

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

Ray E. Cowen Member

Vincent G. Villella Member Commission Agenda (DRAFT) for Wednesday, January 5, 2000 Riverhead Town Hall East Main Street and Howell Avenue, Riverhead, NY 2:00 pm

1. Public Comment (please sign Speaker Sheet)

#### 2. Administrative

- Summaries of 10/13, 12/8 meetings: review, approval (faxed)
- Request for increase in counsel fees: discussion

## 3. Pine Barrens Credit Program

- Brookhaven Credit initiative: status
- Southampton reverse auction: status
- The following item is scheduled for 3:00 pm:
- Andersen / Manorville (Brookhaven) / appeal: hearing (materials to be distributed)

## 4. Plan Implementation

• Overview of wireless tower guidelines and ordinances from various jurisdictions: information item (materials to be distributed)

## 5. Core Preservation Area

 Hampton Hills Golf and Country Club / Northampton (Southampton) / site plan / approved hardship: report on final project's adherence to approval conditions

## 6. Compatible Growth Area

- American Tissue / Yaphank (Brookhaven) / industrial site plan / Development of Regional Significance: new application; schedule hearing (materials to be distributed)
- 7. Executive or Advisory Session (if necessary)

#### Next Commission meeting:

1/26/00 at a location to be determined, at 2:00 pm

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

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



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

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DRAFT Commission Meeting Summary for 1/5/00 (To be approved) - Page 1

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

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

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FINAL Commission Meeting Summary for 1/5/00 (Approved 1/26/00) - Page 1

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1/ 5/00 attachment#1 (1 page)



## **CENTRAL PINE BARRENS** JOINT PLANNING AND POLICY COMMISSION

Meeting For: Hie Barrens Commission Riverheard Town Hall

Location:

100 2:00pu Date /Time:

## **Sign In Sheet**

NAME	REPRESENTING	ADDRESS	TELEPHONE/FAX
Mosko	CPBC Staff	SUNVISE Herry Great Kive	583-038-5
Mark Rizzo	CPBC Stubb	11	/ >
ED QUAREMBA	NASSAU	56 PARKVIEW CIR. B	433-8145 ETHPAGE
Los Dong Ht	suff cty		8534061
Sharon = Waters (Olsen	Civil Property Rights Associates The	POB 202 Brightwaters NV	7275696
RayCoun	CPB Commission		
Diec Ander	L(835	20 Bx 429 11949	369-3300
Judy Jakoben	CPBC SHI		563-0306
Vi HogLuns	37 DIETZ AN		588-8459 / FAX
HENRY DITTA	ER C. P.R.	P.O. BOX 202 BRIGHTWATERSN	×11718 665-
Adam Yablonsky	Keyspan/4,14	445 Broschollow Al Melville	391-6171
Donna Plun lett	CPBC SAF.		
Ann Cartes	CPBC Staff	6	
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1/5/00 Attachunt #2 (1 page).

## Central Pine Barrens Joint Planning and Policy Commission

Speaker Sign In Sheet						
	Meeting Date_	1/5/00 RiverLead				
	Meeting Place	Riverlead				
NAME	REPRESENTING	ΤΟΡΙϹ				
JULNTVANER	NYS WATER RES. COMM	LIDA POWER LINE	PROJECT			
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## **Pine Barrens Credit Clearinghouse**

James T.B. Tripp, Esq., Chairman Andrew P. Freleng, AICP, Vice Chairman Vincent J. Cannuscio, Member Richard W. Hanley, Member Mitchell H. Pally, Esq., Member

1/s/00 Attachment# 3 (1 page)

Easement Protected Lands and Pine Barrens Credits As of January 3, 2000					
	Brookhaven	Riverhead	Southampton	Total	
Parcels	253	7	54	314	
Acreage	208.62	36.59	36.89	282.10	
Credits generated	140.44	57.27	12.50	210.21	
Credits redeemed	76.79	5.29	5.12	87.20	
Credits not redeemed	63.65	51.98	7.38	123.01	

Total value of all Pine Barrens Credit transactions recorded through this date: \$ 3,671,296.00

1 of 1

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1/3/00 6:59 PM

1/5/00 attachment #4 (3 pages)

## FACSIMILE TRANSMISSION MEMO

Date: 1/5/00

## TO: DONNA PLUNKETT, CBPJPPC

Addressee's Phone No.:563-0384Facsimile Machine Phone No.: (CPBJP&PC)224-7653FROM:Richard Van de Kieft @ John J. Raynor, P.E., L.S., p.c.Job No.:HAMPTON HILLS GOLF & COUNTRY CLUB (OUR #1497)

Total No. of Pages (including cover sheet): <u>3</u> If any problems occur please call the sender at (516) 726-7601

#### MESSAGE:

Reference is made to the sketch on the last sheet:

1. Areas A - E were previously asphalt;

- 2. Currently areas labeled A, D & E are grassed; areas B & C are earth;
- 3. The seed was put down to stabilize these areas and prevent erosion;
- I have spoken with you, one of the owners (Mr. Stanley Pine), the Southampton Town Engineer (Tom Talmage) and Rich Gass, Staff Planner, Town Dept. of Land Management about the present situation;
- 5. After speaking to all those concerned, I would offer the following proposal on behalf of the Golf Club:
  - Areas A, D & E will be replaced with a combination of either Bayberry (4'
     o.c.; possibly in clumps, as recommended by the Town), Bearberry and /
     or Pitch Pine seedlings;
  - Areas B & C, being narrow areas of earth between the present parking lot and the cart paths, would be seeded;

- c. A plan will be submitted for approval by the Town Planning Board, as originally required;
- d. A copy of the approved plan will be submitted to the Commission for their records. \*

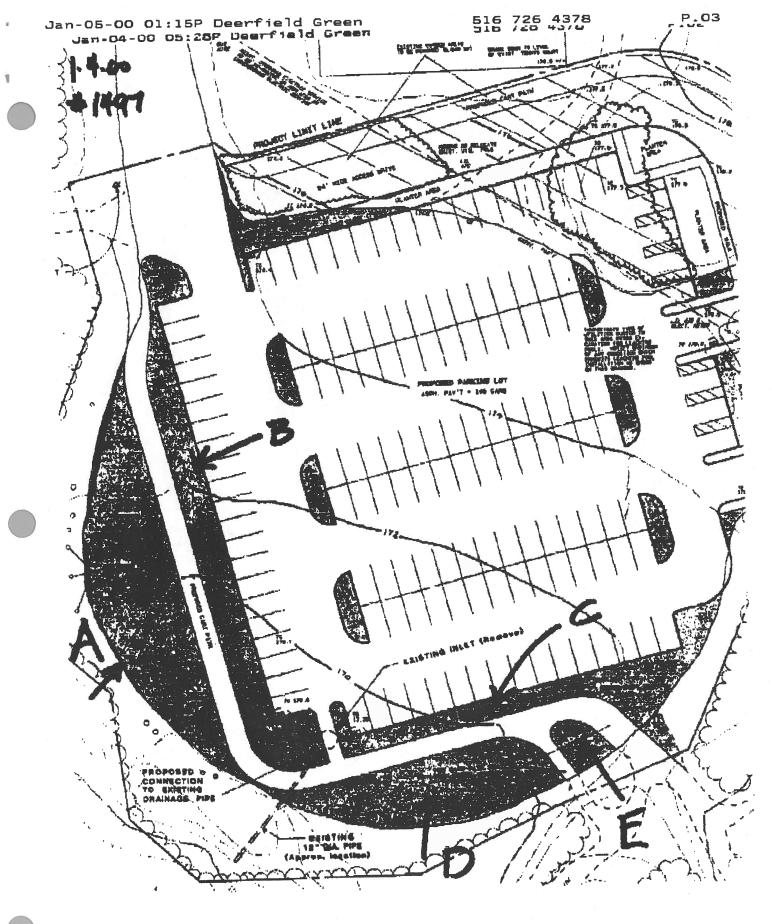
\* if necessary, we would submit a copy of the <u>unapproved</u> plan to you upon submission of same to the Town Planning Board and staff, prior to approval, so that you and the Town could coordinate the results.

Any questions, please call me at 726-7600

Thank you for your help.

Copy by fax to Stanley Pine, HHG&CC, at 727-7139

Copy by fax to Jefferson Murphree, TOS, at 287-5706



http://www.atconf.org/telecom/Checklist.ht

# 1/5/00 a Hachent #5 (5 pages) WIRELESS ORDINANCE CHECKLIST

Below is a detailed checklist that can be used to develop and evaluate local wireless telecommunications ordinances. If you would like a very brief version of this checklist, see our summary <u>"Four Easy Steps."</u> The following checklist was written especially for local communities along the Appalachian National Scenic Trail, but any community can use it. At the end of the checklist can be found a bibliography and a list of suggested references. This checklist is not meant to be comprehensive, but it does cover most of the types of provisions that a wireless ordinance ought to include. Furthermore, this checklist is a work in progress, and we invite your <u>comments</u> as to how the checklist can be improved (coming soon will be more samples from actual ordinanaces). The items in this checklist are in no special order, and they overlap to some extent. As far as the Appalachian Trail is concerned, probably the most important types of provisions are items 12 and 13 ("Areas From Which Towers Shall Not Be Visible" and "Notification"). This checklist was last updated on 11/10/99. Feel free to download and print copies of this checklist, but keep in mind that it is not meant as a substitute for legal counsel.

## [Go Back to Appalachian Trail Antenna Page][Go Back to ATC Home Page]

## **CONTENTS:**

- 1. Statement of Purpose and Definitions
- 2. Different Approval Procedures for Different Locations
- 3. Colocation, Use of Existing Structures, and Clustering
- <u>4. Height Limits</u>
- <u>5. Setbacks, Fences, Signs</u>
- 6. Color, Shape, and Camouflage
- 7. Lighting
- <u>8. Health Concerns</u>
- 9. Tower Bans and Moratoria
- <u>10. Decisions Must be Non-Discriminatory</u>, Written, Prompt
- <u>11. Use of Public Property</u>
- 12. Areas from Which Towers Shall not be Visible
- <u>13. Notification</u>

#### FOUR EASY STEPS

That Your Local Government Can Take To Prepare for an "Invasion" of New Antenna Towers

Appalachian Trail Conference, September 1998

#### Introduction:

Many communities in the United States have recently enacted regulations that have put them in a win-win situation: these localities get wireless telephone service, but avoid excessive numbers of tall antenna towers that clutter up their neighborhoods, their parks, and their majestic mountain skylines. About 30,000 new wireless customers are signing up daily, and 125,000 wireless sites are likely by the year 2006, up from 40,000 sites in 1997. Antennas need not damage property values and cause visual distractions, and the purpose of this "Four Easy Steps" is to describe how any community in the country can quickly enact basic regulations, either on a temporary or a permanent basis. These four basic steps may be supplemented, and, of course, a · community should consult with its attorney to ensure compliance with law.

Section 704 of the Federal Telecommunications Act of 1996 ("TCA") says "nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless facilities" except for five limitations. First, localities cannot unreasonably discriminate among service providers, although Congress did intend to leave localities with the flexibility to treat facilities that create different visual, aesthetic, or safety concerns differently. Second, localities cannot prohibit wireless service, and therefore localities may not adopt permanent blanket bans, but localities are free to make individual zoning decisions. Third, localities cannot take an unreasonably long time to process applications for new or modified facilities. Fourth, localities cannot deny applications without substantial evidence in a written record, meaning that decisions must be reasonably based on relevant evidence even if other reasonable people could reach a different decision. And, fifth, localities cannot consider health effects of radio frequency emissions that satisfy Federal Communications Commission (FCC) standards.

Antennas are only a few yards long, but they must be placed high off the ground. So, companies either place antennas on existing structures (e.g. on water towers, rooftops, electric transmission towers, or "colocated" on existing antenna towers), or they build new towers to prop up the antennas. Towers may be free-standing or guyed (i.e. anchored by cables). Two basic designs for towers are the typical "lattice" towers or the narrower "monopole" towers. Federal law requires flashing red lights on almost all towers higher than 200 feet off the ground (and also on antenna facilities atop existing structures if they reach to more than 200 feet above the ground and 20 feet above the existing structure). The cost of a wireless facility is mostly for the equipment shelter at the bottom of the tower, which is why companies prefer a few sites rather than many (this leads to taller rather than shorter towers). Lease payments are often large, and thus communities can benefit by leasing public property for antenna sites.

STEP #1---Prepare to Evaluate Very Tall or Very Visible Towers

Wireless companies accept tower height limits, and, for example, have proposed model ordinance language that specifies limits of 200 feet and less in § 85-451

## BROOKHAVEN CODE

the Town Board upon a change of zoning district classification.

#### ARTICLE XXXVIII

## Wireless Communications Towers and Antennas [Added 3-17-1998 by L.L. No. 5-1998, effective 3-20-1998]

#### § 85-452. Legislative intent.

In recognition of advancing technology and the increasing demand for the installation of wireless communication tower(s) and/or facilities within the Town, the Town Board of the Town of Brookhaven hereby determines that it is in the public interest to specifically regulate the siting and installation of such facilities within the Town in order to protect the public health, safety and welfare. Therefore the Board hereby determines to establish general guidelines for the siting of wireless communications towers and antennas in order to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the Town; (4) encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the surrounding community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impacts of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the impacts upon the public health and safety of communication towers; and (9) avoid potential damage to adjacent and/or nearby properties from tower failure through appropriate engineering and careful siting of tower structures and/or facilities. In furtherance of the aforementioned objectives, the permitting Board or Commissioner shall give due consideration

## TOWN OF SOUTHAMPTON CELL TOWER ORDINANCE

Special Exception Standards 330-122 § 330-122 General standards.

For every such special exception use, the Planning Board shall determine that:

A Such use will be in harmony with and promote the general purposes and intent of this chapter as stated in § 330-3.

B The plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof.

C The proposed use will not prevent the orderly and reasonable use of adjacent properties, particularly where they are in a different district.

D The site is particularly suitable for the location of such use in the town.

E The characteristics of the proposed use are not such that its proposed location would be unsuitably near to a church, school, theater, recreational area or other place of public assembly.

F The proposed use, particularly in the case of a nonnuisance industry, conforms to this chapter definition of the special exception use where such definition exists or with the generally accepted definition of such use where it does not exist in this chapter.

G Access facilities are adequate for the estimated traffic from public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion; and, further, that vehicular entrances and exits shall be clearly visible from the street and not be within seventy-five (75) feet of the intersection of street lines at a street intersection, except under unusual circumstances.

H All proposed curb cuts have been approved by the street or highway agency which has jurisdiction.

I There are off-street parking and truck loading spaces at least in the number required by the provisions of §§ 330-92 through 330-101, but in any case an adequate number for the anticipated number of occupants, both employees and patrons or visitors; and, further, that the layout of the spaces and driveways is convenient and conducive to safe operation.

J Adequate buffer yards and screening are provided where necessary to protect adjacent properties and land uses.

K Adequate provisions will be made for the collection and disposal of stormwater runoff from the site and of sanitary sewage, refuse or other waste, whether liquid, solid, gaseous or of other character.

L No outdoor sales lot, rental equipment storage or display area will be permitted in the required front yard area of any business district, except that in the HB District such uses may be permitted in the required front yard, provided that they are set back fifty (50) feet from the front

# **Communications Towers Raise Concerns**

The Service is leading an effort to take a renewed look at one of the least understood or publicized causes of migratory bird deaths: collisions with radio, television and telephone towers.

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Scientists believe that more than 4 million birds are killed every year in North America in collisions with communications towers, but more research needs to be done to document the full extent of the problem and to explore ways to minimize deaths. Migratory songbirds may become confused by the lights on towers, "abandoning their reliance on the stars or their own internal compasses. Spiraling aimlessly around the towers, they collide with guy wires, the towers themselves, other birds or the ground," said Dr. Albert Manville, Service wildlife biologist and co-chair of a recent workshop on avian mortality at communications towers.

The Service co-hosted the groundbreaking, first-of-its-kind workshop August 11 at Cornell University to chart the future course of research and policy on avian tower collision mortality. The workshop brought together more than 100 of the world's leading ornithologists, representatives from federal and state agencies, industry and conservation organizations and established research priorities for a newly-formed Communications Tower Working Group. The meeting was covered extensively by local and national media.

In the age of telecommunications, a proliferation of tall cellular telephone, television and radio towers has led to growing concerns in the scientific community that entire migratory bird populations could be in jeopardy.

Researchers have known for years that tall towers pose a threat to migratory birds. Published accounts of birds striking tall, lighted structures such as lighthouses although often anecdotal—appeared as early as 1880. One Service estimate in the 1970s placed the number of birds killed at 1.4 million birds per year. That estimate was based on the 1,100 tall towers then in existence. Today, there are nearly 49,000 towers greater than 200 feet in height, and industry reports indicate there may be as many as 100,000 new towers built in the next decade. Because of present Federal Communication Commission mandates to digitize all television stations by 2003, at least 1,000 of these new towers will exceed 0.2 miles in height, creating a potentially serious threat to birds because taller towers require more lighting and guy wires, increasing the probability of fatal bird collisions.

Bird species vulnerable to communications towers comprise nearly 350 species of neotropical migratory songbirds — thrushes, vireos and warblers seem the most vulnerable — that breed in North America in the spring and summer and migrate to the southern United States, the Caribbean or Latin America during the fall and winter. These species generally migrate at night and appear to be most susceptible during their migrations to collisions with lit towers on foggy, misty nights with low cloud ceilings.

All towers greater than 199 feet above ground are required by the Federal Aviation Administration to be lighted for purposes of public and pilot safety. An unknown number of smaller towers are also lighted.

Manville is optimistic that the workgroup will eventually uncover solutions to the hazards of lighted towers.

"We're at the beginning of a long journey. We need to determine the magnitude of the problem, do a thorough analysis and clearly identify ways to reduce bird deaths. But we've made progress in defining research needs and have a working group in place to implement the protocols we identify," he said. "I'm confident this work will shape the course of future policy and prevent future bird deaths."

Chris Tollefson, Public Affairs, Washington, DC

US FWS. Fish & Wildlife News Sept / Oct 1999



JOINT PLANNING & POLICY COMMISSION

Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz Member Commission Agenda (DRAFT) for Wednesday, January 26, 2000 Riverhead Town Hall East Main Street and Howell Avenue, Riverhead, NY 2:00 pm

1. Public Comment (please sign Speaker Sheet)

## 2. Administrative

- Summary of 1/5 meeting: review, approval (to be faxed)
- Dept. of Energy Brookhaven Office: correspondence re Brookhaven Executive Roundtable

## 3. Pine Barrens Credit Program

- Weinstein / Manorville (Brookhaven) / new appeal: schedule hearing (materials to be distributed)
- Gazza / Westhampton (Southampton) / new appeal: schedule hearing (materials to be distributed)

## 4. Plan Implementation

• No items at this time.

## 5. Core Preservation Area

#### The following hearing is scheduled for 3:00 pm:

- Long Island Power Authority / Southampton Town / transmission line corridor / core hardship: public hearing
- 6. Compatible Growth Area
  - No items at this time.
- 7. Executive or Advisory Session (if necessary)

Next Commission meeting: 2/16/00 at Brookhaven Town Hall, Building 4, 3233 Route 112, Medford at 2:00 pm

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

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



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1. Public Comment (please sign Speaker Sheet)

## 2. Administrative

- Summary of 1/5 meeting: review, approval (faxed)
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- South Fork Montauk Pine Barrens: Advisory Committee recommendations from 1/24/00

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

Phone (631) 224-2604 Fax (631) 224-7653 Internet: Commission Meeting Summary (DRAFT) for Wednesday, January 26, 2000 (To be approved) Riverhead Town Hall East Main Street and Howell Avenue, Riverhead, NY 2:00 pm

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

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

The meeting was called to order at approximately 2:08 pm by Mr. Dragotta, with a five member quorum.

#### **Public Comment**

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

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

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

DRAFT Commission Meeting Summary for 1/26/00 (To be approved) - Page 1

Barrens. He then explained that the second request was for a detailed lists of what parcels have been purchased (along with specific data on the sellers, purchase price, etc.) within the Central Pine Barrens during the past year, and how much remains to be protected there.

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

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

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- Summary of 1/5 meeting: review, approval (faxed) <u>Summary:</u> A motion was made by Mr. Cowen and seconded by Mr. Dragotta to approve the summary of the 1/5/00 Commission meeting as final as drafted. The motion was approved by a 5-0 vote.
- Dept. of Energy Brookhaven Office: correspondence re Brookhaven Executive Roundtable

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

 South Fork - Montauk Pine Barrens: Advisory Committee recommendations from 1/24/00

<u>Summary:</u> Mr. Corwin distributed and briefly discussed the attached status sheet for the South Fork - Montauk Pine Barrens initiative through 1/24/00.

Mr. Spitz observed that there was no quorum at the 1/24/00 Committee meeting, and that no formal resolution was passed. It was also noted that in the original pine barrens work, Dr. Nicholas was hired to analyze the Pine Barrens Credit Program once it was specified in the <u>Plan</u>, and that this time there is, as yet, no written version of a transfer program to analyze. Mr. Amper stated that the Committee is trying to do several tasks in parallel, and that Dr. Nicholas' assistance would help to identify what size core area and program is feasible here. The discussion that followed emphasized several questions, including whether Dr. Nicholas would write a report or just raise the questions that a transfer program would have to answer; whether he would end up having to do the work twice, once the new draft program is specified; whether the Committee will transmit their request in detail and in writing to the Commission; whether this is a separate effort (i.e., part of a new commission's responsibility) or part of the existing Commission's work; what form the new legislation might take; what role the Suffolk County Planning Department would play; and the need for the Commission to receive legal advice in a closed advisory session before acting on the Advisory Committee's request.

## **Pine Barrens Credit Program**

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

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

## **Plan Implementation**

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

## **Core Preservation Area**

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

Following the close of the hearing (and the conclusion of the transcript's coverage), a motion was made by Mr. Cowen and seconded by Mr. Murphree (1) to grant this core hardship permit to the Long Island Power Authority under the compelling public need portion of the pine barrens law contained within NY Environmental Conservation Law (ECL) 57-0121(10)(b)(i); and, (2) to further note that the hardship being granted represents the minimum relief necessary to complete this project and that the applicant has met the conditions set forth in ECL 57-0121(10)(c)(i) through (iii), and (3) that this approval is subject to a formal drafting of this resolution by counsel.

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

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

#### **Pine Barrens Credit Program**

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

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

#### **Closed Advisory Session**

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

## Administrative

 South Fork - Montauk Pine Barrens: continuation of prior discussion <u>Summary</u>: Mr. Rigano stated that the Commission may need to issue a Request for Proposals in order to retain a consultant such as the action informally requested earlier today by the Advisory Committee through its representatives present. Mr. Dragotta noted that the Commission could not simply hire Dr. Nicholas under his prior contract with the Commission. Mr. Rigano then noted that the first step would be for the Commission to have a specific written statement of what the work products would be.

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

#### Adjournment

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

## Attachments (in order of discussion):

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



PINE BARRENS JOINT PLANNING POLICY COMMISSION

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#### **Pine Barrens Credit Program**

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

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

#### **Closed Advisory Session**

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

## Administrative

• South Fork - Montauk Pine Barrens: continuation of prior discussion <u>Summary</u>: Mr. Rigano stated that the Commission may need to issue a Request for Proposals in order to retain a consultant such as the action informally requested earlier today by the Advisory Committee through its representatives present. Mr. Dragotta noted that the Commission could not simply hire Dr. Nicholas under his prior contract with the Commission. Mr. Rigano then noted that the first step would be for the Commission to have a specific written statement of what the work products would be.

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

## Adjournment

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

Attachments (in order of discussion):

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

1/26/00 attachment # 1 (Ipage



## **CENTRAL PINE BARRENS** JOINT PLANNING AND POLICY COMMISSION

Meeting For: <u>He Barrens Commission</u> Kuerbean Toce 20 12

Location:

Date /Time:

126/00 2:00

## **Sign In Sheet**

NAME	REPRESENTING		ELEPHONE/FAX
. Tlebhc	(PBC Staff	Sunrise Herry Grent Rive	73-0385
The Drank	Cty Exec	Hangento	8534061
RagComuni	11 11	· · · · · · · · · · · · · · · · · · ·	
Cay Cower	Gov. Pataki	Story Brook	444-0345
Fin Spitz	NYSPEC	STOMBROOK	444-0419
JeffMunchree	southampton	Southampton	287-5735
BILL DAVIDSON	LIPA	LIPA- UNION DALE	719.9842
Donna Phinkett	UPPILGER,		
ANN CARTER	CPBC Staff	Surrise Huy GR. RIVET	563-0372
July Jakobson	CPBC staff	11	563-0306
Rulph Schlung	South Fork Groundwater Force	R. O., BUX 2360 Sag Hurbon NY 11963	725-6200 Ex725-6253
Rechard Auren	UPINE BEORNESSE		369-3300
ZILL LEWIS		( C	( ^
Walter's Sharow Oleen	Civil Property Rights Associates, Inc.	PoB 202 Brightwaters NY 11718	727-5696
Dominic NICOLAZZI	SELF	PoB 202 Brightwaters NY 11718 BI FINEAIRE AVE. FARMINLVILLE NY. 11738	698-5088
Steven Dalton	KeySpan Energy	445 Broad Julion Rd Melville	391-6132
Adam Yablonsky	KeySpan Energy	1' ii 'j¢	391-6171
Jim Rigino	Rine Barrey Com,		694-8005
		• • • • • • • • • • • • • • • • • • •	

1/26/00 Attachment#2 (Ipage).

# Central Pine Barrens Joint Planning and Policy Commission

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# Speaker Sign In Sheet

126/00 Meeting Date \_\_\_\_ Meeting Date <u>Y00000</u> Meeting Place <u>Riverheard</u>

NAME	REPRESENTING	TOPIC
Ralph Schige	SFGTF	Pine Barrens Extension
Dick toper	AdvisoryCute	Two Carjupato
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Department of Energy Brookhaven Group Building 464 P.O. Box 5000 Upton, New York 11973

January 14, 2000

1/26/00 Hachmet #3 (2page) AND PLANNING COM

Mr. Raymond Corwin, Executive Director Central Pine Barrens Commission P.O. Box 587 3525 Sunrise Highway, 2<sup>nd</sup> Floor Great River, NY 11739-0587

Dear Mr. Corwin:

# SUBJECT: INVITATION TO PARTICIPATE IN THE BROOKHAVEN EXECUTIVE ROUNDTABLE (BER)

As you know, the U.S. Department of Energy oversees management and operation of Brookhaven National Laboratory. For more than two-and-a-half years, the Department has hosted regular, executive-level discussions about the largest, most immediate issues facing the Laboratory. These gatherings are known as the Brookhaven Executive Roundtable, and with this letter, I would like to invite your organization, the Long Island Pine Barrens Commission, to join this roundtable.

The Brookhaven Executive Roundtable, or BER, formed in August 1997 to facilitate open, timely and substantive communication between the Department and our key stakeholders – local, county, state and federal governments; elected officials; environmental regulators; and, the Suffolk County Water Authority. While the managerial and environmental crises which prompted formation of the BER have passed, the need for ongoing communication has not. In fact, the BER's success in identifying and addressing member interests and concerns made obvious the need to continue the roundtable indefinitely. This success also convinced BER members to seek ... expanded, diversified membership so other key representative organizations could benefit from participation.

The BER members asked me to invite the Commission because of its responsibility for constituents, resources and activities which directly or indirectly involve Brookhaven National Laboratory. The Commission's participation in the BER's bi-monthly meetings would serve to inform – and perhaps educate – your organization's membership about the Department and the Laboratory. Your organizations's participation would also further inform and educate us about the perspectives and perceptions of our community.

Mr. R. Corwin

In the next week, John Carter, my Manager of Community and Government Relations, will contact you to discuss this invitation, the particulars of BER membership, and any questions you may have. Our next BER meeting is Wednesday, February 16, 10 a.m. to noon, and I would appreciate and enjoy your participation. If you would like to talk with me about this or any other topic related to the Department or the Laboratory, please do not hesitate to contact me at (631) 344-3424. Thank you for your time and consideration.

Sincerely,

Miorgo That

George J. Malosh Brookhaven Group Manager

cc: Brookhaven Executive Roundtable

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1/26/00 attachant #4 (2 payos)

Status of the South Fork Pine Barrens Planning Initiative

(Updated through 1/24/00)

Pursuant to New York Environmental Conservation Law Article 57 (which incorporates the 1993 Long Island Pine Barrens Protection Act), the East End Towns have the right to petition for membership in the Central Pine Barrens Commission. Specifically, <u>ECL Section 57-0125</u> contains this provision.

One of those eligible towns, East Hampton, petitioned the Commission for membership in May of 1999, and several developments have occurred since that time. This page will be periodically updated to reflect those milestones. See this link for a map showing the relationship of the Central Pine Barrens area and the other Suffolk County Towns, including those on the North and South Forks.

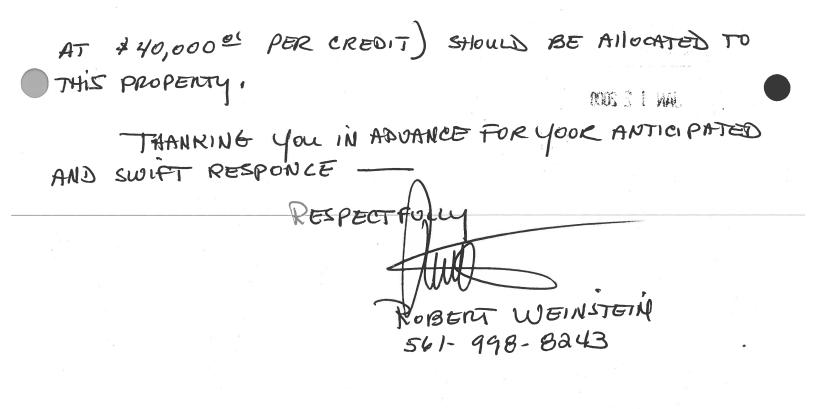
Currently, the following chronology has occurred:

- The Town of East Hampton passed East Hampton Town Board Resolution # 581 on May 21, 1999, requesting membership on the Commission and the establishment of a comprehensive planning effort for the South Fork Pine Barrens and the Montauk area pine barrens. The South Fork Pine Barrens straddles the East Hampton Southampton town line, and the Montauk pine barrens lies to the east of the South Fork zone, encompassing the Napeague and Mantic portions of the South Fork.
- The Town of Southampton (already a member of the Commission), passed <u>Southampton Town</u> <u>Board resolution #0896 on August 10, 1999</u>, requesting the establishment of a South Fork Pine Barrens planning initiative and delineation of a South Fork Pine Barrens area.
- The Town of Southampton requested formation of a South Fork Pine Barrens Advisory Committee through Southampton Town Board resolution #0985 on August 27, 1999.
- The Central Pine Barrens Commission responded to these two requests at its October 20, 1999 meeting. The Commission passed two resolutions:
  - <u>Resolution 1</u> of that day commences a South Fork Pine Barrens planning process, and requests the <u>Central Pine Barrens Advisory Committee</u> to convene and begin considering the South Fork proposals.
  - <u>Resolution 2</u> of that day establishes criteria, as required by ECL 57-0125, for the expansion of the Commission's jurisdiction, authority, and membership to include geographic areas east of the Shinnecock Canal.
- The Central Pine Barrens Advisory Committee worked on the South Fork initiative at several recent meetings in response to those Commission's resolutions: November 9, November 15, November 22, December 6, and December 13, 1999 at the Commission office.
- These Committee meetings have concentrated upon two distinct work products so far:
  - A South Fork Pine Barrens Plan Goal Statement and Suggested Objectives,
  - A set of draft area delineations for the South Fork Pine Barrens and various subordinate areas defined within the Goal and Objectives.
- In addition, the Committee has worked on mapping geographic areas that would likely be included in any new legislation or planning:
  - The Committee met on January 10, 2000 to start work on the Southampton portion of the maps, and
  - Again on **January 18, 2000** to discuss the East Hampton map and the overall strategy for producing legislation and a plan. At the 1/18/00 meeting, a letter was received from East Hampton Supervisor Schneiderman regarding the East Hampton portion of the pine barrens planning work, and was discussed as part of the Committee's decisions on how to proceed next.
- At the Committee meeting of January 24, 2000, specific changes that might be needed to portions of ECL

57 were discussed, along with the number and type of geographic definitions that could be made for the South Fork area. The Committee also voted to recommend to the Commission that an early economic consultation be obtained regarding the elements of a transfer of development rights program for this region.

- There are two upcoming meetings scheduled at this time:
  - Tuesday, February 1, 2000 at 1:00 pm at the Commission office to review proposed revisions to the existing Plan, geographic definitions, and other items, and
  - A tentative meeting date of Wednesday, February 9, 2000 at 12:00 noon at the Commission office. See the meeting schedule for directions to the office.

1/26/00 attachmit #5 (2 piges) LOI Appent ROBERT WEINSTEIN JANUARY 6, 2000 LILLIAN WEINSTEIN 5030 WINDSOR PARKE DR. EGEI W D BOCA RATON, FLORIDA 33496 JAN 1 2 2000 CENTRAL PINES BARRENS JONNT PLANNIN & POLICY COMMISSION P.O. BOX 587 3525 SUNRISE HIGHWAY JAPPIDOR GREAT RIVER, NEW YORK 11739 -0587 LETTER of CREDIT CLEARINGHOUSE SUFFOIK COONTY JAX MAP NUMBER RE! PINE BARRENS IN TERPRETATION 12/16, 1999 DATED 200 -562 - 3 - 1 To whom IT MAY CONCERN ; AS REGARDS YOUR LETTER OF INTERPRETATION DATED 12/16/1999 WherEIN YOU HAVE USED A GENERALIZED FORMULA TO DETERMINE THAT MY PROPERT OF 28.5 ACRES IS TO BE ALLOCATED 4.56 PINE BARRENS CREDITS (APPROXIMATEL) \$ 180,000 ° AT MAXIMUM VALUE) I FIND THIS VALUATION TO BE TOTALLY CONFLICATORY AND WITHOUT REASON. I WISH YOU TO RECONSIDER A SUBSTANTIALLY FREATER ALLOTMENT OF CREDITS FOR THIS PARTICULAR PROPERTY BASED ON ITS LOCATION AND IMPORTANCE AND ITS PAST APPRALAL VALUE. THIS PROPERTY HAS SUBSTANTIA FRONTAGE (APPROXIMATELS 1270') AND ACCESS ON AND TO PORT JEFFERSON - WESTHAMPTON ROAD - COONTY ROAD 111 AND IS THE LYNCH PIN FOR MUCH PROPERTY COMMON LOCKED BEHIND, MAR. THIS PROPERTY WAS PROFESSIONALLY APPRAISED BACK IN MARCH 1985 BY EVELYN V. DITTMEIER AND AT THAT TIME WAS VALUED AT \$427,500 - FOR THESE CONSIDERATIONS I BELIEVE A MINIMUM OF 16-18 CREDIT 1 will would tRANSLATE TO APPROXIMATELY \$600,000 = 0



1/26/00 attachment #6 (1 page)

JOSEPH FREDERICK GAZZA ATTORNEY AT LAW P.O. Box 969, 5 Ogden Lane Quogue, New York 11959 653-5766

January 17, 2000

Central Pine Barrens Joint Planning & Policy Commission P.O. Box 587 Great River, New York 11739-0587

Re: PBC allocation appeal

Dear Commission Members,

The undersigned, owner of the below listed parcels requests reconsideration of your retraction of credit allocation.

SCTM#	Retraction allocation	Requested allocation
900-239-2-6	0.1	1.0
900-239-2-7	0.66	1.0
900-241-1-32	0.18	1.0

My parcels are in compliance with 6.7.6.6 of your codes and qualify for the issuance of one credit per parcel.

I have relied on the "construction" of the specific language of your code. Your choice to <u>interpret</u> this Specific code language is misplaced. My parcels have frontage on an <u>existing improved road</u>. The fact that the road has limited access is not germain to this code section. Until the code is amended I should be allocated one PBC per parcel based on the code as it exists.

**Example** 

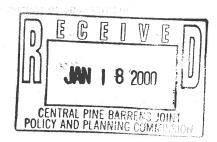
I am driving a pickup truck on Sunrise Highway at 55 mph and get pulled over by a State Trooper. The Trooper says "Pickups should not be traveling at 55 only cars should go that fast." The law provides "Speed limit 55" and does not discriminate between cars or trucks or limited access roads or County lanes...the speed limit is 55, until the law is changed.

In reliance on your prior allocation letter of interpretation I did not sell my land to Suffolk County. Now, months have elapsed, I have been damaged due to lost interest on the County's offer and realty taxes I have paid.

Please reconsider,

JOSEPH FRED GAZZA

Cc: file



(

Core Preservation Area Parcel Status by Ownership and Land Use as of January 20, 2000 (Listings are in Acres)

Ownership/Land Use	Brookhaven	Riverhead	Southampton	Total
Protected Lands				
Suffolk County	6,124.67	1,869.59	11,358.28	HC.700'AL
New York State	8,615.13	1074.41	3,466.04	13,155.58
	2.528.15	0.00	182.2	2,710.35
	844.57	59.8	730	1634.37
The Neture Conservancy		58.1	175.36	233.46
TOTALS	18,112.52	3,061.90	15,911.88	37,086.30
Developed Lands by Land Use Code			2     	
Residential (200)	793.39	175.5	390.28	1359.17
	192.65	23.5	122.89	339.04
	172.31	522.19	283.8	978.3
	5.210.55	0	415.83	5,626.38
	0	20.58	100	120.58
	76.58	69	0	145.58
	6445.48	810.77	1312.8	8569.05
Transnortation/I Hilitiae (800)				
	47.58	0	48.71	96.29
	7 45	17.05	9.4	33.9
Long Island Kaliroau	24	C	25.04	102.04
Suffolk County Water Authority	2 15		0	3.15
Drainage	0.0		4.2	6.5
		0	42.82	52.82
Radio/IV		009	175.00	775
Airport	147.48	617.05	305.17	1069.7
IUIALS	336.37	56.81	321.89	715.07
Agriculture (100)	1_606.54	251.33	2,267.37	4,125.24
Private Vacarri, Uriprotected (200)	99.26	0	112.51	211.77
Grandrathered Farcels	133.68	0.68	97.45	231.81
	28-91	77.05	40.05	146.01
	26910.24	4875.59	20369.12	52,154.95
GRAND IVIALS				

1/26/00 Attachment #8 (2 pages)

	Vacant Core Area Lands (300) by Parcel Size		
<b>Parcel Size</b>	Number of Parcels	Acres	
099	1,560	443.34	
1-4.99	390	695.05	
5-19.99	65	695.93	
20-49.99	28	858.49	
50-99.99	10	614.45	
100 >	5	817.98	
TOTAL	2,058	4,125.24	

#### **NOTES:**

1. Core area parcel list and associate data received from the Tax Assessors from the three towns. Parcels with known acreage errors based on subsequent analysis have been corrected. Additionally, some parcels were originally coded as Core but were subsequently determined to be in the Compatible Growth Area.

2. Listings for County of Suffolk and New York State are as per data received from these respective agencies as per the date of this summary. These listings do not include any parcels that may be in contract for purchase.

Protected lands are defined as all lands held for conservation purposes. In Suffolk County this includes nature preserve, parkland and other categories defined by the County. Lands donated to the County are also listed as "protected" and are as per data received from the Division of Real Estate.
 Since the passing of the Pine Barrens Protection Act of 1993 a total of 66.77 acres of core lands were deemed to be in the Compatible Growth Area as per the Commission's interpretation of the boundary description.

5. In 1999, the Otis Pike Preserve was transferred from the United States Navy to New York State. Some of these lands are in the Compatible Growth Area. This record only reflects those in the Core Preservation Area.

6. As of 4/1/99 parcels that were split by the Compatible Growth Area boundary, were calculated so that only the Core area portion is now reflected.

7. Agricultural lands include active and fallow farmland as well as preserved farms pursuant to the purchase of development rights under other Town and County preservation programs.

8. Parcels and acres with PBC easements are not listed here.

9. Grandfathered parcels are those that have been determined to be exempt from the statue by virtue of previous approvals or other provisions in ECL 57.

10. Improved and unimproved (paper streets) roads in the core area have not been counted.

11. Parcels that have received core hardship exemptions have not all been subsequently built upon.

12. Roadfront exemptions are as per the Plan, Volume I, Section 9.1.1 and 1996 amendment to ECL 57. Only some of these parcels have actually been built upon.

13. The Nature Conservancy listing reflect recent conveyances to the County of Suffolk as per data received from the Division of Real Estate.

14. A portion of the Grumman, Calverton site inside the fence and a portion of the Gabreski Airport, Westhampton are in the core area and are listed in their respective towns under "airport."

15. Land use codes are from the <u>Property Type Classification and Ownership Codes</u> produced by the State Board of Equalization and Assessment (Albany, NY, 1990) and show current uses.

1/20/00 attachment#9 (1 page)

# LIPA Transmission Line in the Core Preservation Area DRAFT Conditions

1. All requirements and any approvals from the Public Service Commission application and any other agency be received and forwarded to the Commission in their final form.

2. Any unforseen disturbance to the wetland area in the LIPA right of way where directional drilling withoccur be restored to the satisfaction of all agencies having jurisdiction.

2. 3. Vegetation proposed for removal shall be either transplanted or subject areas shall be planted with native vegetation as per the agencies having jurisdiction.

3 4. Notification of construction and schedule of work shall be forwarded to the Commission.

4. SEGRA will be done by PSC.



CENTRAL PINE BARRENS JOINT PLANNING POLICY COMMISSION

Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz Member Commission Agenda (DRAFT) for Wednesday, February 16, 2000 Brookhaven Town Hall Building 4, 3233 Route 112, Medford, NY 2:00 pm

1. Public Comment (please sign Speaker Sheet)

### 2. Administrative

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

### 3. Pine Barrens Credit Program

Brookhaven Credit purchase initiative: results

- The following items are scheduled for 3:00 pm:
- Andersen / Manorville (Brookhaven) / appeal: hearing (appeal letter distributed 1/5/00; postponed from 1/5/00 due to illness)
- Weinstein / Manorville (Brookhaven) / appeal: hearing (appeal letter distributed 1/26/00)
- Gazza / Westhampton (Southampton) / appeal: hearing (appeal letter distributed 1/26/00)

### 4. Plan Implementation

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

# 5. Core Preservation Area

• Hidden Pond Stables / Manorville / indoor riding arena: new hardship (materials to be distributed)

### 6. Compatible Growth Area

• Sachem Central School District: correspondence (materials to be distributed)

# 7. Executive or Advisory Session (if necessary)

# Next Commission meeting:

3/8/00 at Brookhaven Town Hall, Building 4, 3233 Route 112, Medford at 2:00 pm

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

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



Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

Ray E. Cowen Member

Robert F. Kozakiewicz *Member* 

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

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

# Commission Agenda (FINAL) for Wednesday, February 16, 2000 Brookhaven Town Hall Building 4, 3233 Route 112, Medford, NY 2:00 pm

1. Public Comment (please sign Speaker Sheet)

# 2. Administrative

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

# 3. Pine Barrens Credit Program

- Brookhaven Credit purchase initiative: results
- The following items are scheduled for 3:00 pm:
- Andersen / Manorville (Brookhaven) / appeal: hearing (appeal letter distributed 1/5/00; postponed from 1/5/00 due to illness)
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# 4. Plan Implementation

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

# 5. Core Preservation Area

• Long Island Power Authority / Southampton Town / Transmission line corridor: written decision (faxed)

# 6. Compatible Growth Area

• Sachem Central School District: correspondence (materials to be distributed)

# 7. Executive or Advisory Session (if necessary)

# Next Commission meeting:

3/8/00 at Brookhaven Town Hall, Building 4, 3233 Route 112, Medford at 2:00 pm



Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz *Member* 

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

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

### Commission Meeting Summary (DRAFT) for Wednesday, February 16, 2000 (To be approved) Brookhaven Town Hall Building 4, 3233 Route 112, Medford, NY 2:00 pm

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

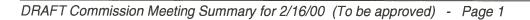
<u>Others present:</u> General counsel was Ms. Roth. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Ms. Jakobsen, Ms. Carter and Mr. Rizzo (from the Commission), and Mr. Spitz (from the NYS Department of Environmental Conservation). Additional attendees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

The meeting was called to order at approximately 2:07 pm by Mr. Proios, with a four member quorum consisting of Mr. Proios, Mr. Cowen, Mr. MacLellan, and Mr. Shea. Mr. MacLellan was introduced by Mr. Proios as a newly appointed representative of Riverhead Supervisor Kozakiewicz (see attached appointment letter). He also noted that Ms. Eaderesto, Brookhaven Town Attorney, was present today as a representative for today only of Brookhaven Supervisor Grucci (see attached appointment letter). The quorum changed to five members when Ms. Eaderesto's letter arrived shortly after the start of the meeting.

#### **Public Comment**

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

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



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

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

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

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

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

#### **Administrative**

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

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

#### **Pine Barrens Credit Program**

- Andersen / Manorville (Brookhaven) / appeal: hearing (appeal letter distributed 1/5/00; postponed from 1/5/00 due to illness)
- Weinstein / Manorville (Brookhaven) / appeal: hearing (appeal letter distributed 1/26/00)
- Gazza / Westhampton (Southampton) / appeal: hearing (appeal letter distributed 1/26/00)

<u>Summary:</u> A separate stenographic transcript exists for these hearings. The Andersen hearing record was left open until 3/29/00, and the remaining two hearing records were left open until 3/8/00.

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

#### **Compatible Growth Area**

• Sachem Central School District: correspondence

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

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

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

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

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

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

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

### **Administrative**

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

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

### **Pine Barrens Credit Program**

• Brookhaven Credit purchase initiative: results

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

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

### **Plan Implementation**

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

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

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

# **Core Preservation Area**

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

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

# **Public Comment**

• Sachem Central School District: public comment

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

#### **Closed Advisory Session**

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

#### Administrative

• General Counsel rate increase

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

#### Adjournment

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

#### Attachments (in order of discussion):

- 1. Attendance list (1 page)
- 2. Speaker list (1 page)
- 3. Letter from Mr. Kozakiewicz appointing Mr. MacLellan (2/16/00; 1 page)
- 4. Letter from Mr. Grucci appointing Ms. Eaderesto for today only (2/16/00; 1 page)
- 5. Letter from Mr. LoGrande re economic analysis (2/16/00; 2 pages)
- 6. Letter from Ms. Elkowitz re Sachem School District project (2/9/00; 4 pages)
- 7. Consistency analysis for Sachem School District project (undated; 10 pages)
- 8. Aerial photograph with project design for Sachem project (undated; 1 page)
- 9. Draft Memorandum of Agreement with MSRM Park, Tuscany (undated; 4 pages)
- 10. Written LI Power Authority nonjurisdiction determination (2/16/00; 4 pages)
- 11. Letter amending 3/4/94 retention letter for general counsel (2/16/00; 1 page)



BARRENS JOINT PLANNING POLICY COMMISSION

Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz *Member* 

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

Phone (631) 224-2604 Fax (631) 224-7653 Internet: Commission Meeting Summary (FINAL) for Wednesday, February 16, 2000 (Approved 3/29/00) Brookhaven Town Hall Building 4, 3233 Route 112, Medford, NY 2:00 pm

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

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

The meeting was called to order at approximately 2:07 pm by Mr. Proios, with a four member quorum consisting of Mr. Proios, Mr. Cowen, Mr. MacLellan, and Mr. Shea. Mr. MacLellan was introduced by Mr. Proios as a newly appointed representative of Riverhead Supervisor Kozakiewicz (see attached appointment letter). He also noted that Ms. Eaderesto, Brookhaven Town Attorney, was present today as a representative for today only of Brookhaven Supervisor Grucci (see attached appointment letter). The quorum changed to five members when Ms. Eaderesto's letter arrived shortly after the start of the meeting.

### **Public Comment**

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

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

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

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

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

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

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

#### Administrative

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

FINAL Commission Meeting Summary for 2/16/00 (Approved 3/29/00) - Page 2

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

#### **Pine Barrens Credit Program**

- Andersen / Manorville (Brookhaven) / appeal: hearing (appeal letter distributed 1/5/00; postponed from 1/5/00 due to illness)
- Weinstein / Manorville (Brookhaven) / appeal: hearing (appeal letter distributed 1/26/00)
- Gazza / Westhampton (Southampton) / appeal: hearing (appeal letter distributed 1/26/00)

<u>Summary:</u> A separate stenographic transcript exists for these hearings. The Andersen hearing record was left open until 3/29/00, and the remaining two hearing records were left open until 3/8/00.

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

#### **Compatible Growth Area**

• Sachem Central School District: correspondence

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

FINAL Commission Meeting Summary for 2/16/00 (Approved 3/29/00) - Page 5

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11. Letter amending 3/4/94 retention letter for general counsel (2/16/00; 1 page)

2/16/00 attachout#1 (Ipage)



# **CENTRAL PINE BARRENS** JOINT PLANNING AND POLICY COMMISSION

Meeting For: <u>Me Barrens</u> Commission

Location:

sothaver lown ( Fficer

PLANNING POLICY COMMISSION

Date /Time:

00 00

# **Sign In Sheet**

NAME	REPRESENTING	ADDRESS	TELEPHONE/FAX
Allestore	CPBC SEZAR	Sunrice Hay Great River : AA	000 0206
Bush Schwenk	Hampton Viston	38 fittle Plans P, 868	283-0515
Aludusin	HUSCHF	23 ANDERSENCE	401-196-5883
Dand Sammel	SAWEN SUPPORTS	365 MAID ST APMADIL NY	10604 914 273 -0070
Mark kjano	CPBC Staff	Sanrise Hoy Great River	
An Cartes	CPBC Staff	Sunse Huy, Ge. River	563-0372,
111 HOGLAND	37 DIETZ AVE		588/8459/FAX
Jese Lewis	POBOX H29 Menorale M	PLIPS	369-3300 3389
Richard Amper	1.0	7 (	11 11
Walter Sheron Olsen	Civil Property Rights Associates Inc.	POB ZOZ Brightwaters Ny 11718	7275696
Rulph Schrang	SFGTF	BOX2360 Say Harbor NY 11963	725-6200
Elleen Governale	Self	223 North St, Manorou	le 344-4157 days
Reary Corewin	CPB Connect.		
Kan Cowen	Gov. Pataki	SUNY Stony Brook	444-0345
A ISIN SPITZ	MSDEC		4440419
July Jakobsen			563-0306
Down Plimkett	Stiff.		
	TO WM H BLOOKHOVA	3233 Rte 112 MEDFORD, N.Y.	451-6501

2/16/00 Attachment #2 (1page)

# **Central Pine Barrens** Joint Planning and Policy Commission

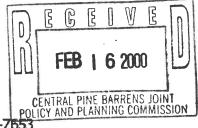
# Speaker Sign In Sheet

Meeting Date 2/16/00 Meeting Place Brookhaver

	REPRESENTING	TOPIC
Buzz Schwenk		n South amplon 1
	Marton Council	advisory Committee
aleen governale	pelt	general
Dick Amper	V	· .
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# Town of Riverhead Office of the Supervisor



2/16/00 attachment #3

(Ipage)

Memo

Re:

To: Central Suffolk Pine Barrens – Via Facsimile 224-7653 From: Robert Kozakiewicz, Supervisor AKA Date: 02/16/00

Please be advised that in my capacity of Supervisor of the Town of Riverhead, I have designated Joey MacLellan as an additional Alternate Commissioner.

If you have any questions, please contact me.

Thank you.

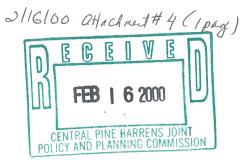
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Felix J. Grucci, Jr., Supervisor

February 16, 2000

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

To Whom It May Concern:

I hereby designate Annette Eaderesto, Town Attorney, to serve as my representative at the Central Pine Barrens Commission Meeting on this date for voting purposes.

YA. uci

Felix J. Grucci, Jr. Supervisor

FJG:cs

Office of the Supervisor 3233 Route 112 • Medford • NY 11763 • Phone (631) 451-6955 • Fax (631) 451-6677 www.brookhaven.org Printed on roryeled paper 10 5000 IO.ml

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2/16/00 attachment#5 (2 pages)

# CENTRAL PINE BARRENS ADVISORY COMMITTEE

February 16, 2000

Honorable Robert J. Gaffney, Chairman Central Pine Barrens Joint Planning & Policy Commission P.O. Box 587 3525 Sunrise Highway Great River, New York 11739-0587

Dear County Executive Gaffney,

At the request of the Commission, the Advisory Committee has been reviewing the proposal to extend that part of ECL 57 applicable to the Central Pine Barrens to the area of Southampton Town, east of the Shinnecock Canal and the Town of East Hampton.

Questions regarding land values, values of development rights, alternate values based on unique zoning considerations and other land economic concerns have all pointed to the need for a competent land economics consultant who can answer as many of the questions as possible. Having this expert input, we will be able to conclude our review and forward to you a more comprehensive recommendation that recognizes the unique and valuable territory covered by the proposal.

Initially, it was suggested that the fee be limited to \$4,000, in addition to travel and lodging expenses. I personally believe that a total fee of \$6,000 (all inclusive) should be allocated to this effort. Local professionals including those on the Advisory Board are willing to assist in this effort.

I respectfully ask the Commission to approve this request as soon as possible. Also, it was suggested (with some dissension) that James Nicholas of Florida who provided the expert input in the earlier Central Pine Barrens study, be used for this part as well. Regardless of the selection, the expert economist should be familiar with TDR programs.

Attached you will find the summary of the questions encountered in our deliberations. Thank you for your attention.

Sincerely,

Muchael A. Lo Gende

Michael A. LoGrande Chairman

#### MAL:dmm

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cc: Commission Members Honorable Vincent Cannuscio, Supervisor Honorable Jay Schneiderman, Supervisor Ray Corwin, Executive Director Kevin McDonald, Group for the South Fork FED-10-2000 10-48

4.03

# Attachment - Questions Received During Deliberations on the Pine Barrens Extension Proposal

- 1) How would a broadcast type as of right TDR program work on the South Fork? Are some sub-areas more suited than others? What might the values be in the marketplace? What special provisions if any are needed for disparity in values? What conditions if any, should be further analyzed?
- 2) What markets exist for the so called Carriage House/Cottage rights proposal? What value do these rights have? What limits or conditions might need to be placed on these for acceptance i.e., numerical limits, size limits?
- 3) What market exists for redemption of credits for non-construction benefits including property tax credits on developed properties in designated areas?
- 4) Are there sites that lend themselves to adaptive reuse or concentrated mixed use/traditional neighborhood development style developments? If yes, what value would these rights command in the marketplace.
- 5) What other parameters are necessary to be planned for or identified in order to assess the viability of any TDR program on the South Fork?

An analysis of this kind is essential in order to move forward and further narrow the uncertainty around the TDR component of any Pine Barrens extension.

TOTAL P.03

PHONE NO. : 6314995928

Feb. 09 2000 02:10FM P1 2116/00 altachaet #6 (Approp) 200-604-3 11,1 103.3

368 Veterans Memorial Highway

Commack, New York 11725 Tel: (631) 499-2222

Fax: (631) 499-5928

# FREUDENTHAL & ELKOWITZ CONSULTING GROUP, INC.

Theresa Elkowitz, President Hugo D. Freudenthal (Retired-1994)

February 9, 2000

VIA FACSIMILE AND U.S. MAIL

The Honorable Robert Gaffney, Chairman Central Pine Barrens Joint Planning and Policy Commission P.O. Box 587 Great River, New York 11739-0587

- **FEB 9 2000** CENTRAL PINE BARRENS JOINT POLICY AND PLANNING COMMISSION
- Re: Jurisdictional Inquiry Proposed Sachem East High School Granny Road Farmingville, New York

#### Dear Chairman Gaffney:

This firm is in the process of preparing a Draft Environmental Impact Statement (DEIS) for the Sachem School District which is proposing the construction of a new high school within the Central Pine Barrens Compatible Growth Area (CGA). I am writing to you to request the Central Pine Barrens Planning and Policy Commission's (hereinafter "Commission") written opinion as to whether the above-referenced project would constitute "development" as same is defined in the Long Island Pine Barrens Protection Act.

As indicated on the enclosed site location map, the subject property is situated on the north side of Granny Road between North Ocean Avenue and New York State Route 112. The subject site is already partially developed with the Tecumseh School. As the facility is currently in the preliminary planning stage, no definitive information is available relative to the size of the building.

Review of the Commission's determination regarding the proposed construction of the Eastport-South Manor Central High School (September 22, 1999 - copy enclosed) indicates that the Commission deemed that the:

... Eastport-South Manor Central High School project on 76.1 acres does not constitute development pursuant to ECL 57-0107-13(i) in that it is a public improvement consistent with Article 57 goals; and ... that no further review of this project is required by the Commission.

PHONE NO. : 6314995928

The Honorable Robert Gaffney, Chairman Central Pine Barrens Joint Planning and Policy Commission

February 9, 2000 Page 2

The Long Island Pine Barrens Protection act clearly states that "public improvements undertaken for the health, safety or welfare of the public" are deemed to be non-development. As previously discussed with and by the Commission, school districts are taxing entities with an obligation to provide education to students residing within their jurisdiction. The proposed public school would serve various communities including, but not limited to: Ronkonkoma, Lake Ronkonkoma, Lake Grove, Holbrook, Holtsville, and Farmingville. Thus, it is without question that the proposed construction of the Sachem East High School is a public improvement undertaken for the welfare of the public.

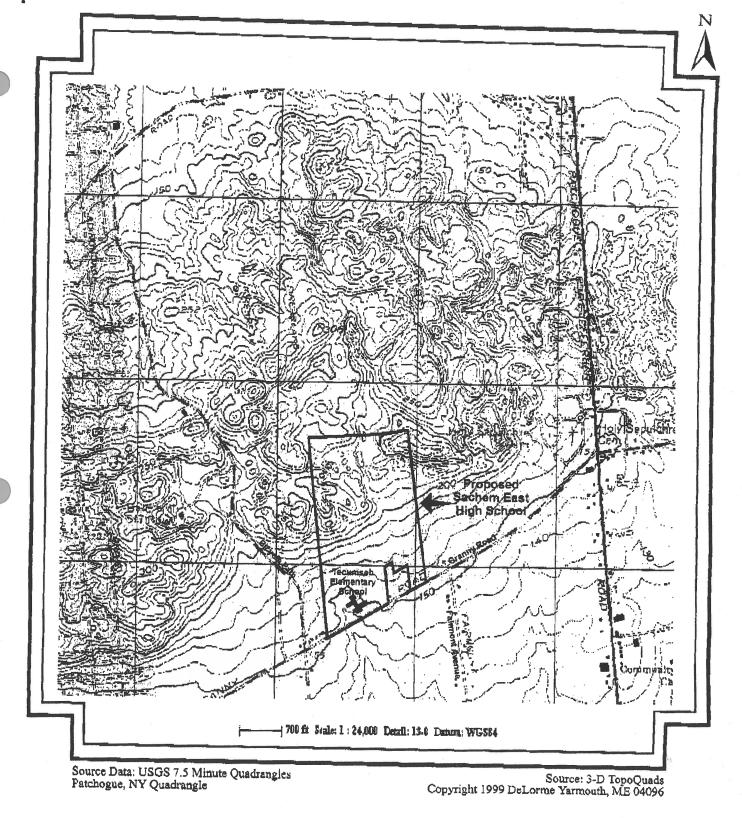
Based upon our review and similar to the Eastport-South Manor Central High School matter, the proposed project should also qualify as a public improvement that is consistent with the goals and objectives of the Long Island Pine Barrens Protection Act.

We respectfully request that the Commission review this matter and provide a determination regarding its jurisdiction relative thereto. Should additional information be required, please do not hesitate to contact me. Thank you.

Sincerely,

FREUDENTHAL & ELKOWH CONSULTING GROUP, INC Theresa Elkowitz Principal

TE/th enc. cc: James Rigano, Esq., w/enc.



FREUDENTHAL & ELKOWITZ CONSULTING GROUP, INC.

Figure

PHONE NO. : 6314995928



CENTRAL PINE BARRENS COMMISSION

Robert J. Gaffney

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

Ray E. Cowen Member

Vincent G. Villella Member

### Commission Meeting of September 22, 1999 Brookhaven Town Hall Present: Mr. Cowen (for New York State), Mr. Proios (for Suffolk County), Ms. Wiplush (for Brookhaven), Mr. Cannuscio (Town of Southampton)

### **Resolution on the Eastport - South Manor Central High School Project** East of Dayton Avenue and South of Country Club Drive, Manorville Town of Brookhaven Tax Map#s: 200-589-4-1; 200-676-1-7.4, 7.5, 7.7, 7.8

Whereas, by correspondence dated September 9, 1999, Ms. Elkowitz of Freudenthal and Elkowitz, submitted on behalf of the Eastport-South Manor School District, a jurisdictional inquiry to the Commission in connection with the proposed construction of a new junior /senior high school complex on 76.1 acres that is located within the Central Pine Barrens Compatible Growth Area in the Town of Brookhaven; and

Whereas, this matter was discussed at the Commission meeting this day, and

Whereas, the Commission finds the proposed project site is located within the Compatible Growth Area where Article 57 calls for development to be redirected.

Now, therefore, be it

Resolved, that the Eastport - South Manor Central High School project on 76.1 acres does not constitute development pursuant to ECL 57-0107-13(i) in that it is a public improvement consistent with Article 57 goals; and be it further

Resolved, that no further review of this project is required by the Commission.

P.O. Box 587 2nd Floor Great River; NY 11739-0587

Motion by: Mr. Cowen 3525 Sunrise Highway Seconded by: Mr. Canuscio Yea Votes: Unanimous

Phone (516)224-2604 Fax (516)224-7653

2/16/00 Attachment # 7 (10 pages)

### CONSISTENCY ANALYSIS WITH CENTRAL PINE BARRENS STANDARDS FOR LAND USE COMPATIBLE GROWTH AREA

**Proposed Sachem East High School Granny Road** Farmingville, New York

#### 5.3.3.1: NITRATE-NITROGEN

#### 5.3.3.1.1 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 Services' Board of Review in order to be deemed to have met the requirements of this standard.

The Sachem East High School will be constructed on a 103.3 acre site within Hydrogeologic Zone III. Pursuant to Article 6 of the Suffolk County Sanitary Code, sewage discharge from on-site sanitary systems in Hydrogeologic Zone III is limited to 300 gallons per day per 40,000 square feet. Thus, the maximum potential discharge to on-site sanitary systems for this property is approximately 33,748 gallons per day.

A portion of the site is currently developed with the Tecumseh Elementary School. The peak enrollment for the elementary school has been projected by Sachem Central School District to be 712 students (in the year 2000). The enrollment for the year in which construction of the proposed high school is to be completed (2003-2004) is projected to be 674 students.

Post-construction enrollment at the proposed high school will be approximately 2,600 students. Taking into account the enrollment of the existing elementary school, the total sanitary discharge (five gallons/per student/per day) for the site (both schools) will be 16,560 gallons per day (assuming peak enrollment for Tecumseh Elementary) or 16,360 gallons per day for both schools (assuming enrollment of Tecumseh Elementary in the year of projected completion of the high school). Accordingly, the sanitary discharge will be well within the limits imposed by Article 6 of the Suffolk County Sanitary Code.

In as much as the proposed action will comply with Article 6 of the Suffolk County Sanitary Code, consistency with this standard is assured.

### 5.3.3.1.2 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.

The proposed action does not involve the construction of a new sewage treatment plant and, as such, this standard is not technically applicable.

### 5.3.3.2: OTHER CHEMICAL CONTAMINANTS OF CONCERN

### 5.3.3.2.1 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.

According to Suffolk County Sanitary Code Article 7, it is unlawful for any person to discharge sewage, industrial wastes, offensive materials, toxic or hazardous materials or other wastes to any surface waters or groundwaters, to the surface of the ground, or to a disposal system unless such discharge is specifically in accordance with a State Pollution Discharge Elimination System (SPDES) Permit or other permit issued for that purpose.

The sanitary system for the Sachem East High School will be designed and constructed in accordance with Article 6 of the Suffolk County Sanitary Code. Since the project will meet Article 6 requirements, a permit will be requested from the Suffolk County Department of Health Services.

Suffolk County Sanitary Code Article 12 addresses toxic and hazardous materials storage and handling controls. It requires storage tanks or facilities of 1,100 gallon capacity or greater to be registered with the Suffolk County Department of Health Services. It is anticipated that the site will be served by natural gas. If any tanks are ultimately installed, they will comply with Article 12 of the Suffolk County Sanitary Code.

As the project will comply with applicable sections of the Suffolk County Sanitary Code, the project complies with this standard.

### 5.3.3.3: WELLHEAD PROTECTION

### 5.3.3.3.1 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.

According to the Suffolk County Water Authority Distribution Maps (9-H), the SCWA operates several well fields and pump stations within a one-half mile radius of the subject site.

The applicant has been in contact with Mr. Frank Pipino of the Suffolk County Water Authority with regard to the proposed project. Mr. Pipino has advised that the proposed action will not impact the surrounding well fields and/or pump stations, and that water service will be provided by the Suffolk County Water Authority via a twelve inch water main to the south of the subject property along Granny Road. This information is in the process of being confirmed, in writing, by the Water Authority.

### 5.3.3.4: WETLANDS AND SURFACE WATERS

### 5.3.3.4.1 Nondisturbance Buffers

Development proposals for sites containing or abutting freshwater or tidal wetlands or surface waters must be separated by a nondisturbance buffer area which shall be no less than that required by the New York State Tidal Wetland, Freshwater Wetland, or Wild, Scenic and Recreational Rivers Act or local ordinance. Distances shall be measured horizontally from the wetland edge as mapped by the New York State Department of Environmental Conservation, field delineation or local ordinance. Projects which require variances or exceptions from these state laws, local ordinances and associated regulations, shall meet all requirements imposed in a permit by the New York State Department of Environmental Conservation or a municipality in order to be deemed to have met the requirements of this standard.

According to Map 27 (Patchogue) of 39 of the New York State Department of Environmental Conservation (NYSDEC) Freshwater Wetlands Maps of Suffolk County, there are no designated wetlands on or abutting the subject site. In addition, no tidal wetlands or surface waters are situated on or adjacent to the property. Thus, this standard is not applicable to the proposed action.

### 5.3.3.4.2 Buffer Delineations, Covenants and Conservation Easements

Buffer areas shall be delineated on the site plan, and covenants and/or conservation easements, pursuant to the New York State Environmental Conservation Law and local ordinances, shall be imposed to protect these areas as deemed necessary.

As there are no designated wetlands or surface waters on or abutting the subject site, this standard does not apply.

### 5.3.3.4.3 Wild, Scenic and Recreational Rivers Act Compliance

Development shall conform to the provisions of the New York State Wild, Scenic and Recreational Rivers Act, where applicable. Projects which require variances or exceptions under the New York State Wild, Scenic and Recreational Rivers Act shall meet all requirements imposed by the New York State Department of Environmental Conservation in order to be deemed to have met the requirements of this standard. The subject property is not situated within a Wild, Scenic or Recreational Rivers corridor as designated by the NYSDEC. Accordingly, this standard is not applicable.

### 5.3.3.5: STORMWATER RUNOFF

### 5.3.3.5.1 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.

The architect has advised that stormwater runoff originating from the proposed high school complex will be collected and recharged on site via drywells and leaching pools. Therefore, compliance with this standard is assured.

### 5.3.3.6: NATIVE VEGETATION AND PLANT HABITAT STANDARDS

### 5.3.3.6.1 Native Vegetation Clearance Limits

The clearing of native vegetation shall be strictly limited. Development shall not exceed the clearance standards in Figure 5-1 (Chapter 5, Final Central Pine Barrens Plan). These percentages shall be taken over the total site including, but not 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.

Although the building design is not yet finalized, the Sachem School District understands the significance of this issue and will strive to comply with this clearance standard.

### 5.3.3.6.2 <u>Clearing Calculations</u>

Applications for subdivisions shall contain calculations for clearing, and these limits shall become part of the filed map.

As this is not a subdivision application, this standard is not applicable.

### 5.3.3.6.3 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.

While clearing will be necessary in connection with the construction of the high school, the project architect and the Sachem Central School District will maintain a large unbroken block of vegetation in the northern and eastern segments of the property. As such, the District will comply with this standard.

### 5.3.3.6.4 <u>Nonnative Vegetation Limit</u>

Development projects shall place no more than fifteen percent (15%) of the entire site in nonnative vegetation.

Although the landscaping plan is not yet finalized, the project architect has indicated that the use of nonnative vegetation for the new high school will be kept to a minimum.

### 5.3.3.6.5 Native Plantings

Development designs shall consider the native planting suggestions contained in Figure 5-2 (of the Final Central Pine Barrens Plan).

The Sachem Central School District and the project architect have indicated that every effort will be made to revegetate with native species. Thus, the proposed action complies with this standard.

### 5.3.3.7: SPECIES AND COMMUNITIES OF SPECIAL CONCERN

### 5.3.3.7.1 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.

An ecological investigation is in the process of being undertaken by Orland J. Blanchard, Ph.D. (resume attached). No rare, threatened, endangered or special concern species have been identified. Additionally, the New York Natural Heritage Program was contacted regarding the possible occurrence of rare or state-listed animals and plants, significant natural communities or other significant habitats on site. A response is pending. However, if such species are identified, the site will be designed to minimize adverse impacts thereto.

### 5.3.3.9: COORDINATED DESIGN FOR OPEN SPACE MANAGEMENT

### 5.3.3.9.1 <u>Receiving Entity for Open Space Dedications</u>

Applications must specify the entity to which dedicated open space will be transferred.

The proposed action does not include the dedication of open space; therefore, this standard is not applicable to the proposed Sachem East High School project.

### 5.3.3.12: COMMERCIAL AND INDUSTRIAL DEVELOPMENT STANDARD

### 5.3.3.12.1 Commercial and Industrial Compliance with Suffolk County Sanitary Code

All commercial and industrial development applications shall comply with the provisions of the Suffolk County Sanitary Code as applied by the Suffolk County Department of Health Services, and all other applicable federal, state or local laws. Projects which require variances from the provisions of the Suffolk County Sanitary Code shall meet all requirements of the Department of Health Service's Board of Review in order to be deemed to have met the requirements of this standard.

As this application does not include development for commercial or industrial purposes, this standard is not applicable.

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### Orland J. Blanchard, Jr., Ph.D. Freudenthal & Elkowitz Consulting Group, Inc.

368 Veterans Memorial Highway • Commack, New York 11725 Telephone: (631) 499-2222 • Facsimile: (631) 499-5928

### PRESENT POSITION:

Dr. Blanchard is a Senior Environmental Scientist with Freudenthal & Elkowitz Consulting Group, Inc. who specializes in ecology and is a Professor of Biology at Long Island University, C.W. Post Campus.

### PROFESSIONAL EXPERIENCE:

Dr. Blanchard is a broadly trained and respected field biologist with an extensive knowledge of the biota of the Northeast and with a range of expertise in wetlands evaluation, botanical and invertebrate inventory and the study of rare and endangered plants and animals.

Prior to establishing himself on Long Island in 1980, Dr. Blanchard lived and studied in Massachusetts, upstate New York and Indiana. Teaching and field research have taken him throughout the United States and to the West Indies, Mexico, Central America, and East Africa.

Dr. Blanchard has been active as a consultant and contractee since 1984, working directly or indirectly for such clients as the City of New York, the State Department of Transportation, the State Department of Environmental Conservation, the New York Natural Heritage Program and The Nature Conservancy. This work has included freshwater wetlands flagging and classification, botanical inventories, insect inventories, rare insect surveys, tiger salamander searches, and studies of the ecology of the federally endangered sandplain gerardia.

Dr. Blanchard has been associated with Freudenthal & Elkowitz Consulting Group, Inc. since 1989, and representative projects for which Dr. Blanchard has performed ecological investigations include:

- NYSDEC Wetland delineation and ecological assessment for 20+ acre proposed residential subdivision in Brookhaven;
- Ecological impact assessments as part of environmental impact statements prepared by Freudenthal & Elkowitz Consulting Group, Inc. throughout Long Island;
- NYSDEC and USACOE wetland delineation and ecological assessment for 23+ acre proposed residential development in Kings Point; and

### Orland J. Blanchard, Jr., Ph.D. Freudenthal & Elkowitz Consulting Group, Inc.

Page 2

### PROFESSIONAL EXPERIENCE: (Cont'd.)

Ecological investigation for proposed 22+ acre commercial center in Stony Brook.

Dr. Blanchard is a recognized field biologist on Long Island. Dr. Blanchard is a past President (1988-89) of the Long Island Botanical Society; and Chairman of a committee that is preparing an atlas of the plants of Long Island; a past member of the Board of Trustees of The Nature Conservancy and past Chairman of the Board's Stewardship Committee; and member of the Natural History Advisory Board of the Friends of Long Island Heritage. He has recently been named to the Advisory Committee of the New York Flora Association. At the present time he is collaborating with a fellow botanist on a comparative study of the grasslands of Long Island.

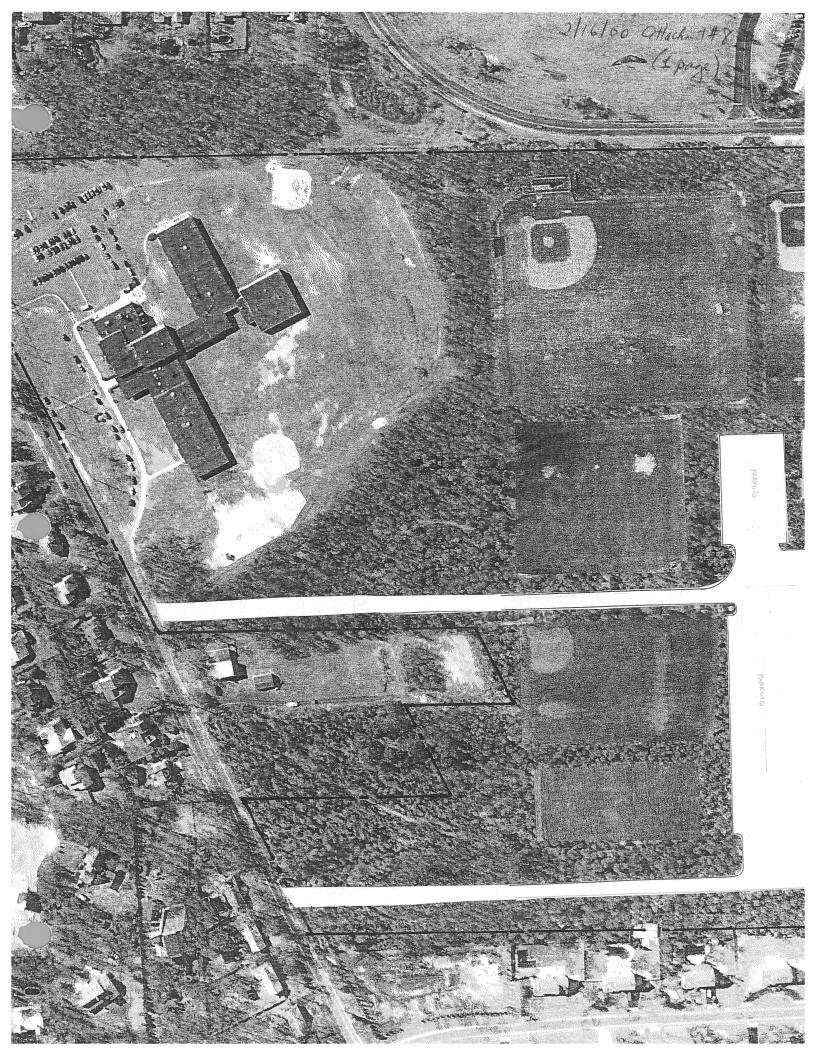
In his academic capacities, Dr. Blanchard has taught graduate courses in Ecology, Entomology and Vascular Plants of Long Island, and as Director of the Graduate Environmental Studies Program at C.W. Post he has established numerous contacts in the environmental community on the Island.

### **EDUCATION**:

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Ph.D., Botany, Cornell University, 1976 (major: Plant Taxonomy; minors: Plant Ecology and Entomology)

A.B., Biology, Clark University, 1966



Federico Niccolini

Consulenti Aree Protette Membri IUCN

Andrea Simoncini

2/16/00 attachment#9 (4pages)

DRAFT

## **MEMORANDUM OF AGREEMENT**

hetween

## MIGLIARINO - S. ROSSORE - MASSACIUCCOLI **REGIONAL PARK** (TUSCANY, ITALY)

and

## **CENTRAL PINE BARRENS JOINT PLANNING & POLICY COMMISSION** (LONG ISLAND, NY, USA)

Whereas, the common mission of the Migliarino - S. Rossore - Massaciuccoli Regional Park Authority (MSRMSPA) and the Central Pine Barrens Joint Planning & Policy Commission (CPBJPPC), jointly (the "Management Authorities"), is the conservation of extraordinary natural resources,

Whereas, lands under the jurisdiction of the Management Authorities (the "Protected Areas") share many similarities in the ecosystems that they preserve, mainly both for their floristic and faunal components; and

Whereas, the landscapes surrounding the Protected Areas include critical factors such as high urbanization, intensive cultivation and, in general, significant tourist pressures and human activities, which represent critical factors for the existence of the Protected Areas themselves; and

Whereas, these factors cause the Management Authorities to deal with similar issues and to develop similar policies of conservation and sustainable development; and

### Federico Niccolini

### Consulenti Aree Protette Membri IUCN

Andrea Simoncini

Whereas, initial exchanges between the Management Authorities, including a visit by CPBJPPC Staff, to the MSRMSPA in November 1998 and the visit by Federico Niccolini, MSRMSPA's consultant, and by Andrea Simoncini, MSRMSPA Scientific Committee Member, in June 1999 to Long Island; and

*Whereas*, the foundations and the development of long term cooperative relationships through the mutual knowledge and the exchange of ideas, information and experience is the basis for a valuable organizational learning and enrichment which will lead to positive results on the effectiveness of the two institutions;

### Now therefore THE MIGLIARINO – S. ROSSORE – MASSACIUCCOLI REGIONAL PARK AUTHORITY

and

### THE CENTRAL PINE BARRENS JOINT PLANNING & POLICY COMMISSION

hereby agree to the following articles

### Article 1

#### Agreement contents

The Management Authorities will develop a cooperative relationship through the following steps:

- a) Integrated communication strategy and exchange of information
- b) Mutual actions aimed at developing strategies for continuous improvement of the Protected Areas

### Article 2

### Integrated communication strategy and exchange of information

Within this step the Management Authorities will perform the following common actions:

- a) Creation of a permanent link between the two entities' web sites
- b) Continuous updating and exchange of information, including planning documentation, research studies, technical and teaching materials
- c) Organization of temporary exhibitions regarding the Protected Areas' characteristics and activities

- d) Exchange of personnel, park officials, public officials from local and regional governments within the Parks
- e) Organization of workshops upon subjects of common interest, aimed at finding operational solutions

### Article 3

### Mutual actions aimed at the development and improvement of the two Protected Areas

Within this step the Management Authorities will realise the following common actions:

- a) Realization of joint Formative Programs (training) for students, employees and public officials
- b) Organization of periodical joint events to recognize results obtained and to outline future planning of primary strategies.

### Article 4 Cooperation Committee

The Parties will designate a Cooperation Committee for the Twinning which will facilitate the startup of the cooperative actions described in this Memorandum and will advise the Management Authorities on the carrying out of the common initiatives.

The Committee will be made up by the following representatives:

- Prof. Maestrelli Stefano (President)
- Engineer. Paglialunga Sergio (Superintendent)
- Dot. Bianchi Fabrizio (Directive Board)
- Dot. Niccolini Federico (Consultant)
- Prof. Simoncini Andrea (Scientific Board)
- Chairman Gaffney, Robert
- Senator LaValle, Kenneth
- Assemblyman DiNapoli, Thomas
- Counsel Rigano, James
- Counsel Dragotta, Roy
- Executive Director Corwin, Ray

### Consulenti Aree Protette Membri IUCN

#### Andrea Simoncini

•

SIGNATURE

### For: MIGLIARINO – S. ROSSORE – MASSACIUCCOLI REGIONAL PARK

DATE

For: CENTRAL PINE BARRENS JOINT PLANNING & POLICY COMMISSION

DATE

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CENTRAL PINE BARRENS JOINI OLICY AND PLANNING COMMISSION

#### **CENTRAL PINE BARRENS**

### JOINT PLANNING AND POLICY COMMISSION

In the Matter of the Application of

LONG ISLAND POWER AUTHORITY (LIPA)

for a core preservation area hardship exemption to construct an underground electric transmission line

By letter dated January 13, 2000 and received by the Central Pine Barrens Joint Policy and Planning Commission (the "Commission") on January 18, 2000, the Long Island Power Authority ("LIPA") submitted an application under Environmental Conservation Law section 57-0121(10) for a hardship waiver based on a compelling public need for a proposed underground electric transmission line.

Under section 57-0121(10)(b)(i), "[a]n applicant shall be deemed to have established compelling public need if the applicant demonstrates, based on specific facts, ... [that] [t]he proposed development will serve an essential health or safety need of the municipality...." In addition, under section 57-0121(10)(c): "An application for a permit in the core preservation area shall be approved only if it is determined that the following additional standards also are met:

- (i) The granting of the permit will not be materially detrimental or injurious to other property or improvements in the area in which the subject property is located, increase the danger of fire, endanger public safety or result in substantial impairment of the resources of the core preservation area;
- (ii) The waiver will not be inconsistent with the purposes, objectives or the general spirit and intent of this article; or
- (iii) The waiver is the minimum relief necessary to relieve the extraordinary hardship...."

### The Proposed Project

The proposed project involves the construction of an underground electric transmission line 22.5 miles long, a portion of which will run through the Pine Barrens Core Preservation Area. The line will cause roadway and vegetation disturbance related

to trenching operations and the operation of construction equipment. In addition, the project will require the clearing of trees in two areas within the Core Preservation Area: (i) at the intersection of Speonk-Riverhead Road and Sunrise Highway and (ii) at the intersection of Sunrise Highway and Bellows Pond Road.

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The public need for this project has been set forth in the application which reads as follows: "The proposed electric transmission line will serve the essential public health and safety of the residents and communities of eastern Long Island and, in particular, the South Fork by providing electric energy and electric capacity that otherwise could not be effectively supplied without this project. The South Fork of Long Island is within an electric load pocket wherein existing electric transmission and generation facilities restrict the ability of LIPA to serve existing electric loads." The unprecedented electric loads in this area during the summer of 1999 lead LIPA to believe that it would need to take action in the year 2000 to continue to provide adequate service to the area. According to LIPA, high electric loads, combined with a failure to remedy the situation, could result in prolonged electric supply disruptions for tens of thousands of customers on the South Fork. "[I]t is essential that this project's construction and operation be immediately implemented to address the existing and future electric load requirements of the South Fork." This information was reiterated in the hearing transcript referred to below. Testimony was also provided on the lack of other viable alternatives and the extent of care which was taken to design a route and a construction methodology to minimize environmental impacts.

#### Commission Hearings

At a Commission hearing held on January 26, 2000, Steve Dalton and Adam Yablonsky of Keyspan Energy and Bill Davidson, Director of Government Relations at LIPA testified under oath as to the impacts which are anticipated to result According to Mr. Dalton, the applicant is planning on from the proposed project. constructing the transmission line in such a manner that a minimum number of trees are disturbed. In most areas where the line will be constructed, there is a minimum buffer of four to six feet between the transmission line and the trees. No trees would need to be removed except in limited areas specifically described during the hearing. According to the testimony of Mr. Dalton, less than twenty trees would be cleared at the intersection of Speonk-Riverhead Road and Sunrise Highway and approximately 400 and 500 trees would be cleared at the intersection of Sunrise Highway and Bellows Pond Road. The total area of trees to be removed is less than one-quarter acre. (Transcript (tr.) pg. 19 and 20.) Mr. Davidson agreed that this arrangement is the minimum relief necessary in that it disturbs the minimum number of trees possible. (tr. pg. 20.) In addition, trees will be replanted when possible. There was also testimony that the project will not increase the danger of fire or endanger public safety, and will have no impact on groundwater, since no discharges or releases are anticipated from the project. (tr. pg. 28.)

LIPA also submitted several maps showing the specific location of the transmission line and the two areas described above where trees in the Core Preservation Area will be removed. These maps were introduced as Exhibit four during the hearing.

In addition to the above referenced testimony, LIPA has submitted an Environmental Management and Construction Plan ("EM & CP Plan") dated December 1999, as Exhibit three, during the hearing. The EM & CP Plan reports that the proposed project will be designed in such a manner as to cause a minimum amount of disturbance to existing vegetation, as follows: Trees which must be removed will be identified and photographed, and their removal pre-approved, prior to construction activities; topsoil will be segregated from subsoils and replaced as such; the design of the construction route will minimize the need to trim and remove trees and shrubs; and the roots of remaining trees will be protected. The EM & CP Plan further outlines steps to ensure the protection of surface and groundwater resources and to prevent erosion and control drainage in the work areas. Promptly after the project is complete, a qualified nursery, supervised by the National Resources Manager, will restore the area by preparing the soil for subsequent plantings, applying topsoil on unpaved areas and planting grass seeds, shrubs and trees.

. .

### Conclusion

Based on the content of the application, the testimony, the maps and the Environmental Management and Construction Plan, LIPA has sufficiently demonstrated that its proposed project will serve "an essential health or safety need", will not be "materially detrimental or injurious to other property or improvements in the area" and will not "increase the danger of fire, endanger public safety or result in substantial impairment of the resources of the core preservation area." In addition, the Commission's grant of a hardship waiver will not be inconsistent with the purposes, objectives or the general spirit and intent of this article, and the waiver is the minimum relief necessary to relieve the hardship.

Accordingly, the waiver is granted, with the following conditions:

- The project which is approved is that specifically represented in the record and as specifically represented in the revised Environmental Management and Construction Plan, Exhibit three.
- LIPA must give the Commission copies of the revised Environmental Management and Construction Plan which incorporates the drawings LIPA has submitted to the Commission (Exhibit four) during the Commission hearing and address the questions which developed during a public hearing held by the Public Service Commission. This document must be submitted to the Commission prior to the commencement of any work on the project.

• All requirements and any approvals from the Public Service Commission application and any other agency must be received and forwarded to the Commission in their final form prior to any work on the project.

- Vegetation proposed for removal shall be either transplanted or subject areas shall be planted with native vegetation as required by the agencies having jurisdiction.
- Notification of construction and schedule of work shall be forwarded to the Commission.

A SEQRA determination is not required in this matter under NY Environmental Conservation Law section 8-0111(5)(b)

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ADOPTED BY THE CENTRAL PINE BARRENS JOINT PLANNING AND POLICY COMMISSION FEBRUARY 16, 2000

### McMILLAN, RATHER, BENNETT & RIGANO, P.C.

ATTORNEYS AT LAW 48 SOUTH SERVICE ROAD MELVILLE, NEW YORK, 11747

TELEPHONE (516) 694-8000 FACSIMILE (516) 694-2100 E-MAIL mail@mrbr.com

February 16, 2000

Central Pine Barrens Joint Planning & Policy Commission P.O. Box 587 3525 Sunrise Highway 2nd Floor Great River, New York 11739 FRANKLIN A. CAMA RICHARD A. FOGEL GUY W. GERMANO WALTER J. GUMERSELL DORIS E. ROTH CHARLES A. SINGER COUNSEL

2/16/00 attachment #10 (1 page)

BARBARA P. ALOE DARA A.L. COOPE STACY L. GERMANO LAURIE SAYEVICH HORZ CATHERINE A. MULLARKEY MICHAEL C. SCHMIDT

Re: Amendment to Retention Letter

Dear Sirs or Madams:

This letter will serve as an amendment to the March 4, 1994 retention letter between McMillan, Rather, Bennett & Rigano, P.C. and the Central Pine Barrens Joint Planning & Policy Commission. It is agreed that the rates will be increased effective January 1, 2000 to the following:

> Partners Counsel Associates Paralegals

\$175 per hour\$165 per hour\$125 per hour\$65 per hour

All other terms and conditions of the March 4, 1994 retention letter remain the same.

Very truly yours, mes P. Rigano

AGREED AND ACCEPTED:

2/16/2000

LESLIE R. BENNETT BARRY S. COHEN WILLIAM CORNACHIO DONALD J. FARINACCI ROBERT R. MCMILLAN JAMES B. RATHER JAMES P. RIGANO



Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

Ray E. Cowen Member

Robert F. Kozakiewicz Member

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

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

### Commission Agenda (DRAFT) for Wednesday, March 8, 2000 Brookhaven Town Hall Building 4, 3233 Route 112, Medford, NY 2:00 pm

1. Public Comment (please sign Speaker Sheet)

### 2. Administrative

- Summaries of 1/26 meeting: review, approval (faxed; 2/16 summary to be faxed before meeting if ready)
- Designation of Records Access Officers (counsel)

### 3. Pine Barrens Credit Program

- Brookhaven Credit purchase initiative: results
- Weinstein / Manorville (Brookhaven) / appeal: close of hearing record; decision due today (deadline is 3/12/00)
- Gazza / Westhampton (Southampton) / appeal: close of hearing record; decision due today (deadline is 3/21/00)

### 4. Plan Implementation

• Law Enforcement Council: Innovations in American Government application *(information item)* 

### 5. Core Preservation Area

- Suffolk Community College Eastern Campus / Eastport (Southampton) / site plan: SEQR Coordination for modular building *(materials to be distributed)*
- Westhampton Mini Storage expansion / Westhampton (Southampton): new hardship; set hearing date *(materials to be distributed)*

### 6. Compatible Growth Area

- Dept. Of the Air Force, Gabreski Airport / Westhampton (Southampton): new construction *(information item)*
- Ironwood Golf Course / site plan / Yaphank (Brookhaven): new hardship; set hearing date *(materials to be distributed)*
- Manorville Vistas / Manorville (Brookhaven): information item

### 7. Executive or Advisory Session (if necessary)

### Next Commission meeting:

3/29/00 at Riverhead Town Hall, Howell Avenue and East Main Street, Riverhead at 2:00 pm



Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

Ray E. Cowen Member

Robert F. Kozakiewicz *Member* 

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### Commission Meeting Summary (DRAFT) for Wednesday, March 8, 2000 (To be approved) Brookhaven Town Hall Building 4, 3233 Route 112, Medford, NY 2:00 pm

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

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

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

### **Public Comment**

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

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

He reported that the Central Pine Barrens Advisory Committee has "bogged down" over objections to the Committee's procedures by certain real estate interests. He then noted that the Town Boards have the draft legislative language which was the subject of recent discussions, and that they and the Town Attorneys are examining it. Mr. Proios asked about the impacts to farmers that may have caused the Long Island Farm Bureau to object, and Mr. Amper stated that there are no farms in either of the two Town's draft core areas, and that farming would be exempt under the current language proposals. He stated that he felt that the Farm Bureau is objecting on the basis of general concerns over property rights.

### Administrative

Summaries of 1/26 meeting: review, approval

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

Designation of Records Access Officers

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

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

### Pine Barrens Credit Program

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

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

### Administrative

 Renewal of Officers and Director's insurance policy: authorization of Chair to sign (not on the original agenda) <u>Summary</u>: Ms. Roth explained that the Commission must authorize the Chair or his representative to sign the application for renewal of the Commission's Directors and Officers insurance policy. A motion was then made by Mr. Girandola and seconded by Mr. Murphree to so authorize the Chair or his representative. The motion was approved by a 4-0 vote, and Mr. Proios signed the renewal application.

### Pine Barrens Credit Program

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

- Brookhaven Credit purchase initiative: results
   <u>Summary:</u> Mr. Rizzo reported that a total of 23.8 Credits have been purchased
   from Campo Brothers and Dominic Nicolazzi, and that contracts for an additional
   1.2 Credits are awaiting finalization.
- Clearinghouse meeting (not on the original agenda) <u>Summary</u>: Mr. Rizzo reported that the next meeting of the Clearinghouse Board will be on 3/21/00 at 3:00 pm at the Commission office.
- Roselin LLC / Longwood (Brookhaven) / Letter of Interpretation application: Plan interpretation of yield factor

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

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

Weinstein / Manorville (Brookhaven) / appeal: close of hearing record; decision due today (deadline is 3/12/00)
 <u>Summary:</u> Mr. Rizzo distributed and discussed the attached staff report for this Credit appeal for SCTM parcel 200-562-3-1. A hearing on this appeal was held on 2/16/00. A motion was then made by Mr. Girandola and seconded by

# Mr. Cowen to deny the appeal and to adopt the staff report. The motion was approved by a 5-0 vote.

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

 Gazza / Westhampton (Southampton) / appeal: close of hearing record; decision due today (deadline is 3/21/00) <u>Summary:</u> Mr. Rizzo distributed and discussed the attached staff report for this Credit appeal for SCTM parcels 900-239-2-6 and 7, and 900-241-1-32. A hearing on this appeal was held on 2/16/00. Mr. Proios stated that he does not believe that adjacency to a limited access roadway has been considered in the past as "roadfront", and Mr. Murphree agreed. Mr. MacLellan asked about the restrictions in the conservation easements that are placed on properties, and that was discussed briefly.

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

### Plan Implementation

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

### **Core Preservation Area**

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

<u>Summary:</u> Ms. Plunkett distributed and discussed the attached State Environmental Quality Review Act lead agency coordination letter from the Suffolk County Community College administration. The letter refers to a proposed modular building consisting of 14 units to provide 12 classrooms. It would be constructed on a portion of the current parking area in front of the energy plant on the College's Eastern Campus in Eastport, in Southampton Town. The College Trustees wish to be the Lead Agency. Ms. Plunkett explained that since the last discussions between the College and the Commission regarding the sewage treatment plant at the Eastern Campus, the College and the NYS Department of Environmental Conservation have agreed on an upgrade to the existing plant, rather than abandoning the plant and installing a leaching field, and that the additional sanitary waste from the proposed modular building would be treated at the existing plant. She noted that the proposed modular building does not appear to have any impact on core area resources.

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

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

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

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

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

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

Summary: Ms. Jakobsen distributed the new hardship request for this 34.22

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

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

### Compatible Growth Area (CGA)

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

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

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

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

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

Manorville Vistas / Manorville (Brookhaven): information item

<u>Summary:</u> Ms. Plunkett reported that the Commission has received three calls from concerned residents regarding the excavation activities that are occurring on this site along Eastport Manor Road in Manorville, west of County Route 111. She reported that the Commission staff have spoken with Brookhaven Town

staff regarding what approvals were granted on which dates during the past; what activities are permitted under those approvals; whether mining is permitted or being overseen at this site; and whether the project or any phase of it is grandfathered under the Pine Barrens law. Specifically, the question has arisen as to whether the project as currently being proposed and constructed is, in fact, the same project that may have been grandfathered under the pine barrens law in 1993, when the law was passed.

Mr. Amper stated that the project should be seen in person by the Commissioners, since he believes that what is currently underway was never contemplated by anyone at the time of the law's passage. Mr. David Sloane, who stated that he represents the current owner of the site, said that it is, in fact, the same project.

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

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

### Adjournment

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

### Attachments (in order of discussion):

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



POLICY COMMISSION

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### Compatible Growth Area (CGA)

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

 Ironwood Golf Course / site plan / Yaphank (Brookhaven): new hardship; set hearing

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

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

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

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

*Mr.* Amper stated that the project should be seen in person by the Commissioners, since he believes that what is currently underway was never contemplated by anyone at the time of the law's passage. Mr. David Sloane, who stated that he represents the current owner of the site, said that it is, in fact, the same project.

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

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

#### Adjournment

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

#### Attachments (in order of discussion):

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

3/8/00 attachment#1 (2 pages)



### **CENTRAL PINE BARRENS** JOINT PLANNING AND POLICY COMMISSION

Location:

PLANNING POEDCY COMMISSION

Meeting For: PB COMMISSION Aces Brockhaver 100 forion do 2:00 00

Date /Time:

### **Sign In Sheet**

NAME	REPRESENTING		FELEPHONE/FAX
Alexa	CPBC Stoff	SUNVISE HWY Great River	503-0385/204-705
Mark 2220	CPBL Stubb		563-0352
Jun Juloben	CPBC SANL	11	563-0306
Ti)alter & Marin Olsen	Civil Property 18 Arts Agsociates The	POBOX 202 Brightwaters NY 11718	7275696
ED QUAREMBA	NASSAU	56 PARKVIEW CIR.	BETHPAGE 11714
RayCousin	CPB Commission		¢.
Then token	A LON Schneitz	SAC HAMBON	
Chin Carta	CPBC Stall	Somse Huy Gr. River	563-0385
Jessica Zanca	Allee King Rosen & Plening	SUD Unceler Road Houppouge, M	232-6412
Richard Miniper	LIPBS	PO Box 429 Manap. Ve	369-3300
BILL SPITZ	RIXSDEC	STONYBROOK	4440419
JOHN GIRANDOLA	BROOKHAUED	MEDFORD	451-6370
George Projes	Suffolk Comy		853-4054
Jeff Murphree	Southampton		287-5735
RAY COWEN	Gov. Pataki	STONYBROOK	444-0345
frey Mac Lelfal	RIVCRHEAD	200 Hogsell Ave RH	127-6712
HENRY DITTMER		P.O. BOX 202 BRIGHTWATERS, NY	11718 665-202
Thomas J. ZUKAS	SELF	84 Pine Edge th. East moucher NF 11940	878-9473

NAME	REPRESENTING	ADDRESS	<b>TELEPHONE/FAX</b>
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3/8/00 Attachut #2 (1 page) .

### **Central Pine Barrens** Joint Planning and Policy Commission

## Speaker Sign In Sheet

3/8/00 Meeting Date \_\_\_\_\_ Brookhrue

Meeting Place \_

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# DRAFT 3/8/00 attachment #3 (3 page) CENTRAL PINE BARRENS JOINT PLANNING AND POLICY COMMISSION **STAFF REPORT** PINE BARRENS CREDIT APPEAL

Prepared: March 6, 2000

APPLICATION DATA:	LOI issued 12/16/99 Appeal Received 1/6/00 Appeal Public Hearing 2/16/00
APPLICANT: Rob	ert Weinstein
LOCATION: See	attached LOI Staff Report
<b>TAX MAP #:</b> 200	-562-3-1
APPEAL REQUEST:	Allocated 4.56 PBCs in LOI, requesting 16 to 18 PBCs
PARCEL ZONING:	A Residence 5
LAND USE: See	attached LOI Staff Report
ADDITIONAL SITE DA	TA: See attached LOI Staff Report
APPELLANT'S EVIDE	NCE: A document entitled "IN THE MATTER OF THE APPRAISAL OF THE ESTATE OF JACK WEINSTEIN d.b.a. JACKWIN FARMS, INC.," dated March 19, 1985. Ms. Evelyn V. Dittmeier, a licensed real estate broker, stated that the fair market value of the subject parcel was \$427,500.00 on March 19, 1985.
	In a letter dated February 14, 2000 Mr. Weinstein states that the " Appeals Board should evaluate my property at a minimum of \$650,000.00 which would be less than \$23,000.00 an acre."
RECOMMENDATION:	The Clearinghouse determined the LOI allocation for the above referenced parcel according to the Central Pine Barrens Comprehensive Land Use Plan ( <i>Plan</i> ) Volume 1 adopted June 28, 1995. §6.3.1.1.9 of the <i>Plan</i> dictates the development yield factors and computation for residentially zoned property. If zoning allows one (1) dwelling unit per two hundred thousand (200,000) square feet, the development yield factor is 0.16 Pine Barrens Credit per

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acre. Mr. Weinstein's property is zoned one (1) dwelling unit per two hundred thousand (200,000) square feet. The applicant did not provide any evidence of a development yield plan that would allow more dwelling units than would normally be permitted under current zoning allowed by Town of Brookhaven. No evidence was presented by the appellant to establish that the parcel is unique in any manner, so as to warrant an increase in the allocation.. Therefore, Staff recommends against granting the appeal for the above referenced parcel.

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# DRAFT

Issue Date: 12/15/99 Site Visit: 12/10/99

Item	Tax Map Numbers 200-562-3-1
Applicant Name	Robert Weinstein
Location/Access	North of CR 111, west of Toppings Path, Manorville. Parcel has frontage on CR111, an improved road.
Hagstrom Map #	Map 20, N-27
Aerial #	Not available at this time.
Acreage	28.5 acres as per tax bill.
Topography/Geologic Features	Steeply sloping near road, then levels off into more gentle sloping terrain as per site visit.
Soils	Soils in general area include HaA (Haven loam, 0-2% slopes), CpC (Carver and Plymouth sands, 3 to 15 percent slopes), RdA (Riverhead sandy loam 0-3% slopes), PlC (Plymouth loamy sand 8-15% slopes) (SC Soil Survey Map Pg.58)
Wetlands, Depth to Seasonal High Water Table, Surface Water, etc.*	None.
Vegetative Cover Type	Pitch pine - oak forest as per site visit.
Rare and Endangered Species*	No Natural Heritage Elements.
Cultural Resources	Not available at this time.
Land Use	322 Residential Vacant Land Over 10 acres (as per tax map database and field visit)
Zoning	A5 Residence. Minimum lot area 200,000 square feet. (Town Zoning Map Sheet No. 10)
School District	Eastport (as per tax bill)
Public Water	No
Public Sewer	No
Fire/Police District	Manorville (as per tax bill)
Comment	property surrounded by chain link fence.

\*Reference: Data from Central Pine Barrens Manorville Hills Stewardship Unit #8 - Existing Natural Resources Map, prepared by the Central Pine Barrens Commission, 1999.

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3/8/00 attachment #4 Epager)

#### CENTRAL PINE BARRENS JOINT PLANNING AND POLICY COMMISSION STAFF REPORT PINE BARRENS CREDIT APPEAL

Prepared: March 6, 2000

<b>APPLICATION DATA:</b>	LOI issued 11/24/99 and 1/11/00
	Appeal Received 1/21/00
	Appeal Public Hearing 2/16/00

APPLICANT: Joseph Gazza

LOCATION: See attached LOI Staff Reports

**TAX MAP #'s:** 900-239-2-6, 900-239-2-7, and 900-241-1-32

APPEAL REQUEST: Allocated 0.10 for SCTM # 900-239-2-6, allocated 0.66 for SCTM # 900-239-2-7 and allocated 0.18 for SCTM # 900-241-1-32, requesting 1.00 PBCs for each parcel

PARCEL ZONING: Country Residence 200

LAND USE: See attached LOI Staff Reports

ADDITIONAL SITE DATA: See attached LOI Staff Reports

**APPELLANT'S EVIDENCE:** 

Mr. Gazza submitted a title report dated August 24, 1999
which includes a street report stating that Sunrise Highway
(SR 27) is currently maintained by the State of New York.
Mr. Gazza also submitted a map showing his subject
parcels and the surrounding area. Mr. Gazza stated that
nothing in § 6.7.6.6. of the Central Pine Barrens
Comprehensive Land Use Plan Volume 1 (*Plan*) restricts
parcels that are on limited access highways from receiving and increased LOI allocation.

**RECOMMENDATION:** § 6.7.6.6 of the Central Pine Barrens Comprehensive Land Use Plan Volume 1 (*Plan*) states "The Pine Barrens Credit Clearinghouse *may* elect to allocate one (1) full Pine Barrens Credit for a parcel of land consisting of at least 4,000 square feet with frontage on an existing improved road." (emphasis added) On previous occasions the Pine Barrens Credit Clearinghouse has interpreted § 6.7.6.6 of the *Plan* not to apply to limited access

Page -1-

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highways such as Sunrise Highway (New York State Route 27) and the Long Island Expressway (Interstate 495). On November 28, 1995 the Pine Barrens Credit Clearinghouse issued two LOI's for parcels owned by Mr. & Mrs. Edward Trombetta. (SCTM #'s 900-241-1-17 and 900-241-1-19) The Trombetta parcels have road frontage on Sunrise Highway and the Clearinghouse did not increase the LOI allocations under §6.7.6.6 of the *Plan*. No evidence was submitted that New York State plans to open a service road for Sunrise Highway in the area of the subject parcels in the near future. Therefore, Staff recommends against granting the appeal for the above referenced parcels.

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# DRAFT

Issue Date: 11/4/99

Item	Tax Map Number: 900-239-2-6
Applicant Name	Joseph Gazza
Location/Access	North of Sunrise Hwy., west of Speonk Riverhead Road, Town of Southampton. Parcel has road frontage on Sunrise Highway.
Hagstrom Map #	Map 23, O-29
Aerial #	Not available at this time
Acreage	.49 acres as per tax bill.
Topography/Geologic Features	Gently sloping, approximately 80 ft. above mean sea level (Eastport Quad)
Soils (SC Soil Survey)	CpA (Carver and Plymouth sands 0 to 3% slopes) (Soil Survey Map Sheet No. 59)
Wetlands, Depth to Seasonal High Water Table, Surface Water, etc.	No wetlands as per NYSDEC wetlands map (Eastport Quad)
Vegetative Cover Type	Pitch Pine - Oak Forest
Rare and Endangered Species	None.
Cultural Resources	Not available at this time
Physical Data:	
Land Use	323 Other Rural Vacant Lands
Zoning	CR200 - Minimum Lot Area 200,000 square feet as per Town zoning map.
School District	Riverhead as per tax bill.
Public Water	No
Public Sewer	No
Fire/Police District	Flanders as per tax bill.
Other	

Issue Date: 10/27/99

Item	Tax Map Number: 900-239-2-7
Applicant Name	Joseph Gazza
Location/Access	North of Sunrise Hwy., west of Speonk Riverhead Road, Town of Southampton. Parcel has road frontage on Sunrise Highway.
Hagstrom Map #	Map 23, O-29
Aerial #	Not available at this time
Acreage	4.1 acres as per tax bill.
Topography/Geologic Features	Gently sloping, approximately 80 ft. above mean sea level (Eastport Quad)
Soils (SC Soil Survey)	CpA (Carver and Plymouth sands 0 to 3% slopes) (Soil Survey Map Sheet No. 59)
Wetlands, Depth to Seasonal High Water Table, Surface Water, etc.	No wetlands as per NYSDEC wetlands map (Eastport Quad)
Vegetative Cover Type	Pitch Pine - Oak Forest
Rare and Endangered Species	None.
Cultural Resources	Not available at this time
Physical Data:	
Land Use	323 Other Rural Vacant Lands
Zoning	CR200 - Minimum Lot Area 200,000 square feet and Aquifer Overlay District as per Town zoning map. (Confirmed by M. Shea TOS Planning Dept.)
School District	Riverhead as per tax bill.
Public Water	No
Public Sewer	No
Fire/Police District	Flanders as per tax bill.
Other	

Issue Date: 11/17/99 Revised 12/8/99

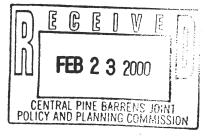
Item	Tax Map Number: 900-241-1-32
Applicant Name	Joseph Gazza
Location/Access	North of Sunrise Hwy., east of Summit Blvd.(open but unimproved), Westhampton, Town of Southampton. Parcel is in overlap area as per tax map and has road frontage on Sunrise Hwy.
Hagstrom Map #	Map 23, O-30
Aerial #	Not available at this time
Acreage	1.15 acres as per application and Town Assessor
Topography/Geologic Features	Gently sloping, approximately 100 ft. above mean sea level (Eastport Quad)
Soils* (SC Soil Survey)	CpA (Carver and Plymouth sands 0 to 3% slopes)
Wetlands, Depth to Seasonal High Water Table, Surface Water, etc.	None.
Vegetative Cover Type*	Pitch Pine/Oak Woods
Rare and Endangered Species*	None.
Cultural Resources	Not available at this time
Physical Data:	
Land Use	Vacant Land
Zoning	CR200 - Minimum Lot Area 200,000 square feet as per Town zoning map.
School District	Westhampton Beach
Public Water	No
Public Sewer	No
Fire/Police District	Westhampton Beach
Other	

\* Reference: Data from Central Pine Barrens Hampton Hills/Sarnoff Stewardship Unit # 9- Existing Natural Resources and Soils prepared by the Central Pine Barrens Commission, 1999.

3/8/00 attackment # 5 (6 projes) COUNTY COLLEGE COMMUNITY

**College Administrative Offices** 

February 18, 2000



Ms. Donna Plunkett Analyst Central Pine Barrens Commission PO Box 587 3525 Sunrise Highway Great River, NY 11739

Re: State Environmental Quality Review Act Suffolk County Community College Eastern Campus Modular Building

Dear Ms. Plunkett:

Suffolk County Community College is proposing a leased modular building on its Eastern Campus at Riverhead, New York. The building will consist of fourteen (14) modular units comprising a twelve classroom modular building. Details of the proposed undertaking are contained in the enclosed copies of the Environmental Assessment Form, supplemental information and project site location plan.

Under the provisions of the New York State Environmental Quality Review Act (SEQRA), Suffolk County Community College desires to conduct a coordinated SEQRA review among involved agencies with the Suffolk County Community College Board of Trustees being the lead agency. Within thirty days of the date of this letter, we request your concurrence and/or comments as follows:

- 1. Agreement for the Suffolk County Community College Board of Trustees to be designated agency.
- 2. Any SEQRA concerns which may result from the proposed project.

Central Administration 533 College Road Selden, NY 11784-2899 (516) 451-4112 Ammerman Campus 533 College Road Selden, NY 11784-2899 (516) 451-4110 Western Campus Crooked Hill Road Brentwood, NY 11717-1092 (516) 851-6700 Eastern Campus 121 Speonk-Riverhead Road Riverhead, NY 11901-3499 (516) 548-2500 State Environmental Quality Review Act February 18, 2000 Page Two

Attached are copies of the completed EAF with related information and a distribution list of involved agencies and interested parties. If you have any questions on the above, please call Fred A. Strahs-Lorenc, R.A. at (516) 451-4233.

Sincerely,

V H

Fred A. Strahs-Lorenc, R.A. Administrative Director of Educational Facilities

FASL/bp Enclosure

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÷	Job Title Commissioner	Supervisor	Director	Regional	Director, Region 1		Dept. of	Dept. of Planning Chairman	Dept. of Planning Chairman	Dept. of Planning Chairman	Dept. of Planning Chairman Suffolk County Exec.	Dept. of Planning Chairman Suffolk County Exec.	Dept. of Planning Chairman Suffolk County Exec. Director	Dept. of Planning Chairman Suffolk County Exec. Director	Dept. of Planning Chairman Suffolk County Exec. Director Supervisor	Dept. of Planning Chairman Suffolk County Exec. Director Supervisor	Dept. of Planning Chairman Suffolk County Exec. Director Supervisor Anaylst	Dept. of Planning Chairman Suffolk County Exec. Director Supervisor Anaylst	Dept. of Planning Chairman Suffolk County Exec. Director Supervisor Anaylst Facilities	Dept. of Planning Chairman Suffolk County Exec. Director Supervisor Anaylst Facilities Support	Dept. of Planning Chairman Suffolk County Exec. Director Anaylst Anaylst Facilities Support Division	Dept. of Planning Chairman Suffolk County Exec. Director Anaylst Anaylst Facilities Support Division	Dept. of Planning Chairman Suffolk County Exec. Director Anaylst Anaylst Facilities Support Division	Dept. of Planning Chairman Suffolk County Exec. Director Anaylst Anaylst Facilities Support Division
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	<b>Title</b> Mr.	Honorable						- MA	Mr.	Mr. Honorable	Mr. Honorable	Mr. Honorable	Mr. Honorable Mr.	Mr. Honorable Mr.	Mr. Honorable Mr. Honorable	Mr. Honorable Mr. Honorable	Mr. Honorable Mr. Ms.	Mr. Honorable Mr. Ms.	Mr. Honorable Mr. Ms.	Mr. Honorable Mr. Ms. Mr.	Mr. Honorable Mr. Ms. Mr.	Mr. Honorable Mr. Ms. Mr.	Mr. Honorable Mr. Ms. Mr.	Mr. Honorable Mr. Ms. Mr.



#### **College Administrative Offices**

March 2, 2000

Central Pine Barrens Commission PO Box 587 3525 Sunrise Highway Great River, NY 11739

Att: Donna Plunkett

Re: 1) Proposed Modular Building at Eastern Campus2) Renovation of Sewage Treatment Plant at East Campus

Dear Donna,

In regard to the request for information on the referenced project, please find the following update.

- 1) The purpose of the proposed lease of the modular building at the Eastern Campus is not due to an anticipated increase in enrollment. Rather, the rationale is based upon the need for general classroom space, resulting from the conversion of general classroom space in the existing buildings to program specific classrooms. As such, the College only predicts a minor increase in enrollment and subsequent minor increase in sewage discharge.
- 2) In regard to the renovation of the Sewage Treatment Plant, the accompanying schedule is part of the consent order from the NYSDEC. The College has retained Nelson & Pope, engineers, and by March 15,2000 will have an engineering report on the viability of converting the existing plant to a sequential batch reactor (SBR). The proposed SBR system reuses some of the settlement tanks, and requires less capacity to operate within permit limitation. Award of contracts for construction is scheduled for July 1, 2000 with completion of construction for June 2001.

Central Administration 533 College Road Selden, NY 11784-2899 (516) 451-4112 Ammerman Campus 533 College Road Selden, NY 11784-2899 (516) 451-4110 Western Campus Crooked Hill Road Brentwood, NY 11717-1092 (516) 851-6700 Eastern Campus 121 Speonk-Riverhead Road Riverhead, NY 11901-3499 (516) 548-2500 Donna Plunkett March 2, 2000 Page Two

If you require any further information, please contact my office. If further information is required on the Sewage Treatment Plant, Doug Pavone, Executive Director of Facilities / Technical Support, is available as well (631) 451-4445.

Sincerely,

4

Fred A. Strahs-Lorenc, R.A. Administrative Director of Educational Facilities

FASL/bp

Cc: Charles Stein Douglas Pavone

### SUFFOLK COUNTY COMMUNITY COLLEGE (Riverhead) STP NY0078131

#### SCHEDULE A

#### **COMPLIANCE SCHEDULE**

(I)

#### TASK

- 1. Submit an approvable\* engineering report, drawings and specifications to DEC for review and approval to upgrade the existing pump station and convert the treatment plant to an SBR treatment process by:
- 2. Invite bids for construction of the project by:
- 3. Complete bid selection process and award construction contract by:
- 4. Complete construction by:
- 5. Allow three months of startup and testing and achieve full compliance with CPDES Politic Effluent Limitations by:
- 6. Report compliance with each of the foregoing Compliance actions:
  - 7. Not Meeting the due date for any of the foregoing compliance actions, or not reporting compliance action status as required above constitutes non-compliance with this order, and shall be reported as required by SPDES permit general condition 5.c.



March 15, 2000

May 1 2000

July 1, 2000

June 30, 2001

October 1, 2001

Within 30 days after each due date.

With DMR, within within 28 days after the month in which noncompliance occurs. Session of March 8, 2000 Brookhaven Town Offices Medford, New York

Resolution on the Letter of Interpretation Appeal of Robert Weinstein ("the Appellant") for Suffolk County Tax Map Parcel # 200-562-3-1

WHEREAS, pursuant to the Pine Barrens Credit Program contained in the Central Pine Barrens Comprehensive Land Use Plan (the "Plan"), the Appellant applied for and was issued a Letter of Interpretation, dated December 16, 1999, by the Pine Barrens Credit Clearinghouse allocating 4.56 Pine Barrens Credits, to the above referenced tax map parcel; and

WHEREAS, the Appellant appealed the allocation of 4.56 Pine Barrens Credits by a letter dated January 6, 2000 seeking 16 to 18 Pine Barrens Credits; and

WHEREAS, a public hearing was held by the Central Pine Barrens Joint Planning and Policy Commission on February 16, 2000. Appellant did not appear at the hearing, but he provided documents to the Commission via mail received February 22, 2000 concerning said appeal; and

WHEREAS a staff report for the Weinstein Pine Barrens Credit Appeal was adopted by the Commission on March 8, 2000; and

WHEREAS, the Commission considered the merits of the Appellant's appeal as contained in the hearing transcript, exhibits, and staff report; Now therefore be it

RESOLVED, that the appeal for the above referenced parcel is denied for the following reasons:

1. The Clearinghouse determined the Letter of Interpretation allocation for the above referenced parcel according to the Central Pine Barrens Comprehensive Land Use Plan (*Plan*) Volume 1, adopted June 28, 1995. §6.3.1.1.9 of the *Plan* dictates the development yield factors and computation for residentially zoned property. If zoning allows one (1) dwelling unit per two hundred thousand (200,000) square feet, the development yield factor is 0.16 Pine Barrens Credit per acre. Appellant's property is zoned one (1) dwelling unit per two hundred thousand (200,000) square feet. The Appellant did not provide any evidence of an approved development yield plan that would allow more dwelling units than would normally be permitted under current zoning in the Town of Brookhaven. 2. No evidence was presented by the Appellant to establish that the parcel is unique in any manner, so as to warrant an increase in the allocation.

CENTRAL PINE BARRENS JOINT PLANNING \* POLICY COMMISSION

Robert J. Gaffney Chair

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> Ray E. Cowen Member

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Record of Motion: Made by: Mr. Girandola Seconded by: Mr. Cowen Yea Votes: Mr. Cowen Mr. Girandola Mr. MacLellan Mr. Murphree Mr. Proios Session of March 8, 2000 Brookhaven Town Offices Medford, New York

Resolution on the Letter of Interpretation Appeals of Joseph Gazza ("the Appellant") for Suffolk County Tax Map Parcel #'s 900-239-2-6, 900-239-2-7, and 900-241-1-32

WHEREAS, pursuant to the Pine Barrens Credit Program contained in the Central Pine Barrens Comprehensive Land Use Plan (the "Plan"), the Appellant applied for and was issued Letters of Interpretation, dated November 24, 1999, and January 11, 2000 by the Pine Barrens Credit Clearinghouse allocating 0.85 Pine Barrens Credits to the above referenced tax map parcels; and

WHEREAS, the Appellant appealed the allocation of 0.85 Pine Barrens Credits by a letter dated January 21, 2000 to the Central Pine Barrens Joint Planning and Policy Commission seeking 1.00 Pine Barrens Credits for each of the above referenced parcels; and

WHEREAS, a public hearing was held on February 16, 2000. Appellant appeared, testified, and submitted an exhibit for the record; and

WHEREAS Appellant provided the Commission with additional documents received on February 22, 2000 concerning said appeal; and

WHEREAS a staff report for the Gazza Pine Barrens Credit Appeal was adopted by the Commission on March 8, 2000; and

WHEREAS, the Commission considered the merits of the Appellant's as contained in the hearing transcript, exhibits, and staff report at the March 8, 2000 Commission meeting; Now therefore be it

RESOLVED, that the appeal for the above referenced parcels is denied for the following reasons:

1. § 6.7.6.6 of the Central Pine Barrens Comprehensive Land Use Plan Volume 1 (*Plan*) states "The Pine Barrens Credit Clearinghouse *may* elect to allocate one (1) full Pine Barrens Credit for a parcel of land consisting of at least 4,000 square feet with frontage on an existing improved road." (emphasis added) On previous occasions the Pine Barrens Credit Clearinghouse has interpreted § 6.7.6.6 of the *Plan* not to apply to limited access highways such as Sunrise Highway (New York State Route 27) and the Long Island Expressway (Interstate 495). On November 28, 1995 the Pine Barrens Credit Clearinghouse issued two Letters of Interpretation for parcels owned by Mr. & Mrs. Edward Trombetta. (SCTM #'s

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PINE BARRENS JOINT PLANNING POLICY COMMISSION

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Robert Kozakiewicz Member Session of March 8, 2000 Gazza Credit Appeal Page Two

900-241-1-17 and 900-241-1-19) The Trombetta parcels have road frontage on Sunrise Highway and the Clearinghouse did not increase the Letter of Interpretation allocations under §6.7.6.6 of the *Plan*.

2. No evidence was submitted to establish that New York State plans to open a service road for Sunrise Highway in the area of the subject parcels in the near future.

Record of Motion: Made by: Mr. Murphree Seconded by: Mr. MacLellan Yea Votes: Mr. Cowen Mr. Girandola Mr. MacLellan Mr. Murphree Mr. Proios

Nay Votes: None

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PLANNING & Policy Commission

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#### Commission Agenda (DRAFT) for Wednesday, March 29, 2000 Riverhead Town Hall East Main Street and Howell Avenue, Riverhead, NY 2:00 pm

 Pine Barrens Credit Program Presentation - scheduled for 3:00 pm:

 Presentation of commemorative plaques in memory of Mr. Jack Hanley to his family and the Suffolk County National Bank (Mr. Gaffney, Sup. Kozakiewicz, and Clearinghouse representative(s))

2. Public Comment (please sign Speaker Sheet)

#### 3. Administrative

- Summaries of 2/16, 3/8 meeting: review, approval (faxed)
- SC Water Authority 2000-01 agreement: review, approval (faxed)

#### 4. Pine Barrens Credit Program

- Results of 3/21/00 Clearinghouse meeting (information item)
- Andersen / Manorville (Brookhaven) / appeal: close of hearing record; decision due today (from 2/16/00; transcript distributed)

#### 5. Core Preservation Area

- Suffolk Community College Eastern Campus / Eastport (Southampton) / site plan: counsel's report on "development" classification of project (from 3/9/00)
- Westhampton Mini Storage / Westhampton (Southampton) / expansion: counsel's report on new hardship (from 3/9/00)
- Hidden Pond Stables / Manorville (Brookhaven) / riding arena: new hardship; possible additional information *(any new materials to be distributed; from 3/9/00)*
- Lakeside Manorville Hotel / Manorville (Brookhaven): new hardship; set hearing *(materials to be distributed)*

#### 6. Compatible Growth Area

• Manorville Vistas / Manorville (Brookhaven): counsel's report (from 3/9/00)

#### The following item is scheduled for 4:00 pm:

- Ironwood Golf Course / site plan / Yaphank (Brookhaven): new hardship; public hearing
- 7. Executive or Advisory Session (if necessary)

#### Next Commission meeting:

4/19/00 at the Commission Office, 3225 Sunrise Highway, 2<sup>nd</sup> Floor at 12:00 noon - **Note earlier time!** 



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#### Commission Agenda (FINAL) for Wednesday, March 29, 2000 Riverhead Town Hall East Main Street and Howell Avenue, Riverhead, NY 2:00 pm

 Pine Barrens Credit Program Presentation - scheduled for 3:00 pm:

 Presentation of commemorative plaques in memory of Mr. Jack Hanley to his family and the Suffolk County National Bank (Mr. Gaffney, Sup. Kozakiewicz, and Clearinghouse members)

#### 2. Public Comment (please sign Speaker Sheet)

#### 3. Administrative

- Summaries of 2/16, 3/8 meeting: review, approval (faxed)
- SC Water Authority 2000-01 agreement: review, approval (faxed)
- South Fork Pine Barrens: Southampton Town Board resolution rescinding 1999 resolutions *(information item)*

#### 4. Pine Barrens Credit Program

- Results of 3/21/00 Clearinghouse meeting (information item)
- Long Island Country Club / Eastport (Brookhaven) / pending Credit application: aerial photography for easement (continuation)
   The following item is scheduled for 4:00 pm:
- Andersen / Manorville (Brookhaven) / appeal: close of hearing record; decision due today (from 2/16/00; transcript distributed)

#### 5. Core Preservation Area

- Suffolk Community College Eastern Campus / Eastport (Southampton) / site plan: counsel's report on "development" status (from 3/9/00)
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#### 6. Compatible Growth Area

 Manorville Vistas / Manorville (Brookhaven): counsel's report; correspondence (from 3/9/00)

#### The following item is scheduled for 4:00 pm:

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

#### 7. Executive or Advisory Session (if necessary)

#### Next Commission meeting:

4/19/00 at the Commission Office, 3225 Sunrise Highway, 2<sup>nd</sup> Floor at 12:00 noon - **Note earlier time**!



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#### Commission Meeting Summary (DRAFT) for Wednesday, March 29, 2000 (To be approved) Riverhead Town Hall East Main Street and Howell Avenue, Riverhead, NY 2:00 pm

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

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

The meeting was called to order at approximately 2:07 pm by Mr. Proios, with a four member quorum initially present consisting of Mr. Proios, Mr. Kozakiewicz, Ms. Wiplush and Mr. Shea.

#### **Public Comment**

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

The first was the question of whether home rule would be lost by the Town, which the Society feels has not been lost by the Town under the current pine barrens law. Mr. Amper estimated that 95% of the decisions made since the current law went into effect have continued to be made by the Town. The second topic was the assertions that Mr. Amper stated were made by Supervisor Cannuscio that the Commission ignored the Town's request for a special advisory committee. Mr. Amper noted that the current Advisory Committee composition is set by statute. The third topic was Mr. Amper's assertion that Mr. Cannuscio portrayed the Commission's procedures as confiscatory with respect to property rights, and Mr. Amper requested that the Commission discuss this matter with its counsel. Mr. Amper stated that there is nothing wrong with the Commission's work, that any contrary remarks by any individual Commissioner would be inappropriate and would compromise the integrity of the Commission's work.

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

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

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

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

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

#### Administrative

• South Fork Pine Barrens: Southampton Town Board resolution rescinding 1999

resolutions (information item)

<u>Summary:</u> Mr. Corwin then distributed the attached 5/24/00 Southampton Town Board resolution rescinding its pine barrens extension resolutions of 1999. No further discussion was held.

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

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

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

 SC Water Authority 2000-01 agreement: review, approval (faxed) <u>Summary</u>: Ms. Roth explained that the attached draft agreement between the Commission and the Suffolk County Water Authority, which was previously faxed, was the same as the 1999-2000 agreement, with appropriate updates. A motion was then made by Mr. Cowen and seconded by Mr. Shea to approve the agreement, and to authorize the Commission Chair or his designated representative to sign the agreement on behalf of the Commission. The motion was approved by a 5-0 vote, and the agreement was held for signing until Mr. Gaffney's arrival later.

#### **Plan Implementation**

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

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

The discussion then turned to the question of whether a new law, or an amendment to the pine barrens law, was needed. Ms. Wiplush stated that the Law Enforcement Council has no authority to undertake certain investigations,

and Mr. Amper stated that, if necessary authority was absent, than a new law or an amendment should be looked at. Mr. Corwin explained that the Council's member agencies have individual authority under their normal statutes, and that members of the Council have expressed their frustration that there is no enforcement provision for Environmental Conservation Law (ECL) Article 57 (the pine barrens law) as there is for ECL Article 24 (Freshwater Wetlands), which has its enforcement provisions in ECL Article 71. Mr. Cowen observed that the most common problem which he feels that the Commission faces is distinguishing legitimate agricultural activities.

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

#### **Core Preservation Area**

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

Mr. Amper then asked whether the cumulative total of all the projects contemplated in Phase 1 of the College's Master Plan is less than 10,000 square feet, and also whether the project would be considered nondevelopment because of its educational benefits or its environmental impacts. A discussion then ensued regarding the specific provision noted above, and the combination of factors that exist in this case. Mr. Amper stated that he would like to have the County set an example of pine barrens law compliance by outlining all of the contemplated College projects at once for the Commission to consider. A brief discussion ensued regarding the planning process at the College, and the College's dependency upon the County Legislature's funding. A motion was then made by Mr. Proios and seconded by Mr. Shea to determine that the proposed modular classroom building as described to the Commission does not constitute development, since it satisfies Section 57-0107(13)(i) of the pine barrens law. The motion was approved by a 5-0 vote.

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

Mr. Gaffney arrived at this time.

#### Administrative

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

#### **Pine Barrens Credit Program**

• Presentation of commemorative plaques in memory of Mr. Jack Hanley to his family and the Suffolk County National Bank (Mr. Gaffney, Sup. Kozakiewicz, and Clearinghouse members)

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

#### Mr. Gaffney departed at this time.

#### **Core Preservation Area**

• Lakeside Manorville Hotel / Manorville (Brookhaven): new hardship; set hearing (materials to be distributed)

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

 Hidden Pond Stables / Manorville (Brookhaven) / riding arena: new hardship; possible additional information (any new materials to be distributed; from 3/9/00)

<u>Summary:</u> Ms. Jakobsen explained that she has spoken with the project sponsor regarding the additional information requested by the Commission at the 3/9/00 meeting, but that the information has not yet been submitted. A motion was then made by Mr. Girandola and seconded by Mr. Cowen to schedule a hearing on this application at the 5/10/00 Commission meeting at 4:00 pm. The motion was approved by a 5-0 vote.

#### **Compatible Growth Area**

 Manorville Vistas / Manorville (Brookhaven): counsel's report; correspondence (from 3/9/00)

<u>Summary:</u> Ms. Roth explained that she has reviewed the currently available materials regarding the project, and summarized the approvals that it has received since its inception. She noted that the project documentation is complicated and long, and that a thorough review of all materials would take considerable staff time. However, she noted that, based upon her review to date, that the project appears to be grandfathered under the pine barrens law, and that the only occurrence that could change that status would be a situation in which the project has changed substantially from the grandfathered version.

Mr. Girandola then summarized the details of the project. He explained that it

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

A brief discussion followed, and Ms. Carter distributed the attached letter from Mr. Peter Maniscalco re the project. The discussion ended with the agreement that the project is grandfathered.

#### **Core Preservation Area**

• Status of Hot Water Street and Toppings Path / Manorville (Brookhaven): discussion (not on the original agenda)

<u>Summary:</u> Mr. Girandola stated that Brookhaven Town, which owns these two roads in the Manorville area, wants to see a conceptual plan for the County's intended use of the these two roads. Ms. Plunkett explained what the Law Enforcement Council member agencies have discussed regarding how to address the dumping problem that is occurring there, including the possibility of restricting vehicle access along them.

#### **Pine Barrens Credit Program**

- Results of 3/21/00 Clearinghouse meeting (information item) <u>Summary</u>: Mr. Rizzo explained that the Clearinghouse Board decided not to spend any additional money on the purchase of Credits in Brookhaven Town at this time. He also noted that the next meeting is on 5/16/00 at 3:00 pm at the Commission office.
- Long Island Country Club / Eastport (Brookhaven) / pending Credit application: aerial photography for easement (continuation) <u>Summary</u>: Mr. Rizzo explained that the Long Island Country Club has provided the previously requested aerial photograph as part of their Pine Barrens Credit application. The photograph was briefly shown and discussed, and it was agreed that this will be an acceptable reference item to which the conservation easement could refer. It was also noted that an affidavit will be prepared that corresponds to the aerial photograph.
- Andersen / Manorville (Brookhaven) / appeal: close of hearing record; decision due today (from 2/16/00; transcript distributed) <u>Summary</u>: A separate stenographic transcript exists for the actual hearing.

Following the hearing (and not covered by the transcript, a motion was made by Mr. Girandola and seconded by Mr. Cowen to accept the staff report and to deny the appeal based upon the attached staff report and the lack of any new information. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Mr. Proios.

#### **Compatible Growth Area**

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

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

#### Adjournment

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

#### Attachments (in order of discussion):

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



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

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

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

The meeting was called to order at approximately 2:07 pm by Mr. Proios, with a four member quorum initially present consisting of Mr. Proios, Mr. Kozakiewicz, Ms. Wiplush and Mr. Shea.

#### **Public Comment**

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

The first was the question of whether home rule would be lost by the Town, which the Society feels has not been lost by the Town under the current pine barrens law. Mr. Amper estimated that 95% of the decisions made since the current law went into effect have continued to be made by the Town. The second topic was the assertions that Mr. Amper stated were made by Supervisor Cannuscio that the Commission ignored the Town's request for a special advisory committee. Mr. Amper noted that the current Advisory Committee composition is set by statute. The third topic was Mr. Amper's assertion that Mr. Cannuscio portrayed the Commission's procedures as confiscatory with respect to property rights, and Mr. Amper requested that the Commission discuss this matter with its counsel. Mr. Amper stated that there is nothing wrong with the Commission's work, that any contrary remarks by any individual Commissioner would be inappropriate and would compromise the integrity of the Commission's work.

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

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

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

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

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

#### Administrative

• South Fork Pine Barrens: Southampton Town Board resolution rescinding 1999

resolutions (information item)

<u>Summary:</u> Mr. Corwin then distributed the attached 5/24/00 Southampton Town Board resolution rescinding its pine barrens extension resolutions of 1999. No further discussion was held.

• Summaries of 2/16, 3/8 meeting: review, approval (faxed) <u>Summary:</u> A motion was made by Mr. Shea and seconded by Mr. Girandola to approve the draft summary of the 2/16/00 Commission meeting as final. The motion was approved by a 5-0 vote.

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

 SC Water Authority 2000-01 agreement: review, approval (faxed) <u>Summary</u>: Ms. Roth explained that the attached draft agreement between the Commission and the Suffolk County Water Authority, which was previously faxed, was the same as the 1999-2000 agreement, with appropriate updates. A motion was then made by Mr. Cowen and seconded by Mr. Shea to approve the agreement, and to authorize the Commission Chair or his designated representative to sign the agreement on behalf of the Commission. The motion was approved by a 5-0 vote, and the agreement was held for signing until Mr. Gaffney's arrival later.

#### **Plan Implementation**

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

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

The discussion then turned to the question of whether a new law, or an amendment to the pine barrens law, was needed. Ms. Wiplush stated that the Law Enforcement Council has no authority to undertake certain investigations,

and Mr. Amper stated that, if necessary authority was absent, than a new law or an amendment should be looked at. Mr. Corwin explained that the Council's member agencies have individual authority under their normal statutes, and that members of the Council have expressed their frustration that there is no enforcement provision for Environmental Conservation Law (ECL) Article 57 (the pine barrens law) as there is for ECL Article 24 (Freshwater Wetlands), which has its enforcement provisions in ECL Article 71. Mr. Cowen observed that the most common problem which he feels that the Commission faces is distinguishing legitimate agricultural activities.

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

#### **Core Preservation Area**

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

Mr. Amper then asked whether the cumulative total of all the projects contemplated in Phase 1 of the College's Master Plan is less than 10,000 square feet, and also whether the project would be considered nondevelopment because of its educational benefits or its environmental impacts. A discussion then ensued regarding the specific provision noted above, and the combination of factors that exist in this case. Mr. Amper stated that he would like to have the County set an example of pine barrens law compliance by outlining all of the contemplated College projects at once for the Commission to consider. A brief discussion ensued regarding the planning process at the College, and the College's dependency upon the County Legislature's funding. A motion was then made by Mr. Proios and seconded by Mr. Shea to determine that the proposed modular classroom building as described to the Commission does not constitute development, since it satisfies Section 57-0107(13)(i) of the pine barrens law. The motion was approved by a 5-0 vote.

• Westhampton Mini Storage / Westhampton (Southampton) / expansion: counsel's report on new hardship (from 3/9/00)

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

Mr. Gaffney arrived at this time.

#### Administrative

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

#### **Pine Barrens Credit Program**

• Presentation of commemorative plaques in memory of Mr. Jack Hanley to his family and the Suffolk County National Bank (Mr. Gaffney, Sup. Kozakiewicz, and Clearinghouse members)

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

### Mr. Gaffney departed at this time.

#### **Core Preservation Area**

• Lakeside Manorville Hotel / Manorville (Brookhaven): new hardship; set hearing (materials to be distributed)

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

 Hidden Pond Stables / Manorville (Brookhaven) / riding arena: new hardship; possible additional information (any new materials to be distributed; from 3/9/00)

<u>Summary:</u> Ms. Jakobsen explained that she has spoken with the project sponsor regarding the additional information requested by the Commission at the 3/9/00 meeting, but that the information has not yet been submitted. A motion was then made by Mr. Girandola and seconded by Mr. Cowen to schedule a hearing on this application at the 5/10/00 Commission meeting at 4:00 pm. The motion was approved by a 5-0 vote.

### **Compatible Growth Area**

 Manorville Vistas / Manorville (Brookhaven): counsel's report; correspondence (from 3/9/00)

<u>Summary:</u> Ms. Roth explained that she has reviewed the currently available materials regarding the project, and summarized the approvals that it has received since its inception. She noted that the project documentation is complicated and long, and that a thorough review of all materials would take considerable staff time. However, she noted that, based upon her review to date, that the project appears to be grandfathered under the pine barrens law, and that the only occurrence that could change that status would be a situation in which the project has changed substantially from the grandfathered version.

Mr. Girandola then summarized the details of the project. He explained that it

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

A brief discussion followed, and Ms. Carter distributed the attached letter from Mr. Peter Maniscalco re the project. The discussion ended with the agreement that the project is grandfathered.

#### **Core Preservation Area**

• Status of Hot Water Street and Toppings Path / Manorville (Brookhaven): discussion (not on the original agenda)

<u>Summary:</u> Mr. Girandola stated that Brookhaven Town, which owns these two roads in the Manorville area, wants to see a conceptual plan for the County's intended use of the these two roads. Ms. Plunkett explained what the Law Enforcement Council member agencies have discussed regarding how to address the dumping problem that is occurring there, including the possibility of restricting vehicle access along them.

#### **Pine Barrens Credit Program**

- Results of 3/21/00 Clearinghouse meeting (information item) <u>Summary:</u> Mr. Rizzo explained that the Clearinghouse Board decided not to spend any additional money on the purchase of Credits in Brookhaven Town at this time. He also noted that the next meeting is on 5/16/00 at 3:00 pm at the Commission office.
- Long Island Country Club / Eastport (Brookhaven) / pending Credit application: aerial photography for easement (continuation) <u>Summary:</u> Mr. Rizzo explained that the Long Island Country Club has provided the previously requested aerial photograph as part of their Pine Barrens Credit application. The photograph was briefly shown and discussed, and it was agreed that this will be an acceptable reference item to which the conservation easement could refer. It was also noted that an affidavit will be prepared that corresponds to the aerial photograph.
- Andersen / Manorville (Brookhaven) / appeal: close of hearing record; decision due today (from 2/16/00; transcript distributed) <u>Summary:</u> A separate stenographic transcript exists for the actual hearing.

FINAL Commission Meeting Summary for 3/29/00 (Approved 4/19/00) - Page 7

Following the hearing (and not covered by the transcript, a motion was made by Mr. Girandola and seconded by Mr. Cowen to accept the staff report and to deny the appeal based upon the attached staff report and the lack of any new information. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Mr. Proios.

#### **Compatible Growth Area**

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

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

#### Adjournment

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

## Attachments (in order of discussion):

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

3/29/00 attachment #1 (2 payes)

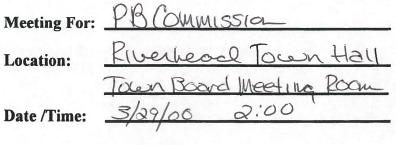


# **CENTRAL PINE BARRENS** JOINT PLANNING AND POLICY COMMISSION

Location:

PLANNING POLICY MMISSION

Date /Time:



# **Sign In Sheet**

NAME	REPRESENTING	ter internet and the second	TELEPHONE/FAX
Tuzka	CPBC Staff	Sunrise Highway Great River	583-0385
FRED STRAHS-LORENC	SCCC	533 COLLEGE ROSA SELDEN NY.	451-4233
July Jakobson	UPBC staff		563-6306
JUNIN' ANTHERSEN	SELF	WESTERY R.I	401-596-588
MARK Rizzo	(PRCSTALE		563-0352
Ann Cartler	CPBC Staff		563-0372
Richard Anzer	L(335	30 Box (29 Manarul	369-3300
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ED QUAREMBA	NASSAD	56 PARLEW CIRCLE, 1	ETHPAGE
Rey Cowin	CPB Commission		
MARTYSHEA	TOWN OF SON THAMP	Ten Southampton	287-5710
ROBERT F. KOZAKIEWICZ	CPB Con - RIJER 14	Qual sherear hal	727-3200
Doris E. Both	hillellan atte	Melvelle	694-8000
Leorge broin	Suffor K County		853-4654
Bachun Wielund	TANDBY		451-650)
Walter ESkarow Olsen	Property Rights Associates Inc.	POB 202 Brightwaters NY	727.5696
Vi HOGLYND	37 DIETZAUE		588-8459 (FA.
Jack Sellek	L.I. COONTRYCIV	F	325-95/0

3/29/00 att 1 PJ.2

NAME		REPRESENTING	ADDRESS	<b>TELEPHONE/FAX</b>
HILIP Str	DERMAN	MANIQUILLE HOTEL	170 Motor Play Ha	Range 232/174:
RICK T	Sosobog		1 SARAN DALLO DAVIL	242-0129
Bin	SPITZ	MSDEC	STONY BROOK	56-4440419
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3/29/00 attachment #2 page 1 of 1

# **Central Pine Barrens** Joint Planning and Policy Commission

# Speaker Sign In Sheet

Meeting Place Riberhead T.H.

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	VINCENT J. CANNUSCIO SUPERVISOR	116 /1A	Southampton MPTON ROAD N, NEW YORK 11968	CENTRAL PINE BARRENS JOINT POLICY AND PLANNING COMMISSION Phone: 516-283-6055 Firk: 516-287-5705 Web Site: www.tovm.southampton.ny.us E-mail: vicannuscio@humptons.com
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Town of Southampton 110 HAMPTON ROAD SOUTHAMPTON, NEW YORK 11965 RESOLUTION Agenda Date: 0324/00 07:30 PM Department: TOWN ATTORNEY Category: MISCELLANEOUS Prepared By: Elleen Halek Initiators: David Gilmartin, Jr. Sponsors: Sponsor Cannuscio Doc ID=[985]; Rev: A

dopted 3 240

Abstain

# RESCIND SUPPORT FOR EXTENSION OF CENTRAL PINE BARRENS ACT (ECL ARTICLE 57) TO EASTERN SOUTHAMPTON (a.k.a. SOUTH FORK PINE BARRENS INITIATIVE) VC-NUMR

WHEREAS, the Town of Southampton has been supportive of initiatives related to safeguarding our precious potable drinking water resources, protecting natural areas including pine barrens habitat, and implementing community preservation goals, as evidenced through the adoption of the latest Town Comprehensive Plan Update, dated March 1999, which supplements the 1970 Master Plan and updates undertaken in 1980s; as well as implementation of the Community Preservation Fund Project Plan; and

WHEREAS, by Resolutions # 896 and #985 of 1999, the Town Board expressed its desire to be part of a potential regional planning effort to protect the drinking water resources on the South Fork, and initiated a process to formulate a plan, pursuant to the Long Island Pine Barrens Protection Act of 1993 which amended Article 57 of the Environmental Conservation Law and provided authorization for towns located outside of the Central Pine Barrens area to "join the commission or establish a similar planning effort for those areas outside of the Central Pine Barrens area;" and

WHEREAS, at present, the Central Pine Barrens area does not include any area in the eastern portion of the Town of Southampton or any forested morainal lands within the Town of East Hampton, otherwise known as the "South Fork Pine Barrens" and / or "Eastern Pine Barrens:"

WHEREAS, by Resolutions #896 and #985 of 1999, the Town Board recognized the significant difference between the already existing Central Pine Barrens and the proposed extension to the South Fork Pine Barrens, and in doing so, requested that a regional advisory committee be established, to wit: a South Fork Pine Barrens Advisory Committee; and

WHEREAS, by Resolution duly adopted by the Central Pine Barrens Commission on October 20, 1999, the Commission denied Southampton's request to form said committee and in its stead, convened the Central Pine Barrens Advisory Committee to advise in the pine barrens land use planning process being undertaken for the area located east of the Shinnecock Canal; and

WHEREAS, by this one action, the Central Pine Barrens Commission effectively limited the role of the Town Board, Board of Trustees, landowners and stakeholders in the regional planning process; and

WHEREAS, the Central Pine Barrens Advisory Committee has held meetings over recent months in Great River, Town of Islip, to prepare a preliminary map of forested morainal property

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## RESCIND SUPPORT FOR EXTENSION OF CENTRAL PINE BARRENS ACT (ECLARTICLE

in both Southampton and East Hampton that would be potentially regulated as part of the proposed extension of the Central Pine Barrens to the South Fork; and

WHEREAS, the Central Pine Barrens Advisory Committee is drafting legislation for the consideration of the Central Pine Barren Commission that would include areas of eastern Southampton and the Town of East Hampton as part of the area that would be regulated by the Central Pine Barrens Commission, and/or an alternative regional agency inclusive of the Town Supervisor of East Hampton; and

WHEREAS, the Town held a public hearing on Tuesday, March 14, 2000, attended by approximately 1,000 persons, convened as a joint session of the Town Board, Planning Board, and Board of Trustees of the Freeholders and Commonalty of the Town of Southampton; in addition, the Town received numerous communications to the official record maintained by the Town Clerk's Office in connection with the preliminary study area boundary map and proposed state legislation being considered by the Central Pine Barrens Advisory Committee; and

WHEREAS, the Town Board would like to publicly acknowledge the hard work and effort of town employees Marty Shea, Annette DeRochers, Tara Leach, Shawn Kiernan, and Kerry Sneider in preparing and presenting an informative outline of the South Fork Pine Barrens Initiative at the March 14, 2000 Public Hearing; and

WHEREAS, the Informational Update on the proposal was presented in a neutral but detailed manner in order to provide the background, facts, and not in specific advocacy of or against using an extension of the Central Pine Barrens Act as the only means to land preservation for groundwater protection; and

WHEREAS, the Town Board would also like to note that it invested significant time and resources in the notification process to hear all persons interested in this particular initiative related to groundwater protection and habitat preservation, including but not limited to the publication of legal notices, display advertisements in community newspapers, direct mailings to all potentially impacted property owners within the proposed study area boundaries, press releases, posting of public service announcements, general background information, and a study area boundary map on the Town's web site; and

WHEREAS, invitations to participate at this Public Informational Hearing were sent to the East Hampton Town Supervisor and Town Board, our state representatives, our congressional representative, Mayors of the Incorporated Villages of Southampton, Sag Harbor, and North Haven, the Superintendents of Bridgehampton, Southampton, Tuckahoe, Sagaponack, and Sag Harbor School Districts, Fire Departments and Ambulance Companies serving Bridgehampton, Southampton, North Sea, Noyac and Sag Harbor, the members of the Central Pine Barrens Commission and the Central Pine Barrens Advisory Committee, and various interest organizations; and

WHEREAS, the Town Board of Southampton believes that any effort to consider further regulating these lands should be inclusive of many stakeholders and interest organizations who

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## RESCIND SUPPORT FOR EXTENSION OF CENTRAL PINE BARRENS ACT (ECL ARTICLE

reside in eastern Southampton and the Town of East Hampton and that the deliberation process on any enabling state legislation impacting areas within the town jurisdiction should include the Town Board's input and ratification on all aspects thereof;

NOW THEREFORE BE IT RESOLVED the Town Board of the Town of Southampton hereby rescinds Resolutions #896 and #985 of 1999, for the following reasons:

- 1. It is the Town Board's determination that there are serious issue with respect to the flexibility of the proposed expansion of the Central Pine Barrens Act ECL 57 to the area east of the Shinnecock Canal in the Towns of Southampton and East Hampton. Specifically, the proposed plan does not address the significantly different geography, hydrogeologic conditions, and land use patterns of eastern Southampton.
  - Based upon information provided through the map development process and public hearing record, there is clear testament to the fact that the Town of Southampton has policies in place that already protect groundwater resources and pine barren habitat; limit development, clearing, and fertilizer-dependent vegetation; and preserve the character of our community. Of the 4,734.7 acres of vacant land in the proposed Core Preservation Area, 1802.2 acres or 38% are already currently classified as "Protected Lands," meaning title to the property is held in protective ownership. Total "potential build-out" within this proposed "core preservation area" has already been substantially reduced through existing land protection programs. Furthermore, of the remaining 2925.7 acres privately held within the "proposed core preservation area," 97.94 % is currently zoned 2, 3 or 5 acre, with building envelope restrictions and Aquifer Protection Overlay District regulations. Under clustering requirements in the planning process, substantially more land would be preserved within this proposed core preservation area if subdivisions were pursued by the private land owners. For example, in 2acre zoning, at least 50% is preserved, in 3-acre zoning, at least 65% is preserved, in 5-acre zoning, at least 65% is preserved. In addition, under clearing restrictions required by the Town's Aquifer Protection Overlay District, in some zoning districts 80% or more of the land tract is protected. According to accepted water quality studies undertaken by the Suffolk County

Department of Health Services, the existing zoning in the proposed study area adequately supports the development of single family homes and would not negatively impact groundwater.

- Several tools already exist that enable the Town to preserve valuable parcels. These include several tools within the planning process, restrictions in place through the Aquifer Protection Overlay District, implementation of the Community Preservation Fund Project Plan, viable conservation opportunities, and other town-sponsored voluntary land acquisition initiatives.
- c. Such testament to the existing acreage of preserved properties and existing local regulatory controls does not preclude the Town's interest in enhancing its land use

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## RESCIND SUPPORT FOR EXTENSION OF CENTRAL PINE BARRENS ACT (ECL ARTICLE

policies and conservation efforts, albeit through regional approaches, preservation partnerships, and local zoning regulations.

2. It is the Town Board's determination that the town-approved studies on the Town's groundwater supply upon which the Town has relied upon for its prior policy-formation, modifications to the Town zoning map, and local legislation regarding groundwater protection, do not support the extension of the Central Pine Barrens Act from western Southampton to the South Fork Pine Barrens. Such studies include but are not limited to: The Long Island Comprehensive Waste Treatment Management Plan (referred to as the 208 Study), the Suffolk County Comprehensive Water Resources Management Plan, the Non-Point Water Resource Handbook, the Long Pond Greenbelt Action Plan and GEIS, the Eastern GEIS, Groundwater Study and Implementation Plan for Open Space, the 1986-1987 and 1995-1996 Open Space and Greenbelt Acquisition Programs, the Community Preservation Project Plan, the 1999 Comprehensive Plan Update and other ongoing planning initiatives.

The New York State-funded Long Island Special Groundwater Protection Area Plan (SGPA) provides a cornerstone map for policy-formation on what properties require special protections in the interest of safeguarding drinking water resources from degradation and / or contamination. In a letter received in the Supervisor's Office on March 22, 2000, Dr. Lee Koppelman, former Executive Director of the Long Island Regional Planning Board asserts that the SGPA Plan supports a recommendation for fiveacre zoning. Dr. Koppelman's letter states that scientific research indicates zero probability exists for groundwater contamination from a septic waste system serving a single family home on a residential lot size of five acres. Much of the Town's Aquifer Protection Overlay District in eastern Southampton, upon which the preliminary map of Core and Compatible Growth Areas is based for the South Fork Pine Barrens Initiative, is already in five acre zoning. According to Dr. Koppelman, the SGPA Plan does not recommend identification of an "artificial core" of limited size to achieve the purpose of protecting the entire SGPA. In delineating a select "core preservation area" on its existing maps, the town is redirecting density to "compatible growth areas" or "receiving areas" elsewhere in the SGPA or outside the proposed study area in order to preserve "core" areas. The Town Board therefore finds that the "South Fork Pine Barrens Initiative" as currently proposed as an extension of ECL Article 57 (the Central Pine Barrens Act) without an actual commitment of state acquisition dollars at a magnitude to duly compensate all property owners whose beneficial use of land would be restricted through core preservation designation of property, is merely an attempt to reduce density in one location in order to intensify density in another.

4. Both the Planning Boatd and the Board of Trustees have approved resolutions requesting that the Town Board rescind the resolutions requesting a South Fork Pine Barrens regional plan through a proposed extension of the Central Pine Barrens Act (ECL Article 57). A resolution of the Board of Trustees was received on February 18, 2000, indicating a vote of 5-0. An advisory report of the Planning Board was received by the Town Clerk dated March 16, 2000, evidencing a vote of 6-0, with 1 member absent.

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## RESCIND SUPPORT FOR EXTENSION OF CENTRAL PINE BARRENS ACT (ECLARTICLE

- 5. The Town of Southampton, through the Supervisor's membership on the Central Pine Barrens Commission, by vote dated October 20, 1999, opposed the use of the Central Pine Barrens Advisory Committee for purposes of developing a preliminary map and draft legislation. Further, the Supervisor reiterated the Town Board's specific request that a South Fork Advisory Committee be established and include local stakeholder organizations. The Town of Southampton was outvoted by the State of New York, Suffolk County, and Brookhaven in a 3-1 vote, with Riverhead's designee absent.
- 6. The Town of Southampton, though the Supervisor's membership on the Central Pine Barrens Commission, by vote dated October 20, 1999, opposed the imposition of the Town's unilateral acceptance of the Central Pine Barrens Commission's jurisdiction on the establishment of the Comprehensive Land Use Plan. The Town of Southampton expressed concern about the criteria and planning stages established by the Central Pine Barrens Commission for the preparation of the a land use plan particularly on the issue of Pine Barrens Credits, Transfer of Development Rights (TDRs), and "establishment of receiving areas of sufficient quality and quantity to accommodate Pine Barrens Credits and other methods of compensation to property owners." The Town of Southampton was again outvoted by the State of New York, Suffolk County, and Brookhaven in a 3-1 vote, with Riverhead's designee absent.
- 7. The Town of Southampton has expressed concern about a mandatory Transfer of Development Rights Program (TDRs) for the proposed extension of the Central Pine Barrens Act to the South Fork and the potential difficulty in finding receiving areas suitable to accommodate the proposed Pine Barrens Credits (PBCs). This concern is due to existing land use patterns on the South Fork.
- 8. The Town Trustees, in review of the first draft of the "Eastern Pine Barrens Law" presently under consideration by the Central Pine Barrens Advisory Committee, have found that the proposed legislation interferes and usurps the jurisdiction of the Trustees of the Freeholders and Commonalty of the Town of Southampton, who are the owners of approximately 6,000 acres of lands and underwater lands within the proposed study area. The Town Board supports the jurisdiction, independence, and stewardship of the Town Trustees.
- 9. The Planning Board, while mindful of the need to protect groundwater, has stated that the current proposal to extend the Central Pine Barrens Act to eastern Southampton is not responsive to the needs of the Town's citizenry.
- 10. The Town Board acknowledges that the property owners should be compensated at the fair market value of their property in the event of preservation through fee-simple acquisition. Even conservative estimates indicate a price that is far beyond the capability of the town's open space acquisition programs and town taxpayers. Further, there has been no showing of financial or political support from the State of New York. In

03/27/00

RESCIND SUPPORT FOR EXTENSION OF CENTRAL PINE BARRENS ACT (ECLARTICLE

addition, there has not been a clear indication of indemnification by New York State for the Town of Southampton.

11. The Town Board finds that the proposed Eastern Pine Barrens Law, under review by the Central Pine Barrens Advisory Committee, violates the Home Rule Doctrine by removing local control and vesting control solely with the Central Pine Barrens Commission, and / or a proposed Management Preservation Board, and upon which the local municipal government has little or no control.

#### AND BE IT FURTHER

RESOLVED that the Town Board of the Town of Southampton, in realizing that it must continue its ongoing efforts to protect groundwater as a vital resource in the Town, plans to undertake the following:

- 1. Develop a comprehensive Drinking Water Protection and Management Plan, consistent with the recommendations of the Town's Comprehensive Plan Update, to insure the protection of drinking water resources.
- 2. Accelerate the purchase of lots critical for groundwater protection with the funds currently available in town-sponsored voluntary land acquisition programs.
- 3. Work with the Suffolk County Water Authority, the Suffolk County Department of Health Services, and the Suffolk County Planning Department to insure the future quality of drinking water and determine sites for future well field needs in order to develop a regional wellhead protection program.
  - Consider local land management techniques to delineate a specific wellhead protection zone within the state designated Special Groundwater Protection area to protect public water supply on the South Fork. Such tools as overlay zoning districts (with associated restrictions and prohibitions on certain types of land use) large lot zoning, and land protection through outright acquisition.
- 5. Work with the Town Trustees to re-examine the town's land use regulations designed to enhance the quality of water and assist in the establishment of a library of groundwater studies, upon which the Town has based its policy formation related to groundwater and surface water protection.
  - Insist that prior to any potential state legislation being introduced regarding regional approaches and / or planning in the interest of protecting the South Fork Pine Barrens that the Town Board be afforded:
    - An opportunity to review such legislation and participate in the planning process in all stages and issue a resolution in support or opposition
    - An opportunity to appoint local stakeholder organizations to advise committees in connection with any such initiative

03/27/00

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RESCIND SUPPORT FOR EXTENSION OF CENTRAL PINE BARRENS ACT (ECLARTICLE

Further, it is the Town Board's position that potential state legislation ought not seek to enact a moratorium on all forms of development within the Town's jurisdiction or suspend the Town's ability to enact changes in its zoning law, or erode its ability to implement its Comprehensive Plan Update. Moratoria should be at local option. Coordination of regional efforts in any such state-sponsored planning should not be under a state commission per se. Rather, the professional hydrogeologic staffing of the NYS DEC should serve as key participant or facilitator in regional efforts. The DEC may provide state certification or ratification, if necessary, on plans developed with state assistance, however, the Town Board opposes any legislation that would erode home rule or the jurisdiction of the townships of Southampton and East Hampton.

AND, BE IT FURTHER RESOLVED that a Watershed Protection Working Committee be established immediately as a working committee of the Town of Southampton and the Town of East Hampton, to initiate a work program to formulate the objectives of a comprehensive watershed protection plan, conduct economic analysis in order to establish upfront funding requirements for potential preservation zones, and coordinate regional implementation, and

BE IT FURTHER RESOLVED that the goals of the Watershed Protection Working Committee to facilitate a regional comprehensive Watershed Protection Plan are a complement to the Town Board's proposed undertakings noted above and not in substitution thereof; and

BE IT FURTHER RESOLVED that the following individuals are hereby designated members of the Watershed Protection Working Committee:

Southampton Town Supervisor and / or member of the Town Board Southampton Town Trustee President and / or member of the Board Town Land Management Director and /or Chief Environmental Analyst Town Attorneys of Southampton and East Hampton East Hampton Town Supervisor and / or member of the Town Board East Hampton Town Trustee President and / or member of the Board East Hampton Planning Director and / or Natural Resources Director Suffolk County Water Authority Chairman Suffolk County Department of Health Services representative Suffolk County Planning representative County Executive and / or his representative State Assemblyman and / or his representative Representative of the Governor and / or DEC Regional Director

AND BE IT FURTHER RESOLVED that the Town Supervisors of Southampton and East Hampton, or their designee, shall serve as co-chairs of the Watershed Protection Working Committee; and

03/27/00

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## **Town of Southampton - RESOLUTION**

RESCIND SUPPORT FOR EXTENSION OF CENTRAL PINE BARRENS ACT (ECLARTICLE

BE IT FUTHER RESOLVED that the Town Clerk shall submit a copy of this resolution to the above named individuals and the Central Pine Barrens Commission, Post Office 587, Great River, New York 11739

View Resolution Financial Impact

03/27/00

MONITLEAN, RAINER-



3.00 .

3/29/00 attachment #4 (5 payes)

## CENTRAL PINE BARRENS JOINT PLANNING AND POLICY COMMISSION

#### and

#### THE SUFFOLK COUNTY WATER AUTHORITY

AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_\_, 2000, by and between THE SUFFOLK COUNTY WATER AUTHORITY, a public benefit corporation having its principal office and place of business at 4060 Sunrise Highway, Oakdale, New York 11769 (hereinafter "SCWA") and THE CENTRAL PINE BARRENS JOINT PLANNING AND POLICY COMMISSION, a public entity, having its principal office and place of business at P.O. Box 587, 3525 Sunrise Highway, Second Floor, Great River, New York 11739 (hereinafter the "PINE BARRENS COMMISSION").

#### WITNESSETH:

WHEREAS, the SCWA entered into an Agreement with the PINE BARRENS COMMISSION, dated February 9, 1994, to administer certain funds on behalf of the PINE BARRENS COMMISSION in furtherance of the PINE BARRENS COMMISSION'S efforts under Article 57 of the N.Y. Envtl. Conserv. Law; and

WHEREAS, the February 9, 1994 Agreement was extended by Agreements dated April 15, 1996, December 2, 1996, December 12, 1997, May 27, 1998 and March 30, 1999, and further modified by Amendment No. One, dated December 14, 1999; and

WHEREAS, the parties hereto wish to further extend the above mentioned Agreements as more specifically set forth herein; and

WHEREAS, the PINE BARRENS COMMISSION has requested an allocation of \$650,000 for its 2000-01 fiscal year administrative funds from the New York State Legislature for its administrative costs and expenses; and

WHEREAS, as of the date of execution of this Agreement the New York State Executive Budget for the 2000-01 State fiscal year, which extends from April 1, 2000 through March 31, 2001, has not yet been adopted by the State; and

WHEREAS, the parties expect that an Executive Budget for that fiscal year will be adopted by the State Legislature in the near future; and

WHEREAS, the PINE BARRENS COMMISSION will adopt its own budget for fiscal 2000-01 upon adoption by the State Legislature of the State's Executive Budget; and

WHEREAS, the SCWA wishes to continue to assist the PINE BARRENS COMMISSION by making certain payments on behalf of the PINE BARRENS COMMISSION, subject to reimbursement by the PINE BARRENS COMMISSION; and

WHEREAS, both the SCWA and the PINE BARRENS COMMISSION wish to have an agreement in place as early in the 2000-01 fiscal year as possible.

NOW THEREFORE, in consideration of the terms and conditions set forth herein and other good and valuable consideration, the parties hereto agree as follows:

- 1. The SCWA will pay to SCWA, on behalf of the PINE BARRENS COMMISSION, for time spent by SCWA staff which is dedicated to PINE BARRENS COMMISSION efforts;
- The SCWA will pay, on behalf of the PINE BARRENS COMMISSION, the costs and expenses of its general counsel, McMillan, Rather, Bennett & Rigano, P.C.;

-2-

- 3. McMillan, Rather, Bennett & Rigano, P.C. will submit monthly invoices to the Executive Director of the PINE BARRENS COMMISSION and payment of those invoices will be as approved and directed by the Executive Director of the PINE BARRENS COMMISSION;
- The SCWA will pay, on behalf of the PINE BARRENS COMMISSION, those vendors and operational expenses approved and directed by the Executive Director;
- 5. The PINE BARRENS COMMISSION will transfer to the SCWA at the earliest possible date all funds it receives from the State of New York for its administrative costs for fiscal year 2000-01;
- The SCWA will be entitled to an administrative fee of one percent (1%) of the total amount paid pursuant to this Agreement;
- 7. All funds paid over to the SCWA by the PINE BARRENS COMMIS-SION pursuant to this Agreement shall be paid or transferred to third parties by the SCWA solely in accordance with the terms of this Agreement.
- 8. The PINE BARRENS COMMISSION agrees to defend, indemnify and hold harmless, to the extent permitted by law, SCWA, and its officers, employees and agents from and against all liabilities, claims, damages, costs and expenses arising out of the proper action of SCWA in accordance with instructions received from the PINE BARRENS

-3-

COMMISSION pursuant to this Agreement, including any such action taken or omitted in accordance with such instructions. Notwithstanding the foregoing, this indemnity excludes any action which is caused by the gross negligence or intentional misconduct of SCWA.

IN WITNESS whereof, the SCWA has caused this Agreement to be signed by a member duly authorized and the PINE BARRENS COMMISSION has caused this Agreement to be signed by its Chairman, duly authorized, on the day and year first above written.

#### SUFFOLK COUNTY WATER AUTHORITY

By:\_

Michael A. LoGrande Chairman/Chief Executive Officer

#### THE CENTRAL PINE BARRENS JOINT PLANNING AND POLICY COMMISSION

By:

Robert J. Gaffney Chairman

STATE OF NEW YORK	) (	
	) 55.:	
COUNTY OF SUFFOLK	)	

On the \_\_\_\_\_ day of \_\_\_\_\_, 2000, before me personally came Michael A. LoGrande, to me known, who did depose and say that he is the Chairman of the Suffolk County Water Authority, the corporation described in and who executed the foregoing instrument, and that he signed his name thereto by order of the board of directors of said corporation.

Notary Public

### STATE OF NEW YORK ) ) ss.: COUNTY OF SUFFOLK )

On the \_\_\_\_\_\_day of \_\_\_\_\_\_, 2000, before me personally came Robert J. Gaffney, to me known, who did depose and say that he is the Chairman of the CENTRAL PINE BARRENS JOINT PLANNING AND POLICY COMMISSION, the agency described in and who executed the forceoing instrument and that he signed his name thereto by order of said agency.

Notary Public

- 5 -

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Post-it* Fax Note	7671	Date 3/23 # of 2	,
TO LAWY HUY	CS_	From GEOLAT PLOIDS	
Co./Dept.		Co.	No.
Phone #		Phone #	
+ 4- 4969	7	Fax #	

3/29/60 attachmut #5 (2 pages)

#### OFFICE OF THE COUNTY EXECUTIVE

Robert J. Gaffney COUNTY EXECUTIVE

July 12, 1999

Mr. Richard Amper Long Island Pine Barrens Society PO Box 429 Manorville, New York 11949-9801

Dear Mr. Amper: \*

Thank you for your recent letter concerning clearing in the Compatible Growth Area.

When this issue was first brought to the Commission's attention last Wednesday, my representative on the Commission discussed it with me and I asked him to take the following actions:

First, notify Larry Hynes, Chairman of the Law Enforcement Council, and ask that they fully investigate all possible violations that may have occurred at this site.

As you may know, the new Law Enforcement Handbook was recently completed and I have made arrangements to have it printed at our county print shop. This compilation of all environmental laws will be a useful tool in our efforts to address violations occurring within the Central Pine Barrens area.

Secondly, to notify the District Attorney's Environmental Crimes Unit of this potentially serious problem.

As my office receives updated information on the status of the investigations, we will report back to the full commission. As always, I appreciate your help with our efforts to protect Suffolk's Pine Barrens.

Sincerely,

ROBERT J. GAFFNEY Suffolk County Executive

RJG/GP:ba

H. LEE DENNISON BLDG. = 100 VETERANS MEMORIAL HIGHWAY = P.O. BOX 6100 = HAUPPAUGE, N. Y. 11788-0099 = (516)853-4000

RECEIVED

99 NOV -8 AM II: 48 New York State Department of Environmental Conservation Division of Legal Affairs, Region One Building 40 - SUNY, Stony Brook, New York 11790-2356XECUTIVE Phone: (516) 444-0260 FAX: (516) 444-0348



#### **NOTICE**

As required by law, the Department of Environmental Conservation is hereby providing you with notice of an alleged violation of the Environmental Conservation Law which occurred within your municipality.

#### THIS NOTICE DOES NOT REQUIRE ANY RESPONSE OR ACTION BY YOU.

Please be advised that the Department has sufficient evidence to commence an enforcement action against Robert Liere for violations of Article <u>27</u> of the New York State Environmental Conservation Law, having reference to <u>Solid Waste</u> for violations occurring at North Service Road of LIE, Yaphank, NY.

NOTICE PROVIDED TO:

Name: The Honorable Robert J. Gaffney Suffolk County Executive H. Lee Dennison Building Veterans Memorial Highway Hauppauge, NY 11788

Name: The Honorable Felix Grucci, Jr. Supervisor Town of Brookhaven 205 South Ocean Ave. Patchogue, NY 11772

#### NOTICE PROVIDED BY:

Name:	Jeanne Compitello	
Title:	Assistant Regional Atte	omey
×5.	, *	
Date:	November 3, 1999	•
· · · · ·		

Family version (plaque #1):

3/29/00 attachment #6 (2 payes)

Presented in grateful commemoration to the family of

## John F. "Jack" Hanley

for his professional and generous public service to the

## **Central Pine Barrens Credit Program**

as a Member of, and Riverhead Town representative to, the Pine Barrens Credit Clearinghouse Board of Advisors.

His efforts have contributed to the protection of the

## Central Pine Barrens of New York State,

a natural resource legacy for future generations.

Awarded by the Central Pine Barrens Commission and the Pine Barrens Credit Clearinghouse Board of Advisors March 29, 2000 Presented to the Board and Employees of the

## **Suffolk County National Bank**

in grateful commemoration of the public service of

# John F. "Jack" Hanley,

while President and CEO, for his professional contribution to the

## **Central Pine Barrens Credit Program**

as a Member of, and Riverhead Town representative to, the Pine Barrens Credit Clearinghouse Board of Advisors.

His efforts have contributed to the protection of the

## Central Pine Barrens of New York State,

a natural resource legacy for future generations.

Awarded by the Central Pine Barrens Commission and the Pine Barrens Credit Clearinghouse Board of Advisors March 29, 2000

369/00 attachment # 7 The Mockingbird Project

March 17, 2000

Ray Corwin, Executive Director Central Pine Barrens Commission P.O. Box 587 Great River NY 11739

re: Manorville Vistas

Dear Mr. Corwin:

D.D. (50x 104

manorville

long island

516.874:4104

new

We are writing to you concerning the atrocious assault on the Earth by the developer of this project. While what's going on there in terms of earth removal may be legal, it is clearly a rape of the land.

Some in our network are teachers and most of those teach courses on the environment. We want to know what can be done to stop these kind of assaults on the Earth. We feel that land can be developed without raping and disfiguring the Earth. We trust that you may at least be able to do something constructive within the Pine Barrens compatible growth area.

It is our understanding that chapter 53 of the Brookhaven Town code needs to be amended in order to stop developers from removing these vast quantities of material from sites they are developing. We urge the commission to recommend revising the Brookhaven Town code and the codes of other towns, accordingly, to prevent these assaults on Nature, in the future.

Please inform us regarding the commission's actions on this specific project and regarding your generic proposals to correct this situation.

Thank you for your attention to these matters.

Sincerely,

Pete Maniscalco Coordinator

copy: L.I. Pine Barrens Society

The Mockingbird Project is a spiritually-based environmental network.



3/29/00 Attachment #8 (3 pages)

## CENTRAL PINE BARRENS JOINT PLANNING AND POLICY COMMISSION STAFF REPORT PINE BARRENS CREDIT APPEAL

Prepared: March 28, 2000 Adopted by the Commission March 29, 2000

APPLICATION DATA:	LOI issued 10/25/99 Appeal Received 11/18/99 Appeal Public Hearing 2/16/00 and 3/29/00 (As per Appellants request)
APPELLANT: John	Andersen
LOCATION: See at	ttached LOI Staff Reports
TAX MAP #'s:	200-511-1-15 and 200-511-1-16
APPELLANT REQUEST:	Allocated 0.10 Pine Barrens Credits (PBCs) for SCTM # 200-511- 1-15, allocated 1.00 for SCTM # 200-511-1-16; requesting 1.00 PBCs for SCTM 200-511-1-15
PARCEL ZONING:	A Residence 5
LAND USE: See at	tached LOI Staff Reports
ADDITIONAL SITE DAT	A: See attached LOI Staff Reports
APPELLANT'S EVIDEN	CE: Mr. Andersen testified at the public hearing that "I'm not out in the bonnies with the property. I'm very close to this road and I feel as if I didn't get justified for the credit." Mr. Andersen did not present any exhibits.
<b>RECOMMENDATION:</b>	The Clearinghouse determined the LOI allocation for the above referenced parcels according to the Central Pine Barrens Comprehensive Land Use Plan ( <i>Plan</i> ) Volume 1 adopted June 28, 1995. §6.3.1.1.9 of the <i>Plan</i> dictates the development yield factors and computation for residentially zoned property. If zoning allows one (1) dwelling unit per two hundred thousand (200,000) square feet, the development yield factor is 0.16 Pine Barrens Credit per acre. Mr. Andersen's property is zoned one (1) dwelling unit per

two hundred thousand (200,000) square feet. § 6.7.6.6 of the Plan

states "The Pine Barrens Credit Clearinghouse may elect to

allocate one (1) full Pine Barrens Credit for a parcel of land consisting of at least 4,000 square feet with frontage on an existing improved road." (emphasis added) SCTM # 200-511-1-16 was granted 1.00 Pine Barrens Credits due to its road frontage. Mr. Andersen's parcels do not conform to current zoning allowed by the Town of Brookhaven. It is believed by staff that Mr. Andersen's parcels would not conform with the provisions of Article 6 of the Suffolk County Sanitary Code if he wished to develop the parcels residentially. No evidence was presented by the appellant to establish that the parcels are unique in any manner, so as to warrant an increase in the allocation. A case that previously came before the Clearinghouse for appeal in February of 1996 was that of Expressway 60 Patent and Bernard Meyer. In that case there were 44 different tax parcels that were zoned by Brookhaven Town A Residence 5 zoning. A Residence 5 zoning is equivalent to one (1) dwelling unit per two hundred thousand (200,000) square feet. The total land area of the parcels was approximately 20 acres. The parcels were similar to Mr. Andersen's in that some were road front and some were interior lots. The lots differ due to fact that they had the ability to be used economically sustainable development. The Clearinghouse based its decision on the unique features of the parcels. A second case that came before the Commission for appeal in February of 1997 was that of Martha Barkus etc. In that case there were 54 different tax parcels that were zoned by Brookhaven Town A Residence 5 zoning. A Residence 5 zoning is equivalent to one (1) dwelling unit per two hundred thousand (200,000) square feet. The total land area of the parcels was approximately 24 acres. The parcels were similar to Mr. Andersen's in that some were road front and some were interior lots. The lots differ due to fact that they had the ability be developed. The Commission based its decision on the unique features of the parcels. The two above cases do not seem to be related to the facts in the Anderson appeal. Therefore, based on the above information Staff recommends against granting the appeal for the above referenced parcels.

## PINE BARRENS CREDIT LETTER OF INTERPRETATION APPLICATION STAFF REPORT Original Issue Date: 7/9/96 Renewal Issue Date: 1/13/98

Renewal Issue Date: 10/21/99

Item	<b>Tax Map Numbers</b> 200-511-1-15 & 16	
Applicant Name	John Andersen	
Location/Access	Parcel 16 has frontage on CR111, an improved, four lase, divided highway. Parcel 15 has access from an unimproved paper road (Manor Street)	
Hagstrom Map #	Map 20, N-27	
Aerial #	Not available at this time	
Acreage	.50 and .60 acres respectively	
Topography/Geologic Features	Relatively flat, approximately	
Soils (SC Soil Survey)	Generally, PiA (Plymouth loamy sand 0-3% slopes ) and PiB (Plymouth loamy sand 3-8% slopes)	
Wetlands, Depth to Seasonal High Water Table, Surface Water, etc.	None as per NYS DEC map, April 1995.	
Vegetative Cover Type	Pitch Pine/Oak - Heath Woods - some areas in this vicinity have been previously cleared and can be generally characterized as successional old field.	
Rare and Endangered Species	None as per NYS DEC map of Natural Heritage Data, April 1995.	
Cultural Resources	Not available at this time	
Scenic Resources	The view from CR111 has minimal visual encroachments or interruptions from vacant, wooded lands.	
Land Use	Vacant.	
Zoning	A5 Residence	
School District	Eastport	
Public Water	No	
Public Sewer	No	
Fire/Police District	Manorville	
Comments	Renewal Receipt Date: 12/29/97 (no amendments) 10/21/99 renewal - no amendments	

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CENTRAL PINE BARRENS JOINT PLANNING \* POLICY COMMISSION

Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert Kozakiewicz Member

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

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

## Session of March 29, 2000 Riverhead Town Hall Riverhead, New York

Resolution on the Letter of Interpretation Appeal of John Andersen ("the Appellant") for Suffolk County Tax Map Parcel #'s 200-511-1-15 and 200-511-1-16

WHEREAS, pursuant to the Pine Barrens Credit Program contained in the Central Pine Barrens Comprehensive Land Use Plan (the "Plan"), the Appellant applied for and was issued Letters of Interpretation, dated October 25, 1999, by the Pine Barrens Credit Clearinghouse allocating 0.10 Pine Barrens Credits to SCTM # 200-511-1-15 and 1.00 Pine Barrens Credits to SCTM # 200-511-1-16; and

WHEREAS, the Appellant appealed the allocation of 0.10 Pine Barrens Credits for SCTM # 200-511-1-15 by a letter dated November 18, 1999 seeking 1.00 Pine Barrens Credits; and

WHEREAS, a public hearing was held by the Central Pine Barrens Joint Planning and Policy Commission ("the Commission") on February 16, 2000 and continued on March 29, 2000. Appellant appeared, and testified at the public hearing; and

WHEREAS, the Commission considered the merits of the Appellant's appeal as contained in the hearing transcript, exhibits, and staff report; Now therefore be it

RESOLVED, that the Staff Report for the Andersen appeal is hereby adopted and the appeal is denied for the following reasons:

1. The Clearinghouse determined the Letter of Interpretation allocation for the above referenced parcels according to the Central Pine Barrens Comprehensive Land Use Plan (*Plan*) Volume 1 adopted June 28, 1995. §6.3.1.1.9 of the *Plan* dictates the development yield factors and computation for residentially zoned property. If zoning allows one (1) dwelling unit per two hundred thousand (200,000) square feet, the development yield factor is 0.16 Pine Barrens Credit per acre. Appellant's property is zoned one (1) dwelling unit per two hundred thousand (200,000) square feet. § 6.7.6.6 of the *Plan* states "The Pine Barrens Credit Clearinghouse *may* elect to allocate one (1) full Pine Barrens Credit for a parcel of land consisting of at least 4,000 square feet with frontage on an existing improved road." (emphasis added) SCTM # 200-511-1-16, consisting of 0.60 acres was granted 1.00 Pine Barrens Credits due to its road frontage. Appellant's parcels do not conform to current zoning allowed by the Town of Brookhaven, which requires five acres for a single family dwelling.



PINE BARRENS JOINT PLANNING \* POLICY COMMISSION

Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert Kozakiewicz Member

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

Phone (631) 224-2604 Fax (631) 224-7653 Internet: http://pb.state.ny.us Session of March 29, 2000 Andersen Credit Appeal (Resolution) Page Two

2. It is staff's view that Appellant's parcels would not conform with the provisions of Article 6 of the Suffolk County Sanitary Code for residential development.

3. No evidence was presented by the appellant to establish that the parcels are unique in any manner, so as to warrant an increase in the allocation.

4. A case that previously came before the Clearinghouse for appeal in February of 1996 was that of Expressway 60 Patent and Bernard Meyer. In that case there were 44 different tax parcels that were zoned by Brookhaven Town A Residence 5 zoning. A Residence 5 zoning is equivalent to one (1) dwelling unit per two hundred thousand (200,000) square feet. The total land area of the parcels was approximately 20 acres. The parcels were similar to Appellant's in that some were roadfront and some were interior lots. However, the lots differ due to fact that the Expressway 60 Patent/Bernard Meyer parcels had the ability to be used for economically sustainable development because of the number of acres. A second case that came before the Commission for appeal in February of 1997 was that of Martha Barkus etc. In that case there were 54 different tax parcels that were also zoned by Brookhaven Town A Residence 5 zoning. The total land area of the parcels was approximately 24 acres. The parcels were similar to Appellant's in that some were roadfront and some were interior lots. However, the lots differ due to fact that the Barkus parcels had the ability to be used for economically sustainable development because of the number of acres. The Expressway 60 Patent/Bernard Meyer and Barkus differ significantly from the Andersen appeal because of the relative size of the parcels involved.

Record of Motion: Made by: Mr. Girandola Seconded by: Mr. Cowen Yea Votes: Mr. Cowen Mr. Girandola Mr. Kozakiewicz Mr. Murphree Nay Votes: None Abstentions: Mr. Proios



JOINT PLANNING & POLICY COMMISSION

Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

Ray E. Cowen Member

Robert F. Kozakiewicz *Member* 

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

Phone (631) 224-2604 Fax (631) 224-7653 Internet: http://pb.state.ny.us Commission Agenda (DRAFT) for Wednesday, April 19, 2000 Commission Office 3525 Sunrise Highway, 2<sup>nd</sup> Floor, Great River, NY 12:00 noon (NOTE the DIFFERENT TIME for this meeting only)

## Lunch will be available at 12:00 noon.

1. Public Comment (please sign Speaker Sheet)

## 2. Administrative

• Summary of 3/29 meeting: review, approval (faxed)

## 3. Pine Barrens Credit Program

- Development yield factor for PRC zoning category: discussion
- Program status: summary

## 4. Plan Implementation

- Protected Lands Council: 5/2/00 Peconic River Stewardship Unit work day (information item)
- Law Enforcement Council: 4/26/00 Meeting and Awards Presentations (information item)
- Initial report on tower standards research *(information item; from prior meeting)*

## 5. Core Preservation Area

- Hidden Pond Stables / Manorville (Brookhaven) / riding arena: new hardship; SEQRA review (from 3/29/00 meeting)
- Lakeside Manorville Hotel / Manorville (Brookhaven): new hardship; SEQRA review; request to reschedule public hearing from 5/10/00 to another date (from 3/29/00 meeting)

## 6. Compatible Growth Area

• Sachem Central School District: brief presentation *(follow up from prior nonjurisdiction determination)* 

## 7. Executive or Advisory Session (if necessary)

## Next Commission meeting:

5/10/00 at the Suffolk County Park Police and Pine Barrens Center, Southaven County Park, Victory Avenue, Yaphank





Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz *Member* 

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

Phone (631) 224-2604 Fax (631) 224-7653 Internet: http://pb.state.ny.us Commission Agenda (FINAL) for Wednesday, April 19, 2000 Commission Office 3525 Sunrise Highway, 2<sup>nd</sup> Floor, Great River, NY 12:00 noon (NOTE the DIFFERENT TIME for this meeting only)

### 1. Public Comment (please sign Speaker Sheet)

### 2. Administrative

- Summary of 3/29 meeting: review, approval (faxed)
- Status of South Fork Pine Barrens effort: review

## 3. Pine Barrens Credit Program

• Program status: summary

## 4. Plan Implementation

- Protected Lands Council: 5/2/00 Peconic River Stewardship Unit work day (information item)
- Law Enforcement Council: 4/26/00 Meeting and Awards Presentations (information item)
- Initial report on tower standards research *(information item; from prior meeting)*

## 5. Core Preservation Area

- Hidden Pond Stables / Manorville (Brookhaven) / riding arena: new hardship; SEQRA review (from 3/29/00 meeting)
- Lakeside Manorville Hotel / Manorville (Brookhaven): new hardship; SEQRA review; request to reschedule public hearing from 5/10/00 to another date (from 3/29/00 meeting)
- Roman Catholic Diocese / land division / Manorville (Brookhaven): determination of jurisdiction *(new; materials to de distributed)*

## 6. Compatible Growth Area

 American Tissue / Yaphank (Brookhaven) / Development of Regional Significance: receipt of DEIS; comments due 5/22/00 (materials to be distributed)

## 7. Executive or Advisory Session (if necessary)

## Next Commission meeting:

5/10/00 at the Suffolk County Park Police and Pine Barrens Center, Southaven County Park, Victory Avenue, Yaphank



Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

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## Commission Meeting Summary (DRAFT) for Wednesday, April 19, 2000 (To be approved) Commission Office 3525 Sunrise Highway, 2<sup>nd</sup> Floor, Great River, NY 12:00 noon

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

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

The meeting was called to order at approximately 12:32 pm by Mr. Proios, with a four member quorum present.

Public Comment

Summary: There were no speakers.

#### Administrative

- Summary of 3/29 meeting: review, approval (faxed) <u>Summary:</u> A motion was made by Mr. Cannuscio and seconded by Mr. MacLellan to approve the summary of the 3/29/00 meeting as drafted. The motion was approved by a 4-0 vote.
- Status of South Fork Pine Barrens effort: review <u>Summary</u>: Mr. Corwin distributed the attached letter (and its attachments) from Mr. Michael LoGrande, Chair of the Advisory Committee which was recently sent to the Committee members. The attached status sheet for the South Fork Pine Barrens initiative was also available at the meeting. He also noted that he has placed a call to East Hampton Town to determine their desire with respect to their original pine barrens extension request, but has not heard yet from the Supervisor's office. He also noted that the Commission has an outstanding resolution to permit the hiring of an economist to assist with the South Fork Pine Barrens effort.

DRAFT Commission Meeting Summary for 4/19/00 (To be approved) - Page 1

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

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

#### **Pine Barrens Credit Program**

• Program status: summary

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

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

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

#### **Plan Implementation**

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

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

She also noted that the seedlings are being obtained through a program sponsored nationally by American Forests, and that the local coordinator, Mindy

Block, working locally through the LI Greenbelt Trail Conference, is in her fourth year of obtaining and planting seedlings. Ms. Plunkett estimated that approximately 20,000+ seedlings have been planted during this time through this program. She also reported that a press release will be issued next week announcing the Council's effort.

- Upcoming aerial photography software tools workshop (not on the original agenda) <u>Summary</u>: Mr. Proios reported that a private company is scheduled to give a presentation on 5/11/00 to Suffolk County agencies on software for enhanced processing and use of aerial photographs, and suggested that the Commission staff consider attending. Ms. Plunkett will speak with the appropriate persons to learn more about the event and the product.
- Law Enforcement Council: 4/26/00 Meeting and Awards Presentations (information *item*)

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

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

• Initial report on tower standards research (information item; from prior meeting)

DRAFT Commission Meeting Summary for 4/19/00 (To be approved) - Page 3

<u>Summary:</u> Mr. Corwin explained that the Commission's prior request to the staff to begin examining the current codes and regulations which apply to cell towers is well underway, and noted that Ms. Carter has done extensive research. He explained briefly that she has compiled analogous information from not only the three towns, but also from other jurisdictions. He also requested that the Commission just begin to absorb the accumulated materials today, and not begin discussing what approach it may choose to take with this topic.

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

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

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

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

### **Core Preservation Area**

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

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

 Lakeside Manorville Hotel / Manorville (Brookhaven): new hardship; SEQRA review; request to reschedule public hearing from 5/10/00 to another date (SCTM 200-462-2-7; from 3/29/00 meeting)

<u>Summary:</u> Ms. Jakobsen reported that Mr. Sanderman, the attorney for this project's sponsor, has submitted a letter requesting a postponement of the Commission's hearing date, which is currently set for 5/10/00. She also reported that the Commission has received a lead agency coordination letter from Brookhaven Town regarding a change of zone proposal for this property, from A2 Residence to J2 Business. A discussion ensued regarding how to respond to this letter, with attention focusing upon Section 4.5.1.1 of the <u>Central Pine Barrens Plan</u>, which says that the Commission shall seek lead agency status in the core area.

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

draft a reply.

 Roman Catholic Diocese / land division / Manorville (Brookhaven): determination of jurisdiction (SCTM 200-461-1-1; new)

<u>Summary:</u> Ms. Plunkett distributed and discussed the attached informational letter from Brookhaven Town regarding a proposed land division of a 12 acre parcel located at the northeast corner of North Street and Wading River Road, in Manorville. It states the Town's determination that the proposed split would not constitute development since it does not constitute an intensification of use. The proposed split would create a new 5 acre lot which would contain an existing residence and which would meet the zoning lot size, and a 7 acre lot which is vacant.

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

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

### **Compatible Growth Area (CGA)**

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

A discussion also ensued regarding collecting Commission comments on the DEIS, and meeting the 5/22 comment deadline. There is also a 5/8/00 public

hearing at the Town on the project. It was agreed that the staff will compile comments for review by the Commission.

### Adjournment

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

### Attachments (in order of discussion):

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



JOINT PLANNING & POLICY COMMISSION

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Felix J. Grucci, Jr. Vice Chair

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

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

The meeting was called to order at approximately 12:32 pm by Mr. Proios, with a four member quorum present.

Public Comment

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   The attached status sheet for the South Fork Pine Barrens
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   he has placed a call to East Hampton Town to determine their
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   request, but has not heard yet from the Supervisor's office. He
   also noted that the Commission has an outstanding resolution to
   permit the hiring of an economist to assist with the South Fork
   Pine Barrens effort.

FINAL Commission Meeting Summary for 4/19/00 (Approved 5/10/00) - Page 1

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• Program status: summary

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

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

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<u>Summary:</u> Ms. Jakobsen reported that Mr. Sanderman, the attorney for this project's sponsor, has submitted a letter requesting a postponement of the Commission's hearing date, which is currently set for 5/10/00. She also reported that the Commission has received a lead agency coordination letter from Brookhaven Town regarding a change of zone proposal for this property, from A2 Residence to J2 Business. A discussion ensued regarding how to respond to this letter, with attention focusing upon Section 4.5.1.1 of the <u>Central Pine Barrens Plan</u>, which says that the Commission shall seek lead agency status in the core area.

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

draft a reply.

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

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

### **Compatible Growth Area (CGA)**

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A discussion also ensued regarding collecting Commission comments on the DEIS, and meeting the 5/22 comment deadline. There is also a 5/8/00 public

hearing at the Town on the project. It was agreed that the staff will compile comments for review by the Commission.

### Adjournment

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- 6. Materials describing 5/2/00 Protected Lands Council work (4/17/00; 4 pages)
- 7. Communications towers policy comparison chart (undated; 5 pages)
- 8. Brookhaven Town letter and attachments re Manorville lot split (4/11/00; 3 pages)

4/19/00 attachment#1 (1 page)



# **CENTRAL PINE BARRENS** JOINT PLANNING AND POLICY COMMISSION

Location:

Meeting For: <u>Phe Barrens Commission</u> OWINISSIGN Office reat River 100 12:00 19

Date /Time:

## **Sign In Sheet**

NAME	REPRESENTING		TELEPHONE/FAX
J-110sha	CPBC STAFR	SUNNISE AWY Great River	583-0385
Ray Convin		10 1X	.1 0307
Mark pi220	h $h$	1] 1]	11-0352
Ann Cartes	CPBC Staff	Ci plana	563-0372
Tuly Takoben	CPBC 11	(]	563-0306
Bu SPITZ	R.COWEN	NYSDEC - STUNYBROOK	631-444-0419
Blowblan	tangs		451-650
Devrye Projos	Suffolk (ount)		853-4654
V. CANNUSCIO	SOUTHAMPTON	SOUTHAMPTON RD	283 6055
Jeff Murphree	Southampton	11	287-5707
toey Mae LellAN	RIVERHEAD	200 Howell Ave	127-6712
ED QUAREMBA	NASSAU	56 PARKVIEW CIR BE	THPAGE 433-8145
Walter Olan	CPR	Box 202 Bughlooder	6652020
HENRYDITTMER	C.P.R.	P.O. BOX 202 BRIGHTWATERS/17/	8 665-2020
Toma Hun left-	CPBC.		
John Jumilole	T.O.B.	3233 KTE 112, MEDFORD	451-6370
Jim Rigano	CRBC		694-8005
Jell Lews	LIPBS	POBOX 429 Janorville, NY	369-3300/3389

4/19/00 attachmat #2 (1 page).

## Central Pine Barrens Joint Planning and Policy Commission

## Speaker Sign In Sheet

Meeting Date \_\_\_\_\_\_

Meeting Place Great Riber

NAME	REPRESENTING	TOPIC
	NONE	
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4/19/00 attachment # 3 (2pages) Status of the South Fork Pine Barrens Planning Initiative

(Updated through 3/27/00)

Pursuant to New York Environmental Conservation Law Article 57 (which incorporates the 1993 Long Island Pine Barrens Protection Act), the East End Towns have the right to petition for membership in the Central Pine Barrens Commission. Specifically, ECL Section 57-0125 contains this provision.

One of those eligible towns, East Hampton, petitioned the Commission for membership in May of 1999, and several developments have occurred since that time. This page will be periodically updated to reflect those milestones. See this link for a map showing the relationship of the Central Pine Barrens area and the other Suffolk County Towns, including those on the North and South Forks.

Currently, the following chronology has occurred:

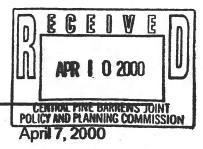
- The Town of East Hampton passed East Hampton Town Board Resolution # 581 on May 21, 1999, requesting membership on the Commission and the establishment of a comprehensive planning effort for the South Fork Pine Barrens and the Montauk area pine barrens. The South Fork Pine Barrens straddles the East Hampton - Southampton town line, and the Montauk pine barrens lies to the east of the South Fork zone, encompassing the Napeague and Montauk portions of the South Fork.
- The Town of Southampton (already a member of the Commission), passed Southampton Town Board resolution #0896 on August 10, 1999, requesting the establishment of a South Fork Pine Barrens planning initiative and delineation of a South Fork Pine Barrens area.
- The Town of Southampton requested formation of a South Fork Pine Barrens Advisory Committee through Southampton Town Board resolution #0985 on August 27, 1999.
- The Central Pine Barrens Commission responded to the East Hampton Resolution and the 8/10/99 Southampton Resolution at the October 20, 1999 Commission meeting by passing two resolutions:
  - Resolution 1 of that day commences a South Fork Pine Barrens planning process, and requests the Central Pine Barrens Advisory Committee to convene and begin considering the South Fork proposals.
  - Resolution 2 of that day establishes criteria, as required by ECL 57-0125, for the expansion of the 0 Commission's jurisdiction, authority, and membership to include geographic areas east of the Shinnecock Canal.
- The Central Pine Barrens Advisory Committee worked on the South Fork initiative at several recent meetings in response to those Commission's resolutions: November 9, November 15, November 22, December 6, and December 13, 1999 at the Commission office.
- These Committee meetings have concentrated upon two distinct work products so far:
  - A South Fork Pine Barrens Plan Goal Statement and Suggested Objectives,
  - A set of draft area delineations for the South Fork Pine Barrens and various subordinate areas defined within the Goal and Objectives.
- In addition, the Committee has worked on mapping geographic areas that would likely be included in any new legislation or planning:
  - The Committee met on January 10, 2000 to start work on the Southampton portion of the maps, and
  - Again on January 18, 2000 to discuss the East Hampton map and the overall strategy for producing legislation and a plan. At the 1/18/00 meeting, a letter of the same date was received from East Hampton Supervisor Schneiderman expressing concerns regarding the discussion of the pine barrens map for East Hampton, while supporting the concept of extending the protections offered by the pine barrens designation to the South Fork. This was discussed as part of the Committee's decisions

on how to proceed next.

- At the Committee meeting of January 24, 2000, specific changes that might be needed to portions of ECL 57 were discussed, along with the number and type of geographic definitions that could be made for the South Fork area. The working subcommittee also recommended that an early economic consultation be obtained regarding the elements of a transfer of development rights program for this region.
- The Commission listened to this recommendation from two members of the Committee present at the 1/26/00 Commission meeting, and asked for a written list of specific tasks and products that such an analysis would produce. The Commission also observed that it would need to conduct a Request for Proposals in order to hire an outside consultant for this purpose.
- The Committee met on February 1, 2000, reviewed several crucial elements of the current pine barrens legislation and Plan, and discussed how those elements would likely be copied or changed for the South Fork - Montauk Pine Barrens. These topics were discussed again on February 9 and 14, 2000.
- The Pine Barrens Commission reviewed and approved the request of the Committee for funding for an early economic analysis at the 2/16/00 Commission meeting.
- The East Hampton Town Board held a public information session on the proposed pine barrens extension on February 17, 2000.
- There were two additional meetings scheduled for the Advisory Committee for 2/28/00 and 3/3/00, but they were canceled, and no additional Committee meetings are scheduled at this time.
- On March 2, 2000, litigation was filed over cumulative impact analysis in the South Fork region. The organizational plaintiffs are the Long Island Pine Barrens Society and the South Fork Groundwater Task Force; the defendants are the Town Board, Planning Board, and the Zoning Board of Appeals from the Towns of Southampton and East Hampton, as well as the Suffolk County Department of Health Services.
- The Southampton Town Board, together with the Town Planning and Zoning Boards and the Town Trustees, held a joint public informational hearing on the South Fork Pine Barrens Initiative on Tuesday, March 14, 2000.
- The Southampton Town Board held a special meeting on March 24, 2000 and passed <u>a resolution</u> rescinding Southampton Town Board Resolutions #896 and #985 of 1999. The resolution also enumerates several watershed protection initiatives, including the establishment of a Watershed Protection Working Committee.

4/19/00 attachment # 1 (9 pages,

## <u>CENTRAL PINE BARRENS ADVISORY COMMITTÉE</u>



Dear Advisory Committee Member,

On November 9, 1999, we met to discuss a request of the Long Island Pine Barrens Commission to review and advise the Commission whether or not to proceed with a proposal to extend the Central Pine Barren's jurisdiction east of Shinnecock Canal in Southampton to East Hampton Town. It was my suggestion that we allow a voluntary group of the Advisory Committee members to work on a consensus plan and then report back to the full Committee with recommendations to be acted on and the results forwarded to the Commission.

You will recall that the proponents of the Expansion Proposal made the following points:

- 1. It was important to act as swiftly as possible because development of critical groundwater areas has been greatly accelerated by the heated economy and unless quick action is taken the lands will be lost forever.
- 2. The quickest and most effective way of preserving these areas would be an extension of the Pine Barrens Act to these areas noting that in 1999 both Southampton and East Hampton town boards acted to "opt in" on the Pine Barrens program.
- 3. A proposal and plan should be submitted very early in the 2000 New York State Legislative session so that implementation could begin in 2000 that will make the plan eligible for county and state funds.

Clearly, at the onset of our activities and suggested in the request of the Commission was the notion that a consensus agreement would be achieved in the form of a plan and map that would reasonably reflect the preservation of those areas deemed important for groundwater protection. Essentially the intention was to hammer out a plan as we did with the Central Pine Barrens.

Meetings of the subcommittee were held on November 15 and 22, December 6 and 13, January 10 and 18, February 1, 9 and 14. The earlier meetings were devoted to outlining goals and objectives, debating the Extension method, comparing the Central Pine Barrens process with the South Fork proposal, discussing deadlines and preliminary draft language. It should be noted that Southampton presented excellent maps indicating reasonable preservation areas that should be considered for protection. It should also be noted that a new administration was elected to office in East Hampton in November and it was understandable that the Administration needed time to install its government as efficiently as possible, a task that I am very familiar with.

At one point, some of us on the subcommittee felt that a bifurcated approach may be more effective by extending the Pine Barrens Act to cover only Southampton requiring only a boundary change without changing the composition of the Commission. This would have given East Hampton much more time to evaluate the program. The concept was rejected by the Extension proponents. In retrospect, this might have been a wiser approach. Central Pine Barrens Advisory Committee

<u>I regret to inform you that I believe that it is almost impossible to arrive at a consensus</u> plan for the Extension proposal and that it was the proposal itself and the compressed schedule that was strongly opposed and not the objective of preserving groundwater areas.

In recent meetings, attorneys for property owners and various organizations including groups represented by law on the Advisory Committee have called or sent letters of objections to the process and the method. Hearings held in each town resulted in very vocal opposition to the Extension proposal. Even state officials agree that it would be exceedingly difficult to get the Extension through both houses in the Legislature because most representatives feel that our region has had favorable treatment in the past that they would grasp the vocal opposition as grounds to vote against a program they didn't favor to begin with. In the Central Pine Barrens process, this situation was avoided by the "consensus" success.

I am suggesting to you that we not abandon the idea of preserving important areas on the South Fork, that will inure to the benefit of future generations. I believe we should look for a compromise approach, that will assure property owners of "just compensation" and that the process will be handled by local government with support from county, state and federal sources.

Two proposals were advanced last week that provide for local control of the program. The first was the draft by LIBI to opposition stakeholders who attended a meeting at the LIA on March 3, 2000. The other is a suggestion by Assemblyman Thiele. I have enclosed both these proposals for your review. Perhaps a combination of the two can be structured to get the consensus that will result in a preservation plan.

I am certain that both Supervisor Cannuscio and Supervisor Schneiderman will embrace a locally controlled sensible preservation plan that protects those hydrogeologically important areas of the South Fork.

I intend to call a meeting of the Advisory Committee in April to discuss the idea of starting over again.

Thank you.

Sincerely,

Michael A. LoGrande Chairman

MAL:dmm

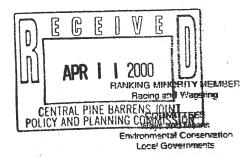
cc: L.I. Pine Barrens Commission Honorable Kenneth LaValle Honorable Fred Thiele Honorable Vincent Cannuscio Honorable Jay Schneiderman

### CHAIRMAN ACTIVITIES THAT FORM THE BASIS OF THIS LETTER

- 1. Meeting of Central Pine Barrens Advisory Committee on November 9, 1999.
- 2. Meetings of the Subcommittee of the Advisory Committee on November 15 and 22, 1999, December 6 and 13, 1999, January 10 and 18, 2000, and February 1, 9 and 14, 2000.
- 3. Conversation with County Executive Robert Gaffney.
- 4. Conversation with Senator Kenneth LaValle.
- 5. Conversations with Supervisor Jay Schneiderman, Town of East Hampton.
- 6. Meeting with L.I. Farm Bureau (Joseph Gergela), Group for the South Fork (Kevin McDonald), Nature Conservancy (Stuart Lowery).
- 7. Meeting at Long Island Association with Long Island Farm Bureau, Long Island Board of Realtors, Long Island Builder's Institute, Peconic Land Trust, East Hampton Business Alliance, Hampton Visitors Council, Southampton Business Alliance.
- 8. Alternative proposal Stakeholders L.I.B.I. et al.
- 9. Pine Barrens Society Lawsuit against the Town of Southampton.
- 10. Letters of Objection to the Pine Barrens Extension Proposal Long Island Farm Bureau, Peconic Land Trust, Long Island Board of Realtors, Long Island Builder's Institute, Members Jim Zizzi, Ann LaWall, Barbara McCaffery.
- 11. Alternative Proposal Assemblyman Thiele.
- 12. Letter of Richard Amper, Pine Barrens Society.



FRED W. THIELE, JR. Assemblyman 2nd District THE ASSEMBLY STATE OF NEW YORK ALBANY



March 12, 2000

Supervisor Jay Schneiderman Town Supervisor Town of East Hampton Town Hall 159 Pantigo Road East Hampton, New York 11937

Supervisor Vincent Cannuscio Town Supervisor Town of Southampton Town Hall 116 Hampton Road Southampton, New York 11968

Re: South Fork Drinking Water Protection Plan

Dear Supervisors Schneiderman and Cannuscio:

As you know, I am a strong proponent of establishing a South Fork Drinking Water Protection Plan which would protect 4,000 to 5,000 acres of critical watershed lands for drinking water purposes. Further, I support State assistance to the Towns to accomplish this regional effort. To date, the Pine Barrens Protection Act of 1993 is the only law in place which authorizes such a regional planning initiative.

While I have favored utilizing the Pine Barrens Act process, as a proven method of gaining consensus for drinking water protection. I have made it clear that the substantive plan enacted for the Central Pine Barrens is not suitable for the South Fork and that a Drinking Water Protection Plan tailored to the unique characteristics of the South Fork would have to be achieved.

Discussions involving the Towns and the various parties in interest have now proceeded for several months. Much good work has been accomplished by the Town Planning staffs regarding the location of the core watershed area. I commend you and them for these efforts.

ALBANY OFFICE: Room 530. Legislative Office Building, Albeny, New York 12248, (518) 455-5997, FAX (S18) 455-5963 DISTRICT OFFICE: 2302 Main Street, P.O. Box 3062, Bridgehampton, New York 11932, (631) 537-2583, FAX (631) 537-2836 However, it is obvious that we are far from the consensus that would be needed to proceed with State legislation authorizing the preparation of a South Fork Drinking Water Protection Plan. Discussions among the various local interest groups have broken down. They have been replaced by newspaper advertisements and mailings containing as much misinformation as information. One of the stakeholder groups has filed a lawsuit seeking to stop all development in the South Fork watershed area until a cumulative impact study is completed.

In short, we are set to take the same painful journey that we did ten years ago in the Central Pine Barrens. There, we suffered through nearly a decade of conflict, litigation, and stalemate. I refuse to believe that we have not learned any lessons from that experience. The South Fork can not afford to waste time and resources engaged in such a fruitless battle. There are too many other issues that must be resolved that will not be addressed during this conflict.

I had hoped that these matters could be resolved by the Towns, themselves. However, it is now clear that we are far from consensus and that the gulf dividing proponents and opponents is widening.

Therefore, I am offering an alternative plan for discussion to break the stalematc. Below is an outline of my proposal.

### South Fork Drinking Water Protection Plan

1. Southampton and East Hampton Towns would adopt a map identifying the core watershed preservation areas. Compatible growth areas and special management areas would not be part of the regional planning effort or state legislation. Any such initiatives would be left to local zoning authority.

2. A regional plan would be prepared by each Town, coordinated by the State Pine Barrens Commission. One year would be provided to prepare the plan.

3. The Plan would mandate the preservation of 90% of the core watershed area.

4. At the outset, the preservation tools to be used to accomplish preservation would be agreed upon. They would include all the tools made available in the Central Pine Barrens, plus the concept of the "Conservation Development Plan" which would permit development at a 10 acre density with a minimum of an 80% open space set aside. This concept is modeled after the partial development/ partial preservation plans often initiated by the Peconic Land Trust. Thus, the landowner would have the following options under the plan:

(a) Direct acquisition,

(b) Sale of development rights at pre-plan densities to a Development Rights Bank,

(c) Transfer of development rights at pre-plan densities outside the core watershed area.

(d) Development of property at a 10 acre residential density with 80% open space with a state income tax credit to partially compensate the loss of pre-plan density, or

(c) A variance application, utilizing the variance standard of the Central pine Barrens Law.

5. The "Conservation Development Plan" concept would permit limited development in some cases in core watershed areas with the state tax credit as additional compensation.

6. The Plan would identify the priority use of tools for preservation.

7. Agricultural activities would continue to be exempt as is the case in the Central Pine Barrens. Further, the core watershed map would exclude lands with agricultural soils.

8. The Plan, once completed would have to be unanimously approved by each Town as well as the State Pine Barrens Commission in order to become effective.

9. The decision to enact interim development restraints during the pendency of plan preparation would be at local option.

10. All landowners in the watershed core preservation area would be notified at the outset of the planning process. All planning meetings would be held on the South Fork.

11. A "Roadside Exemption" list would be prepared as in the case of the Central pine Barrens.

12. Governance:

(a) Plan development would be primarily a Town function. The State Commission would only serve to coordinate efforts between the two Towns.

(b) The Plan could not take effect without approval of both Towns.

(c) Variance applications would be administered by the Town only, with no approval of the State Commission required.

(d) Upon approval of the plan, the State and County would be responsible for their proportional share in funding the plan.

(c) Annually, the State Commission would be required to certify that the Towns had complied with the provisions of the South Fork Drinking Water Protection Plan. Failure to comply would result in a loss of state funding.

(f) Thus, the only role for the State Commission would be to certify compliance in order for state funding to be made available.

This proposal would address the concern of all stakeholders.

(a) Environmental concerns would be addressed since they would be guaranteed that 90% of the South Fork core watershed would be preserved.

(b) Landowners would be afforded several options, including the "Conservation Development Plan" option and tax credit to utilize their land and receive a fair return.

(c) Landowners would also be afforded certainty as to what they can do with their land.

(d) Local agriculture interests would be protected.

(c) Home rule perogatives would be protected. Adoption of the plan would be a local

decision. Variance provisions would be administered locally. Compatible growth and special management areas would be solely under local control. The state's only role would be to certify the town has complied with its own plan before state funding would be available. Property owners would have notice at the outset and all meetings would be held locally.

(f) The introduction of the "Conservation Development Plan" option would reduce local acquisition costs by reducing reliance on total acquisition.

I believe this alternative can successfully protect our drinking water. Just as important, I believe that by taking into account the stated concerns of the stakeholders that this alternative can be accomplished now, without years of conflict, litigation and stalemate.

Please advise mc as to how you would like to proceed.

Sincercly yours,

Fred W. Thiele, Jr.

cc: Town Board Members South Fork Pine Barrens Advisory Committee Members

### RECOMMENDATIONS OF THE COALITION FOR SENSIBLE PRESERVATION AND DEVELOPMENT OF THE SOUTH FOR PLANNING COMMISSION EXTENSION OF THE CENTRAL PINE BARRENS PLAN

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APR | | 2000

Our organizations share a common concern, to protect groundwater, Environmentally sensitive lands, open space, community character and a healthy agricultural economy, while providing for responsible development to meet diverse family needs and healthy business growth of Southampton and East Hampton.

Recently, debate on these concerns has focused on a single solution, extension of the Central Pine Barrens plan to eastern Southampton and East Hampton. Is the Pine Barrens extension the only recourse? We think there are other0 alternatives for town action with state and county financial assistance. Let's first give our towns the opportunity to do the job.

We urge the towns to create a ground water resource protection strategy, individually, or together, as necessary.

We propose a groundwater protection strategy with the following elements:

- To ascertain needs for additional groundwater protection, immediately undertake new hydrological studies.
- To protect wellhead sites, identify and acquire lands necessary to protect potential public water supply sources, which should remain undeveloped and acquired with all deliberate speed.
- To assure transfer tax monies are spent on the most important environmentally sensitive lands, establish criteria and priorities for the community preservation fund's acquisition, with a high priority for aquifer protection.
- To restrict development over aquifer protection areas, require conservation easements to create a continuously privately owned preserve to protect groundwater recharge by requiring subdividers and single lot builders to preserve uncleared areas (85% of each five acre lot) through conservation easements, managed by the town or land conservation organizations. Such easements can be linked to similar areas on adjacent properties, to create a unique undeveloped, open space aquifer protection area, without the need to prohibit all development or acquire every single parcel.
- To involve private funds in the purchase of development rights in aquifer protection areas, **develop a workable transfer of development rights program**, which would add a small percentage of new homes in

new reduced density subdivisions outside the aquifer protection area, in exchange for protecting aquifer protection lands.

 To establish a new revolving fund for aquifer protection, create a South Fork development rights bank, with initial state funding.

To encourage landowners to consider all conservation options before private sale, including sale of land or rights to the public, transfers, land swaps, conservation casements, etc., **contract with existing conservation and land management organizations to meet regularly with property owners** and present alternatives to private sale

Some of these alternatives are better than others; each should be considered. Since both towns are set to implement comprehensive plan updates, now is the time. In the face of development pressures, the towns can act quickly to better protect their groundwater

2

Extension of the central pine barren system should be held on the table while alternatives are considered.

### Respectfully submitted,

East Hampton Business Alliance Hampton Visitors Council Long Island Association Long Island Board of Realtors Long Island Builders Institute Long Island Farm Bureau Peconic Land Trust Southampton Business Alliance

## **Pine Barrens Credit Clearinghouse**

James T.B. Tripp, Esq., Chairman Andrew P. Freleng, AICP, Vice Chairman Vincent J. Cannuscio, Member Richard W. Hanley, Member Mitchell H. Pally, Esq., Member

4/19/00 meeting attachment # 5 (1 page)

Easement	Protected Lands	and Pine Barrens	Credits As of Apri	I 1, 2000
	Brookhaven	Riverhead	Southampton	Total
Parcels	255	7	54	316
Acreage	209.31	36.59	36.89	282.79
Credits generated	142.44	57.27	12.50	212.21
Credits redeemed	76.79	5.29	5.12	87.20
Credits not redeemed	65.65	51.98	7.38	125.01

Total value of all Pine Barrens Credit transactions recorded through this date: \$ 4,902,196.00

4/19/00 QHachment#6 (4 pages)



MEMORAN DUM

**Protected Lands Council Members & Participants** 

CENTRAL PINE BARRENS PLANNING POLICY

FROM: Donna J. Plunkett, RLA

**Commission Staff** 

**Commission Staff** 

May 2, 2000 Field Work

TO:

RE:

**DATE:** April 17, 2000

Robert J. Gaffney Chair

COMMISSION

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

Ray E. Cowen Member

Robert Kozakiewicz Member Attached please find the revised outline of work, crews and materials for the field work on May 2, 2000. This will be in place of your regular meeting. For those persons who were not at the last meeting also see the associated aerial photo. All others, please bring your copy with you on May 2. Please review the outline and let me know if I have missed anything or of you have suggested changes.

If you have any questions please feel free to call me at 563-0384. Thank you for your participation and I look forward to seeing you in the field. Please also note that heavy rain cancels til Wednesday May 3, 2000.

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

Phone (631) 224-2604

## CENTRAL PINE BARRENS PROTECTED LANDS COUNCIL FIELD PROJECT OUTLINE FOR UNIT 6 SPRING 2000 Prepared for Meeting of April 4, 2000 Revised April 17, 2000

Pursuant to numerous field trips and recommendations made by the unit 6 working group as well as spring 1999 Global ReLeaf plantings in unit 6 the following is a listing of field projects to be undertaken during the May and June meetings of the Council. The attached aerial shows seven areas that need restoration. Numbered areas listed below correspond to this photo. The target work areas for May are listed below with requirements for tools, equipment and crews.

#### MAY 2 FIELDWORK (RAIN DATE MAY 3)

Meeting Place: Entrance to Paumanok Path (SC Pine Trail Nature Preserve) Parking Area south side Route 25, less than 1 mile east of William Floyd Parkway, Ridge. Time: 8:00 am general crews, 9:30 litter crews.

WORK AREA #1: (8-12am.) This cut requires extensive blocking starting at its intersection with Route 25. In the morning a chain saw crew (3-4 persons) with a pick-up (provided by Suffolk County Parks) will work on the main fire road south of area 1 to cut, gather and load existing dead trees onto the pick-up for delivery to area 1. A bobcat with two operators will be provided by Nassau-Suffolk Horseman's Association to load and carry debris to designated areas. Another crew of 8-10 persons will be available along area 1 to unload and spread the debris at regular intervals working from north to south to its intersection with the main fire road.

**Coordinator: Bill Sickles, SC Parks** 

**WORK AREA #6: (8-12am):** This area was planted with pine seedlings last year however needs to be reinforced with additional planting. A crew of 20-30 persons will utilize shovels and buckets with seedlings to accomplish this work. Seedlings will be provided by the coordinator and Wes Gehres of the NYS DEC. After planting, crews will rake leaf litter from surrounding areas to provide a mulch around plantings. Entrance to this work area is just east of Horn Pond via a small foot trail that leads to a larger, dirt road. The coordinator will lead the crews to this site. Car pool from the meeting place to the smaller parking area east of Horn Pond.

Coordinator: Mindy Block, Global ReLeaf

**WORK AREA ALONG ROUTE 25: (all day):** Litter pick-up will commence along Route 25 on Suffolk County land in the vicinity of Work Area 1 easterly to directly across from Tarkill Trail, with two crews provided by the Suffolk County Labor Department. Suffolk County Parks will coordinate with them to dispose of bagged litter at the end of the day.

Coordinator: Glenn McNabb, SC Department of Labor

LUNCH BREAK 12am. - 1pm.

### **PROTECTED LANDS COUNCIL FIELD WORK, MAY 2, 2000**

WORK AREA #1 (1-4pm.): Crew from work area 6 will shift over to this area for planting seedlings in and around the newly laid logs and debris. Car pool to this point along Route 25 and work south to its intersection with the main fire road.

### Coordinator: Mindy Block, Global ReLeaf

WORK AREA #7 (1-3pm.): This area requires blockage from motorized vehicles that are accessing the nearby pond shore. We will employ the same method as used in Area 1, felled trees in the immediate vicinity. The chain saw crew and hand crew from Area 1 will work here in the afternoon. Access will be from road immediately west of Horn Pond. If time permits, seedling planting will be done after the debris has been placed.

**Coordinator: Bill Sickles, SC Parks** 

#### Additional Crews and materials will be provided as follows:

New York State DEC	15-20 persons; rakes, buckets, shovels
SC Dept. of Parks	10-15 persons; as noted above, rakes, shovels
The Nature Conservancy	8 persons; shovels, pick-up truck
Town of Riverhead	1 person
Town of Brookhaven	1 person
New York State Parks	3 persons; will provide machinery and logs to place at roadside openings to secure work areas (to be done prior to May 2)
Volunteers	5 persons
Central Pine Barrens Comn	nission
	6 persons; sign-in, food,
Suffolk County Water Auth	ority

1 person; water buffalo

All crews are requested to bring the following items for their own use: gloves, protective or sun glasses, water, sunblock if needed, lunch, and shovels for planting. Bagels and coffee will be provided in the am. at the meeting place. Contact Person: Donna Plunkett 563-0384.



Page 1

		Comparison of Regulati Wireless Communicati	Comparison of Regulations and Recommendations Pertaining to the Siting of Wireless Communications Towers, Antennas, and Facilities - April 19, 2000	ns Pertaining to the Sitin, Id Facilities - April 19, 20	g of 000	
	Town of Brookhaven (Wireless Communications Ordinance 3/20/98)	Town of Riverhead (Wireless Communications Ordinance 8/4/98)	Town of Southampton (Wireless Communications Ordinance 11/24/98)	Cape Cod Commission <sup>1</sup> (Guidelines 1997)	New Jersey Pinelands Commission (Standards 1995)	Appalachian National Scenic Trail Conference (Guidelines 1999)
Permitting Process	Special permit by ZBA or administrative approval by Planning Commissioner (except on Town property). Site Plan approval also required.	Special use permit by Town Board (except on Town property). Site Plan approval also required.	Special Exception by Planning Board. Building permit required.	Recommends requiring Special Permit to be granted by a Planning Board. Wireless facilities taller than 35 ft. may be reviewed as Development of Regional Impact.	Requires preparation of wireless facility comprehensive plan in order to exceed 35 ft. height limit in preservation area. Each planned facility must be approved by Commission and municipality.	Appropriate public land managers should review applications for compliance with viewshed protection guidelines.
Burden of proof on applicant?	Yes, applicant must demonstrate need.	Yes, applicant must demonstrate need.	Yes, applicant must demonstrate need.	Yes, applicant must demonstrate need.	Yes, as part of comprehensive plan requirement.	Yes, applicant must demonstrate need.
Wireless Master Plan Prepared?	Ňo	No	Ŷ	Yes. As of 1997, Commission preparing regional plan & using GIS to map existing towers & alternative tower structures suitable for antenna location.	Yes. Required 10 year comprehensive plan to be jointly prepared by provider of the same type of wireless service. Plan approved by Commission January 2000. <sup>2</sup>	No
-				Ior antenna location.	January 200	00

<sup>1</sup> Model Bylaw and Sitting Criteria for Personal Wireless Service Facilities - prepared by Kreines, & Kreines, Inc. (consultants), 1997 as part of a cooperative planning effort by Commission, wireless industry, and Towns. <sup>2</sup> Plan is limited to PCS (Personal Communications Service) providers and does not include digital TV, mobile satellite service, and some other technologies. Providers who were not signatories to the plan would have to propose plan amendments (and possible additional towers).

4/19/00 attachment # 7 (5 pages)

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		Comparison of Regulatio Wireless Communicatio	Comparison of Regulations and Recommendations Pertaining to the Siting of Wireless Communications Towers, Antennas, and Facilities - April 19, 2000	is Pertaining to the Siting Id Facilities - April 19, 20	g of 00	
	Town of Brookhaven	Town of Riverhead	Town of Southampton	Cape Cod Commission	New Jersey Pinelands Commission	Appalachian Scenic Trail Conference
Applicant pays for independent consultants to assist in review process.	No	No	No	Yes³	No. Commission retained experts in communications technology.	Yes
Inventory of Existing Towers Required?	Requires inventory of applicant's existing towers in Town & 1 mi. outside.	Requires inventory of applicant's existing towers in Town & 1 mi. outside.	Requires inventory of <u>ALL</u> existing towers in Town & 1 mi. outside.	Applicant submits inventory of <u>ALL</u> wireless facilities in Town & 1 mi. outside.	Yes, as part of comprehensive plan requirement.	Applicant submits inventory of <u>ALL</u> existing structures for possible siting.
Restricted by Zoning District designation?	Yes. Only permitted in industrial, and certain business districts. Encouraged to locate in non-residential areas.	Yes. Only permitted in agricultural, industrial, recreational, and certain business districts. Encouraged to locate in non-residential areas.	No	Recommends against regulating by zoning district. Towns should only permit taller towers in "Wireless Service Overlay Districts"; areas less sensitive to impacts on key resources.	Ŷ	Recommends against regulating by zoning district. Overlay Districts recommended instead.
Minimize number of new facilities?	Minimize total number of towers in Town.	Minimize total number of towers in Town.	No.	No. Many shorter carnouflaged antennas are better than a few tall visible towers.	Plan must show that the total number of facilities are the least necessary to provide "adequate service"	Minimize number AND height.
Locate in disturbed areas?	No	No	No	No	Yes, mines, landfills, etc.	No

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<sup>3</sup> In Mass., Towns must first adopt provisions of Chapter 593 of the Acts and Resolves of 1989, which allows towns to establish special accounts to hire consultants.

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		Comparison of Regulati Wireless Communicati	ons and Recommendation ons Towers, Antennas, an	Comparison of Regulations and Recommendations Pertaining to the Siting of Wireless Communications Towers, Antennas, and Facilities - April 19, 2000	5 of 00	
	Town of Brookhaven	Town of Riverhead	Town of Southampton	Cape Cod Commission	New Jersey Pinelands Commission	Appalachian Scenic Trail Conference
Co-Location <sup>4</sup> / Use of Existing Tall Structures	Co-Location Encouraged	Co-Location Encouraged	Co-Location Encouraged	Co-Location required, when feasible. Burden of proof to not co-locate is on applicant.	Complicated policy for Co-Location. Required when feasible.	Co-Location encouraged. Burden of proof to not co-locate is on applicant.
Setback Requirements	Min. distance of 150% of tower height from lot line. Equipment shelter must comply with Town setback requirements.	Min. distance of 100% of tower height from lot line. Equipment shelter must comply with Town setback requirements.	Min. distance of 100% of tower height from lot line, depending on abutting land use. Guy lines & structures must comply with Town setback requirements.	Min. distance of 100% of tower height from lot line. All facilities must also comply with Town setback requirements.	Regulated by municipalities.	Towers set back from property line from 50% to 300% of tower height, depending on location.
Landscaping & other site requirements	Screen plantings around tower compound (residential areas only). 8 ft. fence. 5000 ft. separation between towers.	Screen plantings around tower compound (residential arcas only). 8 ft. fence. 5000 ft. separation between towers.	Vegetation requirement similar to Brookhaven. 6 fl. Fence. Separation between towers depending on type.	Vegetative buffer of dense tree growth & understory at least 50 ft. wide. Equipment shelter underground or blended in.	Regulated by municipalities.	Vegetative buffer around site. Equipment shelter underground. 8 ft. fence. No advertising.
Requirements to camouflage or minimize visual impacts	Neutral color, low contrast, screening, no lighting (unless FAA requires), no signs.	Neutral color, low contrast, screening, no lighting (unless FAA requires), no signs.	Galvanized steel finish or neutral color, screening, no lighting (unless FAA requires) , no signs.	Compatible materials & colors, screening, placement within trees, flagpole, steeple, chirnney, no lights (unless FAA requires). Monopole preferred.	Not specified in Comprehensive Plan.	Camouflage inside artificial tree, clock tower, steeple, flag pole. Low contrast colors. Monopole preferred. Keep < 200 ft. to avoid lighting.

<sup>4</sup> A single tower with multiple carriers may have a greater negative visual impact than individual single-user sites for each carrier. There is a limit to the number of antennas that can be accommodate on a

tower.

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		Comparison of Regulati Wireless Communicatio	ons and Recommendation ons Towers, Antennas, an	Comparison of Regulations and Recommendations Pertaining to the Siting of Wireless Communications Towers, Antennas, and Facilities - April 19, 2000	g of 00	
	Town of Brookhaven	Town of Riverhead	Town of Southampton	Cape Cod Commission	New Jersey Pinelands Commission	Appalachian Scenic Trail Conference
Height Restrictions	Regulated by Zoning Ordinance? Variance Required?	Regulated by Zoning Ordinance? Variance Required?	Regulated by Zoning Ordinance? Variance Required?	Not higher than 10 ft. above avg. bldg. or tree canopy height unless in Wireless Service Overlay District where 150 ft. max. height.	Not higher than 35 ft. in Preservation Area, unless permitted by Comprehensive Plan.	Regulations limiting tower height should be related to height of the tree canopy, height of nearby buildings, and tower location.
Protection of Scenic Landscapes & Vistas	No	Q	No	Yes. Shall not be located within open areas that are visible from public roads, recreational areas, or residential areas. Applicant submits photos with proposed structure superimposed. Towns should inventory scenic roads and landscapes.	Yes. Minimize visual impact from public areas, wild & scenic rivers, scenic corridors, conservation lands. Visual surveys were done as part of comprehensive planning process.	Yes. Shall not be visible or discernible from historic sites, scenic highways, or within critical viewsheds of the Blue Ridge Parkway or the Appalachian Trail. Applicant must demonstrate visibility. Shall not be located on ridge tapps. <sup>5</sup>
Other Environmental Standards	Noise & Wetlands covered by other regulations (State and/or Town).	Noise & Wetlands covered by other regulations (State and/or Town).	Noise & Wetlands covered by other regulations (State and/or Town).	Not in wetland areas. Noise limits ≤ 50 db @ property line. Carrier must show compliance with FCC radiation standards. Prohibit oil generators in wellhead protection areas.	New facilities in conservation-oriented land management areas are closely scrutinized.	Limit noise from air conditioners and/or generators. Carrier must pay for regular inspections to show compliance with FCC radiation standards.

<sup>5</sup> Antennas can be located downslope from the tops of ridgelines. A tower on one side of a ridge does not require a visual connection with a tower on the other side.

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		Comparison of Regulati Wireless Communication	ons and Recommendation ons Towers, Antennas, an	Comparison of Regulations and Recommendations Pertaining to the Siting of Wireless Communications Towers, Antennas, and Facilities - April 19, 2000	g of 00	
	Town of Brookhaven	Town of Riverhead	Town of Southampton	Cape Cod Commission	New Jersey Pinelands Commission	Appalachian Scenic Trail Conference
Protection of Historic Districts & Sites	No	No	No	Yes. Prohibited unless completely carnouflaged. May be hidden in historic structure.	Regulated by municipalities.	Yes
Protection of Endangered & Threatened Birds	No	No	No	No	No <sup>6</sup>	No
Exceptions	Amateur radio station antenna < 50' tall. Preexisting antennas & towers.	Amateur radio station antenna < 50' tall. Preexisting antennas & towers.	Some towers/antennas <35' tall. Preexisting antennas & towers. <sup>7</sup>	Certain exceptions for preexisting towers.	Preexisting and pre- approved towers	Certain exceptions for preexisting towers.
Removal of obsolete/abandoned tower	Required if abandoned for > 12 months.	Required if abandoned for > 12 months.	Required if abandoned for > 12 months.	Remove within 90 days from abandonment. Require performance bond to ensure removal.	Remove towers and restore site within 12 months of abandonment.	Removed if abandoned for a certain time period. Require performance bond to ensure removal.
Other	None	None	Antennas & towers "shall not be considered or permitted as essential services, public utilities, or private utilities". <sup>8</sup>	Special Permit only valid for 15 years to allow for changes in technology.	Commission evaluated possibility of relocating existing facilities that were impacting sensitive areas.	Localities may require copies of documents related to compliance with FAA, FCC, NEPA, including EA's & EIS's.

<sup>6</sup> During planning process, US Fish and Wildlife Service recommended avoiding lights and guy wires on towers to reduce bird kills.

<sup>7</sup> Government or quasi-government entity exempt from regulations, unless facility is for proprietary use.

<sup>8</sup> ....cellular phone transmission has been declared by the state's highest court to be a public utility...", from Opinions of NYS Dept. Of State Counsel, www.dos.state.ny.us/cnsl/nwslcell.html

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			RAL P ND P						

#### Felix J. Grucci, Jr., Supervisor

April 11, 2000

TO: Donna Plunkett. C.P.B.J.P.P.C

FROM: Diane M. Mazarakis, Planner Division of Planning

RE:

Hearing Date: 04/12/00 Case #: 28 & 29 Applicant: **Roman Catholic Diocese** Location: N/E/C North St. Wading River Rd., & Manorville 0200 461.00 01.00 001.000 SCTM No: Two lot land division. Lot 1, with an existing Project: dwelling, will be 5 acres. Lot 2, proposed for sale to Suffolk County, will be 7 acres.

The Zoning Board of the Town of Brookhaven has received an application for the above-referenced action. Enclosed is a copy of the project application and project plan.

Be advised the project is located within the Core Area of the Central Pine Barrens Preserve. Based on our preliminary review the project constitutes non-development as there will be no intensity of use. We forward this to your attention for informational purposes only.

If you have any questions or need any further information, please contact this Division.

CC: Frank Trotta, BZA Chairman John Girandola, PED Commissioner

Department of Planning, Environment and Development • John Girandola, Commissioner Division of Planning 3233 Route 112 • Medford • NY 11763 • Phone (516) 451-6400 www.brookhaven.org

Printed on recycled paper

	Filed Feb 20 Rec. No	50678 HEALIN
		RD OF ZONING APPEALS
	ALL QUESTIONS MUS	T BE ANSWERED
	In the Matter of the Application of	LOCATION OF SUBJECT PROPERTY
	Roman Catholic Diocese of Owner	NS E W side of North Street
	Rockville Center Contract Vendee	Distance_cornerN SEW of
	P.O. Address c/o Alfred A. Volkmann, Esq. 100 Austin Street, Patchogne, NY 11772	Wading River Road
	100 Austin Street, Patchogne, NY 11772	State of New York
	Tel. No to the	Property is zoned <u>A-5</u> (as shown on current zoning map)
	BOARD OF APPEALS TOWN OF BROOKHAVEN	Address of property 7 North Street, Manorville S.C. TAX MAP NO. 0200-461-1-1
	Also Notify: Renalt, lica + Schual	Has building permit or proposed use been denied
	766 0081 - Gen hie	by Building Department? Yes DNO (To be stamped by 469873
	Tel. No	(To be stamped by <b>409873</b> Building Department)
<i>•••</i>	Request   VARIANCES     Property area	Request: SPECIAL PERMIT
	Property width	Describe: \$100 SEQPALeect 1772
	Property length	
	Front yard set back  Rear yard set back	
2 · · · · ·	Side yard set back	
	Side yard set back 🛛 Minimum & Total	
	Building area	
	CEU  Other	Sec. of Building Zone Ord
	Sec. of Bldg. Zone Ord FEE: Poster \$00 C Chain of Title \$40 Penalty: Resi Area (Res.) \$125 Minor Setback \$250 Area + Renewal of Special Permit \$200 Use \$750 A Interpretation/Determination \$150 C	·
	1. Is there a School, Library, Church, Hospital, Orphanage of Karker	or Fire Hall within 200 ft. of the premises in question?
	2. Is property located on an improved road? yes Is	s subject road dedicated?yes
	<ul> <li>3. Is road Town maintained? yes</li> <li>4. Is the property in question conforming to the lot area required.</li> </ul>	imments V. X. M
	5. When was property acquired? May 1991	irement? Yes No
	6. When was area upzoned?	
•	7. Has premises ever been the subject of a prior applicatio Appeals? Yes No x If yes, when?	n for a variance/special permit before the Board of
	8. a) Is the property within one (1) mile from any nuclear po	wer plant or airport? Yes No X
	b) is the property within 500 ft. of the following:	
<b>k</b>	<ul> <li>(1) the boundary of any village or town? Yes No</li> <li>(2) any existing or proposed County, State Parkway, The second secon</li></ul>	X Fundar Hickway? Vec No -
	(3) any existing or proposed County, State or Federal pa	ark or other recreation area? Yes 🗶 No
	(4) existing or proposed right-of-way of any stream or	drainage channel owned by the County or for which
	the County has established channel lines? Yes (5) the existing or proposed boundary of any County	No
	use? Yes <u>xx</u> No	
	(6) the Atlantic Ocean, Long Island Sound, any bay i bodies of water? Yes No	
	<ul> <li>9. Is this property situated in (a) Historic District? <u>no</u> ( County Pine Barrens Zone? <u>yes</u> If yes, Compatible Grow 10. Is SEQRA applicable to any part of this application? Yes 2</li> </ul>	vth Area? Yor Core Preservation Area?
	REMARKS AND DESCRIPTION OF REQUEST: Divis being Parcel A.	
	lat conforms enster	ig one family duelling .

//	APPLICATION TO THE BOAI (File in Triplicate, all 3 copies must be I SEE INSTRUCTION SE	egible and clearly transition in the second
	ALL QUESTIONS MUS	T BE ANSWERED
Ron	he Matter of the Application of an Catholic Diocese of	LOCATION OF SUBJECT PROPERTY
-	Contract Vendee	Distance <u>370.31"</u> N SEW of
100	Address <u>c/o Alfred A. Volkmann, Esq.</u> Austin Street, Patchogue, NY 11772 No. (516) 427-1600	Village <u>Manorville</u> State of New York
Tel.	No. (516) 47-1600 I to the BOARD OF APPEALS TOWN OF BROOKHAVEN	Address of property North Street S.C. TAX MAP NO. 0200-661-11
Also	Notify:	Has building permit or proposed use been denied by Building Department?
Tel.	No	(To be stamped by <b>469874</b> Building Department)
Req	THURANCES	Request: SPECIAL PERMIT
	perty area $\Box$ perty width $\Box 200'(300')$	
	perty length	Describe:
-	it yard set back	
	yard set back	·
	yard set back  Minimum	
	yard set back	
	ding area	
CEU		
Othe	er 🔲	Sec. of Building Zone Ord
Sec.	of Bldg. Zone Ord. 8575	
FEE	: Poster \$10   Chain of Title \$40  Penalty Resident Area (Res.) \$125  Minor Setback AUS Area + Renewal of Special Permit \$200  Use \$750  Area + Interpretation/Determination \$150	dential \$400  Commercial \$500 Minor Setback \$200  Special Permit \$400 rea (Comm./Ind.) \$200  Sign \$75
1. Is	there a School, Library, Church, Hospital, Orphanage of the school of th	r Fire Hall within 200 ft. of the premises in question
2. Is	property located on an improved road? yes Is	subject road dedicated?yes
3. Is	road Town maintained? yes	
	the property in question conforming to the lot area requ	irement? Yes X No
5. W	hen was property acquired? May 1991	
	hen was area upzoned? /2/2-7/	

- b) Is the property within 500 ft. of the following:
  - (1) the boundary of any village or town? Yes <u>No</u> <u>x</u>
  - (2) any existing or proposed County, State Parkway, Thruway, Expressway road or Highway? Yes\_\_\_\_Nox\_\_\_
- (3) any existing or proposed County, State or Federal park or other recreation area? Yes X\_No\_\_\_\_
  - (4) existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines? Yes \_\_\_\_\_ No \_\_\_\_
  - (5) the existing or proposed boundary of any County, State or Federally owned land held for government use? Yes <u>x</u> No\_\_\_\_\_
  - (6) the Atlantic Ocean, Long Island Sound, any bay in Suffolk County or estuary of any of the foregoing bodies of water? Yes \_\_\_\_ No \_\_\_\_
- 9. Is this property situated in (a) Historic District? <u>no</u> (b) Hydrogeological Sensitive Zone? <u>Yes</u> (c) Suffolk County Pine Barrens Zone? <u>yes</u> If yes, Compatible Growth Area? <u>yes</u> or Core Preservation Area? <u>YES</u>
  - 10. Is SEQRA applicable to any part of this application? Yes X No\_\_\_\_\_

038-53A 1897-73

REMARKS AND DESCRIPTION OF REQUEST: Division of property into 2 parcels, this being (to remain undeveloped conveyed to Courty) Parcel B. let portag variance



CENTRAL PINE BARRENS JOINT PLANNING \* POLICY COMMISSION

Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz *Member*  Commission Agenda (DRAFT) for Wednesday, May 10, 2000 Suffolk County Park Police and Pine Barrens Center Southaven County Park, Victory Avenue, Yaphank, NY 2:00 pm

1. Public Comment (please sign Speaker Sheet)

### 2. Administrative

• Summaries of 4/19 meeting: review, approval (faxed)

### 3. Pine Barrens Credit Program

• Long Island Country Club / Eastport: review of final easement (to be distributed)

### 4. Core Preservation Area

### The following public hearings are scheduled for 4:00 pm:

- Westhampton Mini Storage / Westhampton (Southampton) / expansion: public hearing (from 3/29/00 meeting; a written request for withdrawal has been received)
- Hidden Pond Stables / Manorville (Brookhaven) / riding arena: public hearing (from 3/29/00 meeting)

### 5. Compatible Growth Area

- American Tissue Corp. / Yaphank / development of Regional Significance: review of DEIS staff comments (to be distributed)
- 6. Executive or Advisory Session (if necessary)

### Next Commission meeting:

5/31/00 at the Brookhaven Town Hall, 3233 Route 112, Building 4, Medford at 2:00 pm

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

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



JOINT PLANNING & POLICY COMMISSION

Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz *Member* 

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

Phone (631) 224-2604 Fax (631) 224-7653 Internet: http://pb.state.ny.us Commission Agenda (FINAL) for Wednesday, May 10, 2000 Suffolk County Park Police and Pine Barrens Center Southaven County Park, Victory Avenue, Yaphank, NY 2:00 pm

1. Public Comment (please sign Speaker Sheet)

### 2. Administrative

- Summary of 4/19 meeting: review, approval (faxed)
- Results of 5/3/00 Advisory Committee meeting (information item)

### 3. Pine Barrens Credit Program

Program status

### 4. Plan Implementation

- Air Ground Helicopter Firefighting Awareness Day: 5/20/00 (information item)
- Firewise Communities Workshop: 6/5-7/00 (information item)

### 5. Core Preservation Area

### The following public hearings are scheduled for 4:00 pm:

- Westhampton Mini Storage / Westhampton (Southampton) / expansion: public hearing (from 3/29/00 meeting; a written request for withdrawal has been received)
- Hidden Pond Stables / Manorville (Brookhaven) / riding arena: public hearing (from 3/29/00 meeting)

### 6. Compatible Growth Area

- American Tissue Corp. / Yaphank / Development of Regional
   Significance: review of DEIS staff comments (to be distributed)
- 7. Executive or Advisory Session (if necessary)

### Next Commission meeting:

5/31/00 at the Brookhaven Town Hall, 3233 Route 112, Building 4, Medford at 2:00 pm



Robert J. Gaffney Chair

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> Ray E. Cowen Member

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

Phone (631) 224-2604 Fax (631) 224-7653 Internet: http://pb.state.ny.us Commission Meeting Summary (DRAFT) for Wednesday, May 10, 2000 (To be approved) Suffolk County Park Police and Pine Barrens Center Southaven County Park, Victory Avenue, Yaphank, NY 2:00 pm

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

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

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

### **Public Comment**

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

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

Administrative

- Summary of 4/19 meeting: review, approval
  - <u>Summary:</u> A motion was made by Mr. Murphree and seconded by Mr. Girandola to approve the 4/19/00 meeting summary as drafted. The motion was approved by a 4-0 vote.
- Results of 5/3/00 Advisory Committee meeting (information item) <u>Summary</u>: Mr. Corwin reported that the Central Pine Barrens Advisory Committee met on 5/2/00 at the Eastern Campus of the Suffolk County Community College to discuss the status of their South Fork Pine Barrens work. He explained that the Committee, after a long discussion, passed a resolution with a split vote that resolved to terminate their deliberations on the matter and to also recommend to the Commission that the Commission offer assistance to the Towns of Southampton and East Hampton in their efforts to protect the South Fork watershed. A written version of the resolution will be prepared and distributed.

### **Pine Barrens Credit Program**

• Program status

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

### **Plan Implementation**

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

<u>Summary:</u> Mr. Corwin distributed and discussed the attached materials from Firewise, an organization cosponsored by several federal agencies and private nonprofit organizations. It describes a workshop to be held in early June 2000 for planners, officials, citizens, and others to incorporate fire considerations into the design and buildout of communities.

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

### **Compatible Growth Area (CGA)**

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

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

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

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

Mr. Murphree asked whether comments would be made with respect to transportation, energy, or air impacts, and it was noted that these are topics not

within the Commission's current expertise. Mr. Cowen asked about the difference between a normal CGA hardship application and a DRS application, and it was noted that a DRS must be reviewed for compliance with both the standards and the guidelines in the <u>Pine Barrens Plan</u>.

It was agreed that comments will be forwarded to the staff on or before 5/18/00 in order to permit their compilation for submittal to the Town.

### **Closed Advisory Session**

<u>Summary:</u> A motion was made by Murphree and seconded by Mr. Girandola to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 4-0 vote, and the Commission entered into closed session from approximately 2:46 pm to 3:46 pm.

### **Compatible Growth Area**

Brookhaven Town Center / Yaphank: exemption from <u>Plan</u> (not on the original agenda)

<u>Summary:</u> Mr. Rigano described the request made earlier in the meeting by Mr. Balin for a revised letter regarding the exemption of the Brookhaven Town Center from the <u>Pine Barrens Plan</u>. A motion was then made by Mr. Murphree and seconded by Mr. Hanley to act favorably upon the request for a revised version of the 1/20/00 letter from Mr. Rigano to Mr. Balin re the Brookhaven Town Center exemption, and to direct counsel to prepare an appropriate new letter. The motion was approved by a 4-0 vote.

### **Core Preservation Area**

 Westhampton Mini Storage / Westhampton (Southampton) / expansion: public hearing (from 3/29/00 meeting; a written request for withdrawal has been received)

<u>Summary:</u> A separate stenographic transcript exists for this. The application has been withdrawn by the sponsor without prejudice.

Hidden Pond Stables / Manorville (Brookhaven) / riding arena: public hearing (from 3/29/00 meeting)

<u>Summary:</u> A separate stenographic transcript exists for this hearing. During the hearing, the Commission briefly went off the stenographic record twice to discuss the issue of the Commission's jurisdiction over this project.

Following the close of the hearing and the stenographic transcript, an extensive discussion was held regarding whether this project constitutes "development"

under the pine barrens statute. Specifically, Mr. Rigano discussed the "nondevelopment" provision of the pine barrens statute that refers to recreational activities. Ms. Plunkett noted that this is a commercial facility for boarding of horses.

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Topics also discussed at this time included the nature of the horseback riding that occurs there; the type of building that is being proposed there, including its lack of heat; the grading that would occur; the lack of new clearing; and estimates of how long the property has been used for its current purposes (including the time prior to the current ownership.

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

### Adjournment

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

### Attachments (in order of discussion):

- 1. Attendance list (1 page)
- 2. Speaker list (1 page)
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- 7. Firewise Communities workshop materials (4/20/00; 4 pages)
- 8. American Tissue Corporation DEIS draft comments (undated; 13 pages)



CENTRAL PINE BARRENS JOINT PLANNING & POLICY COMMISSION

Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz Member

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

Phone (631) 224-2604 Fax (631) 224-7653 Internet: http://pb.state.ny.us Commission Meeting Summary (FINAL) for Wednesday, May 10, 2000 (Approved 5/31/00) Suffolk County Park Police and Pine Barrens Center Southaven County Park, Victory Avenue, Yaphank, NY 2:00 pm

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

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

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

### **Public Comment**

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

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

Administrative

- Summary of 4/19 meeting: review, approval <u>Summary:</u> A motion was made by Mr. Murphree and seconded by Mr. Girandola to approve the 4/19/00 meeting summary as drafted. The motion was approved by a 4-0 vote.
- Results of 5/3/00 Advisory Committee meeting (information item) <u>Summary</u>: Mr. Corwin reported that the Central Pine Barrens Advisory Committee met on 5/2/00 at the Eastern Campus of the Suffolk County Community College to discuss the status of their South Fork Pine Barrens work. He explained that the Committee, after a long discussion, passed a resolution with a split vote that resolved to terminate their deliberations on the matter and to also recommend to the Commission that the Commission offer assistance to the Towns of Southampton and East Hampton in their efforts to protect the South Fork watershed. A written version of the resolution will be prepared and distributed.

### **Pine Barrens Credit Program**

• Program status

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

### **Plan Implementation**

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

<u>Summary:</u> Mr. Corwin distributed and discussed the attached materials from Firewise, an organization cosponsored by several federal agencies and private nonprofit organizations. It describes a workshop to be held in early June 2000 for planners, officials, citizens, and others to incorporate fire considerations into the design and buildout of communities.

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

### **Compatible Growth Area (CGA)**

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

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

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

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

*Mr. Murphree asked whether comments would be made with respect to transportation, energy, or air impacts, and it was noted that these are topics not* 

within the Commission's current expertise. Mr. Cowen asked about the difference between a normal CGA hardship application and a DRS application, and it was noted that a DRS must be reviewed for compliance with both the standards and the guidelines in the <u>Pine Barrens Plan</u>.

It was agreed that comments will be forwarded to the staff on or before 5/18/00 in order to permit their compilation for submittal to the Town.

### **Closed Advisory Session**

<u>Summary:</u> A motion was made by Murphree and seconded by Mr. Girandola to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 4-0 vote, and the Commission entered into closed session from approximately 2:46 pm to 3:46 pm.

### **Compatible Growth Area**

Brookhaven Town Center / Yaphank: exemption from <u>Plan</u> (not on the original agenda)

<u>Summary:</u> Mr. Rigano described the request made earlier in the meeting by Mr. Balin for a revised letter regarding the exemption of the Brookhaven Town Center from the <u>Pine Barrens Plan</u>. A motion was then made by Mr. Murphree and seconded by Mr. Hanley to act favorably upon the request for a revised version of the 1/20/00 letter from Mr. Rigano to Mr. Balin re the Brookhaven Town Center exemption, and to direct counsel to prepare an appropriate new letter. The motion was approved by a 4-0 vote.

### **Core Preservation Area**

 Westhampton Mini Storage / Westhampton (Southampton) / expansion: public hearing (from 3/29/00 meeting; a written request for withdrawal has been received)

<u>Summary:</u> A separate stenographic transcript exists for this. The application has been withdrawn by the sponsor without prejudice.

Hidden Pond Stables / Manorville (Brookhaven) / riding arena: public hearing (from 3/29/00 meeting)

<u>Summary:</u> A separate stenographic transcript exists for this hearing. During the hearing, the Commission briefly went off the stenographic record twice to discuss the issue of the Commission's jurisdiction over this project.

Following the close of the hearing and the stenographic transcript, an extensive discussion was held regarding whether this project constitutes "development"

under the pine barrens statute. Specifically, Mr. Rigano discussed the "nondevelopment" provision of the pine barrens statute that refers to recreational activities. Ms. Plunkett opined that this is a commercial facility for boarding of horses.

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

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

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

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

### Adjournment

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

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5/10/00 Q Hachmet # 1 (I page)



# **CENTRAL PINE BARRENS** JOINT PLANNING AND POLICY COMMISSION

Location:

Meeting For: <u>Pre Barren</u> OMMISSION OCHAAC COUL CO aphon 2:00 5/10/00 Oh

Date /Time:

# **Sign In Sheet**

NAME	REPRESENTING	ADDRESS	TELEPHONE/FAX
Merlio	CPBC Stold	Sunrise flux Great River	563-0385/224-765
RIGHARD W. HANKEN	RWERHEAD	Howker NR. RW.	7-3200×267
him Aukusen	CPBC Sight	Sunsisetting, 6.R.	563-0306
Pay Corwin	11 1, 00	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	563-0307
● JeffMunchree	Southampton	Southampton,	287-5735
Jim Rigano	Commission		631-694-5005
Walter's Sharow O/sew	Civil Property Right's Associates Inc.	POBOX 202 Brightwaters NY 11718	6317275696
Jill Lewis	Long Island Pine Borners Societe	PO Brx 42 9	631-369-3300/3389
JessicaZanca	Allecking Rovers Flening Fre	Manory HeNY 11949 200 Wheeler Rd Haugoauge NY	631-232-6412
ED QUAREMBA		PCLE, BETHPAGE, N.Y. 1114	433-8145
Mark Rizzo	CPBC Stubb	3525 SUNTISE HOHMUL	563-0352
ANN CARTER	CPBC Staff	1, /	563-0372
Donna Plum/left	CPBC Staff.		
BILL SPITZ	NSDEC	BLAG 40 STONY BROOK	444-0419
Barburn Wielwh	TNB	Reliz Medan	YJI-LJW
JOHD GIRANDOLA	T.O.B.	MEDFORD, N.Y.	451-6400
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5/10/00 attacknet #2 (1 page)

# **Central Pine Barrens** Joint Planning and Policy Commission

Speaker Sign In Sheet

Meeting Date 5/10/00

Meeting Place Southrow PK, Vaphank

NAME	REPRESENTING	TOPIC
	None signe	lus
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516 741 7128 TO 2967111 CERTILMAN/BAL P.02/02

BY:MRB & R

# ; 1-20- 0 ; 14:32 ; McMILLAN, RATHER

5/10/00 attachneut # 3 (I page)

# MCMILLAN, RATHER, BENNETT & RIGANO, P.C.

ATTORNEYS AT LAW

48 SOUTH SERVICE ROAD MRI.VIU.L. NEW YORK 11747

LESLE R. BENNETT BARRY S. COHEN WILLIAM CORNACHIO DONALD J, FARINAOCI ROBERT R. MCMILAN JAMES B. RATHER JAMES F. RIGANO

Тацернона (516) 694-8000 Раслимия (516) 694-2100 В-ман mail@marbr.com

January 20, 2000

RICHÁRD A. POOL. GUY W. GERMANO WALTER J. GUMERSELL DORIS E. RUTH CHARLES A. SINGER COUNSEL

HARHARA P, ALOB DARA A.L. COOPE STACY L. GEEMAND LAURID SAYEVICH HORZ CATHERINE A. MULLARKEY MICHAEL C. SCHMIDT

1

Herbert M. Balin, Esq. Certilman, Balin, Adler & Hyman 90 Merrick Avenue East Meadow, New York 11554

> Re: Open Space Council v. Planning Board of the Town of Brookhaven Index No. 95-5723

Dear Mr. Balin:

As you know, my firm is counsel to the Central Pine Barrens Joint Planning and Policy Commission ("Commission"). I understand that a lender for Breskel Shopping Center Associates, a party to the above action, has raised a concern regarding the relationship of a judgment in the lawsuit to the Commission. I have had an opportunity to review the judgment dated December 17, 1999 issued by Judge Berler in the above matter. The Commission is not a party to this lawsuit and the judgment issued by Judge Berler does not address the Commission or the Central Pine Barrens Comprehensive Land Use Plan issued by the Commission. \*

I hope this letter is helpful to address the concerns raised by the lender.

ery truly yours, es P. Rigano

JPR/gc

**000** ·

\*The Land Use Plan as to the "North Shore Properties Policy," Section 9.3, is final and non-conditional. It provides that the Brookhaven Town Center continues to be exempt from the provision of Article 57 and the Plan.

5/10/00 attachment # 4 (2 pages)

implementation of this Plan, the legal thresholds for state assistance payments to impacted districts should be determined, as well as the full set of such programs which exist. Appropriate application for such programs and payments should then be immediately undertaken. The Commission recognizes and appreciates the significant role which the local fire districts, and their staff and volunteers, occupy in a successful pine barrens preservation and management program.

### 9.2 Calverton redevelopment policy<sup>1</sup>

Pursuant to Public Law 103-c337, Section 2833, the Secretary of the Navy is authorized to convey to the Town of Riverhead Community Development Agency a 2,900 acre tract of real property at Calverton, more particularly described as the Calverton Naval Weapons Industrial Reserve Plant, subject to the condition that the real property is used for the economic redevelopment of the site and that the redevelopment authority be comprised of entities having an interest in the land use of the region.

The Pine Barrens Protection Act, Section 57-0107(13)(i), provides that public improvements undertaken for the public welfare do not constitute development within the meaning of the law.

Based upon the above referenced Public Law, all economic development activity upon the lands of the Calverton Naval Weapons Industrial Reserve Plant conveyed by the Secretary of the Navy is considered a public improvement pursuant to Section 57-0107(13)(i) of the Pine Barrens Protection Act and therefore does not constitute "development" within the meaning of all sections of the Pine Barrens Protection Act. Further, Public Law 103-c337 contemplates the development of a Comprehensive Master Plan and attending Generic Environmental Impact Statement to guide the location and intensity of economic development activity on the site; such plan and GEIS to be adopted prior to the conveyance of the property to the Town.

### 9.3 North Shore Properties policy<sup>2</sup>

North Shore Properties is a proposal for development of approximately 2,100 acres pursuant to a Conceptual Master Plan submitted to the Town of Brookhaven by Breskel Realty, Beau-Bres Realty and Havenbrook Associates. On May 21, 1992 a Draft Generic Environmental Impact Statement on North Shore Properties was accepted by the Brookhaven Town Board. A Final Generic Environmental Impact Statement was accepted on April 19, 1994 and on December 6, 1994, The Town Board adopted its Findings Statement.

<sup>&</sup>lt;sup>1</sup>This policy was approved unanimously by resolution of the Commission at its 1/11/95 meeting.

<sup>&</sup>lt;sup>2</sup>This policy was approved unanimously by resolution of the Commission at its 4/26/95 meeting.

The Findings Statement includes one site specific project, known as the Brookhaven Town Center, located on approximately 150 acres which is to be developed in two phases. The Brookhaven Town Center is located in the Compatible Growth Area.

The project within North Shore Properties, designated in the Brookhaven Town Board Findings Statement as Brookhaven Town Center, Phases I and II, continues to be exempt from and not subject to the provisions of Article 57 and the Plan. Furthermore, all other and future development of North Shore Properties will be subject to the Plan, and will be in conformance with the procedures, standards and guidelines contained in the Plan.

5/10/00 attachment # 5 (1 page)

**Pine Barrens Credit Clearinghouse** 

James T.B. Tripp, Esq., Chairman Andrew P. Freleng, AICP, Vice Chairman Vincent J. Cannuscio, Member Richard W. Hanley, Member Mitchell H. Pally, Esq., Member

Easement Protected Lands and Pine Barrens Credits As of May 1, 2000												
•	Brookhaven	Riverhead	Southampton	Total								
Parcels	256	7	54	317								
Acreage	219.31	36.59	36.89	292.79								
Credits generated	146.44	57.27	12.50	216.21								
Credits redeemed	76.79	5.29	5.12	87.20								
Credits not redeemed	69.65	51.98	7.38	129.01								

Total value of all Pine Barrens Credit transactions recorded through this date: \$ 4,945,796.00

1 of 1



Saturday May 20, 2000 at Air National Guard, Gabreski Airport (Westhampton Beach) Cty. Rd. 31 from 8:00 AM to 2:00 PM

Breakfast & Lunch (sponsored by NY State Emergency Management) Subject to be covered: Determination for Helicopter Operations Basic Ground Operation Static display of Helicopter & Water Bucket equipment Aerial display of Water Bucket Operation (Pending weather and Approval)

Lesson learned

Presented by The Central Pine Barrens Air – Ground Firefighting Training Committee

### **REGISTRATION FORM**

DEPARTMENT:	
POINT OF CONTACT:	
HOME ADDRESS:	
TELEPHONE: HOME	FD
Class P	articipants
NAME:	TITLE:
NAME:	TITLE:
NAME:	TITLE :
NAME:	TITLE:

The FINAL registration date is May 15<sup>th</sup> 2000. Classes will be filled as forms are received. The Departments contact will be notified as to the status of your registration. If you have any question please call 852-4859.

**RETURN THIS FORM TO:** 

Brett Martinez Suffolk County Fire Marshals PO Box 127 Yaphank, NY 11980 or FAX at (516) 852-4861

5/10/00 attachment # ß APR 2 4 2000 www.firewise.org/communities PO[ 10

April 20, 2000

As we usher in the 21st century, one of the major issues we face in New England is the loss of forested space. This situation is being exacerbated by burgeoning developments and a steadily increasing population. It has become more important than ever to properly plan new housing areas and to develop good standards for existing ones.

History has shown that well-planned communities are aesthetically pleasing and beneficial for residents. One of the issues that benefits from planning is that of wildland fire protection. Local fire codes, roofing materials, landscaping and road placement can be factored into a plan <u>before</u> a crisis occurs.

You are cordially invited to attend the Firewise Communities Workshop. For \$250.00, which includes meals and lodging, you will receive the following:

- ✓ Instruction in a new, state-of-the-art community planning program.
- ✓ A participant's workbook and a CD which teaches you to plan, and build, a Firewise community.
- ✓ Information about wildland fire in New England.

You will learn how to recognize fire hazards that threaten wildland living and to incorporate Firewise planning into existing and developing areas of your specific community. You will network with planners, developers, insurance representatives and fire staff from throughout New England. Remember that we have more fire occurrence east of the Mississippi River than west. Wildland fire does impact us in New England.

The Firewise Community Workshop will be held in Suffield, Connecticut from June 5-7, 2000 at the Suffield Conference Center. Attendance is being limited to 100 participants to ensure maximum participant interaction. For more information, visit <u>http://www.firewise.org/communities</u>. You can register online or you can receive registration information and a workshop agenda from Linda Coyle at the National Fire Protection Association, (617)984-7486.

Sincerely,

2 de

Judith Lerase Cook Firewise Representative (703)370-3141



9:00 am to 12:45pm	Conference Registration & Welcome
12:45 to 2:30 pm	Conference Welcome and Keynote Address
2:30 to 2:50 pm	Break and informal interaction opportunities
2:50 to 3:20 pm	From Our Perspective-
3:20 to 4:30 pm	Planning Overview
4:30 to 5:00 pm	Structure ignition scenarios (SIAM)
6:00 to 8:30 pm	Social Hour and dinner

7:00 to 8:30 am	Breakfast
8:00 to 8:30 am	Success Stories from Regional Communities
8:30 to 9:30 am	Welcome to Falls County, USA
9:30 to 10:30 am	Assessing Wildland/Urban Interface Fire Hazards
10:30 to 11:30 am	Developing Firewise Strategies for Existing Communities
12:00 to 1:00 pm	Lunch
1:00 to 4:30 pm	Developing Firewise Strategies for New Communities
4:30 to 5:00 pm	The Application of GIS in Firewise Planning
5:00 to 6:00 pm	Break
6:00 to 9:00 pm	Social Hour and dinner

7:00 to 8:00 am									
8:00 to 10:00 am									
10:00 to 10:30 am									
10:30 to 11:00 am									
11:00 to Noon									

## Breakfast Presentations by Exercise Groups Break From Our Perspective II Summary/Closure/Commitment

OUR HOMES SAFER FROM WILDFIRE



W ORKING TO MAKE

# www.firewise.org/communities 22

danbailey@montana.com

(406) 329-3933

jsmalley@nfpa.org

Forest Service

Dan Bailey, USDA

Jim Smalley, NFPA

(617) 984-7483

geographic representatives.

GEOGRAPHIC REPRESENTATIVES

For more information about the Firewise Communities Workshops series, visit our website at www.firewise.org/communities or contact one of the workshop organizers or

WANT MORE INFO?

# tfsblott@lcc.net (303) 404-9057 scottwood@lamar.colostate.edu

george.meadows@dnr.state.mn.us Brooklyn Park, MN Workshop MN Division of Forestry George Meadows (651) 296-4490

LV o community is safe from

psebasovich@dcnr.state.pa.us

bruce\_turbeville@fire.ca.gov

(916) 653-5817

Protection

PA Bureau of Forestry Fire Protection Staff

(717) 787-2925

St. Louis, MO Workshop

Suffield, CT Workshop

**Ralph Scarpino** 

**DNRC Forestry Regional** 

Connecticut Department of

Cathy deJong

(314) 441-4554

(860) 424-3630

Forestry

Supervisor

Austin, TX Workshop

Denver, CO Workshop

Scott Woods

Texas Forest Service

**Colorado State Forest Service** 

**Jim Blott** 

(409) 273-2261

Hidden Valley, PA Workshop

Santa Cruz, CA Workshop

CA Dept. Forestry & Fire

**Bruce Turbeville** 

Paul Sebasovich

Georgia Forestry Commission

Atlanta, GA Workshop

Stevenson, WA Workshop

**USDA** Forest Service Barbara Kennedy

(503) 808-2323

Roger Browning

(912) 751-3504 rbrowning@gfc.state.ga.us

bkennedy/r6pnw@fs.fed.us

We can reduce United States.

of severe wildland fire.

wildfire, but we can be wise

about our community design

and use of prescribed fire in the

the staggering impact and costs

WORKSHOP PARTNERS/PARTICIPANTS	The following organizations are supporting	the workshops:	National Wildfire Coordinating Group	American Planning Association	American Institute of Architects	<ul> <li>International Association of Fire Chiefs</li> </ul>	<ul> <li>National Association of State Fire Marshals</li> </ul>	National Emergency Managers Association	National Association of Realtors	National Rural Utilities	Congressional Fire Services Institute	<ul> <li>Institute for Business and Home Safety</li> </ul>	National Association of Home Builders	American Society of Landscape Architects	<ul> <li>International Fire Marshal Association</li> </ul>	National Volunteer Fire Council	<ul> <li>National Association of County Officials</li> </ul>	American Red Cross	<ul> <li>American Banking Industry</li> </ul>	Wildland Firefighter Magazine	State Farm Insurance	Insurance Services Office (ISO)	<ul> <li>Environmental Systems Research Institute</li> </ul>	(ESRI)	<ul> <li>FEMA Project Impact</li> </ul>	
					Firewise Workshops	Through dynamic presentations and such workshop	s as state-of-the-art mapping and wildfire simulations,	rly 1000 hand-picked community leaders and	professionals will learn first hand the complexities involved	in building communities (and citizennies) that are prepared	the inevitable effects of unwanted wildland fire.	Particinants will learn how to:	• recognize interface fire hazards	<ul> <li>design Firewise homes and landscapes</li> </ul>	deliver fire education	• and incornorate Firewise planning into existing	and developing areas of communities			Workshop Locations & Dates	WA	Suffield, CT June 2000 Brooklyn Park MN Sentember 2000		Santa Cruz, CA February 2001		Hidden Valley, PA September 2001 St. Louis, MO October 2001
WILDLAND FIRE FACTS!	Since 1970, more than 10,000 homes and	20,000 other structures and facilities have	been lost to severe wildland fire, wildfires	that have cost our government agencies some	\$20 DILLON TO Suppress and the instruction	industry another \$6 billion in rescitution.	More than 620 wildland intengriters have tools as	Deen killed oli duly suice 1910.	prof	COORDINATED NATIONAL	PROGRAMS for the		America's wildland fire agencies and the	National Fire Protection Association (NFPA)	have been promoting Firewise living since	1986. Their National Wildland/Urban Interface	Fire Protection Program has attracted new	partners in this work and saved about \$20	million annually in fire suppression costs.	Now America's Firewise partners are	gathering again to create the next generation	of Firewise communities.				

5/10/00 a Hack mit # 8 atement (13 pages)

### **American Tissue Corporation Comments on the Draft Environmental Impact Statement**

### **Project Facts**

Located in the Compatible Growth Area, on the north side of the North Service Road of the Long Island Expressway, 100 ft west of Sills Road (CR101), Yaphank, Town of Brookhaven. L-1 Light Industrial District

Development of Regional Significance (industrial facility in the **Commission Jurisdiction:** CGA that is greater than 300,000 sf)

584,808 sf industrial building; the footprint equates to 13.43 acres.

78.24 acres

347

3

Site elevation reaches a maximum of 115 ft above msl at the southwest corner of the site and a minimum of 60 ft above msl in the central portion of the site. Steep slopes are located in the southwestern portion of the site, with the remainder of the site relatively flat. (DEIS page 2-6)

The Carmans River is .6 mile from the eastern boundary of the site (Appendix G, Cultural Resource Assessment - Phase IA Study). No surface waters or wetlands exist on the project site. 200-611-2-33, 40; 200-636-1-6.1; 200-663-1-2, 3.5, 4, 7.2 10, 11, 12, 17.2

Water Resources:

Location:

**Zoning:** 

**Project Size:** 

**Employees:** 

**Topography:** 

Shifts:

**Project Site Acreage:** Anticipated Number of

Number of Operational

**Tax Map Numbers:** 

**Town Zoning Requirements:** 

See attached Table 3-2 that delineates the Town Zoning requirements for L1 Light Industrial Zoning versus what is provided by the applicant for this project.

### **Project Description:**

The Draft Environmental Impact Statement was prepared for a site plan application involving the construction of a proposed 584,808 sf industrial building on 78.24 acres, that is 35 ft high. The building will be used for the conversion, re-packing, storage and distribution of tissue and toilet paper products produced from large prefabricated rolls. The building will comprise 4,000 sf of office, 290404 sf of conversion/ repacking and 290,404 sf of warehouse space. The manufacturing at the facility will be a dry process with no hazardous or toxic chemicals used. There will be printing on some products using inks of food grade quality. Adhesives used will also be food grade.

Physical Description of Building: The only information on the appearance of the building was a written description in the DEIS, provided on page 1-9. According to the DEIS, the building will be 35 ft high and constructed of cinder block on a concrete slab with the exterior of the building

### **Project Facts, Cont'd**

consisting of decorative face brick in earth tones with accents, aluminum windows with enamel finish or equivalent. No architectural drawings or conceptual drawings were provided with the DEIS, therefore visual impacts cannot be fully evaluated at this time.

### Site and Project Characteristics:

See attached excerpt from the DEIS which includes Table 1-1 and identifies the site and project characteristics. It is important to note the scale of the project. As indicated on the attached table the building footprint will cover 13.43 acres.

### **DEIS Comments**

Potential impacts of this project on the environment could not be fully evaluated due to missing and/or incomplete information on the site plan and in the DEIS as identified below:

### A. Comments on the Site Plan

No architectural plans were provided therefore making full review of impacts associated with the building impossible and therefore the DEIS incomplete.

Sewage plans showing a detailed drawing of the proposed system are missing and location is not indicated on site plan.

Test hole missing from plans (depth to groundwater)

Grading plans are missing therefore making it difficult to determine whether grading may cause additional clearing than is currently specified on the site plan.

Site Data should be presented on the site map as follows:

Area of site =  $\_sf/acres(\%)$ 

Area of site already cleared = sf/acres(%)

Amount of native vegetation proposed to be cleared in sf, acres and (%)

list each item that affects clearing (building, roads, turf, landscaping, paving, recharge basin, etc)

Total amount of clearing allowed(existing cleared areas should be noted in sf and a percentage of the total and included as part of total allowed clearing) =  $\__sf/acres$  (%)

Total amount of proposed clearing @ 65% of total site acreage = \_\_\_\_\_ sf/acres (%)

Total amount of fertilizer dependent vegetation proposed = \_\_\_\_sf/acres (%) Total amount of fertilizer dependent vegetation allowed @ 15% of total site acreage = sf/acres (%)

Parking requirements do not include the 90 trailer parking spaces shown on the site plan; are these required or just desired by the applicant?

### Site Plan Comments, Cont'd

Discrepancy in site data and what is shown for employee parking on the site plan(200 versus 185).

Estimate of quantities information is missing from the site plan for concrete curb, walks, paving, drainage pools, catch basins, septic tank, sanitary leaching pools, retaining wall, recharge basin, excavation, etc.

No information on recharge basin - was this included in clearing calculation? If not it must be included as cleared and calculations corrected accordingly.

The interior use of the building should be delineated completely on the site plan for warehouse, manufacturing, receiving and office space areas.

Areas south of LIPA easement - indicate on landscape plan if to remain as natural vegetation.

### **B.** Comments on Appendix

Central Pine Barrens Compatible Growth Area - Development of Regional Significance Application

Part 1 - Project Information - tax map numbers need to be corrected. Site description data in EAF and project information in DEIS Table 1-1 differ in that the EAF mentions 2.55 acres are unvegetated and nothing about successional old field. Does data in both EAF and DEIS consider cleared roads/trails? They should be considered already cleared and counted as such. Need to clarify and correct accordingly.

### C. Comments on the Landscape Plan

Generally the landscaping that is proposed is inadequate not only in the sizes of the plants proposed but also in the quantities. For a project of this size and a thirteen acre building, the plan needs extensive revisions. Part of the proposed mitigation for impacts to the neighborhood due to the scale and aesthetics of this proposed activity and to plants and animals will be through extensive landscaping with native plants. This is not at all what is reflected on the plan.

Areas that will be disturbed during construction are not fully outlined on this plan, particularly where grading is required. There are several areas of the site that will be disturbed for grading, the installation of utilities, and other support infrastructure such as the truck scale, etc. The plan should be revised to accurately reflect these areas and provide landscape restoration solutions.

The landscape plan shows existing vegetation to remain on the immediate north and south side of the building facade. It will be virtually impossible to preserve this vegetation during the construction and pouring of the foundation for this structure. The plan should show a realistic solution for these areas, also reflecting the need for defensible space as per comments regarding the need for fire protection planning.

The plant list includes Autumn Olive, Tartarian Honeysuckle and Rosa Rugosa which are

### Landscape Plan Comments, Cont'd

considered invasive and not recommended for use as per the *Central Pine Barrens Comprehensive Land Use Pla, Chapter 5.* Replace with recommended species, also as outlined in Chapter 5.

The seed mixes that are proposed contain weedy, invasive species and should be replaced with native seedlings or a seed mix that is custom blended to contain only native species and free of weed seeds. Establishment will be more successful and require less maintenance including irrigation if properly chosen.

Irrigation, however will be required for any ornamental plantings and it is not clear from the plan if this is proposed.

### **D.** Review of Impacts

The comments on the DEIS are categorized below by their potential impacts to natural resources and the community. They are in no particular order of priority or magnitude.

### Impact on Land

The project will clear 31.43 acres of the 78.24 acre site (approx. 40% of the permitted 65%) according to Table 3-1 in the DEIS, leaving 46.81 acres of natural vegetation (approx. 60%). The amount of fertilizer dependent vegetation will be 5.1 acres (6.5% of the permitted 15%) The building will cover 13.43 acres according to Table 1-1 in the DEIS. Due to the size of the building and the fact that 31.43 acres of forested land will be cleared, there are potentially large impacts to land resources.

The DEIS states in a number of sections that the applicant may want to expand this facility in the future. It is very important to note that any future change in tenants, change in manufacturing process involving additional generation of waste or storage of chemicals, any expansion of the building structure or change in use of the structure will need to be submitted to the Commission for their review and approval as a Development of Regional Significance.

Construction on steep slopes will not presently occur, however any future expansion of the facility should preclude building on steep slopes in the southwestern portion of the site. The DEIS repeatedly discusses the potential desire of the applicant to expand the facility in the future and affirms that is why the facility must be placed where it is and interior configured accordingly.

The landbanked parking areas provide additional areas of natural vegetation that will remain after the project is built. Retaining these areas provide important buffers for a number of natural resources identified in the following lettered subsections, especially since the applicant has expressed a desire to potentially expand the facility in the future. Paved parking will include spaces for 200 employee vehicles, 60 loading spaces and 90 tractor trailer spaces. There are 1763 parking spaces that are indicated as landbanked on the site plan located along the north and east of the facility. It is not clear if these will be built out in the future and if so, how does the construction of these spaces affect the clearing percentage.

### Impact on Water

Specific comments are provided below under Editorial Comments. The project according to the DEIS in Section 3.2.2 and as summarized in the Project Description above, is a dry process that will not use toxic or hazardous chemicals. There would be no discharge of toxic or hazardous materials to the septic system. Therefore impacts due to discharges from the industrial process to groundwater are not anticipated, according to the DEIS.

A preventative maintenance program should be required for the large equipment used since they tend to leak and seep oil onto the floor as they age which can be a safety hazard and potential release hazard if able to get into the environment. Appropriate pads and containment should be used under this equipment to contain oily leaks.

What type of printing process and related equipment will be used to print designs on some of the products and how will it be cleaned? What chemicals will be used for the printing process?

Potential impacts to public supply wells in proximity to this site cannot be fully evaluated without the septic system design details and knowledge of the location of the on site septic system.

### Impact on Air

Not evaluated by staff.

### Impact on Plants and Animals

The discussion of existing vegetation and animals was included in the DEIS. It included lists of species based on habitat present or as observed by consultants for the applicant during their site visit. No rare or endangered plant or animal species were identified for this site based on correspondence with the Natural Heritage Program. There were a number of species of concern that were noted as potentially on site and a couple were actually observed on site, however no specific provision was made for these. Consideration should be given to a plan to transplant native vegetation on site during construction. This requires the use of individuals knowledgeable in native plants and the use of equipment to transplant "sods" of native plants.

As noted in the DEIS, the project will fragment habitat which will impact certain species of birds and animals. There is a large wooded area located to the west of this property that along with this property would represent over 150 acres of unfragmented forest area. Other than scaling down the project size or not developing the site altogether, these impacts cannot be substantially mitigated as noted in Section 5 of the DEIS that discusses adverse impacts that cannot be avoided. The DEIS proposes mitigating these impacts by minimizing the disturbance to the maximum extent practicable, delineating clearing to inadvertently avoiding overclearing and the use of native plants in landscaping, however this is not reflected in the landscape plan *(see separate comments).* 

Impact on Agricultural Land Resources

Not applicable for this project.

### Impact on Aesthetic Resources

As noted under comments provided previously, no architectural drawings were included for the building, making it impossible to fully evaluate the potential impact of this 13.43 acre building on aesthetic resources. This project will, however be obviously different and in sharp contrast to the surrounding land use patterns.

The project is located within a natural scenic highway corridor of the LIE. The development should be screened from the LIE to the maximum extent possible through the retention of wooded areas, and by limiting the height of any building.

Visual impacts from Seigfried Historic District, Yaphank Historic District, Upper Lake and Lower Lake of the Carmans River, the LIE and from any historic sites in proximity to the site should be evaluated more fully. The proposed building may be visible to users of these aesthetic resources.

Photographs of the views from various approaches to the site that were described by text in Section 2.8.1 Visual Resources, should be included. To evaluate visual impacts, pictures of view sheds from the surrounding area and LIE should be included with a conceptual drawing of the building superimposed, to substantiate the claims with regard to visual impacts expressed in Section 3.8.1.

The landbanked parking areas provide additional areas of natural vegetation that will remain after the project is built. Retaining these areas provide important buffers that reduce visual impacts to the adjacent residential areas to the north and east. Therefore the Town should require a covenant or easement on these areas to ensure these areas will not be developed when the applicant plans to expand the facility.

### Impact on Historic and Archaeological Resources

The results of the Phase IA Study performed by Archaeological Services, LLC (Appendix G) recommend that a Stage IB Study be completed due to the higher than average probability of the site having prehistoric evidences. Therefore the potential impacts to historic and archaeological resources cannot be fully evaluated without the results of the Stage IB Study.

### Impact on Open Space and Recreation

As this site is currently in private ownership there are no authorized recreational uses. Review of this site plan in relation to the Towns' long term open space plans should be evaluated. There are lands owned by the County to the west of the subject site. Coordination for the use and management of these lands in the future should be considered. Review of open space needs across the entire block of vacant lands in this vicinity: south of Coram Road, east of the LIE, between Bellport Avennue and Sills Road, should be reviewed and coordinated by the Town of Brookhaven.

### Impact on Transportation

Not evaluated by Staff.

### Impact on Energy

Not evaluated by Staff.

### Noise and Odor Impacts

The location of tractor trailer parking on the north side of building may be a noise concern if diesel trucks are allowed to idle. Provisions should be made to ensure that vehicles are not allowed to idle in the this parking area, especially after 5 pm or before 7 am.

Consider the alternative with tractor trailer truck parking on the south side of the building with the interior rearranged to accommodate this change. This could potentially reduce noise impacts from idling diesel tractor trailer trucks. The Town should consider mechanisms such as a covenant or easement on the landbanked parking areas on the north and east side of the facility to prevent them from being paved in the future, to ensure residences are provided maximum buffer from noise and visual impacts.

#### Impact on Public Health

The facility will be located in a fire climax community of pitch pine oak forest, in an wildland/urban interface situation. A wildland/urban interface area is where forested lands abut residential areas. The proximity of homes to these wooded areas, potentially places these homes at greater fire risk should a fire occur. There are residential areas located to the north and east of this project site that abut the site's wooded areas. Indications of prior fire occurrence onsite were viewed during a brief site visit by staff on May 8, 2000. At the public hearing held by the Town of Brookhaven for this project on May 8, 2000, it was mentioned by a representative from the Yaphank Fire Department that the American Tissue facility in Hauppauge had a fire that was extremely difficult to control due to the amount of flammable paper materials onsite and that it burned for 3 days requiring extensive mutual aid.

The proposed facility in Yaphank will have a 290,404 sf warehouse and 290,404 sf receiving area capable of storing large volumes of flammable paper products and huge rolls of paper awaiting conversion to final product. The applicant must provide the quantities of materials it intends to store at this facility to ensure that adequate fire protection can be provided to this facility. It should be required that the site plan be reviewed by the Town Fire Marshal to ensure the property will be defensible should a fire occur.

The applicant should be required to work closely with the Town Fire Marshal to properly plan access to the site, provide an adequate defensible space around the facility and that an adequate water source is available onsite to support firefighting capabilities. It should be noted that defensible space does not mean clear cutting an area around a building, it involves pruning and maintaining vegetation within a certain distance from the building to reduce potential spread and intensity of fires. Fire resistive plants and shrubs should be used for landscaping purposes in proximity to the building. Fire resistive material should be required

for the roof and exterior of the building.

### Impact on Growth and Character of Community or Neighborhood

The design and placement of the facility on the project site is repeatedly expressed in the DEIS that it is in anticipation of possible future expansion, should availability of a sewage treatment plant occur in the future. There are a number of issues that need to be addressed. The fact that the current facility will be a sublease to American Tissue indicates the potential for change in the future use and that other leasing arrangements and use of the facility could occur. As part of this SEQRA process, a master plan for this site should be prepared for future use. It is not possible to ascertain all potential impacts if the ultimate build-out of the site is not shown. Without the preparation of master plan, it is not possible to ensure that all the standards and guidelines will ultimately be met.

The sheer magnitude of the project size in that the building will cover 13.43 acres is something that is not in keeping with the surrounding neighborhood not only in terms of the use but also of scale in relation to adjacent single family homes and vacant lands.

Any future change in tenants, change in manufacturing process involving additional generation of waste or storage of chemicals, any expansion of the building structure or change in use of the structure will need to be submitted to the Commission for their review and approval as a Development of Regional Significance.

### **E.** Editorial Comments

The comments provided below serve to correct and/or clarify specific information and inconsistencies presented in the DEIS. The majority of these comments relate to the procedures of the Commission's review process, ECL 57 and/or the Central Pine Barrens Comprehensive Land Use Plan as presented in the DEIS. For the comments that follow, underlined text indicates suggested text to add and text with strike out line, is suggested to be removed. Italicized text is an explanation of suggested change/correction by reviewer.

1. Provide a summary - According to SEQRA 617.9(b) (4) - A draft or final EIS must have ...... a precise summary which adequately and accurately summarizes the statement.

2. Page 1-6 Section 1.2.3 2<sup>nd</sup> para., 3<sup>rd</sup> sentence. The standards and guidelines

3. Page 1-12 Section 1.4.2 Site Operations. The applicant needs to provide information on the volume of products it will produce and additional justification for the need of a 13.43 acre building and the specific interior configuration such as equipment space requirements, material storage requirements. If possible, use other American Tissue facilities as examples. The applicant should evaluate whether just in time inventory control would be feasible to reduce receiving area storage requirements. Computerized inventory control should be instituted at the facility to minimize the holding of materials in receiving(raw materials/supplies) and warehouse areas(shipping). The DEIS provides general information on the building but no specifics as to why it needs such a large building.

### Editorial Comments, Cont'd

3. Page 1-16 Last bullet, Determination of Compatibility Consistency with standards and guidelines of the Central Pine Barrens Comprehensive Land Use Plan

4. Page 1-1 Section 1.1.1 Clarify how Pheasant LLC obtained property from Town of Brookhaven IDA, clarify who is the actual owner of the property. Clarify the relationship of the owner and lease and sub lease and what it means in terms of how long the lease will occupy the site and what happens if the lease or sublease no longer wants to use this facility in the future?

Figure 1-3 The process flow diagram - please label equipment/materials indicated by symbols in the figure in order to be more meaningful to the reader.

5. Page 2-50, Section 2.6.3, , 3<sup>rd</sup> para, These <del>rules</del> standards and guidelines.... Here reference is made to the Central Pine Barrens standards and guidelines in the Town Code. The word "rule" is not necessary.

6. Page 2-50, Section 2.6.3 under section entitled <u>Central Pine Barrens Comprehensive Land</u> <u>Use Plan</u> - 2<sup>nd</sup> para. Reword to clarify the sentence starting The Long Island Pine Barrens.... to suggested wording below:

The Long Island Pine Barrens Act of 1993 created the Central Pine Barrens area that encompasses two geographic areas. The central portion of this area consists of a 55,000 acre core preservation area (CPA) that is surrounded by a 47,500 acre compatible growth area (CGA). This provides a better explanation of the area covered by the LI Pine Barrens Act.

7. Page 2-52, 1<sup>st</sup> para., 1<sup>st</sup> line change 52,500 to 55,000. *Correction of acreage in the core preservation area.* 

8. Page 2-52, 2<sup>nd</sup> para., 2<sup>nd</sup> sentence " under strict <u>standards and</u> guidelines. To correct that development is primarily allowed in CGA based primarily on standards and guidelines, not guidelines alone.

9. Page 2-52, 3<sup>th</sup> para., and <u>is</u> within the jurisdiction of the Central Pine Barrens Joint Planning and Policy Commission (Commission) <u>since it is considered</u> as a project development of regional significance <u>according to the Central Pine Barrens Land Use Plan</u> (an industrial development in excess of 300,000 sf).

Provides a better explanation of why this project is under Commission jurisdiction.

10. Page 2.52, 4<sup>th</sup> para., <u>Since t</u>The project <u>is a development of regional significance, it must</u> meet all of the standards <u>and guidelines</u> in the Plan...<u>For a development of regional</u> <u>significance, a separate project application must be made to the Commission that indicates</u> the project meets the standards and guidelines of the Central Pine Barrens Land Use Plan. <u>A</u> copy of this application is provided in Appendix A-6. The Commission is <u>then</u> required to hold one (1) hearing <del>on the</del> for a development of regional significance</u>. Strike rest of sentence. *Provides a better explanation of the requirements for a development of regional significance*.

### Editorial Comments, Cont'd

11. Page 2-52, 5<sup>th</sup> para., 1<sup>st</sup> sentence - All proposed development - Strike this sentence. *This is redundant*.

12. Page 2-52, 5<sup>th</sup> para, 2<sup>nd</sup> sentence move to end of 2<sup>nd</sup> para., to follow sentence ending ... Act of 1993.

This text fits better following description of Act and requirements provided in para. 2.

13. Page 2-56 Identify the well depth and what aquifer the public supply wells are screened for the public supply wells.

14. Section 1.3.7 - Landscaping shrubbery should use native plants; possibly use shrubs and plants cleared from other areas of site for this purpose. Drought resistant turf should be used to limit irrigation and fertilizer requirements. *This section on site landscaping did not include the use of native plants/shrubs for landscaping purposes.* 

15. Section 1.5 Permits and Approvals Required - Central Pine Barrens Joint Policy and Planning Commission - a compatible growth area development of regional significance permit - determination of consistency with the standards and guidelines of the Central Pine Barrens Comprehensive Land Use Plan, Volume I, Chapter 4.

16. Page 3-4, Where will the septic system be located on the project site and what impacts will this have on public supply wells located in proximity to this site?

17. Page 3-8, 3<sup>rd</sup> para. 2<sup>nd</sup> sentence, add the word acres after 2.34 with reference to the size of the recharge basin.

18. Page 3-19 - 2<sup>nd</sup> para under <u>Central Pine Barrens Comprehensive Land Use Plan</u>, 2<sup>nd</sup> sentence, This section needs to clarify the review process for projects located in the CGA and what is required of the applicant and how this is application differs in that it is a development of regional significance. As this project is a development of regional significance the following text should be added: In the case of this project, since it is an industrial use in the CGA that exceeds 300,000 sf, it is considered a development of regional significance which falls under the Commission's jurisdiction. The applicant in this case is required to make a separate application to the Commission to determine conformance with the standards and guidelines in the Central Pine Barrens Comprehensive Land Use Plan. A copy of this application is provided in Appendix A-4. See Section 4.5.5 of the Central Pine Barrens Comprehensive Land Use Plan.

The last para. under this section states that it is consistent with the Central Pine Barrens Plan. Please note that it is up to the Commission to review this application and make a determination of consistency with the standards and guidelines, not the applicant. It is not possible to determine if this project conforms to the standards and guidelines as there is still a lot of missing information from the plans which was noted elsewhere in this document. There are also discrepancies with the application and what is presented in the DEIS that will need to be corrected prior to review by the Commission.

### **Editorial Comments, Cont'd**

19. The DEIS does not include a section that addresses irreversible and irretrievable commitments of natural resources that would be associated with the proposed action that is required to be included as per SEQRA 617.9(a)(5)(iii)(('c')). This should be included especially in light of the magnitude of this project.

### F. Comments on Proposed Alternatives

The Alternatives presented need to provide additional information to substantiate why these options are not possible because of the requirements of the manufacturing process. They need to provide more specific information on the production volume anticipated and how materials flow through the facility that would justify the need for a 13.43 acre building and the specific interior configuration.

Alternative 2: Alternative Site- should also consider other sites owned by the Town of Brookhaven IDA. This alternative focuses on land that is owned by the Applicant when this project will be on land leased from the Town of Brookhaven IDA. Does Alternative 2 consider land owned by Pheasant LLC ?

Consider the alternative of using three smaller buildings, one for manufacturing, one for receiving and another for a warehouse, or the feasibility of warehousing the finished product at another site.

and remains industrial due to its location near an LIE interchange and the opportunity it presents for quality controlled development.

As the property is located within Hydrogeological Zone III the project must adhere to more stringent zoning regulations outlined in Section 2.6.2 and as shown in the following table:

#### TABLE 3-2

#### **ZONING REQUIREMENTS**

Description	Required	Provided
Front Yard Setback	50' min.	1270'
Rear Yard Setback	50' min.	630'
Side Yard Total	50' min.	520'
Min. Side Yard	20' min	180'
Lot Occupancy	30% max	17%
Building Height	50' max	35'
Lot Area	3 acres min.	78.2 acres
Road Frontage	200' min.	1166.45'

Accordingly the subject property conforms to the zoning requirements set forth by the Town Code.

In addition, Pine Barrens standards adopted by the Town under Town Code Chapter 85-447, restrict clearing of natural vegetation to no more than 65%. The currently proposed project will preserve approximately 60% of the site area as existing natural vegetation, which is in excess of the 35% required by the Central Pine Barrens Comprehensive Land Use Plan and the Town Code for commercial/industrial development. A more detailed analysis of conformance with previously documented plans, standards and guidelines will follow in the following section. In addition, Appendix A-4 contains the Pine Barrens Commission application for a development of regional significance. This application includes an analysis of the consistency of the project with standards and guidelines also incorporated into Town Zoning Cost Chapter 85-447.

#### 3.6.3 Land Use Plans

## Central Pine Barrens District Town Code Chapter 85

The development standards applicable to the town Central Pine Barrens District are contained in Appendix A-3. The proposed development has been designed to be consistent with these code requirements. The standards and guidelines are essentially the same as the Pine Barrens Commission application which is provided in Appendix A-4. The project is consistent with the Central Pine Barrens District.



American Tissue Corp., Inc. Site Plan Application Draft EIS

#### 1.3 **Project Design and Layout**

### 1.3.1 Site Layout

**Table 1-1** provides a list of the subject site's existing and proposed coverages and physical characteristics. **Plate I** is included in a sleeve at the end of this document to provide a full scale site plan of the proposed development. Figure 1-2 is provided as a reduced copy of this site plan. The project site is roughly rectangular in shape, with the LIE North Service Road running east-west along the property's southern border. The site's single access roadway will be located in the eastern portion of this boundary and will provide an entrance and exit to the facility located on the North Service Road. The access roadway will be equipped with a truck scale to monitor loads leaving the site. A 102,000 SF/2.34 acre recharge basin will be located on the east side of the access road.

#### TABLE 1-1

#### SITE AND PROJECT CHARACTERISTICS

Parameter	Existing Conditions	Proposed Conditions		
Coverages:				
Building	NA	13.43 acres		
Impervious/Paved	NA	10.56 acres		
Landscaped	NA	5.10 acres		
Recharge Basin	NA	2.34 acres		
Successional Old Field	0.78 acres	0.78 acres		
Pitch Pine-Oak Forest	77.46 acres	46.03 acres		
TOTAL	78.24 acres	78.24 acres		
Trip Generation:				
AM Peak Hour	0 vph	457 vph		
PM Peak Hour	0 vph	441 vph		
Water Resources:				
Water Use/Wastewater Generation	NA	23,472 gpd		
Recharge Volume	46.76 MGY	67.56 MGY		
Nitrogen Concentration	0.01 mg/l	5.40 mg/l		
Miscellaneous:				
Solid Waste Generation	NA	1,160 tons/month		
Recyclable	NA	58 tons/month		
		124 capita at startup		
Free land (distributed area 2 shifts)	0 conita	197 capita by end of year		
Employees (distributed over 3 shifts)	0 capita	Total employment of 347		
		capita following 2 <sup>nd</sup> year		
Parking	0 spaces	200 spaces		





POLICY Commission

Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz Member Commission Agenda (DRAFT) for Wednesday, May 31, 2000 Brookhaven Town Hall, Building 4 3233 Route 112, Medford, NY 2:00 pm

**1. Public Comment** (please sign Speaker Sheet)

# 2. Administrative

- Summary of 5/10 meeting: review, approval (faxed)
- Advisory Committee: correspondences from 5/3/00 AC meeting re South Fork Pine Barrens work (mailed)

# 3. Pine Barrens Credit Program

- Sipala and Alberto / Eastport (Brookhaven): new credit appeal; schedule hearing *(to be distributed)*
- Realty Redemption Corp. / Manorville (Brookhaven): correspondence (to be distributed)

## 4. Plan Implementation

- Air Ground Firefighting Coordination Committee: results of 5/20 Helicopter Firefighting Awareness Day *(information item)*
- Wildfire Task Force Public Education Committee: outreach efforts (overview) and planned video production involving RFP (information item)

# 5. Core Preservation Area

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# The following public hearing is scheduled for 4:00 pm, but a postponement has been requested:

 Lakeside Manorville Hotel / Manorville (Brookhaven): public hearing; lead agency request; status

# 6. Compatible Growth Area

• American Tissue / Yaphank / Development of Regional Significance: final comments on EIS (to be distributed; information item)

# 7. Executive or Advisory Session (if necessary)

# Next Commission meeting:

6/21/00 at the Riverhead Town Hall, East Main Street and Howell Avenue, Riverhead at 2:00 pm

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

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



Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz Member

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

Phone (631) 224-2604 Fax (631) 224-7653 Internet: http://pb.state.ny.us Commission Agenda (FINAL) for Wednesday, May 31, 2000 Brookhaven Town Hall, Building 4 3233 Route 112, Medford, NY 2:00 pm

1. Public Comment (please sign Speaker Sheet)

# 2. Administrative

- Summary of 5/10 meeting: review, approval (faxed)
- Advisory Committee: correspondences from 5/3/00 AC meeting re South Fork Pine Barrens work *(mailed)*

# 3. Pine Barrens Credit Program

- PRC zoning category development yield factor: <u>Plan</u> interpretation (continuation of prior discussion)
- Sipala and Alberto / Eastport (Brookhaven): new credit appeal; schedule hearing (to be distributed)
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CENTRAL PINE BARRENS JOINT PLANNING & POLICY COMMISSION

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# Commission Meeting Summary (DRAFT) for Wednesday, May 31, 2000 (To be approved) Brookhaven Town Hall, Building 4 3233 Route 112, Medford, NY 2:00 pm

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

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

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

#### Administrative

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

#### **Public Comment**

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

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

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

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

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

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

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

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

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

In the discussion that followed, Mr. Amper cited the request for a letter from the Commission regarding the Brookhaven Town Center as an example of how the Society and the Commission are not in agreement. *Mr.* Shea then noted that Southampton Town is pursuing preservation, purchasing parcels, devoting staff effort to those issues, etc. *Mr.* Amper stated that there is \$20 million available for acquisition, but only one purchase has been made. *Mr.* Shea stated that was not true, and stated that the Supervisor's Office will provide information if it is requested.

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

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

#### Administrative

Summary of 5/10 meeting: review, approval (faxed)
 <u>Summary:</u> There were serval changes suggested to the 5/10/00 meeting
 summary, and after some discussion, the following version of the summary for
 the "Hidden Pond Stables / Manorville" discussion was agreed to:

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

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

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

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

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

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

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

 Advisory Committee: correspondences from 5/3/00 AC meeting re South Fork Pine Barrens work (mailed)

<u>Summary:</u> Mr. Corwin distributed the attached letter from Mr. Michael LoGrande, Chair of the Central Pine Barrens Advisory Committee, and an attached resolution of the Committee, describing the results of the Committee's 5/3/00 meeting. There was no further discussion of this item.

#### Pine Barrens Credit Program

Next Clearinghouse meeting

<u>Summary:</u> Mr. Rizzo stated that the next Clearinghouse Board meeting will be held on 6/27/00 at 3:00 pm at the Commission office.

PRC zoning category development yield factor: <u>Plan</u> interpretation (continuation of prior discussion)

<u>Summary:</u> Mr. Rizzo distributed the attached copy of the nonresidential zoning development yield factors dated 8/7/96, along with the attached excerpt from the Brookhaven Town zoning code regarding multifamily residential districts. He explained that the yields under the Town code for the MF-1 and PRC zoning categories are similar, and that their development yield factors under the Pine barrens Credit Program should therefore be the same. He noted that there is no PRC development yield factor currently within the Commission's table, and that this is needed in order to respond to a Letter of Interpretation application for one such parcel in the Brookhaven portion of the Core area. Ms. Prusinowski asked that this be delayed until the next meeting since Mr. Girandola, Brookhaven Planning Commissioner, is not present today. That was agreed.

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

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

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

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

#### Plan Implementation

 Air Ground Firefighting Coordination Committee: results of 5/20 Helicopter Firefighting Awareness Day (information item) <u>Summary:</u> Mr. Corwin distributed the attached materials pertaining to the 5/20 Air Ground Firefighting Awareness Day, sponsored by the Air Ground Firefighting Coordination Committee of the Wildfire Task Force and the Law Enforcement Council. Capt. Conklin described the helicopter water drops, the

outreach to the community, the coordination with the Southampton Town Trustees, and the overall results of the exercise. The morning classroom work and the equipment display were held at the NY Air National Guard's 106<sup>th</sup> Rescue Wing at Gabreski Airport in Westhampton, and the afternoon field session was held at the David Samoff Preserve, with the water being drawn from Wildwood Lake.

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

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

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

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

#### **Core Preservation Area**

• Hidden Pond Stables / Manorville (Brookhaven): correspondence (to be distributed) <u>Summary:</u> The attached letter from the Long Island Pine Barrens Society opposing the issuance of a hardship exemption for this project was distributed. There was no discussion.

 Lakeside Manorville Hotel / Manorville (Brookhaven): public hearing; lead agency request; status

<u>Summary:</u> Ms. Jakobsen went through the sequence of dates and documents for this project on the east side of County Route 111, south of the Long Island Expressway in Manorville. She reported that the Commission's request to be the lead agency was verbally agreed to by the Town. Mr. Rigano advised that the hearing should not yet be scheduled. The Commission staff will speak with the project sponsor, and Commission counsel would review the time frames for such applications and report at the next meeting.

#### **Compatible Growth Area**

 American Tissue / Yaphank / Development of Regional Significance: final comments on EIS (to be distributed; information item), and receipt of new application to Commission

<u>Summary:</u> Ms. Jakobsen distributed copies of the Commission's revised comments that have been submitted to Brookhaven Town regarding this project's Draft Environmental Impact Statement. She noted that additional comments were added which address inconsistencies with the standards and guidelines in the <u>Pine Barrens Plan</u>.

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

#### **Closed Advisory Session**

<u>Summary:</u> A motion was made by Mr. Cowen and seconded by Mr. MacLellan to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 4-0 vote, and the Commission entered into closed session from approximately 4:29 pm to 5:05 pm.

#### Adjournment

<u>Summary:</u> The meeting adjourned immediately following the closed session. No formal adjournment resolution was passed.

#### Attachments (in order of discussion):

1. Attendance list (1 page)

2. Speaker list (1 page)

3. Letter from Mr. LoGrande and Advisory Committee resolution (5/9/00; 2 pages)

4. Nonresidential allocations and zoning code excerpt. (misc. dates; 2 pages)

5. Letter appealing the Sipala and Alberto parcels' Credit allocation (5/16/00; 1 page)

6. Letter from Mr. Ledogar re the Realty Redemption Co. parcel (5/5/00; 1 page)

7. Materials re the 5/20/00 Air Ground Firefighting Day (misc. dates; 4 pages)

8. Wildfire Task Force Public Education Goals and Objectives (undated; 2 pages)

9. Letter from LI Pine Barrens Society re Hidden Ponds Stables (5/25/00; 2 pages)



BARRENS JOINT PLANNING % POLICY COMMISSION

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Phone (631) 224-2604 Fax (631) 224-7653 Internet: http://pb.state.ny.us Commission Meeting Summary (FINAL) for Wednesday, May 31, 2000 (Approved 7/12/00) Brookhaven Town Hall, Building 4 3233 Route 112, Medford, NY 2:00 pm

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## Pine Barrens Credit Program

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

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

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

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

#### **Core Preservation Area**

• Hidden Pond Stables / Manorville (Brookhaven): correspondence (to be distributed) <u>Summary:</u> The attached letter from the Long Island Pine Barrens Society opposing the issuance of a hardship exemption for this project was distributed. There was no discussion.

 Lakeside Manorville Hotel / Manorville (Brookhaven): public hearing; lead agency request; status

<u>Summary:</u> Ms. Jakobsen went through the sequence of dates and documents for this project on the east side of County Route 111, south of the Long Island Expressway in Manorville. She reported that the Commission's request to be the lead agency was verbally agreed to by the Town. Mr. Rigano advised that the hearing should not yet be scheduled. The Commission staff will speak with the project sponsor, and Commission counsel would review the time frames for such applications and report at the next meeting.

#### **Compatible Growth Area**

 American Tissue / Yaphank / Development of Regional Significance: final comments on EIS (to be distributed; information item), and receipt of new application to Commission

<u>Summary:</u> Ms. Jakobsen distributed copies of the Commission's revised comments that have been submitted to Brookhaven Town regarding this project's Draft Environmental Impact Statement. She noted that additional comments were added which address inconsistencies with the standards and guidelines in the <u>Pine Barrens Plan</u>.

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

#### **Closed Advisory Session**

<u>Summary:</u> A motion was made by Mr. Cowen and seconded by Mr. MacLellan to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 4-0 vote, and the Commission entered into closed session from approximately 4:29 pm to 5:05 pm.

#### Adjournment

<u>Summary:</u> The meeting adjourned immediately following the closed session. No formal adjournment resolution was passed.

#### Attachments (in order of discussion):

1. Attendance list (1 page)

2. Speaker list (1 page)

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3. Letter from Mr. LoGrande and Advisory Committee resolution (5/9/00; 2 pages)

4. Nonresidential allocations and zoning code excerpt. (misc. dates; 2 pages)

5. Letter appealing the Sipala and Alberto parcels' Credit allocation (5/16/00; 1 page)

6. Letter from Mr. Ledogar re the Realty Redemption Co. parcel (5/5/00; 1 page)

7. Materials re the 5/20/00 Air Ground Firefighting Day (misc. dates; 4 pages)

8. Wildfire Task Force Public Education Goals and Objectives (undated; 2 pages)

9. Letter from LI Pine Barrens Society re Hidden Ponds Stables (5/25/00; 2 pages)

5/31/00 Meeting Attachment # 1 (1 page)



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

Meeting For:

Location:

g For: <u>He Barrens Commission</u> on: <u>Brockhouser Town Offices</u> <u>Med ford - Blog 4</u> Sime: 5/3/100 2:00 pm

Date /Time:

**Sign In Sheet** 

NAME	REPRESENTING		TELEPHONE/FAX
Trezza	CPOC Staff	Sunrise Hwy Great River	563-0385/224.7653
Mark Rizzo	CPBC Staff	11	56370352
Juby Jakobsen	CPBC Staff	Ŋ	563-0306
Robt. CONKLAN	NYSDEC	Stony Brook	444-0291
Ray Corwin	CPB Comm	(	
Walter Sharon Olsen	Civil Property Rights Associates Inc	POB 202 Brightwaters N/ 11718	7275696
EREC ARNESEN	NP+Y	572 WALT WITTHAN RD. MELLEW	428-5665
ZAver	LIPBS	20 Box 429 Monoralle	369-3300
M-SHEA	Town of Soathangta	116 Hampton Rd, Southampton	287-5710/297-5706
Brender Prusinowski	Town 1 Brookhaven	2 1	45-16402
George Proios	Sutto 1K County	Hamppunge	853-4654
Ray Cowen	Gov. Pataki	Stony Brook	444-0345
Bin Spitz	NYSDEC	; I	4440419
- boxic Lang	Atlee. King Roser & Fleming	200 middle country rd Amithtan NY 1	265-0735
HENRY DITTME		P.O. BOX 202 BRICHTWATERS NY	11718 665-203
TOM ZUKAS	SELF	84 Pine Ele, Dr. Fert Me	niches \$78-9473
		( v Jerry	

5/31/00 meeting attachment # 2 (1 page).

# Central Pine Barrens Joint Planning and Policy Commission

# Speaker Sign In Sheet

Meeting Date 5/31/00 Meeting Place Brookhover

NAME	REPRESENTING	TOPIC	
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5/31/00 Meeting @Hachment #3 (2 pages)

# CENTRAL PINE BARRENS ADVISORY COMMITTEE

May 9, 2000

Honorable Robert Gaffney, Chairman Long Island Central Pine Barrens Commission 3525 Sunrise Highway, 2<sup>nd</sup> Floor Great River, New York 11739

Dear Mr. Gaffney,

On May 3, 2000, the CPBAC met to discuss the proposal to use the Pine Barrens Extension provisions to protect and preserve sensitive groundwater areas in eastern Southampton Town and the Town of East Hampton. After months of discussion, meetings and public information sessions, the Advisory Committee has drawn the issue to conclusion by resolution, a copy of which is enclosed.

A substantial part of the discussions on May 3<sup>rd</sup> focused on the importance of permanently protecting and preserving areas of the South Fork that correspond to the Special Groundwater Protection areas from the 208 study. It was also clear that contiguous protection areas can create worthwhile open space important for all future generations. Therefore, while the proposed extension of the Pine Barrens as a means of preserving these areas was deemed unworkable, the Advisory Committee recommends that the Commission should offer every possible assistance to the two towns to encourage an active and effective protection program. This may be the last opportunity to preserve undeveloped groundwater areas with added benefits of environmental enhancement and the preservation of the finest quality of life communities in the nation.

Both Supervisor Cannuscio and Supervisor Schneiderman have repeatedly indicated a strong willingness to preserve these important areas of their respective towns. To support their efforts in positive ways is extremely important at this time because of development pressures. We hope that the Commission will proactively encourage the preservation of the South Fork groundwater sensitive areas.

Very truly yours,

alltho hande

Michael A. LoGrande Chairman

MAL:dmm

# <u>Central Pine Barrens Advisory Committee Resolution of May 3, 2000</u> Central Pine Barrens Advisory Committee Meeting Suffolk Community College Eastern Campus, Riverhead, NY May 3, 2000 6:00 pm

WHEREAS, the Town Board of the Town of Southampton, by a resolution dated March 24, 2000, determined that an extension of the Central Pine Barrens Area is not the preferred means for achieving groundwater protection in their unique communities east of the Shinnecock Canal; and

WHEREAS, the Town Supervisor and some of the members of the Town Council of the Town of East Hampton have indicated that they do not support an extension of the Central Pine Barrens Area as a means for achieving groundwater protection in their unique communities; and

WHEREAS, the membership of the Central Pine Barrens Commission, its Councils, and its Advisory Committee is comprised of individuals and organizations collectively having unique and diverse expertise and experience in the successful protection, preservation, and management of groundwater and other critical natural resources in the Central Pine Barrens Area; and

NOW, THEREFORE, BE IT RESOLVED, that the Central Pine Barrens Advisory Committee hereby recommends to the Central Pine Barrens Commission, a termination of further discussion and/or planning for an extension of the Central Pine Barrens Area to the Town of East Hampton and to the area of the Town of Southampton east of the Shinnecock Canal; and

BE IT FURTHER RESOLVED, that the Central Pine Barrens Advisory Committee hereby recommends that the Central Pine Barrens Commission offer the full range of resources of the Central Pine Barrens Commission and its Advisory Committee to assist the Towns of Southampton and East Hampton in their watershed protection efforts east of the Shinnecock Canal, and to formally ask the two Towns to define the role they would like the Central Pine Barrens Commission and its Advisory Committee to play.

Motion, consisting of the first and second "Whereas" and the first "Resolved", made by Mr. Gergela of Long Island Farm Bureau, seconded by Ms. LaWall of Southampton Business Alliance. 10 voted in favor. 5 opposed.

Motion for addition to original motion, consisting of the third "Whereas" and the "Be It Further Resolved", made by Mr. Wieboldt, of Long Island Builders Institute, seconded by Ms. McCaffery of Eastern Suffolk Board of Realtors. 14 voted in favor.

5/31/00 meeting attachint#4 (2 page) 8/7/96 ATTACHMENT

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# Proposed non-residential property allocation formula August 7, 1996 Chart revised as per recommendations of July 24, 1996 meeting

Zoning Class	Pine Barrens Credits per acre
Defense Institutional District	1.0 PBCs per acre*
Industrial A District	1.0 PBCs per acre*
J Business 2 District	1.0 PBCs per acre*
J Business 3 District	1.0 PBCs per acre*
J Business 4 District	1.0 PBCs per acre*
J Business 5 District	1.0 PBCs per acre*
Light Industrial 1 District	1.0 PBCs per acre*
Light Industrial 3 District	1.0 PBCs per acre*
Light Industrial 200 District	1.0 PBCs per acre*
Light Industrial 40 District	1.0 PBCs per acre*
Multi-Family 1 District	1.0 PBCs per acre*
Riverhead Open Space Conservation District	0.25 PBCs per acre*

(\*) One acre equals 43,560 square feet; fractional allocations are rounded upward to the nearest one hundredth (1/100 = 0.01) of a Pine Barrens Credit (PBC). No fewer than 0.10 (one tenth) Pine Barrens Credit shall be allocated by the Clearinghouse for any parcel of land, regardless of its size or road accessibility.

August 7, 1996

	H-HN	35/2%	-/02	o	200/-	100/75/50	no/or/not	NIA	W/M	N/A		N/A	-	÷-		
	PRC-3	35/21/4	26/-	c	N/A	11-702	00/811	÷	11	N/A		۲		50/254		
<b>8</b> 86-76	PRC	iniz das	20/-	, e	N/A		30			N/A		N/A		-/-		
	MF-2	35/2½	20/5		3 200/50		50/all		N/A	Л	4,0002	4		50/254		
	MF-1	35/21%	15/-		3 200/75		75/60/75		NA	1/6.0002		٧		75/-		
	150	Maximum heirht (feet/stories)	Maximum building area (percentage of	gross area/percentage of gross area for accessory buildings)	Minimum gross area (acres)	from the from street line)	Minimum setbacks [in feet for front word/side vard(s)/hack vard from	any exterior boundary line]	Maximum density (number of units	per acre)	Density (number or r-bear on a may not a may not a may not a may in source feet)	Maximum units per building (or within	part of a building within fire walled	Minimum distance between buildings	of parallel buildings/between 2	abutting ends of buildings)

ZONING

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100/50/75

100

N/A N/A N/A

3 200/-

10

NH-H 35/2% 20/-

PRCHC 50/2 20

Multifamily Residential Districts: Table of Dimensional Regulations Town of Brookhaven

Except for flagpoles, domes, spires, chimneys, skylights, water tanks, antennas and other necessary appurtenances, enclosure of bulky appurtenances may be required by Planning Board.
 Except that for each unit containing more than one (1) bedroom, there shall be an additional one thousand (1,000) square feet of site area provided.
 Except for gatehouses, walls and fences.
 Where windows serving habitable rooms are contained in such end walls, the minimum distance shall be increased to thirty-five (35) feet.
 See § 85-112B.

7 - 25 - 91

5/31/00 meeting attachment # (1page)

May 16, 2000

Central Pine Barrens Joint Planning & Policy Commission P.O. Box 587 3525 Sunrise Highway 2<sup>nd</sup> Floor Great River, NY 11739-0587

Dear Sir:

We the owners here by give notice to appeal the letter of interpretation dated February 2nd, 2000 regarding properties located in the core district of the Pine Barrens. The following is a list of the tax numbers of properties belonging to Richard Sipala, Joseph Alberto and John Sipala:

> Suffolk County Tax Map Number on Letter of Interpretation

> > 200-562-3-14 200-562-3-4 200-562-3-6 200-562-3-17 200-562-3-5 200-562-3-3

This late date of our request to appeal is due to our decision to await the allocation of tax map 200-562-3-19 dated April 19th, 2000. Our wish is to have these allocations reviewed at the next public hearing. We feel full credits should have been allocated for the Tax Map Number's listed above for a total of six additional credits. The reason being that roads have already been put in place to accommodate a subdivision on this property and should justify full credits verse partial credits. We look forward to hearing from you regarding this matter.

Sincerely,

**Richard Sipala** 

7 Ridge Drive Huntington Sta., NY 11746

sinh la

Joseph Alberto 3 Argyle Drive

East Islip, NY 11730

O. Box 1471 Ouogue, NY 11959

#### EDWARD J. LEDOGAR

ATTORNEY AT LAW

630 MONTAUK HIGHWAY, BOX 275, WEST ISLIP, NY 117950275

516-422-3344 FAX # 516 - 422-1327

EDWARD J. LEDOGAR, SR. (1889-1966) EDWARD J. LEDOGAR MICHAEL J. YORKE (1919 - 1970)

May 5, 2000

Pine Barren Credit Clearinghouse P.O. Box 587 Surnrise Highway 2nd Floor Great River, NY 11739-0587

Realty Redemption Co., Inc. Re: Suffolk County Tax Map #200-460-1-13

dear Sirs:

Your letter dated February 9, 2000 arrived in my office while I was in Florida and it just recently came to my attention.

Your allocation of 0.10 potential Pine Barrens Credit is ludicrous.

My client is a taxpayer which pays its regular annual real estate taxes upon its subject private property, and has done so for 25 years last past.

Subject parcel is 8000 square feet of land situated on a filed mapped street in a highly desirable section of Manorville. The parcel is level, high and dry and an excellent building site. There is a relatively new private home located in close proximity.

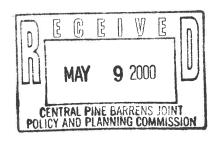
The parcel has been in single and separate ownership since 1924, perhaps much longer. Its owner is legally and Constitutionally entitled to use it to construct a single family dwelling.

Your suggestion that ten such parcels must be used collectively to gain the rights to construct one single family building is preposterous.

Yours very truly

EDWARD J. LEDOGAR EJL: løs

Robert and Eleanor Ledogar Galvin & Morgan, Esgs.



5/31/00 meeting attachment #6 (1page)

cc:

5/31/00 Meeting attachment # 7 AIR - GROUND FIREFIGHTING AWARENESS TRAINING (4 pages)

Saturday May 20, 2000 at Air National Guard, Gabreski Airport (Westhampton Beach) Cty. Rd. 31 from

8:00 AM to 2:00 PM Breakfast & Lunch (sponsored by NY State Emergency Management) Subject to be covered: Determination for Helicopter Operations **Basic Ground Operation** Static display of Helicopter & Water Bucket equipment Aerial display of Water Bucket Operation (Pending weather and Approval)

Lesson learned

Presented by The Central Pine Barrens Air – Ground Firefighting Training Committee

# **REGISTRATION FORM**

DEPARTMENT:	
POINT OF CONTACT:	
HOME ADDRESS:	
TELEPHONE: HOME	FD
Class I	Participants
NAME:	TITLE:
NAME:	TITLE:
NAME:	TITLE
NAME:	TITLE:

The FINAL registration date is May 15<sup>th</sup> 2000. Classes will be filled as forms are received. The Departments contact will be notified as to the status of your registration. If you have any question please call 852-4859.

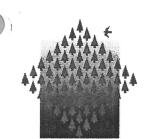
**RETURN THIS FORM TO:** 

**Brett Martinez Suffolk County Fire Marshals PO Box 127** Yaphank, NY 11980 or FAX at (516) 852-4861



In Cooperation with the Local Fire Departments, The LI Pine Barrens Wildfire Task Force, and The NY 106<sup>th</sup> Air Guard, The N.Y.S. Forest Rangers in preparation for Wildland Forest Fires will be Conducting a Helicopter Awareness Training At Wildwood Lake on Saturday, May 20, 2000 Between 12 Noon and 3 PM

This will entail flying over the lake, lowering a water bucket into the lake, taking on water and flying away. This will occur several times during the set time period. Any further inquiries, contact the Rangers at 631-444-0291



CENTRAL PINE BARRENS IOINT PLANNING & POLICY COMMISSION

RobertJ.Gaffney Chair

Felix J.Grucci, Jr. Vice Chair

V incentCannuscio M ember

> RayE.Cowen Member

Robert Kozakiewicz Member

P.O. .Box 587 3525 Sunniæ Highway 2<sup>nd</sup> Floor G meat River, New York 11739-0587

Phone (516) 224-2604 Fax (516) 224-7653

То:	Scott Strough
Organization:	Town of Southampton Board of Trustees
Fax number:	287-5223
From:	Judy Jakobsen
Voice number:	563-0306
Date:	5/15/00

**Fax Cover Sheet** 

Pages following this cover sheet: 0 Message:

Please be advised that this Saturday, May 20, 2000, the Central Pine Barrens Commission will be sponsoring a Helicopter Awareness Day for the fire service community. As you know from prior discussions with Capt. Conklin, NYSDEC Forest Rangers, this event will include a helicopter demonstration of water bucket use to disperse fires. The Wildwood Lake area will be used for this demonstration and the local community will be notified of the event.

The Board of Trustees are invited to attend and if they are interested we would gladly introduce them as integral part of this event. Please give me a call at the telephone number above if any of the trustees wish to attend.





5/31/00 Meeting Attachment #g force (2 pages)

# Suffolk County Wildfire Taskforce Public Education Sub-Committee

# Goals and Objectives for 2000

# First Quarter

- 1. Identify existing literature and other media for public wildfire awareness suitable for use in Suffolk County.
- 2. Utilizing what literature is currently available, develop material suitable for use and distribution in Suffolk County. Work with Suffolk County Fire Safety Educators Association. Specifically, outline fire prevention presentations for:
  - Park/Camping safety
  - Fire Service Use Fire Prevention/Public Education programs for outdoor fire safety and urban-interface fire prevention and property protection.
- 3. Set-up Public Education "links" on Pine Barrens Task-force web page. Focus on a select group of most informative and appropriate links. Possibly have those sites link to Pine Barrens web page as well.
  - Campground safety
  - Urban interface safety
- 4. Work with *Prescribed Burn* sub-committee on development and distribution of public education brochure about history, purpose & benefits of prescribed burning.
  - possibly create an <u>Education Bulletin Board</u> for display at various public gatherings and/or fire prevention programs

### Second Quarter

- 1. Establish standardized Public Service Announcements for:
  - Park & Public land closing due to drought/high fire-weather index
  - Interface area fire prevention/preparedness/safety
  - Camping/hiking/horse stable fire prevention awareness/safety
  - prepare and distribute a "wallet card" with appropriate information
- 2. Finalize wildland fire prevention presentation "course outlines" for:
  - Park/Camping safety
  - Fire Service Use Fire Prevention/Public Education programs for outdoor fire safety and urban-interface fire prevention and property protection.
  - Create educational messages for commercial camping/hiking stores passive displays.
- 3. Deliver wildland fire prevention presentation at State and County Parks

# Suffolk County Wildfire Taskforce Public Education Sub-Committee

Goals and Objectives for 2000

# Second Quarter (continued)

- 4. Have Public Service Announcements (from Q2-goal #1) included in:
  - Fire Department Fund Drive mailings
  - With news releases about major fires
  - During times of drought/high fire-weather index
- 5. Install "Fire Danger" signs at any park or hiking trails utilized by public

# Third Quarter

Note that this is the fifth anniversary of the 1995 Wildfires and we may be able to capitalize on the anniversary for added news coverage; public education messages and/or assistance in production of the news show and/or educational video.

- 1. Get fire departments to include wildfire prevention and wildland-urban interface safety measures as part of their Fire Prevention activities in October.
  - provide "camera ready" copy in full page; half page and quarter page formats
- 2. Set-up a "Public-Service" news show featuring guest speakers (i.e. Taskforce Executive Board) to discuss urban interface and campground safety in a forum type setting.

# Long Term

Note that long term goals will be commenced during the Spring of 2000 but are expected to take until 2001 to complete.

- 1. Produce a "wildland fire" public education/safety video of either 30 or 60 minutes for use in public education programs.
  - Locate appropriate sources of funding, possibly grants
  - Write a specific grant proposal to obtain commitment of funds
  - Develop a specific script
  - Tape and edit the presentation
  - Copy and distribute program to all appropriate agencies providing public safety education

5/31/00 Meeting attachment #9 LONG ISLAND (2 pages. **PINE BARRENS** SOCIETY ß ß ß May 25, 2000 MAY 2 6 2000 **Ray Corwin Executive Director** CENTRAL PINE BARRENS JOINT POLICY AND PLANNING COMMISSION Central Pine Barrens Joint Planning & Policy Commission PO Box 587

Dear Mr. Corwin,

Great River, NY 11739

As I suggested at the May Commission meeting of May, the Long Island Pine Barrens Society would like to go on record as opposing the proposed hardship exemption sought by applicant Hidden Pond Stables.

First, the Commission made it clear at its meeting of March 29, both that the proposed construction could only occur as a result of a hardship exemption and further that there was insufficient information on which to grant a hardship exemption.

Second, as the Public Hearing testimony proceeded on May 10, it became clear that the applicant did not qualify for a hardship exemption under any provision of the Pine Barrens Act or Plan. This is not a compelling public need, nor essential to health or public safety need of a municipality or an adaptive reuse of an historic resource designated by the Commission. An application for a permit in the Core Preservation Area shall be approved only if it is determined the following conditions are met the granting of the permit will not be materially detrimental or injurious to other property and improvements in which the subject property is located, increase the danger of fire, endanger public safety or result in substantial impairment of the resources of the Core Preservation Area. The waiver will not be inconsistent with the purposes, objectives of the general spirit and intent of this article or the waiver is the minimum relief necessary to relieve the extraordinary hardship.

Finally, we take strong objection to the Commission's about face on the matter of deeming the proposed project non-development under the statute. Development is defined in the statute as "the performance of any building activity or mining operation, the making of any material change in the use or intensity of use of any structure or land and the creation or determination or rights of access or repairing rights". Clearly the construction of an arena involves both the performance of building activity and a material change in the use or intensity use of the land. It is, thus, development under statute.

The Commission didn't deem it non-development when they set the hardship exemption public hearing and it reached its conclusion with out an architectural rendering or any information on the nature or impact of the contemplated construction. There was, further, no reason whatsoever to rush this determination, especially when staff felt insufficient information had been supplied.

The Commission's explanation that the proposed development constitutes recreation under the terms of the Act is completely unpersuasive. This facility is a horse boarding facility, not a riding establishment. Moreover, those involved in the design and drafting of the legislation never contemplated the construction of a 2,000 square foot arena to accommodate a horse boarding facility anymore than we anticipated clear cutting in the core for soccer fields. The Society believes that the Commission exceeded its authority and discretionary powers in ruling that the project constitutes non development.

You are urged to reconsider the determination of non-development and to deny the hardship application for core area construction of the proposed facility. This action must be taken at the very next meeting of the Commission.

Sincerely,

Jeldens

Jill Lewis Program Manager



Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz Member

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

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

# Commission Agenda (DRAFT) for Wednesday, June 21, 2000 Riverhead Town Hall Howell Avenue and East Main Street, Riverhead, NY 2:00 pm

1. Public Comment (please sign Speaker Sheet)

# 2. Administrative

- Summary of 5/31 meeting: review, approval (to be faxed)
- Commission meeting schedule for balance of 2000: review and possible approval *(faxed)*

# 3. Pine Barrens Credit Program

• PRC zoning category development yield factor: <u>Plan</u> interpretation (continuation of 5/10 discussion)

The following item was scheduled for 4:00 pm, but a request for a postponement has been received:

• Sipala and Alberto / Eastport (Brookhaven) / credit appeal hearing

# 4. Plan Implementation

- Town contacts to receive clearing and violation reports: updates
- Communications tower planning work: outline of options and next steps (from prior meetings)
- Roadfront exemption list update: status and remaining work (from prior meetings)

# 5. Core Preservation Area

- Lakeside Manorville Hotel / Manorville (Brookhaven):
  - correspondence from Open Space Council (to be distributed); set hearing date
- Omni Point Communications / Fireman's Park, Ridge (Brookhaven): cell tower proposal; determination of jurisdiction (materials mailed)

# 6. Compatible Growth Area

- American Tissue / Yaphank (Brookhaven) / Development of Regional Significance: new application; set hearing date (materials to be distributed)
- Brookhaven Town Center / Yaphank (Brookhaven): receipt of lead
   agency coordination letter
- 7. Executive or Advisory Session (if necessary)

*Next Commission meeting:* 7/12/00 at the Riverhead Town Hall, East Main Street and Howell Avenue, Riverhead at 2:00 pm



#### JOINT PLANNING & POLICY COMMISSION

Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

Ray E. Cowen Member

Robert F. Kozakiewicz *Member* 

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

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

# Commission Agenda (FINAL) for Wednesday, June 21, 2000 Riverhead Town Hall Howell Avenue and East Main Street, Riverhead, NY 2:00 pm

1. Public Comment (please sign Speaker Sheet)

# 2. Administrative

• Commission meeting schedule for balance of 2000: review and possible approval *(faxed)* 

# 3. Pine Barrens Credit Program

• PRC zoning category development yield factor: <u>Plan</u> interpretation *(continuation of 5/10 discussion)* 

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

# 7. Executive or Advisory Session (if necessary)

# Next Commission meeting:

7/12/00 at the Riverhead Town Hall, East Main Street and Howell Avenue, Riverhead at 2:00 pm



Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz Member

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

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

# Commission Meeting Summary (DRAFT) for Wednesday, June 21, 2000 (To be approved) Riverhead Town Hall Howell Avenue and East Main Street, Riverhead, NY 2:00 pm

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

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

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

### **Public Comment**

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

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

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

DRAFT Commission Meeting Summary for 6/21/00 (To be approved) - Page 1

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

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

#### Administrative

• Commission meeting schedule for balance of 2000: review and possible approval *(faxed)* 

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

#### Pine Barrens Credit (PBC) Program

Ms. Wiplush arrived during the following item.

• PRC zoning category development yield factor: <u>Plan</u> interpretation (continuation of 5/10 discussion)

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

He further noted that since the MF-1 category was assigned a yield factor of 1.0 PBC per acre, then the PRC category should receive the same 1.0 PBC per acre yield factor in order to be consistent. Mr. Girandola stated that the

Commission should understand that 1 PBC would not yield 7 units. A brief discussion ensued regarding the PRC zoned parcels in the Core Area of Brookhaven Town.

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

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

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

#### **Plan Implementation**

- Town contacts to receive clearing and violation reports: updates <u>Summary</u>: Mr. Corwin explained that the Commission staff is updating its list of County and Town individuals that should be contacted when the Commission office receives reports of clearing activities in the Central Pine Barrens. The Town representatives present provided the appropriate names and phone numbers, and the list will be revised.
- Roadfront exemption list update: status and remaining work (from prior meetings) <u>Summary:</u> Mr. Corwin reported that the proposed additions to the "Core Area roadfront exemption list" have been received from Brookhaven Town, and he thanked Mr. Girandola for his efforts in producing that update. Mr. Shea and Mr. Kozakiewicz stated that they will ask their Town staffs to produce their suggested revisions. Mr. Corwin noted that the changes will need to be included in the <u>Pine Barrens Plan</u>, and then approved by the State Legislature in order for them to take effect.

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

• Communications tower planning work: outline of options and next steps (from prior meetings)

DRAFT Commission Meeting Summary for 6/21/00 (To be approved) - Page 3

<u>Summary:</u> Mr. Corwin explained that the Commission staff, especially Ms. Carter, has completed reviewing numerous regional and local ordinances for communications tower regulations, and distributed copies of the comparison chart that was originally distributed at the 4/19/00 Commission meeting. He reviewed the 20 categories in the chart, and the overall characteristics of the ordinances, agreements, and other aspects of tower regulations and guidelines from the three Central Pine Barrens Towns, the Cape Cod Commission, the New Jersey Pinelands, and the Appalachian Trail Conference.

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

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

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

#### **Core Preservation Area**

• Lakeside Manorville Hotel / Manorville (Brookhaven): correspondence from Open Space Council (to be distributed); set hearing date <u>Summary:</u> Ms. Jakobsen described this proposed commercial project on the east side of County Road 111 and the south side of the Long Island Expressway in Manorville, on a 5.38 acre parcel zoned A2 Residence. The proposed action involves the construction of two 10,000 square foot commercial buildings, and would require a change of zone by the Town to J2 Business. She distributed the attached letter from the Open Space Council regarding this project, noted that the Commission's request to be the lead agency has been accepted by the Town, and stated that the Commission will need to schedule a hearing on it. Mr. Cowen noted that the Commission's hearing, which is required by the statute, may need to be followed later by a State Environmental Quality Review (SEQR) hearing, since the SEQR process is not complete. A motion was then made by Mr. Dragotta and seconded by Mr. Shea to hold a hearing on this project at the 7/12/00 Commission meeting at 4:00 pm. The motion was approved by a 5-0 vote.

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

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

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

#### **Compatible Growth Area**

Mr. Proios arrived during the following item and chaired the meeting from that point. A five

member quorum remained at all times.

 American Tissue / Yaphank (Brookhaven) / Development of Regional Significance: new application; set hearing date (materials to be distributed) <u>Summary:</u> Ms. Jakobsen summarized this project proposed for a 78.24 acre site, zoned Light Industrial, and located on the north side of the Long Island Expressway, est of Sills Road, in Yaphank, in Brookhaven Town. The project consists of the construction of a 584,000 square foot manufacturing facility for the repackaging of bulk roll paper. The project is a Development of Regional Significance (DRS) because it exceeds the 300,000 square foot DRS threshold for commercial developments contained in the <u>Pine Barrens Plan</u> Section 4.5.5.1.

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

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

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

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

#### Public Comment

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

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

#### **Closed Advisory Session**

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

#### Adjournment

<u>Summary:</u> The meeting adjourned immediately following the closed session. No formal adjournment resolution was passed.

#### Attachments (in order of discussion):

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



Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz Member

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

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

#### **Public Comment**

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#### Administrative

• Commission meeting schedule for balance of 2000: review and possible approval *(faxed)* 

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

#### Pine Barrens Credit (PBC) Program

Ms. Wiplush arrived during the following item.

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

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Commission should understand that 1 PBC would not yield 7 units. A brief discussion ensued regarding the PRC zoned parcels in the Core Area of Brookhaven Town.

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- Next Clearinghouse meeting

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

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

• Communications tower planning work: outline of options and next steps (from prior meetings)

FINAL Commission Meeting Summary for 6/21/00 (Approved 7/12/00) - Page 3

<u>Summary:</u> Mr. Corwin explained that the Commission staff, especially Ms. Carter, has completed reviewing numerous regional and local ordinances for communications tower regulations, and distributed copies of the comparison chart that was originally distributed at the 4/19/00 Commission meeting. He reviewed the 20 categories in the chart, and the overall characteristics of the ordinances, agreements, and other aspects of tower regulations and guidelines from the three Central Pine Barrens Towns, the Cape Cod Commission, the New Jersey Pinelands, and the Appalachian Trail Conference.

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#### **Core Preservation Area**

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Omni Point Communications / Fireman's Park, Ridge (Brookhaven): cell tower proposal; determination of jurisdiction (materials mailed)
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#### **Compatible Growth Area**

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FINAL Commission Meeting Summary for 6/21/00 (Approved 7/12/00) - Page 5

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

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

#### Public Comment

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6/21/00 Attachment # 1 (1 page)



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

Meeting For: <u>Pho Barrens Commission</u> Location: <u>Rusenhead Town Hall</u> <u>Rusenhead My</u>

Date /Time:

Time: <u>6/21/00 2.00ph</u>

# Sign In Sheet

/ NAME	REPRESENTING	ADDRESS	<b>TELEPHONE/FAX</b>
Junaene Marya	CPBC Staff	3525 SUNTISE Fligttway Great River by	563-0385/224-7653
Ray 8 Dritte	Sulf ety		853-4061
Eig Can	NP+V	572 white mutaning RD. MELVELLE NY	472-5665
MARK Rizzo	CPBC Staff	SUNTIGO HOW-y, Great Mixor	563-0352
Ann Carter	CPBC Staff	No. No.	563-0372
ReyCorwin	// //		
MARTY SHEA	TOIL OF CONTRAMPTON	116 Hampton Rd. Southannto	287-570/28752
Bin Spirz	NYSDEC	STUNNBROOK	631-444-0419
KAY COWEN	Gov. Pataki	Story Brook	631 444 -0345
ROBERT F. KOZAKIEWICZ	TOWN OF RIVERILLAS	200 HERE AVE, RIVERNERS	631 - 721.3200
Jim Rigano	countel toPBC		631-694 8005
JOHN GIRADDOLA	T.O. BROOKHAde	MEDFORD, N.Y.	631-451-637
ED QUAREMBA	NASSAU	56 PARIXVIEW CIR. I	
T.J. ZUKAS	SELF	84 Pine Edg Dr. Ent MORI CHES	631-878-9473
Walter's Shanow Olsen	Cuil Property Rights Associates Inc	POB 202 Brightwaters Ny 11918	7275696
VI HOGLUND	37 DIETZ AUR.	LAKE BROVE	588-8459 / FAX
Jessica Zanca		202 millie Country Rd Smithtown NY 11787	631-265-0735
Zichard Amper	LI P3S	2.0. Box429 Manorulle	631-369-3300
CHIL VODIEHIS	NPZV	\$72 WATWHITMAN RS. M	524145 427-5665
Andy Freleng	Suffolk Planning	1	853-5006

6/21/00 Attachment #2 (1 page)

# Central Pine Barrens Joint Planning and Policy Commission

# Speaker Sign In Sheet

Meeting Date 6/21/00 Meeting Place Rivertead

NAME	REPRESENTING	TOPIC
Walter Olen	CPR	West Nile / Spraying?
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		.,

6/21/00 attachment # 3

(1 page)

# Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman* Felix J. Grucci Jr., *Vice Chairman* Vincent Cannuscio, *Member* Ray E. Cowen, *Member* Robert Kozakiewicz, *Member*  P.O. Box 587 3525 Sunrise Highway, 2nd Floor Great River, New York 11739 631-563-0385 / Fax 631-224-7653

# PLEASE NOTE THAT THESE ARE DRAFT MEETING DATES. VENUES WILL BE SELECTED AFTER THE DATES HAVE BEEN APPROVED. ALL OF THE FOLLOWING MEETINGS WILL BE HELD ON WEDNESDAYS AT 2:00 PM

# **NOTICE OF PUBLIC MEETINGS**

Notice is hereby given of the following meetings of the Central Pine Barrens Joint Planning and Policy Commission whose offices are located at 3525 Sunrise Highway, Great River, New York 11739. Included are the places, dates, and times of these meetings.

DATE	TIME	<b>LOCATION</b>
August 2, 2000	2:00 pm	Location to be determined
August 23, 2000	2:00 pm	Location to be determined
September 13, 2000	2:00 pm	Location to be determined
October 4, 2000	2:00 pm	Location to be determined
October 25, 2000	2:00 pm	Location to be determined
November 29, 2000	2:00 pm	Location to be determined
December 20, 2000	2:00 pm	Location to be determined
January 10, 2001	2:00 pm	Location to be determined

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$ \begin{array}{c c c c c c c c c c c c c c c c c c c $	$ \begin{array}{cccccc} \mbox{minimum} & mini$	Merght (leev/arries) in bright (leev/arries)MF-1 (MF-1)MF-2 (Si24)PRC-3 (Si24)NH-H (Si24)PRC-16C (NH-H (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH-H (Si24)PRC-16C (Si24)NH	MF-1       MF-2       PRC       PRC-3       NH-H       PRCHC       NH         m breight (fextorrie) $MF-1$ $MF-2$ $FRC$ PRC-3 $NH-H$ PRCHC       NI         m building area (percentage of green area $SG/24$ </th <th></th> <th></th> <th></th> <th>86-76</th> <th></th> <th></th> <th></th> <th></th>				86-76				
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treat/percentage of gross area or consistent in the set of the se	Terrel percentage of gross area $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ $1_{10}$ 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targe in feet, a point in $20075$ $20076$ $20076$ $10$ $3$ $10$ $3$ $10$ $3$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $10076/75$ $100076/75$ $10076/75$ $1000000000000000000000000000000000000$	Image: State (arcred) $3$ $3$ $200$ $200$ $10$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ $30$ <	lefter a point in the form are larted in the form the fo	targe in feetral and the final set (arcrea) $\frac{3}{1660/75}$ $\frac{3}{200/50}$ $\frac{20}{N/A}$ $\frac{3}{N/A}$ $\frac{3}{200'}$ $\frac{3}{20'}$ $\frac{3}{200'}$ $\frac{3}{20'}$ $\frac{2}{20'}$	cessory buildings)							
tage (in feet/at a point in 200/75 200/50 N/A N/A 200/- 10 200 to 200 to extend in free for front 75/60/75 50/21 30 50/all 100/75/50 100 100/50/75 200- 200 to extend a point in each for the transfer of the	tage (in fee/at a point in 200/76 200/56 N/A N/A 200/- 10 200- te k from street line) 200/75 50/31 200/56 60/all 100/75/50 100 100/50/75 te var(ds)/back yard from the rest for front 75/60/75 50/all 200 100 100/50/75 10 200- erior boundary line] erior boundary line] erior boundary line] erior boundary line] erior boundary line] a building or within free a in square feet) a building within fire a building within fire a building vithin free erior bounding within free a building vithin free a building vithin fire a building vithin fire a building vithin fire te or factore between D buildings $75^{-}$ $50/25^{+}$ $-^{-}$ $50/25^{+}$ $-^{-}$ $50/25^{+}$ $-^{-}$ $50/25^{+}$ $-^{-}$ $50/25^{+}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-^{-}$ $-$	tage (in fee/dat a point in 200/76 200/50 N/A N/A 200 <sup>3</sup> 10 200 <sup>3</sup> 200 <sup>3</sup> 100 trons streed line) 200 <sup>3</sup> a for front from streed line) and for front a start from a for front a start from a start for a start from a start for a start for a start from a start from a start for a start from a start for a start from a start for a start for a start for a start for a start from a start for a start from a start for a start for a start from a start for a start	tage (in feet/at a point in 200/76 200/56 N/A N/A 200'- 10 20 100 vertex tine) 200/76 50/51 N/A 200'- 10 20 100 vertex tine) $75/60/75$ 50/31 30° 50/31 100/75/50 100 100 vertex tine) and streak tine of 1-bedroom units vertex tine) and streak tine of 1-bedroom units vertex tine in square feet) units per building within fire a in square feet) $4$ , $N/A$ N/A N/A N/A $N/A$	gross area (acres)	8	0	20	ø	c		1
ext factor street line)       75/60/75       50/all       100/75/50       100       100/75/50       100       100/50/75         erior boundary line)       erior boundary line)       11       N/A       11       N/A       3       30/all       100/75/50       100       100/50/75         erior boundary line)       1 density (number of units       N/A       11       N/A       3       3       3       3	of from street line)       75/60/75       60/all       300       60/all       100/75/50       100       100/50/75         a variet/shack yard from a roto boundary line]       75/60/75       60/all       300       60/all       100/75/50       100       100/50/75         a variet/shack yard from a roto boundary line] $N/A$	of from street line) $75/60/75$ $60/31$ $30^{4}$ $50/31$ $100/75/50$ $100$ $100/50/75$ error boundary line) $75/60/75$ $60/31$ $30^{4}$ $50/31$ $100/75/50$ $100$ $100/50/75$ $20^{4}$ $10^{4}$ $N/A$ $N/A$ $N/A$ $3^{4}$ $3^{4}$ $3^{4}$ $3^{4}$ $3^{4}$ $3^{4}$ $3^{4}$ $3^{4}$ $3^{4}$ $3^{4}$ $3^{4}$ $3^{4}$ $3^{4}$ $3^{4}$ $3^{4}$ $3^{4}$ $3^{4}$ $3^{4}$ $3^{4}$ $3$	the factor for from street line) a statistic fine factor from $T_0/60/76$ $50/all 30^{\circ}$ $50/all 100/75/50$ 100 100 a strong boundary line] a strong boundary line] a strong boundary line] a strong boundary line] a strong for within a building within fire a building within fire a building within fire a building or within a building or most building or most building or within a building or most building or most buildin	itage (in feet/at a point in	200/75	200/60	NIA	N1 A		10	~
I set backs [in feet for front is vare(s)/back yard from is vare(s)/back yard from is rownder of units e)       100/75/50       100       100/75/50       100       100/50/75         is vare(s)/back yard from is even building of units e)       N/A       N/A       N/A       N/A       N/A       N/A       N/A         e)       umber of 1-bedroom units/ a in square feet)       N/A       N/A       N/A       N/A       N/A       N/A       N/A         a)       units per building or within a building within fire       7/5/       50/25/       -/       60/25/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/       -/ </td <td>• sethacts [in feet for front       Te/60/T5       60/all       30°       60/all       100/T5/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100/55/50       100       100       100/55/50       100       100       100       100/55/50       100       100       100       100       100       100       100       100       100       100       100       100       100       100       100       100<td>sethacts [in feet for front       75/60/75       60/all       30°       60/all       100/75/50       100       100/75/50       100       100/50/75         even building virtumber of units       <math>\frac{N/A}{4}</math> <math>N/A</math> <math>\frac{1}{10}</math> <math>N/A</math> <math>\frac{3}{10}</math> <math>\frac{1}{10}</math> <math>\frac{1}{10}</math>&lt;</td><td>setDacts [in feet for front       T6/60/T5       50/all       30°       60/all       100/T5/50       100       100       100       100       100       100       100       100       100       100       100       100       100       100       100       100       100       100       100       100       100       100       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a building within fire	a building within fire	a building within fire	a building within fire	n units per buildng (or within	4	Poort-	NIA	•			
distance between buildings 75/- 50/25 <sup>4</sup> -/- 50/25 <sup>4</sup> -/- 50/25 <sup>4</sup> -/- <sup>-</sup> /- <sup>-</sup> /- <sup>-</sup> /- <sup>-/-</sup> -/- <sup>-/-</sup> /- <sup>-</sup>	distance between buildings 75/- 50/25 <sup>4</sup> -/- 50/25 <sup>4</sup> -/- 50/25 <sup>4</sup> -//////////	distance between buildings 75/- 50/25 <sup>4</sup> -/- 50/25 <sup>4</sup> -/- 50/25 <sup>4</sup> -//////////	distance between buildings between 2 buildings or rows liel buildings/between 2 g ends of buildings) f ends of buildings) f or flagpoles, domes, spires, chimneys, skylights, water tanks, antennas and other necessary appurtenances, enclosure of bulky appurtenances may be r f for flagpoles, domes, spires, chimneys, skylights, water tanks, antennas and other necessary appurtenances, enclosure of bulky appurtenances may be r f for flagpoles, domes, spires, chimneys, skylights, water tanks, antennas and other necessary appurtenances, enclosure of bulky appurtenances may be r t for flag for each unit containing more than one (1) bedroom, there shall be an additional one thousand (1,000) square feet of site area provided. t for gatehouses, walls and fences. S6-112B.	a building within fire	•	•	N/N	4	N/A	÷-	N/A
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ZONING

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NH-H 36/2% 20/-	3 , 200/- 100/75/50	N/A N/A
PRC-3 35/214' 25/-	3 N/A 50/all	11 N/A
PRC BB72/4 20/-	20 N/A 30*	N/A
MF-2 35/2½ 20/5	3 200/50 50/all	N/A 1/ 4.0002
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Town of Brookhaven

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G/21/00 Attachment # 4 (# pages)

6/21/00 Attachrent #5 (1page) 8/7/96 ATTACHMENT

## **Proposed non-residential property allocation formula** August 7, 1996 Chart revised as per recommendations of July 24, 1996 meeting

Zoning Class	Pine Barrens Credits per acre
Defense Institutional District	1.0 PBCs per acre*
Industrial A District	1.0 PBCs per acre*
J Business 2 District	1.0 PBCs per acre*
J Business 3 District	1.0 PBCs per acre*
J Business 4 District	1.0 PBCs per acre*
J Business 5 District	1.0 PBCs per acre*
Light Industrial 1 District	1.0 PBCs per acre*
Light Industrial 3 District	1.0 PBCs per acre*
Light Industrial 200 District	1.0 PBCs per acre*
Light Industrial 40 District	1.0 PBCs per acre*
Multi-Family 1 District	1.0 PBCs per acre*
Riverhead Open Space Conservation District	0.25 PBCs per acre*

(\*) One acre equals 43,560 square feet; fractional allocations are rounded upward to the nearest one hundredth (1/100 = 0.01) of a Pine Barrens Credit (PBC). No fewer than 0.10 (one tenth) Pine Barrens Credit shall be allocated by the Clearinghouse for any parcel of land, regardless of its size or road accessibility.

August 7, 1996



June 12, 2000

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

Attention: Mark Rizzo Re: Pine Barrens Credit R. Sipala, J. Sipala & J. Alberto

11

MISSION

Dear Mr. Rizzo:

We would like to request a postponement of our commission meeting on June 21, 2000 to a later date in August due to one of our partners will be out of town and unable to attend at this time.

We appreciate anything you can do for us and when you have a date set up, please notify us.

Thank you.

Very truly yours,

aprito

Joseph Alberto



Page 1

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ng to the Siting of s - April 19, 2000	Cape Cod Commission1New Jersey PinelandsAppalachian National(GuidelinesCommission (StandardsScenic Trail Conference1997)1995)(Guidelines 1999)	Recommends requiring Special Permit to be granted by a Planning Board. WirelessRequires preparation of 	Yes, applicant must Yes, as part of Yes, applicant must demonstrate need. comprehensive plan demonstrate need. requirement.	Yes. As of 1997, Commission preparing regional plan & using GIS to map existing towers & alternative for antenna location.Yes. Required 10 year to wear jointly prepared by jointly prepared by provider of the same type of wireless service. Plan January 2000.2	<sup>1</sup> Model Bylaw and Siting Criteria for Personal Wireless Service Facilities - prepared by Kreines, Inc. (consultants), 1997 as part of a cooperative planning effort by Commission, wireless and Towns.
Comparison of Regulations and Recommendations Pertaining to the Siting of Wireless Communications Towers, Antennas, and Facilities - April 19, 2000	en Town of Riverhead Town of Southampton (Wireless (Wireless Communications 8) Ordinance 8/4/98) Ordinance 11/24/98)	BA     Special use permit by       ng     Town Board (except on Planning Board.       pt on     Town property). Site       plan approval also     Building permit required.       o     required.	Yes, applicant must         Yes, applicant must            demonstrate need.	No	sonal Wireless Service Facilities - prepared by Kreines & Krein
	Town of Brookhaven (Wireless Communications Ordinance 3/20/98)	Special permit by ZBA or administrative approval by Planning Permitting Process Commissioner (except on Town property). Site Plan approval also required.	Burden of proof on Yes, applicant must applicant? demonstrate need.	Wireless Master Plan Prepared?	<sup>1</sup> Model Bylaw and Siting Criteria for Personal Wireless Service Facilities - pre industry, and Towns.

		Comparison of Regulatio Wireless Communicatio	ns and Recommendation ns Towers, Antennas, an	Comparison of Regulations and Recommendations Pertaining to the Siting of Wireless Communications Towers, Antennas, and Facilities - April 19, 2000	of 00	
	Town of Brookhaven	Town of Riverhead	Town of Southampton	Cape Cod Commission	New Jersey Pinelands Commission	Appalachian Scenic Trail Conference
Applicant pays for independent consultants to assist in review process.	No	No	No	Yes <sup>3</sup>	No. Commission retained experts in communications technology.	Yes
Inventory of Existing Towers Required?	Requires inventory of <u>applicant's</u> existing towers in Town & 1 mi. outside.	Requires inventory of <u>applicant's</u> existing towers in Town & 1 mi. outside.	Requires inventory of <u>ALL</u> existing towers in Town & 1 mi. outside.	Applicant submits inventory of <u>ALL</u> wireless facilities in Town & 1 mi. outside.	Yes, as part of comprehensive plan requirement.	Applicant submits inventory of <u>ALL</u> existing structures for possible siting.
Restricted by Zoning District designation?	Yes. Only permitted in industrial, and certain business districts. Encouraged to locate in non-residential areas.	Yes. Only permitted in agricultural, industrial, recreational, and certain business districts. Encouraged to locate in non-residential areas.	No	Recommends against regulating by zoning district. Towns should only permit taller towers in "Wireless Service Overlay Districts"; areas less sensitive to impacts on key resources.	Ŷ	Recommends against regulating by zoning district. Overlay Districts recommended instead.
Minimize number of new facilities?	Minimize total number of towers in Town.	Minimize total number of towers in Town.	No.	No. Many shorter carnouflaged antennas are better than a few tall visible towers.	Plan must show that the total number of facilities are the least necessary to provide "adequate service".	Minimize number AND height.
Locate in disturbed areas?	No	No	No	No	Yes, mines, landfills, etc.	Ŋ

<sup>3</sup> In Mass., Towns must first adopt provisions of Chapter 593 of the Acts and Resolves of 1989, which allows towns to establish special accounts to hire consultants.

Page 2

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	Appalachian Scenic Trail Conference	Co-Location encouraged. Burden of proof to not co-locate is on applicant.	Towers set back from property line from 50% to 300% of tower height, depending on location.	Vegetative buffer around site. Equipment shelter underground. 8 ft. fence. No advertising.	Camouflage inside artificial tree, clock tower, steeple, flag pole. Low contrast colors. Monopole preferred. Keep < 200 ft. to avoid lighting.
g of 000	New Jersey Pinelands Commission	Complicated policy for Co-Location. Required when feasible.	Regulated by municipalities.	Regulated by municipalities.	Not specified in Comprehensive Plan.
Comparison of Regulations and Kommendations Pertaining to the Siting of Wireless Communications Towers, Antennas, and Facilities - April 19, 2000	Cape Cod Commission	Co-Location required, when feasible. Burden of proof to not co-locate is on applicant.	Min. distance of 100% of tower height from lot line. All facilities must also comply with Town setback requirements.	Vegetative buffer of dense tree growth & understory at least 50 ft. wide. Equipment shelter underground or blended in.	Compatible materials & colors, screening, placement within trees, flagpole, steeple, chimney, no lights (unless FAA requires). Monopole preferred.
ons and Kommendation ons Towers, Antennas, ar	Town of Southampton	Co-Location Encouraged	Min. distance of 100% of tower height from lot line, depending on abutting land use. Guy lines & structures must comply with Town setback requirements.	Vegetation requirement similar to Brookhaven. 6 ft. Fence. Separation between towers depending on type.	Galvanized steel finish or neutral color, screening, no lighting (unless FAA requires) , no signs.
Comparison of Regulations and N Wireless Communications Tower	Town of Riverhead	Co-Location Encouraged	Min. distance of 100% of tower height from lot line. Equipment shelter must comply with Town setback requirements.	Screen plantings around tower compound (residential areas only). 8 ft. fence. 5000 ft. separation between towers.	Neutral color, low contrast, screening, no lighting (unless FAA requires), no signs.
	Town of Brookhaven	Co-Location Encouraged	Min. distance of 150% of tower height from lot line. Equipment shelter must comply with Town setback requirements.	Screen plantings around tower compound (residential areas only). 8 ft. fence. 5000 ft. separation between towers.	Neutral color, low contrast, screening, no lighting (unless FAA requires), no signs.
		Co-Location <sup>4</sup> / Use of Existing Tall Structures	Setback Requirements	Landscaping & other site requirements	Requirements to camouflage or minimize visual impacts

<sup>4</sup> A single tower with multiple carriers may have a greater negative visual impact than individual single-user sites for each carrier. There is a limit to the number of antennas that can be accommodate on a tower.

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		Comparison of Regulatio Wireless Communicatio	ns and Recommendation ns Towers, Antennas, an	Comparison of Regulations and Recommendations Pertaining to the Siting of Wireless Communications Towers, Antennas, and Facilities - April 19, 2000	ç of 00	
	Town of Brookhaven	Town of Riverhead	Town of Southampton	Cape Cod Commission	New Jersey Pinelands Commission	Appalachian Scenic Trail Conference
Height Restrictions	Regulated by Zoning Ordinance? Variance Required?	Regulated by Zoning Ordinance? Variance Required?	Regulated by Zoning Ordinance? Variance Required?	Not higher than 10 ft. above avg. bldg. or tree canopy height unless in Wireless Service Overlay District where 150 ft. max. height.	Not higher than 35 ft. in Preservation Area, unless permitted by Comprehensive Plan.	Regulations limiting tower height should be related to height of the tree canopy, height of nearby buildings, and tower location.
Protection of Scenic Landscapes & Vistas	No	Ŷ	N	Yes. Shall not be located within open areas that are visible from public roads, recreational areas, or residential areas. Applicant submits photos with proposed structure superimposed. Towns should inventory scenic roads and landscapes.	Yes. Minimize visual impact from public areas, wild & scenic rivers, scenic corridors, conservation lands. Visual surveys were done as part of comprehensive planning process.	Yes. Shall not be visible or discernible from historic sites, scenic highways, or within critical viewsheds of the Blue Ridge Parkway or the Appalachian Trail. Applicant must demonstrate visibility. Shall not be located on ridge tops. <sup>5</sup>
Other Environmental Standards	Noise & Wetlands covered by other regulations (State and/or Town).	Noise & Wetlands covered by other regulations (State and/or Town).	Noise & Wetlands covered by other regulations (State and/or Town).	Not in wetland areas. Noise limits ≤ 50 db @ property line. Carrier must show compliance with FCC radiation standards. Prohibit oil generators in wellhead protection areas.	New facilities in conservation-oriented land management areas are closely scrutinized.	Limit noise from air conditioners and/or generators. Carrier must pay for regular inspections to show compliance with FCC radiation standards.

<sup>5</sup> Antennas can be located downslope from the tops of ridgelines. A tower on one side of a ridge does not require a visual connection with a tower on the other side.

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		Comparison of Regulatio Wireless Communicatio	ons and Recommendation ons Towers, Antennas, an	Comparison of Regulations and Recommendations Pertaining to the Siting of Wireless Communications Towers, Antennas, and Facilities - April 19, 2000	g of 00	
	Town of Brookhaven	Town of Riverhead	Town of Southampton	Cape Cod Commission	New Jersey Pinelands Commission	Appalachian Scenic Trail Conference
Protection of Historic Districts & Sites	No	No	No	Yes. Prohibited unless completely carnouflaged. May be hidden in historic structure.	Regulated by municipalities.	Yes
Protection of Endangered & Threatened Birds	No	No	No	No	No <sup>6</sup>	No
Exceptions	Arnateur radio station antenna < 50' tall. Preexisting antennas & towers.	Amateur radio station antenna < 50' tall. Preexisting antennas & towers.	Some towers/antennas <35' tall. Preexisting antennas & towers. <sup>7</sup>	Certain exceptions for preexisting towers.	Preexisting and pre- approved towers	Certain exceptions for preexisting towers.
Removal of obsolete/abandoned tower	Required if abandoned for > 12 months.	Required if abandoned for > 12 months.	Required if abandoned for > 12 months.	Remove within 90 days from abandonment. Require performance bond to ensure removal.	Remove towers and restore site within 12 months of abandonment.	Removed if abandoned for a certain time period. Require performance bond to ensure removal.
Other	None	None	Antennas & towers "shall not be considered or permitted as essential services, public utilities, or private utilities". <sup>8</sup>	Special Permit only valid for 15 years to allow for changes in technology.	Commission evaluated possibility of relocating existing facilities that were impacting sensitive areas.	Localities may require copies of documents related to compliance with FAA, FCC, NEPA, including EA's & EIS's.

<sup>6</sup> During planning process, US Fish and Wildlife Service recommended avoiding lights and guy wires on towers to reduce bird kills.

<sup>7</sup> Government or quasi-government entity exempt from regulations, unless facility is for proprietary use.

<sup>8</sup> ....cellular phone transmission has been declared by the state's highest court to be a public utility...", from Opinions of NYS Dept. Of State Counsel, www.dos.state.ny.us/cnsl/nwslcell.html

Page 5

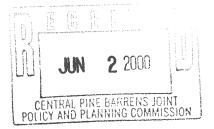
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6/21/00 attachuit (2page)

Council P.O. Box 275, Brookhaven, NY 11719

The

May 24, 2000



Central Pine Barrens Joint Planning and Policy Commission P.O. Box 587 3525 Sunrise Highway, 2<sup>nd</sup> Floor Great River, NY 11739-0587

> Re: Lakeside Manorville Hotel Core Preservation Area Hardship Exemption Application

Dear Members of the Commission:

The Open Space Council urges the Commission to deny the application of Lakeside Manorville Hotel for a hardship exemption to permit that developer to proceed with a commercial development near the southeast corner of the intersection of the Long Island Expressway and County Route 111 in Manorville, and to seek a zoning change to enable such development.

The subject parcel is located in the Core Preservation Area of the Central Pine Barrens. A substantial portion of the property contains typical pine barrens forest as well as a fresh water wetland.

In order to qualify for a hardship exemption under the Pine Barrens Protection Act and Section 4.5.1 of the Central Pine Barrens Comprehensive Land Use Plan, the applicant must demonstrate the following:

> The particular physical surroundings, shape or topographical conditions of the specific property involved would result in an extraordinary hardship, as distinguished from a mere inconvenience, if the [non-development] provisions of this act are literally enforced.

Environmental Conservation Law ("ECL") §57-0121(10)(a). In order to establish such hardship it must be demonstrated "based on specific facts, that the subject property does not have any beneficial use if used for its present use or developed as authorized by the provisions of this article, and that this inability to have a beneficial use results from unique circumstances peculiar to the subject property . . . ." Id. (emphasis added). Those unique circumstances must "not

apply to or affect other property in the immediate vicinity" and must "Relate or arise out of the characteristics of the subject property rather than the personal situation of the applicant". ECL §57-0121(10)(a), (i) & (ii). The Lakeside Manorville Hotel application does not address these fundamental standards other than to allege that they are met. The application does not cite any "specific facts" about the physical or topographic characteristics of the subject parcel that are unique circumstances peculiar to that parcel. The basic allegation of potential "hardship" in the application is that if the applicant is not permitted the intensive commercial development contemplated (which is not permitted by the present zoning), it will not be able to realize the desired level of economic return.

The Pine Barrens Protection Act does not equate "beneficial use" with maximum desired economic return, and the applicant has not shown that compliance with the act will deprive them of any beneficial use of the property. The applicant's assertion that there are only two alternatives (a Core boundary change or non-development) to a hardship exemption simply is not true. First, the applicant has not demonstrated that the property may not be used residentially in accordance with its present zoning. The application acknowledges that there are two cottages on the property, and there is not even an allegation that residential use would not be permitted under the definition of development in the act. See, ECL §57-0107(13)(iv).

Second, the applicant has totally failed to address the possibility of transferring development rights (TDR) from the Lakeside Manorville Hotel parcel to a receiving area outside the Core and thereby recovering the development value of the property. Without exploring that proven option under the Pine Barrens Protection Act, the applicants are not in a position to claim extraordinary hardship.

Finally, the additional requirements of the hardship provisions of the Act are not met. See, ECL §57-0121(10)(c). The proposed commercial development would indeed "result in substantial impairment of the resources of the core preservation area" by clearing the land and replacing the vegetation with two substantial buildings and extensive parking and support facilities (2.18+ acres covered by roads, buildings and other paved surfaces). That development clearly is inconsistent with the statutory goals for the Core Preservation Area of "preserving the Pine Barrens area in their natural state", "prohibiting or redirecting new construction or development", and "protecting and preserving the quality of surface and groundwaters". ECL §57-0121(3), (a), (c) & (e).

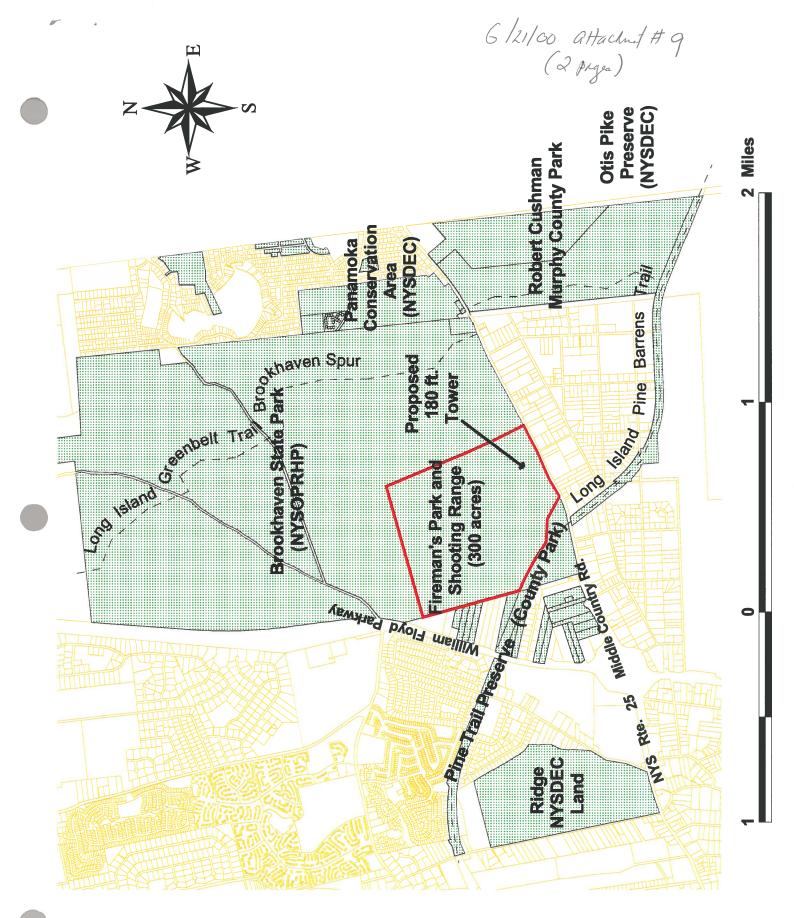
Since the applicant has not demonstrated extraordinary hardship, the question of whether an exemption is the minimum relief necessary to relieve such hardship does not arise.

The Lakeside Manorville Hotel exemption application should be denied.

Respectfully submitted,

Marilyn England Marilyn England, President

**Open Space Council** 







Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz Member

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

Phone (631) 224-2604 Fax (631) 224-7653 Internet: http://pb.state.ny.us Commission Agenda (DRAFT) for Wednesday, July 12, 2000 Riverhead Town Hall Howell Avenue and East Main Street, Riverhead, NY 2:00 pm

(Also posted on the Commission's Community Calendar web page at http://pb.state.ny.us/meetings.htm)

1. Public Comment (please sign Speaker Sheet)

#### 2. Administrative

• Summaries of 5/31, 621 meetings: review, approval (faxed)

#### 3. Pine Barrens Credit Program

- Results of 6/27/00 Clearinghouse meeting
- SEQR determination on adoption of the PRC zoning development yield factor (to be distributed)

#### 4. Plan Implementation

• Wildfire Task Force Public Education Committee: Goals and Objectives (faxed); accomplishments; public education video and draft Request for Proposals (to be faxed) (Riverhead Fire Marshal Bruce Johnson, Public Education Committee Chair)

## 5. Core Preservation Area

- Long Island Power Authority South Fork transmission line (Southampton): completion report
  - Omnipoint Communications Tower / Fireman's Park, Ridge (Brookhaven): determination of jurisdiction (continued from 6/21)

#### The following item is scheduled for 4:00 pm:

• Lakeside Manorville Hotel / Manorville (Brookhaven): public hearing

#### 6. Compatible Growth Area

- The following item is scheduled for 4:00 pm:
- American Tissue / Yaphank / Development of Regional Significance: public hearing scheduled; adjournment has been requested
- 7. Executive or Advisory Session (if necessary)

*Next Commission meeting:* 8/2/00 at the Riverhead Town Hall at 2:00 pm



POLICY COMMISSION

Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz Member

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

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 Wildfire Task Force Public Education Committee: Goals and Objectives (faxed); accomplishments (materials to be distributed); public education video and draft Request for Proposals (faxed) (Riverhead Fire Marshal Bruce Johnson, Public Education Committee Chair)

#### 5. Core Preservation Area

- Long Island Power Authority South Fork transmission line (Southampton): completion report
- Omnipoint Communications Tower / Fireman's Park, Ridge (Brookhaven): determination of jurisdiction (continued from 6/21)
- Marcus / Manorville (Riverhead) / indoor horse arena: determination of jurisdiction (to be distributed)
- Seeley and Lukas / Calverton (Brookhaven) / lot split: determination of jurisdiction (to be distributed)
- The following item is scheduled for 4:00 pm:
- Lakeside Manorville Hotel / Manorville (Brookhaven): public hearing

#### 6. Compatible Growth Area

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- American Tissue / Yaphank / Development of Regional Significance: public hearing scheduled; adjournment has been requested
- 7. Executive or Advisory Session (if necessary)

Next Commission meeting: 8/2/00 at the Riverhead Town Hall at 2:00 pm



PLANNING & POLICY COMMISSION

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> Ray E. Cowen Member

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

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

# Commission Meeting Summary (DRAFT) for Wednesday, July 12, 2000 (To be approved) Riverhead Town Hall Howell Avenue and East Main Street, Riverhead, NY 2:00 pm

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

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

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

Public Comment <u>Summary:</u> There were no speakers.

# Administrative

 Summaries of 5/31, 621 meetings: review, approval <u>Summary</u>: A motion was made by Mr. Cowen and seconded by Mr. Kozakiewicz to approve the 5/31/00 Commission meeting summary as drafted. The motion was approved by a 4-0 vote.

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

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

#### **Plan Implementation**

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

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

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

Fire Marshal Johnson left at this point.

#### **Pine Barrens Credit Program**

• Results of 6/27/00 Clearinghouse meeting

<u>Summary</u>: Mr. Corwin distributed the attached monthly summary of the Pine Barrens Credit Program activity for 7/1/00, and briefly discussed the acreage and Credit figures in it.

#### **Core Preservation Area**

 Long Island Power Authority (LIPA) South Fork transmission line (Southampton): completion report

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

• Omnipoint Communications Tower / Fireman's Park, Ridge (Brookhaven): determination of jurisdiction *(continued from 6/21)* 

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

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

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

#### tower.

*Mr.* Re then noted that the park site's proposed 50 foot by 75 foot lease area was already disturbed; that a photo simulation was prepared for the proposed monopole; that access would be by an existing road; that the tower would be unmanned but visited once per month; that it would operate at a lower power than Federal standards permit; that he believes that the proposal does not constitute "development" pursuant to the pine barrens law, specifically Sections 57-0107(13)(i) and (vi); that Omnipoint Communications is a public utility; that the proposal does not conflict with the goals of the pine barrens statute; that the communications antennas form part of the safety net of the community; that Ridge is underserved; that the site will not disturb the ecosystem; and that he believes that the request is consistent with the Commission's previous decisions.

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

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

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

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

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

After a brief discussion, it was agreed that the Commission staff would obtain a copy of the Southampton Town Request For Proposals (RFP) that is being prepared for producing a plan for that Town, and that the Commission staff

would prepare a draft description of the work that would be performed by a consultant, hired through an RFP prepared by the Commission.

 Marcus / Manorville (Riverhead) / indoor horse arena: determination of jurisdiction (to be distributed)

<u>Summary:</u> Ms. Jakobsen distributed and discussed the attached letter from Mr. Jerry Wood on behalf of Ms. Sloan Marcus, a prospective purchaser of the property that would be used for a proposed indoor horse arena. Ms. Marcus and Mr. Wood were present today.

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

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

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

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

Upon return to open session, discussion continued upon the motion to deem the Marcus project as "nondevelopment". Mr. Girandola suggested

that the project to be deemed "nondevelopment" might be limited to no sanitary facilities, but that suggestion was not adopted following a brief discussion. The original motion to deem the Marcus proposal as "nondevelopment" was then approved by a 5-0 vote.

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

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

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

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

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

#### **Compatible Growth Area**

American Tissue / Yaphank / Development of Regional Significance: public hearing scheduled; adjournment has been requested
 <u>Summary:</u> Ms. Jakobsen reported that the project sponsor has requested a postponement of today's hearing to later date. After a brief discussion re scheduling, a motion was made by Mr. Cowen and seconded by Mr. Kozakiewicz to postpone the American Tissue hearing indefinitely. The motion was approved by a 4-0 vote.

#### **Closed Advisory Session**

<u>Summary:</u> A motion was made by Mr. Proios and seconded by Mr. Kozakiewicz to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 4-0 vote, and the Commission entered into closed session from approximately 5:43 pm to 6:02 pm.

#### Adjournment

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

#### Attachments (in order of discussion):

- 1. Attendance list (1 page)
- 2. Speaker list (1 page)
- 3. Wildfire Task Force Public Education Committee handout (7/12/00; 16 pages)
- 4. Pine Barrens Credit Program activity summary chart (7/1/00; 1 page)
- 5. Letter from Mr. Wood re Marcus / Manorville property (6/26/00; 2 pages)
- 6. Letter from Mr. Strauss re Lukas property (7/6/00; 1 page)



Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz Member

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

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

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

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

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

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

Public Comment

Summary: There were no speakers.

#### Administrative

 Summaries of 5/31, 621 meetings: review, approval <u>Summary:</u> A motion was made by Mr. Cowen and seconded by Mr. Kozakiewicz to approve the 5/31/00 Commission meeting summary as drafted. The motion was approved by a 4-0 vote.

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

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

#### **Plan Implementation**

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

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

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

Fire Marshal Johnson left at this point.

#### **Pine Barrens Credit Program**

• Results of 6/27/00 Clearinghouse meeting

<u>Summary:</u> Mr. Corwin distributed the attached monthly summary of the Pine Barrens Credit Program activity for 7/1/00, and briefly discussed the acreage and Credit figures in it.

#### **Core Preservation Area**

 Long Island Power Authority (LIPA) South Fork transmission line (Southampton): completion report

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

 Omnipoint Communications Tower / Fireman's Park, Ridge (Brookhaven): determination of jurisdiction (continued from 6/21)

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

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

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

#### tower.

*Mr.* Re then noted that the park site's proposed 50 foot by 75 foot lease area was already disturbed; that a photo simulation was prepared for the proposed monopole; that access would be by an existing road; that the tower would be unmanned but visited once per month; that it would operate at a lower power than Federal standards permit; that he believes that the proposal does not constitute "development" pursuant to the pine barrens law, specifically Sections 57-0107(13)(i) and (vi); that Omnipoint Communications is a public utility; that the proposal does not conflict with the goals of the pine barrens statute; that the communications antennas form part of the safety net of the community; that Ridge is underserved; that the site will not disturb the ecosystem; and that he believes that the request is consistent with the Commission's previous decisions.

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

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

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

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

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

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

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

After a brief discussion, it was agreed that the Commission staff would obtain a copy of the Southampton Town Request For Proposals (RFP) that is being

prepared for producing a plan for that Town, and that the Commission staff would prepare a draft description of the work that would be performed by a consultant, hired through an RFP prepared by the Commission.

 Marcus / Manorville (Riverhead) / indoor horse arena: determination of jurisdiction (to be distributed)

<u>Summary:</u> Ms. Jakobsen distributed and discussed the attached letter from Mr. Jerry Wood on behalf of Ms. Sloan Marcus, a prospective purchaser of the property that would be used for a proposed indoor horse arena. Ms. Marcus and Mr. Wood were present today.

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

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

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

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

Upon return to open session, discussion continued upon the motion to

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

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

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

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

existing dwelling, and one lot is proposed as the site for another dwelling.

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

#### **Compatible Growth Area**

American Tissue / Yaphank / Development of Regional Significance: public hearing scheduled; adjournment has been requested
 <u>Summary:</u> Ms. Jakobsen reported that the project sponsor has requested a postponement of today's hearing to later date. After a brief discussion re scheduling, a motion was made by Mr. Cowen and seconded by Mr. Kozakiewicz to postpone the American Tissue hearing indefinitely. The motion was approved by a 4-0 vote.

#### **Closed Advisory Session**

<u>Summary:</u> A motion was made by Mr. Proios and seconded by Mr. Kozakiewicz to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 4-0 **vote**, and the Commission entered into closed session from approximately 5:43 pm to 6:02 pm.

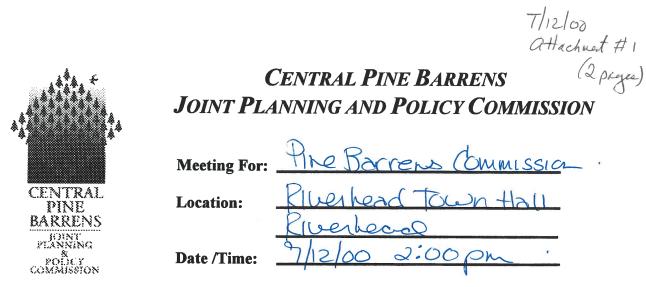
#### Adjournment

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

#### Attachments (in order of discussion):

1. Attendance list (1 page)

- 2. Speaker list (1 page)
- 3. Wildfire Task Force Public Education Committee handout (7/12/00; 16 pages)
- 4. Pine Barrens Credit Program activity summary chart (7/1/00; 1 page)
- 5. Letter from Mr. Wood re Marcus / Manorville property (6/26/00; 2 pages)
- 6. Letter from Mr. Strauss re Lukas property (7/6/00; 1 page)



# Sign In Sheet

/ NAME	REPRESENTING	ADDRESS	<b>TELEPHONE/FAX</b>
Jaccoure heggo	CPEC Staff	SS2550nrise Huy Great River NY	563-0385 224-7653
Lawrence C.Ré	Omtipoint Comm	Muniey Meade Nielcon+Ro 32 Wood busy Rottuntington	
BRULEE. JOHNSON	PUBLIC EDUCATION COMM WILDFIRE TASKFORCE	200 HOWELL AVE RIVERHEAD NY 11901	631.727.3200 Ext 209
Judy Jakobson	CPBC Stall		631-563-0306
Ann Carter	CPBC Staff	3525 Survise Huy Great River, NT	563-0372
ED QUAREMBA	NASSAU	56 PARKVIEW CIR. ,	BETHPAGE 11114
Domance Nic- Corre	1 SEKR	81 Pink Ann Ave	698-5038
Ray Cours	CPB Commission		
Jonni lunkett	CPPC (taff.		
Jerri Kekowitz	Amiguit	368 Vets they on	ng A
lenin Answeld	Dramment	12 the Point Ist	
VI HOALYND		LAKE GRO F.	588-8459 FAX
Richard Amper	LIPBS	PO BOX, 429 Manoruille 11549	(631)369-3300
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Watter Olsen	CPR	Box 202 Brightutus	665-2020
Jon 21/175	SFLF	84 Pine Edge, monipes	878-9473
Bluighon	Ton A BEAKIN		451-6500
A. Imanoble	TOWN OF Moolt Auto	MEDFORD, N.Y.	451-6400
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# **CENTRAL PINE BARRENS** JOINT PLANNING AND POLICY COMMISSION

**Meeting For:** Barr the missia Hall Key Lead Location: Tour

7/12/00 2.00 Date /Time: OV

# **Sign In Sheet**

NAME	REPRESENTING	ADDRESS	<b>TELEPHONE/FAX</b>
Jim Rigano	coursel to the POC	ARizano, et Melville NY	671 694 soon
VINCENT CANNUSCIO		116 HAMPTON RD. V SOMTHAMPTON, NY	631-283-6055
BILL SPITZ	NYSDEC	STOMBROOK	631 - 444 - 0419
Kay Couvers	Gov. Pataki	Stonybrook	631 444 0345
Leorge Proin	Sufforth County	PO Dox 6100 Hampparge	631853 4654
Burdian	+ ABCOKI		
CHARLES MANCONI	LAKETTRE - MARCOWILLE	5018 EXPANS D.S. Runk D	631-588-3581
Mil Sandorwan		1770 moto Mun Hanopare	631 232 1742
John Brestin	LAYENSIDE MAANOWY	47 Elm ST huntuspen 17	631-2>1-222
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7/12/00 attachmed #2 (Ipage)

# **Central Pine Barrens** Joint Planning and Policy Commission

# Speaker Sign In Sheet

Meeting Date 7/2/00 Meeting Place Lileerlean

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Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

Ray E. Cowen Member

Robert F. Kozakiewicz Member Wildfire Task Force

7/12/00 attachment # 3

(16 pages)

# **Public Education Committee**

# **Presentation Handouts**

### Contents:

- 1. Public Education Committee 2000 Goals and Objectives (2 pages)
- 2. Main Commission page with link to daily ratings (1 page)
- 3. Stewardship Program pages, including Task Force (2 pages)
- 4. Fire Weather Program pages (2 pages)
- 5. Daily CPB Fire Danger Ratings Page with Fire Links (3 pages)
- 6. Daily National Weather Service Fire Weather Forecast (3 pages)
- 7. Public Education Video Exec Summary and Draft RFP (3 pages)

Compiled for 7/12/00 Commission meeting

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

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### Suffolk County Wildfire Task Force Public Education Sub-Committee

### Goals and Objectives for 2000

#### First Quarter

- 1. Identify existing literature and other media for public wildfire awareness suitable for use in Suffolk County.
- 2. Utilizing what literature is currently available, develop material suitable for use and distribution in Suffolk County. Work with Suffolk County Fire Safety Educators Association. Specifically, outline fire prevention presentations for:
  - Park/Camping safety
  - Fire Service Use Fire Prevention/Public Education programs for outdoor fire safety and urban-interface fire prevention and property protection.
- 3. Set-up Public Education "links" on Pine Barrens Task-force web page. Focus on a select group of most informative and appropriate links. Possibly have those sites link to Pine Barrens web page as well.
  - Campground safety
  - Urban interface safety
- 4. Work with *Prescribed Burn* sub-committee on development and distribution of public education brochure about history, purpose & benefits of prescribed burning.
  - possibly create an <u>Education Bulletin Board</u> for display at various public gatherings and/or fire prevention programs

#### Second Ouarter

- 1. Establish standardized Public Service Announcements for:
  - Park & Public land closing due to drought/high fire-weather index
  - Interface area fire prevention/preparedness/safety
  - Camping/hiking/horse stable fire prevention awareness/safety
  - prepare and distribute a "wallet card" with appropriate information
- 2. Finalize wildland fire prevention presentation "course outlines" for:
  - Park/Camping safety
  - Fire Service Use Fire Prevention/Public Education programs for outdoor fire safety and urban-interface fire prevention and property protection.
  - Create educational messages for commercial camping/hiking stores passive displays.
- 3. Deliver wildland fire prevention presentation at State and County Parks

- 4. Have Public Service Announcements (from Q2-goal #1) included in:
  - Fire Department Fund Drive mailings
  - With news releases about major fires
  - During times of drought/high fire-weather index
- 5. Install "Fire Danger" signs at any park or hiking trails utilized by public

#### Third Ouarter

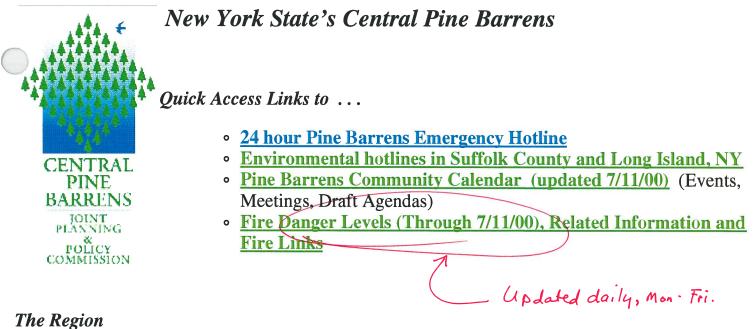
Note that this is the fifth anniversary of the 1995 Wildfires and we may be able to capitalize on the anniversary for added news coverage; public education messages and/or assistance in production of the news show and/or educational video.

- 1. Get fire departments to include wildfire prevention and wildland-urban interface safety measures as part of their Fire Prevention activities in October.
  - provide "camera ready" copy in full page; half page and quarter page formats
- 2. Set-up a "Public-Service" news show featuring guest speakers (i.e. Task Force Executive Board) to discuss urban interface and campground safety in a forum type setting.

#### Long Term

Note that long term goals will be commenced during the Spring of 2000 but are expected to take until 2001 to complete.

- 1. Produce a "wildland fire" public education/safety video of either 30 or 60 minutes for use in public education programs.
  - Locate appropriate sources of funding, possibly grants
  - Write a specific grant proposal to obtain commitment of funds
  - Develop a specific script
  - Tape and edit the presentation
  - Copy and distribute program to all appropriate agencies providing public safety education



New York's southeasternmost county, Suffolk County, occupies the eastern end of Long Island, and comprises over 900 square miles of terrestrial and marine environments. Three of Suffolk County's ten townships are host to a 100,000+ acre, New York State designated region known as the Central Pine Barrens.

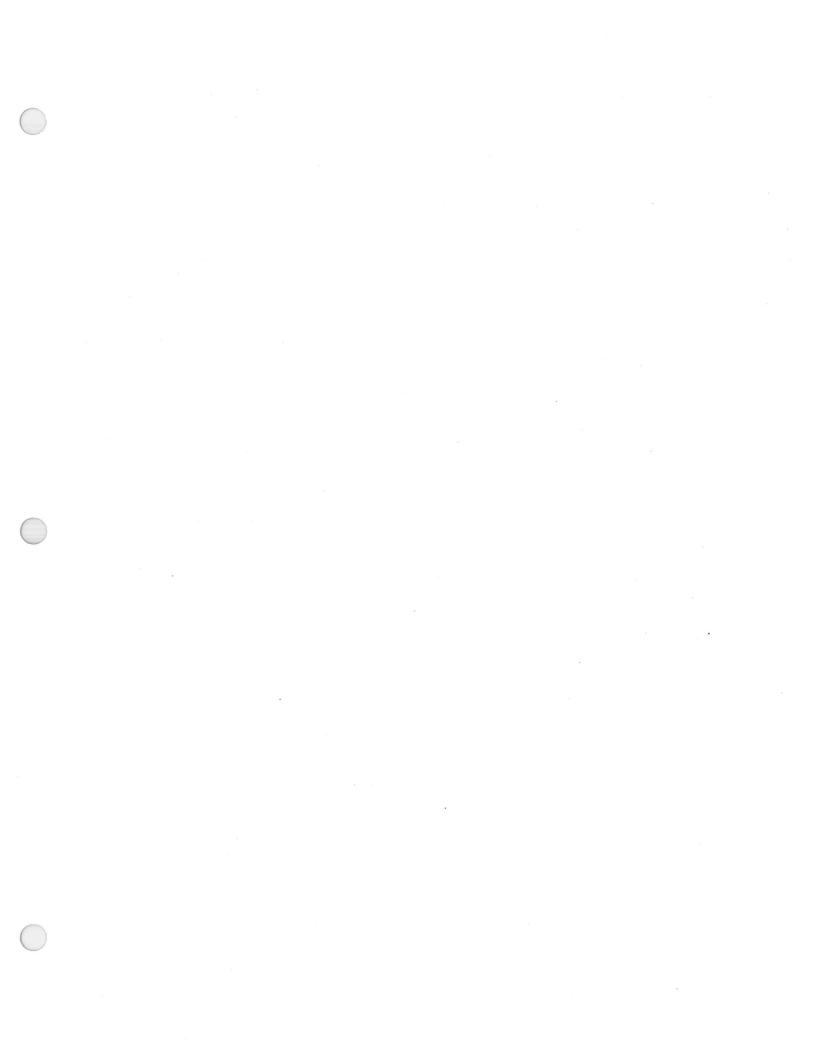
A rich concoction of terrestrial and aquatic ecosystems, interconnected surface and ground waters, recreational niches, historic locales, farmlands, and residential communities, this region contains the largest remnant of a forest thought to ve once encompassed over a quarter million acres on Long Island. For a brief introduction to this region and similar areas in the northeastern United States, see:

- <u>Central Pine Barrens Fact Sheet: a short introduction</u>
- Long Island, New York Central Pine Barrens: locator map
- Northeastern United States pine barrens: map and comparison chart

### The Long Island Pine Barrens Protection Act and the Regional Planning Process

In 1993, New York State's Long Island Pine Barrens Protection Act officially defined this region at the junction of the Towns of Brookhaven, Riverhead, and Southampton, and started a process for regional planning and permitting which continues today. The 1993 Act created a five member Central Pine Barrens Joint Planning and Policy Commission, an Advisory Committee, and a "planning calendar" (now completed) which led to the June 1995 adoption of the Central Pine Barrens Comprehensive Land Use Plan. Currently, you can view online the following (see later sections for Pine Barrens Credit Program info):

- Central Pine Barrens organizational chart: Committees, Councils, etc.
- Central Pine Barrens Joint Planning and Policy Commission: structure and Commissioners (see Commission meeting schedule)
- Central Pine Barrens Advisory Committee: structure and representatives (see Committee meeting schedule)
- The legislation (NY Environmental Conservation Law Article 57): an unofficial copy



### Pine Barrens Stewardship Program Main Page

There are three basic stewardship areas:

# Law Enforcement:

The Law Enforcement Council identifies and addresses interagency enforcement and community service and response projects.

- Click here for information on the 24 hour Emergency Hotline.
- View the roster of organizations, Chair and Vice Chair, charter, etc.
- Click here for the meeting schedule.
- See an unofficial copy of the 1998 Suffolk County, NY law restricting all terrain vehicle use in Suffolk County which the Council helped draft.
- See an unofficial copy of the 1999 Suffolk County, NY law prohibiting dumping in the pine barrens which the Council helped draft.
- In June 1998, the Law Enforcement Council marked a milestone in its abandoned vehicle airlift removal program, with the 50th vehicle airlift by helicopter. See the County Executive's Press Release on the event here.
- Many of the Law Enforcement Council's projects were the basis for aSecretary of the Army Environmental Quality Award to one of the Council Members, Col. (Ret.) Frank P. Intini, Jr. in 1999. Also available on line is the original NY Army National Guard nomination for that award, which contains descriptions and photographs of many of the Council's environmental stewardship and community outreach projects
- The Air-Ground Firefighting Coordination Committee is a joint committee of the Law Enforcement Council and the Wildfire Task Force (*see Air - Ground Firefighting Coordination meeting schedule*). The Air-Ground Committee sponsors regular helicopter water bucket firefighting training exercises and education programs:
  - <u>Click here for an Aug. 1997 news release from the NYS Division of Military and Naval Affairs regarding one training session.</u>

# **Protected Lands Management:**

The Protected Lands Council is developing a regional management plan for protected areas, and undertaking field management projects of interagency significance. Some sample results to date include:

- View the roster of organizations, Chair and Vice Chair, charter, etc.
- Click here for the meeting schedule.

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- Goals and objectives for the Council.
- Descriptive summaries of two mapping workshops: Wildlife (10/15/98) and Recreational Uses (7/14/99).
- <u>A chart showing current recreational uses by Stewardship Units</u> (there are 12 such Units within the Central Pine Barrens)
- An overview map of the Peconic River Unit: <u>high resolution slower</u> or <u>low resolution faster</u> (one of a set in production)
- An initial written description of the Peconic River Stewardship Unit.
- Results of the 5/2/00 Council field work in the Ridge area of the Peconic River Stewardship Unit.
- Complementing the planning work are various field efforts, including the <u>1997 Pine Barrens Cleanup Days</u> in Manorville and Calverton.
- The Council also works each year with the <u>Global ReLeaf Tree Planting sponsored by American Forests</u> (nationally) and, in 2000, the Long Island Greenbelt Trail Conference (LIGTC, the local sponsor). This year's tree plantings of native pitch pine seedlings focused upon rehabilitating disturbed and cleared areas. See <u>http://myweb.veriomail.com/towhee/trees/trees.html</u>for a summary of the local Global Releaf work this spring.
- Recent Council meeting minutes are available atthis link.

# Fire Management:

he Wildfire Task Force wrote and is implementing the Central Pine Barrens Fire Management Plan.

- View the roster of organizations, Chair and Vice Chair, charter, etc.
- Click here for the meeting schedule.
- Click here for current fire danger levels, fire related public lands restrictions, and fire related web links.
- The Commission resolution establishing the Task Force is available here
- The April 1999 Central Pine Barrens Fire Management Plan is available here.
- The <u>Central Pine Barrens Fire Districts can be viewed in map form at Figure 2.1</u> of the Fire Plan.
- Recent Task Force meeting minutes are available at this link.
- As part of its stewardship work, the Wildfire Task Force has the following Committees:
  - Fire Weather, which has established a fire weather station network to provide timely meteorological information. See the <u>Central Pine Barrens Fire Weather Main Page</u> for detailed information.
  - **Public Education** (see <u>Public Education meeting schedule</u>). The Public education Committee has outlined very specific targets in their <u>Public Education Goals and Objectives for 2000</u>.
  - **Prescribed Fire** (see <u>Prescribed Fire meeting schedule</u>). The Prescribed Fire Committee is working on a regional prescribed fire strategy. One work product to date is:
    - 1. The <u>Prescribed Fire Resource Report (3/14/00)</u> listing prescribed fire information available on the web (federal, state, private, etc.).
  - Fire Protection Assessment (FPA) (see <u>Fire Protection Assessment meeting schedule</u>). The FPA Committee is compiling and mapping the "risks", "hazards", and "values" within the Central Pine Barrens landscape, in order to assist in the long term planning of burns, facilities, education, etc.
  - Equipment Research and Training
  - Fire Investigation and Documentation
  - Reimbursement of Operating Expenses
  - Wildfire and Incident Management Academy The Academy is organized in conjunction with the Training Subcommittee. See this link for the 2000 Academy brochure and course offerings, and see this link for the Commission resolution establishing the Academy.
- The Air-Ground Firefighting Coordination Committee is a joint committee of the Law Enforcement Council and the Wildfire Task Force (*see Air - Ground Firefighting Coordination meeting schedule*) The Air-Ground Committee sponsors regular helicopter water bucket firefighting training exercises and education programs:
  - <u>Click here for an Aug. 1997 news release from the NYS Division of Military and Naval Affairs regarding one training session.</u>

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### **Central Pine Barrens Fire Weather Program**

Updated through 6/20/00

### (Click here for current fire danger levels and fire related public lands restrictions)

The **Fire Weather Committee**, chaired by Mr. John Urevich of the Southampton Town Fire Chiefs' Council, has several responsibilities, and a number of accomplishments to date.

Generally, the Committee's work is centered upon implementing the Central Pine Barrens Fire management Plan's sections on fire weather monitoring and public notification of fire danger conditions (with the latter being done in concert with the Public Education Committee, chaired by Riverhead Fire Marshal Bruce Johnson). These can be found in <u>Section 3.4 of the Plan, entitled Annual Fire Weather</u>, and <u>Section 4.2</u>, <u>Public Notification of Fire Danger</u>.

Specific responsibilities and accomplishments to date are:

- 1. Establish, operate, and maintain a fire weather station within the Central Pine Barrens to complement the existing US Fish and Wildlife Service station. The Committee has done this, and there are currently two operating stations providing fire weather meteorological data. The establishment of any additional stations will be considered as experience dictates in the future. The two stations currently in operation are both fromForest Technology Systems, Ltd. (Victoria, BC); also see the FTS Fire Weather Systems Page. The two stations are:
- 2. US Fish and Wildlife station at the <u>Wertheim National Wildlife Refuge</u> in Brookhaven hamlet. This station is close to the western bank of the lower Carmans River, a short distance north of Bellport Bay.
- 3. Central Pine Barrens station in the Manorville Eastport area. This station is located well inland within the Central Pine Barrens, and along the Ronkonkoma moraine.
- 4. **Define and implement procedures for the proper, accurate, timely, and effective use of this data.** This is particularly critical during Long island's fire seasons, but this responsibility applies throughout the year, including the winter season.
- 5. Provide daily fire weather information to the <u>Suffolk County Department of Fire, Rescue and Emergency Services (SC FRES; Yaphank, NY)</u>, in order to permit SC FRES to broadcast daily fire danger levels within Suffolk County. This is generally done by SC FRES at approximately 1400 hours each day, with the danger levels derived by the Wertheim Refuge staff based upon the combined daily readings of both fire weather stations. The four qualitative danger levels represent theexpected behavior of a fire once it occurs on a particular day; these ratings do not indicate the likelihood of an ignition occurring</u>. Specifically, these Fire Danger Levels, which are customized to local conditions, indicate different value ranges for fire spread rates, flame heights, and other characteristics of a potential fire. The four levels in use here in Suffolk County are:



- 1. **Promote a fuller understanding of both the benefits and limitations of fire weather data** throughout the Suffolk County fire services, law enforcement agencies, public lands agencies, and among private citizens and organizations.
- Assist the Wildfire Task Force organizations with the development, refinement and implementation of a Standard Operating Procedure (SOP) for the implementation and relaxation of activity and access restrictions for public forest lands during fire critical times. An interagency SOP was established during the 1999 fire season, and will be refined as experience with it is gained.
- 3. Establish a close working relationship with both the US Fish and Wildlife Service's Wertheim Refuge and the <u>National Weather Service's (NWS) Brookhaven (Upton, NY) Forecast Office</u>. The US FWS Wertheim Refuge (Brookhaven hamlet, NY) has been operating for many years the same vendor and type of

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fire weather station that the Commission recently purchased. Their staff, who are also members of the Wildfire Task Force, have been extremely helpful in assisting the Committee's entrance into the fire weather field. The NWS Brookhaven Forecast Office's professional staff, the Committee members, and the Commission staff have begun sharing information and ideas during this startup period for both the Brookhaven Office's new fire weather program and the pine barrens fire weather station. See the <u>Brookhaven Forecast Office's Fire Weather</u> Page for detailed meteorological data, forecasts and other products for this area.

4. Provide access to fire weather historical data to interested researchers, students and other individuals.

### Central Pine Barrens Fire Weather and Public Lands Status as of 7/11/00 and Fire Related Web Links

• Current Public Lands Fire Related Restrictions in Effect: Normal. To inquire about normal restrictions, burn permits, or other fire regulations, please contact the appropriate offices:

Agency	Fire Related Topic	Telephone
New York State DEC Forest Rangers	Burn permits, prescribed burning, State lands access	631-444-0291
Suffolk County Parks Department	County lands, campgrounds and fires	631-854-4949 or 877-BARRENS
Brookhaven Town Fire Marshal	Burn permits, Town land restrictions	631-451-6262
Riverhead Town Marshal	Burn permits, Town land restrictions	631-727-3200 extension 209
Southampton Town Fire Marshal	Burn permits, Town land restrictions	631-288-0201

- National Weather Service Brookhaven, NY Current Fire Weather Forecast
- Fire Weather Values for Recent Days:

- -

Week	Sun	Mon	Tue	Wed	Thu	Fri	Sat
7/9 - 7/15		Moderate	Moderate				
7/2 - 7/8	Moderate	Moderate		Moderate	Moderate	Moderate	
6/25 - 7/1		Moderate	Low	Moderate	Low	Moderate	Moderate
6/18 - 6/24		Low	Moderate	Moderate	Low	Moderate	
6/11 - 6/17	Moderate	Low	Low	Low	Low	Low	
6/4 - 6/10	Moderate	Low	Low	Low	Low	Moderate	Moderate
5/28 - 6/3		Moderate	Low	Low	Low	Moderate	Moderate
5/21 - 5/27		Low	Low	Low	Low	Moderate	
5/14 - 5/20	Low	Moderate	Moderate	Moderate	Low	Low	
5/7 - 5/13	Moderate	Mod / High	High	Low	Low	Low	
4/30 - 5/6		Moderate	Low	Moderate	Moderate	Moderate	
4/23 - 4/29		Moderate	Low	Low	Low	Low	
4/16 - 4/22		Low	Low	Low	Low	Low	
4/9 - 4/15	Low	Moderate	Low	Low	Low	Moderate	

### • Fire Safety and Fire Related Links:

- <u>Central Pine Barrens Wildfire Task Force</u> (Our local team addressing Long Island's wildland fire issues. Includes roster of Task Force organizations, links to their web sites, etc. These include Federal, State, Local, Fire Dept. and Private members.)
- <u>Central Pine Barrens Wildfire Task Force Fire Weather Page</u> (An explanation of the above chart's purpose, Pine Barrens weather stations, work of the Fire Weather Committee, etc.)
- American Red Cross (Washington, DC) Wildfire
- California Department of Forestry and Fire Protection (Sacramento, CA)
- <u>Colorado Wildfire Academy (Alamosa, CO</u>) (Our cooperating colleagues' Western training Academy.)
- <u>Environmental Protection Agency Wildland Fire Issues Group</u> (Provides recommendations regarding prescribed fire impacts.)
- Federal Emergency Management Agency (FEMA)
- FEMA U.S. Fire Administration (Emmitsburg, MD)
- Firewise (Cosponsored by federal agencies and private organizations. Excellent wildfire overview and introduction.)
- Institute for Business & Home Safety (Boston, MA) Wildfire (Insurance industry institute promoting safety and prevention.)

- <u>National Fire Protection Association (Quincy, MA)</u> (International, nonprofit organization promoting fire safety through fire codes and standards, research, training, and education.)
- <u>National Interagency Fire Center</u> (Federal site at Boise, ID which coordinates nationwide wildland firefighting efforts.)
- <u>National Interagency Prescribed Fire Training Center</u> (Federal instructional school at Tallahassee, FL.)
- <u>National Wildfire Coordinating Group</u> (Federal policy entity providing training standards, course certifications, etc.)
- <u>New Jersey Pinelands Commission (New Lisbon, NJ) April 1998 "Fire In the Pines"</u> <u>Hearing Summary Report</u> (*The NJ Pinelands is a 1,000,000 acre pine barrens region with similar fire management issues to Long island's pine barrens.*)
- <u>New York Wildfire and Incident Management Academy</u> (Our own interagency training academy here on Long Island.)
- <u>Portland Press Herald Maine Sunday Telegram (Portland, ME) The '47 Fire</u> (Story of the 1947 Maine fires which led, among other actions, to the establishment of the Northeast Fire Compact in the NE US and adjacent Canadian provinces.)
- <u>Tall Timbers Research Station (Tallahassee, FL</u>) (Ecological research station which conducts fire ecology research.)
- The Nature Conservancy National Fire Management Program (Tallahassee, FL)
- <u>The Press of Atlantic City (Pleasantville, NJ) The Pinelands of New Jersey Fire</u> (Ecology, fire photos, tips, etc. from the Atlantic City area of the Pinelands.)
- U.S. Dept. of Agriculture Forest Service National Headquarters Main Fire Page
- U.S. Dept. of Agriculture Forest Service Federal Wildland Fire Policy
- <u>U.S. Dept. of Agriculture Forest Service Wildland Fire Assessment System</u> (*Daily updates of fire weather data, forecasts, maps, etc.*)
- <u>U.S. Dept. of Commerce NOAA National Weather Service Brookhaven, NY Forecast</u> Office - Fire Weather Page
- U.S. Dept. of Commerce NOAA National Weather Service Boise, ID Forecast Office - Fire Weather Page (Extensive fire weather forecast site.)
- U.S. Dept. of Commerce NOAA National Weather Service Seattle, WA Forecast Office - Fire Weather (Extensive fire weather forecast site.)
- <u>U.S. Dept. of Commerce NOAA National Weather Service Seattle, WA Forecast</u> <u>Office - National Fire Danger Rating System (NFDRS)</u> (An introduction to the art and science of fire danger rating.)
- U.S. Dept. of Interior Bureau of Land Management National Applied Resource Sciences Center (Denver, CO) - Wildland Fire Information
- <u>U.S. Dept. of Interior Bureau of Land Management National Office of Fire and Aviation</u>
- <u>University of Nebraska at Lincoln National Drought Mitigation Center</u> (Introduction to drought science and indices, etc.)
- Wildland and Prescribed Fire Management Policy (Federal policy developed by National Park Service, U.S. Forest Service, Bureau of Indian Affairs, U.S. Fish and Wildlife Service, and Bureau of Land Management.)

FNUS51 KOKX 121015

#### FWFOKX

FIRE WEATHER FORECAST NATIONAL WEATHER SERVICE NEW YORK NY 615 AM EDT WED JUL 12 2000

.SYNOPSIS...HIGH PRESSURE OVER THE GREAT LAKES WILL SLOWLY BUILD SOUTHEAST OVER THE REGION THROUGH THURSDAY.

.REMARKS...

CTZ009>012-NYZ071>081-130936-

BROOKLYN-MANHATTAN-NASSAU-NORTHEAST SUFFOLK-NORTHWEST SUFFOLK-QUEENS-SOUTHEAST SUFFOLK-SOUTHERN FAIRFIELD-SOUTHERN MIDDLESEX-SOUTHERN NEW HAVEN-SOUTHERN NEW LONDON-SOUTHERN WESTCHESTER-SOUTHWEST SUFFOLK-STATEN ISLAND-THE BRONX-

615 AM EDT WED JUL 12 2000

PARAMETER	TODAY	TONIGHT	THURSDAY
CLOUD AMOUNT	MOSTLY CLEAR	CLEAR	MOSTLY CLEAR
CHANCE PRECIP(%).	NONE	NONE	NONE
PRECIP TYPE	NONE	NONE	NONE
MAX/MIN TEMPS	82	65	83
WIND DIRECTION	SOUTHWEST	WEST	SOUTH
WIND SPEED MPH	12	5	9
PRECIP AMOUNT	NONE	NONE	NONE
PRECIP DURATION	NONE	NONE	NONE
LIGHTNING FREQ	NO TSTMS	NO TSTMS	NO TSTMS
REL HUMIDITY %	34	68	37
MIXING HEIGHT	7000	7000	7000

CEILING HEIGHTNO CEILING	NO CEILING	NO CEILING
HAINES INDEX4	5	5
TRANSPORT DIRNORTHWEST	NORTHWEST	SOUTHWEST
TRANSPORT SPEED9	6	10

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CTZ005>008-NJZ002>006-011-NYZ067>070-130936-BERGEN-EASTERN PASSAIC-ESSEX-HUDSON-NORTHERN FAIRFIELD-NORTHERN MIDDLESEX-NORTHERN NEW HAVEN-NORTHERN NEW LONDON-NORTHERN WESTCHESTER-ORANGE-PUTNAM-ROCKLAND-UNION-WESTERN PASSAIC-615 AM EDT WED JUL 12 2000

CLOUD AMOUNTCLEAR CLEAR CLEAR	
CHANCE PRECIP(%)NONE NONE NONE	
PRECIP TYPENONE NONE NONE	
MAX/MIN TEMPS87 65 86	
WIND DIRECTIONWEST SOUTHWEST SOUTH	
WIND SPEED MPH10 2 9	
PRECIP AMOUNTNONE NONE NONE	
PRECIP DURATIONNONE NONE NONE	
LIGHTNING FREQNO TSTMS NO TSTMS NO TST	MŞ
REL HUMIDITY %32 72 36	
MIXING HEIGHT7000 6500 7000	
CEILING HEIGHTNO CEILING NO CEILING NO CEI	LING
HAINES INDEX5 5 4	
TRANSPORT DIRNORTHWEST NORTHWEST SOUTHW	EST
TRANSPORT SPEED12 4 10	

07/12/2000 10:23 AM

2 of 3

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.EXTENDED FORECAST...

.FRIDAY...INCREASING CLOUDINESS. CHANCE OF SHOWERS LATE IN THE DAY.

LOWS IN THE 60S. HIGHS 80 TO 85.

.SATURDAY...MOSTLY CLOUDY WITH A CHANCE OF RAIN. LOWS IN THE 60S.

HIGHS 75 TO 80.

.SUNDAY...PARTLY CLOUDY. LOWS IN THE 60S. HIGHS 80 TO 85.

.6 TO 10 DAY OUTLOOK... TEMPERATURES NEAR NORMAL. NEAR MEDIAN PRECIPITATION.

#### **Executive Summary**

Throughout recent history, numerous uncontrolled fires have occurred in the Pine Barrens. These fires are almost always caused by human hand, some accidental or careless and many more are of an incendiary cause. With increasing areas of wildland-urban interface, each year these wildfires threaten or destroy an increasing number of homes and threaten more lives. A local prevention effort is needed which will include both enforcement of applicable laws and a public education and awareness program to help reduce the occurrence of these potentially devastating fires.

This education project is designed to promote an awareness of wildfire management and prevention issues for the Pine Barrens regions of eastern Long Island. Four of the five segments of this video will also contain information that is applicable to other pine barrens areas such as south and central New Jersey, Albany New York and the Cape Cod area of Massachusetts. Section five, the fire-weather index would include both generic fire-weather index information, applicable to all pine barrens areas as well as methods of public awareness of the fire-weather index and use in determining when it becomes necessary to close parks and/or otherwise restrict public activity. The later information would be primarily specific to the Long Island Pine Barrens but could serve as a model for other areas.

The topics of general awareness concerning the pine barrens region(s); wildland urban interface risks and fire prevention measures; the use, benefits and safety measures of prescribed burning; general outdoor hiking and camping fire safety and awareness of the fire-weather index are critical public education messages that will be professionally and consistently addressed with this video program.

Long Island's fire departments are all volunteer and most of their time and effort is devoted to fire suppression and training. There are a few very dedicated volunteers that also devote time to do public fire prevention education and fire safety programs. This video will be a great tool in the hands of those volunteer fire safety educators who have tens of thousands of public contacts each year through their fire prevention programs targeted to both adults and school children. Through other "fire-safety public education campaigns," the public has gained a great awareness for installing smoke detectors, conducting home fire drills, etc. Our goal is to achieve a similar level of public awareness for wildfire and urban-interface fire safety issues. Volunteer or career departments in other pine barrens areas will also benefit from this video as it will be designed to easily fit into any public education presentation or classroom format.

The primary benefit of this video would be an increased public awareness of the wildfire management and prevention issues unique to the Pine Barrens. This would increase public support of prescribed burning, assist in the protection of homes, business and lives in wildland-urban interface areas and prevention of wildfires in all areas of the Pine Barrens.

CENTRAL PINE BARRENS JOINT PLANNING \* POLICY COMMISSION

Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert Kozakiewicz Member

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

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

#### Scope of project:

To create a public education video, between twelve to twenty minutes in length, to be used to teach both children (fifth grade and above) and adults about several aspects of fire safety related to wildfires. The video should be in a format that allows it to be used as a stand-alone product, as well as in group presentations. The video should be broken into five segments as follows:

- 1. What is the Pine Barrens? What is wildfire? Causes and dangers of wildfire.
- 2. Wildland-Urban interface risks and prevention measures
- 3. Benefits and precautions of prescribed fires in the pine barrens
- 4. General outdoor/camping/hiking fire safety practices
- 5. About the Long Island fire-weather index (and signs)

Using these themes, the video production company will create a script and appropriate storyboards for review and approval by the Pine Barrens Commission, with consideration of the recommendations from the Wildfire Task Force Executive Board. The segments will need to incorporate technical and public education messages and themes provided by the Wildfire Task Force along with appropriate video photography to support the theme(s) addressed. The video production company ("the Company") will write and provide the narrative as appropriate. There should be visual breaks (5 second pauses) between segments.

The final product must be deemed satisfactory by the Commission in its sole discretion, based on the recommendations from the Wildfire Task Force Executive Board, prior to final payment.

#### Qualifications of the Video Production Company:

Have a proven track record of successful production of at least three similar educational videos working with a not-for-profit organization and/or government organizations. References for these three products must be identified with contact name, telephone number and address. A brief written description of the videos must be provided with the bid response that includes: client name, telephone number, purpose of video and length. Copies of the videos <u>should not be submitted</u> with the bid response, finalists will be contacted to submit the video prior to the award.

The Company must have the ability to review and edit footage from 1995 wildfires for possible use in this educational video. Staff and equipment must be available to video prescribed fires ("controlled burns") and wildfires within Suffolk County, 10 a.m. to 10 p.m., seven

days a week during the "production period". The "production period" will coincide with the prescribed burn window (spring or fall depending on when the bid is awarded and typically lasts 6 to 8 weeks) to ensure adequate video footage.

The Company must have staff and equipment to complete all aspects of the project from layout through final editing and production. No work or components of this project shall be completed by subcontractors, except as specified in the Bid Response to this RFP. Any

subcontractors must be specifically identified and full qualifications provided, in addition to how much they will be paid.

The Company must have ability to review and edit footage from 1995 wildfires for possible use in this educational video. The Company would be responsible for obtaining this footage from the appropriate sources (e.g. Channel 12 News)

Present a timetable for project completion not to exceed six months from award of contract, with written extensions allowed, if approved by the Executive Board of the Wildfire Task Force. Progress payments will be made with the completion of the following milestones:

Completion of written script/story board Completion of prescribed fire and wildfire footage Rough draft of video Final acceptance of product

Bid Response Must Include:

- 1. Recommended production length of video and cost.
- 2. Production cost per minute. Adjustment cost for length if shorter or longer.
- 3. Cost for 500 copies of the videos with plastic case for each video.
- 4. Unit cost of video with case, should additional be needed
- 5. Identify any other related costs.
- 6. Proof of insurance

A performance bond of 5% of the total project cost will be required within 5 days of acceptance of the award by the bidder.

Bidders must respond by the date and time specified in the Information For Bidders (this will be 60 days). Bid opening will occur on at

The Commission reserves the right to reject any or all bid responses should circumstances arise that warrant such action.

http://pb.state.ny.us/pbc\_act.htm

# **Pine Barrens Credit Clearinghouse**

James T.B. Tripp, Esq., Chairman Andrew P. Freleng, AICP, Vice Chairman Vincent J. Cannuscio, Member Richard W. Hanley, Member Mitchell H. Pally, Esq., Member

7/12/00 Attachment#4 (1page)

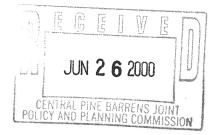
Easement Protected Lands and Pine Barrens Credits As of July 1, 2000						
	Brookhaven	Riverhead	Southampton	Total		
Parcels	261	7	55	323		
Acreage	223.25	36.59	37.07	296.91		
Credits generated	147.25	57.27	12.60	217.12		
Credits redeemed	76.79	9.09	5.12	91.00		
Credits not redeemed	70.46	48.18	7.48	126.12		

### Total value of all Pine Barrens Credit transactions recorded through this date: \$ 4,965,677.00

7/12/00 attachment # 5 (2 pages)

## COACH REAL ESTATE ASSOC.

35 LAUREL ROAD EAST NORTHPORT, NEW YORK 11731 (516) 757-7272



June 26, 2000

TO: Pine Barrons Commission

FROM: Jerry Wood Coach Realtors 35 Laurel Rd. E. Northport, NY 11731

After review of information on the internet, I believe that it is possible to build an  $80 \times 200$  foot indoor horse arena on my client's property.

The property is: 60 Old River Rd. Manorville, NY 11949 36.01 acres Dis 0600, Sec 146000, Block 00200, Lot 008004

Please confirm if my review is correct as long as the structure:

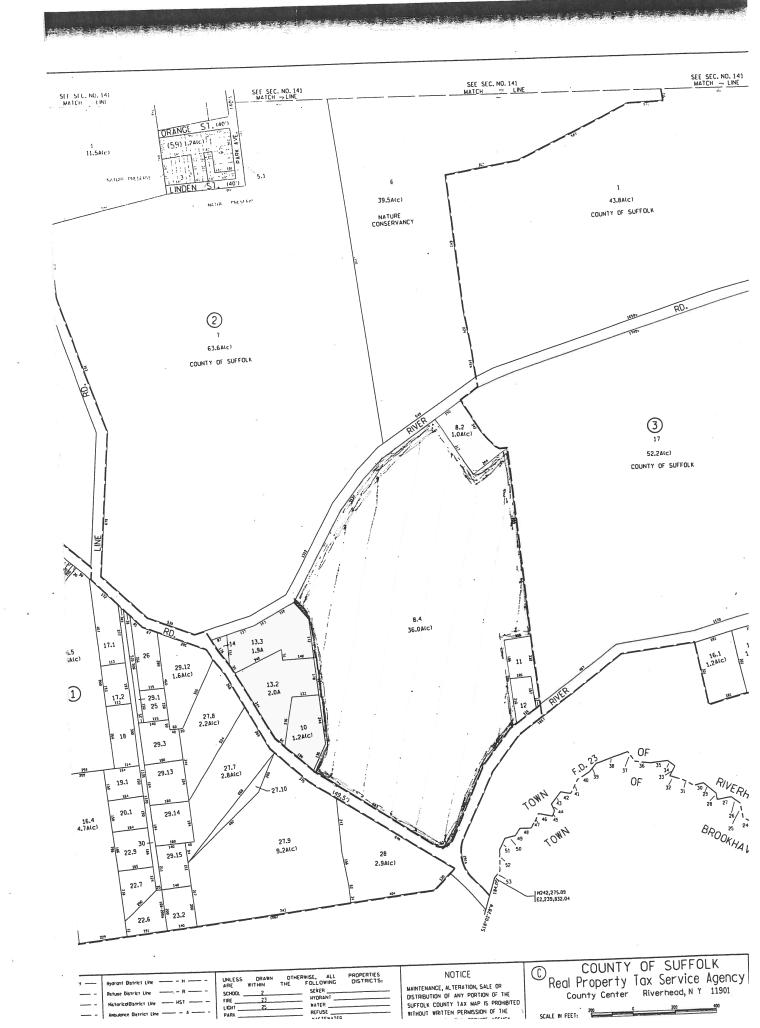
- 1. has an approved building permit
- 2. is done on clean area, which will not require removal of any vegetation
- 3. is built within existing zoning requirements as to placement on property

A speedy response would be appreciated as it does impact future sale of the property.

Sincerely,

Wood Jerry Wood

631-757-7272, ext. 207



7/12/00 attachment (1page

## MICHAEL R. STRAUSS Attorney at Law 220 East Main Street

Port Jefferson, N.Y.11777

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July 6, 2000

Ms. Judy Jakobsen Suffolk County Pine Barrens Commission P. O. Box 587 Great River, NY 11739

Re: Seeley from Lukas/Starr Blvd., Calverton, NY SCTM#: 0200-300-04-37 and 38

Dear Ms. Jakobsen:

I represent the Seeley's who are under contract to purchase the above referenced premises subject to receiving a two-lot land division from the Town of Brookhaven. I was in the process of filing for this two-lot Zoning Board of Appeals split when I discovered that this property was located in the Core Preservation Area.

As you can see on the enclosed map, there is an existing dwelling and one proposed dwelling and this area is comprised of an old existing subdivision known as Map of Peconic River Park, Section 5, which was filed on August 10, 1950.

Since any SEQRA or environmental determinations were made by the Town of Brookhaven in connection with this subdivision well before the Pine Barrens Act became law, I would appreciate if you could confirm that this project is exempt from the usual non-development restriction which is associated with the Core Preservation Area. Your prompt attention to this request would be greatly appreciated so that we could have a comfort level in proceeding with our Town application.

Please advise. Thank you.

Very truly yours

MICHAEL R. STRAUSS

MRS/bpl enclosure



Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz Member

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

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

# Commission Agenda (DRAFT) for Wednesday, September 13, 2000 Brookhaven Town Hall Building 4, 3233 Route 112, Medford, NY 2:00 pm

(Draft agendas are posted on the Commission's Community Calendar web page at http://pb.state.ny.us/meetings.htm)

1. Public Comment (please sign Speaker Sheet)

# 2. Administrative

• Summary of 8/23 meeting: review, approval (faxed)

# 3. Pine Barrens Credit Program

- Program status and results of 8/29 Clearinghouse meeting
- Alberto and Sipala / Manorville (Brookhaven) / credit appeal: possible decision (hearing held 8/23/00)
- PRC zoning development yield factor: status

# 4. Plan Implementation

• Protected Lands Council: upcoming 10/3 field project (information *item*)

# 5. Core Preservation Area

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

### The following items are scheduled for 3:00 pm:

- Lakeside Manorville Hotel / Manorville (Brookhaven) / commercial office buildings / hardship: public hearing (11/30 decision deadline)
- Gazza / Westhampton (Southampton) / agricultural building / hardship: public hearing (materials distributed 8/23)

# 6. Compatible Growth Area

• No items at this time.

# 7. Executive or Advisory Session (if necessary)

# Next Commission meeting:

10/4/00 at the Riverhead Town Hall East Main Street and Howell Avenue, Riverhead at 2:00 pm



Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz *Member* 

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

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POLICY COMMISSION

Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz *Member* 

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

Phone (631) 224-2604 Fax (631) 224-7653 Internet:

# Commission Meeting Summary (DRAFT) for Wednesday, September 13, 2000 (To be approved) Brookhaven Town Hall Building 4, 3233 Route 112, Medford, NY 2:00 pm

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

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

The meeting was called to order at approximately 2:02 pm by Mr. Proios, with a five member quorum.

### **Public Comment**

Summary: There were no speakers.

# Administrative

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

# **Pine Barrens Credit Program**

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

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

Finally, he noted that the next Clearinghouse meeting will be on 10/31/00 at 9:00 am at the Commission Office.

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

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

• PRC zoning development yield factor: status

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

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She also reported that there will be a native plant seed collection day on 10/17/00 in order to provide seeds to the State Nursery at Saratoga for growing and eventual replanting with the pine barrens. Mr. Shea suggested that a press

release would be appropriate for this work, since Southampton Town and other organizations are interested in encouraging the use and retention of native vegetation.

### **Core Preservation Area**

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

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

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

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

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

#### **Closed Advisory Session**

<u>Summary:</u> A motion was made by Mr. Shea and seconded by Mr. Cowen to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 5-0 vote, and the Commission entered into closed session from approximately 2:43 pm to 3:03 pm.

### **Core Preservation Area**

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

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

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

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

- Lakeside Manorville Hotel / Manorville (Brookhaven) / commercial office buildings / hardship: public hearing (11/30 decision deadline) <u>Summary:</u> A separate stenographic transcript exists for this.
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Mr. Spitz left during the preceding hearing. Mr. Dragotta left at the conclusion of these hearings. A five member quorum remained.

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### **Compatible Growth Area**

 Brookhaven Town Center / Yaphank (Brookhaven) / regional shopping mall: clarification of exemption policy in the <u>Pine Barrens Plan</u> (not on the original agenda)

<u>Summary:</u> A motion was made by Mr. Cowen and seconded by Mr. MacLellan to authorize Commission counsel to forward the attached draft letter concerning this property to Mr. Balin, representing the owner. The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Mr. Girandola.

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

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#### Adjournment

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

#### Attachments (in order of discussion):

- 1. Attendance list (2 pages)
- 2. Speaker list (1 page)
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- 4. Draft letter originally requested by Mr. Balin from the Commission re the Brookhaven Town Center (5/15/00; 1 page)
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POLICY COMMISSION

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9/13/00 attachment #1 (2 pages)



CENTRAL PINE BARRENS POINT PLANNING POLICY COMMISSION

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

Meeting For: <u>HAO Barreas Commission</u> Town Offices sokhover Location: Bulding 2:00 Date /Time:

# **Sign In Sheet**

NAME	REPRESENTING	ADDRESS	TELEPHONE/FAX
Devane Treans	CPBCStall	35255 Unrise Huby Great River	583-0385-204-2653
July takobsen	CPBC Sell	11	563-0306
ED QUAREMBA	NASSAU 10	56 PARKIVIEW CIRCLE	BETHPAGE, N.YIITIY
Mark Mizzo	CIPACETN66	3525 SUNVISO HOWA	\$63-0352
Am Carta	Č, E	×1	563-0372
al Malenda	SECP	130 TAQUELINE hp. CONT.	585-6726
Ray Corwin .			
John Sipala	John Sipely Richard	Manor Lane Junespirt N.C	122-3000
Dominic NICOLDIZ		BI PINE ARE AVE. FARMINGUELE N.4.11734	
Donna Runkett	CPBC STAFF	3	
Joep Mag Lelps	Rivertures	200 Howell's Avenue	127-3200 CXT 22
Da Guandola	Brosklaven	Millford, M.Y.	451-6370
May Dry the	Suffelk Cty	Hanppource my	853 4.61
Seorge Projer	Suttom Caty	1/mappare	P57-4154
Mute the	TOWN OF DUTAMPTO	Southanton	297-5710
Bill SPITZ	MSDEC	STURY BRODK	631 - 444 - 0419
Kay Cowen	ALEDE Palaki	Stony Brook	444-0345
Vim Rigano	Commission		631 694 Foos
0			

				9/13/00
NAME	REPRESENTING	ADDRESS	TELEPHONE/FAX	Page 2.
Walter Olsen	C.R.R.	202 Brokhute	665-2020	
Milio danderan	Laberiel	1770 Mitor Planny Han	Mapl 232174 3	3/1930
CHAMLES MANCINI	/)	5089 Expertes De	588359	
TERRI ELKOWITZ	1!			
Jill Lowis	LIPBS	PO BAX 429 Manserille	369-3300/330	7
JOE GAZZA	SELF	POB 969 Quozne	653-5766	01/27
Tom ZUKAS	Self	54 Phie Edge Dr.	East Morishes	- 94 / 3
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<b>—</b> ——				
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	s.			

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9/13/00 Gttachnut#2 (1prye)

# Central Pine Barrens Joint Planning and Policy Commission

# Speaker Sign In Sheet

Meeting Date \_\_\_\_\_\_ Meeting Place Brookhoe

NAME	REPRESENTING	TOPIC
	None	
		1. July 1. Jul
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		÷.,

9/13/00 attachment #3 (1page)

# **Pine Barrens Credit Clearinghouse**

James T.B. Tripp, Esq., *Chairman* Andrew P. Freleng, AICP, *Vice Chairman* Vincent J. Cannuscio, *Member* Richard W. Hanley, *Member* Mitchell H. Pally, Esq., *Member* 

Easement Protected Lands and Pine Barrens Credits As of September 1, 2000				
•	Brookhaven	Riverhead	Southampton	Total
Parcels	261	7	60	328
Acreage	223.25	36.59	47.22	307.06
Credits generated	147.25	57.27	21.32	225.84
Credits redeemed	76.79	9.09	5.12	91.00
Credits not redeemed	70.46	48.18	16.20	134.84

# Total value of all Pine Barrens Credit transactions recorded through this date: \$ 5,199,677.00

LESLIE R. BENNETT

WILLIAM CORNACHIO

DONALD J. FARINACCI

ROBERT R. MCMILLAN

BARRY S. COHEN

JAMES B. RATHER

JAMMES P. RIGANO

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9/13/00 attachment # 4

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McMILLAN, RATHER, BENNETT & RIGANO, P.C.

ATTORNEYS AT LAW

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May 15, 2000

J. CLAUDE BAHRENBURG RICHARD A. FOGEL GUY W. GERMANO WALTER J. GUMERSELL DORIS E. ROTH COUNSEL

KEITH P. BROWN DARA A.L. COOPE LAURE SAYEVICH HORZ H. HELEN IRIE CATHERINE A. MULLARKEY MICHAEL C. SCHMIDT

Herbert M. Balin, Esq. Certilman, Balin, Adler & Hyman 90 Merrick Avenue East Meadow, New York 11554

> Re: Open Space Council v. Planning Board of the Town of Brookhaven Index No. 95-5723

Dear Mr. Balin:

As you know, my firm is counsel to the Central Pine Barrens Joint Planning and Policy Commission ("Commission"). I have had an opportunity to review the judgment dated December 17, 1999 issued by Judge Berler in the above matter. The Commission is not a party to this lawsuit and the judgment issued by Judge Berler does not address the Commission or the Central Pine Barrens Comprehensive Land Use Plan issued by the Commission.

The Commission has directed me to inform you that the Land Use Plan as to the "North Shore Properties Policy," Section 9.3, remains in full force and effect is final. It provides that the Brookhaven Town Center continues to be exempt from the provisions of Article 57 and the Planetry truly yours.

ames P. Rigano

JPR/gc

9/13/00 Attachmet#5 (2 pages)

# State Environmental Quality Review Act NEGATIVE DECLARATION

Determination of Non-Significance September 13, 2000

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Central Pine Barrens Joint Planning and Policy Commission, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement not be prepared.

LEAD AGENCY: The Central Pine Barrens Joint Planning and Policy Commission P.O. Box 587 3525 Sunrise Highway, 2<sup>nd</sup> Floor Great River, New York 11739-0587

#### **TITLE OF ACTION:**

Commission adoption of allocation formula to guide Pine Barrens Credit Clearinghouse in allocating Pine Barrens Credits to Planned Retirement Community zoned property in the sending area of the Town of Brookhaven.

SEQRA STATUS: Unlisted Action

**LOCATION:** Central Pine Barrens as defined in Article 57 of the New York State Environmental Conservation Law (the "ECL").

### **DESCRIPTION OF ACTION:**

The Commission is adopting an allocation formula for Planned Retirement Community zoned properties within the Central Pine Barrens area in the Town of Brookhaven. The proposed allocation formula is one (1) Pine Barrens Credit per acre, or the appropriate pro-rata allocation based upon a parcels's size in acres, with a minimum of 0.10 Pine Barrens Credits per parcel. The allocations shall be pursuant to the procedures set forth in chapter six of the Central Pine Barrens Comprehensive Land Use Plan.

## **REASONS SUPPORTING THIS DETERMINATION:**

The review of the Long Environmental Assessment Form, the criteria in Part 617.7 of the regulations implementing ECL Article 8 and the Final Generic Environmental Impact Statement (the "FGIS") dated June 12, 1995 indicates:

(1)That within the Town of Brookhaven, the total number of Credits which can be generated for all Core area property under this proposal will result in less that the total number of credits analyzed in the Supplemental Draft Generic Environmental Impact Statement and the Final Generic Environmental Impact Statement.



The Supplemental Draft Generic Environmental Impact Statement analyzed the cumulative environmental impact of transferring 1,650 Pine Barrens Credits from the portion of the Core Preservation Area in the Town of Brookhaven to non-Core areas in the Town. At the current time vacant land in the Core area of the Town of Brookhaven will generate approximately 587 Pine Barrens Credits. When that is added to the number of Pine Barrens Credits generated in the Town of Brookhaven which is 147.25 Pine Barrens Credits a grand total of approximately 734 Pine Barrens Credits would be generated in the Town of Brookhaven from vacant land. The allocation of Pine Barrens Credits to the Planned Retirement Community zoned property in the Core area of the Town of Brookhaven will result in total Credit allocation of not more than 1,650 Pine Barrens Credits, including allocations to Planned Retirement Community zoned property. This is because the total number of Credits has been reduced due to purchases of Core area property in the Town of Brookhaven.

(2) Adoption of an allocation formula as described above is necessary so that regional allocation of Pine Barrens Credits will conform to the permitted sewage flow requirements of Article VI of the Suffolk County Sanitary Code. One Pine Barrens Credit is the equivalent of 300 gallons per day per acre of sewage flow. Allocations of greater than one Pine Barrens Credit per acre may be granted upon appeal of a Letter of Interpretation to the Commission. Allocation in excess of one Pine Barrens Credit per acre do not conform to the sewage flow permitted under Article VI and require additional environmental review, unless previously analyzed under the Central Pine Barrens Comprehensive Land Use Plan.

#### **CONTACT PERSON:**

Raymond P. Corwin, Executive Director & Secretary (631) 563-0385

#### **COPIES OF THIS NOTICE SENT TO:**

Ray E. Cowen, Regional Director, NYSDEC Robert J. Gaffney, Suffolk County Executive Vincent Cannuscio, Supervisor, Town of Southampton Felix J. Grucci, Jr., Supervisor, Town of Brookhaven Robert F. Kozakiewicz, Supervisor, Town of Riverhead



CENTRAL PINE BARRENS JOINT PLANNING POLICY COMMISSION

Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz Member

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

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

# Commission Agenda (DRAFT) for Wednesday, October 4, 2000 Riverhead Town Hall East Main Street and Howell Avenue, Riverhead, NY 2:00 pm

1. Public Comment (please sign Speaker Sheet)

# 2. Administrative

- Summary of 9/13 meeting: review, approval (to be faxed)
- Revision to Commission 2000-2001 budget: review, approval (faxed)

# 3. Pine Barrens Credit Program

 Alberto and Sipala / Manorville (Brookhaven) / credit appeal: possible decision (hearing held 8/23/00; decision deadline is 10/4)

# 4. Plan Implementation

- Protected Lands Council: 10/3 field project results (information item)
- 2000 Pine Barrens Research Forum: final program *(information item)*

# 5. Core Preservation Area

- Lakeside Manorville Hotel / Manorville (Brookhaven) / commercial office buildings / hardship: possible request for SC Planning Department assistance (hearing held 9/13; decision deadline is 11/30)
  - Gazza / Westhampton (Southampton) / agricultural building / hardship: correspondence (hearing held 9/13; decision deadline is 12/1)

# 6. Compatible Growth Area

- American Tissue / Yaphank (Brookhaven) / industrial building: decision deadline extension *(current deadline is 10/25).*
- 7. Executive or Advisory Session (if necessary)

# Next Commission meeting:

10/25/00 at the Suffolk County Park Police and Pine Barrens Center Southaven County Park, Victory Avenue, Yaphank at 2:00 pm



JOINT PLANNING & POLICY COMMISSION

Robert J. Gaffney Chair

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# Commission Agenda (FINAL) for Wednesday, October 4, 2000 Riverhead Town Hall East Main Street and Howell Avenue, Riverhead, NY 2:00 pm

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

Phone (631) 224-2604 Fax (631) 224-7653 Internet: Commission Meeting Summary (DRAFT) for Wednesday, October 4, 2000 (To be approved) Riverhead Town Hall East Main Street and Howell Avenue, Riverhead, NY 2:00 pm

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

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

The meeting was called to order at approximately 2:10 pm by Mr. Proios, without a quorum initially. Mr. Proios, Ms. Wiplush, and Mr. MacLellan were present at that time.

Public Comment

Summary: There were no speakers.

### Administrative

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

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

Administrative

DRAFT Commission Meeting Summary for 10/4/00 (To be approved) - Page 1

• Summary of 9/13 meeting: review, approval

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

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

### Pine Barrens Credit Program

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

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

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

Discussion then ensued regarding the likelihood of the Board of Review approving 20,000 square foot lots in this situation; whether they would approve

a different density such as 75% of the required 40,000 square foot lots; the possibility of the appellants actually obtaining a Board of Review determination in order to know for sure what the Board would find acceptable; and whether that Board would or could make a determination of yield without an actual development application having being submitted.

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

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

### **Plan Implementation**

- Protected Lands Council: 10/3 field project results (information item) <u>Summary</u>: Mr. Corwin reported that the 10/3/00 field work day in Stewardship Unit 6 had been completed, and that the work involved the closing of three sections of roads and trails which the Council has been planning since the Spring of this year. He also reported that there has been some controversy due to the opposition of some of the Ridge area citizens and horse riders who wished to keep some of these trails open.
- 2000 Pine Barrens Research Forum: final program (information item) <u>Summary:</u> Mr. Corwin distributed the attached final program for the 2000 Pine Barrens Research Forum, and described some of the presentations and contents of the conference. It will be held on 10/12/00, with a half day field trip on 10/13.

#### **Core Preservation Area**

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

She also explained that the staff is recommending that the Commission request the assistance of the Suffolk County Planning Department in the review of this project, and noted that she has already spoken with Mr. Stephen Jones, the Planning Department Director re this. He has indicated that they will be able to assist. A motion was made by Mr. MacLellan and seconded by Mr. Murphree to formally request the assistance of the Suffolk County Planning Department staff with this application. The motion was approved by a 3-0-1 vote, with the abstaining vote cast by Ms. Wiplush.

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

### **Compatible Growth Area**

- American Tissue / Yaphank (Brookhaven) / industrial building: decision deadline extension (current deadline is 10/25).
   <u>Summary:</u> Ms. Jakobsen distributed the attached request from Nelson, Pope & Voorhis, consultants for this project, re an extension of the Commission's decision deadline for this project to 11/30/00. She also distributed the attached summary sheet for this project. A motion was made by Ms. Wiplush and seconded by Mr. MacLellan to approve the new decision deadline of 11/30/00 for this project. The motion was approved by a 4-0 vote.
- Caithness Power Plant / Yaphank (Brookhaven) / industrial building: discussion (not on the original agenda).

<u>Summary:</u> Mr. Proios asked about the project, and Ms. Jakobsen noted that the Commission has been mentioned in the project's scoping document, but that no direct communication has yet been made to the Commission regarding this. Mr. Proios then discussed the agencies that have authority to review this, including NYS DEC, State Health, the Public Service Commission, and State Economic Development. A brief discussion was held regarding the Commission's role in reviewing such a project.

#### **Public Comment**

<u>Summary:</u> The first speaker was Mr. Walter Olsen, representing the Civil

DRAFT Commission Meeting Summary for 10/4/00 (To be approved) - Page 4

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

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

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

### **Closed Advisory Session**

<u>Summary:</u> A motion was made by Mr. Murphree and seconded by Mr. MacLellan to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 4-0 vote, and the Commission entered into closed session from approximately 3:48 pm to 4:45 pm.

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

### Attachments (in order of discussion):

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

- 11. Letter from Nelson, Pope & Voorhis re American Tissue extension (9/29/00; 1 page)
- 12. American Tissue Corp. project summary sheet (undated; 1 page)



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

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### Public Comment

<u>Summary:</u> The first speaker was Mr. Walter Olsen, representing the Civil Property Rights Associates. He spoke regarding the Gazza application, and stated that he does not find what Mr. Gazza is going through to be amusing. He stated that people have bought lots with investment expectations; that it is not acceptable when government changes the conditions of development; that he sees this Commission bouncing applicants between boards; that its not amusing that Mr. Gazza pays taxes; that there should be a meeting with all parties to enable a core owner to put a complete application together at one time; and that people should not be kept in limbo.

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

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

### **Closed Advisory Session**

<u>Summary:</u> A motion was made by Mr. Murphree and seconded by Mr. MacLellan to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 4-0 vote, and the Commission entered into closed session from approximately 3:48 pm to 4:45 pm.

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

### Attachments (in order of discussion):

- 1. Attendance list (1 page)
- 2. Speaker list (1 page)
- 3. Memo and revised Commission 2000-20001 budget (10/2/00; 5 pages)
- 4. Letter from Safe Harbor Title re Alberto and Sipala parcels (10/2/00; 1 page)
- 5. Letter from Hawkins Webb Jaeger re Alberto and Sipala parcels (10/2/00; 1 page)
- 6. 2000 Pine Barrens Research Forum program (undated; 2 pages)
- 7. Lakeside Manor Hotel project summary sheet (undated; 1 page)
- 8. Letter from Mr. Gazza to Southampton Town re permissible uses (9/14/00; 3 pages)
- 9. Cover memo and second letter from Mr. Gazza re uses (9/25/00; 3 pages)

- 10. Cover memo and letter re Community Preservation Fund (10/4/00 and 9/28/00; 2 pages total)
- 11. Letter from Nelson, Pope & Voorhis re American Tissue extension (9/29/00; 1 page)
- 12. American Tissue Corp. project summary sheet (undated; 1 page)

FINAL Commission Meeting Summary for 10/4/00 (Approved 10/25/00) - Page 6

10/4/00 Attachmut #<u>1</u> (1 page)



# **CENTRAL PINE BARRENS** JOINT PLANNING AND POLICY COMMISSION

OMMISSIC

**Meeting For:** 

Location:

CENTRAL PINE BARRENS PLANNING POLICY COMMISSION

Owr 0 J 00 00

Arren

Date /Time:

# **Sign In Sheet**

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		REPRESENTING	ADDRESS	TELEPHONE/FAX
	V-Teesya	CPBC Staff	3525 SUNFIER HWY Great River	563-0385 6201-765
(	J Callober	11	11	563-0306
	MANYK Mizzo	- N	/1.	563-0352
	Rey Couni	11	(1	
$\cap$	George Prais	Suff. Conty		853-4654
	BILL SPITZ	R. COWEN	NYSBEC STONYBROOK	6314440419
	Jim Rigano	Comission		631694 8005
	Ann Carter	CPB.C	3525 Surrise Huy Gr River	563-0372
	Shelley Green	TNC		367-3384 ×26
	Donna Plumkett	CPBC Staf	۵	
	Juie Lewis	LIPBS	POBIX H2.9 Manorville NY 11949	369-3300/3389
. C	Dominic NICOLAZZI	SIPALD ETAL	8) PINEANIL AVE EARMINGUILLE N.Y. 220 E. Man St	698-5088
	Michael Strauss	Sipala appo	220 E. Man St Pt Jeffron, NY 11777	331-5300/5341
	Watter Olam	CPR	Boy 202 Brightenton	665-2020
	VI HOGLYND	LAKE (	ROVE	588-8459 FAX
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10/4/00 Ottachmit #2 (1page)

## Central Pine Barrens Joint Planning and Policy Commission

## Speaker Sign In Sheet

10/4/00 Meeting Date\_ Ribertead Meeting Place \_\_

REPRESENTING TOPIC NAME Michnel Strans apper Alberta/Sipala . ÷ ,

10/4100 attachmut # 3 (Spages)

To: From: Date: Subject:

CENTRAL PINE BARRENS JOINT PLANNING POLICY COMMISSION

Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz Member

Commissioners and Designated Representatives Ray Corwin 10/2/00 Change to Commission's 2000-2001 Budget for 10/4 Meeting

At your 8/23/00 meeting, you kindly approved a budget for the 2000-2001 State fiscal year which totaled \$650,000. Since that time, I have been informed by Bill Preston of the NYS DEC's Management and Budget Services Office (which provides the Commission its money each year) that the Commission's allocation in the final State budget is actually \$700,000. This, of course, is a pleasant surprise, since the summaries that I had seen prior to this only showed \$650,000; nonetheless, I am sure that you will agree that we can accommodate that increment in a revised budget.

Attached please find a revision for the 2000-01 budget. Please note that only the chart of dollar amounts have changed, and not the written Project Description. It would be extremely helpful if you could approve this revision at Wednesday's meeting, as it is needed in order to allow Mr. Preston's office to draft the formal contract between NYS DEC and the Commission which will result in our actually receiving the funds in advance this year.

Thanks for your help in this matter.

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

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

Central Pine Barrens Commission Draft Revised Budget for 2000-2001 Fiscal Year (Revision to budget first approved on 8/23/00)	
<b>Payroll</b> This includes salary plus benefits for those staff services provided to the Commission by the Suffolk County Water Authority (SCWA). This is expended pursuant to an annual contract between the Commission and the SCWA. This figure does not include non-SCWA contractors or consultants. Staff functions include <u>all</u> activities listed on the accompanying Project Description: administrative, logistical, support for Commission, Pine Barrens Credit Clearinghouse, the stewardship councils, etc.	\$419,500
Legal This includes cost of General Counsel, legal notices, and related expenditures. Legal work covers the operations and decisions of the Commission and the Pine Barrens Credit Clearinghouse, the stewardship councils, all litigation which may not be handled by the NYS Attorney General's Office, legal costs incurred when working with the NYS Attorney General's Office, and any other topic covered in the attached Project Description. Some legal work is handled by in-house staff attorneys, and that cost is contained in the Payroll category above.	\$150,000
Insurance There are two policies: General Liability, plus Directors and Officers Insurance. Premium shown is projected, based upon prior years. Coverage year begins and ends in June.	\$22,000
<b>Stenography</b> This provides written documentation of Commission hearings on development applications (Core Preservation Area or Compatible Growth Area), Central Pine Barrens Plan amendments, and any other matters for which the Commission convenes a public hearing. Cost is estimated based upon prior years' experience.	\$2,500
<b>Outside expert or professional services</b> This includes professional services and associated products not available or produced in-house. It does not include in-house staff or legal advice, which are included in the above categories. This figure includes a gross total for printing, document design and production, economic consulting, property appraisals, title costs, photographic and reproduction services, speakers, etc.	\$35,000

<b>Operational expenses</b> This principally includes the non-labor expenses of operating the Commission office, and operating and supporting the meetings and projects of the Commission, Clearinghouse, Law Enforcement and Protected Lands Councils, the Wildfire Task Force, the Research Forum, research activities, and associated committees and subcommittees of these entities. Expenses covered include, but are not limited to, paper, photocopying, postage and mailing including box rental, computer hardware and software including upgrades and replacements, telephone service and equipment, office supplies, travel and transportation, training costs, field equipment for the Law Enforcement and Protected lands Councils, the Wildfire Task Force, interagency projects, field inspections, etc.	\$64,000
<b>SC Water Authority Administrative fee</b> This is established as 1% of the Commission's administrative funding in each fiscal year, and is part of the annual contractual agreement between the Commission and the Suffolk County Water Authority. This fee covers the financial and accounting services of the SCWA for the administration of the Commission's funds; these professional services are separate from the staff functions provided by the SCWA covered in the Payroll category above.	\$7,000
Total	\$700,000

### Project Description for the Central Pine Barrens Joint Planning and Policy Commission for the fiscal year April 1, 2000 through March 31, 2001

The Central Pine Barrens Joint Planning and Policy Commission was created by the Long Island Pine Barrens Protection Act of 1993, an amendment to the New York Environmental Conservation Law Article 57, for the purpose of crafting and implementing a comprehensive land use and management plan for the Central Pine Barrens region of Suffolk County.

This 100,000-acre area lies at the junction of the Towns of Brookhaven, Riverhead, and Southampton, and is classified into two areas whose planning goals are specified separately within the statute: the Compatible Growth Area and the Core Preservation Area. The Commission itself is a "planning partnership" consisting of these three towns (represented by their supervisors), Suffolk County (represented by the County Executive), and New York State (represented by an appointee of the Governor).

Under the pine barrens law, the Commission was given a calendar-based set of planning milestones, and an approximately two-year period in which to satisfy them. These requirements culminated in a final version of the comprehensive plan which required a set of formal approvals by the three town boards, and signatures by the Governor, County Executive and the three towns' Supervisors. These requirements have been satisfied, and a final plan was approved, and became law, on June 28, 1995. The Commission is now charged with the permanent responsibility for implementing the approved <u>Central Pine Barrens Comprehensive Land Use Plan</u> (the <u>Plan</u>).

Ongoing implementation of the final <u>Plan</u>, and satisfaction of the accompanying legal requirements, has involved, and will continue to involve, the following activities during the project period:

- 1. Scheduling, providing legal notices, maintaining minutes, and providing staff support for all meetings of the Central Pine Barrens Joint Planning and Policy Commission ("the Commission") and the Central Pine Barrens Advisory Committee ("the Advisory Committee"). These two bodies were created explicitly by the pine barrens act; the Commission has ultimate responsibility for the <u>Plan's</u> production and implementation.
- 2. Scheduling, providing legal notices, maintaining minutes, and providing staff support for all meetings of the Pine Barrens Credit Clearinghouse Board of Advisors ("the Clearinghouse") during <u>Plan</u> implementation. This body was created by the <u>Plan</u> and has significant responsibility for the implementation of the transfer of development rights program, known as the Pine Barrens Credit Program.
- 3. Scheduling and providing staff support for the various topical work groups, committees, and subcommittees created by the Commission, the Advisory Committee, the <u>Plan</u>, or the staff for the purpose of assisting with the implementation of one or more components of the <u>Plan</u>.

These bodies currently include, but may not be limited to, the Law Enforcement Council

(created by the <u>Plan</u>), the Protected Lands Council (created by the <u>Plan</u>), the Central Pine Barrens Wildfire Task Force (created by resolution of the Commission), Advisory Committee), and an informal Research Committee (occasionally convened by the Commission staff).

It is significant to note that two of these stewardship bodies, the Protected Lands Council and the Wildfire Task Force, are presently completing detailed topical plans for the implementation of their respective interagency field responsibilities. As part of that process they are undertaking tangible on-the-ground projects requiring environmental and logistical coordination, equipment, or other support services.

- 4. Retaining and working with legal counsel on matters pertaining to development applications (which may be in either the Core Preservation or Compatible Growth Areas), implementation of the <u>Plan</u>, operation of the Pine Barrens Credit Program, operation of the Commission's administrative functions, addressing litigation and responding to other legal issues, plus covering costs of addressing legal matters overall.
- 5. Implementation of the <u>Plan</u> components, especially those contained within <u>Volume 1</u>; <u>Policies</u>, <u>Programs and Standards</u>. These components include the processing of development applications and inquiries regarding the land use jurisdiction of the Commission, implementation of the Pine Barrens Credit Program, administrative and technical assistance to the New York State and Suffolk County land acquisition and protection programs within the Central Pine Barrens, implementation of the protected lands management, scientific research, public education and other components or policies of the <u>Plan</u> and applicable laws, and <u>Plan</u> review and possible amendments.
- 6. Performance of any and all other matters determined by the Commission as necessary to the satisfaction of its responsibilities, and pursuant to its powers and duties, as stated in NY ECL Article 57.
- 7. Finally, it is noted that the staff work for the Commission is performed by the Suffolk County Water Authority's (SCWA's) Policy and Planning Department, under agreement between the Suffolk County Water Authority and the Commission. The staff costs incurred by the Authority for this work are reimbursed by New York State through budget appropriations such as the current project. The SCWA receives a 1% fee of the contract amount for this work.



# 10/4/00 attachment # 4 (1prege)

# SAFE HARBOR TITLE AGENCY LTD.

John C. Meyer President

October 2, 2000

Central Pine Barrens Joint Planning and Policy Commission P.O. Box 587 Great River, NY 11739 Attn: George Proios

> Re: Alberto and Sipala 200-562-3-2, 3, 4, 5, 6, 9, 10, 14, 17, 18, 19 and 20

Dear Mr. Proios;

Please be advised that this company when performing single and separate searches, does not consider whether the adjoining streets are dedicated, improved or paper. A single and separate search is simply chains of title for contiguous property. For example, we would describe tax map 0200-562.00-03.00-003.000 as follows:

North by Jacwin Nurseries, Inc. East by State Street South by Pacific Street West by Clinton Street.

I hope that the information provided is of help to you.

Very truly yours,

Lou Colletti

Lori Colletti Vice President

LC/ts

1529 Main St., Port Jefferson, NY 11777

Phone: (631) 473-0800

www.safeharbor-title.com e-mail: info@safeharbor-title.com Fax: (631) 473-7685



## (10/4/00 attachuit#5) HAWKINS WEBB JAEGER ASSOC. P.C. (1 page) ENGINEERS • ARCHITECTS • SURVEYORS • PLANNERS

WILLIAM L. JAEGER II, P.E., L.S. MATTHEW D. CRANE L.S. JOHN D. ROSEBERY R.A. MICHAEL F. MORBILLO AIA FRANCIS A. HAWKINS 1913 HERMAN P. HAWKINS 1962 CHARLES S. WEBB JR. L.S.

October 2, 2000

Dominic Nicolazzi 81 Pineaire Avenue Farmingville, New York 11738

Re: (00-901) Manorville Yield Study for Suffolk Tax Parcel # 200-562-3-2thru15, 17thru 20

Dear Mr. Nicolazzi:

This letter is in confirmation our conversation regarding single and separateness of the parcels referenced above.

Single and separateness is retained so long as properties owed by the same owner are not contiguous with each other. Therefore a property remains single and separate as long as the adjoining property is a road right of way or is an owner different from the person or corporation that owns the subject property. This separateness is preserved even for unconstructed roads because the road right of way ownership is vested in the township. The only exception is if the adjoining properties. In the event of a right of way abandonment the single and separateness is still preserved if after the reversion the property on the original opposite side of the right of way remains in ownership different from the ownership of the subject property.

Should you have any questions or wish further clarification please let me know.

Sincerely,

William L. Jaeger



200 EAST BROADWAY, PORT JEFFERSON, NY 11777 PHONE(516) 473-1900 FAX (516) 473-0486 E-mail and Web Site www.hwjaeger.com

Directions To Brookhaven National Laboratory's Berkner Hall From the LI Expressway (Route 495), take Exit 68 north (CR 46) approx. 1.7 miles.

Turn right into the Lab's Main Entrance. Stop at the booth.

Proceed to the light, turn left onto Upton Road, right onto Brookhaven Ave, and Berkner Hall is on the left.

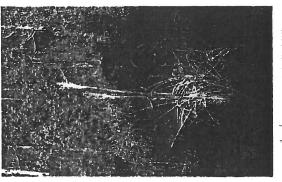
Free parking is available adjacent to Berkner Hall.



арспана снізtata – photo courte of M. Baker

Central Pine Barrens Commission P.O. Box 587 Great River, New York 11739

2000 Pine Barrens Research Forum



Andrepegen virginiciis Photo Courtesy of M. Baker Thursday, October 12, 2000 and Friday, October 13, 2000 Brookhaven National Laboratory Berkner Hall Upton, Long Island (rafed 2) 9f# from 42

	All pho Jurtesy of M. Baker		
<b>B. Peconic River on Brookhaven</b> National Laboratory Jason Remien Brookhaven National Laboratory	1:40 p.m. Hydrology of Caastal Plain Freshwater Points on Cape Cod Richard McHorney, The Nature Conservancy Martha's Vineyard	Gaffney Hudsonia ericordes 10:40 a.m. <i>Break For Poster</i> Session Viewing	
<b>A.</b> Calverton Ponds Shelly Green & Bill Jacobs The Nature Conservancy	John Black Suffolk Community College Center for Community Research	10:30 a.m. Introduction of Poster Session County Executive Robert	
Lobelia cardinalis 13 October Field Trips 9:00 am - Noon	1:30 p.m. Federal Lands as Educational & Research Sites	10:00 a.m. <i>Post Fire Recovery in the Long</i> <i>Island Pine Barrens</i> Marilyn Jordan The Nature Conservancy, Long Island	
Ray Corwin, Executive Director Central Pine Barrens Commission	12:00 p.m. History & Dynamics of Pine-Oak Woodlands on Cape Cod Rob Eberhardt, Harvard Forest	9:30 a.m. <i>Land Use and Natural</i> Disturbance: An Overview of Research from Cape Cod to Long Island Jon Harrod, Glenn Motzkin & David Foster Harvard Forest	
5:10 p.m. Habitats of the Eastern Ti Salamander on Long Island Nancy Jarman, Caudate Consulting 3:40 p.m. Closing Comments	11:30 a.m. Paleoecology & Long Term Ecological Changes of Woodlands on Cape Cod Tim Parshall, Harvard Forest	<b>9:20 a.m. Introduction</b> Robert Mc Grath, Provost State University of NY At Stony Brook	
2:40 p.m. Satellite Remote Sensing Regional Perspective on the Pine Barrens Joyce Tichler & Alice Ciallela Brookhaven National Laboratory	Christopher Neill & Matthew Williams, Ecosystem Center, Marine Sciences Biological Laboratory, Woods Hole, MA and Richard McHorney, Bruce Hammond & Tom Chase, The Nature Conservancy, Martha's Vineyard	Teresa Fryberger, Associate Laboratory Director for Energy, Environment & National Security Brookhaven National Laboratory Frank Crescenzo, U.S. Dept. of Energy Brookhaven Group Manager (Acting)	
2:10 p.m. <i>How Susceptible Are the Barrens to Plant Invasions</i> Timothy Howard, Ecology & Evolution, State University of NY at Stony Brook	11:00 a.m. Linking Changes in Ecosystem Structure to Changes in Water Balance & Nitrogen Retention During Clearing & Burning for Shrub & Grassland Restora- tion on Martha's Vineyard	12 October Seminar 8:30 a.m. Registration 9:00 a.m. Welcome	
orum	2000 Pine Barrens Research Forum	2000 Pine E	

niversity of NY at Stony Brook y Howard, Ecology & Evolution, m. How Susceptible Are the Pine Barrens to Plant Invasions

rookhaven National Laboratory Regional Perspective on the p.m. Satellite Remote Sensing -Joyce Tichler & Alice Ciallela Pine Barrens

ancy Jarman, Caudate Consulting Salamander on Long Island .m. Habitats of the Eastern Tiger





http://www.kebaker.com

10/4/00 attachment # 7 (1 page)

### Lakeside Manorville Hotel

Core Area Hardship for Rezoning of A-2 to J-2 to construct 2 - 10,000 sf office buildings on a 5.84 acre site.

Decision Deadline is November 30,2000

- Commission is lead agency
- Coordinated review was performed
- July 17, 2000- Public hearing held applicant requested to submit additional information
- September 8, 2000 Applicant submitted a Part 3 EAF
- September 13, 2000 Public hearing held on additional information submitted. Applicant discussed scaled down site plan for 2 office bldgs totaling 14,000 sf. on the already cleared area and area containing successional field. 74 % native vegetation to remain whereas original plan called for 54% to remain in native vegetation (20% difference). Question as to whether alternative would meet side yard requirements and may need variance.
- Staff sent letter dated September 19, 2000 to consultant (Freudenthal & Elkowitz) to send copies of the Part 3 EAF to involved agencies (agencies ccd on letter)
- Awaiting additional information before determination of significance can be made need comments on Part 3 from involved agencies (requested their comments by October 12, 2000) Suffolk County Planning requested to lend expertise in reviewing Part 3 EAF.
- Depending on receipt of comments a determination of significance may be made at the October 25, 2000 meeting (technically this must be done within 20 days of receipt of an application, EAF or any additional information reasonably necessary to make that determination 617.6(b)(1)(ii).) If a determination of significance cannot be made at the October 25 meeting, then an extension of the decision deadline may be necessary.
   Decision deadline is November 30, 2000.
- What happens next depends on whether a positive or negative declaration is made.

'0/4/00 attachent #8 (3payer)

JOSEPH FREDERICK GAZZA ATTORNEY AT LAW P.O. Box 969, 5 Ogden Lane Quogue, New York 11959 631-653-5766 Fax 631-694-1646 DECEIVE DESEP 20 2000 CENTRAL PINE BARRENS JOINT PLANNING AND POLICY COMMISSION

September 14, 2000

Southampton Town Building & Zoning Dept. Town Hall-Hampton Road Southampton, New York 11968

Att: Department Chief-Mr. Paul Houlihan

Re: Permissible zoning uses of Premises SCTM#0900-285-02-029.002

Dear Paul,

I appeared before the Pine Barrens Commission at a public hearing on 9/13/2000 regarding the above referenced property I own. I made application to clear less than 25% of my land to allow an agricultural use and an agricultural storage building to be constructed thereon.

The Commission required of me to obtain confirmation from your office that:

- 1. Agricultural and an agricultural storage building are permitted uses of the subject premises. (Refer to 330-10-D-1), copy attached.
- 2. Agricultural buildings do not require site plan approval by the Town Planning Board (Refer to 330-181), copy attached.

As you are aware I actively maintain an agricultural business within the Town of Southampton and it is not uncommon for farmers to have their agricultural buildings on separate lots from their farmed lands. Recent examples of agricultural storage building your department issued building permits on without site plans that exist on separate lots that are not the farmer's principal farm would be:

900-100-01-13.03 Henry Kraszewski Jr.
900-50-01-03 Thomas J. Falkowski
900-133-01-10.16 Henry Kraszewski (Preserved land)

A plan showing my proposal is attached hereto for your review. Kindly advise in writing of your department's position regarding my proposed use of my premises as I need to submit same to the Pine Barrens Commission before their next meeting.

Very truly your JOSEPH FRINDERICK GAZZA Encl.

Cc: Pine Barrens Commission P.O. Box 587 Great River, New York Att: Judith Jakobsen

- § 330-180. Development of subdivision plats approved by Planning Board.
  - A. Notwithstanding any inconsistent provision of this chapter, the provisions of this chapter herein adopted or the provisions of a change or amendment hereafter adopted, which provisions establish or increase lot areas or lot dimensions greater than those of lots shown on a preliminary subdivision plat for residential use that has been duly tentatively or finally approved by the Planning Board, the record owner of such subdivision may petition the Town Board for relief, provided that such approval shall not have expired under the terms of the subdivision regulations.<sup>51</sup>
  - B. The Town Board may grant such relief where it determines that:
    - (1) The owner has incurred substantial expenditures in improving the land involved or otherwise in reliance on such approval prior to the date of adoption of such change or amendment to this chapter.
    - (2) The character of the resulting development will be generally compatible with that of the district and with § 330-3 of this chapter.

#### § 330-181. Applicability of site plan procedure and standards. [Amended 5-13-86 by L.L. No. 7-1986]

An application for a building permit for any use, building or structure, except one-family dwellings or agricultural buildings and structures, shall require site plan approval by the Planning Board. In all cases where site plan approval is required by §§ 330-181 through 330-184, no building permit shall be issued by the Building Inspector except upon authorization of and in conformity with plans approved by the Planning Board.

51 Editor's Note: See Ch. 292, Subdivision of Land.

33201



₩ A

Recript No. 523.34
Bd. Appeals
Zoning Distr Man. CK-2.10 45-146 CABO C.O. No. School District. 473606
SUIL STATION FOR BUILDING PERMIT
ANTHUR B SECTION
INSTRUCTIONS INSTRUCTIONS
A. This application must be completed in every respect, typed or printed in ink. B. Work covered by this application may not be started before permit is issued.
Owner of property and proposed structure
Mainer Address Mainer Adress Rd WATER ALLE N.Y.
Name of contractor responsible for construction 14912. 7010 3010130105 72 7 0482
Address TERNHOKE AVENCE RIVELANEAD NY.
State whether applicant is Owner. V. Lesson. Agent. Architect. Builder. Other
Location of application EdGE of where is Tel 12 ALL WEST 7 Pures Tews and Street and No. Distance from reports crassi van
Village of Hamiler
If owner or applicant is a corporation, give name, title and address of two officers. Property Corporate Officers Applicant Corporate Officers
Name Athiress Phone Name Address Phone
State existing use of premises
State future use of proposed construction MACHARALL STERACE
Nature of work intended in this application: New building
Renair Dampal State Middle
A STATE AND A STAT
Repair
Area of proposed construction: Main FL .5. (J. O
Dimensions of entire new structure: Front:
Area of proposed construction:         Main F1. (5.6.7.0
Area of proposed construction:         Main F1. (5.6.7.0
Area of proposed construction:         Main FI. (5.0.7.0
Area of proposed construction:         Main FI. 5(0.7,0sq. ft. 2nd FIsq. ft. Mezzaninesq ft. Garagesq. ft.         Accessory Bldg
Area of proposed construction:         Main FI. 5(0.7,0,, sq. ft. 2nd FI
Area of proposed construction:         Main FI. 5(0.7,0sq. ft. 2nd FIsq. ft. Mezzaninesq ft. Garagesq. ft.         Accessory Bldg
Area of proposed construction:         Main FI. 5.6.7.0sq. ft. 2nd FIsq. ft. Swim Pool         Accessory Bldgsq. ft. Swim Pool         Accessory Bldgsq. ft. Decksq. ft. Tennia Ctsq. ft.         Name and address of person who prepared the plans for this application:         Name Routher D
Area of proposed construction:         Main FI. 5.6.7.0sq. ft. 2nd FIsq. ft. Mezzaninesq ft. Garagesq. ft.         Accessory Bldgsq. ft. Decksq. ft. Tennia Ct
Area of proposed construction:         Main FI. 5(1.7,0,,sq. ft. 2nd FI.         Main FI. 5(1.7,0,,sq. ft. 2nd FI.         Accessory Bldg.
Area of proposed construction:         Main FI, S.G. J.Osq. ft. 2nd FL
Area of proposed construction:         Main FL (5, (1, 0,, sq. ft. 2nd PL,, sq. ft. Swim Pool, sq. ft. Tennis Ct, sq. ft. Solution Sq. ft. Tennis Ct, sq. ft. Tennis Ct, sq. ft. Sq. ft. Tennis Ct, sq. ft. St. Tennis Ct, sq. ft. T
Area of proposed construction:         Main F1, 56, 70,, sq. ft. 2nd F1,, sq. ft. Swim Pool, sq. ft. Tennis C1,, sq. ft. Accessory Bldg,, sq. ft. Deck,, sq. ft. Other, sq. ft. Tennis C1,, sq. ft. Sq. ft. Porch, sq. ft. Deck,, sq. ft. Other, sq. ft. Tennis C1,, sq. ft. Name and address of person who prepared the plans for this application:         Name and address of person who prepared the plans for this application:         Name and address of person who prepared the plans for this application:         Name R. (HACD), Symmetric involved directly or indirectly with this application to discurb any public highway for any fireson?         Will us be necessary for physics involved directly or indirectly with this application to discurb any public highway for any fireson?         If answer is YES, give reason         If answer is YES, give reason         APPLICATION IS HERFBY MADE to the Building Department for issuance of a Building Termit persuant to the New York State Uniform Fire Prevention and Building, additions or alterations, or for temoval or demolition, as herein described.         The applicant agrees to comply with all applicable laws, ordinances, and regulations.         STATE OF NEW YORK,         COUNTY OF.       State
Area of proposed construction:         Main F1, 55, 0.0, sq, ft, 2nd F1,, sq, ft, Swim Pool         Accessory Bidg,, sq, ft, Deck,, sq, ft, Other, sq, ft, Tennis C1,, sq, ft, Porch,, sq, ft, Deck,, sq, ft, Other, sq, ft,, sq,
Area of proposed construction:         Main FL % (J.0
Area of proposed construction:         Main FI, 55, 0.0, sq, ft, 2nd FL,, sq, ft, Swim Pool         Accessory Bidg,, sq, ft, Deck,, sq, ft, Other         Name and address of person who prepared the plans for this application:         Name And address of person who prepared the plans for this application:         Name And Address JENK, Frideword, Roward, Roward, Property Property For any one involved directly or indirectly with this application to discurb any public highway for any reason?         Will it be necessary for anyone involved directly or indirectly with this application to discurb any public highway for any reason?         Will it be necessary for anyone involved directly or indirectly with this application to discurb any public highway for any reason?         If ended the necessary for anyone involved directly or indirectly with this application to discurb any public highway for any reason?         If ended the necessary for anyone involved directly or indirectly with this application to discurb any public highway for any reason?         If ended the necessary for anyone involved directly or indirectly with this application to discurb any public highway for any reason?         New State Uniform Fire Prevention and Building Department for Issuance of a Building Permit personant to the New York State Uniform Fire Prevention and Building Code, Southampton Town Zoning Ortificance, Chapter 60, and all annendments thereto, for the construction of buildings, additions or alterations, or for removal or demolition, as herein described.         The applicant agrees to comply with all applicable laws, ordinance, shardreapplication, as herein described.

### http://204.141.113.8/bat/121401.htm

10/4/60 attachurt #9 (3pages) JOSEPH FREDERICK GAZZA ATTORNEY AT LAW EC P.O. BOX 969 5 OGDEN LANE E QUOGUE, NEW YORK 11959 (516)653-5766 (DAY AND EVENING) CENTRAL PINE BARRENS JOINT PLANNIFIG AND POLICY COMMISSION 101 er in: trob Hoslims pr. 5 wyvry. responsive this little mke plen AgAN. File. Anglicaria

JOSEPH FREDERICK GAZZA ATTORNEY AT LAW P.O. Box 969, 5 Ogden Lane Quogue, New York 11959 631-653-5766 Fax 631-694-1646

#### September 25, 2000

Southampton Town Dept. of Land Management Building & Zoning Division

Att: Paul J. Houlihan-Chief Building Inspector

Re: Permissible Zoning uses of Premises SCTM#0900-285-2-29.2

Dear Paul,

Thank your for your response to my letter of 9/14/2000 regarding the above referenced. The content of your letter is indicative that you have taken a good look at the zoning complications regarding use of my premises above referenced. Kindly advise of those permissible zoning uses of my premises that your Dept. would entertain a building permit application on. You should be aware that premises in addition to being within the CR-200 Zone, and aquifer protection overlay district, is within the Pine Barrens Core AREa. The Pine Barrens Commission will only decide on applications that are permissible under zoning and has previously denied permits on adjacent parcels for (1) total clearing for farming and (2) a single family dwelling. The Pine Barrens Commission would approve a use of my premises that is consistent with zoning and involves the minimum relief necessary from Pine Barrens Regulations. Their Commission determined that a well site for drinking water extraction was a use that they approved, however, your department and the Town's Zoning Board denied that use. I have made an exhaustive review of possible permissible uses of my premises and am coming up with "Agricultural storage building" as a last chance use that may yield to me a reasonable return, on my \$50,000.00 plus investment back on 7/24/1984. PLEASE ADVISE OF EACH USE YOUR DEPARTMENT WOULD ACCEPT A BUILDING PERMIT APPLICATION ON.

In support of my agricultural storage building application be cognizant of the following facts: 1. Such a use is permissible under 330-10 of Town Zoning Code.

- 2. Such a use could be conducted on less than 25% of premises with a minimum of 75% of premises remaining undisturbed.
- 3. Such a use would not generate sanitary waste water discharge that would be regularly generated from use of premises for a single family dwelling.
- 4. Such a use would benefit and be accessory to the undersigned's Watermill Farm and undersigned's Westhampton Farm (See copies of current agricultural land tax bills of the undersigned, both in Watermill and Westhampton) and keep in mind that by variance No. 9892 granted 11/25/96 the Zoning Board of Southampton determined that my farming operations are agriculture in Watermill and Westhampton and comprise in excess of 10 acres.
- 5. Your Department has consistently issued building permits for agricultural storage buildings, without site plans, on separate lots that are not the farmer's principal farm; <u>Information Repeat</u>:
  - A) 900-100-1-13.3 Henry Kraszwski Jr. (see copy of building permit with your Dept. approval stamp thereon affixed). This 2.556 acre lot has five buildings on it the last of which was a 5670 square foot agricultural storage building and exceeds maminum lot coverage 330-11 and has <u>no farming</u> being conducted thereon by my personal inspection.

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- B) 900-50-1-3 Thomas J. Falkowski This .7 ac. Lot surrounded by roads has no farming being conducted thereon by my personal inspection. Did you or did you not issue a building permit for an agricultural storage building on this property without a site plan approved by Planning Board?
- C) 900-133-1-10.6 Henry Kraszewski. This agricultural storage building was built on "Preserved Open Space", without a site plan approved by Planning Board, on land that your own

Department's aerial photograph shows NO farming being conducted thereon at the time of building permit issuance.

Hopefully based on your experience and knowledge you will help me in determining a permissible use of my property that is consistent with all regulatory agencies that will yield to me a reasonable return. An agricultural storage building is the best I can come up with...What's your best idea?

Please advise, JOSEPH FREDERICK GAZZA

Encl.

Cc: Marty Shea, Chief Environmental Analyst : File

10/4/00 attachment # 10

(2 pages)

#### JOSEPH FREDERICK GAZZA

ATTORNEY AT LAW P.O., BOX 969 5 OGDEN LANE QUOGUE, NEW YORK 11959 (516)653-5766 (DAY AND EVENING)

Cenneral Pine Barrens Commension 10/4/2000 P.O. Bx 587 GRAM RIVER May York 11739-587 Re! Agriculture Biog. For EArolanda Farm-0900-285-02-029.002 Scom # JAK OB 2N ATT: J-27 Mr. JAKOBAN your Cetter Partil 9/20/2000, Dear per A~ vill not Attached, the Town Cory Due ina Jow THE This Time. Lal Realty pose from Collect 6500. 1 ン December, though. My LAND in held Howan Regularious All each year له أ Vish governm ( Replan paxen) 0~ I AM LIVIUS in RANNE me . From Am Nor IRAN, UN: fid

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Town of Southampton 116 Hampton Road Southampton, NY 11968

RANDALL C. WEICHBRODT, Esq. Manager

SOUTHAMPTON COMMUNITY PRESERVATION DEPARTMENT Telephone (631) 287-5720 Fax (631) 283-7112

September 28, 2000

Joseph Frederick Gazza, Esq. PO Box 969, 5 Ogden Lane Quoguc, NY 11959

> RE: Community Preservation Project Plan, SCTM#900-24-01-32, #900-247-01-02, #900-247-01-04.01, # 900-285-02-029.002, #900-285-02-031.002, #900-285-02-030.002, #900-285-02-32.02, #900-286-02-019.001, #900-286-02-022.001, #900-286-02-037.001, #900-311-01-23 and #900-332-03-30.01

Dear Mr. Gazza:

We regret to inform you that above mentioned properties are not listed on the Community Preservation Project Plan. Therefore, we are unable to expend any funds under this program at this time for these properties.

I will, however, recommend to the Board that these properties be added to the Community Preservation Project Plan in August 2001 as permitted by statute.

If you have any further questions or concerns, please call me at (631) 287-5720 or stop by my office on the 2<sup>nd</sup> Floor, Town Hall.

Sincerely,

Randall C. Weichbrodt, Esq. Manager

**RCW**:ays

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10/4/00 attachment# 11

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(I page)

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PLANNING CONSULTING ENVIRONMENTAL ÷.,

NELSON, POPE & VOORHIS,

CHARLES J. VOORHIS, CEP, AICP • ARTHUR J. KOERBER, P.E. • VINCENT G. DONNELLY, P.E. VICTOR BERT, P.E. • JOSEPH R. EPIFANIA, P.E.• ROBERT G. NELSON, J.R., P.E. PAUL M. RACZ, P.L.S.



Judith E. Jakobsen **Central Pine Barrens** Joint Planning & Policy Commission **PO Box 587** 3525 Sunrise Highway 2<sup>nd</sup> Floor Great River, New York 11739-0587

> American Tissue Re: Compatible Growth Area Application

Dear Judy:

As per our conversation this letter is submitted on behalf of the American Tissue Corp. to request that the Commission grant an extension of the 120 day review period for the above referenced application until November 30, 2000. If this is acceptable please notify my office at the address provided above.

Please feel free to contact me if you have any questions or require any additional information.

Sincerely,

Eric Arnesen, P.G. Project Manager

cc:

Steven C. Catalfamo - American Tissue Corporation Ken Auerbach - Farrell Fritz Vincent G. Donnelly - Nelson & Pope, LLP Charles J. Voorhis - Nelson, Pope & Voorhis LLC

10/4/00 Attachment #12 (Ipage)

#### American Tissue Corp.

Development of Regional Significance N/O LIE north Service Road, approx. 100 ft west of Sills Road (CR101) and LIE Service Road Intersection, Yaphank Decision Deadline is 11/30/00

• 12/9/99 Receipt of application

• 1/5/00 Comm mtg - application deemed incomplete.

• 4/17/00 Received DEIS that had been accepted by Town (Town is lead agency)

• 5/17/00 Comments on the DEIS were sent from the Commission to Town

• 5/30/00 Application resubmitted by applicant

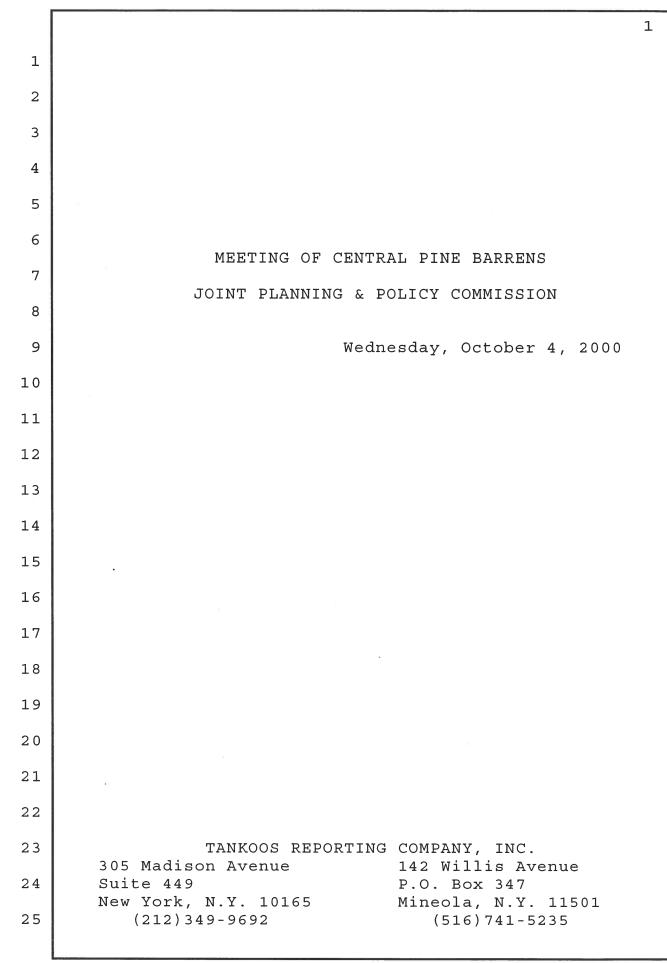
• 6/21/00 Commission Meeting - hearing date set - Commission, however, cannot make a findings and a decision on project until FEIS filed with the Town(617.3(a)). In addition staff needs to review the FEIS once filed with the Town to see how it addresses DEIS comments submitted by the Commission and to

- 6/26/00 Applicant request adjourn hearing wait until FEIS submitted to Town.
- 7/21/00 Rec'd request for extension till 10/25/00. FEIS not submitted to Town yet.

• 9/29/00 Letter rec'd - Applicant request decision deadline extension - FEIS not submitted to Town yet, once filed - Lead agency - the Town -has 30 calender days to make written findings and decision. Lead agency and other agencies must wait at least 10 calender days after FEIS filed before making findings and final decision on an action. All involved agencies must make findings.

Once Commission receives copy of filed FEIS -

- Staff will review
- Commission must set hearing date
- FEIS would have to be filed with Town before Oct 25, 2000 for sufficient time for Commission to schedule hearing date at its Oct 25<sup>th</sup> meeting. This would mean the earliest the hearing could be held would be November 29, 2000 which is also the requested decision deadline extension. It is unlike that this is sufficient time since the decision deadline is on November 30. Therefore it an additional extension will likely be required.



1	APPEARANCES:
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3	GEORGE PROIOS - Representing Chairman Robert Gaffney, Suffolk County Executive
4	BARBARA WIPLUSH - Representing Felix Grucci, Supervisor Town of Brookhaven
5	JEFF MURPHREE - Representing Vincent Cannuscio,
6	Supervisor Town of Southampton
7	JOEY MACHELLAN - Representing Robert Kozakiewicz, Supervisor Town of Riverhead
8	BILL SPITZ - Staff to Ray Cowen
9	JUDY JAKOBSEN - Commission Staff
10	DONNA PLUNKETT - Commission Staff
11	ANN CARTER - Commission Staff
12	MARK RIZZO - Commission Staff
13	LORRAINE TREZZA - Commission Staff
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	(212) 240 0602 WANKOOD DEDODWING CONDANK (516) 541 5225

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1 PROCEEDINGS 2 3 THE CHAIR: Nonvoting issues. Today is there anyone from the public wanting to address the 4 5 Commission before we begin? 6 Summary of the 9/13 meeting. Does anyone 7 have any comments or corrections of the minutes? 8 We can't get approval, but at least we 9 can go through the changes. 10MR. RIGANO: There are minor changes. 11 On page 3, toward the bottom of the page, 12 under core preservation area, under where it says 13 summary, Mr. Rigano is explaining his opinion and 14we'll change opinion to view. 15 MR. CORWIN: I'm sure it's of great 16 significance. 17 THE CHAIR: Off the top of his head as 18 opposed to researching it. 19 MR. CORWIN: So in your opinion then if 20 he were --21 MR. RIGANO: All right. All right. 22 THE CHAIR: Does anyone else have any 23 comments? 24 Set it aside until Southampton gets here. 25 Does anyone have any questions on the

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4 Proceedings 1 2 budget? MR. MACHELLAN: I see the commissioners 3 are getting a significant raise. 4 5 THE CHAIR: Two times what we got last 6 year. 7 Are we sure that Southampton is coming? That's what I just asked. 8 MR. CORWIN: 9 MS. TREZZA: Yes. I called to check and 10 they told me Jeff's coming. 11 MR. CORWIN: When was that? 12 That was yesterday. MS. TREZZA: 13 MR. SPITZ: Just call the governor and get me appointed. 14 MS. TREZZA: He's here. 15 (Tape inaudible.) 16 17 THE CHAIR: Are there any questions on 18 it? 19 SPEAKER UNKNOWN: I see Bill --20 (Tape inaudible.) No. If he ever finds out it 21 MR. SPITZ: 22 existed --23 MR. RIGANO: Just raise your hand and 24 say agreed. 25 THE CHAIR: I'll take a motion to accept

5 1 Proceedings 2 the minutes. 3 MR. MACHELLAN: Motion to accept the 4 minutes. 5 THE CHAIR: Is there a second? 6 MR. CORWIN: Who made the motion? 7 MR. MACHELLAN: I did. THE CHAIR: I'll second it. 8 9 Everyone in favor, signify with an aye. 10 MR. MURPHREE: Aye. 11 MR. MACHELLAN: Aye. 12 MS. WIPLUSH: Aye. 13 THE CHAIR: Aye. 14 Opposed? 15 Motion carries. 16 We'll get back to the budget. Did you 17 get that faxed to you? 18 Does anyone have any questions on it? 19 Motion to accept the proposed budget? 20 MR. MACHELLAN: So moved. 21 THE CHAIR: Anyone second it? I'll second it. 22 23 All those in favor, signify with an aye. 24 MR. MURPHREE: Aye. 25 MR. MACHELLAN: Aye.

6 1 Proceedings MS. WIPLUSH: 2 Aye. 3 THE CHAIR: Aye. 4 Opposed? 5 Motion carries. 6 Pine Barrens Credit Program. 7 MR. RIZZO: I believe Dominick has a 8 comment for you. Dominick, did you want to 9 THE CHAIR: 10 address this Commission? 11 MR. NICOLAZZI: Alberto and Sipala 12 credit appeal. 13 THE CHAIR: Good afternoon. 14 MR. NICOLAZZI: This is regarding 15 Alberto and Sipala who had a discussion last time on 16 the ability of paper streets to help the lots be 17 single and separate. I have two letters that I 18 wanted to read and give you. One is from Safe 19 Harbor Title Agency in Port Jefferson addressed to 20 Mr. Proios. 21 Mr. Proios, please be advised that this 22 company when performing single and separate searches does not consider whether the adjoining streets are 23 24 dedicated, approved or joined. A single and 25 separate search is simply chains of title for

7 Proceedings 1 contiguous property. For example, we would describe 2 tax map 200-562, Block 3, Lot 3, which is just for 3 an example Lot 3 in their map, as north by Jacwin 4 Nurseries, Inc., east by State Street, south by 5 Pacific Street, west by Clinton Street. 6 I hope that this information provided is 7 of help to you. 8 MS. WIPLUSH: Can I ask a question? 9 10 MR. NICOLAZZI: Sure. 11 MS. WIPLUSH: Have we in the past gone by the single and separate definition as per the 12 towns or --13 14 MR. NICOLAZZI: Yes. That's my 15 recollection. 16 MS. WIPLUSH: According to our records, we have someone who verifies whether the parcels 17 18 were single and separate. 19 MR. NICOLAZZI: Right. I think the 20 discussion that went on was based on the 21 configuration of these lots, that there was such a 22 strong likelihood that they are single and separate, 23 every lot is separated by these paper streets, that the Commissioner was saying, well, don't rush to do 24 25 these, to do a single and separate search which

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1	Proceedings
2	would be thousands of dollars, let's look at the
3	information that you can get from the companies.
4	I have another letter from Hawkins Webb
5	Jaeger here. If I may read it also regarding that.
6	This one is addressed to me.
7	This letter is in confirmation of our
8	conversation regarding single and separateness of
9	the parcels referenced above.
10	Single and separateness is retained so
11	long as properties owned by the same owner are not
12	contiguous with each other. Therefore a property
13	remains single and separate as long as the adjoining
14	property is a road right of way or is an even owner
15	different from the person or corporation that owns
16	the subject property. This separateness is
17	preserved even for unconstructed roads because the
18	road right of way ownership is vested in the
19	township. The only exception is if the adjoining
20	right of way has been abandoned and the ownership of
21	the right of way reverts to the adjoining
22	properties. In the event of a right of way
23	abandonment, the single and separateness is still
24	preserved if after the reversion of the property on
25	the original opposite side of the right of way

9 Proceedings 1 2 remains in ownership different from the ownership of the subject property. 3 4 Should you have any questions or wish further clarification, please let me know. 5 And that's from Bill Jaeger. 6 7 Give me that one as well. THE CHAIR: MR. NICOLAZZI: Yes. 8 Who is? Bill Jaeger is? 9 MS. WIPLUSH: 10 THE CHAIR: Pass it along. 11 MR. NICOLAZZI: Bill Jaeger from Hawkins 12 Webb Jaeger Associates. 13 MR. CORWIN: Give me the original. 14 MS. WIPLUSH: Do you agree with that? 15 (Tape inaudible) 16 THE CHAIR: So --17 MR. NICOLAZZI: So I think that -- I'm 18 hoping that that addresses this issue of whether or 19 not the parcels are single and separate. 20 THE CHAIR: So that's your argument, is that they are --21 22 MR. NICOLAZZI: They are single and 23 separate by virtue of the paper streets. 24 MR. MURPHREE: It sounds like the 25 professional engineer and land surveyor's legal

10 1 Proceedings Jim? 2 opinion. 3 MS. WIPLUSH: That's not a legal 4 opinion. That's Hawkin Webb Jaeger's --5 Well, Hawkins Webb MR. NICOLAZZI: 6 Jaeger are engineers and (tape inaudible) and then 7 there's a letter from a reputable title company --8 SPEAKER UNKNOWN: Who is it? 9 MR. NICOLAZZI: -- who are attorneys and 10 title professionals. 11 MR. MACHELLAN: Do you all bring that 12 one as backing up the other type of thing? 13 MR. NICOLAZZI: Yes. Exactly. 14 MR. NICOLAZZI: And then finally there 15 was --16 (Whereupon, there was a cross-17 conversation relating to copying of the letters.) 18 MR. NICOLAZZI: Secondly, there was a 19 discussion about these lots not being exempt by the 20 Board of Health because of Article 6 stating that 21 there's a developer's clause that if five or more 22 lots are owned by the same or controlled by the same 23 person, that that exclusion (word inaudible) as of 24 right. So I contacted bill Jaeger at Hawkins, Webb 25 Jaeger to prepare a yield map showing 20 lots based

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1	Proceedings
2	on 20,000 square feet per lot because the indication
3	I got from the Health Department is that in the case
4	of a developer's clause, they will often use an
5	equation of 50 percent of the required square
6	footage.
7	That's Michael Strauss.
8	MS. WIPLUSH: Zoning?
9	MR. NICOLAZZI: Excuse me?
10	MS. WIPLUSH: Is that based on zoning,
11	what the zoning yields?
12	MR. NICOLAZZI: No. It's based on the
13	Health Department. It's not zoning.
14	I would ask Michael Strauss to just say a
15	few words.
16	THE CHAIR: You are talking about a
17	single and separate you're replotting this as a
18	single and separate from an old filed map?
19	MR. NICOLAZZI: No. What we are
20	discussing at this time is we would probably not
21	develop this configuration if the Board of Health
22	would say that we can configure it with a zone
23	with a yield map. This yield shows 20 lots, of
24	course we only have 12 lots, but this is just to
25	show you that we have more than the amount of lots

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Proceedings	
in the yield. There's a drainage requirement of	
27,800 square feet which could be any lot, Jaeger	
said maybe Lot 10, which is a cul-de-sac here, and	
that would be a lot of 27,000 square feet, and Lot	
10 could be the recharge, so we would have, say, 19	
lots.	
If I could just have Michael be the	
expert witness.	
MR. RIGANO: Dominick, the presentation	
that is about to be made goes to the question of	
Article 6 (word inaudible)?	
MR. NICOLAZZI: Correct.	
MR. RIGANO: Not the single and separate	
issue?	
MR. NICOLAZZI: Correct.	
MR. STRAUSS: By the way, my name is	
Michael Strauss, I'm a lawyer out east with offices	
at 220 East Main Street in Port Jefferson, and	
Dominick has asked me to speak more or less as an	
expert witness on what my opinion would be as to the	
yield the Health Department would give a parcel like	
this that came in for development under Article 6.	
If I could just add one thing though, I did do quite	

a fair amount of zoning work in the Town of

Proceedings

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2 Brookhaven and in the past 15 years I probably 3 submitted well over a hundred single and separate chains to the Town. Every single chain, because all 4 5 property, I shouldn't say all, but virtually all property, unless it's landlocked, must front on at 6 7 least one street, and every single chain of property 8 simply describes the chain when it fronts on a 9 street or more than one street as fronting on the east side of Smith Street, there's no other chain. 10 11 They don't look at the owner on the other side of 12 the street. So they've accepted, in my experience, 13 all hundred some-odd of those chains as valid unless 14 they were invalid due to a merger, for instance, the 15 property has the same owner on two sides. Everv 16 time there's a street, because this list of streets 17 (word inaudible) to be edited, there's no chain that 18 says the owner on the other side, the normal 19 question in your mind whether they (tape inaudible) to the center line, so the streets are separated 2.0 21 by --2.2 MS. WIPLUSH: Are you saying that if 23 Mr. A owns a parcel on the east side and owns the 24 same parcel on the west side, that it's not single 25 and separate?

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14 Proceedings 1 2 MR. STRAUSS: They're otherwise single 3 and separate, but the street that's between them keeps them apart. 4 And it --MS. WIPLUSH: Right. 5 6 MR. STRAUSS: It is not a merger 7 problem. That's correct. 8 MS. WIPLUSH: Right. And if they both 9 own the parcel on the -- they both own adjoining 10 parcels, one -- and it's just separated by a street, 11 it does merge? If the owner in question 12 MR. STRAUSS: 13 is already merged by virtue of the street between 14the parcels, the street keeps them separate. 15 MS. WIPLUSH: Right. Okay. 16 MR. STRAUSS: Because it's a Town right 17 of way. Unless the street's abandoned, of course, in which case it's as though the street wasn't there 18 19 and the map properly drawn would show the parcels as 20 one parcel because there would no longer be a 21 street. Unless that street is abandoned, and, 22 again, every chain has at least one street on it and 23 there's no search beyond the street, the street is an acceptable border for single separateness. 24 25 I would just like to speak briefly about

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1	Proceedings
2	the yield that in my opinion the Health Department
3	would give a project like this if it came into in
4	under a subdivision approval Article 6.
5	The last paragraph in Article 6, I'll
6	give you I just made a couple of copies so you
7	can each go along with it Article 6 for a
8	property in this area would normally require 40,000
9	square feet per lot to develop parcels. However,
10	there are certain exemptions under Article 6 and the
11	one that's most commonly used and would be utilized
12	here is their version of single and separateness and
13	that is that the parcel is a separate parcel on the
14	1981 tax map, on the 1981 Suffolk County Tax Map.
15	However, there is a qualification to that, and it's
16	a short paragraph. I'll read it. What it says is:
17	The density requirements for one-family residences
18	on parcels which appeared as separately assessed on
19	the Suffolk County Tax Map as of January 1, 1981
20	which presently constitutes a buildable parcel under
21	applicable municipal zoning ordinances, which means
22	that they're single and separate residences, which
23	met the Health Department requirements in effect as
24	of January 1, 1981. And then this is the key
25	sentence here. No automatic waiver of these

requirements of this article shall be granted where five or more of such parcels are owned by a developer.

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So what they're saying is it's not that 5 6 you can't get the waiver, for instance, here for the 7 12 separate parcels on the 1981 Tax Map, it is not 8 automatic. So when you come in with more than five 9 parcels, they want you to go to their Board of 10 Review for them to look at the situation and 11 determine are you going to get the waiver and are 12 they going to recognize your 12 tax lots or are they 13 You understand that they made that five lot not. 14 division simply because that's the number of lots 15 where you go from a minor to a major subdivision, 16 and what they want to do is they want to draw some line in the sand so that when someone comes in, they 17 18 want to take a look at it, they don't want someone 19 to come in with a hundred parcels of 50 by 100 each 20 even if they're single and separate, a hundred 21 separate tax parcels and 50 by 100 each on the 1981 22 map and all of a sudden be able to develop all 23 hundred. They want to look at it, and in that case 24 they wouldn't give a hundred, they would probably 25 group them together where you could develop parcels

as Dominick spoke about before of at least 20,000 square foot each because that's generally what they look as the benchmark of having at least half of standards.

6 Now, when you're talking about 12 lots, 7 they're not necessarily trying to take away any of 8 your lots because if it's a modest project, and if 9 you look, you know, when you're looking at any kind 10 of statute, the first thing you do is look at the 11 plain language of the statute, the plain language is 12 that it's not an automatic waiver. So they're 13 implying that it's a waiver, it's just not 14 automatic. The Board has to look at it. Secondly, 15 they look at really the size and scope of the project. 16 This is 12 lots. This isn't a developer 17 trying to get around the rule to build hundreds of 18 units. This is somebody that just happens to have 19 more than five, but it's just a little group of 20 parcels, they are together 12 parcels, that's quite 21 modest.

The first thing they look at is what is the size of the lots that you would have if you were to build all 12. I didn't quite do the math, but I believe Mr. Jaeger came up with 20 parcels that were

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at least 20,000 square feet each, so it's at least roughly 30,000 square feet would be attributable to each parcel. So if you're only asking for 12 single and separate parcels and they're three quarters of standards, it's very likely the Board of Review would give you all 12 of your lots.

Now, unless this case were actually heard 8 9 by the Board of Review, because every case is 10 obviously unique and every case goes before them, 11 there is no quarantee what the Board would do, but 12 in my experience and I've handled at least in the 13 past five years alone, there is somewhat of a flux, 14 so you wouldn't want to go back all 15 years that 15 I've done this because really every number of years 16 they tend to start looking at things a little bit 17 differently, but in the past five years I've done 20 18 or 25 cases and I think there would be a very good 19 case that all 12 lots would be granted for a modest case like this. Unless it's before them and they 20 21 actually make a decision, as you know, no one can 22 guarantee you what they'd do, but I would not be 23 surprised under a case like this if that were the 24 determination that they'd make.

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If you have any other questions, I'd be

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1	Proceedings
2	happy to try to answer them.
3	THE CHAIR: I'm not clear why you're
4	starting with the 20,000 square foot level if it's
5	in Zone 3.
6	When it's in Zone 3 and according to
7	Article 6
8	MR. STRAUSS: You need 40.
9	THE CHAIR: You need 40.
10	MR. STRAUSS: It's just that when you're
11	gonna get relief, for instance, if this were a four
12	lot subdivision and there were four lots of even 60
13	by 100 each but there were four separate lots on the
14	1981 Tax Map, you would automatically be entitled to
15	have your four 60 by 100 lots for Health Department
16	purposes. It would just automatically be granted
17	and you'd be exempt from the normal requirements
18	under Article 6 of 40,000 square feet and they would
19	stamp the map up if you met the other requirements.
20	The reason it goes to the Board of Review is as soon
21	as they're more than five, they won't give you an
22	automatic waiver and generally they won't allow you
23	to develop into parcels that are less than half of
24	standards. Let's say here this is a case where we
25	have 12 lots, but we only have three or four acres,

1 Proceedings and so we were asking for lots of 12, 14,000 square 2 3 feet each, they probably wouldn't let you do that 4 because they generally want to see that the lots you 5 end up with, once you're asking for more than five, 6 once you're going before them to make a decision, 7 they want to see that the lots you're ending up with 8 are at least half of standards, that's usually a bottom line number. Okay? If they're more than 9 10 half the standards and it's a modest number of lots, 11 they generally will still give you that waiver for 12 separate lots on the 1981 Tax Map. However, if the same set of facts that we're talking about a hundred 13 14 lots, they're not going to give you a hundred lots. 15 They're going to cut that down into some, you know, 16 middle ground somewhere because they don't want a 17 hundred lots coming on a particular area just 18 because they were separate tax lots even if they're 19 20,000 square feet each. They might give you, you 20 know, something in the middle between a 20 and, you 21 know, they might give you 20,000 square foot lots 22 and give you 60 or 65 of them.

23 MR. NICOLAZZI: My logic was just to 24 show the Commission that if we used half the 25 standards, we have 20 lots less one for the 20

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1	Proceedings
2	drainage, it would be 19, and that based on our
3	scenario of 12 lots, we would have three quarters of
4	standards, which would be 30,000 square foot lots.
5	MR. STRAUSS: When you're asking for a
6	waiver on just 12 lots and you're three quarters of
7	standards and you are separate lots on the '81 Tax
8	Map and you are single and separate, that's a pretty
9	good application before the Board of Review, and the
10	application is typically something like that is
11	typically granted.
12	MR. NICOLAZZI: Something like that
13	is oh, I'm sorry.
14	MR. RIGANO: I was just going to ask a
15	question.
16	MR. NICOLAZZI: Okay.
17	MR. RIGANO: Unless you want to talk.
18	MR. NICOLAZZI: No. I just have one
19	other.
20	MR. RIGANO: So is it possible for the
21	applicant to go to the Board of Review and get that
22	type of determination for this purpose?
23	MR. STRAUSS: That's an interesting
24	question whether it's possible or not. Normally the
25	Board of Review wants to see certain things to grant

1	Proceedings
2	an application. They want to see subdivisions
3	approval. This property, of course, is in the core,
4	so that's not going to happen.
5	You could submit proof of single and
6	separate as we have here as opposed to they usually
7	want to see SEQRA determination. That's really not
8	going to happen here because there's not an action
9	that's going to generate a SEQRA determination. You
10	basically have to and I don't know whether to do
11	it or not quite frankly, but you would basically
12	have to go through a process see, normally you
13	get to the Board of Review by making a subdivision
14	application, they see that it's more than five lots,
15	that you don't have 40,000 square feet each, that
16	generates what's called a Notice of Nonconformance,
17	there's a box on there to check that the lots do not
18	meet the 40,000 square feet area under Article 6,
19	you need a waiver to the Board of Review, here's a
20	Board of Review application, it's a \$500 fee, go
21	look at the requirements and apply to the Board of
22	Review because they don't have the power to grant it
23	as of right when you're asking for more than five
24	lots and you don't have the 40,000 under the waiver
25	I was just describing. So the process to get to the

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1 Proceedings 2 Board of Review, it's not the same as a Board of 3 Appeals which has the power of interpretation which you automatically could apply to under municipal law 4 5 in New York State under the county law in any Town 6 for an interpretation like this. I just don't know 7 off the top of my head if they would even take it 8 for such an interpretive kind of question. They 9 might say, well, this is in the core, it's not going 10 to be developed or, you know, you haven't gone 11 through the subdivision process, you haven't dug 12 test holes and this and that even though generally 13 that does not really --14 MR. RIGANO: They want to see --15 MR. STRAUSS: I don't know the answer 16 for sure, and it's possible, it may be possible, but 17 it's not a practical decision to actually get from 18 them. 19 MR. NICOLAZZI: My third item actually 20 speaks on that a little further. I can show you 21 Barkus. Before you on February 18 of 1997 was an 22 appeal by Martha Barkus and others and it's similar 23 to this appeal in that she was not -- she lost her exemption from the Board of Health because she was 24 25 over five lots. Also no automatic waiver of these

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requirements of this article shall be granted when 2 five or more parcels are owned by developer. 3 4 However, there were actually two appeals presented 5 by Mrs. Barkus to the Commission and the -- in both 6 cases, I'm reading from the staff decision, in both 7 decisions, the Clearinghouse rested its decision on the unique features of subject parcels. 8 In evaluating the arguments raised on appeal by the 9 10 applicant's attorney, the Clearinghouse determined 11 that unique features of the 37 lots are their 12 proximity to an existing improved road, their ability to be developed in an economically 13 14 justifiable manner and the nature of the applicant's 15 holdings. The Clearinghouse finds while the 37 lots 16 are not immediately adjacent to an existing road, 17 they are proximate to parcels that are immediately 18 adjacent. For this reason, the Clearinghouse 19 believes that the development of the 37 lots would 20 be economically sustainable. Economies of sale would be created because the applicants own or 21 control the 44 lots of the subdivision. 22 23 Infrastructure improvement costs would be 24 distributed among the 44 lots allowing the 25 applicants to recoup these costs as the lots were

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25 1 Proceedings 2 sold. This development scenario varies significantly from the cost of developing a single 3 4 lot or a small number of lots that are a greater 5 distance from an improved road. Which is precisely 6 the argument I'm making here and I feel that our 7 argument is a little stronger because it's not 37 8 lots they're building a great distance from the 9 improved road, this is more like the other cases that I raised, Fichter for example, where the lots 10 11 have always been 4 or 500 feet from improved roads 12 where you have allowed Ms. Fichter one full credit for each lot as well. 13 14 MR. RIGANO: Dominick, on the one you 15 were reading, how many acres was involved? 16 MR. NICOLAZZI: 20 acreage. Let me see. 17 19.34 acres. 18 MR. RIGANO: Do you know what the allocation was that was granted on the appeal? 19 20 MR. NICOLAZZI: I don't have it 21 highlighted in here. I would have to go through it, 22 but there was (word inaudible) given. 23 MR. RIGANO: On the single and separate 24 question, it is possible that you could go to the --25 by the way, let me ask it as a question. Is it

1 Proceedings 2 possible that you could go to the Town and get a 3 determination on whether these lots are single and 4 separate from the Town's perspective? 5 MR. NICOLAZZI: Well, it is possible, 6 but before I could do that, I would have to have the 7 formal single and separate search done by Safe Harbor Title for 12 lots and the estimated cost for 8 9 that would be about \$5,000. I thought that the 10 letters from Hawkins Webb and the title company and 11 expert testimony from Mr. Strauss discussing how 12 each lot is separated -- there is a question on one 13 lot actually that there is not a road separating 14 them, so it would really be 11 lots technically. Ι 15 thought and I would hope that the Commission would 16 find that suffice. 17 MR. SPITZ: It's 11 lots, but your 18 appeal only relates to how many of that 11? 19 MR. NICOLAZZI: That's correct. The 20 appeal only relates to six lots, not 12 lots. 21 And of the six, two of them MR. SPITZ: 22 seem to be joined? 23 MR. NICOLAZZI: So there would be five. 24 MR. SPITZ: So you're looking for five 25 credits on appeal?

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27 Proceedings 1 2 MR. NICOLAZZI: Correct. Well, we're 3 looking for six, but yes, that is true, that there's 4 a question on, definitely a question on single and separate (word inaudible). 5 MR. CORWIN: You're seeking -- I'm 6 7 sorry-- you're seeking how many credits? Six or six and --8 9 MR. NICOLAZZI: I'm seeking --10 MR. SPITZ: I misspoke. I'm already 11 thinking ahead to something. He is seeking six. 12 MR. CORWIN: Six. I'm seeking -- my 13 MR. NICOLAZZI: 14feeling is based on six. The reason I -- that we turned this thing into looking at the whole thing is 15 by virtue of the questions (tape inaudible), but the 16 17 appeal is yes, on six lots, five of which are just single and separate. 18 19 MS. WIPLUSH: Paper streets are still --20 doesn't take away from the single and separate? 21 MR. STRAUSS: Paper streets are rights 22 of way. You have -- if you read your deed to a 23 piece of real property, you have rights to the center line, but you don't enjoy those rights until 24 25 or unless you file abandonment under Section 335 of

1 Proceedings 2 the Real Property Law which relinquishes those 3 rights with the Town's consents at which time you 4 would own to the center line, but when it's subject 5 to a right of way, anyone who bought that property 6 could just go in under the -- put in a road 7 improvement plan, put the roads in, and hopefully 8 they would be dedicated. The fact that they're not 9 dedicated yet doesn't make any difference because 10 they're public rights of way. 11 MS. WIPLUSH: They're not constructed 12 either there. Yes. 13 MR. STRAUSS: But that doesn't 14 matter because they're rights of way on the filed 15 It makes all the difference if they're map. abandoned or not, however, which these are not. 16 17 MR. NICOLAZZI: I just want to add that 18 Mr. Cowen also suggested just looking at the whole 19 parcel, he wasn't really concerned about the 20 county-owned lots access and what we've done even 21 with this yield we've supplied access to the county 22 owned lots as well and of course subtracted those 23 lots out of the yield. 24 MR. STRAUSS: If I can just add one 25 overarching thought that I know you're aware of.

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1 Proceedings 2 That is, of course, there's no development being proposed here. There's only an appeal for credits. 3 4 As you know, the Pine Barrens came up with the whole 5 system for credits and so on to compensate property 6 owners for the fact that their property is not going 7 to be able to be developed, and if there's any 8 ambiguity or any, you know, fine line on that, typically it should be resolved in favor of the 9 10 property owner getting credits which ultimately 11 translate into development elsewhere, of course, not 12 in the core, so that there's no environmental sensitive development going on in connection with 13 14this in any way, it's simply compensating a property 15 owner for what they otherwise would have got as of 16 right to develop in terms of credits. 17 THE CHAIR: Are there any further 18 questions here? 19 MR. SPITZ: When is the decision due on this? 20 21 THE CHAIR: Today. 22 MR. SPITZ: Do you want to have a 23 discussion so we can decide? 24 MR. MURPHREE: How many credits does he 25 have?

30 1 Proceedings 2 I'm sorry? THE CHAIR: What? 3 MR. MURPHREE: I mean, he says he wanted 4 six. I mean, was he given six? MR. SPITZ: He had six as part of this 5 6 application. 7 MR. RIGANO: There's -- they have 8 actually 12 parcels altogether, right, six of which 9 were road front and they were given a credit for each of those six road front. Those aren't being 10 appealed. 11 12 THE CHAIR: Okay. 13 MR. RIGANO: But the other six that are 14 inside, he is being given .75. 15 MR. MURPHREE: Okay. 16 MR. RIGANO: And they'd like to increase that from .75 to six. 17 18 MR. STRAUSS: They'd like to increase it 19 from .75 to 6, but with the Health Department, it's 20 almost impossible that they would turn it down. 21 They're looking for five lots instead of six. 22 MS. WIPLUSH: But those others are 23 (tape inaudible). MR. STRAUSS: There's just no way they 24 25 would turn it down.

31 1 Proceedings 2 MR. SPITZ: They front on the paper 3 streets. 4 MS. WIPLUSH: On the paper streets. 5 MR. SPITZ: Do you have the map in front 6 of you because it makes it pretty clear? 7 SPEAKER UNKNOWN: I have it. 8 MR. SPITZ: It's the beige ones. 9 MR. MURPHREE: The thing is in 10 determining an issue like this, the local 11 municipality's determination is of a paper street 12 being legal street frontage; is that correct? 13 MS. WIPLUSH: I want to make a phone 14 call to the office to see -- I don't know how 15 they --16 MR. STRAUSS: You could -- I'm sorry. Ι 17 don't mean to -- you could call Chris Hubbs who you know reviews all the chains. 18 19 MS. WIPLUSH: Right. 20 MR. STRAUSS: He would tell you as soon 21 as they see a street on the (word inaudible.) That's 22 the end of it. They don't -- the only way that 23 would be an exception to not making a valid search 24 is that, well, I want you to search what's on the 25 other side of the street and, of course, they don't.

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1	Proceedings
2	MS. WIPLUSH: No.
3	MR. STRAUSS: I know they recognize it
4	for sure.
5	MR. RIGANO: So they presented some
6	items for the Commission's consideration that as we
7	sit here to gauge, it would be nice to have some
8	further support directly from the Town that these
9	lots are in fact single and separate and from at
10	least the head of the Board of Review that perhaps
11	that has been presented as correct and it might be
12	appropriate to extend the deadline, you know, to
13	pursue those points.
14	MR. NICOLAZZI: May I speak to that?
15	(Tape inaudible.)
16	THE CHAIR: Yes.
17	MR. NICOLAZZI: May I speak to that? I
18	don't understand why this application would receive,
19	you know, receive greater hurdles and more rigorous
20	review. I mean, in Fichter and in Barkus and in
21	other things we've cited, we've never had to do
22	these kinds of things and I just do not understand
23	why this one seems the bar seems to have been
24	raised on this application by Mr. Rigano.
25	MR. RIGANO: I think you'd find in those

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2 applications that they probably met zoning without 3 being single and separate or there was something very compelling presented to the Commission that 4 5 they were single and separate and not just a letter 6 from an engineer as to what single and separate 7 means; that is, that in those applications either it 8 was going to meet the Town's definition of single 9 and separate, you know, there's lots of definitions 10 of single and separate. So in those cases, it's 11 probably something very clear that they met the Town's definition of single and separate or likely 12 13 that they met the existing zoning without concerning 14 the single and separate. 15 MR. NICOLAZZI: If I got a letter from

15 MR. NICOLAZZI: II I got a letter from 16 Chris Hubbs, I reached out to Chris Hubbs to do a 17 map, because, I mean, it's not every day that you 18 have a configuration like this where they are 19 separated by paper streets.

20 MR. RIGANO: That would definitely be 21 more compelling than the position I think of the 22 letters from these folks. I mean, they're 23 not -- you know, they're respected professionals. 24 It's just that it's a question of -- you know, the 25 question -- the question is whether, whether you

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34 Proceedings 1 2 could put six additional residences here and therefore whether six additional credits are 3 merited. 4 MR. NICOLAZZI: I can understand that. 5 MR. RIGANO: So the question to the 6 7 Commission is whether it meets current zoning, whether --8 9 MR. NICOLAZZI: I understand. 10 MR. RIGANO: -- single or separate or otherwise. 11 12 MR. NICOLAZZI: Is it possible if I could call her now, would the Commission accept 13 that? 14 15 MS. WIPLUSH: How about a letter? 16 THE CHAIR: Could she fax something 17 over? 18 MR. NICOLAZZI: If she could fax 19 something over? SPEAKER UNKNOWN: We're assuming that --20 21 MR. RIGANO: There were two more; right? MR. NICOLAZZI: Okay. I'll work on that 22 23 right now. MR. RIGANO: So then the other question 24 25 on Article 6 I think you'd also find in those other

35 Proceedings 1 2 cases that they met the 40,000 square foot --MR. NICOLAZZI: That's incorrect, Mr. 3 Rigano. 4 MR. RIGANO: I would have to review the 5 6 case. 7 MS. PLUNKETT: I think they submitted, in Martha Barkus she submitted single and separate 8 9 reports. 10 MS. WIPLUSH: I would feel more 11 comfortable putting it over to another meeting. 12 MR. NICOLAZZI: (Tape inaudible) -- in Article 6 --13 MS. WIPLUSH: We still have another 14 15 question. 16 MR. NICOLAZZI: In Fichter or Barkus --17 MS. WIPLUSH: Jim. 18 MR. NICOLAZZI: -- we didn't get 19 anything from Health Department. 20 MS. PLUNKETT: No. We didn't get 21 anything from the Board of Health. 22 MR. NICOLAZZI: Nothing from the Board of Health. 23 24 MR. RIGANO: Were they 40,000 square 25 feet?

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1	Proceedings
2	MR. NICOLAZZI: No, they were not. They
3	were not.
4	MR. STRAUSS: People just assume that
5	when you have that many single and separates on the
6	'81 Tax Map, it's grandfathered in.
7	MR. NICOLAZZI: Fichter was one third
8	acre, three one third acre lots, in 40,000 square
9	foot (word inaudible).
10	MR. STRAUSS: Three lots are exempt.
11	MR. NICOLAZZI: In 40,000 square foot.
12	MR. RIGANO: I'd like to see those
13	decisions.
14	MR. SPITZ: In the other cases, we got
15	the important information from the applicant
16	sometime before the day the decision was due. That
17	in and of itself would distinguish this from those,
18	and I think the Commission will be justified in
19	seeking an extension of three weeks to deliberate a
20	little further on this, particularly because the
21	Commission stopped short of asking you to get the
22	single and separate searches, and if we were to be
23	able to reach a decision before you go through that
24	formality, you would save your client a lot of
25	money.

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1	Proceedings
2	MR. NICOLAZZI: Okay. That's fair
3	enough and that would give me time to reach out to
4	Chris Hubbs to get a proper letter I think and if
5	there is any new information, that would give me
6	time to digest it.
7	MR. SPITZ: So am I hearing the
8	applicant grant us a three-week extension?
9	MR. NICOLAZZI: Yes. Absolutely.
10	MR. STRAUSS: Can I just ask one further
11	question about the information you might want
12	relating to the Board of Review?
13	If you're going to look at this as five
14	lots out of a possible six, you can virtually take
.15	administrative notice or whatever you consider this,
16	there is no way that six tax lots on the '81 map
17	that are 30,000 square feet each and you're asking
18	for five lots, that's never going to be turned down
19	by the Board of Review. If you're talking about 11
20	out of 12, if Dennis Moran is still at all
21	affiliated is he still active at all or
22	completely retired? Because, as you know, he was so
23	integral in putting together the formula for the
24	credits in the Health Department and so on and I
25	know he would give such a letter. I'm just I

1 Proceedings 2 would bet that given that the new chairman of the 3 Board of Review regardless of what you're asking him 4 to do, that it's just not something he's going to be 5 inclined to do, based on my experience with him in the last, you know, over the past couple of months 6 7 that he's taken over the chairmanship. Dennis would 8 be. 9 THE CHAIR: Is that Paul? 10 MR. STRAUSS: Mr. Pim. THE CHAIR: 11 Pim. 12 MR. STRAUSS: Dennis certainly would be, 13 but I don't know if he's -- you know, I'd almost 14 like to get his home number and ask that the letter 15 be by him because I know that the letter -- you'd 16 give his letter a lot of weight and I know that he 17 would give such a letter, but I've spoken to Dennis 18 60 to 70 times on things like that in the past seven 19 or eight years, but I might not be able to get that 20 letter. I'm not going to -- not that he wouldn't 21 agree with what I'm saying, but I doubt it. 2.2 So, Dominick, give us those MR. RIGANO: 23 cases and the other appeal names that you were --24 MR. NICOLAZZI: Oh, Fichter. 25 SPEAKER UNKNOWN: Is that with an S?

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1	Proceedings
2	MR. NICOLAZZI: F-I-C-H-T-E-R.
3	MR. RIGANO: And Barkus.
4	MR. NICOLAZZI: And I will get the
5	letter from Chris Hubbs and Barkus. I'll see what I
6	can do.
7	MR. STRAUSS: And if you're going to
8	look at it as five of six, I hope you would realize
9	that that's really something that would be granted.
10	MR. RIGANO: Five of six.
11	MR. STRAUSS: In other words, if this is
12	an appeal for six more credits and if one lot is
13	merged because there's no road so it's really a
14	maximum of five lots under zoning, that the Health
15	Department would recognize the five lots, even
16	though this is five or more parcels, that they would
17	never deny you a waiver on the six lots on the 1981
18	Tax Map of 30,000 square foot when we're asking for
19	five. I mean, that case wouldn't be denied in
20	anyone's lifetime, which
21	MR. RIGANO: You mean we just to
22	MR. STRAUSS: In other words, when we're
23	speaking about
24	MR. RIGANO: Let me just ask.
25	MR. STRAUSS: Sure.

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40 Proceedings 1 2 We have six lots MR. RIGANO: altogether, and you're saying if we weren't looking 3 at six but rather looking at five --4 5 MR. STRAUSS: Because of the merged lot 6 and if you were in the Health Department --7 MR. RIGANO: I'm sorry. Where did that 8 merged lot come from? 9 MR. STRAUSS: He had mentioned that one of the lots may not have a road between it. 10 MR. RIGANO: 11 Okay. MR. NICOLAZZI: So what he's saying is 12 13 it's not going from five to six, it's going from 12 --14 15 MR. STRAUSS: To 11. MR. NICOLAZZI: -- to 11 to six to five, 16 17 and all I'm pointing out is that if you're --18 (Tape inaudible.) 19 MR. STRAUSS: If you have six lots on 20 the '81 Tax Map of 30,000 square feet each, do you 21 think we need a waiver for your five lots? Never 22 for five lots. It's just not possible. 2.3 MR. RIGANO: Five lots on 3.5 acres? 24 MR. STRAUSS: More or less. 25 MR. RIGANO: Yes.

41 1 Proceedings MR. STRAUSS: I mean, it's --2 3 MR. RIGANO: That's what we have. 4 MR. MACHELLAN: So you guys are backing 5 up into requesting for five credits? 6 MR. STRAUSS: We were never backing up. 7 We were always only asked for six credits. MR. NICOLAZZI: And now we're backing 8 9 from six to five so the Commission --10 MR. STRAUSS: Right. He is basically 11 saying that --12 SPEAKER UNKNOWN: You would find --13 MR. NICOLAZZI: Yes. 14SPEAKER UNKNOWN: You would find five an 15 acceptable result? 16 MR. NICOLAZZI: That's correct. 17 MS. WIPLUSH: And each lot is 30,000 18 square feet? 19 MR. STRAUSS: I didn't do the math, but 20 close --21 MR. RIGANO: It's 5 into 3.5 acres --22 MR. STRAUSS: -- pretty close. 23 MR. RIGANO: -- over 5 --24 MR. STRAUSS: Pretty close. 25 MR. RIGANO: -- is .6 something, .7

42 1 Proceedings 2 acres per lot. 3 MR. STRAUSS: It's in that ballpark. Ι don't want to give you the wrong numbers, but it's 4 5 more than enough when you're talking about, I mean, 6 four lots in case you could have 50 by 100s with 7 four lots, you can't even (word inaudible) them out. 8 But the reality is once MS. PLUNKETT: 9 you go back to Board of Review, you know they're 10 going to look at the whole thing anyway, so it doesn't matter if you only have six lots as part of 11 12 the appeal because this will never be looked at in the Board of Review's eyes, it will always be 13 14 looked at as 12 lots even if you you're only 15 appealing on six. 16 MR. STRAUSS: Well, I mean, let's just 17 remember that might be true and it might not because 18 in a sense you already have determination of six 19 credits on the other lots. For instance, you had a 20 built subdivision on the other six lots, there's a 21 (word inaudible), there's a comparable situation. 22 They might look at the whole thing, but 23 they're really looking at just the new situation of what's being built in the sense that they already 24 25 have the credits, it's analogous. You know. Ι

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1	Proceedings
2	mean, I know what your point is, but
3	THE CHAIR: The credits that you have
4	now
5	MR. STRAUSS: (word inaudible) minor
6	relief.
7	THE CHAIR: are just a letter of
8	interpretation. You haven't filed an easement
9	MR. STRAUSS: I'm not saying I've
10	tried to be honest. I'm not sure if I've
11	(Tape inaudible.)
12	MR. STRAUSS: I'm not sure if the
13	current chairman is going to give such a letter even
14	if he agrees with me. I don't I (words
15	inaudible) public hearing. I mean, he's a perfectly
16	reasonable man for me to deal with.
17	MR. RIGANO: You don't know whether he
18	would grant it or not.
19	MR. STRAUSS: Right.
20	THE CHAIR: Are we clear though on what
21	additional information we want so we know how to
22	MR. RIGANO: Dominick
23	THE CHAIR: deal with this when we
24	MR. RIGANO: Is going to get the letter
25	from

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1	Proceedings
2	MR. NICOLAZZI: I'm going to get it from
3	Chris Hubbs.
4	MR. STRAUSS: I'm going to attempt with
5	the Health Department, but I've tried to make clear
6	before I leave today is that if I can't, please
7	don't take it that you won't give it because it's
8	something on the merits. It may not be something
9	that they're willing to do regardless of the merits.
10	MR. NICOLAZZI: At this point Mr. Rigano
11	was just asking for the letter on the
12	MR. STRAUSS: I don't want the lack of
13	the letter to reflect that they are against (word
14	inaudible).
15	MR. SPITZ: Those two items may be
16	forthcoming or they may not depending on whether
17	these gentlemen can get other people to give it to
18	us, but the three week extension was for the
19	purposes of taking what's in the record as of today.
20	Barbara, you wanted to go back to talk to somebody
21	in the Town and Jim wanted to look at it.
22	MS. WIPLUSH: Right.
23	MR. SPITZ: So regardless of their
24	success or failure
25	MS. WIPLUSH: Right.

45 1 Proceedings 2 -- we are prepared to make a MR. SPITZ: decision based on what we have as potentially 3 amended by what they might give us next time. 4 MS. WIPLUSH: 5 Yes. 6 MR. CORWIN: Get the letters to us, 7 Dominick, before the next meeting, we will give them 8 to the Commissioners so they can see them before they walk in. 9 Correct. Okay. 10 MR. NICOLAZZI: Thank 11 you very much. 12 MR. STRAUSS: Thank you. Walter, do you have a 13 THE CHAIR: 14 question? 15 MR. OLSEN: Yes. Is this still open for 16 public comment? 17 This isn't a public hearing. THE CHAIR: 18 We just asked them for more additional information. 19 MR. OLSEN: Well, I just want it to go 20 on the record that my name is Walter Olsen, Civil 21 Property Rights Associates. In listening to the 22 expert testimony and everything that was given here, 23 it seems pretty clear that what has really happened 24 here by the creation of the core of the Pine Barrens 25 is that you put many people including the applicants

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2 in this case in a Catch 22 situation where on one hand you want definitive answers as to whether or 3 not something can be done while at the same time the 4 5 applicant isn't in a position to where he can ever 6 make those applications to get those particular 7 answers, if you follow my train of thought, and I 8 don't think that the -- that the Pine Barrens 9 legislation was ever intended to be that finite in 10 detail that you need to split hairs to the extent 11 that I see you splitting hairs in recent months on 12 little details. I think that the expert witness has 13 given you ample testimony as to his experience as to 14 how these cases were handled in the past and what 15 the probable outcome would be and I think the need 16 to go even beyond that is rather unnecessary and 17 really puts the applicant in a position of a great 18 deal of burden beyond what I think you need in order 19 to make these decisions. After all, all they're 20 asking for here -- and they alluded to this -- is 21 they're asking for an appeal of the number of 22 credits given. They're not actually asking to do a 23 development project, and this is not something 24 that's going to ever be reality, and if you end up 25 preserving property and treating a property owner

1 Proceedings (word inaudible) without putting them under undue 2 stress to achieve that, I think everybody wins. 3 You are doing the job you are supposed to do, the 4 property owner is getting the just compensation that 5 6 he was promised under this legislation and it's 7 finished because you probably are going to hear other cases similar to this where you're in file 8 9 maps, where you have paper streets and all these 10 little details that come into play, and, like I say, you're asking an applicant to prove something that 11 he will never be in the arena where he can actually 12 13 prove it, and I don't think that's a reasonable 14 thing to ask and I would urge you to grant the 15 credit appeal based on what you already heard and 16 not put any more burdens on an applicant such as 17 this. 18 Thank you very much. 19 THE CHAIR: Thank you. 20 Number 4 is Protected Lands Council, 21 field project results from this week. 22 MR. CORWIN: Yesterday.

THE CHAIR: Yes.

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MR. CORWIN: Yesterday the Protected Lands Council started or continued, I should say,

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48 1 Proceedings 2 its implementation of portions of what they call unit 6, management plan, which is the Peconic River 3 stewardship unit, one of the largest stewardship 4 5 units in the Pine Barrens. You may recall a few 6 months back they had done a trail closure on Suffolk 7 County park land in Ridge, south side of Route 25, 8 and that had been replanted. As part of the Council 9 meetings since last March, roughly March/April, the 10 Council has been planning a number of trail 11 rehabilitations, closures, reopenings, 12 rearrangements, whatever you want to call them, and 13 yesterday's action was an attempt to continue that. 14 Many of the people in this room, some of the folks 15 in the audience were a part of that team that Donna 16 put together, admirably put together I might add 17 yesterday. You may be aware that there was one 18 controversy over the use of some of the horse trails 19 or trails for horses. It's an ongoing controversy. 20 I believe the County Exec's office sent a letter, we 21 had received a letter over whether or not the trails 22 are traditional horse trails and there's a back and 23 forth debate on that as to whether the folks ever had permission to do that or whether they just 24 25 (whereupon, the tape was turned over). About a week

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2 and a half ago, something like that, they went out 3 in the field with the regional parks supervisor and they tried to point out alternatives and trade-offs 4 and rationales and I think as of the close of 5 6 yesterday's business there was still some, some 7 consternation on the part of I quess about half a 8 dozen folks in the Ridge area who felt that what the 9 PLC or what County Parks, depending on their point 10 of view, is doing may not be completely to their 11 personal advantage, it may be to their personal 12 disadvantage, and there's a range of opinions on 13 I think the PLC though has been doing an that. 14 admirable job and Donna's organization of yesterday's event was certainly not simple, we had 15 16 well over 80 --17 MS. PLUNKETT: We had about 65 people, 18 about from ten different volunteer agency groups. 19 MR. CORWIN: More than we expected 20 showed up. I mean, it was quite crowded in Ridge 21 yesterday, and we -- very crowded. It was very crowded in the woods yesterday now that I think 22 23 about it. I personally walked to all the sites which took me the better part of the afternoon and I 24

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can attest that they've done a fantastic job and

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1 Proceedings 2 Shelly was part of the team, she was there 3 yesterday, Ann was part of the team, wouldn't recognize her with a chainsaw, and I think that the 4 5 PLC is just going to have to continue doing this. The only way that we're going to find out whether 6 7 undeveloped lands management, park land management is going to work is by starting to do it, and I 8 9 think that the long planning process and the PLC, by 10 the way, is trying to produce certain unit 11 management plan segments -- certain segments of their overall plan based on their stewardship units 12 13 to present to you in the coming months. Donna and I 14 have been sort of gently pushing them, Shelly has 15 been on the subcommittee that's helping to write the 16 plan, because we've been frustrated over the past 17 couple of years with the PLC's reluctance to make detailed on site decisions and after yesterday's 18 19 experience hopefully they will continue to do that 20 because they need to identify trail heads, they need 21 to identify recreational uses, they need to take a 22 hard look at making decisions that have an impact in 23 the real world. So depending on one's point of view, it was either a great day or unfortunately six 24 people felt that it wasn't a great day, you've lost 25

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51 1 Proceedings 2 one of your favorite riding trails. I can assure 3 you there's tens and tens of miles of trails in that several hundred acres and having walked I think most 4 5 of them yesterday, there's certainly no shortage of places to ride all sorts of conveyances including 6 7 horses. So is there anything you want to add, Donna, Shelly, anybody? Anything you want to add to 8 that? 9 Ann? 10 Okay. 11 Mark, you were out there. I saw you. 12So that's it. That's what happened 13 yesterday. 14 MR. MACHELLAN: That's what you guys do 15 on your day off. 16 MR. CORWIN: Yes. 17 MR. MURPHREE: You take vacation days. MR. CORWIN: We'll check the time cards 18 on this. 19 20 THE CHAIR: You should take next Monday 21 off. Research Forum. 22 23 MR. CORWIN: I should have called you yesterday morning. 24 25 THE CHAIR: I didn't get one.

52 1 Proceedings 2 MR. CORWIN: You didn't get one? 3 THE CHAIR: No. 4 MR. CORWIN: You're on every one of our 5 lists, George. There's not a list that you're not 6 on. 7 (Tape inaudible.) 8 MS. PLUNKETT: It's on your desk, George. 9 MS. TREZZA: You're on every list that 10 we have. 11SPEAKER UNKNOWN: Call your secretary 12 and see where --13 THE CHAIR: I have the dates there. Ι 14 have something else though. It just didn't look 15 like this. I don't know. 16 MR. CORWIN: So the annual Research 17 Forum, our fifth annual is almost upon us, next 18 Thursday is the -- we didn't expect to be doing this 19 annually, but it is up to that -- each year we get 20 representation from different parts of the country 21 and it sort of expands. We have a heavy 22 representation from the Harvard Forest this year 23 partly because of prior research forums that they learned about the work, the opportunities for 24 25 research available in the central Pine Barrens, they

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2 have been conducting a number of research projects 3 with the nature conservancy and some other groups' 4 support, and they are here partly to report the 5 results of that research, but partly to sort of 6 share their other Pine Barrens work in other parts 7 of the country, obviously Massachusetts included. 8 We also have if you look at our registration list, which, of course, is not in front of you, we have a 9 10 fairly heavy representation from the New Jersey 11 Pinelands, both the Commission and the Pinelands 12 region. We in fact have -- this is actually true 13 for both the Wildfire Academy and the Research 14Forum -- we have the heaviest preregistration that 15 we had in the years that we started the Research 16 Forum, about 120 folks preregistered for the forum, 17 which is as many as we've ever had in the entire forum attending in past years. So there's no 18 19 charge. I encourage you to take some extra copies, 20 distribute them to your staff. You can wander in 21 for part of the day in one or two talks of interest, 22 wander out, lunch is on your own, parking is free. 23 We are a little bit oversubscribed on the field 24 trips. We have something like 90-some people 25 registered for the field trips and we had sized it

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54 1 Proceedings 2 for about 50. So we have a little bit of a crisis 3 to handle tomorrow morning, but that's a good crisis 4 to have. We'd rather have greater interest than 5 lesser interest. And, George, I don't know if you 6 know that, but your boss can't make it unfortunately 7 that day for the opening remarks, we have a suspicion, and I know who's going to be asked to 8 9 make the opening remarks. 10 THE CHAIR: Already was. 11MR. CORWIN: So start writing a speech 12 tonight. 13 THE CHAIR: On the Calverton Ponds, are 14 they going to talk about the projects, the water project they've been doing for the last several 15 16 years? 17 MR. CORWIN: Shelly, on the Calverton 18 Ponds field trip, are we going to talk about some of 19 the specific research projects that are out there? 20 SHELLY: Sure. 21 MR. CORWIN: Was that your question? 22 THE CHAIR: Yes. That's definitely 23 something that I want to hear about. 2.4 (Tape inaudible.) 25 MR. CORWIN: So that's it, that's the

55 1 Proceedings 2 Research Forum. 3 THE CHAIR: Now that Jan has retired, have we given him anything? 4 5 MR. CORWIN: Oh, yeah. I'm tell you about that later. I'll tell you about that. 6 7 There's a little bit of a surprise for Jan. 8 THE CHAIR: So you haven't forgotten 9 about him. Okay. 10 MR. CORWIN: No. We haven't forgotten him. 11 12 THE CHAIR: Okay. 13 MR. SPITZ: I get these two things 14 confused. 15 THE CHAIR: That one I get. Number 5. Lakeside -- I wish they'd take 16 17 this big hotel out of their -- Lakeside Manorville Hotel. 18 I'm still getting people 19 MS. JAKOBSEN: 20 that are confused with the name hotel. The Suffolk 21 County DPW guy thought it was a hotel. 22 MS. PLUNKETT: Well, that's what it sounds like. 23 24 MS. JAKOBSEN: Tell them to read page 2 of the traffic study. It tells you that it's two 25

56 1 Proceedings 2 10,000 square foot buildings, that it is confusing 3 and (word inaudible) explains it because it's the owner and whatever. It's very confusing to people 4 5 who are dealing with this project. 6 THE CHAIR: There was some (word 7 inaudible) action filed with the corporation name of 8 some sort that has some legal status or -- I can't 9 see the point of leaving --10 MR. CORWIN: They're going to have a 11 hard time marketing this. 12 THE CHAIR: Yes. 13 MS. JAKOBSEN: Okay. Just George had 14 asked for kind of an outline on the progress on this 15 project. As you know, you guys are lead agency on 16 this and --17 THE CHAIR: Of the process, the process. 18 MS. JAKOBSEN: The process. 19 THE CHAIR: Where we're going. 20 MS. JAKOBSEN: Okay. 21 So, as you know, at the last meeting we 22 had a hearing for the additional information submitted by the applicant and they had submitted a 23 24 Part 3 assessment form. Since that time, we have --25 I've asked the consultant for the applicant to

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1	Proceedings
2	forward to the involved agencies copies of the Part
3	3 I've asked for them to review. In addition, I
4	sent to all of them, I cc'd to them in a letter
5	stating that I would like to receive comments back,
6	hopefully by October 12 on that Part 3.
7	THE CHAIR: We don't have time frames
8	for this?
9	MS. JAKOBSEN: Well, the SEQRA
10	determination usually is made once you have all
11	information considered reasonably necessary. So at
12	this point we do not have all that information. It
13	could if we do receive the depending on what
14	we receive back in terms of comments, we could
15	potentially maybe make a determination the next
16	meeting, but it depends that's why I can't give
17	you specific dates on that. There are some factors
18	here.
19	THE CHAIR: Well, once the lead agency
20	accepts the EAF as being complete, isn't there a 45
21	day time frame?
22	MS. JAKOBSEN: No.
23	THE CHAIR: Or 30?
24	MS. JAKOBSEN: You will see in my
25	outline there is a reference I think it's in this

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1	Proceedings
2	one let me see where it is it might be in the
3	other one that I have basically there is a
4	provision in SEQRA that addresses, you know, that a
5	determination if you have an application,
6	determination of significance has to be made 20 days
7	after receipt of an EAF, application EAF or there's
8	also this provision that if you have all the
9	information you basically consider reasonably
10	necessary to make that determination, and right now
11	we don't have all that information because we need
12	the feedback from the other involved agencies on
13	that Part 3 EAF.
14	MR. SPITZ: We'll have that by the next
15	meeting.
16	MS. JAKOBSEN: Also we have asked
17	Suffolk County and this is something I wanted to
18	bring up, we would like to have Suffolk County
19	Planning Department assist us with reviewing the
20	Part 3 specifically in areas that we don't have that
21	expertise that they can obviously, you know, traffic
22	and all the components and lend their expertise in
23	reviewing the Part 3. So I
24	THE CHAIR: Such as what besides
25	traffic?

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1	Proceedings
2	MS. JAKOBSEN: Just an overall to
3	provide some guidance with us on reviewing this Part
4	3 and I have spoken with Steve Jones just to get a
5	feel for what he thought would be something he would
6	consider doing for us, and he had no problem with
7	it, and I would like to request sort of to formalize
8	things a little bit to ask you guys to do a motion
9	to enable the Planning Department to do this review
10	on the Part 3 of the EAF for us.
11	MR. RIGANO: To make it clear, so you
12	need the review in order to assist you?
13	MS. JAKOBSEN: To assist in the review.
14	I'm sorry.
15	MR. CORWIN: You're authorized to do
16	that on Pine Barrens statute and the last time you
17	did that you used a motion to invoke an assistance
18	on I believe it was the LI compost project. I'm not
19	drawing a parallel here. I'm just telling you.
20	MS. JAKOBSEN: Because we're the lead
21	agency in this, I think we should be fairly
22	particular about and in depth on our review in this
23	process.
24	THE CHAIR: There are too many issues
25	that the Commission is going to be concerned with in

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1	Proceedings
2	terms of the environmental impacts which are water
3	and vegetation, I don't know if that would even come
4	from them. I mean, if anything, I would hope that
5	the Health Department
6	MR. CORWIN: The lead agency
7	MS. WIPLUSH: But if this other
8	THE CHAIR: But if there's nothing
9	there
10	MS. WIPLUSH: You still have to look
11	under the factors that come under SEQRA. You can't
12	just say that because all concerned is water and
13	vegetation, you know, SEQRA
14	THE CHAIR: But that's what I'm trying
15	to figure out though, what are the other issues. I
16	don't see any of the issues that I'm asking Barbara
17	a question on. Possibly traffic, but even then
18	MS. WIPLUSH: But the other lead
19	agencies will have an issue
20	MR. CORWIN: We're also lead agency on
21	the zone change.
22	MS. WIPLUSH: The zone change is for a
23	Town determination.
24	MR. CORWIN: That's what I'm saying, if
25	we're liaison on this project which involves zone
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1	Proceedings
2	change and construction
3	MS. WIPLUSH: Right. But you have to
4	MR. CORWIN: I'm just saying, so you
5	have to have some assistance. I mean, it can't just
6	be water and vegetation.
7	THE CHAIR: I'm trying to figure a
8	couple of questions out that somebody is going to
9	have an answer to. I don't have a question right
10	now to what he's answering.
11	MR. CORWIN: It's what might be in a
12	Part 3. So you can be as elaborate as you want.
13	MS. WIPLUSH: But you just can't say our
14	only concern is X, therefore it's limited to X. If
15	you're lead agency, you have to look at all the
16	considerations.
17	MR. SPITZ: When we ask them for
18	assistance, we should caveat it that we have to
19	receive it sufficiently in advance of our next
20	meeting to have it be of use to us in our
21	determination at the next meeting because I believe
22	what you just distributed instructs us to be
23	prepared to make a decision in three weeks. You
24	don't want us to send it off to them and have it
25	come back in six months.

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1	Proceedings
2	MS. JAKOBSEN: Definitely I don't you
3	know, I think that we are all just looking for
4	they're all they were included in the listing of
5	receiving the document anyway as part of an involved
6	agency, it is on CR-111.
7	MR. SPITZ: So you're expecting comments
8	from them either way?
9	MS. WIPLUSH: If it's on a major road,
10	you have to send it in.
11	MR. CORWIN: Yeah. They normally would
12	produce comments even if it was the Town of
13	Brookhaven, but, you know, maybe they'll take a more
14	extensive look if they're doing it on behalf of the
15	Commission, they might who knows? They might
16	just take a different slant on it.
17	THE CHAIR: But no matter what comes
18	back from them, we're still going to be stuck with
19	the more difficult decisions which they're not going
20	to provide us more information on unless they come
21	up with something that shows that there are major
22	problems and they can't proceed any further, so I
23	don't know if it's going to lead us any further to
24	helping us make a decision.
25	MR. CORWIN: It might. It certainly

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1	Proceedings
2	can't hurt. It might help.
3	MS. JAKOBSEN: We are going to be
4	receiving information from like if it goes up to
5	SHPO, the EAF goes up to SHPO, it goes to DPW, it
6	goes to the Health Department, it goes to all the
7	involved agencies. It's just that they would
8	provide an additional broader overview review of the
9	document. I don't see any negatives in reviewing
10	it.
11	MR. CORWIN: But you're
12	THE CHAIR: I don't see any negatives.
13	MS. JAKOBSEN: And they're willing to do
14	it.
15	THE CHAIR: I don't know if it brings us
16	closer to helping make the decision final. I just
17	don't know if it takes a bigger review than the
18	issues that we're faced with.
19	MR. CORWIN: I mean, one issue alone is
20	traffic. If nothing else, we already know one
21	issue but getting past the review of that section
22	as lead agency, I mean, that's fine.
23	THE CHAIR: I would like to have a
24	motion to ask or request the Suffolk County Planning
25	Department to assist us in review of the Part 3 EAF.

64 1 Proceedings 2 MR. MACHELLAN: So moved. 3 THE CHAIR: Does anyone second? MR. SPITZ: Will that be done in time? 4 5 THE CHAIR: Yes. It will be prior to three weeks, within the next two weeks. 6 7 Will somebody second? 8 MR. MURPHREE: Second. 9 THE CHAIR: Any further discussion? 10 All those in favor, signify by saying 11 aye. 12 MR. MURPHREE: Aye. 13 MR. MACHELLAN: Aye. 14 THE CHAIR: Aye. 15 MS. WIPLUSH: Brookhaven is not voting 16 on this project --17 THE CHAIR: So opposed? MS. WIPLUSH: -- because we have a change 18 19 of zone, so I abstain. 20 THE CHAIR: Abstention? 21 MS. WIPLUSH: Yes. Abstention. 22 THE CHAIR: So three approved and one abstention. 23 24 MS. PLUNKETT: Keep in mind that we may 25 want to have at the next meeting a review of the EAF

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1	Proceedings
2	Part 3, you may want to review (tape inaudible)
3	documents that we have to review, so we have to
4	prepare a full report of the review of that report
5	of the EAF, you may not you may want to digest
6	it, you may not actually want to vote on that.
7	(Tape inaudible.)
8	I think there's plenty of time to (tape
9	inaudible.)
10	MS. JAKOBSEN: On the schedule to do
11	that.
12	They are aware, Lakeside applicant is
13	aware that there is a potential they may need to do
14	another extension because their decision deadline is
15	the 30th.
16	THE CHAIR: Okay. That's it.
17	MS. JAKOBSEN: For that one.
18	The next thing is just some miscellaneous
19	correspondence I've received from Joe Gazza.
20	MS. WIPLUSH: Are we going to do a
21	motion to (tape inaudible)?
22	MR. CORWIN: You're abstained.
23	MS. TREZZA: You're abstained.
24	MS. WIPLUSH: Thank you.
25	MS. JAKOBSEN: I just have some copies

1 Proceedings 2 of some correspondence that Joe has had with the 3 Town Board and Zoning Department. Basically you had asked him to find out whether the -- his proposed 4 5 use for the property with the agricultural storage 6 building is a committed use within CR-200 and there 7 was also a question about whether their site plan review was required, so if you want copies, and 8 9 basically he sent me a letter saying that 10 Mr. Houlihan who is with the Southampton Town 11 Building and Zoning Department, his initial response 12 wasn't responsive, so he sent another letter, and 13 then hot off the fax machine this afternoon I 14 received a handwritten letter from Joe, which is hard to read, and attached to it, which I don't have 15 16 copies of this -- if you want this, I can make 17 copies for you and give it to you -- basically he 18 received from the Town of Southampton a letter 19 regarding the Community Preservation Project Plan -he has a whole bunch of parcels I guess he had 20 21 submitted to them here to see if they would be 22 interested in acquiring them and basically says 23 their response was that they regret to inform him 24 it's -- they're not listed in the Community 25 Preservation Plan, therefore they are unable to

67 1 Proceedings 2 expend any funds under this program at this time for 3 these properties, and Mr. Randall -- I'm sorry --4 Wetbow -- Wipow --5 MR. MURPHREE: Oh, Randall. I have a hard time with his last name, too. Just call him 6 7 Randy. 8 MS. JAKOBSEN: And then he goes on to 9 say, we will, however, recommend to the Board that 10 these properties be added to the Community 11 Preservation Project Plan in August 2001 as 12 permitted by statute, and then Joe had a little 13 commentary letter that he scribbled out to me 14 which --15 MR. MURPHREE: You have a hard time 16 reading. 17 I have a hard time MS. JAKOBSEN: 18 reading, but he's a little upset and I can provide 19 you with copies of this letter also. 20 THE CHAIR: What's the gist of that 21 letter? 22 MS. JAKOBSEN: Well, basically I am 2.3 living in the United States of Iran, but --24 SPEAKER UNKNOWN: I'd like a copy of 25 that.

68 1 Proceedings 2 MS. JAKOBSEN: Well, if you want -- I 3 mean, it says as per Town letter dated September 28, 4 copy attached, the Town will not --SPEAKER UNKNOWN: 5 Nothing like living in 6 the United States, not Iran. 7 MS. JAKOBSEN: -- buy my land at this 8 time. The Town does not want to -- does want to 9 collect \$6,500 in realty taxes from me in December 10 though. My law is held, however, with the 11 repertory --12 MR. MURPHREE: Isn't that land is held? 13 And each year I have to pay ransom realty 14 taxes on government takings of my land from me. I'm 15 living in the United States of Iran. 16 MS. JAKOBSEN: I have to send you those 17 copies. 18 THE CHAIR: Will there be any other 19 information regarding the Gazza project? Has the 20 Town made a decision? 21 MS. JAKOBSEN: We will -- the staff is 2.2 in the process of reviewing and we will need to be 23 making a determination. 24 MR. MURPHREE: I know that Paul Houlihan 25 met with Joe either this week or last week and I

69 Proceedings 1 2 don't know the outcome of it. I know that there was some question as to whether or not -- how -- you 3 4 know, whether or not Joe was actually a farmer or 5 not and what his actual intent on the building was 6 (tape inaudible). No official decision was actually 7 rendered. 8 MS. WIPLUSH: So he wanted to build agriculture structures? 9 10 MR. MURPHREE: Joe built warehouses, and 11 he's using the fact that he grows or may grow crops 12 somewhere else and store, that he wants to store --13 MS. WIPLUSH: Store in his warehouses? 14 MR. MURPHREE: Well, not the crops, but 15 like umpteen like (word inaudible) equipment and 16 things like --17 In furtherance of his MS. WIPLUSH: agriculture use? 18 19 He explained to us that MR. MACHELLAN: 20 he wanted to house plants and put them in pots or 21 something. 22 THE CHAIR: He was going to hire people 23 to transplant them. 24 MS. WIPLUSH: And store it in the 25 warehouse?

70 1 Proceedings 2 MR. MURPHREE: He's got to satisfy the 3 chief building inspector on that one. MS. WIPLUSH: 4 And his argument is that 5 it's an exempt use because of the agriculture? THE CHAIR: Yes. 6 Yes. He owns a 7 nursery somewheres else and he was going to move them in transport. 8 9 MS. WIPLUSH: So he was saying his 10 storage would be in furtherance of his agriculture? 11 MR. MURPHREE: Yes. That's his 12 argument. 13 THE CHAIR: That's his argument. 14 Do we have to do anything before we -- we 15 have the time, I guess. 16 MS. JAKOBSEN: We have some time. The 17 decision deadline is not until December. 18 THE CHAIR: So you can let us know if 19 the Town takes action before then? 20 MR. MURPHREE: They may have already I don't know. 21 taken action. 22 MS. JAKOBSEN: That's it for that. 23 THE CHAIR: Compatible Growth Area, American Tissue, deadline extension. 24 25 MS. JAKOBSEN: Okay. We received a

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2 letter from American Tissue because their current 3 deadline is October 25. They have not yet filed --4 sent their IES to the Town. I did another little 5 outline for this project since this has been kind of 6 an ongoing long-term project before the Commission. 7 They sent us a letter to extend the deadline till November 30 and while I was preparing this outline, 8 I realized that their offer, November 30 change of 9 10 deadline, is not going to work because basically 11 that would mean you would -- we would have to have 12 the FEIS and schedule a hearing at your October 25 13 meeting which would then take place at your November 14 30 meeting, so it's not a workable deadline. Ι called Eric and left a message, but I have not heard 15 16 back from him. I think the earliest they could do 17 it then would be -- they have to file also with the 18 Commission's meeting at -- and so they would need to 19 at least extend that deadline to the December 20 meeting. And, again, it depends on the timing of 21 when they get the FEIS into the Town.

THE CHAIR: So they haven't officially requested it yet. So you want to ask them to write us a letter?

MS. JAKOBSEN: They had sent me a letter

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72 1 Proceedings 2 that said they want to extend it to November 30. 3 When I was doing this outline --4 THE CHAIR: Okay. I see. 5 MS. JAKOBSEN: -- I realized that 6 there's a problem. 7 THE CHAIR: So why don't we just grant 8 this now. This is the only thing we have in front 9 of us, so we can't do anything other than what 10 they're requesting. In the interim, you can ask them to send us a letter --11 12 MS. JAKOBSEN: Okay. 13 Well, the next time it would THE CHAIR: 14 make sense to just leave it open. We're not going 15 to hold it up, you know, or you can send that --16 SPEAKER UNKNOWN: We can do that now. 17 MS. JAKOBSEN: Counsel -- and also Jim 18 has preferred that they give us --19 MR. RIGANO: Well, I don't want it held 20 that (tape inaudible) and they don't. 21 They also -- well, I had MS. JAKOBSEN: 22 suggested originally the December deadline. 23 MR. RIGANO: That would be perfect. 24 MS. JAKOBSEN: And they didn't want --25 MR. RIGANO: The other thing is so they

73 1 Proceedings 2 complete the FEIS, it's done, we then have to have a 3 hearing and then before there can be a decision or at the same time as a decision, we also have to do a 4 5 findings statement, so that means two months, maybe 6 three, once the FEIS is done, a hearing, 7 decision/findings statement. It's hard to do a findings statement without a meeting. A findings 8 statement has to be written. 9 10 MS. WIPLUSH: Can I keep these? 11 MS. JAKOBSEN: And they -- again, they 12 also --13 MR. RIGANO: So two or three meetings --14 THE CHAIR: They're not mine. They're 15 Mark's. 16 MR. RIGANO: At least two, maybe, more 17 likely three after (tape inaudible). 18 MS. JAKOBSEN: So you're saying prior to 19 January? 20 THE CHAIR: So we just want to --21 MS. JAKOBSEN: If there's flux, because 22 we don't know when the FEIS is going to be, they're 23 willing to work with us on the decision for 24 extensions. They just don't like to see -- they 25 just didn't want to see December. I even mentioned

74 Proceedings 1 2 January and they're like oh, no, no, November. 3 They can do what they like MR. RIGANO: as long as we get to our default deadline. 4 5 THE CHAIR: We can always deny it. MR. RIGANO: There can be denial because 6 7 of (word inaudible). THE CHAIR: I would like to have a 8 motion accepting a request to extend this November 9 10 30th. 11 MS. WIPLUSH: Motion. 12 THE CHAIR: Is there a second? MR. MACHELLAN: Yes. 13 14 THE CHAIR: All those in favor, signify 15 by saying aye. 16 MR. MURPHREE: Aye. 17 MR. MACHELLAN: Aye. 18 MS. WIPLUSH: Aye. 19 THE CHAIR: Aye. 20 Opposed? 21 Motion carries. 22 Do you have any more information for 23 Brookhaven on the power plant that was proposed 24 (tape inaudible)? 25 That's another one. No. There was one

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1	Proceedings
2	over in this area. Do you ever hear anything, Judy?
3	MR. RIGANO: There is one right off the
4	LIE in Brookhaven.
5	The CHAIR: What was there was two
6	though. One was just north of the County Park and
7	the other one was by the American Tissue.
8	MS. JAKOBSEN: There's Caithness Energy
9	Plant which is being proposed right next to American
10	Tissue.
11	MR. RIGANO: But that's
12	MR. RIGANO: What is that?
13	MS. JAKOBSEN: Caithness,
14	C - A - I - T - H - N - E - S - S.
15	THE CHAIR: I wasn't able to find it.
16	MS. JAKOBSEN: It's in the CGA. It's
17	right the parcel just west of where American
18	Tissue is proposed and I have corresponded with
19	Mr. I think it's McBrarity. I happened to see it
20	because I review projects for the Water Authority
21	and we hadn't received a document for the Pine
22	Barrens even though we are mentioned in it in their
23	scoping document. So
24	MR. MACHELLAN: So we haven't received
25	anything on it?

76 1 Proceedings 2 MS. JAKOBSEN: We now have a document 3 thanks to, you know, DEC's forwarding us a copy and I also sent them a letter, an e-mail and a letter 4 5 telling them that basically we have to be on their 6 mailing list and that they -- and basically that 7 they have to -- what they have to be looking at in terms of --8 9 THE CHAIR: No, you don't. 10 MS. WIPLUSH: And the location is in? 11 MS. JAKOBSEN: Well --12 MS. WIPLUSH: -- Medford? 13 MS. JAKOBSEN: I'm sorry? 14 THE CHAIR: They don't. 15 Do you know article 12 proceedings under 16 public service law --17 (Tape inaudible.) 18 THE CHAIR: So --19 MR. RIGANO: I'm not sure --20 (Tape inaudible.) 21 Well, that's the only issue THE CHAIR: 22 that's going to be raised in case more of these 23 start popping up as they are starting to do. I 24 actually got on a Web site today, there's like 15 on 25 there, and --

77 Proceedings 1 2 MR. RIGANO: Power plants proposed on Long Island? 3 4 THE CHAIR: No. Not just on Long 5 Island. They're all over the place, but I can't 6 tell which ones are where, and I think this name was 7 actually up there. Were some of the worst all 8 MR. SPITZ: in the Pine Barrens? 9 10 There is another one in MS. JAKOBSEN: 11 Kings Park. 12 THE CHAIR: Kings Park, Yaphank. 13 MS. WIPLUSH: Yeah. Kings Park, 14 Yaphank. 15 THE CHAIR: There's one in Calverton. 16 They're not fighting that MS. WIPLUSH: 17 one. 18 THE CHAIR: There's at least four plus 19 two that Keyspan hasn't filed for in Jamesport. So, 20 I mean --I don't understand why we 21 MS. JAKOBSEN: 22 need two right on that 101 area, one south of the 23 expressway and one north. 24 THE CHAIR: I don't understand why you'd 25 put one in the middle of developed land. When we

1 Proceedings 2 develop opposition, we can put it anywhere in the 3 distribution system and have the energy going in any direction you want. Poor planning. But anyway if 4 5 you go through and read Article 10, basically local 6 government is preempt from mostly getting involved 7 in any kind of actions, every government is. The only agencies that are involved are DEC, state, 8 9 health, economic development and Public Service 10 It doesn't go through SEQRA, there's an Commission. 11 exemption for SEQRA under this, it goes back to I think the first days that SEQRA was passed back in 12 '78, but it was always with the intention that these 13 14 were publicly owned utilities of a sort and what 15 changed is when the deregulation came into effect, 16 nobody had envisioned way back then that there would 17 be an onslaught of private companies coming in of all different sizes without any planning where they 18 19 were going to go as it's happening now in 20 competition, and I think there was a case recently, 21 is it Athens, where a community there tried to oppose one and they lost the case, again saying that 22 2.3 there was nothing in the legislative bill jacket or 24 in testimony from the legislature to indicate that 25 their intent was just to make this law applicable to

1 Proceedings publicly owned utilities, that it applies to all 2 3 utilities until the legislature says otherwise. So 4 the process right now is that unless you get on the 5 Web site or get a mailing every week from the state 6 to state register, it's hard to know when the Public 7 Service Commission has received applications. From 8 the time they receive their applications, the Commissioner forwards a letter over to the Governor 9 10 at some point and that's at his discretion when, so 11 right now I called up, they don't even know if 12 letters have gone over to the Governor, they think 13 some of them have, they're not even sure, they have to check back with the Commissioner, but once the 14 15 letter goes to the Governor, the Governor sets up a 16 siting Board for each of these power plants 17 different plants which consist of the four 18 commissioners and two additional local people appointed by the Governor, one county representative 19 20 or somebody from the county and one from the 21 judicial area of the county, so there are two more 22 people, so those six people become the siting Board 23 that makes the decision as to whether it should 24 proceed, but it doesn't have -- at that point, unless you intervene and request to be a party in 25

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1	Proceedings
2	interest, you basically are precluded from even
3	commenting on the project, the project does not have
4	to conform to zoning or any other standards that
5	have been created, so I would assume even in the
6	Pine Barrens it may not be applicable there.
7	MS. WIPLUSH: It doesn't have to conform
8	to the zoning?
9	THE CHAIR: The only other case that
10	they said that there was a court decision on was
11	that the Department of State intervened in another
12	situation that did not preempt the federal
13	government and so through the Federal Coastal Zone
14	Management Act which delegates authority to the
15	Department of State and the Department of State has
16	consistency requirements, they did have the ability
17	to review the power plant because of its location in
18	the coastal zone area.
19	MS. WIPLUSH: And what law
20	THE CHAIR: But other than that
21	MS. WIPLUSH: And what law was this?
22	THE CHAIR: Article 10 of the Public
23	Service Law.
24	MS. WIPLUSH: Public Service Law.
25	THE CHAIR: So it's just a concern now

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1	Proceedings
2	because I've looked on the if you go on the Web
3	site you'll see there's a lot of plants that are
4	popping up all of a sudden.
5	MR. MACHELLAN: The Calverton proposal is
6	not in the Pine Barrens.
7	THE CHAIR: It's not going to be in Pine
8	Barrens at all, compatible (word inaudible).
9	MR. MACHELLAN: It's going to be by the
10	industrial zoned property on the site which is
11	outside of (word inaudible).
12	MS. WIPLUSH: Judy, you said there's one
13	near American Tissue in Yaphank?
14	THE CHAIR: I'm just raising this in
15	terms of (word inaudible), but our only ability
16	we have only two areas we can possibly have
17	involvement, one in trying to get the appointment to
18	the siting board that is representing the county's
19	interests and then secondly that (word inaudible)
20	has a window of opportunity to become a party in
21	interest so they can address issues raised by those
22	parties, and I think you have to file from them, I
23	think it's 30 to 45 days from the notice that
24	appears on the Web site in the state register, so
25	you have a very limited opportunity it seems to get

82 1 Proceedings 2 involved in this whole process, no matter where 3 they're being located. You can probably correct me on this. I've just been picking this up in the past 4 5 two weeks. I just find it fascinating. I didn't 6 know all this existed. 7 Do you know anything different than what I've said? 8 9 MR. RIGANO: Yes. Maybe we should have 10 a brief Executive Session because there are some 11 questions. 12 THE CHAIR: And the big one is obviously 13 the one in Commack that has created all the 14 controversy. 15 MS. WIPLUSH: Kings Park; yeah. 16 THE CHAIR: All right. Do we have any other issues? 17 SPEAKER UNKNOWN: I think Jim --18 19 MR. RIGANO: I just had some Executive 20 Session items that there should be no action on 21 afterwards. 22 THE CHAIR: Okay. 23 Mr. Olsen? 24 MR. OLSEN: (Tape inaudible.) 25 THE CHAIR: Yes?

1 Proceedings 2 MR. OLSEN: I just feel compelled to 3 remark on a couple of things. On the -- I couldn't 4 help but notice the discussion about on the Joe Gazza property, and believe me I have no affiliation 5 with Joe Gazza whatsoever and Joe Gazza cringes at 6 7 the thought of me making any remarks about any of 8 his projects that I might do him wrong, but I just -- I don't understand the mindset of people who 9 10 find it at all amusing what Joe Gazza is going 11 through, and I don't care about the fact whether Joe 12 Gazza is a speculator or a developer or just a private individual that owns one lot. What Joe 13 14 Gazza is and what the people who Dominick represents 15 are are people who made a realistic investment and 16 bought some property and had the realistic goal of 17 some day being able to utilize that property and we 18 can all appreciate the fact that economic conditions 19 can change and somebody who speculates can lose that 20 opportunity due to normal economic conditions or 21 natural conditions and that sort of thing, but what isn't acceptable is when government comes along and 22 23 does something that changes those conditions, and when that happens, when that happens to a person, I 24 25 think that government is obligated and I think our

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1 Proceedings 2 constitution says that they're obligated to justly 3 compensate those people when that happens, and I just see in many of these cases, particularly 4 5 recently, this Commission balancing these applicants 6 between other Town boards and other entities and 7 then that other entity bouncing them back again and forever keeping these people in limbo so that they 8 are never able to achieve either use of their 9 10 property or just compensation and I find that 11 deplorable. It's deplorable. And when Joe Gazza 12 writes you a letter and makes the remarks about 13 being -- not being in Iran yet and still having the 14 obligation to pay his taxes every year, I don't find 15 that one bit amusing. That's not one bit amusing to 16 And it shouldn't be one bit amusing to anybody me. 17 in this room and it's too bad this room isn't full 18 instead of the paltry few people that I see that 19 show up at these meetings, and I think that this 20 Commission has to have themselves a meeting with all 21 the powers that be and come up with a solution to 22 the problems of the property owners who find 23 themselves in the situation where they're in the 24 core and can never realistically go before the Town 25 Board of the Town of Brookhaven, for example, or the

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1	Proceedings
2	Town Board of the Town of Southampton, and present a
3	full application in order to give you the answers
4	that you feel you need as to whether or not this
5	person could have ever realized the type of project
6	that they are proposing and could then have had the
7	kind of value to their property it puts
8	everything in a gray area, where these people are
9	never able to answer the questions that you want
10	answered, and yet you won't make your decision until
11	every one of those finite questions are answered,
12	and I think that's totally unreasonable of you and I
13	don't think for one moment that your mandate from
14	the legislature through this legislation was to do
15	this to property owners. I don't think for one
16	moment that that is true. I don't think that they
17	intended that you deprive property owners of a quick
18	and fair solution to their problem, and this act has
19	been in place now for I forget how many years, but
20	that's how many years it's been that my memory now
21	doesn't even let me remember how many years it's
22	been, and yet these people still are not compensated
23	and they're still being bounced back and forth using
24	the law as a weapon against these people, and that's
25	wrong. You have to have yourselves a meeting, you

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1 Proceedings have to direct the Town of Brookhaven, for example, 2 to look at a project such as Dominick proposed and 3 4 say without going through all the formality, is 5 there a quick way that you can give an answer to 6 this as to just a rule of thumb what would have been 7 acceptable here, what could this person realistically have expected and then be able to come 8 back to him and give an answer and say this is what 9 10 we can do, because the way you're doing it, you're 11 never going to get the answers. Paul Houlihan, for example, is never going to give Joe Gazza an answer 12 13 as to whether this particular project that he's 14 proposing would ever be acceptable under code unless he's got a complete application that goes through 15 16 the whole process and comes right down to his desk 17 where Paul Houlihan is forced to make that decision, 18 and yet you're using that process to keep Joe Gazza 19 in limbo and other people in limbo, and I don't think that Dick Amber or anybody else that was part 20 of getting this legislation together or the 21 22 legislators that sponsored it ever intended for you 23 to treat property owners in that fashion. I do not 24 believe that. And I don't think you believe it 25 either. And I just hope that you will get your

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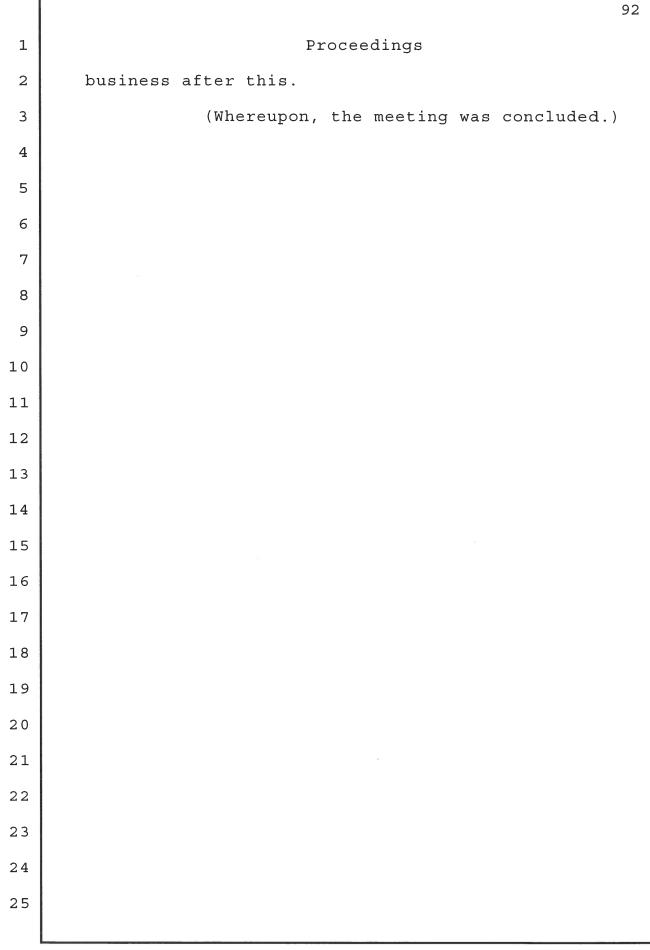
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1	Proceedings
2	heads together and come up with a solution to that
3	particular problem, the problem being trying to
4	answer these unanswered questions that you keep
5	asking the finite details about so that you don't
6	continually keep these people in limbo the way
7	you're doing. I just hope you'll all take my advice
8	and you'll do something to remedy that situation.
9	It's deplorable in this country. It's deplorable.
10	Thank you.
11	THE CHAIR: Any comments?
12	MR. DITTMER: Excuse me.
13	THE CHAIR: Yes, sir?
14	MR. DITTMER: I would like to answer
15	that, that you have a duty and an obligation to
16	perform and any variance from that is a malfeasance
17	in office. Some of you have even taken an oath,
18	you're in violation of your oath of office. I think
19	it's deplorable, too.
20	THE CHAIR: Well, the reason why the
21	room is not more fuller is because 99 percent of
22	what we're doing is done in a way that most people
23	approve. What you see here are the very, very, very
24	small exceptions to those rules.
25	MR. DITTMER: That's not true.

88 1 Proceedings 2 THE CHAIR: In the Clearinghouse, we 3 don't get a heck of a lot of appeals because the 4 process is working. 5 MR. DITTMER: That's not true. 6 THE CHAIR: We get things that come out 7 that don't fit into the mold. When we created a 8 procedure, it wasn't meant to be absolute and 9 perfect, and so that's why there's appeal back here. You have things that don't fit into the norm and as 10 11 we went through this --12 MR. DITTMER: Most people are disgusted 13 and will not come here. 14 THE CHAIR: We disagree on that point. 15 But we don't have much vacant land left in the core, 16 so hopefully this whole thing will be concluded in a 17 short time. 18 MR. OLSEN: The only thing that was 19 appalling to me was the comment that came back from 20 this community development or whatever that was at 21 one time offering this little carrot in front of Joe Gazza's face that they, you know, they would be 22 23 purchasing property and everything and then at the 24 last minute they turn around, well, we changed our 25 mind, we're not going to be purchasing property, so

89 1 Proceedings 2 wait till next year or whatever. That's the very 3 thing that's wrong with this whole process. You people can address it. You absolutely have the 4 5 power to address it. 6 MR. MACHELLAN: That's the Town of 7 Southampton. That has absolutely nothing to do with the Commission. 8 9 MR. OLSEN: I understand that and that's 10 what I'm talking about, is the fact that you pass it 11 to them, they pass it to you and it keeps -- as long 12 as you can keep the ball in the air, you're okay --13 MR. DITTMER: But you haven't answered the question --14 15 MR. OLSEN: -- and that's not acceptable. 16 MR. DITTMER: -- that people are 17 disgusted. People are disgusted. You want somebody 18 to come in here with a gun and shoot you? I mean, 19 you know, people are disgusted. 20 SPEAKER UNKNOWN: That's really an 21 intelligent statement. 22 MR. DITTMER: I think you ought to realize that. You're very unpopular. 23 24 MR. MACHELLAN: Have we received any 25 letters to that effect? )

90 Proceedings 1 2 MR. SPITZ: That someone's gonna shoot 3 us? 4 MS. TREZZA: Or that the (word inaudible) have disappeared. 5 6 MR. DITTMER: They're afraid of you. 7 Well, Mr. Nicolazzi has MR. SPITZ: 8 never been unhappy to tell us what's on his mind and frankly, gentlemen, he's sitting right in front of 9 10 you and he's not doing any complaining on his own 11 behalf. As a matter of fact, I suggest when you 12 13 talk to him when he leaves, he's going to explain to 14 you we've been very fair with him on this particular 15 appeal and how we've handled it and what we haven't 16 made him do at this point at cost to his client. 17 But be that as it may, he's sitting in front of you 18 and he ain't bitching and moaning. 19 MR. OLSEN: I think he's being very 20 diplomatic. 21 THE CHAIR: I think I know him better 22 than that. He's been very frank with this 23 Commission when he's been unhappy with how we've treated his clients in the past. 24 25 MR. NICOLAZZI: I will speak on to that.

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1	Proceedings
2	I would like to speak to that.
3	I do not share in the frustrations that
4	Mr. Olsen and the other gentleman feel, although I'm
5	not in their shoes. The Commission has been very
6	fair to me and all of the applicants that I've put
7	forward I believe in this Commission. I believe
8	that all of the members of this Commission are very
9	fair and just and Mr. Olsen does make some good
10	points on occasion, but I can't say I share his
11	frustration.
12	THE CHAIR: Okay. If there's no more
13	comments, motion to go into Executive Session?
14	MR. MURPHREE: Motion.
15	THE CHAIR: Is there a second?
16	MR. MACHELLAN: Second.
17	THE CHAIR: All those in favor, signify
18	by saying aye.
19	MR. MURPHREE: Aye.
20	MR. MACHELLAN: Aye.
21	MS. WIPLUSH: Aye.
22	THE CHAIR: Aye.
23	Opposed?
24	Motion carries.
25	And we will not be conducting any



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1	
2	CERTIFICATE
3	
4	I, ROBIN LaFEMINA, a Shorthand Reporter
5	and Notary Public, within and for the State of New
6	York, do hereby certify that I transcribed the
7	proceedings in the above entitled matter on October
8	10, 2000, at 3525 Sunrise Highway, Great River, New
9	York, and that this is an accurate transcription of
10	said proceedings.
11	Della La la
12	KOUVI AN FUMME
13	ROBIN LAFEMINA,
14	Shorthand Reporter
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# Commission Agenda (DRAFT) for Wednesday, October 25, 2000 Suffolk County Park Police and Pine Barrens Center Southaven County Park, Victory Avenue, Yaphank 2:00 pm

1. Public Comment (please sign Speaker Sheet)

# 2. Administrative

• Summary of 10/4 meeting: review, approval (to be faxed)

# 3. Pine Barrens Credit Program

• Alberto and Sipala / Manorville (Brookhaven) / credit appeal: decision (hearing held 8/23/00; decision deadline is today)

# 4. Plan Implementation

- 2000 NY Wildfire and Incident Management Academy: status (information item)
- Wildfire Task Force Public Education Committee: fire danger signs; other activities: status (information item)

# 5. Core Preservation Area

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

# The following item is scheduled for 3:00 pm:

• Schoenster / Calverton (Brookhaven) / snowboarding and winter sports park / hardship: public hearing (decision deadline is 1/6)

# 6. Compatible Growth Area

- Omnipoint Communications / Ridge (Brookhaven) / communications tower: request for comments
- 7. Executive or Advisory Session (if necessary)

# Next Commission meeting:

11/29/00 at the Riverhead Town Hall, East Main Street and Howell Avenue, Riverhead, 2:00 pm



Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

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# Commission Agenda (FINAL) for Wednesday, October 25, 2000 Suffolk County Park Police and Pine Barrens Center Southaven County Park, Victory Avenue, Yaphank 2:00 pm

1. Public Comment (please sign Speaker Sheet)

# 2. Administrative

• Summary of 10/4 meeting: review, approval (faxed)

# 3. Pine Barrens Credit Program

 Alberto and Sipala / Manorville (Brookhaven) / credit appeal: decision (hearing held 8/23/00; decision deadline is today)

# 4. Plan Implementation

- Pine Barrens Research Forum: final report; donation from Battelle Memorial Institute
- 2000 NY Wildfire and Incident Management Academy: status (information item)
- Wildfire Task Force Public Education Committee: installation of fire danger signs; other activities

# 5. Core Preservation Area

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

#### The following item is scheduled for 3:00 pm:

• Schoenster / Calverton (Brookhaven) / snowboarding and winter sports park / hardship: public hearing (decision deadline is 1/6)

# 6. Compatible Growth Area

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

# 7. Executive or Advisory Session (if necessary)

# Next Commission meeting:

11/29/00 at the Riverhead Town Hall, East Main Street and Howell Avenue, Riverhead, 2:00 pm



Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

Ray E. Cowen Member

Robert F. Kozakiewicz Member

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Phone (631) 224-2604 Fax (631) 224-7653 Internet: http://pb.state.ny.us Commission Meeting Summary (DRAFT) for Wednesday, October 25, 2000 (To be approved) Suffolk County Park Police and Pine Barrens Center Southaven County Park, Victory Avenue, Yaphank 2:00 pm

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

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

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

#### **Public Comment**

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

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

The third speaker was Mr. Dominic Nicolazzi, representing

himself, who remarked that the statement that he was distancing himself from at the last meeting was a remark made by another person that made reference to the Commission in the context of shooting a gun.

#### Administrative

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

#### Pine Barrens Credit (PBC) Program

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

#### **Plan Implementation**

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

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

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

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

- 2000 NY Wildfire and Incident Management Academy: status (information item) <u>Summary</u>: Mr. Corwin reported that this third annual Academy was scheduled for the period from 10/26/00 to 11/5/00 at the Brookhaven National Laboratory. There are currently approximately 300+ students registered, and he discussed some of the course offerings.
- Wildfire Task Force Public Education Committee: installation of fire danger signs; other activities

<u>Summary:</u> Mr. Corwin and Ms. Jakobsen briefly discussed the press conference to be held tomorrow afternoon, 10/26/00 at 3:30 pm at Southaven County Park to unveil the new fire danger sign for the entrance to that park. The fire danger rating system was briefly described, along with the plans for a second sign, perhaps along William Floyd Parkway near the Brookhaven National Laboratory.

#### **Closed Advisory Session**

<u>Summary:</u> A motion was made by Mr. Cowen and seconded by Mr. Girandola to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 4-0 vote, and the Commission entered into closed session from approximately 2:43 pm to 3:14 pm.

#### **Core Preservation Area**

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

#### Pine Barrens Credit (PBC) Program

• Alberto and Sipala / Manorville (Brookhaven) / credit appeal: decision (hearing held 8/23/00; decision deadline is today)

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

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

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

#### **Core Preservation Area**

Gazza / Westhampton (Southampton) / agricultural building / hardship: SEQR status (hearing held 9/13; decision deadline is 12/1)
 <u>Summary:</u> Mr. Joseph Gazza, the applicant, was present and distributed the attached letters between himself and the Southampton Town Building Department regarding the definition of agricultural uses, what uses are considered as accessory to agriculture, whether an accessory use has to be on

the same or a nearby parcel, etc. He stated that he felt that the Town's letters were unresponsive. He also summarized conversations that he had with the Town Building Inspector.

Mr. Shea then remarked that Mr. Gazza's proposed use for the Westhampton subject property would be for a storage building for a Water Mill property owned by Mr. Gazza which contains a retail building, not a growing facility, and which is about 25 miles distant. Mr. Shea noted that it is difficult to say whether the proposed use on the subject property could be classified as an accessory use to the Water Mill property. Mr. Shea also remarked that Mr. Gazza owns a parcel to the north of the subject property, that the northerly parcel contains an auto repair shop, and that there has been illegal clearing on the northerly parcel which has extended onto the subject parcel. Mr. Shea reported that Mr. Gazza was cited by the Town yesterday for clearing in the Core area without a permit and for clearing in an aquifer protection overlay district.

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

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

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

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

#### **Compatible Growth Area**

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

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

#### Adjournment

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

#### Attachments (in order of discussion):

- 1. Attendance list (2 pages)
- 2. Speaker list (1 page)
- 3. Pine Barrens Society statement re Lakeside Manor application (10/25/00; 1 page)
- 4. Letter from several people re Walter Olsen representing them (10/11/00; 1 page)
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- 7. Letters between J. Gazza and Southampton Town re property uses (misc. dates; 9 pages)



Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz Member

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

Phone (631) 224-2604 Fax (631) 224-7653 Internet: http://pb.state.ny.us Commission Meeting Summary (FINAL) for Wednesday, October 25, 2000 (Approved 11/29/00) Suffolk County Park Police and Pine Barrens Center Southaven County Park, Victory Avenue, Yaphank 2:00 pm

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

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

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

#### **Public Comment**

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

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

The third speaker was Mr. Dominic Nicolazzi, representing

himself, who remarked that the statement that he was distancing himself from at the last meeting was a remark made by another person that made reference to the Commission in the context of shooting a gun.

#### Administrative

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

#### Pine Barrens Credit (PBC) Program

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

#### **Plan Implementation**

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

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

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#### Adjournment

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# **CENTRAL PINE BARRENS** JOINT PLANNING AND POLICY COMMISSION

Meeting For: Central Pile Barrens Commission Par Location: xuthar. oha

00

Date /Time:

# Sign In Sheet

	REPRESENTING	ADDRESS	TELEPHONE/FAX
T.T.	CPBC Stolk	3525 SURVice Huy	563-0385-634-7653
Merio-	(PIL STOPK	Great River NY	562-0277
Mare Lizzo	CIAIT		853-4061
K. DRAGOTTA	suff Ch		833 4001
Key Corwin	CPBC Styl.		
Jipp Rigoro	consulto CPOC		631694 8005
Juandole	T.O.B.	MEDFORD, N.Y.	451-6400
3 Wights A	TJEB	medmil Ala	451-6500
MAATY SHEA	TOSH	116 Hangton Rd Southon	ton 207-5710
BULL SPITZ	NYSDEC	STONYBROOK	444-0419
Kay Cowen	Gov Pataki	Story Brook	444-0345
get Leurs	LIPBS	Kizeleas	369330
Walton & Sharon Olsen	Civil Property Rights Associates Inc	POBOX ZOZ Brightwalers NY 11718	7275696
Donna Plumkett	CPBC Staff.	0 7	
Theodore Sklar	Co. Atty	Hauppauce	853-5665
Judy Jakobsen	CPBC Staff	10 0	563-0306
Shelley Green	TNC	Cold Spring Harbor	367-3384 ×26
Dominy NICEIAIZI	SIPACA /ALBERTO	EN PILL AR AVE. FARMING VILLE N.Y. 1173:	698-50 88
John Sipala	Sigula / Alberto	Manor Lone Damasport	722-3000
$h_{1}h_{2}h_{3}h_{3}h_{3}h_{3}h_{3}h_{3}h_{3}h_{3$	0 11 LC		589.3434
Richard Boden	Kivenhead Town &	D. 210 How ell Are Rivelow	P 727- 4800
Ann Cartin	CPBC Staff	Geat River	224-7653
HENRVR. DITTMEN	R C.P.R.	P.O. Box 202 Barristope NNII	718 115-9090

10/25/00 Commission Meeting Sign In Sheet Address / Phone Representing Name POB 969 Quaque NY JOE GAZZA Self 18 MUIR BLUID FEAST HAMPION 1725 Hobrat Road. Southald. TAMES Schoenster Self Joseph Fischeth PE. Jomes Sheensley

16/25/00 attachmit#2 (1page)

# Central Pine Barrens Joint Planning and Policy Commission

# Speaker Sign In Sheet

10/25/00 Meeting Date \_\_\_\_ Meeting Place Southaver Burly Buk

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Walter Olsi	~ CPR	Representation while Spea
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# LONG ISLAND PINE BARRENS SOCIETY

10/25/00 9 Hachart # 3 (1 page)

October 25, 2000

Statement from the Long Island Pine Barrens Society on the Lakeside Manorville Hotel Application:

The Pine Barrens Society would just like to ask each of the Commissioners to take a hard look at the Lakeside Manorville Hotel hardship application and its implications for development in the Core Preservation Area. Among the considerations deserving of attention are the fact that this application would result in a zone change in the Core Area at the hands of the Commission as the lead agency. This is the same agency charged with preventing development there. In addition, this is an excellent and necessary opportunity to visit the issue of contract vendees vs. grandfathered property owners and to address again the matter of self created hardships. It is the Society's continued position that the relative value of land to be preserved in the Core must be a subordinate consideration and should never encourage development in the Core. This property is eligible for purchase and has development credit potential. This represents sufficient compensation to provide the minimum relief required by the Act.

The Open Space Council, The Nature Conservancy and other groups share our concern about this hardship application. We strongly urge you to review this matter with staff and to take due deliberations on this application on its own merits and in consideration of the potential precedence setting nature of an approval.



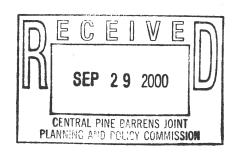
10 125/00 attachment # 4 (Ipage) WE THE UNDER SIGNED AGREE WITH WALTER DESEN AND BELIEVE THAT THE PINE BARRENS COMMISSION IS UMFAIR TO US PROPERTY OWNERS, WALTER OLSEN DECE REPRESENTS OUR VIEWS OCT 2 5 2000 CENTRAL PINE BARRENS JOINT PLANNING AND POLICY COMMISSION Mus. Down Levere Fl. mil. Manay Drive Fl. hs Judy Doreked Manapeque hipersons & north Mrs Jonstance 1 to Screver Screwen 101 +3 Nonrak ST. Manonvil V11949 spercon SLORIA Handpip MANDROSICE, M es Lanaleec Brouf, M W. Hempstead Sufforter 1512 pouro Ace My 11764 usett, h.s. ofgusin miller CAC parele, dwagd plones Veterson Dethoa John Mannezzi Palma A. Kender Beature Allman OCT. 11, 2000



10/25/00 (2Hach ment # 5 Building 460 P.O. Box 5000 Upton, NY 11973-5000 Phone 631 344-8629 Fax 631 344-7875 fess@bnl.gov

managed by Brookhaven Science Associates for the U.S. Department of Energy

www.bnl.gov



Ray Corwin Executive Director Central Pine Barrens Joint Planning and Policy Commission 3523 Sunrise Highway, 2<sup>nd</sup> Floor Great River, NY 11739

Dear Mr. Corwin:

September 26, 2000

On behalf of Battelle Memorial Institute, I would like to present the Central Pine Barrens Joint Planning and Policy Commission with the enclosed check in the amount of \$5,000.

Battelle, in conjunction with the State University at Stony Brook, manages Brookhaven National Laboratory, through Brookhaven Science Associates, LLC. Battelle is pleased to support the Central Pine Barrens Joint Planning and Policy Commission.

By endorsing and depositing this check, you warrant that there has been no change in your I.R.S. tax classification as an organization described in Internal Revenue Service Code sections 501(c)(3) and 509(a)(1), (2) or (3).

We extend our best wishes to you for continued success and look forward to hearing about your accomplishments during the year. It is a pleasure to be among your current supporters.

Very truly yours,

Gregory Fess Secretary

Enclosure

10/25/00 attachment # 6

CHIUS

Long Island Groundwater Research Institute • The University at Stony Brook • Stony Brook, NY 11794-5000 (631) 632-8674 • FAX (631) 632-8820

(page)

P.02

October 25, 2000

Mr. Ray Corwin Executive Director Long Island Pine Barrens Commission Great River, NY 11739

Dear Mr. Corwin:

We would be delighted to work with the Commission to establish an award for student research in the Pine Barrens. We anticipate that the award would carry a \$1,000 cash prize. Nominations could be accepted from any institute of higher education. These and other details would be mutually arranged.

We can accept a contribution of \$5,000 for research and education. A check should be made out to the "Stony Brook Foundation Account No. 270380".

Best Regards,

Henry Bokunillaria

Henry Bokuniewicz. Director

HB/cd Convioract2000.doc

10/25/00 Gettachment # 7 (9



Town of Southampton 116 Hampton Road Southampton, NY 11968

DEPARTMENT OF LAND MANAGEMENT BUILDING AND ZONING DIVISION DAVID A. CASCIOTTI, AICP TOWN PLANNING AND DEVELOPMENT ADMINISTRATOR

> PAUL J. HOULIHAN CHIEF BUILDING INSPECTOR

Telephone 631 287-5700 Fax 631 287-5706

September 19, 2000

Joseph Gazza, Esq. P.O. Box 969 5 Ogden Lane Quogue, New York 11959

RE: Permissible zoning uses of premises on SCTM# 900-285-2-29.2

Dear Joe,

I am in receipt of your letter dated September 14, 2000. In that letter you request the answer to two questions:

- 1. If agriculture and agricultural storage buildings are permitted uses of the subject premises: and
- 2. If agricultural buildings do not require site plan approval by the Town Planning Board.

It should be noted from the onset that an "agricultural storage building" is an accessory use to agricultural and that the primary use clearly is the agriculture not the accessory storage building. The subject premise you have identified is approximately a 2.5 acre parcel located at 471 Westhampton-Riverhead Road in Westhampton. The only farming operation that I am aware that you are connected with is Eastland Farms, which is akin to a garden center and is located in Watermill. Eastland Farms is a relatively small operation on a few acres and consists mostly of a greenhouse and "potted plants" and flowers arranged in display fashion for retail sale on the premises.

Two questions come to mind with respect to your request.

- 1) Why would you need such a large agricultural building for what appears to be a retail garden center operation?
- 2) If you did need equipment and materials is it reasonable for me to be believe that you are going to store equipment in conjunction with your Watermill operation on Westhampton-Riverhead Road some 25 miles away from the site with the principle agricultural use. I would certainly question the effectiveness and the reasonableness of this application considering that drive in the summer time with the traffic conditions that exist would be upwards of an hour away.

F:\Building Division\General Correspondence\Division Head\2000\285 2 29.2 gazza 9 19 00.doc

You state that you believe that agricultural buildings do not require a site plan approval by the town Planning Board. That is not necessarily true and the question needs to be answered, "what is the principle use that this accessory agricultural storage building is connected to?" Some agricultural uses are special exception uses, some agricultural uses may be out and out prohibited and others would be permitted. A further clarification of the specific use of this accessory storage building in conjunction with what agricultural use would have to be verified.

Lastly, you listed three properties that you claim are examples of agricultural storage buildings that our department issued building permits on without site plans that exist on separate lots that are not the farmers principle farm. The first item on the list:

- 1. SCTM# 900-100-1-13.3, Henry Kraszewski Jr, as the owner of that agricultural building and property. I find no listing of that particular tax map number on our records and I will need further clarification for an address to look at that property.
- 2. The second parcel that you mention SCTM# 900-133-1-10.16 is a agricultural storage building owned by henry Kraszewski is on a preserved piece of property and it consists of over 13 acres of which Mr. Kraszewski farms along with additional adjoining properties and I believe you are "incorrect" in your assumption that there is a building on that property without the principle agricultural use.
- 3. The last property that you mention is SCTM#900-50-1-3 owned by Thomas J. Falkowski. That parcel is developed by a large agricultural building that is used as a "farm stand" as outlined § 330-79.1. I know you are familiar with the history of this parcel because of your "close working relationship" with Southampton's farm community. I remind you that this is the parcel that went to the Zoning Board of Appeals and obtained a variance to operate this farm stand out of the agricultural building because it did not meet the square footage criteria provided for under Chapter 330-79.1. of the town code. The Zoning Board of Appeals in testimony presented to them discovered that Mr. Falkowski is a longtime farmer in the Town of Southampton and has farmed all of his life many acres within close proximity of that agricultural building and it was a convenient centralized location to the many separate acres of parcels that he has all around the accessory storage building. I know you were also intimately familiar with Mr. Falkowski and the Zoning Board of Appeals decision because in fact, it was after repeated complaints from you that there was a technical violation of the farmstand regulations that we required Mr. Falkowski to go to Zoning Board of Appeals and explain his need for this building.

As you can see by the above-mentioned information, it is not the policy within Southampton Town to indiscriminately issue accessory agricultural buildings on lots that are not farmed. Instead, the agricultural storage building is an accessory use to the principle use of agriculture. Therefore, unless you can produce more information to justify an accessory agricultural storage building of this size I can only say that it would be prohibited as currently proposed.

Please let me know if I can be of any further assistance to you.

Sincerely, Collar Collar

Paul Houlihan Chief Building Inspector

Marty Shea, Chief Environmental Analyst cc: Kyle Collins, Senior Planner

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JOSEPH FREDFRICK GAZZA ATTORNEY AT LAW P.O. Box 969, 5 Ogden I ane Quogue, New York 11959 631-653-5766 Fax 631-694-3646

September 25, 2000

Southampton Town Dept. of Land Management Building & Zoning Division

Att: Paul J. Houlihan-Chief Building Inspector

Re: Permissible Zoning uses of Premises SCTM#0900-285-2-29.2

Dear Paul,

Thank your for your response to my letter of 9/14/2000 regarding the above referenced. The content of your letter is indicative that you have taken a good look at the zoning complications regarding use of my premises above referenced. Kindly advise of those permissible zoning uses of my premises that your Dept. would entertain a building permit application on. You should be aware that premises in addition to being within the CR-200 Zone, and aquifer protection overlay district, is within the Pine Barrens Core AREa. The Pine Barrens Commission will only decide on applications that are permissible under zoning and has previously denied permits on adjacent parcels for (1) total clearing for farming and (2) a single family dwelling. The Pine Barrens Commission would approve a use of my premises that is consistent with zoning and involves the minimum relief necessary from Pine Barrens Regulations. Their Commission determined that a well site for drinking water extraction was a use that they approved, however, your department and the Town's Zoning Board denied that use. I have made an exhaustive review of possible permissible uses of my premises and am coming up with "Agricultural storage building" as a last chance use that may yield to me a reasonable return, on my \$50,000.00 plus investment back on 7/24/1984. PLEASE ADVISE OF EACH USE YOUR DEPARTMENT WOULD ACCEPT A BUILDING PERMIT APPLICATION ON.

In support of my agricultural storage building application be cognizant of the following facts:

- 1. Such a use is permissible under 330-10 of Town Zoning Code.
- 2. Such a use could be conducted on less than 25% of premises with a minimum of 75% of premises remaining undisturbed.
- 3. Such a use would not generate sanitary waste water discharge that would be regularly generated from use of premises for a single family dwelling.
- 4. Such a use would benefit and be accessory to the undersigned's Watermill Farm and undersigned's Westhampton Farm (See copies of current agricultural land tax bills of the undersigned, both in Watermill and Westhampton) and keep in mind that by variance No. 9892 granted 11/25/96 the Zoning Board of Southampton determined that my farming operations are agriculture in Watermill and Westhampton and comprise in excess of 10 acres.
- 5. Your Department has consistently issued building permits for agricultural storage buildings, without site plans, on separate lots that are not the farmer's principal farm; <u>Information Repeat</u>:
  - A) 900-100-1-13.3 Henry Kraszwski Jr. (see copy of building permit with your Dept. approval stamp thereon affixed). This 2.556 acre lot has five buildings on it the last of which was a 5670 square foot agricultural storage building and exceeds mamimum lot coverage 330-11 and has no farming being conducted thereon by my personal inspection.
  - B) 900-50-1-3 Thomas J. Falkowski This .7 ac. Lot surrounded by roads has no farming being conducted thereon by my personal inspection. Did you or did you not issue a building permit for an agricultural storage building on this property without a site plan approved by Planning Board?
  - C) 900-133-1-10.6 Henry Kraszewski. This agricultural storage building was built on "Preserved Open Space", without a site plan approved by Planning Board, on land that your own

Department's aerial photograph shows NO farming being conducted thereon at the time of building permit issuance.

Hopefully based on your experience and knowledge you will help me in determining a permissible use of my property that is consistent with all regulatory agencies that will yield to me a reasonable return. An agricultural storage building is the best I can come up with...What's your best idea?

Please advise, JOSEPH FRENGFR K GAZZA

Encl.

Ce: Marty Shea, Chief Environmental Analyst : File

Table of Use Regulations: Part 1, A and B [Amended 10-23-1984 by L.L. No. 19-1984; 3-12-1985 by L.L. No. 1-1985; 5-13-1986 by L.L. No. 7-1986; 6-12-1990 by L.L. No. 14-1990] Town of Southampton § 330-10, Residence Districts

SE = Special exception use X = Prohibited use

P = Permitted use

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Table of Use Regulations: Part 1, E and F [Amended 10-23-1984 by L.L. No. 19-1984; 3-12-1985 by L.L. No. 1-1985; 5-13-1986 by L.L. No. 7-1986; 6-12-1990 by L.L. No. 14-1990; 7-28-1992 by L.L. No. 3+1992; 12-27-1994 by L.L. No. 62-1994; 6-27-1997 by L.L. No. 24-1997] Town of Southampton § 330-10, Residence Districts

P = Permitted use SE = Special exception use X = Prohibited use

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	SR-	CR-	CP.80	CP-60	UP TO			
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E. Industrial uses (none permitted).	×	×	×	X	X	X	×	X
F. Accessory uses.							1	
<ol> <li>Accommodations for not more than 2</li> </ol>	×	×	×	×	×	ዱ	٩.	۵.
roomers or boarders in a 1-family								
detached dwelling, provided that								
separate kitchen and entrance facilities								
(2) Customary accessory structure and/or	۵.,	۵.,	۵.	۵.,	۵.	с.,	۵.	۵.
use. except those prohibited by this								
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(5) Housing for agricultural labor.	×	SE	SE	SE	SE	×	×	×
(6) Private garage or private off-street	٩.	4	۵.	۵.	۵.	۵.	۵.	۵.
parking area pursuant to §§ 330-92								
through 330-101.								
(7) Private mooring, dock or similar	×	۵.	۵.	۵.	۵.	۵.	۵.	۵.,
marine structure in a tidal wetland or								
walkway over the dunes on an ocean								
beach pursuant to § 330-39 et seq.								
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(9) Signs pursuant to §§ 330-85 through 330-91.	۵.	۵.	۵.	۵.	۹.	۵.	۵.	Δ.
(10) Temporary roadside stand for sale at	SE	SE	SE	SE	SE	E S	SF	Ч,
retail of fish and shellfish taken by the								}
vendor from local waters.								
(11) Temporary roadside stand for sale at	ď	۵.	٩.	۵.	۵,	۵.	٩.	۵.
retail of farm products grown on the								,
premises.								
(12) Wind energy conversion systems.	۵.	۵.	۵.	<b>A</b> .	<u>م</u>	Д,	۵.	۵.
<ol><li>Greenhouse, private.</li></ol>	۵.	۵.	۵.	۵.	۵.	۵.	۵.	۵.
(14) Accessory apartment pursuant to	а 	۵.	۵.	4	۵.	۵.	۵.	۵.
Article IIA of this chapter.								
(15) Bed-and-breakfast in an accessory	5	Ľ	5	-				

7-25-97



Town of Southampton 116 Hampton Road Southampton, NY 11968

RANDALL C. WEICHBRODT, Esq. Manager

SOUTHAMPTON COMMUNITY PRESERVATION DEPARTMENT

Telephone (631) 287-5720 Fax (631) 283-7112

September 28, 2000

Joseph Frederick Gazza, Esq. PO Box 969, 5 Ogden Lane Quogue, NY 11959

RE: Community Preservation Project Plan, SCTM#900-24-01-32, #900-247-01-02, #900-247-01-04.01, # 900-285-02-029.002, #900-285-02-031.002, #900-285-02-32.02, #900-286-02-019.001, #900-286-02-022.001, #900-286-02-037.001, #900-311-01-23 and #900-332-03-30.01

Dear Mr. Gazza:

We regret to inform you that above mentioned properties are not listed on the Community Preservation Project Plan. Therefore, we are unable to expend any funds under this program at this time for these properties.

I will, however, recommend to the Board that these properties be added to the Community Preservation Project Plan in August 2001 as permitted by statute.

If you have any further questions or concerns, please call me at (631) 287-5720 or stop by my office on the  $2^{nd}$  Floor, Town Hall.

Sincerely,

Randall C. Weichbrodt, Esq. Manager

**RCW**:ays

# JOSEPH FREDERICK GAZZA ATTORNEY AT LAW P.O. BOX 969, 5 OGDEN LANE QUOGUE, NEW YORK 11959 (631) 653-5766

October 23, 2000

Southampton Town Board Members Town Hall – Hampton Road Southampton, NY 11968

Re: Compromising Situation

Dear Board Member:

The attached copy of a portion of our current zoning map shows lands I own in yellow along the Westhampton-Riverhead Road. Excepting the Suffolk Airport, I have shaded in blue previously developed lands along the Airport Road.

It is my desire to develop the parce<sup>§</sup>I own along Airport Road. I bought my parcels years before preservation of Pine Barrens core lands was thought about. Every permit application I have made on my yellow lands has been denied. I am becoming uncomfortable owning land, paying realty taxes on it and not being able to use it for anything except hiking and back packing.

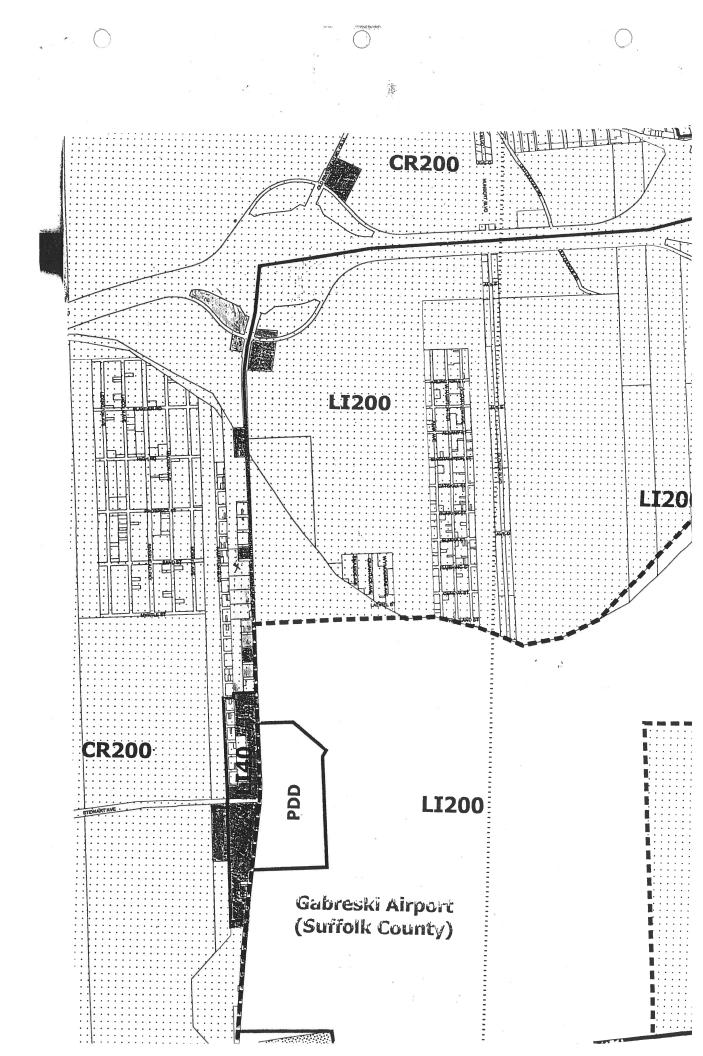
Would you consider adding some of my yellow parcels to the list of roadfront parcels being sent to Albany in January for exemption from the Pine Barrens core area in exchange for a donation of some of my other yellow parcels to the Town for preservation. At no tax payer expense a win-win situation could result as a result of this mitigation measure.

Please advise,

Joseph Frederick Gazza

Enclosure

CC : Pine BArrens Commission





PINE BARRENS JOINT PLANNING POLICY COMMISSION

Robert J. Gaffney *Chair* 

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz Member

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

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

# Commission Agenda (DRAFT) for Wednesday, November 29, 2000 Riverhead Town Hall, East Main Street and Howell Avenue, Riverhead 2:00 pm

1. Public Comment (please sign Speaker Sheet)

# 2. Administrative

- Summary of 10/25 meeting: review, approval (to be faxed)
  - Amendment to existing contract between NYS DEC and Commission for administrative funds: review; approval; signing

# 3. Pine Barrens Credit Program

• Results of 10/30 Clearinghouse Board meeting (information item)

# 4. Plan Implementation

- 2000 NY Wildfire and Incident Management Academy: summary (Capt. Robert Conklin)
- Wildfire Task Force Public Education Committee: current projects (Committee Chair and Riverhead Fire Marshal Bruce Johnson)
- U.S. Dept. of Energy: Presentation of new Upton Ecological and Research Reserve (John Carter, U.S. DOE Brookhaven Group; Bet Zimmerman and Dr. Tim Green, Brookhaven National Lab)
- Roadfront parcel exemption list: status and next steps

# 5. Core Preservation Area

- Lakeside Manorville Hotel / Manorville (Brookhaven) / rezoning and commercial buildings / hardship: project change; deadline adjustment (hearing held 9/13; decision deadline is 11/30)
- Gazza / Westhampton (Southampton) / agricultural building / hardship: status; deadline adjustment (hearing held 9/13; decision deadline is 12/1)

# 6. Compatible Growth Area

- American Tissue / Yaphank (Brookhaven) / commercial facility / Development of Regional Significance: acceptance of withdrawal (current decision deadline is 11/30)
- Caithness Energy Facility / Yaphank (Brookhaven): possible party status

# 7. Executive or Advisory Session (if necessary)

*Next Commission meeting:* 12/20/00 at the Riverhead Town Hall, East Main Street and Howell Avenue, Riverhead, 2:00 pm



POLICY COMMISSION

Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz *Member* 

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

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

# Commission Agenda (FINAL) for Wednesday, November 29, 2000 Riverhead Town Hall, East Main Street and Howell Avenue, Riverhead 2:00 pm

1. Public Comment (please sign Speaker Sheet)

# 2. Administrative

- Summary of 10/25 meeting: review, approval (faxed)
- Amendment to existing contract between NYS DEC and Commission for administrative funds: review; approval; signing *(faxed)*

# 3. Pine Barrens Credit Program

• Results of 10/30 Clearinghouse Board meeting (information item)

# 4. Plan Implementation

- 2000 NY Wildfire and Incident Management Academy: summary (Capt. Robert Conklin)
- Wildfire Task Force Public Education Committee: current projects (Committee Chair and Riverhead Fire Marshal Bruce Johnson)
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- Lakeside Manorville Hotel / Manorville (Brookhaven) / rezoning and commercial buildings / hardship: project change; deadline adjustment (hearing held 9/13; decision deadline is 11/30)
- Gazza / Westhampton (Southampton) / agricultural building / hardship: status; deadline adjustment (hearing held 9/13; decision deadline is 12/1)

# 6. Compatible Growth Area

- Coram Firehouse / Coram (Brookhaven) / new project: discussion (requested by Ms. Wiplush)
- Omnipoint Communications (at Ridge Firehouse) / Ridge (Brookhaven) / communications monopole: draft comments (to be distributed; comments to be forwarded to Commission staff)
- American Tissue / Yaphank (Brookhaven) / commercial facility / Development of Regional Significance: acceptance of withdrawal (current decision deadline is 11/30)
- Caithness Energy Facility / Yaphank (Brookhaven): party status
- 7. Executive or Advisory Session (if necessary)

Next Commission meeting:

12/20/00 at the Riverhead Town Hall, East Main Street and Howell Avenue, Riverhead, 2:00 pm



Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz Member

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

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

## Commission Meeting Summary (DRAFT) for Wednesday, November 29, 2000 (To be approved) Riverhead Town Hall, East Main Street and Howell Avenue, Riverhead 2:00 pm

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

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

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

#### **Public Comment**

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

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

#### Administrative

- Summary of 10/25 meeting: review, approval (faxed) <u>Summary:</u> A motion was made by Mr. MacLellan and seconded by Mr. Murphree to approve the summary of the 10/25/00 Commission meeting as drafted. The motion was approved by a 4-0 vote.
- Amendment to existing contract between NYS DEC and Commission for administrative funds: review; approval; signing (faxed) <u>Summary:</u> Mr. Corwin explained that the attached contract amendment would provide for the reimbursement of funds spent during the 1999-2000 State Fiscal Year, as well as an advance payment of the current (2000-2001) State Fiscal Year's funds. The amendment is to the existing contract between the NYS Department of Environmental Conservation (DEC) and the Commission for the preceding State Fiscal Years. Mr. Rigano stated that the contract amendment has been reviewed by his firm and is acceptable.

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

#### **Plan Implementation**

• 2000 NY Wildfire and Incident Management Academy: summary (Capt. Robert Conklin)

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

- Roadfront parcel exemption list: status and next steps
  - <u>Summary:</u> Ms. Plunkett distributed and discussed the attached summary of the proposed additional parcels for the core area residential roadfront parcel exemption list in the <u>Pine Barrens Plan</u>. The attachment contains only Brookhaven parcels; however, she just received at today's meeting a parcel list from Southampton Town. Mr. MacLellan stated that the Riverhead list is being drafted at this time.

Ms. Plunkett summarized the history of the roadfront list currently in the <u>Plan</u>, the process and sequence for revising the list through a <u>Plan</u> amendment and State legislation, the State Environmental Quality Review (SEQR) requirements, and the participation of the local State legislative delegation. She stated that a public hearing would need to be scheduled at the next Commission meeting on 12/20/00, with the hearing actually held at the 1/10/01 Commission meeting.

#### **Pine Barrens Credit Program**

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

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- U.S. Dept. of Energy: Presentation of new Upton Ecological and Research Reserve

(John Carter, U.S. DOE Brookhaven Group; Bet Zimmerman and Dr. Tim Green. Brookhaven National Lab)

<u>Summary:</u> Mr. John Carter of the U.S. Department of Energy's Brookhaven Office, which oversees the Brookhaven National Laboratory, explained that the Secretary of Energy (DOE) recently dedicated an approximately 530 acre portion of the eastern section of the Laboratory's undeveloped land as the Upton Ecological and Research Reserve. (See the attached flyer describing the Reserve.) He explained that this area will remain the property of the US DOE, but its natural resources will be managed by the US Fish and Wildlife Service under a five year agreement.

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

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

#### **Core Preservation Area**

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

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

A brief discussion was then held regarding whether a day care facility, which is one of the possible alternative projects suggested informally by the project sponsor for this site, would be a permitted use under the current zoning category. Gazza / Westhampton (Southampton) / agricultural building / hardship: status; deadline adjustment (hearing held 9/13; decision deadline is 12/1)
 <u>Summary:</u> Ms. Jakobsen noted that the 30 day lead agency coordination period for this project expires tomorrow, and that the Commission will become the lead agency for this project if there is no objection by that time. She also reported that the project sponsor has granted an extension of the Commission's decision deadline for this application to 1/15/01. A motion was then made by Mr.
 Murphree and seconded by Mr. MacLellan to accept and approve the extension of the decision deadline for this project to 1/15/01. The motion was approved by a 4-0 vote.

#### Compatible Growth Area (CGA)

- American Tissue / Yaphank (Brookhaven) / commercial facility / Development of Regional Significance: acceptance of withdrawal (current decision deadline is 11/30)
   <u>Summary:</u> Ms. Jakobsen reported that a letter has been received from this project sponsor's consulting firm withdrawing their application. A motion was made by Mr. Dragotta and seconded by Mr. MacLellan to accept the
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withdrawal of this application. The motion was approved by a 4-0 vote.

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

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

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

DRAFT Commission Meeting Summary for 11/29/00 (To be approved) - Page 5

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

She showed an aerial photograph and a site plan. She stated that she believed that it may constitute "nondevelopment" under the pine barrens law. A discussion ensued regarding the ability of the project and the site to meet the clearing standards, the amount of clearing of the existing trees that would be undertaken, and the applicability of the "nondevelopment" definition to this project. No decision was reached on this project; however, a written request by the Fire District to the Commission for a jurisdictional determination was suggested.

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

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

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

#### **Closed Advisory Session**

<u>Summary:</u> A motion was made by Mr. Murphree and seconded by Mr. Kozakiewicz to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 4-0 vote, and the Commission entered into closed session from approximately 3:47 pm to 5:10 pm. The meeting was immediately adjourned upon the conclusion of the closed session.

#### Attachments (in order of discussion):

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

3. Contract amendment and attachments (undated; 13 pages)

- 4. Core residential roadfront parcel list change summary (11/29/00; 2 pages)
- 5. Pine Barrens Credit Program summary (11/1/00; 1 page)
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- 7. Upton Ecological and Research Reserve materials (11/9/00 and 11/29/00; 5 pages)
- 8. Public Service Commission materials (undated; 6 pages)

DRAFT Commission Meeting Summary for 11/29/00 (To be approved) - Page 7



Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz *Member* 

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

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

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

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

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

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

#### **Public Comment**

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

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

FINAL Commission Meeting Summary for 11/29/00 (Approved 1/10/01) - Page 1

classification under the Town's codes.

### Administrative

- Summary of 10/25 meeting: review, approval (faxed) <u>Summary:</u> A motion was made by Mr. MacLellan and seconded by Mr. Murphree to approve the summary of the 10/25/00 Commission meeting as drafted. The motion was approved by a 4-0 vote.
- Amendment to existing contract between NYS DEC and Commission for administrative funds: review; approval; signing (faxed) <u>Summary:</u> Mr. Corwin explained that the attached contract amendment would provide for the reimbursement of funds spent during the 1999-2000 State Fiscal Year, as well as an advance payment of the current (2000-2001) State Fiscal Year's funds. The amendment is to the existing contract between the NYS Department of Environmental Conservation (DEC) and the Commission for the preceding State Fiscal Years. Mr. Rigano stated that the contract amendment has been reviewed by his firm and is acceptable.

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

#### **Plan Implementation**

• 2000 NY Wildfire and Incident Management Academy: summary (Capt. Robert Conklin)

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

- Roadfront parcel exemption list: status and next steps
  - <u>Summary:</u> Ms. Plunkett distributed and discussed the attached summary of the proposed additional parcels for the core area residential roadfront parcel exemption list in the <u>Pine Barrens Plan</u>. The attachment contains only Brookhaven parcels; however, she just received at today's meeting a parcel list from Southampton Town. Mr. MacLellan stated that the Riverhead list is being drafted at this time.

Ms. Plunkett summarized the history of the roadfront list currently in the <u>Plan</u>, the process and sequence for revising the list through a <u>Plan</u> amendment and State legislation, the State Environmental Quality Review (SEQR) requirements, and the participation of the local State legislative delegation. She stated that a public hearing would need to be scheduled at the next Commission meeting on 12/20/00, with the hearing actually held at the 1/10/01 Commission meeting.

#### **Pine Barrens Credit Program**

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

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

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

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FINAL Commission Meeting Summary for 11/29/00 (Approved 1/10/01) - Page 5

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FINAL Commission Meeting Summary for 11/29/00 (Approved 1/10/01) - Page 7



# **CENTRAL PINE BARRENS** JOINT PLANNING AND POLICY COMMISSION

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**Meeting For:** 

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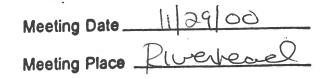
Date /Time:

# Sign In Sheet

/ NAME	REPRESENTING	ADDRESS	TELEPHONE/FAX
Aluque Treplin	CPDC STORE	3535 SUNTRE Huy Great River NX	563-0385-224-7653
Ru Simite	C/E Celfren	Cennim Blog	8534061
and Carter	CPBC Ctall	3525 Sumsectivy Gent fine	563-0372
RJCONKLIN	NYS RADGERS	Stony BRK	444-0291
Ray Corwin	CPB Commission_		
Ted Star	Co.aly	Hanpance	853-5665
xil Lew's	LIPBS	PG BIX 42 R Manochelle	369-3300/3387
Donna Rumkett	CPBC.Staff.		
Tudy Jakobsen	CRBC SAN		
Bef Zimmerman	BNL	notau	344-4225
ED, OUBREMBA	NASSAU	56 PARKVIEW CIRCLE	BETHPACE
Licher Stupe	LIPBS	?) Jox (24 Mary 10	369-3300
t			
HENRY DITTM	ERC.P.R.	P.O. BOX 202 BRIGHTWATERS,	XY11718 2020
Marie Rizzo	C.P.D.C Stubb	P.OBOX 587 541139	163-0752
<u>*********************************</u>			

# Central Pine Barrens Joint Planning and Policy Commission

# Speaker Sign In Sheet



NAME	REPRESENTING	TOPIC
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11/29/00 Attachant#3 (13 pages)

#### NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION CENTRAL PINE BARRENS JOINT PLANNING AND POLICY COMMISSION

#### AMENDMENT #3

THIS AMENDMENT is entered into between the NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION and the CENTRAL PINE BARRENS JOINT PLANNING AND POLICY COMMISSION.

#### WITNESSETH:

WHEREAS, the parties entered into a prior agreement on September 29, 1997, which was duly approved by the Attorney General's Office on October 6, 1997, and by the New York State Comptroller on October 31, 1997. This agreement has been amended twice previously by the parties. The first amendment was made on April 23, 1998, which was duly approved by the Attorney General's Office on May 18, 1998, and by the New York State Comptroller on June 8, 1998. The second amendment was made on March 16, 1999 which was duly approved by the Attorney General's Office on March 25, 1999, and by the New York State Comptroller on April 16, 1999. This Agreement and such Amendments shall be referred to herein as the "Contract." The reference to Exhibits in this Amendment #3 refers to the Exhibits incorporated into the Contract; and

WHEREAS, the Contract funds the operations of the CENTRAL PINE BARRENS JOINT PLANNING AND POLICY COMMISSION (the Commission), which was created by the Long Island Pine Barrens Protection Act of 1993, and amendment to the New York Environmental Conservation Law Article 57 ("the Act"); and

WHEREAS, the New York Legislature appropriated, in Chapter 55 of the Laws of 1999, an additional \$630,000 (six hundred thirty thousand dollars and 00/100) and in Chapter 55 of the Laws of 2000 an additional \$700,000 (seven hundred thousand dollars and 00/100) from the Environmental Protection Fund for the Commission; and

WHEREAS, this amount was allocated to the New York Department of Environmental Conservation (the Department) to fund the operations of the Commission, which are described in the 1999 and 2000 Schedules A and B attached hereto:

#### Page 1 of 3

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WHEREAS, due to the nature of the Contract, which is for funding the operations of the Commission, and in accordance with the Contract terms, the Contract may be amended or extended as necessary; and

WHEREAS, the aforementioned funds allocated to the Department are specifically for the continued operation of the Commission for the same purposes and scope as under the Contract.

NOW THEREFORE, the parties hereto agree as follows:

1. The Department agrees to make available to the Commission, and the Commission agrees to accept \$1,330,000 (one million three huundred thirty thousand dollars and 00/100) to be administered and expended in accordance with this Amendment #3 and the original Contract, including all specifications, attachments, and Exhibits thereto, thereby increasing the maximum amount payable hereunder to \$3,175,000 (three million one hundred seventy five thousand dollars and 00/100). Payment shall be made after the Commission submits to the Department cost documentation, as described in the REIMBURSEMENT REQUEST REQUIREMENTS issued by the Department, covering expenditures incurred under this Amendment #3 for the period beginning April 1, 1999 and ending March 31, 2001.

2. The attached Narrative and Budget for the fiscal year April 1, 1999 through March 31, 2000 and for fiscal year April 1, 2000 through March 31, 2001 are attached and made part of this Amendment #3 as Schedules A and B.

3. Pursuant to article 1 (D) of the Contract, the term of the Contract is extended to March 31, 2001, and shall be effective upon approval of the State Comptroller, unless modified or terminated in accordance with the provisions of this Contract.

All other terms and conditions of the original Contract remain in full force and effect.

IN WITNESS WHEREOF, the Parties have signed their names to this Amendment #3 on the dates appearing under their respective signatures.

Page 2 of 3

#### CONTRACT AMENDMENT SIGNATURE PAGE

#### AMENDMENT 3 CONTRACT NUMBER C003781

## Agency Certification

"In addition to the acceptance of this Contract, I also certify that original copies of this signature page will be attached to all other exact copies of this Contract.

#### CONTRACTOR SIGNATURE

AGENCY SIGNATURE

Dated:

ATTORNEY GENERAL'S SIGNATURE

COMPTROLLER'S SIGNATURE

Dated:

Dated:

Dated:

Page 3 of 3

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eQ.

Dated: 11/29/00

Dated: \_\_\_\_\_

ATTORNEY GENERAL'S SIGNATURE

COMPTROLLER'S SIGNATURE

Dated: \_\_\_\_\_\_

Dated: \_\_\_\_\_

Page 3 of 3

## Schedule A:

# Narrative (Project Description) and Budget for the Central Pine Barrens Joint Planning and Policy Commission for the fiscal year April 1, 1999 through March 31, 2000

The Central Pine Barrens Joint Planning and Policy Commission was created by the Long Island Pine Barrens Protection Act of 1993, an amendment to the New York Environmental Conservation Law Article 57, for the purpose of crafting and implementing a comprehensive land use and management plan for the Central Pine Barrens region of Suffolk County.

This 100,000-acre area lies at the junction of the Towns of Brookhaven, Riverhead, and Southampton, and is classified into two areas whose planning goals are specified separately within the statute: the Compatible Growth Area and the Core Preservation Area. The Commission itself is a "planning partnership" consisting of these three towns (represented by their supervisors), Suffolk County (represented by the County Executive), and New York State (represented by an appointee of the Governor).

Under the pine barrens law, the Commission was given a calendar-based set of planning milestones, and an approximately two-year period in which to satisfy them. These requirements culminated in a final version of the comprehensive plan which required a set of formal approvals by the three town boards, and signatures by the Governor, County Executive and the three towns' Supervisors. These requirements have been satisfied, and a final plan was approved, and became law, on June 28, 1995. The Commission is now charged with the permanent responsibility for implementing the approved <u>Central Pine Barrens Comprehensive Land Use Plan</u> (the <u>Plan</u>).

Ongoing implementation of the final <u>Plan</u>, and satisfaction of the accompanying legal requirements, has involved, and will continue to involve, the following activities during the project period:

- 1. Scheduling, providing legal notices, maintaining minutes, and providing staff support for all meetings of the Central Pine Barrens Joint Planning and Policy Commission ("the Commission") and the Central Pine Barrens Advisory Committee ("the Advisory Committee"). These two bodies were created explicitly by the pine barrens act; the Commission has ultimate responsibility for the <u>Plan's</u> production and implementation.
- 2. Scheduling, providing legal notices, maintaining minutes, and providing staff support for all meetings of the Pine Barrens Credit Clearinghouse Board of Advisors ("the Clearinghouse") during <u>Plan</u> implementation. This body was created by the <u>Plan</u> and has significant responsibility for the implementation of the transfer of development rights program, known as the Pine Barrens Credit Program.
- 3. Scheduling and providing staff support for the various topical work groups, committees, and subcommittees created by the Commission, the Advisory Committee, the <u>Plan</u>, or the staff for the purpose of assisting with the implementation of one or more components of the <u>Plan</u>.

These bodies currently include, but may not be limited to, the Law Enforcement Council

(created by the <u>Plan</u>), the Protected Lands Council (created by the <u>Plan</u>), the Central Pine Barrens Wildfire Task Force (created by resolution of the Commission), Advisory Committee), and an informal Research Committee (occasionally convened by the Commission staff).

It is significant to note that two of these stewardship bodies, the Protected Lands Council and the Wildfire Task Force, are presently completing detailed topical plans for the implementation of their respective interagency field responsibilities. As part of that process they are undertaking tangible on-the-ground projects requiring environmental and logistical coordination, equipment, or other support services.

- 4. Retaining and working with legal counsel on matters pertaining to development applications (which may be in either the Core Preservation or Compatible Growth Areas), implementation of the <u>Plan</u>, operation of the Pine Barrens Credit Program, operation of the Commission's administrative functions, addressing litigation and responding to other legal issues, plus covering costs of addressing legal matters overall.
- 5. Implementation of the <u>Plan</u> components, especially those contained within <u>Volume 1</u>: <u>Policies</u>, <u>Programs and Standards</u>. These components include the processing of development applications and inquiries regarding the land use jurisdiction of the Commission, implementation of the Pine Barrens Credit Program, administrative and technical assistance to the New York State and Suffolk County land acquisition and protection programs within the Central Pine Barrens, implementation of the protected lands management, scientific research, public education and other components or policies of the <u>Plan</u> and applicable laws, and <u>Plan</u> review and possible amendments.
- 6. Performance of any and all other matters determined by the Commission as necessary to the satisfaction of its responsibilities, and pursuant to its powers and duties, as stated in NY ECL Article 57.
- 7. Finally, it is noted that the staff work for the Commission is performed by the Suffolk County Water Authority's (SCWA's) Policy and Planning Department, under agreement between the Suffolk County Water Authority and the Commission. The staff costs incurred by the Authority for this work are reimbursed by New York State through budget appropriations such as the current project. The SCWA receives a 1% fee of the contract amount for this work.

Central Pine Barrens Commission Final Reimbursement Budget for 1999-2000 Fis Approved 8/23/00	cal Year
<b>Payroll</b> This includes salary plus benefits for those staff services provided to the Commission by the Suffolk County Water Authority (SCWA). This is expended pursuant to an annual contract between the Commission and the SCWA. This figure does not include non-SCWA contractors or consultants. Staff functions include <u>all</u> activities listed on the accompanying Project Description: administrative, logistical, support for Commission, Pine Barrens Credit Clearinghouse, the stewardship	\$400,000
councils, etc.	\$120,000
This includes cost of General Counsel, legal notices, and related expenditures. Legal work covers the operations and decisions of the Commission and the Pine Barrens Credit Clearinghouse, the stewardshi councils, all litigation which may not be handled by the NYS Attorney General's Office, legal costs incurred when working with the NYS Attorney General's Office, and any other topic covered in the attached Project Description. Some legal work is handled by in-house staff attorneys, and that cost is contained in the Payroll category above.	p
Insurance There are two policies: General Liability, plus Directors and Officers Insurance. Premium shown is projected, based upon prior years. Coverage year begins and ends in June.	\$22,000
<b>Stenography</b> This provides written documentation of Commission hearings on development applications (Core Preservation Area or Compatible Grow Area), Central Pine Barrens Plan amendments, and any other matters for which the Commission convenes a public hearing. Cost is estimated based upon prior years' experience.	
Outside expert or professional services This includes professional services and associated products not availab or produced in-house. It does not include in-house staff or legal advice, which are included in the above categories. This figure includes a gross total for printing, document design and production, economic consulting property appraisals, title costs, photographic and reproduction services, speakers, etc.	5

<b>Operational expenses</b> This principally includes the non-labor expenses of operating the Commission office, and operating and supporting the meetings and projects of the Commission, Clearinghouse, Law Enforcement and Protected Lands Councils, the Wildfire Task Force, the Research Forum, research activities, and associated committees and subcommittees of these entities. Expenses covered include, but are not limited to, paper, photocopying, postage and mailing including box rental, computer hardware and software including upgrades and replacements, telephone service and equipment, office supplies, travel and transportation, training costs, field equipment for the Law Enforcement and Protected lands Councils, the Wildfire Task Force, interagency projects, field inspections,	\$49,200
etc. <b>SC Water Authority Administrative fee</b> This is established as 1% of the Commission's administrative funding in each fiscal year, and is part of the annual contractual agreement between the Commission and the Suffolk County Water Authority. This fee covers the financial and accounting services of the SCWA for the administration of the Commission's funds; these professional services are separate from the staff functions provided by the SCWA covered in the Payroll category above.	\$6,300
Total	\$630,000

## Schedule B:

# Narrative (Project Description) and Budget for the Central Pine Barrens Joint Planning and Policy Commission for the fiscal year April 1, 2000 through March 31, 2001

The Central Pine Barrens Joint Planning and Policy Commission was created by the Long Island Pine Barrens Protection Act of 1993, an amendment to the New York Environmental Conservation Law Article 57, for the purpose of crafting and implementing a comprehensive land use and management plan for the Central Pine Barrens region of Suffolk County.

This 100,000-acre area lies at the junction of the Towns of Brookhaven, Riverhead, and Southampton, and is classified into two areas whose planning goals are specified separately within the statute: the Compatible Growth Area and the Core Preservation Area. The Commission itself is a "planning partnership" consisting of these three towns (represented by their supervisors), Suffolk County (represented by the County Executive), and New York State (represented by an appointee of the Governor).

Under the pine barrens law, the Commission was given a calendar-based set of planning milestones, and an approximately two-year period in which to satisfy them. These requirements culminated in a final version of the comprehensive plan which required a set of formal approvals by the three town boards, and signatures by the Governor, County Executive and the three towns' Supervisors. These requirements have been satisfied, and a final plan was approved, and became law, on June 28, 1995. The Commission is now charged with the permanent responsibility for implementing the approved <u>Central Pine Barrens Comprehensive Land Use Plan</u> (the <u>Plan</u>).

Ongoing implementation of the final <u>Plan</u>, and satisfaction of the accompanying legal requirements, has involved, and will continue to involve, the following activities during the project period:

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- 3. Scheduling and providing staff support for the various topical work groups, committees, and subcommittees created by the Commission, the Advisory Committee, the <u>Plan</u>, or the staff for the purpose of assisting with the implementation of one or more components of the <u>Plan</u>.

These bodies currently include, but may not be limited to, the Law Enforcement Council

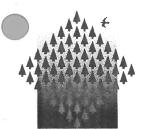
(created by the <u>Plan</u>), the Protected Lands Council (created by the <u>Plan</u>), the Central Pine Barrens Wildfire Task Force (created by resolution of the Commission), Advisory Committee), and an informal Research Committee (occasionally convened by the Commission staff).

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- 6. Performance of any and all other matters determined by the Commission as necessary to the satisfaction of its responsibilities, and pursuant to its powers and duties, as stated in NY ECL Article 57.
- 7. Finally, it is noted that the staff work for the Commission is performed by the Suffolk County Water Authority's (SCWA's) Policy and Planning Department, under agreement between the Suffolk County Water Authority and the Commission. The staff costs incurred by the Authority for this work are reimbursed by New York State through budget appropriations such as the current project. The SCWA receives a 1% fee of the contract amount for this work.

Central Pine Barrens Commission Budget for 2000-2001 Fiscal Year (Approved on 10/4/00)	
<b>Payroll</b> This includes salary plus benefits for those staff services provided to the Commission by the Suffolk County Water Authority (SCWA). This is expended pursuant to an annual contract between the Commission and the SCWA. This figure does not include non-SCWA contractors or consultants. Staff functions include <u>all</u> activities listed on the accompanying Project Description: administrative, logistical, support for Commission, Pine Barrens Credit Clearinghouse, the stewardship councils, etc.	\$419,500
Legal This includes cost of General Counsel, legal notices, and related expenditures. Legal work covers the operations and decisions of the Commission and the Pine Barrens Credit Clearinghouse, the stewardship councils, all litigation which may not be handled by the NYS Attorney General's Office, legal costs incurred when working with the NYS Attorney General's Office, and any other topic covered in the attached Project Description. Some legal work is handled by in-house staff attorneys, and that cost is contained in the Payroll category above.	\$150,000
Insurance There are two policies: General Liability, plus Directors and Officers Insurance. Premium shown is projected, based upon prior years. Coverage year begins and ends in June.	\$22,000
<b>Stenography</b> This provides written documentation of Commission hearings on development applications (Core Preservation Area or Compatible Growth Area), Central Pine Barrens Plan amendments, and any other matters for which the Commission convenes a public hearing. Cost is estimated based upon prior years' experience.	\$2,500
<b>Outside expert or professional services</b> This includes professional services and associated products not available or produced in-house. It does not include in-house staff or legal advice, which are included in the above categories. This figure includes a gross total for printing, document design and production, economic consulting, property appraisals, title costs, photographic and reproduction services, speakers, etc.	\$35,000

<b>Operational expenses</b> This principally includes the non-labor expenses of operating the Commission office, and operating and supporting the meetings and projects of the Commission, Clearinghouse, Law Enforcement and Protected Lands Councils, the Wildfire Task Force, the Research Forum, research activities, and associated committees and subcommittees of these entities. Expenses covered include, but are not limited to, paper, photocopying, postage and mailing including box rental, computer hardware and software including upgrades and replacements, telephone service and equipment, office supplies, travel and transportation, training costs, field equipment for the Law Enforcement and Protected lands Councils, the Wildfire Task Force, interagency projects, field inspections, etc.	\$64,000
<b>SC Water Authority Administrative fee</b> This is established as 1% of the Commission's administrative funding in each fiscal year, and is part of the annual contractual agreement between the Commission and the Suffolk County Water Authority. This fee covers the financial and accounting services of the SCWA for the administration of the Commission's funds; these professional services are separate from the staff functions provided by the SCWA covered in the Payroll category above.	\$7,000
Total	\$700,000



CENTRAL PINE BARRENS JOINT PLANNING \* POLICY COMMISSION

Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

Ray E. Cowen Member

Robert F. Kozakiewicz Member

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

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

#### Resolution Approving Amendment #3 to Agreement with New York State Department of Environmental Conservation, Covering the 1999-2000 and 2000-2001 State Fiscal Years, Concerning Commission Funding

Commission Meeting of November 29, 2000, Riverhead Town Hall, Riverhead, New York

WHEREAS, the Commission has entered into an Agreement, dated September 29, 1997, with the New York State Department of Environmental Conservation (the "DEC"); and

WHEREAS, this Agreement, together with Amendment #1, dated April 23, 1998, and Amendment #2, dated March 16, 1999, funds the operations of the Commission pursuant to appropriations made by the New York State Legislature; and

WHEREAS, the sum of \$630,000. Has been appropriated by the State Legislature in Chapter 55 of the Laws of 1999 and allocated to DEC to fund the operations of the Commission for the 1999 - 2000 State Fiscal Year; and

WHEREAS, the sum of \$700,000. Has been appropriated by the State Legislature in Chapter 55 of the Laws of 2000 and allocated to DEC to fund the operations of the Commission for the 2000 - 2001 State Fiscal Year; and

WHEREAS, the Commission wishes to further amend the Agreement with DEC in order to receive these State allocations;

Now therefore, be it

**RESOLVED**, that the Commission hereby approves Amendment #3 in the form annexed hereto; and be it further

**RESOLVED**, that the Chairman or his designated representative is hereby authorized to execute Amendment #3.

Motion by:Mr. MacLellan (Designated Representative for Mr. Kozakiewicz),Second by:Mr. Murphree (Designated Representative for Mr. Cannuscio),and unanimously carried by a 4-0 vote by:Mr. Dragotta (Designated Representative of Mr. Gaffney), Ms. Wiplush (Designated Representative of Mr. Grucci), Mr. MacLellan, and Mr. Murphree.

Signed by:

Raymond P. Corwin, Executive Director and Secretary

11/29/00 attachment#4 (2) (2 pages)

# Steps for Preparing Roadfront Exemption Amendments to Central Pine Barrens Comprehensive Land Use Plan & Environmental Conservation Law 57 Prepared for Commission Meeting of November 29, 2000

The following procedures are outlined specifically for the Core Preservation Area Roadfront Exemption, however there may be other amendments that the Commission may consider.

#### Plan Amendment Procedure (as outlined in ECL57-0123(13))

"Not less than once every five years after the land use plan has become effective, the commission shall review and, if appropriate, make amendments to the land use plan and update the generic impact statement. Within each such period, the commission shall hold a public hearing and shall receive comment on the effectiveness of implementation of the land use plan. Not less that thirty days before voting on an amendment to the land use plan, the commission shall publish notice thereof in a newspaper of general circulation in the Central Pine Barrens area."

#### **Statue Amendment Procedure**

- amendment to Plan as noted above
- finalize language for ECL57
- receive endorsement from legislative sponsors
- if necessary, send information to other legislators to ensure passing of bill
- if bill passes, receive governor's signature

The following provision could be amended for the roadfront exemption under Section 57-0107(13)(x) as follows:

"In the core preservation area, construction of a single family home and customary accessory uses thereto on those parcels identified in the comprehensive land use plan adopted by the commission in June of nineteen hundred ninety five and as amended from time to time."

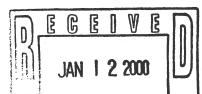
or

"In the core preservation area, construction of a single family home and customary accessory uses thereto on those parcels identified in the comprehensive land use plan adopted by the commission in June of nineteen hundred ninety five <u>and as amended on ------</u>."

(This assumes that all proposed roadfront exemption lots are for residential use)

#### **Proposed Timetable for Core Roadfront Exemption Amendments**

- **November** Commission meeting: review draft list of roadfront lots to be considered for exemption (from Towns; Brookhaven attached)
- **December** Commission meeting: pass resolution for roadfront lots to be considered & make a determination of significance pursuant to SEQRA (assume negative declaration); set public hearing for January meeting; hold staff meeting with legislative sponsors to inform re proposed amendments (any other amendments to ECL57 should also be discussed here)
- **January** Commission meeting: consider and incorporate comments from public hearing; publish notice of intention to vote on plan amendments in newspaper.
- **February** Commission meeting: no less than thirty days from legal notice, a vote can be taken on plan amendments; send resolution to legislative sponsors to authorize introduction to full Legislature in Albany.



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TOWN OF BROOKHAVEN FINE BARRENS JOINT PROPOSED ADDITIONS TO CORE ROADFRONT PARCEL EXEMPTISION LIST

<u>SCTM</u>	Acreage	Zoning	Road
<u>SCTM</u> 0200-270-4-10 0200-270-4-25 0200-270-4-28 0200-271-2-2 0200-271-2-6 0200-271-2-13.1 0200-300-2-10.1 0200-300-4-1 0200-300-4-25 0200-352-1-20.1 0200-352-1-20.1 0200-352-1-20.2 0200-382-1-7.1 0200-382-1-8 0200-382-2-11 0200-382-2-11 0200-407-1-10.1 0200-407-1-13.1 0200-408-1-3.6 0200-460-1-6.2 0200-461-3-23.1 0200-462-4-11 0200-462-4-13.2	Acreage .88 .4 .28 .2 .2 .3 .36 .6 .4 1.1 1.0 1.5 .6 2.5 .8 1.0 2.0 1.0 1.4 2.0 1.6 2.7 1.0	Zoning A-2 A-2 A-2 A-2 A-2 A-2 A-2 A-2 A-5 A-5 A-5 A-5 A-5 A-5 A-5 A-5 A-5 A-5	Road Pinehurst Blvd. Pinehurst Blvd. Cedar St South River Rd South River Rd South River Rd Elm St Elm Street Parkway Drive Pond Road Cornfield Rd Cornfield Rd Medford Rd Medford Rd Big Pine Rd Eagle Drive Millwood Rd Millwood Rd Terry St North St Ryerson Ave Halsey Manor Rd Donnelly Ct
0200-462-4-13.3	1.0	A-5	Donnelly Ct

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http://pb.state.ny.us/pbc\_act.htm

11/29/00 attachment#5 (1 page)

# Pine Barrens Credit Clearinghouse

James T.B. Tripp, Esq., Chairman Andrew P. Freleng, AICP, Vice Chairman Vincent J. Cannuscio, Member Richard W. Hanley, Member Mitchell H. Pally, Esq., Member

Easement Protected Lands and Pine Barrens Credits As of November 1, 2000						
•	Brookhaven Riverhead		Southampton	Total		
Parcels	261	7	63	331		
Acreage	223.25	36.59	52.09	311.93		
Credits generated	147.25	57.27	22.11	226.63		
Credits redeemed	76.79	9.09	5.12	91.00		
Credits not redeemed	70.46	48.18	16.99	135.63		

# Total value of all Pine Barrens Credit transactions recorded through this date: \$ 5,345,877.00

11/29/00 attachment #6 (3 pages)

# Central Pine Barrens 2000 Daily Fire Danger Ratings Through 11/28/00

• Current Public Lands Fire Related Restrictions in Effect: Normal. To inquire about normal restrictions, burn permits, or other fire regulations, please contact the appropriate offices:

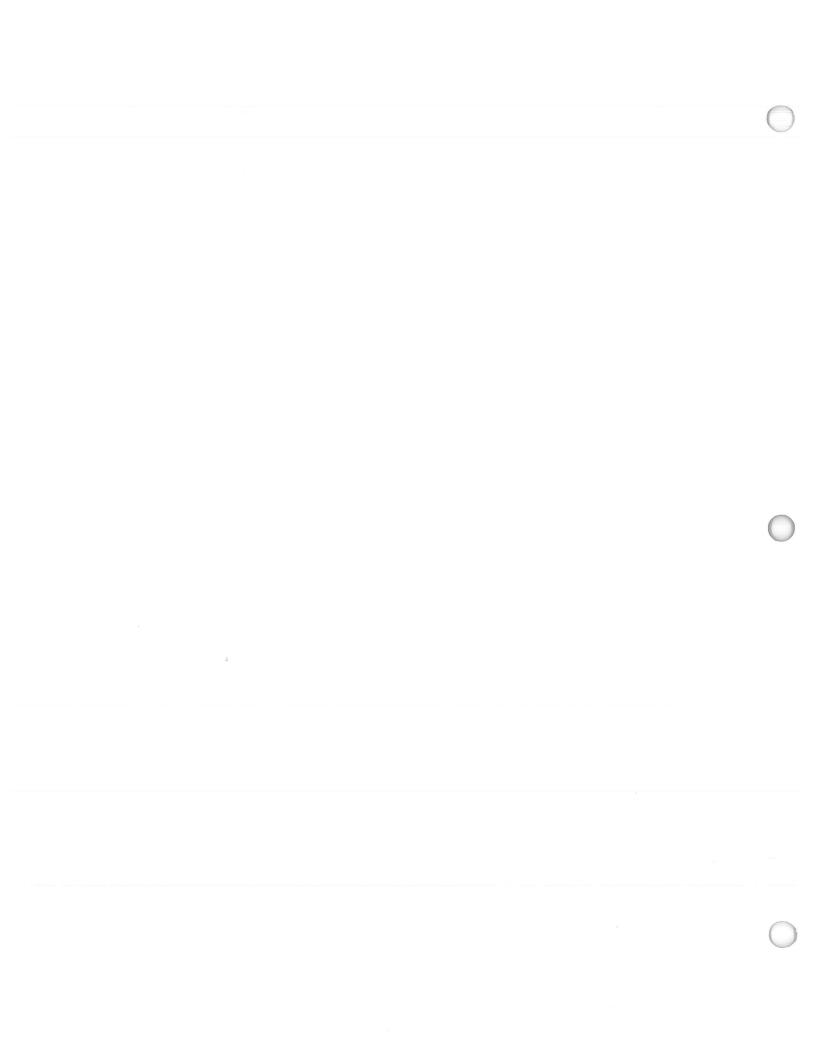
Agency	Fire Related Topic	Telephone
New York State DEC Forest Rangers	Burn permits, prescribed burning, State lands access	631-444-0291
Suffolk County Parks Department	County lands, campgrounds and fires	631-854-4949 or 877-BARRENS
Brookhaven Town Fire Marshal	Burn permits, Town land restrictions	631-451-6262
Riverhead Town Marshal	Burn permits, Town land restrictions	631-727-3200 extension 209
Southampton Town Fire Marshal	Burn permits, Town land restrictions	631-288-0201

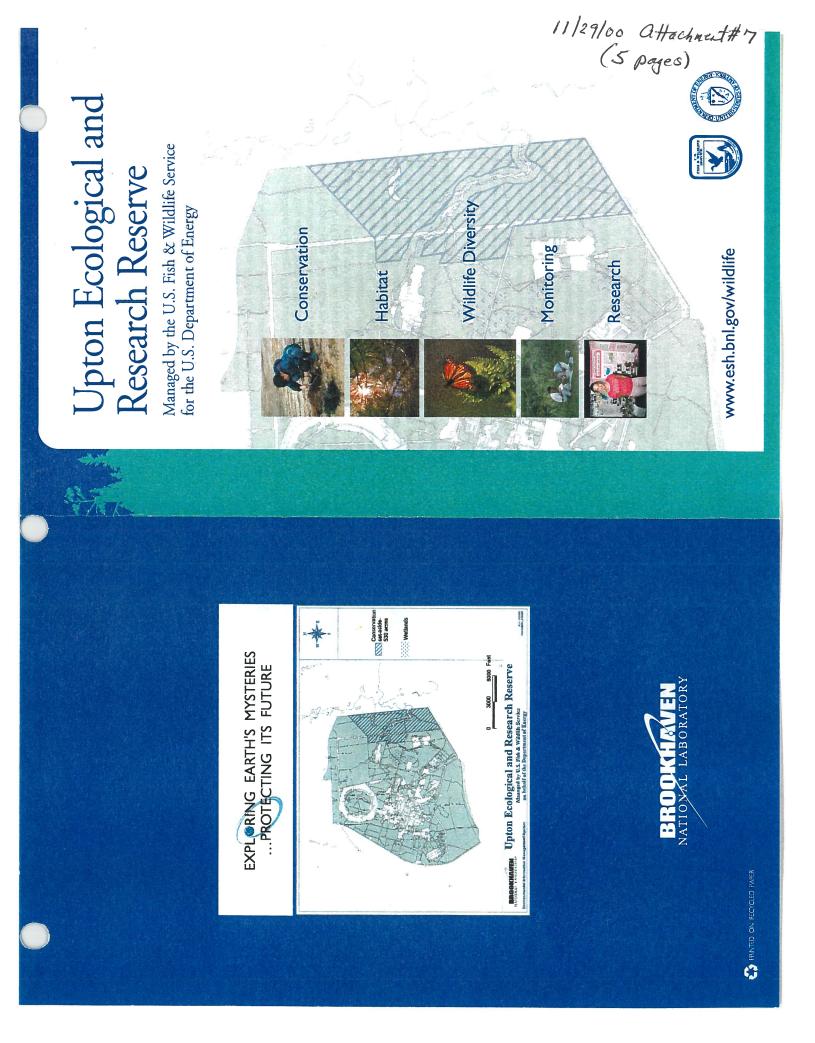
• Daily Fire Ratings for 2000:

Week	Sun	Mon	Tue	Wed	Thu	Fri	Sat
11/26 - 12/2	Low	Low	Low				
11/19 - 11/25	Low						
11/12 - 11/18	Low						
11/5 - 11/11	Moderate	Moderate	Low	Low	Low	Low	Low
10/29 - 11/4	Low	Low	Low	Moderate	Moderate	Moderate	Low
10/22 - 10/28	Moderate	Low	Low	Low	Low	Low	Moderate
10/15 - 10/21	Moderate	Low	Low	Low	Low	Moderate	Moderate
10/8 - 10/14	Moderate	Moderate	Low	Moderate	Moderate	Moderate	Moderate
10/1 - 10/7	Low	Low	Moderate	Low	Low	Low	Low
9/24 - 9/30	Low	Low	Low	Low	Low	Low	Moderate
9/17 - 9/23	Moderate	Low	Low	Low	Moderate	Moderate	Low
9/10 - 9/16	Moderate	Moderate	Moderate	Low	Moderate	Low	Moderate
9/3 - 9/9	Low	Low	Moderate	Moderate	Moderate	Moderate	Moderate

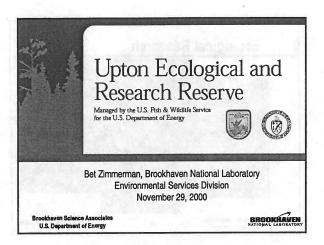
8/27 - 9/2	Moderate	Low	Moderate	Low	Low	Low	Low
8/20 - 8/26	Moderate	Moderate	Low	Low	Low	Low	Moderate
8/13 - 8/19	Low	Low	Low	Low	Moderate	Low	Low
8/6 - 8/12	Low	Low	Low	Low	Moderate	Low	Low
7/30 - 8/5	Low	Low	Low	Low	Low	Low	Moderate
7/23 - 7/29	Moderate	Moderate	Low	Low	Low	Low	Low
7/16 - 7/22	Low	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate
7/9 - 7/15	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate	Low
7/2 - 7/8	Moderate	Moderate	Low	Moderate	Moderate	Moderate	Moderate
6/25 - 7/1	Moderate	Moderate	Low	Moderate	Low	Moderate	Moderate
6/18 - 6/24	Low	Low	Moderate	Moderate	Low	Moderate	Moderate
6/11 - 6/17	Moderate	Low	Low	Low	Low	Low	Moderate
6/4 - 6/10	Moderate	Low	Low	Low	Low	Moderate	Moderate
5/28 - 6/3	Low	Moderate	Low	Low	Low	Moderate	Moderate
5/21 - 5/27	Low	Low	Low	Low	Low	Moderate	Low
5/14 - 5/20	Low	Moderate	Moderate	Moderate	Low	Low	Low
5/7 - 5/13	Moderate	Mod / High	High	Low	Low	Low	Low
4/30 - 5/6	Moderate	Moderate	Low	Moderate	Moderate	Moderate	Moderate
4/23 - 4/29	Low	Moderate	Low	Low	Low	Low	Moderate
4/16 - 4/22	Low	Low	Low	Low	Low	Low	Low
4/9 - 4/15	Low	Moderate	Low	Low	Low	Moderate	Low
4/2 - 4/8	Low	Low	Low	Low	Low	Moderate	Moderate
3/26 - 4/1	Moderate	Moderate	Low	Low	Moderate	Moderate	Moderate
3/19 - 3/25	Low	Low	Low	Low	Low	Moderate	Low
3/12 - 3/18	Low	Moderate	Low	Low	Low	Low	Low
3/5 - 3/11	Moderate	Moderate	Moderate	Low	Low	Moderate	Low
2/27 - 3/4	Low	Low	Low	Low	Low	Moderate	Moderate
2/20 - 2/26	Low	Low	Low	Low	Low	Low	Low
2/13 - 2/19	Low	Low	Low	Low	Low	Low	Low
2/6 - 2/12	Low	Low	Low	Low	Low	Low	Low
1/30 - 2/5	Low	Low	Low	Low	Low	Low	Low
1/23 - 1/29	Low	Low	Low	Low	Low	Low	Low
1/16 - 1/22	Low	Low	Low	Low	Low	Low	Low
1/9 - 1/15	Low	Low	Low	Low	Low	Low	Low
1/2 - 1/8	Low	Low	Low	Low	Low	Moderate	Low
12/26/99 - 1/1/00	Low	Moderate	Low	Moderate	Low	Low	Low

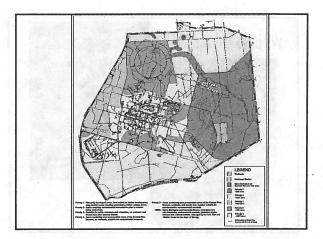






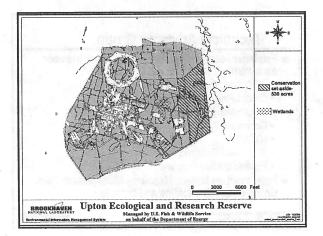
Bill RichardsonSusan McMahonSecretary of EnergyActing ChiefU.S. Department of EnergyNational Wildlife Refuge SystemU.S. Fish & Wildlife Service	We strongly support this designation as part of our commitment to environmental stewardship and to permanently protect and maintain this land as a natural area. The designation and resource management work within the Reserve will ensure that the natural resources of this area are managed and conserved for present and future generations.	habitat in the Reserve. The Department of Energy, as the landowner, will restrict future use of the area and manage environmental compliance, safety, health, fire protection, access and continuing cleanup activities. The agencies are also committed to working together with neighbors to the Reserve, environmental organizations, regulatory agencies and other stakeholders to develop a comprehensive, ecosystem-based Natural Resource Management Plan for the Reserve, and the other valuable natural resources at BNL. This plan will address the values and policies of Federal, State and local governments and the public.	An Interagency Agreement between the U.S. Department of Energy (DOE) and the U.S. Department of Interior, U.S. Fish and Wildlife Service (FWS) will provide for the transfer of management responsibilities for the Reserve to the U.S. Fish and Wildlife Service. As outlined in the Agreement, the U.S. Fish and Wildlife Service will conduct resource for the concentration of wildlife and	Cutter whome species or interest, that inhalow this accentive with who thereby, we take, eastern box turtle, and the red-tailed hawk. Planned baseline surveys, monitoring and research are expected to identify additional species, with special emphasis on migratory birds and endangered/threatened species, and to determine the diversity and population trends of species residing within the Reserve.	In the 1970's, the U.S. Department of Energy (DOE) ceded 2,300 acres of the north tract of BNL to the State of New York and the Town of Brookhaven. The additional acreage being set aside today contains valuable natural resources that have basically remained untouched since the days of Camp Upton. The forests and wetlands of the Reserve provide a home for more than 220 species of plants and 162 species of mammals, birds, reptiles and amphibians. The Reserve will protect and preserve a unique ecosystem that provides suitable habitat for approximately 27 State endangered, threatened or species of special concern that have been identified to date at BNL, including the State endangered eastern tiger salamander, and State threatened banded sunfish swamp darter and stiff goldenrod.	(BNL) as the Upton Ecological and Research Reserve (Reserve) as a protected habitat for the enjoyment of future generations. This acreage is located in the eastern portion of BNL, within the Core Preservation Area of the Pine Barrens. The Reserve will be managed to preserve its natural state, and conserve and enhance its natural attributes and resources, and restrict future development. In addition, the Reserve will be made available for educational activities, and for nondestructive ecological research.	To the People of New York: We the understand are provid to designate \$30 acres of Brookhaven National Laboratory	November 9, 2000	PROCLAMATION	The Secretary of Energy Washington, DC	
The banded sunfish (Enneacanthus obesus) is listed in New York State as a threatened species.	The Hickory Tussock Moth (Lophcampa Caryae) is one of the many insects the many insects	Wild turkeys like this flock of juveniles (called (Anibystona tigrnum) "polts") are commonly seren at BNL.The tiger salamander (Anibystona tigrnum) 's listed in New York Sarte as a endan- gered species.Image: State as a contained by the salar of the salar	CICCICC	Wildlife	Student planting seedings as part of the Global ReLeat program in an area of the BNL site that experienced extensive damage as a result of as part of a popula-	Conservation	•		of the following elements: • F	s Natural Resource	C
Researchers in the Environmental Sciences Division can apply techniques of remote sensing.	Rese	A BNL scientist and NY Department of Environ- mental Conservation fishery biologist use a hoop sampling team, collect samples to radiule fish for vegetation samples for radiological analysis environmental monitoring.	BNL is located in the oak/chestnut forest, region of the coastal plain.	Ackes Pond. located to the north of the Reserve. The pond is home to the banded sunfish and swamp darter.	Habitat	<ul> <li>Population management</li> <li>Research, education and outreach</li> </ul>	Population monitoring and environ- mental sampling and analysis	Compliance assurance and potential     impact assessment	Habitat protection and enhancement	<ul> <li>Identification and mapping of natural resources</li> </ul>	

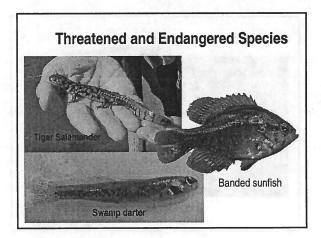


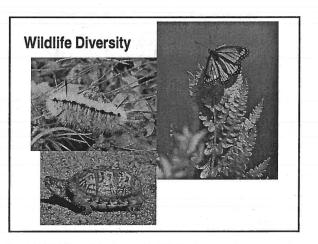


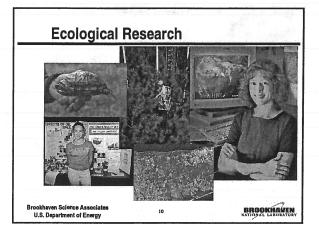


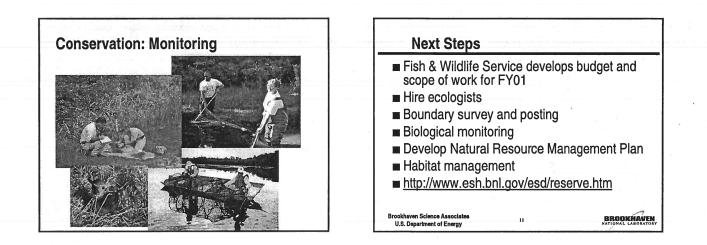


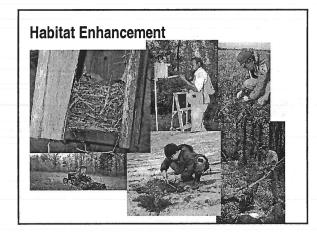


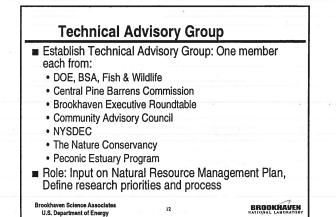


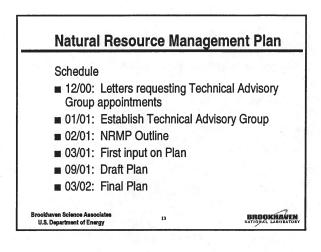




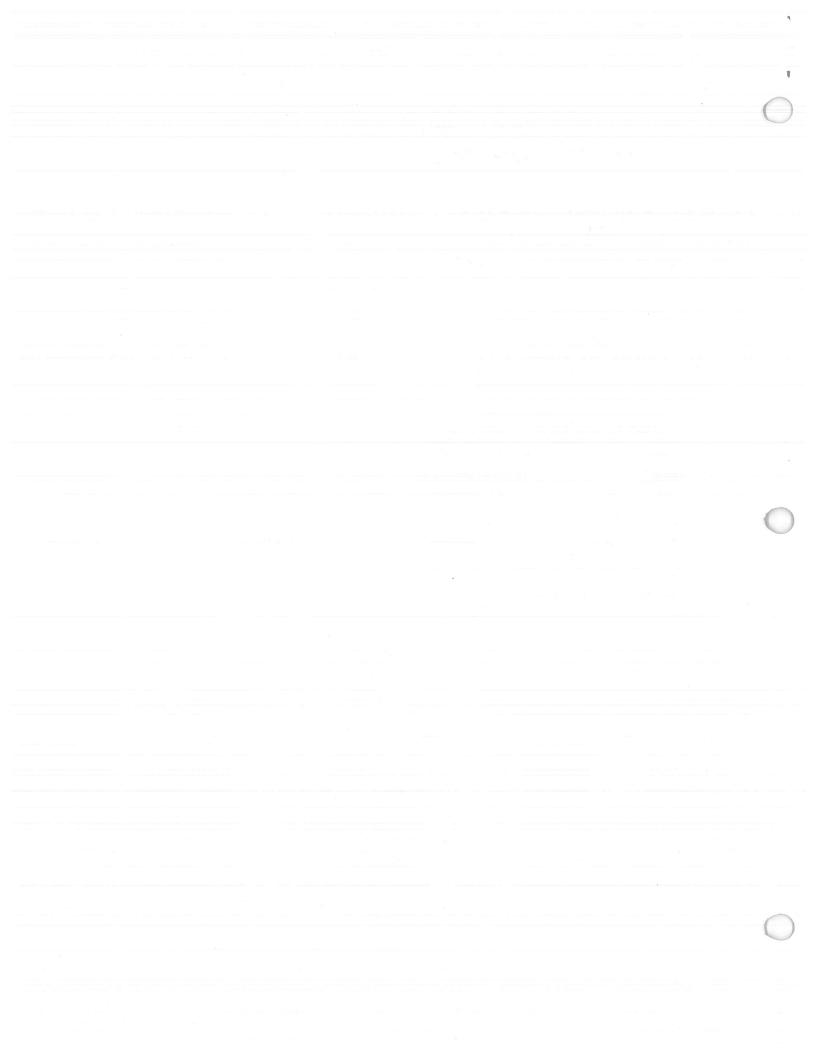












http://www.dps.state.ny.us/caithness.htm

11/29/00 attachment#8 (6 pages.)

New York State **Public Service Commission** Department of Public Service

3 Empire State Plaza Albany, New York 12223-1350

# **Article X Preliminary Scoping Statement**

# Caithness Island Power Project 00-F-1391

**Size:** 750 MW

Location: Brookhaven, Suffolk County, New York

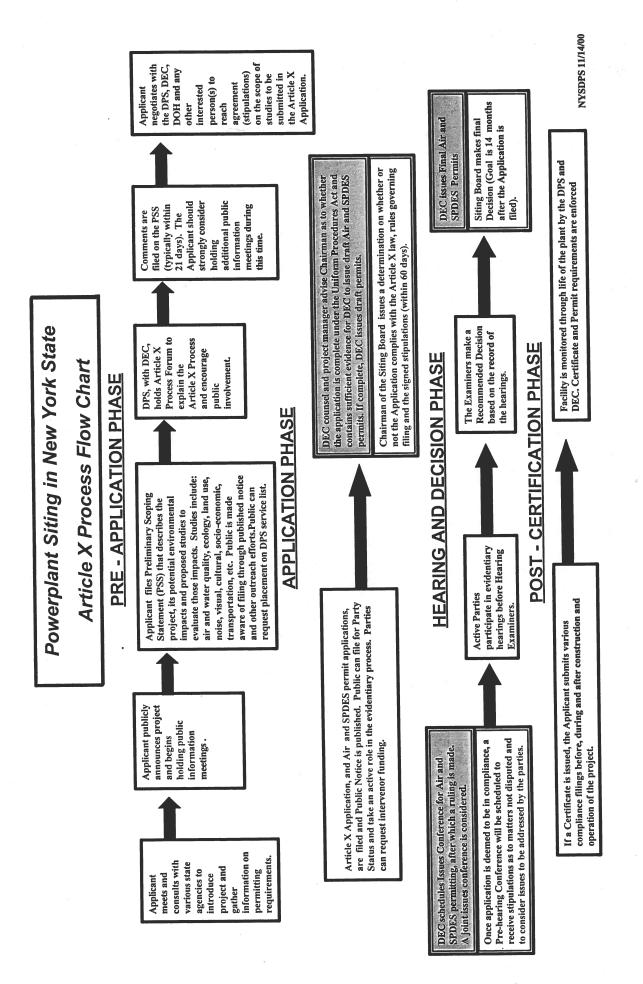
**Proposed** by: Caithness Energy, LLC

- <u>Access electronic file room documents regarding Case 00F1391 \*</u>
- Active party list
   \* Due to the newness of this case, there may be no documents to access at this time.

Schedule:	The Preliminary Scoping Statement was filed on August 17, 2000. The company anticipates filing an aplication during hte first quarter of 2001.
Comments:	The PSS has been reviewed by the Department of Public Service, Department of Environmental Conservation and the Department of Health and other interested parties.

# How Do I Become a Participant in this Case?

1 . f 7





New York State **Public Service Commission** Department of Public Service

3 Empire State Plaza Albany, New York 12223-1350

# About the New York State Board on Electric Generation Siting and the Environment

#### How Applications for Major Electric Generating Facilities Are Considered Under Article X of the New York State Public Service Law

Article X of the Public Service Law is a unified and expedited review process in New York State for consideration of any application to construct and operate an electric generating facility with a capacity of 80 megawatts or more. Any applicant is required to meet Article X requirements in order to obtain a "Certificate of Environmental Compatibility and Public Need" before constructing such a facility.

#### The Siting Board

Any application filed under Article X will ultimately be ruled on by the State Board on Electric Generation Siting and the Environment. The Siting Board is made up of four commissioners, one each from the New York State Departments of Environmental Conservation, Health, Economic Development, and Public Service or their designees. Also, two additional members will be named by the Governor after an application is filed: one from the judicial district and one from the county where the facility is proposed to be located.

The Chairman of the Public Service Commission (who directs the management of New York State Department of Public Service) serves as the Chairman of the Siting Board. In addition, staff of the Department of Public Service functions as staff to the Siting Board.

#### **Siting Board Decision**

Section 168 of the Public Service Law, requires that the Siting Board, in reviewing an Article X application, must determine:

1. Either: (a) construction of the facility is reasonably consistent with the most recent State Energy Plan, or (b) the facility was selected based on the fact that electricity generated by it will be sold into the competitive market;

2. The nature of the probable environmental impact;

3. The facility minimizes adverse environmental impact, given environmental and other pertinent considerations;

4. The facility is compatible with the public health and safety;

5. The facility will not discharge or emit any pollutants in violation of existing requirements and standards;

6. The facility will control the disposal of solid and hazardous wastes;

7. The facility is designed to operate in compliance with state and local legal provisions, other than those local legal provisions that the Siting Board finds unreasonably restrictive; and

8. The construction and operation of the facility is in the public interest.

#### **Pre-Filing Process**

Any prospective Article X applicant is encouraged to consult informally early in the planning phase of its project with state agencies, municipalities, environmental organizations, and other groups that may be interested in the facility. The formal consultation process begins with the filing of a pre-application report in which the applicant indicates the studies it plans to conduct in support of its application. A hearing examiner is assigned by the Department of Public Service to mediate issues concerning the scope and methodology of the proposed studies.

#### **Application Requirements**

Any Article X application must contain a description of the site and the facility including all applicable environmental characteristics; meteorological, hydrological, and other environmental studies; and proof that the facility will meet state and Federal health, safety, and environmental regulations.

#### **Filing and Notice Requirements**

Any Article X application is filed with the members of the Siting Board and served on interested state agencies, municipalities, members of the State Legislature, local libraries, and other interested persons and organizations.

#### **The Certification Process**

Within 60 days after the filing of any Article X application, the Chairman of the Siting Board will determine if the application is in compliance with Article X. Dates will then be set for public hearings to begin regarding all portions of the application that comply with Article X. Public hearings to receive public comment and to review evidence are conducted jointly by a presiding examiner from the Department of Public Service and an associate examiner from the Department of Environmental Conservation. After hearings are concluded, the presiding examiner will issue a written recommended decision analyzing and resolving each issue in the case. The associate examiner may also issue a report.

The Siting Board, after reviewing such recommended decision and reports from the parties in the case, will decide if a certificate should be granted. The final decision by the Siting Board is required within 12 months from the date that the Chairman determines that an application complies with the law.

#### **Party Status in Certification Proceedings**

Article X specifies that certain state and other public agencies are parties in any case. The State

Departments of Environmental Conservation, Economic Development, Health, Public Service, and Agriculture & Markets normally become active parties. The Article X applicant has a right to party status.

Within 45 days of the date on which an application's filing is noticed to the public, residents and municipalities within a five-mile-radius of the proposed facility may become parties by sending a notice as indicated below. Any person or organization residing outside of a project's five-mile-radius may also request party status, but must state a reason in the request.

In addition, before the filing of an application, any person or organization may request to be placed on a project's "service" or mailing list. Being on a service list enables a person to receive orders, notices, and rulings in the case, while having party status enables a person to submit testimony, cross-examine witnesses of other parties, and file briefs. Notices and requests should be sent to the **Secretary of the Siting Board** or the **presiding examiner assigned to the case** at:

New York State Department of Public Service Three Empire State Plaza Albany, New York, 12223-1350

#### **Intervenor Fund**

Article X requires an applicant to submit with its application a fee of \$1,000 per megawatt of generation capacity, not to exceed a total of \$150,000, to be used as an "intervenor fund". The fund will be distributed by the Siting Board to municipal and local parties to defray the expense of fees for expert witnesses and consultants. The presiding examiner will consider requests for the award of funds at the initial prehearing conference after the filing of the application. Any applicant may also agree to make a portion of the intervenor fund available to parties before its application is filed. However, the combined awards on any case will not exceed the application fee as specified by Article X.

## **Case-Specific Information**

Applications, testimony, and hearing transcripts for any Article X case are available for public inspection at:

New York State Department of Public Service Central Files Unit Three Empire State Plaza, 14th Floor Albany, NY 12223-1350

and in libraries and other public locations in the proposed project area.

## For Further Information

For more information regarding a current or potential Article X project or to inquire about becoming a party or participating in the pre-application review of a current project, please contact the New York State Department of Public Service through any of the following:

• Call the Commission's Toll-free HELPLINE 1-800-342-3377 (within NYS only)

OR

• Write:

Steven Blow Records Access Officer Office of General Counsel NYS Public Service Commission 3 Empire State Plaza Albany, New York 12223-1350

(518) 474-6955 <u>srb@dps.state.ny.us</u> Compliance & Outreach Specialist Office of Consumer Affairs NYS Public Service Commission 3 Empire State Plaza Albany, New York 12223-1350

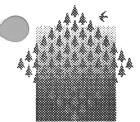
(518) 473-0275 dyc@dps.state.ny.us

**Dianne Cooper** 



This page (http://www.dps.state.ny.us/sitingboard.htm) was last modified: **August 4, 2000** Questions regarding this service? <u>WEB@dps.state.ny.us</u> Need info on filing a complaint against a utility? <u>Complaint Dept.</u> Want to comment on utility issues? <u>PSC Comment Page</u> **PSC Home Page** 





CENTRAL PINE BARRENS MINNING POLICY COMMISSION To: Commission Members and Designated Alternates

From: Lorraine Trezza

Date: 12/12/00

Re: Venue change for the 12/20/00 Commission meeting

Due to scheduling conflicts at Riverhead Town Hall the 12/20/00 Commission meeting will be moved to the Commission office in Great River. If there are questions or concerns please contact me at 631-563-0385.

Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz Member

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

Phone (631) 224-2604 Fax (631) 224-7653

Internet: hhtp://pb.state.ny.us



CENTRAL PINE BARRENS JOINT PLANNING POLICY COMMISSION

Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

Ray E. Cowen Member

Robert F. Kozakiewicz *Member* 

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#### Commission Agenda (DRAFT) for Wednesday, December 20, 2000 Commission Office *(Note the new location!)*, 3525 Sunrise Highway, 2<sup>nd</sup> Floor, Great River, NY 2:00 pm

1. Public Comment (please sign Speaker Sheet)

## 2. Administrative

- Summary of 11/29 meeting: review, approval (to be faxed)
- January through July 2001 Commission meeting schedule: review, approval (faxed)

## 3. Pine Barrens Credit Program

• No items at this time.

# 4. Plan Implementation

- Roadfront residential parcel exemption list: setting of public hearing for Plan amendments in January (continued from 11/29 meeting; materials were mailed)
- Wildfire Task Force: request to change quorum in establishing resolution

#### 5. Core Preservation Area

- Lakeside Manorville Hotel / Manorville (Brookhaven) / rezoning and commercial buildings / hardship: current status (hearing held 9/13; decision deadline is 1/31)
- Gazza / Westhampton (Southampton) / agricultural building / hardship: lead agency status (hearing held 9/13; decision deadline is 1/15)

## 6. Compatible Growth Area

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

## 7. Executive or Advisory Session (if necessary)

Next Commission meeting:

1/10/00 at the Commission Office (Tentative), 3525 Sunrise Highway, 2<sup>nd</sup> Floor, Great River, NY, 2:00 pm



POLICY COMMISSION

Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

Robert F. Kozakiewicz *Member* 

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

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

#### Commission Agenda (FINAL) for Wednesday, December 20, 2000 Commission Office 3525 Sunrise Highway, 2<sup>nd</sup> Floor, Great River, NY 2:00 pm

1. Public Comment (please sign Speaker Sheet)

# 2. Administrative

• January through July 2001 Commission meeting schedule: review, approval (faxed)

# 3. Pine Barrens Credit Program

• No items at this time.

# 4. Plan Implementation

- Batelle Memorial Institute donation: authorization to place funds into an escrow account pending transfer to Stony Brook Foundation
- Roadfront residential parcel exemption list: setting of public hearing for Plan amendments in January *(continued from 11/29 meeting; materials were mailed)*
- Wildfire Task Force: request to change quorum in establishing resolution

# 5. Core Preservation Area

- Lakeside Manorville Hotel / Manorville (Brookhaven) / rezoning and commercial buildings / hardship: current status (hearing held 9/13; decision deadline is 1/31)
- Gazza / Westhampton (Southampton) / agricultural building / hardship: lead agency status (hearing held 9/13; decision deadline is 1/15)

## 6. Compatible Growth Area

- Long Island Power Authority and Keyspan / gas main / Riverhead: discussion (new item)
- North Brookhaven Health and Social Services Center / Coram (Brookhaven): new application; set hearing (materials to be distributed)

## 7. Executive or Advisory Session (if necessary)

## Next Commission meeting:

1/10/00 at the Commission Office (Tentative), 3525 Sunrise Highway, 2<sup>nd</sup> Floor, Great River, NY, 2:00 pm



DINT PLANNING POLICY COMMISSION

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

#### Commission Meeting Summary (DRAFT) for Wednesday, December 20, 2000 (To be approved) Commission Office 3525 Sunrise Highway, 2<sup>nd</sup> Floor, Great River, NY 2:00 pm

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

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

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

#### **Public Comment**

Summary: There were no speakers.

#### Administrative

 January through July 2001 Commission meeting schedule: review, approval

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

#### **Pine Barrens Credit Program**

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

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

DRAFT Commission Meeting Summary for 12/20/00 (To be approved) - Page 1

#### **Plan Implementation**

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

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

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

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

Ms. Plunkett then reviewed the steps involved in the <u>Plan</u> amendment process in general, and the State Legislature's role in authorizing the roadfront parcel list expansion in particular. Mr. Shea then noted that there are no industrial parcels on the Southampton additional parcel list. A motion was then made by Mr. Cowen and seconded by Mr. Shea to schedule a hearing on this roadfront parcel exemption list <u>Plan</u> amendment at the Commission meeting of

#### 1/10/01 at 4:00 pm. The motion was approved by a 4-0 vote.

A brief discussion then ensued regarding the specific statutory language that is to be recommended in this <u>Plan</u> amendment. It was agreed that the Commission will recommend that the Legislature enact this amendment to the pine barrens law using the language that the Legislature is authorizing this one change only, and not granting authority to the Commission to modify the roadfront list by itself. A motion was made by Mr. Cowen and seconded by Mr. Shea to amend the prior resolution to include this particular statutory language recommendation. The motion was approved by a 4-0 vote.

- Wildfire Task Force: request to change quorum in establishing resolution <u>Summary</u>: Capt. Conklin explained that the Wildfire Task Force has recommended that their meeting quorum be changed to a minimum of 18 (eighteen) of the entities comprising the Task Force. The current quorum is a minimum of one half of the entities. (See the attached memo regarding this topic, which was previously sent to the Commissioners.) A motion was then made by Mr. Cowen and seconded by Mr. MacLellan to modify the establishing resolution of the Wildfire Task Force to require a minimum of 18 (eighteen) of the entities comprising the Task Force. The motion was approved by a 4-0 vote.
- Wildfire Task Force: Public Education Committee work (not on the original agenda) <u>Summary:</u> Capt. Conklin reported that he has applied for, and has received, on behalf of the Commission and the Wildfire Task Force, a grant from the U.S. Forest Service (USFS) to subsidize a portion of the cost of the wildfire public education video; specifically, the USFS will award \$10,000 to match the Commission's expenditures on the video. The Commissioners thanked Capt. Conklin for his successful initiative in obtaining this matching grant for the video production.

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

Capt. Conklin left at this point.

#### **Core Preservation Area**

 Lakeside Manorville Hotel / Manorville (Brookhaven) / rezoning and commercial buildings / hardship: current status (hearing held 9/13; decision deadline is 1/31)

<u>Summary:</u> Mr. Rigano displayed a site plan and discussed briefly the aerial photos for the day care center alternative proposal for this site, which the sponsors of the original commercial office building (the subject of the only

pending application before the Commission) have provided. He noted that this alternative proposal would become a new application, and that the old one would have to be withdrawn. No withdrawal has yet been received. The alternative would not require a change of zone, but would require some clearing. He stated that there is no action required by the Commission today.

Gazza / Westhampton (Southampton) / agricultural building / hardship: lead agency status (hearing held 9/13; decision deadline is 1/15)
 <u>Summary:</u> Ms. Plunkett reported that the lead agency coordination for this proposed building along the west side of County Road 31 in Westhampton has been completed, and there have been no objections to the Commission becoming the lead agency. She recommended a resolution deeming the Commission to be the lead agency, and noted that a determination of significance may be ready for the next Commission meeting. A motion was then made by Mr. Shea and seconded by Mr. Cowen to deem the Commission to be the lead agency for this action under the State Environmental Quality Review Act. The motion was approved by a 4-0 vote. Mr. Proios then suggested that the Commission look at possible statutory language that would require violations be resolved before permits could be issued. Mr. Shea noted that, in this particular case, Southampton Town has cited the applicant for a violation of Town code.

#### **Compatible Growth Area (CGA)**

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

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

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

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

North Brookhaven Health and Social Services Center / Coram (Brookhaven): new application; set hearing <u>Summary</u>: Ms. Carter reported that a new CGA hardship application has been received for this proposed addition to an existing office building on the west side of NYS Route 112, south of the intersection of NYS Route 112 and NYS Route

25, and south of Paul's Path, in Coram, in Brookhaven Town. She distributed and discussed the attached courtesy copy of a letter from Brookhaven Town to the sponsors regarding the project, the attached transmittal letter from the project sponsors to the Commission that accompanied the CGA application, and the attached Commission staff narrative regarding this project. The current lack of compliance by the project design with Suffolk County groundwater standards was noted. A motion was then made by Mr. Shea and seconded by Mr. Cowen to schedule a hearing on this application for the 1/31/01 Commission meeting at 4:00 pm. The motion was approved by a 4-0 vote.

#### **Closed Advisory Session**

<u>Summary:</u> A motion was made by Mr. Cowen and seconded by Mr. MacLellan to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 4-0 vote, and the Commission entered into closed session from approximately 3:32 pm to 4:23 pm. The meeting was adjourned immediately following this with no further business conducted.

#### Attachments (in order of discussion):

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



CENTRAL PINE BARRENS JOINT PLANNING \* POLICY COMMISSION

Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

> Ray E. Cowen Member

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

Phone (631) 224-2604 Fax (631) 224-7653 Internet: http://pb.state.ny.us Commission Meeting Summary (FINAL) for Wednesday, December 20, 2000 (Approved 1/10/01) Commission Office 3525 Sunrise Highway, 2<sup>nd</sup> Floor, Great River, NY 2:00 pm

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

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

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

#### **Public Comment**

Summary: There were no speakers.

#### Administrative

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

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

#### **Pine Barrens Credit Program**

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

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

FINAL Commission Meeting Summary for 12/20/00 (Approved 1/10/01) - Page 1

#### **Plan Implementation**

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

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

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

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

Ms. Plunkett then reviewed the steps involved in the <u>Plan</u> amendment process in general, and the State Legislature's role in authorizing the roadfront parcel list expansion in particular. Mr. Shea then noted that there are no industrial parcels on the Southampton additional parcel list. A motion was then made by Mr. Cowen and seconded by Mr. Shea to schedule a hearing on this roadfront parcel exemption list <u>Plan</u> amendment at the Commission meeting of 1/10/01 at 4:00 pm. The motion was approved by a 4-0 vote. A brief discussion then ensued regarding the specific statutory language that is to be recommended in this <u>Plan</u> amendment. It was agreed that the Commission will recommend that the Legislature enact this amendment to the pine barrens law using the language that the Legislature is authorizing this one change only, and not granting authority to the Commission to modify the roadfront list by itself. A motion was made by Mr. Cowen and seconded by Mr. Shea to amend the prior resolution to include this particular statutory language recommendation. The motion was approved by a 4-0 vote.

- Wildfire Task Force: request to change quorum in establishing resolution <u>Summary</u>: Capt. Conklin explained that the Wildfire Task Force has recommended that their meeting quorum be changed to a minimum of 18 (eighteen) of the entities comprising the Task Force. The current quorum is a minimum of one half of the entities. (See the attached memo regarding this topic, which was previously sent to the Commissioners.) A motion was then made by Mr. Cowen and seconded by Mr. MacLellan to modify the establishing resolution of the Wildfire Task Force to require a minimum of 18 (eighteen) of the entities comprising the Task Force. The motion was approved by a 4-0 vote.
- Wildfire Task Force: Public Education Committee work (not on the original agenda) <u>Summary:</u> Capt. Conklin reported that he has applied for, and has received, on behalf of the Commission and the Wildfire Task Force, a grant from the U.S. Forest Service (USFS) to subsidize a portion of the cost of the wildfire public education video; specifically, the USFS will award \$10,000 to match the Commission's expenditures on the video. The Commissioners thanked Capt. Conklin for his successful initiative in obtaining this matching grant for the video production.

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

Capt. Conklin left at this point.

#### **Core Preservation Area**

 Lakeside Manorville Hotel / Manorville (Brookhaven) / rezoning and commercial buildings / hardship: current status (hearing held 9/13; decision deadline is 1/31)

<u>Summary:</u> Mr. Rigano displayed a site plan and discussed briefly the aerial photos for the day care center alternative proposal for this site, which the sponsors of the original commercial office building (the subject of the only pending application before the Commission) have provided. He noted that this alternative proposal would become a new application, and that the old one

would have to be withdrawn. No withdrawal has yet been received. The alternative would not require a change of zone, but would require some clearing. He stated that there is no action required by the Commission today.

Gazza / Westhampton (Southampton) / agricultural building / hardship: lead agency status (hearing held 9/13; decision deadline is 1/15)
 <u>Summary:</u> Ms. Plunkett reported that the lead agency coordination for this proposed building along the west side of County Road 31 in Westhampton has been completed, and there have been no objections to the Commission becoming the lead agency. She recommended a resolution deeming the Commission to be the lead agency, and noted that a determination of significance may be ready for the next Commission meeting. A motion was then made by Mr. Shea and seconded by Mr. Cowen to deem the Commission to be the lead agency for this action under the State Environmental Quality Review Act. The motion was approved by a 4-0 vote. Mr. Proios then suggested that the Commission look at possible statutory language that would require violations be resolved before permits could be issued. Mr. Shea noted that, in this particular case, Southampton Town has cited the applicant for a violation of Town code.

#### **Compatible Growth Area (CGA)**

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

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

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

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

 North Brookhaven Health and Social Services Center / Coram (Brookhaven): new application; set hearing

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

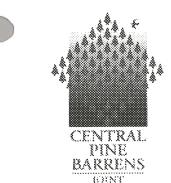
#### **Closed Advisory Session**

<u>Summary:</u> A motion was made by Mr. Cowen and seconded by Mr. MacLellan to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 4-0 vote, and the Commission entered into closed session from approximately 3:32 pm to 4:23 pm. The meeting was adjourned immediately following this with no further business conducted.

#### Attachments (in order of discussion):

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

12/20/00 att. #1 (1page)



<b>CENTRAL PINE BARRENS</b>
JOINT PLANNING AND POLICY COMMISSION

Location:

JOINT PLANNING & POLICY COMMISSION

Meeting For: <u>Pie Barre</u> Olumissicr Office Commission P eat 2 10 e 2 20 00 Date /Time:

# Sign In Sheet

<b>NAME</b>	REPRESENTING	ADDRESS	TELEPHONE/FAX
twose Justip	CPBC Stakk	35255 Sunrise theory Great River	563-0385
Robert ConKhin	N'IS FOREST PARCE	Story BROOK	444-0291
Ray Corwin	CPBC Stoff		
Ed Randold	CPBC LA/		
Mark Rilro	CPBL Stybb	3525 SUNFILE HOW 729	563-03572
ED QUARENBI	NASSAU	SLPARKULEWCIR	433-8145
Till Lewis	LIPBS	Manorville, NY 11949	369-3300/3389
Dick Amper	11	11 (1	11 11
VI HOGLUND	37 DIETZ AVE	LAKE GROVE NY	588-8459/FAX
Marty after	Town of Southampt	116 Hampton D. Sev Thompon	287-576
George Projus	Juffolk cody	Hauppung e	853-4654
Kay gwen	Gov. Pataki	Story Brook	444-0345
for Mac Lellans	Riverties	200 Howell Ave	727 - 3200
and Canter	CPBC Staff	3525 Survise Hung	563-0372
Donna Runkett	CPPC Staff.		
Jim Rigano	CPBC Coursel		694 8005
0			

12/20/00 att. # 2 (1page)

# Central Pine Barrens Joint Planning and Policy Commission

# Speaker Sign In Sheet

12/20/00 Meeting Date \_\_\_\_ Meeting Place Great River

NAME	REPRESENTING	TOPIC
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12/20/00 att. #3 (1page)



BARRENS plannt policy commission

Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

Ray E. Cowen Member

Robert F. Kozakiewicz Member

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

Phone (631) 224-2604 Fax (631) 224-7653

Internet: hhtp://pb.state.ny.us

#### PLEASE NOTE THAT THIS IS A DRAFT SCHEDULE FOR YOUR APPROVAL. ALL MEETINGS WILL TAKE PLACE ON WEDNESDAYS AT 2:00 PM. THE VENUES WILL BE SCHEDULED AFTER YOUR APPROVAL.

# **NOTICE OF PUBLIC MEETINGS**

Notice is hereby given of the following meetings of the Central Pine Barrens Joint Planning and Policy Commission whose offices are located at 3525 Sunrise Highway, Great River, New York 11739. Included are the places, dates, and times of these meetings.

DATE	TIME	<b>LOCATION</b>
January 31, 2001	2:00 pm	Location to be determined
February 21, 2001	2:00 pm	Location to be determined
March 14, 2001	2:00 pm	Location to be determined
April 4, 2001	2:00 pm	Location to be determined
April 25, 2001	2:00 pm	Location to be determined
May 16, 2001	2:00 pm	Location to be determined
June 6, 2001	2:00 pm	Location to be determined
June 27, 2001	2:00 pm	Location to be determined
July 18, 2001	2:00 pm	Location to be determined

12/20/00 attachment#4 (1 page)



PINE BARRENS JOINT PLANNING & POLICY COMMISSION

Robert J. Gaffney Chair

Felix J. Grucci, Jr. Vice Chair

Vincent Cannuscio Member

Ray E. Cowen Member

Robert F. Kozakiewicz *Member* 

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

Phone (631) 224-2604 Fax (631) 224-7653 Internet: http://pb.state.ny.us  To: Commissioners, Designated Representatives, Counsel
 Cc: Wildfire Task Force Chair Phil Drower, Vice Chairs John Urevich and Capt. Robert Conklin
 From: Ray Corwin
 Date: 12/18/00
 Subject: Request from Wildfire Task Force for change in Task Force's Establishing Resolution

At the last Wildfire Task Force meeting on 11/29/00, a request was issued to the Commission for a change in the Task Force's enabling resolution. Specifically, the Task Force has requested the following change to one of the RESOLVED clauses:

"RESOLVED that each meeting of the Central Pine Barrens Wildfire Task Force shall require a quorum defined as the presence of a minimum of one half eighteen (18) of the entities comprising the task force, and that all decisions and votes of the Central Pine Barrens Wildfire Task Force shall require an affirmative vote of at least two thirds of the entities present; and be it further . . ."

This change was requested due to the difficulty of regularly securing the presence of one half of the current Task Force membership. The current roster includes 41 organizational entities, and one half of that for a quorum at present is therefore 21.

The origin of this request lies partly in the fact that there are several organizations which are entitled to Task Force membership (due to their having some type of jurisdiction within the Central Pine Barrens) but which have never or rarely attended any meetings of the Task Force. Consequently, it has been difficult to always secure a quorum, thus holding up those dedicated and regularly attending organizations which want to move forward on implementing and revising the Fire Management Plan. Another partial cause of this request lies in the logistics of getting 21 organizations to agree on a single evening in the face of 21 different changing schedules.

Please note that this request is listed on your draft agenda, which went out this past Friday, 12/15. Thank you for your consideration of this matter.

12/20/00 QH. #5 (3 pages)

RECEIVED

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**JOBCO INC** 



November 1, 2000

MLP Associates 277 Northern Blvd. Great Neck, NY 11021

Town of

Brookhaven

Long Island

RE: Site Plan Application of **North Brookhaven Health Center**, 2000-119-SP, construct 10,000 s.f. addition onto existing two story office building with additional parking, W/S Route 112, S/O Pauls Path, Coram, N.Y., S.C. TAX #: 0200 49400 0100 039000, 5.0 acres.

**Dear Sir:** 

Pleased be advised that on 10/26/00, this Division received your site plan application for the above referenced project. However, a preliminary review of your submission and the Town's Site Plan Submission Requirements and Site Plan Design Requirements finds that the following items are necessary to complete your application:

- A) Please submit any Certificate of Occupancy(s) (CO) or Certificate of Zoning Compliance (CZC) you may have for any of the existing structures or use(s). <u>Be further advised that no further review of any future submission shall be conducted unless a CO or other acceptable documentation is provided</u>.
- **B)** The project site falls within the Compatible Growth Area of the Central Pine Barrens and therefore is subject to the provisions and Development Standards of Town Code Section 85-448. Town code requires that no more than 65% of the site can be cleared. In addition, no more than 15% of this should be established in fertilizer dependent vegetation. Preliminary review of your application finds that the last remaining natural vegetation is proposed to be removed and that you are proposing to have 33% of the site in fertilizer dependent vegetation and therefore your project is not in conformance with the Pine Barrens standards. Consequently, you will need two hardship variances from the Central Pine Barrens Joint Planning & Policy Commission. It is recommended that you make application to this agency as soon as possible.
- C) Please be advised that your site plan application has been sent to the following agencies for their review and consideration:
  - 1) Division of Traffic Safety.
  - 2) Division of Fire Prevention.
  - **3)** Town's Consulting Engineer.
  - 4) Suffolk County Department of Health Services.
  - 5) New York State Department of Transportation.
  - 6) Central Pine Barrens Joint Planning & Policy Commission.

**Department of Planning, Environment and Development** • John Girandola, Commissioner Division of Planning

3233 Route 112 • Medford • NY 11763 • Phone (631) 451-6400

www.brookhaven.org

Printed on recycled paper

K) The following parameters should be added to the "Estimate of Quantities" table:

- 1) Linear feet of connector pipe between Storm Drains.
- 2) Seeded area.
- L) Upon submission of the above information, this Division will make a determination of the need for any Planning Board or Board of Zoning Appeals variances or Special Permits

Please make the necessary changes to the site plan and submit 3 signed and sealed copies of the revised site plan to this Division.

Thank you for your attention to this matter, and if you have any questions or need further information please contact this Division.

Very Truly Yours,

Ralph F. Wiebelt Assistant Site Plan Reviewer

RW/rw

Enc. CC:

Task & Clemency Architects, P.C.

12/20100 att. #6 (2 pages)

MLP Associates 277 Northern Boulevard Great Neck, New York 11021

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Great Neck: 516 487-0050 New York City: 212 246-4770 Facsimile: 516 487-0014

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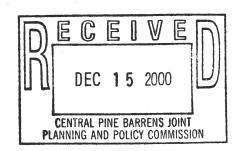
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	CENVIER
TRANS	SMITTAL
DATE:	November 27, 2000
TO:	Judy Jakobsen
_	Central Pine Barrens
	Joint Planning and Policy Commission
	3525 Sunrise Highway, 2 <sup>nd</sup> Floor
	Great River, NY 11739-0587
FROM:	Lisa S. Vieira
RE:	North Brookhaven Health & Social Services Center
	3600 Route 112, Coram, New York,
	Your Subject No. 200-494-1-39
VIA:	Federal Express
Quantity	Description
1 Copy	Compatible Growth Area Application Transmittal Letter
3 Sets	L-1 Dated Rev. 11/15/00
	L-2 Dated Rev. 11/15/00
	L-3 Dated Rev. 11/15/00
	A-1 Dated Rev. 11/01/00 A-2 Dated Rev. 11/13/00
	A-3 Dated Rev 11/08/00
	A-3 Dated Rev. 11/08/00 A-4 Dated Rev. 11/08/00
3 Prints	A-4 Dated Rev. 11/08/00
3 Prints 3 Copies	<ul> <li>A-4 Dated Rev. 11/08/00</li> <li>A-6 Dated Rev. 10/30/00</li> <li>L-1 Dated 11/04/00 Suffolk County Water Authority</li> </ul>
	<ul> <li>A-4 Dated Rev. 11/08/00</li> <li>A-6 Dated Rev. 10/30/00</li> <li>L-1 Dated 11/04/00 Suffolk County Water Authority Approval</li> </ul>

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#### MLP Associates 277 Northern Boulevard Great Neck, New York 11021

Great Neck: 516 487-0050 New York City: 212 246-4770 Facsimile: 516 487-0014



TRANS	SMITTAL
DATE:	December 14, 2000
TO:	Ann Carter Central Pine Barrens Joint Planning and Policy Commission 3525 Sunrise Highway, 2 <sup>nd</sup> Floor Great River, NY 11739-0587
FROM:	Lisa S. Vieira
RE:	North Brookhaven Health & Social Services Center 3600 Route 112, Coram, New York, Your Subject No. 200-494-1-39
VIA:	Federal Express
Quantity	Description
1 Сору	Re-submission of the Compatible Growth Area Application Transmittal Letter
1 Copy	Town of Brookhaven Department of Planning Environmental and Development letter dated November 1, 2000.
1 Сору	Suffolk County Department of Health Board of Review letter dated November 21, 2000.
1 Сору	Calculation sheet dated December 13, 2000 by Tast & Clemency Architects
1 Copy 1 Copy	

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12/20/00 att-#7 (1 page)

#### NARRATIVE

The North Brookhaven Health & Social service Center is located on the west side of NYS Route 112, approximately 100 feet south of the intersection of Paul's Path and Route 112 in Coram. The building, presently leased to Suffolk County, is occupied by the Department of Health and Social Services.

The facility is located on a five-acre parcel which was substantially cleared at the time of the building's construction in 1977. The existing building is a two-story steel frame structure with curtain wall and off-white precast panels. A masonry mechanical penthouse exists at the roof level.

The existing building, including the penthouse, is 40,604 square feet with 176 existing parking spaces. A two-story addition of 10,300 square feet is proposed to be added at the north end of the existing building, which will result in total new building area of 50,904 square feet. The existing parking areas will be expanded (102 new spaces, including 8 handicapped spaces) to provide parking for a total of 248 cars.

The existing bus shelter will be relocated to the rear parking area, and the existing site lighting and landscaping will be upgraded.

The existing well, which provides domestic water to the facility, will be abandoned and a new public water service brought to the site. The existing HVAC system is to be completely renovated and converted to gas, and the existing electrical service will be upgraded to serve the expanded facility.

When completed, the interior will be fully renovated with a new fire sprinkler, fire alarm and emergency lighting systems.

Neither the Suffolk County Department of Health nor the Department of Social Services anticipates an increase in staffing over and above that of the existing facility but rather the elimination of the extraordinary overcrowding conditions which exist at the present building. This new expanded facility will better service both employees and the clients of each of these Suffolk County agencies.