parcels he owned could have been subdivided.

A discussion ensued regarding a prior appeal decision by the Clearinghouse (see same attached item), and the Plan provision regarding allocation of PBCs to a full parcel. A motion was then made by Mr. Cowen and seconded by Ms. Filmanski to deny the Schreck / Eastport credit allocation appeal based upon the prior Gazza decision described in the attached memorandum and upon the Plan provision which allows allocation of PBCs to a full parcel. The motion was approved by a 4-0 vote.

Ms. Wiplush returned at this point.

Core Preservation Area

- ! Bronfeld / Flanders / major subdivision: request for postponement of today's hearing
Summary: A motion was made by Mr. Freleung and seconded by Mr. Cowen to adopt the attached draft resolution on the adjournment of the Bronfeld / Flanders core hardship hearing with the substitution of 2/19/96 as the new hearing date. The motion was approved by a 5-0 vote.

Administrative

- ! Public comments
Summary: Mr. Proios asked if anyone wished to speak, and no one did.

Executive session

Summary: Mr. Proios stated that the Commission may have additional business in open session following the executive session. A motion was then 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 unanimously. The Commission entered into executive session at approximately 3:38 pm and returned to open session at approximately 5:15 pm.

Adjournment of regular meeting

Summary: A motion to adjourn was made by Mr. Cowen and seconded by Mr. Freleung. It was approved by a vote of 5-0. The meeting ended at approximately 5:15 pm, and the public hearing began.

Public hearing (5:00 pm; postponement was granted earlier in meeting - see above!)

- ! Bronfeld / Flanders / major subdivision: core hardship hearing continuation
Summary: A separate stenographic transcript exists for this. This was adjourned to the 2/19/97 Commission meeting.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Draft Commission meeting schedule for Jan - June 1997 (12/4/96; 1 page)
4. Conservation easement for the Warner / Riverhead property (12/4/96; 9 pages)
5. Letter from J. Wightman appealing U.S. Colium Corp. credit allocation (11/22/96; 1 page)
6. Letter from K. Weber re Nas. Cty. Boy Scouts application and property (11/18/96; 1 page)
7. Draft resolution on Bronfeld hearing postponement (12/4/96; 1 page)
8. Memorandum from D. Plunkett re South Rocky Point Acres (12/4/96; 3 pages)
9. Annotated map from memorandum from D. Plunkett re S Rocky Pt Acres (12/4/96; 1 page)
10. Staff report on Schreck credit appeal (10/27/96; 1 page)
11. Memo from J. Milazzo re the Schreck credit appeal (12/4/96; 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 December 18, 1996 (Approved 1/8/97) Quogue Wildlife Refuge, Old Country Road, Quogue Village / 2:00 pm

Commission members present: Mr. Proios (for Suffolk County), Mr. Girandola (for Brookhaven; present at the time indicated), 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, and 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 2:25 pm by Mr. Proios, with a four member quorum consisting of Mr. Proios, Ms. Filmanski, Mr. Freleng, and Mr. Cowen.

Administrative

! Public comments

Summary: Mr. Amper, representing the Long Island Pine Barrens Society, complimented the New York State Department of Environmental Conservation (NYS DEC), and Mr. Cowen as Regional Director for NYS DEC Region 1, for the quick and successful negotiation of an agreement with the Nassau County Council of Boy Scouts for the purchase of a portion of the Scouts' Wading River holdings.

! Draft summaries for 10/23 and 12/4 meetings: review and approval (faxed)

Summary: The following changes were suggested to the draft 10/23/96 meeting summary: (1) under "Commission members present", the list for Brookhaven should read, in part: "(... Mr. Girandola voting)"; (2) under "Summary of 10/4 Pine Barrens Research Forum", Mr. Beucke's affiliation should read "Ward Melville High School", and the final sentence should read, in part: "... encouraging elementary and high school students to pursue pine barrens-related research ..."; (3) under "DiPalma / Manorville", the second sentence should begin: "The parcel involved contains Mr. DiPalma's residence, ..."; (4) under "Ladow / misc areas", the next to last sentence should read, in part, "... within the Compatible Growth Area of Southampton Town ..."; (5) under "Hampton Tennis and Fitness / Quogue", the first sentence should begin: "Ms. Roth summarized the recent history ..."; and (6) under "Land Acquisition program", the last sentence of the first paragraph should read, in part: "... will provide \$15 million over three years for land protection, not restricted to pine barrens land." **A motion was then made by Ms. Filmanski and seconded by Mr. Freleng to approve the summary of the 10/23/96 meeting with these changes. The motion was approved by a 4-0 vote.**

A motion was then made by Mr. Cowen and seconded by Ms. Filmanski to approve the summary of the 12/4/96 meeting as drafted. The motion was approved by a 4-0 vote.

Pine Barrens Credit (PBC) Program

- ! Status of applications (*Clearinghouse has not met since last Commission meeting*)
- ! Warner / Riverhead: credit purchase status
Summary: Mr. Milazzo stated that the summary statistics for the Clearinghouse's activities have not changed since the last Commission meeting, since no Clearinghouse meeting has occurred since then. He noted that the final delineation of the area on Mr. Warner's Riverhead core property which is to include the existing residence is being worked on by Mr. Warner's attorney and Commission counsel. It will be attached to the conservation easement as Schedule A. A brief discussion ensued regarding the size of the area around the existing house to be excluded, and how the original allocation calculation accounted for that residence. It was noted that the Suffolk County Treasurer has placed the necessary funds for the purchase of these credits into a separate money market account in anticipation of the closing. A formal closing on the purchase of those credits will be held in January 1997; the closing date will be held then at the request of Mr. Warner. Mr. Cowen asked whether the allocation process subtracted one PBC for the home, and Mr. Milazzo said that it did.
- ! U.S. Colium Corp. / Flanders: appeal discussion for parcels 900-195.2-2-3,4,6,7
Summary: Mr. Milazzo summarized this allocation appeal for four parcels owned by U.S. Colium Corp. (See the attached Letters of Interpretation and the staff report.) The total size of the four parcels is 3.06 acres, and their total allocation is 0.55 PBC. Mr. Milazzo explained that the original application was under Mr. Rabinowitz' name, and it was replaced by the current application after an informational search by the County showed that the title was in the name of the U.S. Colium Corp.

Mr. Wightman, representing the owner, was present and stated that the parcels were unsaleable now due to the road construction pattern and the pine barrens law, and that they had been unsaleable for some time prior to the pine barrens law. He expressed the opinion that the options included not paying taxes anymore, giving the land away, or using credits. He stated that the 0.55 PBC allocation is unfair, because the owner would receive \$1700 if the credits were sold to the Clearinghouse, and that taxes would still be paid.

Mr. Corwin asked what new PBC allocation is requested, and Mr. Wightman replied that the Commission should work back from a total PBC value of \$15,000, and allocate the number of PBCs needed to attain that value. A brief discussion ensued regarding the applicant's ability to recoup taxes for prior years. Mr. Milazzo noted that a decision could be put off until the next meeting. A discussion also ensued regarding the presence of a home on a nearby lot fronting on County Route 104. Mr. Milazzo explained that a hardship application could be filed for the U.S. Colium Corp. lots.

A motion was then made by Mr. Cowen and seconded by Mr. Freleng to deny the U.S. Colium Corp.'s credit allocation appeal, and to uphold the original total allocation of 0.55 PBC for the four lots. The motion was approved by a 4-0 vote.

Mr. Girandola arrived during the following, and a five member quorum was present from this point.

- ! Peconic Land Trust: summary of discussions; pending proposal paper
Summary: Mr. Corwin reported that the Commission staff have met twice with the Peconic Land Trust staff regarding the Trust's interest in being the grantee for conservation easements issued under the Pine Barrens Credit Program. Mr. Halsey, President of the Trust, has discussed this with his Board of Directors, and they have expressed strong interest.

During the last meeting between the Commission and Trust staff, it was agreed that the Trust would formulate a draft written proposal covering four areas: (1) being the grantee for, and providing stewardship and monitoring services for, the conservation easements, (2) providing professional advice on the formulation and execution of customized easements for PBC Program participants, (3) providing access to the Trust's professional estate and real property and income tax planning knowledge for PBC participants whose situation may qualify for a tax benefit, and (4) providing the Commission with professional mapping, at an appropriate physical scale, of the properties in the PBC Program. Mr. Corwin noted that the Trust may propose a set of sample projects, including, for example, an old filed map where some of the parcels are in the PBC Program.

In the discussion which followed, Mr. Girandola asked whether counsel thought that the Commission could use a private entity such as the Trust to hold the easements, and Mr. Rigano replied that he thought that it could. Mr. Corwin reported that the Trust expects to have a proposal to the Commission at the beginning of January.

Plan implementation

- ! Protected Lands Council: projects; recent briefing for SC Legis Parks Committee
Summary: Mr. Corwin summarized the recent work of the Protected Lands Council in identifying field access points for public lands in the pine barrens which have management problems and which currently affect more than one public landowner. He explained that the immediate goal was to identify one or two specific field projects which the Council's member organizations could undertake (e.g., rebuilding a trailhead and parking access site which serves more than one landowner's property).

He also distributed and discussed the attached letter to Commissioner Frank of the Suffolk County Parks Department, and the recent visit by himself and Commissioner Frank to the Suffolk County Legislature's Parks and Public Works Committee on 12/12/96 (the cover page of the Committee agenda is also attached) to discuss the interagency Protected Lands and Law Enforcement Councils' work, as well as the Wildfire Task Force's work. Mr. Corwin noted that the possibility of the County appropriating a portion of the recently approved Drinking Water Protection Program park management funds to such interagency work was raised with the Committee, and the response appeared to him to be favorable.

Mr. Cowen then described a recent meeting discussing the restrictions on uses of the County's Drinking Water Protection Program lands. The meeting (on 12/2/96) was attended by Mr. Cowen and Mr. Hamilton of the NYS DEC, Mr. Cimino (the County Attorney), Mr. Dragotta (of the County Attorney's office), and Mr. Corwin. Mr. Cowen explained that the meeting touched upon the interpretation of language in County laws and the County Nature Preserve Handbook, and the meaning of "forever wild". Research is being undertaken, and the situation may be clarified for future acquisitions. The restrictions on the use of already-completed acquisitions under the Drinking Water Protection Program would not necessarily be affected by any new regulations or language, however. Mr. Proios commented that both the State and County laws must be considered. Mr. Amper observed that the best approach might be to simply specify in advance which parcels are appropriate for which uses.

- ! Proposed educational program
Summary: Ms. Plunkett described a proposal to the Commission for holding one or two environmental education sessions per year for school children and their teachers, perhaps using facilities such as the Quogue Wildlife Refuge. She proposed that the first

session could be held in early Spring 1997. Mr. Cowen suggested that Ms. Plunkett and the staff work closely with Ms. Cathy Shigo of the NYS DEC Region 1 office, and with the State Forest Rangers.

Mr. Dittmer, representing the Civil Property Rights organization, stated that programs such as those discussed today take money away from the purchase of core area property. Mr. Cowen stated that the administrative and acquisition funds come from different sources. Mr. Corwin observed that the Commission staff allocates as much time as necessary to support the acquisition and development rights transfer programs, including processing applications for Letters of Interpretation and PBC Certificates, and providing data and maps to the land acquisition agencies. It was also noted that the Commission also has responsibilities such as education, and that it could consider partnerships in environmental education with interested private organizations.

! Pine Barrens Reference Library (not on the original agenda)

Summary: Mr. Corwin distributed the attached fact sheet and described the contents and purpose of the Pine Barrens Reference Library which has been established at the Commission office. He noted that the Library is intended to both encourage pine barrens-related research and make the Commission's documentary material easily available to the public.

Core Preservation Area

! Nassau County Council of Boy Scouts / Wading River / hardship application for golf course: correspondence from applicant's representative (application decision currently 12/27/96)

Summary: Mr. Rigano explained that two letters (both attached) were received at different times yesterday from Mr. Cangemi, representing the Nassau County Council of Boy Scouts, regarding the Scouts' core area hardship exemption application. Mr. Rigano recommended that the Commission deny the first letter's proposal, and accept the second letter's proposal, which is to extend the decision deadline to 3/15/97 in order to permit the completion of the sale of the property to the State.

A motion was made by Ms. Filmanski and seconded by Mr. Cowen (1) to deny the first request (attached) dated 12/17/96 from Mr. Cangemi and received at the Commission office on 12/17/96 with the fax banner time of 11:57 am, and (2) to accept and approve the extension of the decision deadline to 3/15/97 for the Nassau County Council of Boy Scouts' application for a Core Preservation Area hardship permit as described in the second letter (also attached) from Mr. Cangemi also dated 12/17/96 and received in the Commission office on 12/17/96 with the fax banner time of 1:21 pm. The motion was approved by a 5-0 vote.

Executive session

Summary: Mr. Proios noted that an executive session is needed, and that there will not be any further business in open session today following the executive session. **A motion was then made by Ms. Filmanski 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, with Mr. Freleng temporarily out of the room during the vote. The Commission entered into executive session at approximately 3:58 pm. A motion was later made by Ms. Filmanski and seconded by Mr. Girandola to exit executive session and to adjourn the meeting. The motion was approved by a 5-0 vote, and the meeting ended at approximately 4:38 pm.**

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Letters of Interpretation for U.S. Colium Corp. (11/6/96; 8 pages)
4. Staff report re U.S. Colium Corp. credit appeal (12/27/96; 1 page)
5. Letter from R. Corwin to M. Frank re Protected Lands Council work (11/29/96; 2 pages)
6. Partial agenda from 12/12/96 SC Legis. Parks and Public Works Comm. meeting (1 page)
7. *Pine Barrens Research Library Fact Sheet* (Dec. 1996; 2 pages)
8. First letter from A. Cangemi re withdrawal Boy Scouts' application (12/17/96; 2 pages)
9. Second letter from A. Cangemi re extension of Boy Scouts' decision (12/17/96; 2 pages)