



**Central Pine Barrens Commission Meeting Summary
For Wednesday, January 15, 2020 (Final Approved 2/19/20)
Riverhead Town Hall
200 Howell Avenue
Riverhead, N.Y. 11901**

2:00 pm

Commission members present: Ms. Gallagher (for New York State), Mr. Romaine (for Brookhaven), Mr. McCormick (for Riverhead), Mr. Schneiderman, Mr. Collins and Mr. Shea (for Southampton), Mr. Dale, Mr. Freleng and Ms. Longo (for Suffolk County)

Others present: *Commission and other agency staff members included Mr. Pavacic, Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Mr. Huss, Mr. Lewis, Mr. Tverdy and Ms. Ostrowski (from the Commission). Additional attendees are indicated on the attached sign-in sheet.*

Ms. Gallagher called the meeting to order at approximately 2:00 p.m. with five members present, which constitutes a quorum. Mr. McCormick explained that Ms. Yvette Aguiar, the newly elected Riverhead Town Supervisor was not able to attend today's meeting because she had to attend the newly elected officials training at this time.

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Yvette Aguiar
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

1. Administrative and Public Comment

a. Public Comments:

Summary: *There were no public comments.*

b. Minutes for 10/16/19

Summary: *Mr. McCormick noted a correction to the December 18th minutes on page three that it was Ms. Jens-Smith and not himself that seconded the motion to move into an executive session.*

The motion was made by Mr. Romaine and seconded by Mr. Dale to approve the 12/15/19 meeting minutes with the correction to replace Mr. McCormick with Ms. Jens-Smith who second the motion to move into the executive session. The motion was approved by a 5:0 vote.

2. Science and Stewardship

a. Draft Resolution to Approve the Purchase of an ATV for the NYS Police using Environmental Benefit Funds (EBFs), pursuant to recommendation of the LEC

Summary: ***The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve the Draft Resolution for the Commission to Authorize the Purchase of One All-Terrain Vehicle by the LEC for the N.Y. State Police (attached). The motion was approved by a 5:0 vote.***

b. Draft Resolution to Approve the Purchase of an ATV for Suffolk County Sheriff's Department, using EBFs, pursuant to recommendation of the LEC

Summary: ***The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve the Draft Resolution for the Commission to Authorize the Purchase of One All-Terrain Vehicle by the LEC for the Suffolk County Sheriff's Office (attached). The motion was approved by a 5:0 vote.***

3. Land Use

Planning and Land Use

Core Preservation Area

c. Kogel Brothers Core Hardship application / East Bartlett Road, Middle Island development of single-family residence / SCTM # 200-499-3-4

624 Old Riverhead Road
Westhampton Beach, NY
11978

Phone (631) 288-1079
Fax (631) 288-1367
www.pb.state.ny.us

Summary: Ms. Hargrave discussed the attached letter dated January 7th from Mr. Eugene DeNicola, the Applicant's Representative, requesting an extension of the decision deadline until April 30th.

The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to approve the Kogel Brother Applicant request for extension of the decision deadline until April 30th. The motion was approved by a 5:0 vote.

- b. SAS Industrial Core Hardship Application / 939 Wading River Manor Road, Manorville / 6,400 square foot addition to existing industrial use on 1.3 acres/ SCTM # 600-134-1-14.1

Summary: **The motion was made by Mr. Schneiderman and seconded by Mr. McCormick to approve the SAS Industrial Applicant's request to withdraw their Application. The motion was approved by a 5:0 vote.**

Core Preservation Area

- c. Lewis Road Planned Residential Development application / East Quogue, town of Southampton / development of a seasonal resort community with 130 residences (118 seasonal single-family units and 12 year-round workforce housing units), 18-hole private golf course, other accessory structures and STP on 588 acres

Summary: Ms. Hargrave discussed the Draft Resolution to Schedule a Public Hearing Assertion of Jurisdiction Application Lewis Road Planned Residential Development East Quogue, Town of Southampton (attached) and she noted the public hearing is scheduled for February 19, 2020 with a decision deadline of April 20, 2020.

The motion was made by Mr. Schneiderman and seconded by Mr. Dale to approve scheduling the Lewis Road public hearing for February 19, 2020 at Riverhead Town Hall at 2:30 p.m. The motion was approved by a 5:0 vote.

4. Public Comment

Summary: There were no public comments.

An award of merit plaque was presented to Mr. Collins in recognition of his contributions to the Commission as a Commission Representative for the Town of Southampton Supervisor since he is leaving his position with the Town.

The meeting was adjourned until 3:00 p.m. for the scheduled public hearing.

5. Public Hearing

- a. 7-11 Ridge Core Preservation Area Hardship Application / SCTM #s 200-eta 2-6.1 & 20/ 1670 Middle Country Road, Ridge / parking lot expansion / prior hardship denied on 01/19/11

Summary: A separate stenographic transcript exists for this hearing.

The motion was made by Mr. Romaine and seconded by Mr. Dale to close the public hearing and to leave the record open until the Commission meeting on February 19th. The motion was approved by a 5:0 vote.

The motion was made by Mr. Romaine and seconded by Mr. McCormick to adjourn the meeting. The motion was approved by a 5:0 vote.

The meeting ended at approximately 3:45 p.m.

Attachments (in order of discussion)

1. January 15, 2020 Commission Meeting Sign in Sheet (1 page).
2. Draft Commission meeting summary for December 18, 2019 (4 pages)
3. Final Approved Commission meeting summary for December 18, 2019 (4 pages)
4. Draft Resolution to Approve the Purchase of an ATV for the NYS Police using Environmental Benefit Funds (EBFs), pursuant to recommendation of the LEC, dated January 15, 2020 (1 page)
5. Final Approved Resolution to Approve the Purchase of an ATV for the NYS Police using environmental Benefit Funds (EBFs), pursuant to recommendation of the LEC, January 15, 2020 (1 page)
6. Draft Resolution to Approve the Purchase of an ATV for Suffolk County Sheriff's Department, using EBFs, pursuant to recommendation of the LEC, dated January 15, 2020 (1 page)
7. Final Approved to Approve the Purchase of an ATV for Suffolk County Sheriff's Department, using EBFs, pursuant to recommendation of the LEC, dated January 15, 2020 (1 page)
8. Draft Resolution to Schedule a Public Hearing for the Assertion of Jurisdiction Application Lewis Road Planned Residential Development East Quogue, Town of Southampton, dated January 15, 2020 (1 page)
9. Final Approved to Schedule a Public Hearing for the Assertion of Jurisdiction Application Lewis Road Planned Residential Development East Quogue, Town of Southampton, dated January 15, 2020 (1 page)
10. Draft Staff Report for 7 Eleven, Ridge Core Preservation Area hardship Application for the Commission meeting January 15, 2020 (31 pages)



**Central Pine Barrens Commission Meeting Summary
For Wednesday, February 19, 2020 (Final approved 4/15/20)
Riverhead Town Hall
200 Howell Avenue
Riverhead, N.Y. 11901**

2:00 pm

Commission members present: Ms. Gallagher (for New York State), Mr. Romaine and Ms. Pines (for Brookhaven), Ms. Aguiar and Mr. McCormick (for Riverhead), Mr. Schneiderman, and Mr. Shea (for Southampton), Mr. Dale (for Suffolk County)

Others present: *Commission and other agency staff members included Mr. Pavacic, Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Mr. Huss, Mr. Lewis, Ms. Parrott, Mr. Tverdyy and Ms. Ostrowski (from the Commission). Additional attendees are indicated on the attached sign-in sheet.*

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Yvette Aguiar
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Ms. Gallagher called the meeting to order at approximately 2:00 p.m. with five members present, which constitutes a quorum.

1. Administrative and Public Comment

a. Public Comments:

Summary: *There were no public comments.*

b. Minutes for 1/15/20

Summary: ***The motion was made by Ms. Pines and seconded by Mr. Schneiderman to approve the 1/15/19 meeting minutes. The motion was approved by a 5:0 vote.***

2. Land Use

Planning and Land Use

Compatible Growth Area

a. Silver Corporate Park Development of Regional Significance CGA Hardship / Sills Road and LIE / Yaphank / decision deadline 3/18/20 /status

Summary: *Ms. Hargrave discussed the status of the Silver Corporate Park Hardship Waiver Application and she noted that the Town issued a negative declaration on the project and that a letter received from the applicant requested an extension of the decision deadline until June 17th.*

The motion was made by Ms. Pines and seconded by Mr. Schneiderman to accept the applicant's request for an extension of the decision deadline. The motion was approved by a 5:0 vote.

b. Verizon at County Property / 2195 William Floyd Parkway / Ridge / SCTM# 200-242-1-1.2 and 1.4 / construction of 120 foot monopole on site of a sewage treatment facility

Summary: *Ms. Hargrave discussed the attached draft letter from staff dated February 19th to Ms. Jessica Zalin, Attorney for Verizon Wireless. She explained that a referral was received from Ms. Zalin on January 10th for the construction of 120 foot monopole in the Compatible Growth Area (CGA) on two parcels totaling 10 acres that contains a sewage treatment plant facility and she noted that the proposal appears to constitute development and that it must conform to the standards of the Comprehensive Land Use Plan (CLUP).*

The motion was made by Ms. Pines and seconded by Mr. Schneiderman to authorize sending the draft response letter to the Applicant. The motion was approved by a 5:0 vote.

624 Old Riverhead Road
Westhampton Beach, NY
11978

Phone (631) 288-1079
Fax (631) 288-1367
www.pb.state.ny.us

- c. Referral: Bolla at Ridge Change of Zone/Site Plan/Subdivision / 1511 Middle Country Road / Ridge. SCTM # 200-325-1-13 and 14 / redevelopment and expansion of area leased for gas station on 2.79 acres and subdivision of 35.8 acres / draft response

Summary: Ms. Hargrave discussed the previously distributed draft response letter from staff, dated February 19th (attached) in response to the Town of Brookhaven referral related to SEQRA Coordination for the Bolla at Ridge change of zone subdivision. Ms. Hargrave explained that the request is for a zone change and expansion of the gas station and she noted that the current zoning is A2 and J2 and that the proposal is to rezone the site of the gas station to J5 and that there are no plans for the other 35 acres of property.

The motion was made by Ms. Pines and seconded by Mr. Schneiderman to authorize sending the draft response letter to the Town. The motion was approved by a 5:0 vote.

Core Preservation Area

- d. 7-11 Ridge Core Preservation Area Hardship Application / SCTM#s 200-351-2-6.1 and 20/ 1670 Middle Country Road, Ridge / parking lot expansion / Middle Country Road, Ridge

Summary: Ms. Hargrave discussed the 7-11 Ridge Core Preservation Area Hardship Waiver application (attached) and she noted that the applicant sent additional information pertaining to data on the project site and information related to ownership of the property. Ms. Hargrave mentioned that the Commission's decision is due at the March 18th meeting and that the Town sent information related to SEQRA coordination for the project.

- e. Referral: PSEG Long Island Sills Road to Brookhaven Vegetation Management / request to remove invasive vegetation in an 810 linear foot portion of the right of way, west side of River Road to the Carmans River / draft response

Summary: Ms. Hargrave discussed the referral that was received from the N.Y. State Department of Environmental Conservation (NYSDEC) pertaining to the PSEGLI's request to remove invasive vegetation and replant native species in a portion of the right of way on the west side of River Road to the Carmans River.

The motion was made by Ms. Gallagher and seconded by Ms. Pines to authorize staff to send the draft response letter to the NYSDEC. The motion was approved by a 5:0 vote.

Mr. Romaine arrived at the meeting.

3. Public Hearing

- a. Lewis Road Planned Residential Development Assertion of Jurisdiction Application / East Quogue, Town of Southampton /development of a seasonal resort community with 147 residences (118 seasonal single-family units, 12 year-round workforce housing units, 17 density incentive seasonal residences), 18-hole private golf course, a sewage treatment plant, recreational uses, ponds, utilities and other facilities on 588 acres

Summary: A separate stenographic transcript exists for this hearing.

The motion was made by Mr. Schneiderman and seconded by Ms. Aguiar to leave the public hearing and the record open for public comment until the March 18th meeting. The motion was approved by a 5:0 vote.

The motion was made by Ms. Gallagher and seconded by Mr. Schneiderman to enter into closed advisory session and afterwards no further business would be conducted and therefore the meeting was adjourned. The motion was approved by a 5:0 vote.

The meeting ended at approximately 5:45 p.m.

Attachments (in order of discussion)

1. February 19, 2020 Commission Meeting Sign in Sheet (2 pages).
2. Draft Commission meeting summary for January 15, 2020 (3 pages)
3. Final Approved Commission meeting summary for January 15, 2020 (3 pages)
4. Silver Corporate Park Hardship Waiver Application and Town adoption for a Negative Declaration, dated January 22, 2020 (51 Pages)
5. Draft letter from staff to Ms. Jessica Zalin regarding Verizon Wireless at Suffolk County STP Property, dated February 19, 2020 (8 pages)
6. Final Approved letter from staff to Ms. Jessica Zalin regarding Verizon Wireless at Suffolk County STP Property, dated February 19, 2020 (8 pages)
7. Draft letter from staff to Town of Brookhaven regarding referral for SEQRA Coordination of Bolla at Ridge Change of Zone, Subdivision and site plan, dated February 19, 2020 (32 pages)
8. Final Approved letter from staff to Town of Brookhaven regarding referral for SEQRA Coordination of Bolla at Ridge Change of Zone, Subdivision and site plan, dated February 19, 2020 (32 pages)
9. 7-11 Ridge Core Preservation Area Hardship Waiver application and additional information related to project site data and ownership of property, dated January 30, 2020 (106 pages)
10. Draft letter from staff to NYSDEC Division of Environmental Permits regarding Referral of PSEG 1-4722-06975.1 Sills Road to Brookhaven Vegetation Management, dated February 19, 2020 (13 pages)
11. Final Approved letter from staff to NYSDEC Division of Environmental Permits regarding Referral of PSEG 1-4722-06975.1 Sills Road to Brookhaven Vegetation Management, dated February 19, 2020 (13 pages)
12. Draft staff report Lewis Road Planned Residential Development Assertion of Jurisdiction application for the Commission meeting of February 19, 2020 (27 pages)



**Central Pine Barrens Commission Meeting Summary
For Wednesday, May 20, 2020 (Final Approved 6/17/20)
Zoom Virtual Meeting**

2:00 pm

Commission members present: Ms. Gallagher (for New York State), Mr. Romaine and Ms. Pines (for Brookhaven), Ms. Aguiar and Mr. McCormick (for Riverhead), Mr. Schneiderman, Ms. Scherer and Mr. Shea (for Southampton), Mr. Dale, Ms. Longo and Mr. Freleng (for Suffolk County)

Others present: *Commission and other agency staff members included Mr. Pavacic, Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Mr. Huss, Mr. Panko, Ms. Weigand, Ms. Parrott and Ms. Ostrowski (from the Commission). Additional attendees are indicated on the attached sign-in sheet.*

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Yvette Aguiar
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Ms. Gallagher called the meeting to order at approximately 2:00 p.m. with five members present, which constitutes a quorum. Mr. Pavacic explained that he will be serving as the moderator for today's Commission meeting that is taking place remotely and then he conducted a roll call of the Commission Members and the Representatives that were present. Mr. Pavacic discussed the guidelines for public participation at the meeting including that the public is able to listen only during the meeting and they will have the opportunity to submit comments electronically to a specific Commission email that will be read during the public comments portion of the meeting. He then discussed the requirements for voting protocols and for actions to be taken by the Commission members since the meeting is being conducted virtually.

1. Administrative and Public Comment

a. Public Comments:

Summary: *Mr. Pavacic read a letter dated, May 18th that was received from the Town of Southampton Water Protection Alliance which was signed by Dick Amper, Executive Director of the L.I. Pine Barrens Society, Bob Deluca from the Group for the East End, Rob Kast from CLEAN, Bill Kerns, East Quogue Resident and Andrea Spilka of the East Hampton Town Civic Coalition. The letter expressed the concerns of holding the public hearing for the Lewis Road project virtually.*

b. Minutes for 2/19/20

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Dale to approve the 2/19/20 meeting minutes. The motion was approved by a unanimous vote.**

2. Education and Outreach

Summary: *Mr. Pavacic discussed the previously distributed Draft Resolution for the Central Pine Barrens Joint Planning & Policy Commission to Accept a Water Monitoring Equipment Loan from the US Environmental Protection Agency for the "A Day in the Life" Program (attached). He noted that the water quality and testing equipment would be used at two testing sites, the Peconic Estuary and the Carmans River during the "Day in the Life" Program coming up this fall.*

The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve the Draft Resolution to accept a loan water quality testing equipment to the Commission from the US Environmental Protection Agency. This motion was approved by a unanimous vote.

624 Old Riverhead Road
Westhampton Beach, NY
11978

Phone (631) 288-1079
Fax (631) 288-1367
www.pb.state.ny.us

3. Land Use Planning and Land Use

Core Preservation Area

- a. 7-Eleven Ridge Core Preservation Area Hardship Application / SCTMs 200-351-2-6.1 & 20 / 1670 Middle Country Road, Ridge / parking lot expansion / Middle Country Road/ Ridge / decision deadline 3/18/20 / hearing held 1/15/2020 / decision deadline 5/20/20

Summary: Ms. Hargrave stated that the attached letter dated, May 14th was received from the Applicant's Representative requesting the withdrawal of the 7-Eleven Ridge Core hardship waiver application.

The motion was made by Mr. Romaine and seconded by Mr. Dale to accept the 7-Eleven Ridge applicant's request to withdraw their hardship waiver application. This motion was approved by a unanimous vote.

- b. Kogel Brothers Core Hardship Application / East Bartlett Road, Middle Island / development of single-family residence / SCTM # 200-499-3-4 / adjourn hearing date to 5/20/20 and extend decision deadline to 6/17/20

Summary: Ms. Hargrave explained that a letter dated May 12th from the Kogel Brothers Applicant's Representative was received with a request for an extension of the decision deadline for their Core Area Hardship Application.

The motion was made by Mr. Romaine and seconded by Mr. Shea to accept the Kogel Brothers Applicant's request for an extension of the decision deadline to November 30th. This motion was approved by a unanimous vote.

- c. Army Corps of Engineers Request for Determination of Jurisdiction / Eastport – Speonk – Westhampton / Remedial Investigation project to determine the nature and extent of munitions and environmental contaminants due to past Department of Defense activities in a former range complex area over 4,297 acres /draft response determination

Summary: Ms. Hargrave discussed the previously distributed draft letter dated May 20th from Commission staff to the Department of the US Army Corps of Engineers in response to their request for a determination of jurisdiction for a remedial investigation project that will be performed to determine the nature and extent of any munitions or environmental contaminants that may be present due to past Department of Defense activities in a former bombing range complex located within the towns of Speonk, Eastport and Westhampton. The project should be completed by 2022.

The motion was made by Mr. Romaine and seconded by Mr. Dale to approve sending the draft letter from staff to the US Army Corps of Engineers. This motion was approved by a unanimous vote.

Core Preservation Area, Compatible Growth Area, Critical Resource Area

- d. Lewis Road Planned Residential Development Assertion of Jurisdiction Application/ East Quogue, Town of Southampton /development of a seasonal resort community with 118 seasonal single-family units, 12 year-round workforce housing units, 18-hole private golf course, a sewage treatment plant, recreation al uses, ponds, utilities, and other facilities on 588 acres

Summary: Ms. Hargrave discussed the status of the Lewis Road Application and the letter that was received by the Commission from the Applicant dated, April 29, 2020 (attached). She explained that the letter from the Applicant consents to adjourn the public hearing and requests to extend receipt of public comments until June 3, 2020. The Applicant also requested an extension of the decision deadline until the July 15, 2020 Commission meeting.

The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve the extension of the Lewis Road Application decision deadline. The motion was approved by a unanimous vote.

Compatible Growth Area

- e. *Silver Corporate Park Development of Regional Significance CGA Hardship / Sills Road and LIE / Yaphank / SCTM # 200-662-2-5.16*

Summary: Ms. Hargrave discussed the status of the Silver Corporate Park Development of Regional Significance hardship waiver application and she noted a decision was scheduled for the June 17th Commission meeting and that SEQRA was completed in January 2020. Mr. Milazzo explained that there is no action to be taken today other than a status update and to notify the Commission of the date for the decision deadline.

Mr. Schneiderman entered the meeting.

- f. *The Meadows at Yaphank PDD CGA-DRS / authorize the release of covenants for Brookhaven Walk / approve*

Summary: Ms. Hargrave discussed the Draft Resolution of the Commission Terminating of Covenants and Restrictions Brookhaven Walk Yaphank, Town of Brookhaven (attached) and she noted that the resolution authorizes the Executive Director to execute the Declaration Terminating of Covenants and Restrictions for the Brookhaven Walk in Yaphank project that was approved in 2007 and Ms. Hargrave explained that the Applicant has since received Commission approval for a different project.

The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve the Draft Resolution authorizing the Executive Director to terminate the covenants and restrictions. The motion was approved by a unanimous vote.

4. Public Comment

Summary: There were no public comments.

The motion was made by Mr. Romaine and seconded by Mr. Dale to enter into closed advisory session and afterwards no further business would be conducted and therefore the meeting was adjourned. This motion was approved by a unanimous vote.

The meeting ended at approximately 3:15 p.m.

Attachments (in order of discussion)

1. May 20, 2020 Commission Meeting Sign in Sheet (1 pages)
2. Draft Commission meeting summary for February 19, 2020 (3 pages)
3. Draft Resolution of Central Pine Barrens Joint Planning & Policy Commission to Accept a Water Monitoring Equipment Loan from the US Environmental Protection Agency for A Day in the Life Program and loan agreement dated, May 20, 2020 (6 pages)
4. Letter, dated May 14, 2020 from the 7-Eleven Ridge Applicant's Representative Re: request for withdrawal of the hardship waiver application (1 page)
5. Letter dated, May 12, 2020 from the Kogel Brothers Applicant's Representative Re: request to an extension of the decision deadline. (1 page)
6. Letter dated May 5, 2020 from the Department of the Army Us Army Corps of Engineers New England District Re: Request for Determination of Jurisdiction for the Remedial Investigation project. (3 pages)
7. May 20, 2020 Draft Resolution of the Central Pine Barrens Commission Terminating of Covenants and Restrictions Brookhaven Walk Yaphank, Town of Brookhaven (23 pages)



Central Pine Barrens Commission Meeting Summary
For Wednesday, June 17, 2020 (Draft)
Zoom Virtual Meeting

2:00 pm

Commission members present: Ms. Gallagher (for New York State), Mr. Romaine and Ms. Pines (for Brookhaven), Ms. Aguiar and Mr. McCormick (for Riverhead), Mr. Schneiderman, Ms. Scherer and Mr. Shea (for Southampton), Mr. Dale, Ms. Longo and Mr. Freleng (for Suffolk County)

Others present: Commission and other agency staff members included Mr. Pavacic, Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Mr. Huss, Mr. Panko, Ms. Weigand, Ms. Parrott and Ms. Ostrowski (from the Commission). Additional attendees are indicated on the attached sign-in sheet.

Mr. Pavacic, serving as the moderator for today's meeting called it to order at approximately 2:00 p.m. and he conducted a roll call of the Commission members and designated representatives present. There were five members present, which constitutes a quorum. Mr. Pavacic discussed the guidelines for public participation at the meeting including that the public can listen to the meeting only and that during the meeting they will have the opportunity to submit comments electronically to a specific Commission email that will be read during the public comments portion of the meeting. He then discussed the requirements for voting protocols and for actions to be taken by the Commission members since the meeting is being conducted virtually.

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Yvette Aguiar
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

1. Administrative and Public Comment

a. Public Comments:

Summary: Mr. Pavacic noted that two separate comments were received prior to the meeting today. Mr. Pavacic read a letter received from Mr. Richard Amper, Executive Director of the L.I. Pine Barrens Society dated June 16, 2020 that expressed his concerns related to Lewis Road Applicant submitting a revised plan to the Commission just prior to its meeting. Other points made in the letter included, staff needs time to review the revised project, the new plan violates N.Y. State Environmental Quality Review Act, the project is inconsistent with the Pine Barrens Protection Act and included other points related to the hearing process. The other comment letter received by the Commission was a second letter from Mr. Amper requesting a response from the Commission regarding his June 16th letter.

b. Minutes for 2/19/20

Summary: **The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve the 5/20/20 meeting minutes. The motion was approved by a unanimous vote.**

2. Science and Stewardship

a. Memorandum of Understanding between the Research Foundation for the State University of New York at the SUNY College of Environmental Science and Forestry and the Central Pine Barrens Commission

Summary: Mr. Pavacic discussed the previously distributed memo to the Commission, Proposed SUNY ESF Memorandum of Understanding dated June 8, 2020 and Draft Resolution of the Commission to enter into a memorandum of understanding with the State University of New York Research Foundation (attached). He noted that the proposed Memorandum of Understanding will help to formalize the partnership between the Commission and SUNY ESF to expand, foster and facilitate ecological scientific research being conducted in the Central Pine Barrens.

The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to approve the Draft Resolution for the Memorandum of

624 Old Riverhead Road
Westhampton Beach, NY
11978

Phone (631) 288-1079
Fax (631) 288-1367
www.pb.state.ny.us

Understanding between the Commission and SUNY ESF. The motion was approved by a unanimous vote.

**3. Land Use
Planning and Land Use**

Compatible Growth Area, Core Preservation Area, Critical Resource Area
a Lewis Road Planned Residential Development Assertion of Jurisdiction Application / East Quogue, Town of Southampton / development of a seasonal resort community with 118 seasonal single-family units, 12 year-round workforce housing units, 18-hole private golf course, a sewage treatment plant, recreational uses, ponds, utilities, and other facilities on 608 acres / hearing adjourned from 2/19/20 /decision deadline 7/15/20

Summary: Ms. Hargrave discussed the previously distributed draft letter from staff dated June 17th to Mr. Charles Voorhis, the Lewis Road Applicant's representative and the Applicant's June 3rd submission of a revised master plan. She noted that the letter explains that a preliminary review was performed and additional supporting items should be submitted to verify that the plan is in conformance with the Commission's Comprehensive Land Use Plan (CLUP) concerning steep slopes, unfragmented open space and nitrogen impacts. Ms. Hargrave stated that three actions are necessary today including, scheduling a public hearing possibly for July 15, authorizing the draft letter to be sent and to extend the decision deadline.

The motion was made by Mr. Romaine and seconded by Mr. Dale to continue the Lewis Road public hearing on July 15th. The motion was approved unanimously.

The motion was made by Mr. Romaine and seconded by Mr. Dale to authorize sending the staff comment letter. The motion was approved unanimously.

The motion was made by Mr. Schneiderman and seconded by Mr. Dale to accept an extension of the Lewis Road project decision deadline until the August 19th Commission meeting. The motion was approved unanimously.

Compatible Growth Area

b. Silver Corporate Park Development of Regional Significance CGA Hardship / Sills Road and LIE / Yaphank / SCTM # 200-662-2-5.16 development of a 12-lot subdivision for 550,000 square feet of commercial / industrial uses on 71 acres

Summary: Ms. Hargrave discussed the Draft Decision to Approve Silver Corporate Park Industrial Subdivision Development of Regional Significance Compatible Growth Area Hardship Yaphank, Town of Brookhaven, Suffolk County Tax Map Number 200-662-2-5.16 and she explained the conditions of the approval including the protection of 31 acres of natural habitat, roadside buffers, undisturbed area and steep slope requirements. The project approval will expire five years from the date of the resolution.

The motion was made by Mr. Romaine and seconded by Ms. Gallagher to approve the Draft Resolution approving the Silver Corporate Park DRS. The motion was approved unanimously.

4. Public Comment

Summary: There were no public comments.

The motion was made by Mr. Romaine and seconded by Ms. Gallagher to enter into closed advisory session and afterwards no further business would be conducted and therefore the meeting was adjourned. This motion was approved by a unanimous vote.

The meeting ended at approximately 2:40 p.m.

Attachments (in order of discussion)

1. Draft Commission meeting summary for May 20, 2020 (3 pages)
2. Final Approved Commission meeting summary for May 20, 2020 (3 pages)
3. Memo, dated June 8th and Proposed SUNY ESF Memorandum of Understanding, dated June 8, 2020 and Draft Resolution of the Commission to enter a Memorandum of Understanding with the State University of New York Research Foundation, dated June 17, 2020 (7 pages)
4. Final Approved Resolution of the Commission to enter a Memorandum of Understanding with the State University of New York Research Foundation, dated June 17, 2020 (2 pages)
5. Draft letter from staff dated June 17th to Mr. Charles Voorhis, the Lewis Road Applicant's representative (6 pages)
6. Final Approved letter from staff dated June 17th to Mr. Charles Voorhis, the Lewis Road Applicant's representative (6 pages)
7. Draft Decision to Approve Silver Corporate Park Industrial Subdivision Development of Regional Significance Compatible Growth Area Hardship Yaphank, Town of Brookhaven, Suffolk County Tax Map Number 200-662-2-5.16, dated June 17, 2020 (13 pages)
8. Final Approved Decision to Approve Silver Corporate Park Industrial Subdivision Development of Regional Significance Compatible Growth Area Hardship Yaphank, Town of Brookhaven, Suffolk County Tax Map Number 200-662-2-5.16, dated June 17, 2020 (13 pages)



Central Pine Barrens Commission Meeting Summary
Wednesday, July 15, 2020 (Final Approved 8/19/20)
Zoom Virtual Meeting
At 2:00 pm

Commission members present: Ms. Gallagher (for New York State), Mr. Romaine (for Brookhaven), Ms. Aguiar and Mr. McCormick (for Riverhead), Mr. Schneiderman, Ms. Scherer and Mr. Shea (for Southampton), Ms. Longo and Mr. Freleng (for Suffolk County)

Others present: *Commission and other agency staff members included Mr. Pavacic, Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Mr. Mazzio, Mr. Panko, Ms. Weigand, Mr. Tverdyy and Ms. Parrott (from the Commission).*

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Yvette Aguiar
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Mr. Pavacic, serving as the moderator for today's meeting called the meeting to order at approximately 2:00 p.m. and he conducted a roll call of the Commission members and designated representatives present. There were five members present, which constitutes a quorum. Mr. Pavacic discussed the guidelines for public participation during the meeting. He then discussed the requirements for voting protocols and for actions to be taken by the Commission members since the meeting was being conducted virtually.

1. Administrative and Public Comment

a. Public Comments:

Summary: *Mr. Pavacic read into the record a letter that was received by email on July 13, 2020 from Mr. James Eagan that was dated June 15, 2020 and addressed to the Commission that asked for the issuance and release of all Credits related to Armand Gustave LLC.*

No other public comments were received.

b. Minutes for 6/17/20

Summary: ***The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to approve the 6/17/20 meeting minutes. The motion was approved by a unanimous vote.***

c. Commission Insurance Policies Renewal

Summary: *Mr. Pavacic reviewed the information previously provided to the Commission members related to the annual renewal of the Commission insurance policies which includes the general liability and umbrella policies. A draft resolution was provided for the Commission to consider.*

The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve the draft resolution to renew the Commission insurance policies. The motion was approved by a unanimous vote.

d. Commission Budget for fiscal year 2020-2021

Summary: *Mr. Pavacic provided an overview of the budget for fiscal year 2020-2021 and discussed the difference this year is that the Commission has not received specific information on the allocation for this fiscal year due to the financial impact of the COVID pandemic on NYS. The budget presented today is to be prepared for when the State is ready to move ahead with processing fiscal matters and issues and represents the best information staff has concerning the Commission's current allocation and rollovers from prior fiscal years. There is also a resolve clause that has been included in the draft resolution to allow Mr. Pavacic to make changes to the budget expeditiously*

624 Old Riverhead
Rd. Westhampton
Beach,
NY 11978

Phone (631) 288-
1079

Fax (631) 288-1367

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

should the allocation to the Commission change without having to wait until a Commission meeting to make these potential changes. A draft resolution was previously provided to the Commission members for their consideration.

The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to approve the Commission budget for fiscal year 2020-2021. The motion was approved by a unanimous vote.

2. Science and Stewardship

a. Education and Outreach Division

Ms. Parrott presented highlights from her previously distributed education and outreach division report(attached). She discussed the virtual programming planned for the Barrens to Bay Camp due to the COVID 19 pandemic that will be provided through ZOOM twice a week. Details on the Pine Barrens Discovery Day event normally held in the fall is up in the air due to the pandemic. She is currently brainstorming with partners on ways to have activities on that day such hikes by possibly by keeping attendance low or by having activities that participants can do on their own. Ms. Parrott has been asked by BNL to be a participant on the planning panel for the science education center being developed at Discovery Park at BNL. In addition, trainings with teachers for the A Day in the Life events are being conducted and the format that will be used for these events is yet to be determined. She also discussed the EPA equipment loan grant and that of some of the equipment will not be provided due to COVID concerns with their use, however the rest of the equipment will be made available for use this fall.

b. Science and Stewardship Division

Ms. Weigand presented highlights on the division's activities covered in her previously distributed science and stewardship division report (attached). She mentioned that interns have been hired to continue forest health monitoring. In addition, Ms. Weigand discussed the status of the prescribed fire program and related MOUs, that a draft prescribed fire management plan has been prepared and a draft burn plan for the Currans Road area and planning activities for the Sarnoff preserve are underway. Additional field activities included vegetation inventories, invasive weed removal, and empire pollinator study collection and monitoring of insects. She mentioned that the division is providing support to NYWIMA, equipment storage needs and other division activities and field work underway.

3. Land Use

Planning & Land Use

a. Compliance and Enforcement Division

Mr. Mazzio presented an update on the division's enforcement activities (report attached). He mentioned that the number of enforcement cases has significantly increased this year when compared to last year, in particular dumping incidents. The division staff continues to monitor SCWA sites for encroachments and provides staff support for LEC meetings. He noted that the camera surveillance program has been very successful in assisting with apprehensions related to dumping incidents and the division staff will be continuing with drone training.

b. Land Use Division

Ms. Hargrave provided an update on land use activities that were included in her previously distributed land use division report (attached). Ms. Hargrave noted that there are two pending applications, the Kogel Brothers hardship application and the Lewis Road assertion of jurisdiction. She mentioned a Core hardship application for a subdivision in Manorville was received yesterday and will be on the next Commission agenda. Ms. Hargrave also touched on the referrals that have also been received that will require responses.

Compatible Growth Area, Core and CRA

- c. Lewis Road Planned Residential Development Assertion of Jurisdiction Application / East Quogue, Town of Southampton / development of a seasonal resort community with 118 seasonal single-family units, 12 year-round workforce housing units, 18-hole private golf course, a sewage treatment plant, recreational uses, ponds, utilities, and other facilities on 608 acres / hearing adjourned from 2/19/20 / decision deadline 8/19/20**

Ms. Gallagher mentioned that there are two items before the Commission today related to this

project, the requests by the applicant to postpone the public hearing and to extend the decision deadline. Ms. Hargrave provided an update on the status of the project and the receipt of a submission from the applicant on July 1st that included a response to the Commission's June 17th letter that covered comments on the submission that was received on June 3rd, and included a master plan dated June 30, 2020, slope analysis, clearing plan, grading plan and quantitative data on slopes and clearing on the site. A public hearing was scheduled for today, however the Commission received on Friday, July 10th a letter from the applicant requesting that the public hearing be adjourned until August 19th and that the decision deadline be extended to September 16th. Ms. Hargrave explained that the request for postponement was related to the extension of the Governor's executive order that does not allow in-person meetings and this will likely be the same situation in August. Mr. Romaine indicated that he would not support anymore extensions and that there needs to be a public hearing in August where the public can comment whether it is in person or through Zoom. He acknowledged it would likely have to be held through Zoom and then a decision on the project could possibly be made in September. It was discussed that the Town of the Southampton may be able to host a virtual meeting with just the Commission members present at Southampton Town hall with the public on Zoom. A discussion ensued with the Town of Southampton about the technological challenges of having a large public hearing and social distancing requirements.

The motion was made by Mr. Schneiderman and seconded by Ms. Gallagher to accept the request to extend the decision deadline to September 16, 2020. The motion was carried by the following vote:

Vote: 3:0:2

Yes - 3 (County of Suffolk, Town of Southampton and State of NY

No – 0

Abstentions - 2 (Towns Brookhaven and Riverhead)

The motion was made by Mr. Schneiderman and seconded by Mr. Freleng to postpone the public hearing to the August Commission meeting. 4:0:1

Vote: 4:0:1

Yes – 4 (County of Suffolk, Town of Southampton, Town of Riverhead and State of NY

No – 0

Abstentions – 1 (Town of Brookhaven)

4. Pine Barrens Credit Program

a. Pine Barrens Credit Program update

Mr. Tverdyy provided an update on the Pine Barrens Credit program based on information he previously distributed to the Commission members (attached). Staff sent out a mailing to Core property owners in the Towns of Southampton and Riverhead to solicit their interest in participating in the Credit program. In response to this mailing, 12 LOI applications have been received and the next outreach will be to Core property owners in the Town of Brookhaven. There have been 24 LOIs issued this year. The COVID pandemic has slowed the recording of CEs with two CEs recorded this year so far that generated 2 PBCs and five CEs that are currently being processed. There were 6.3 Credits redeemed, four in the Town of Brookhaven and just over 1 PBC redeemed in each of the Towns of Riverhead and Southampton. There were five PBCs sold, 3.8 PBCs in the Town of Brookhaven and 1.13 PBCs in the Town of Southampton at the average per Credit price of \$93,000 and \$80,000 respectively. The total average price for 3 towns was \$90,000 per Credit. Mr. Tverdyy discussed the CE monitoring program and the installation of signs on Commission held CE properties and the issuance of two notice of violations related to CE parcels. The Credit Clearinghouse bank is currently at \$2.5 million with \$3,300 in interest earned. The Clearinghouse still owns 10.19 PBCs. He also mentioned the new Credit program brochure that covers the process to obtain, buy and sell Credits.

b. Gergela Conservation Easement, Bartlett Road, Middle Island, Request to remove dead trees / approve

A letter was sent from Mr. Gergela to the Commission to request permission to remove five dead trees on his property that is encumbered by a Commission CE that he felt presented a hazard to people and his property. Staff inspected the property this morning to verify the condition and location of the 5 dead trees. An aerial photo indicating the location of the dead trees along with onsite photographs and a staff report were provided to the Commission members.

A motion was made by Mr. Romaine and seconded by Mr. Freleng to approve the removal of five dead trees on the property owned by Mr. Gergela. The motion was approved by a unanimous vote.

5. Public Comment

No public comments were received.

6. Closed Advisory Session

A motion was made by Mr. Romaine and seconded by Mr. Schneiderman to move into a closed advisory session that afterward there would be no further business conducted and therefore the meeting was adjourned. This motion was approved by a unanimous vote.

The meeting ended at approximately 2:45 pm.

Attachments (in order of discussion)

1. Draft Commission meeting summary for June 17, 2020 (4 pages).
2. Final Approved Commission meeting summary for June 17, 2020 (4 pages).
3. Materials for Agenda Item 1c Insurance Renewal which included:
 - a. Draft Resolution of the Central Pine Barrens Joint Planning and Policy Commission ("Commission") Authorizing Renewal of the Commission's Package of Insurance Policies that includes General Liability, Inland Marine, Automobile and Umbrella (Excess) Coverages; and Directors and Officers (Errors and Omissions) Policy and Payment of Any Associated Premiums, dated July 15, 2020(1 page)
 - b. Final Resolution of the Central Pine Barrens Joint Planning and Policy Commission ("Commission") Authorizing Renewal of the Commission's Package of Insurance Policies that includes General Liability, Inland Marine, Automobile and Umbrella (Excess) Coverages; and Directors and Officers (Errors and Omissions) Policy and Payment of Any Associated Premiums, dated July 15, 2020 (1 page)
 - c. Letter to Mabel Smith from Kittryn Kaelin, Gallagher, Re: Commercial Package and Umbrella Policy renewal, dated July 10, 2020 (11 pages)
5. Draft Resolution Approving Attachment B-1 Budget Plan for State Fiscal Year 2020-2021 Pursuant to Agreement with the New York State Department of Environmental Conservation (1 page)
6. Final Resolution Approving Attachment B-1 Budget Plan for State Fiscal Year 2020-2021 Pursuant to Agreement with the New York State Department of Environmental Conservation (1 page)
7. Education and Outreach Division Update, dated July 2020 submitted by Melissa Parrott, Education and Outreach Coordinator (2 pages)
8. Science and Stewardship Division Update, dated July 15, 2020 submitted by Polly Weigand, Science and Stewardship Manager (4 pages)
9. Compliance and Enforcement Division Highlights 01/01/20-07/07/20 submitted by James Mazzio, Enforcement Officer (1 page)
10. Land Use Division Bi-monthly updated for the Meeting of July 15, 2020, submitted by Julie Hargrave, Principal Environmental Planner. (1 page)
11. Letter from Wayne Bruyn, O'Shea, Marcincuk & Bruyn, LLP to the Commission Members of the Central Pine Barrens Joint Planning & Policy Commission, dated July 10, 2020, Regarding: Application of Lewis Road Planned Residential Development Subdivision. (2 pages)
12. Pine Barrens Credit Program Report for July 15, 2020 submitted by Jerry Tverdy, Senior Environmental Analyst. (4 pages)
13. Materials for Agenda Item 4b. Gergela (16 pages) which included:
 - a. Letter from John Gergela to Mr. Pavacic, dated June 22, 2020, Ref: Dead Trees.(1page)

- b. Letter to John Gergela from Jerry Tverdy, Commission Senior Environmental Analyst, Re: Request to Remove Dead Trees on SCTM# 200-454-1-9.1 Conservation Easement, Core Preservation Area of the Central Pine Barrens, dated July 2, 2020. (1 page)
- c. Conservation Easement from Allan Simmons & Jeanette Lachapelle, to Central Pine Barrens Joint Planning & Policy Commission, Recorded 2003 Dec 03 Liber 000012287 Page 669. (13 pages)
- d. Pine Barrens Credit Certificate 0200-00461 to Jeanette Lachapelle & Allan Simons for 2.96 Pine Barrens Credits dated December 8, 2003. (1 page)

Next Commission Meeting
Wednesday, August 19, 2020 at 2:00 pm
For meeting information visit <https://pb.state.ny.us/>



**Central Pine Barrens Commission Meeting Summary
For Wednesday, August 21, 2020 (Final Approved 9/16/20)
Zoom Virtual Meeting
At 2:00 pm**

Commission members present: Ms. Gallagher (for New York State), Mr. Romaine and Ms. Pines (for Brookhaven), Ms. Aguiar and Mr. McCormick (for Riverhead), Mr. Schneiderman, Ms. Scherer and Mr. Shea (for Southampton), Mr. Dale, Ms. Lansdale, Ms. Longo and Mr. Freleng (for Suffolk County)

Others present: *Commission and other agency staff members included Mr. Pavacic, Ms. Jakobsen, Mr. Milazzo, Ms. Ostrowski, Ms. Hargrave, Mr. Panko, Mr. Huss, Mr. Mazzio, Ms. Weigand, Mr. Ziegler, Mr. Tverdy and Ms. Parrott (from the Commission).*

Ms. Gallagher called the meeting to order at approximately 2:00 p.m. and then asked Commission staff present to identify themselves. Mr. Pavacic who was serving as the moderator at today's meeting noted that five Commission members were present and a quorum was met. He explained that public comments at the beginning of today's meeting will be limited to matters other than the Lewis Road PRD and that general meeting business will conclude between 2:30 and 2:45 p.m. to prepare for the Lewis Road public hearing scheduled at 3:00 p.m. He noted that the hearing will include presentations and public comments related to the Lewis Road project and that if an executive session on other legal matters is necessary, it will be held at the end of the meeting. Mr. Pavacic provided technical and procedural instructions for the public comment period of the public hearing and for the general meeting he provided voting guidelines to the Commission members.

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Yvette Aguiar
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

1. Administrative and Public Comment

a. Public Comments:

Summary: *No other public comments were received.*

b. Minutes for 7/15/20

Summary: ***The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve the 7/15/20 meeting minutes. The motion was approved by a unanimous vote.***

2. Land Use

Planning & Land Use

Core Preservation Area

a. Gazza, J.F. Core Hardship Application / Manorville /SCTM # 200-355-4-5, 200412 36/ Residential subdivision of 58.9 acres for 12 lots / decision deadline 11/10/20 commence SEQRA and schedule public hearing (Ms. Hargrave)

Summary: *Ms. Hargrave discussed the Draft Resolution Commence SEQRA Lead Agency Coordination and Schedule a Public Hearing for Joseph F. Gazza Subdivision Core Preservation Area Hardship Waiver Application (attached) and she noted that under SEQRA regulations the project is considered a Type I Action. Mr. Joseph Gazza, the Applicant was present remotely and he expressed his concerns about the status of his application and how it is being considered a Type I Action instead of what he feels should be an unlisted action. He requested guidance from the Commission on how he should move the application forward.*

The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to schedule the Gazza, J.F. Core Hardship Application public hearing for Wednesday, September 16, 2020. The motion was approved by a unanimous vote.

624 Old Riverhead Road
Westhampton Beach, NY
11978

Phone (631) 288-1079
Fax (631) 288-1367
www.pb.state.ny.us

b. Nassau County Boy Scouts Camp Wauwepex / Wading River / SCTM # 600-75-3-10.3 / Request to construct an addition on an existing building in exchange for construction of a “future” cabin identified in the survey (Ms. Hargrave)

Summary: Ms. Hargrave discussed the letter dated July 7, 2020 from Mr. Christopher Coscia, CEO of the Boy Scouts of America Theodore Roosevelt Council that requests approval to construct a cabin on their conservation easement protected property. She provided background information about the conservation easement that was granted in 2008 which resulted in 99 Pine Barrens Credits being allocated to the property. She explained that the request is for an approval to build a 1,000 s.f. addition to an existing structure on the site in lieu of constructing a “future” cabin indicated on their survey which is in a more remote location. Ms. Hargrave explained that the issue for the Commission today is to decide the parameters for a decision including, approving the current request and whether to allow the Council to use the balance of 14,000 s.f. for another project.

Mr. Sal Ciampo, the Boy Scout Council Representative was in attendance remotely and he reiterated Ms. Hargrave’s explanation of the request including the Boy Scout’s desire to use 1,000 s.f. of the allowable construction from the “future cabin” on the survey to add an addition to an existing structure and keep the remaining 14,000 s.f. for future construction if possible. Mr. Milazzo introduced Ms. Grace Revello a SCWA intern assisting with the research on the options related to the Boy Scout request and Ms. Revello mentioned that the request is consistent with the reserved rights section of the conservation easement. Mr. Milazzo mentioned that there are two reserved rights associated with the Boy Scout easement including, a right to build additional structures and the second reserved right for scouting activities. Mr. Milazzo explained that changes to the conservation easement would be required for the Council to move forward with the project and those changes due to their legal nature should be discussed during a closed advisory session.

Ms. Revello asked Mr. Coscia what the Boy Scout Council’s intentions would be for the remaining 14,000 s.f. of allowable construction. Mr. Coscia provided additional information about the project and he explained that the Council would like to use the balance of square footage for a future structure that would be built depending on future funding donations. It was noted that due to time constraints on the use of the funds for the project that Ms. Hargrave will update the Boy Scout Council as to when they could expect the Commission’s decision on their request.

3. Public Comments

Summary: No other public comments were received

4. Public Hearing

a. Lewis Road Planned Residential Development Assertion of Jurisdiction application/ East Quogue, Town of Southampton / development of a seasonal resort community with 118 seasonal single-family units, 12 year-round workforce housing units, 18-hole private golf course, a sewage treatment plant, recreational uses, ponds, utilities, and other facilities on 608 acres / hearing adjourned from 2/19/10 / decision deadline

Summary: A separate stenographic transcript exists for this hearing.

The motion was made by Mr. Schneiderman and seconded by Mr. Romaine to close the public hearing and leave the record open for written comments for an additional five business days. The motion was approved by a unanimous vote.

5. Closed Advisory Session

The motion was made by Mr. Schneiderman and seconded by Mr. Dale to move into an advisory session for the purpose of obtaining legal advice from Commission Counsel. The motion was approved by a unanimous vote.

Attachments (in order of discussion)

1. Draft Commission meeting summary for July 15, 2020 (3 pages).
2. Final Approved Commission meeting summary for July 17, 2020 (3 pages).
3. Draft Resolution Commence SEQRA Lead Agency Coordination and Schedule a Public hearing for Joseph F. Gazza Subdivision Core Preservation Area Hardship Waiver application, Mill Road, Manorville, Town of Brookhaven SCTM #s 200-255-4-5 and 200-412-3-6, dated August 20, 2020 (75 pages)
4. Letter to the Commission from Mr. Chris Coscia, CEO of The Theodore Roosevelt Council, Inc. Boy Scouts of America, dated July 7, 2020 RE: request to begin construction of a cabin as an addition to a current structure at the site in lieu of construction at the site on the survey. (19 pages)
5. Lewis Road Planned Development District Subdivision Assertion of Jurisdiction Application Staff Report Project Summary For August 19, 2020 (20 pages) Master Plan and Slope Map (2 pages)



Central Pine Barrens Commission Meeting Summary
For Wednesday, September 16, 2020 (Final Approved 10/21/20)
Zoom Virtual Meeting
At 2:00 pm

Commission members present: Ms. Gallagher (for New York State), Mr. Romaine and Ms. Pines (for Brookhaven), Ms. Aguiar and Mr. McCormick (for Riverhead), Mr. Schneiderman, Ms. Scherer and Mr. Shea (for Southampton), Mr. Dale, Ms. Longo and Mr. Freleng (for Suffolk County)

Others present: *Commission and other agency staff members included Mr. Pavacic, Ms. Jakobsen, Mr. Milazzo, Ms. Ostrowski, Ms. Hargrave, Mr. Panko, Mr. Huss, Mr. Enright, Ms. Weigand, Mr. Ziegler, Mr. Tverdyy and Ms. Parrott (from the Commission).*

Mr. Pavacic who was serving as the moderator at today's meeting noted that five Commission members were present and a quorum was met. He explained that today's meeting will begin with public comments limited to matters other than the Gazza public hearing and that general meeting business will conclude between 2:30 and 2:45 p.m. to prepare for the Gazza public hearing scheduled at 3:00 p.m. He noted that the hearing will include presentations and public comments related to the Gazza matter. Mr. Pavacic provided technical and procedural instructions for the public comment period of the public hearing and for the general meeting he provided voting guidelines to the Commission. Ms. Gallagher called the meeting to order at approximately 2:00 p.m. and members.

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Yvette Aguiar
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

1. Administrative and Public Comment

a. Public Comments:

Summary: *Mr. Pavacic noted that several public comments regarding the Lewis Road project were received this afternoon. He then read the comments that included a comment from Mr. Bill Kerns, Town of Southampton resident who expressed his concerns about the transparency of the Lewis Road hearing process and the applicant's request to reopen the hearing in order to submit changes to the project. Other public comments were received from Mr. Bob DeLuca representing the Group for the East End, Ms. Andrea Spilka representing the Southampton Town Civic Coalition, Mr. Richard Amper Executive Director of the L.I. Pine Barrens Society, Ms. Victoria Greenbaum from East Quogue, and Mr. Michael Marino. All of the comments that were received about the Louis Road Planned Residential District expressed similar concerns about the long history of the application including, the cancellation of the special meeting on September 11th, the Applicant's request for an extension of the decision deadline, that there is sufficient supporting evidence that the project does not meet the standards of the Pine Barrens Act and with the Comprehensive Land Use Plan (CLUP) and that the Louis Road applicant has modified and resubmitted the plans for this project beyond the limits of the Commission's review and public hearing process.*

b. Minutes for 8/19/20

Summary: **The motion was made by Mr. Romaine and seconded by Ms. Gallagher to approve the 8/19/20 meeting minutes. The motion was approved by a unanimous vote.**

2. Science and Stewardship

a. New York Wildfire & Incident Management Academy

Summary: *The New York Wildfire & Incident Management Academy report for September 17th (attached) was previously distributed and there were no questions.*

b. Education and Outreach

Summary: *The Education and Outreach Update for September (attached) was previously distributed and there were no questions.*

624 Old Riverhead Road
Westhampton Beach, NY
11978

Phone (631) 288-1079
Fax (631) 288-1367
www.pb.state.ny.us

c. Science and Stewardship Division

Summary: The Science and Stewardship Update for September (attached) was previously distributed and there were no questions.

d. Ridge-Manorville-Calverton CWPP area

Summary: Ms. Jakobsen reported on the status of the Community Wildfire Protection Plan and she noted that on October 17th there will be a free virtual wildfire prevention workshop “Wildfire Ignition Resistance Stopping the Disaster” between 9:00 a.m. and 11:00 a.m. The focus of the workshop is for homeowners to learn how to assess wildfire risks to their homes and property.

3. Land Use Planning, Land Use, and the Pine Barrens Credit Program

a. Compliance and Enforcement Division

Summary: The CAED Highlights 1/1/20 – 09/09/20 for September (attached) was previously distributed and there were no questions.

b. Land Use Division

Summary: The Land Use Division Bi-Monthly Update for the Meeting of September 16, 2020 (attached) was previously distributed and there were no questions.

c. Credit Program

Summary: The Pine Barrens Credit Program Report for September 16, 2020 (attached) was previously distributed and there were no questions.

Peconic River Sportsman’s Club / Calverton / SCTM #600-142-2-1.1, et al / Settlement / authorize with change

Summary: The motion was made by Ms. Aguiar and seconded by Mr. Romaine to adopt a resolution that authorizes changes to the Peconic River Sportsmans Club draft consent order regarding penalties, the time frame for compliance for the infrastructure, updating the survey, planting requirements and to maintain the requirement for a landscape architect. The motion was approved by a unanimous vote.

Compatible Growth Area, Core Preservation Area, Critical Resource Area

d. Lewis Road Planned Residential Development Assertion of Jurisdiction application/ East Quogue, Town of Southampton / development of a seasonal resort community with 118 seasonal single-family units, 12 year-round workforce housing units, 18-hole private golf course, a sewage treatment plant, recreational uses, ponds, utilities, and other facilities on 608 acres / hearing adjourned from 2/19/10 / decision deadline

Summary: Ms. Hargrave explained that the decision deadline for the Lewis Road application was scheduled for today September 16th and that the Applicant has asked for an extension of the decision deadline. She noted that after the Town conducted a technical review of the project the applicant was informed that the project did not conform and in response the applicant decided to modify the plans and then resubmit. The Commission will need to decide if they want to reopen the public hearing and accept public comments for the resubmitted plans.

Mr. Romaine expressed his concerns about the status of the application and he stated that he does not accept the Applicant’s request to extend the decision deadline and he stated that if the Applicant intends to submit a new plan they should submit a new application.

The motion was made by Mr. Romaine and seconded by Ms. Gallagher to deny the Lewis Road Applicants request for an extension of the decision deadline and deny the Lewis Road Application. The motion was tabled.

Mr. Schneiderman explained that Mr. Marty Shea, Town of Southamptton Senior Environmental Analyst was performing a detailed technical analysis of the Lewis Road project to determine if it meets the CLUP Standards and points that he made included, the Town requested the applicant to revise the plans in the areas of steep slopes, grading, clearing and protection of contiguous open space and the that the revised plans should be received early next week. Mr. Pavacic read a letter received from the applicant's representative that explains the decision to cancel a Special meeting for the project on September 11th was to make the revisions to the grading and drainage plan based on the Town's technical review. The letter requested the Commission to reopen the public hearing to accept the revised grading and drainage plans.

Mr. Milazzo noted without a vote today a default approval would occur. Mr. Schneiderman stated that he would make a motion to approve the Lewis Road Applicant's request for an extension of the decision deadline and to reopen the public hearing to accept the Lewis Road revised plans. Mr. Milazzo explained that the motion made by Mr. Romaine should be voted on before Mr. Schneiderman's motion can be made and that a public hearing should not be scheduled for the revised Lewis Road application until it is formerly submitted by the applicant. He stated for the record, the Commission staff has not discussed the status of the application with the Lewis Road applicant and then he explained that Mr. Romaine's motion must be voted on prior to considering Mr. Scheiderman's motion. It was noted that since the public was restricted from speaking at today's meeting that the Applicant's Attorney could only speak on the issue of the request for an extension. Mr. Wayne Bruyn, Applicant's Attorney expressed his concerns about the motion that was made today to deny the request for an extension since it was at the Town's request that the revisions were being made to the grading and drainage plans. Mr. Dale stated that it would be reasonable for the Commission to grant the extension since the Town requested the revisions to the grading and drainage plans. Ms. Aguiar agreed that it is reasonable to grant the extension and Mr. Romaine's motion to deny the extension of the Lewis Road project was brought to a vote.

The motion was made by Mr. Romaine and seconded by Ms. Gallagher to deny the Lewis Road extension of the decision deadline. The motion failed by a 3:2 vote.

Mr. Pavacic mentioned that staff needs a sufficient amount of time to review the project before a public hearing can be scheduled and a discussion ensued pertaining to the time frame that both the Commission staff and the Town need to perform their reviews of the project. Ms. Gallagher expressed her concerns, given the history of the application, that the Commission staff has enough time to conduct a thorough review of the Lewis Road application once it is submitted. Mr. Milazzo discussed the time frame for the Commission's review of the project ensuring that a sufficient amount would be allocated toward receiving public comments and then the Applicant's Council reported that the Applicant was contacted during the discussion and that they gave their permission to extend the decision deadline until the January 20th Commission meeting.

The motion was made by Mr. Schneiderman and seconded by Mr. Dale to grant the Lewis Road PRD Applicant's request for an extension of the decision deadline until January 20, 2021 subject to the Applicant's submittal of a revised application by October 9, 2020 and reopen the public record at the time of the public hearing. The motion was approved by a 4:1 vote with Brookhaven Town voting no.

Ms. Gallagher skipped to Item 5a, Gazza public hearing that was scheduled for 3:00 p.m.

5. Public Hearing

- a. Gazza, Joseph F. Core Hardship Application / Manorville / SCTM #s 200-355-4-5, 200-412-3-6 / 12 lot residential subdivision on 58.9 acres / decision deadline 11/10/20
Summary: A separate stenographic transcript exists for this hearing.

The motion was made by Mr. Schneiderman and seconded by Ms. Aguiar to close the public hearing and leave the record open until the November 18th Commission meeting. The motion was approved by a unanimous vote.

Ms. Gallagher returned to agenda item 3e, Island Water Park the next item on the agenda prior to skipping to the public hearing.

Compatible Growth Area

- 3e. Island Water Park Site Plan Amendments Application / Town of Riverhead SEQRA Lead Agency Coordination / Calverton / SCTM # 600-135-1-7.34

Summary: Ms. Hargrave discussed the draft letter dated September 16, 2020 from Commission staff to Riverhead Town Planning regarding SEQRA Lead Agency Coordination Amended site plan application for Island Water Park and she noted that the Commission approved the Island Water Park hardship application in 2011 and the letter defers lead agency status to the Town for the proposed amendment.

The motion was made by Mr. Schneiderman and seconded by Ms. Aguiar to approve sending the draft letter from staff to Town of Riverhead Planning Department. The motion was approved by a unanimous vote.

Core Preservation Area

- f. Nassau County Boy Scouts Camp Wauwepex request to construct a 1,000 square foot addition on an existing building with no net increase in square footage on the property / Wading River / SCTM # 600-75-3-10.3

Summary: Ms. Hargrave discussed the Draft Resolution Nassau County Boy Scouts, Schiff Scout Reservation (Camp Wauwepex), Wading River, Town of Riverhead, SCTM # 600-75-3-10.3 Core Preservation Area Resolution dated September 16, 2020 and she noted that the conservation easement and survey would be amended in accordance with the resolution and that there is no net increase to square footage.

The motion was made by Mr. Aguiar and seconded by Mr. Romaine to approve the Draft Resolution for the Nassau County Boy Scouts Reservation. The motion was approved unanimously.

- g. Gazza, Joseph F. Core Hardship Application / Manorville / SCTM #s 200-355-4-5, 200-412-3-6 / SEQRA Lead Agency Status and Determination of Significance / determination
Summary: It was noted that since the Gazza, Joseph F. Core Hardship application was revised to a single-family house that the Gazza application is now a type II action and there is no further action needed today.

- h. Proposed Improvements to CR 21, Middle Island-Yaphank Road, Vicinity of Longwood Road / referral from Suffolk County Council on Environmental Quality / Middle Island / Town of Brookhaven / response

Summary: Ms. Hargrave discussed the draft letter from Commission staff to the S.C. Council on Environmental Quality regarding the proposed improvements to CR21, Middle Island -Yaphank Road

The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to approve sending the draft letter from staff to the Suffolk County Council on Environmental Quality. The motion was approved by a unanimous vote.

4. Public Comment

Summary: One public comment was received from Ms. Liz Jackson, Town East Quogue resident who expressed her concerns about the status of the Lewis Road Application, the long history of changes to the application, the Town's technical review and that she is against the project being approved.

5. Closed Advisory Session The motion was made by Mr. Schneiderman and seconded by Ms. Gallagher to move into an advisory session for the purpose of obtaining legal advice from Commission Counsel. The motion was approved by a unanimous vote.

Attachments (in order of discussion)

1. Draft Commission meeting summary for August 19, 2020 (3 pages).
2. Final Approved Commission meeting summary for August 19, 2020 (3 pages).
3. NYWIMA September 2020 Report and Update (2 pages)
4. Education and Outreach Division Update September 2020 (4 pages)
5. Science and Stewardship Division Update September 16, 2020 (4 pages)
6. CAED Highlights 1/1/20 – 09/09/20 (3 pages)
7. Central Pine Barrens Joint Planning and Policy Commission Land Use Division Bi-Monthly Update for the Meeting of September 16, 2020 (1 page)
8. Pine Barrens Credit Program Report for September 16, 2020 (4 pages)
9. Letter from Mr. Greg Bergman to Commission staff dated September 16, 2020 Re: SEQRA LEAD Agency Coordination Amended Site Plan Application for Island Water Park (4 pages)
10. Draft Resolution Nassau County Boy Scouts, Schiff Scout Reservation (Camp Wauwepex), Wading River, Town of Riverhead, SCTM # 600-75-3-10.3 Core Preservation Area, dated September 16, 2020 (2 pages)
11. Final Approved Resolution Nassau County Boy Scouts, Schiff Scout Reservation (Camp Wauwepex), Wading River, Town of Riverhead, SCTM # 600-75-3-10.3 Core Preservation Area, dated September 16, 2020 (2 pages)
12. Draft Resolution Designation of Lead Agency, Adoption of a Positive Declaration and Conducting EIS Scoping for the Joseph F. Gazza Subdivision Core Preservation Area Hardship Waiver Application, Mill Road and the LIE, Manorville, Town of Brookhaven SCTM #s 200-355-4-5 and 200-412-3-6, dated September 16, 2020 (26 pages)
13. Joseph F. Gazza Core Preservation Area Hardship staff report for September 16, 2020 (49 pages)
14. Draft letter from Commission staff to S.C. Department of Economic Development and Planning Division of Planning and Environment Council on environmental Quality, dated September 16, 2020 (2 pages)
15. Final Approved letter from Commission staff to S.C. Department of Economic Development and Planning Division of Planning and Environment Council on environmental Quality, dated September 16, 2020 (2 pages)



Central Pine Barrens Commission Meeting Summary
For Wednesday, October 21, 2020 (Final
approved 11/18/20)
Zoom Virtual Meeting
At 2:00 pm

Commission members present: Mr. Romaine and Ms. Pines (for Brookhaven), Ms. Aguiar and Mr. McCormick (for Riverhead), Mr. Schneiderman, Ms. Scherer and Mr. Shea (for Southampton), Mr. Dale, Ms. Longo and Mr. Freleng (for Suffolk County)

Others present: *Commission and other agency staff members included Mr. Pavacic, Ms. Jakobsen, Mr. Milazzo, Ms. Ostrowski, Ms. Hargrave, Mr. Huss, Mr. Enright, Ms. Weigand, Mr. Ziegler, Mr. Tverdyy and Ms. Parrott (from the Commission).*

Mr. Pavacic, serving as the moderator for today's meeting, called the meeting to order at 2:00 p.m. and he noted that with four members present there is a quorum. He stated that he would be asking the Commission Members to designate him as the acting Chair since Ms. Gallagher is not able to participate in today's meeting. Mr. Pavacic explained that the meeting will begin with public comments followed by regular business then ending with public comments received during the meeting. He provided technical and procedural guidelines for submitting public comments and the virtual meeting voting guidelines for the Commission members which included that voting will take place via roll call.

The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to designate the Executive Director, John Pavacic, as the acting Chair at today's meeting. The motion was approved by a unanimous vote.

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Yvette Aguiar
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

1. Administrative and Public Comment

a. Public Comments:

Summary: *No public comments were received.*

b. Minutes for 9/16/20

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to approve the 9/16/20 meeting minutes. The motion was approved by a unanimous vote.**

c. Presentation of Award to Christopher Lindberg, Wildfire Task Force Chair

Summary: *Mr. Pavacic explained that Mr. Christopher Lindberg who is participating in today's meeting virtually, is the current Chair of the Wildfire Task Force (WTF). Mr. Lindberg informed Mr. Pavacic that he is retiring from his position. He mentioned that Mr. Lindberg retired earlier this year from the N.Y. Fire Department (FDNY) and recently retired from his position as the Chief of the Manorville Fire Department. Mr. Pavacic thanked Mr. Lindberg for his leadership to help the Commission advance its mission to address wildfire response and presented him with an award of merit plaque in appreciation for his service as the Chairman of the WTF. Mr. Lindberg thanked the Commission for the opportunity to serve as the Chairman of the WTF.*

d. Presentation of Award of Distinction to Carol Sholl-Ostrowski

Summary: *Mr. Pavacic explained that Ms. Carol Sholl-Ostrowski, who is the Commission's Administrative Assistant is retiring from her position and he thanked Ms. Ostrowski for her many years of service and presented her with a award of distinction plaque. Ms. Ostrowski thanked Mr. Pavacic and the Commission for their recognition of her service.*

2. Science and Stewardship

a. Suffolk County Hike and Bike Master Plan

624 Old Riverhead Road
Westhampton Beach, NY
11978

Phone (631) 288-1079
Fax (631) 288-1367
www.pb.state.ny.us

Summary: Ms. Hargrave noted that representatives from the Suffolk County Department of Economic Development and Planning are participating in today's meeting to provide a presentation on the status of the S.C. Hike and Bike Master Plan. She introduced Mr. Jonathan Keyes, Director of Downtown and Transit-Oriented Development and Ms. Ankita Rathi, Planning Consultant from Suffolk County. Ms. Hargrave provided a brief explanation of the project including, noting that the Commission became aware of the Empire State Trail project in July of 2019 which travels from the Canadian border to New York City and the Trust for Public Land has undertaken the planning work for extending the Empire State Trail 175 miles through Long Island. She explained that the work on the segments through the Pine Barrens are several years in the future that require additional planning and funding. Ms. Hargrave noted that the Commission was recently informed about the more immediate Suffolk County project underway known as the Hike and Bike Master Plan which travels through the Central Pine Barrens. The study proposes an on road, off road shared use path and sidewalks to implement connectivity of those uses throughout Long Island and into Suffolk County. The purpose of today's presentation is to provide information about the project in order for the Commission to become familiar with the project and participate in its planning process.

Ms. Rathi explained that due to a scheduling conflict Mr. Keys was not able to participate in the meeting today and that she will be providing the S.C. Hike and Bike Master Plan presentation (attached) herself. Items from the presentation that Ms. Rathi highlighted included, existing conditions, public and stakeholder engagement, vision and goals for the plan, development of the plan through connectivity nodes impact analysis, implementation and strategy, and timeline. Ms. Rathi noted that there was a great deal of input during various stages of the project and that the final master plan report is on the Connect Long Island website.

3. Land Use Planning, Land Use, and the Pine Barrens Credit Program

Compatible Growth Area, Core Preservation Area, Critical Resource Area

- a. *Lewis Road Planned Residential Development Assertion of Jurisdiction Application / East Quogue / development of a seasonal resort community with 118 seasonal single-family and 12 year-round workforce housing units 18-hole private golf course, a sewage treatment plant, recreational uses, ponds, utilities, and other facilities on 608 acres/ decision deadline 1/20/21*

Summary: Ms. Hargrave noted that the Lewis Road Planned Residential Development project is on the agenda today to schedule a public hearing for Wednesday, November 18, 2020 and she explained that the Commission staff received a letter, dated October 9, 2020 from Mr. Charles Voorhis, the Applicant's Representative and a modified site plan along with the request for the Commission to review and consider the revised site plan. Mr. Milazzo noted that the Lewis Road public hearing that would be scheduled today would solely address the modifications to the project.

The motion was made by Mr. Schneiderman and seconded by Mr. Dale to schedule a public hearing for the Lewis Road project modifications to the site plan for Wednesday, November 18, 2020 at 3:00 p.m. The motion was approved by a 3:1 vote with Mr. Romaine voting in opposition. Ms. Gallagher was absent.

Ms. Hargrave provided additional information related to the status of the application including that the current decision deadline has been extended to January 20, 2021 and at the December 16th Commission meeting the Commission would deliberate their decision. The public comment period will remain open until the December 16th Commission meeting.

Compatible Growth Area

- b. *Island Water Park Site Plan Amendments Application / Town of Riverhead SEQRA Lead Agency Coordination / Calverton / SCTM# 600-135-1-7.34*

Summary: Ms. Hargrave discussed the draft letter from staff to the Town of Riverhead dated October 21, 2020 regarding clarification of response, dated September 16, 2020 concerning the amended site plan application for Island Water Park (attached). She noted that in the September 16th response letter that was sent to the Town of Riverhead, the Commission did not object to the Town Planning Board being the lead agency and described additional requirements including, a demonstration of conformance with the Standards of the Comprehensive Land Use Plan (CLUP), a request for the waiver to be amended to reflect the current site plan and request to an extension of the waiver. Ms. Aguiar asked for additional time to review the materials associated with this project, therefore no further action was taken.

Core Preservation Area

- c. *Gazza, Joseph F. Core Hardship Application / Single-family residence on five of 59 acres / Manorville / SCTM#s 200-355-405, 200-412-3-6*

Summary: Ms. Hargrave explained that the Gazza, Joseph F. Core Hardship Application is on the agenda to close the public hearing with a decision deadline of November 18th. The public hearing was closed with no action necessary.

- d. *Credit Program Revise reserved rights section of standard conservation easement*

Summary: Mr. Milazzo discussed the Credit application process that includes a conservation easement which is signed by the applicant. The proposal today is to make changes to the reserve right section of the conservation easement that references Article 57-0107(13). The reserved rights section of the conservation easement includes details on what the landowner is allowed to do on the property without Commission approval after the conservation easement has been placed on the land. Mr. Milazzo explained that the recommendation is for the Commission to remove wording to the existing conservation easement template. He discussed the three areas where wording would be stricken from the section related to public improvements for the health, safety and welfare of the public, specifically improvements to roads and railroad tracks, work on a public right of way or public water and maintenance, renewal, replacement or reconstruction of any existing structure or addition to a residence. He noted that the recommendations were made since the wording is not applicable in most instances and customizable conservation easements could address circumstances that are not typical of the general conservation easement template.

The motion was made by Mr. Schneiderman and seconded by Mr. Dale to approve the recommended changes to the reserved rights section of the conservation easement template. The motion was approved by a unanimous vote.

4. Public Comment

Summary: No public comments were received.

5. Closed Advisory Session

The motion was made by Mr. Romaine and seconded by Mr. Dale to close the public portion of the meeting and to move into an advisory session for the purpose of obtaining legal advice from Commission Counsel and they would not return to public session. The motion was approved by a unanimous vote.

Attachments (in order of discussion)

1. Draft Commission meeting summary for September 16, 2020 (6 pages).
2. Final Approved Commission meeting summary for September 16, 2020 (6 pages).
3. Suffolk County Hike and Bike Master Plan power point presentation (11 pages)
4. Letter and modified Lewis Road site plan, dated October 9, 2020 from Mr. Charles Voorhis to Commission staff (14 pages)
5. Letter, dated October 14, 2021 from Mr. Joseph Gazza to staff RE: Supplements to Hearing held open for written Submissions of Joseph Frederick Gazza SCTM No. 0200-412.00-03.00-006.000, SCTM No. 0200-355.00-04.00-005.000 (7 pages)
6. Draft Island Water Park Site Plan Amendment letter from staff to Town of Riverhead Re: Clarification of response dated September 16, 2020 Amended Site Plan Application for Island Water Park 5835 Middle Country Road Calverton, NY SCTM No. 600-135-1-7.34, dated October 21, 2020 (4 pages)



Central Pine Barrens Commission Meeting Summary
Wednesday, November 18, 2020 (Final Approved 12/16/2020)
Zoom Virtual Meeting
At 2:00 pm

Commission members present: Ms. Carrie Meek-Gallagher (for New York State), Mr. Romaine and Ms. Pines (for Brookhaven), Ms. Aguiar and Mr. McCormick (for Riverhead), Mr. Schneiderman, and Ms. Scherer (for Southampton), Mr. Dale, Ms. Longo, and Mr. Freleng (for Suffolk County).

Others present: Commission and other agency staff members included Mr. Pavacic, Ms. Jakobsen, Mr. Milazzo, Ms. Delligatti, Ms. Hargrave, Mr. Huss, Mr. Mazzio, Mr. Enright, Ms. Weigand, Mr. Ziegler, and Ms. Parrott (from the Commission).

Mr. Pavacic led the pledge to the flag. He noted that he would be serving as the moderator for today's meeting and called the meeting to order at 2:00 p.m. He noted that with five members present there is a quorum. Mr. Pavacic explained that the meeting will begin with the reading of public comments that have been received on matters other than Lewis Road which will then be followed by regular Commission business as noted on the agenda until 2:45 pm when the meeting will be paused to prepare for the public hearing on Lewis Road. He also discussed the process for providing comments during the public hearing portion of the meeting. At the conclusion of the public hearing any remaining Commission business on the agenda will be addressed and then public comments received during the meeting on matters other than Lewis Road would be read. He provided technical and procedural guidelines for submitting public comments and the virtual meeting voting guidelines for the Commission members which included that voting would take place via roll call.

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Yvette Aguiar
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

1. Administrative and Public Comment

a. Public Comments

Summary: Ms. Gail Lynch-Bailey, President of Middle Island Civic Association submitted comments regarding Kogel Brothers Core hardship application. Her comments included that the Middle Island Civic Association continues to support the acquisition of the property as open space via whatever means possible. The parcel is adjacent to the Suffolk County Cathedral Pines Park and other preserved lands and she stated that the Association is still willing to work with the Kogel Brothers to accomplish this acquisition.

b. Minutes for 10/21/20

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to approve the 10/21/20 meeting minutes. The motion was approved by a unanimous vote.**

2. Science and Stewardship

a. Education and Outreach Division

Summary: The bimonthly report was previously distributed to the Commission members and they had no questions on the report.

b. Science and Stewardship Division

Summary: The bimonthly report was previously distributed to the Commission members and they had no questions on the report.

3. Planning, Land Use, and the Pine Barrens Credit Program

a. Compliance and Enforcement Division

Summary: The bimonthly report was previously distributed to the Commission members and there were no questions on the report.

624 Old Riverhead Road
Westhampton Beach, NY
11978

Phone (631) 288-1079
Fax (631) 288-1367
www.pb.state.ny.us

b. *Land Use Division*

Summary: *The bimonthly report was previously distributed to the Commission members and there were had no questions on the report.*

c. *Credit Program*

Summary: *The bimonthly report was previously distributed to the Commission members and there were no questions on the report.*

Core Preservation Area

d. *Kogel Brothers Core Hardship Application / single-family residence / 200-499-3-4 / Middle Island / decision deadline today / request for extension of decision deadline*

Summary: *Ms. Hargrave discussed the applicant's request to extend the decision deadline to June 30, 2021.*

The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to approve the extension of the decision deadline until June 30, 2021. The motion was unanimously approved.

e. *Gazza, Joseph F. Core Hardship Application / Single-family residence on five of 59 acres/Manorville / SCTM#s 200-355-405, 200-412-3-6*

Summary: *Ms. Hargrave discussed that the Gazza Core Hardship Application is on the agenda today with a draft decision to deny the application for the single-family residence on Mill Road in Manorville. She explained the decision is based on several factors including that the applicant purchased the property last year in 2019 for approximately \$400,000 and applied for Pine Barrens Credits for the property that equate to two times the purchase price. She stated that Mr. Gazza is seeking acquisition of this property by the County and the Town of Brookhaven and that although the acquisition has not been completed, it is in progress pending the availability of funding to acquire. Additionally, the decision explains that the property is significantly surrounded by public open space and that the existing development in the study area was either developed prior to the act or was allowed because the subdivision or other approvals for a project occurred prior to passage of the Long Island Pine Barrens Protection Act. There was one instance where a Core hardship in 1996 was approved for an applicant named Roberta Sturk, however this application had received project related approvals prior to the Act. Other decisions in the record showed beyond the study area there was a decision for the development of a single-family residence on roughly seven acres, but that was on a disturbed property and the proposed project would be on approximately 59 acres that is completely wooded, natural, and undeveloped.*

The motion was made by Mr. Romaine to deny the Gazza, Joseph F. Core Hardship Application / Single-family residence on five of 59 acres/Manorville / SCTM#s 200-355-405, 200-412-3-6. The following discussion ensued.

Mr. Schneiderman inquired whether the decision on the application by the Commission would have any effect on the acquisition of the property and the ongoing negotiations to purchase. Mr. Milazzo replied that the decision by the Commission would be unrelated to the acquisition because the applicant has not demonstrated a hardship under the standards of the Act and the acquisition of the property is outside of the scope of the decision.

Ms. Hargrave explained the applicant had applied for a Letter of Interpretation to see how many credits this property was worth which is included in the decision. She further explained there is part of the property that is not included in the project that has an overlap but remains separate. The Letter of Interpretation stated the applicant would be able to receive approximately 10 credits which Ms. Hargrave noted equates to approximately \$800,000.00 and the property was purchased at \$403,000.00. She further explained the applicant is not interested in pursuing the Credits however, if the

application was approved, they would build a single-family dwelling and they would also seek an allocation of Pine Barrens Credits for the rest of the property.

Ms. Longo stated the applicant applied for Pine Barrens Credits because the County uses the Credits to value the property. She noted that the applicant is currently in contract with the Town and County at this time. The contract is not fully executed but the County and the applicant have signed it thus far.

The Mr. Gazza discussed the agreement he signed with the County is contingent on the County having funding to purchase the property. He noted that he did not need any more Pine Barrens Credits since he has not been able to sell the Credits he currently owns. Mr. Milazzo interjected that the public hearing is closed and the discussion should focus on whether Mr. Gazza wants to extend the decision deadline rather than have a decision to deny the application by the Commission. Mr. Schneiderman asked for clarification on what was being requested by the applicant, multiple lots or just a single lot. Mr. Milazzo provided clarification on the scope of the project.

The motion was made by Mr. Romaine to deny the Gazza core hardship waiver application, that was seconded by Mr. Dale. The motion was unanimously approved.

f. Vincent DellaSperanzo Core Hardship Application / two-lot subdivision of 1.8 acres in the R15 Zoning District with one existing residence / Northampton / 900-164-4-40 / decision deadline 2/22/21 / schedule public hearing (Ms. Hargrave) Credit Program Revise reserved rights section of standard conservation easement

Summary: Ms. Hargrave stated the application is on the agenda today to have a public hearing scheduled.

The motion was made by Ms. Meek-Gallagher to schedule a public hearing for the Vincent DellaSperanzo application on January 20, 2021 that was seconded by Mr. Romaine. The motion was unanimously approved.

4. Public Comment

Summary: No additional public comments were received.

The Commission meeting was then paused at 2:35 pm to set up for the public hearing on the Lewis Road PRD Assertion of Jurisdiction at 3:00 pm.

The motion was made by Ms. Meek-Gallagher to close the public hearing and leave the public record open until Tuesday, December 15th and to allow the Applicant two weeks to submit comments which would be by close of business on December 2nd. The motion was seconded by Mr. Romaine and unanimously approved.

5. Public Hearing at 3:00 PM

Lewis Road Planned Residential Development Assertion of Jurisdiction Application / East Quogue / development of a seasonal resort community with 118 seasonal single-family and 12 year-round workforce housing units, 18-hole private golf course, a sewage treatment plant, recreational uses, ponds, utilities, and other facilities on 608.45 acres / decision deadline 01/20/21 (Ms. Hargrave)

Summary: A separate stenographic transcript of the hearing was prepared.

6. Closed Advisory Session

The motion was made by Mr. Romaine and seconded by Mr. Dale to close the public portion of the meeting and to move into an advisory session for the purpose of obtaining legal advice from Commission Counsel and they would not return to public session. The motion was approved by a unanimous vote.

Attachments (in order of discussion)

1. Draft Commission meeting summary for October 21,2020 (4 pages)
2. Final approved Commission meeting summary for October 21,2020 (4 pages)
3. Education & Outreach Division for November 2020 update (2 pages)
4. Science & Stewardship Division Update, dated November 18, 2020 (7 pages)
5. Compliance & Enforcement Division Highlights 1/1//20 – 11/11/20 (3 pages)
6. Land Use Division update, November 2020 (24 pages)
7. Pine Barrens Credit Program Report for November 18, 2020 (4 pages)
8. Letter from Eugen DeNicola to Julie Hargrave, dated 11/5/2020, Re. Owner/Applicant: Kogel Brothers LLC, Premises: 0 East Bartlett Road, Middle Island, NY SCTM No. 0200-4900.00-03.00-004.000 (1 page)
9. Draft resolution of the Central Pine Barrens Joint Planning and Policy Commission, November 18, 2020, Joseph F. Gazza Core Preservation Area Hardship Waiver Application (10 pages) Manorville, Town of Brookhaven, SCTM #s 200-355-4-5 and 200-412-3-6
10. Final resolution of the Central Pine Barrens Joint Planning and Policy Commission, November 18, 2020, Joseph F. Gazza Core Preservation Area Hardship Waiver Application (10 pages) Manorville, Town of Brookhaven, SCTM #s 200-355-4-5 and 200-412-3-6
11. Commission meeting of November 18, 2020, Draft resolution Vincent DellaSperanzo Subdivision, Suffolk County Tax Map Number 900-164-4-40 (to schedule a public hearing) (1 page) and Core Hardship application (8 pages)
12. Commission meeting of November 18, 2020, Final resolution Vincent DellaSperanzo Subdivision, Suffolk County Tax Map Number 900-164-4-40 (to schedule a public hearing) (1page)
13. Draft staff report summary dated November 18, 2020, Lewis Road Subdivision Planned Development District Assertion Application (23 pages)



**Central Pine Barrens Commission Meeting Summary
For Wednesday December 16, 2020 (Final Approved 1/20/2021)
Zoom Virtual Meeting**

2:00 pm

Commission members present: Mr. Romaine and Ms. Pines (for Brookhaven), Ms. Aguiar and Mr. McCormick (for Riverhead), Mr. Schneiderman, Mr. Shea and Ms. Scherer (for Southampton), Mr. Dale, Ms. Longo, and Mr. Freleng (for Suffolk County).

Others present: Commission and other agency staff members included Mr. Pavacic, Ms. Jakobsen, Ms. Hargrave, Mr. DeAngelis, Mr. Panko, Mr. Tverdy, Ms. Weigand, Ms. Blennau, Mr. Ziegler, Ms. Parrott and Ms. Brown-Walton (from the Commission).

Mr. Pavacic noted that with four Commission members present there is a quorum. He made an announcement that Chairwoman Carrie Meek Gallagher has resigned from the Commission and has accepted a promotion to a higher position at NYS DEC Albany headquarters which leaves the chair position vacant for the Commission. He asked the Commission members to adopt a motion designating him as the acting non-voting chair for this meeting. Mr. Romaine provided discussion on the motion that he would hope that the Governor would have a new Governor's representative for the Commission by the January 2021 meeting and that the position should not remain vacant for a long period of time.

The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to designate the Executive Director, John Pavacic, as the acting non-voting Chair at today's meeting. The motion was approved by a unanimous vote.

Mr. Pavacic led the pledge to the flag and noted that he would be serving as the moderator for today's meeting. Mr. Pavacic explained that the meeting will begin with public comments followed by regular business then ending with public comments received during the meeting. He provided technical and procedural guidelines for submitting public comments and the virtual meeting voting guidelines for the Commission members which included voting would take place via roll call.

1. Administrative and Public Comment

a. Public Comments

Summary: No public comments were received.

b. Minutes for 11/18/20

Summary: **The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve the 11/18/20 meeting minutes. The motion was approved by a unanimous vote.**

c. Commission Meeting Schedule for 2021

Summary: **The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve the Commission Meeting Schedule for 2021. The motion was approved by a unanimous vote.**

Mr. Pavacic introduced the new Administrative Assistant, Angela Brown-Walton, to the Commission. He presented a Certificate Award of Merit to Ms. Pines for her contributions to the Commission while serving as the designated representative for the Brookhaven Town Supervisor from 2017 to 2020. Mr. Romaine noted and expressed his gratitude for Ms. Pines' work and dedication to the Commission.

2. Science and Stewardship

a. Proposed Comprehensive Prescribed Fire Management Plan / Presentation and Commence SEQRA lead agency coordination

624 Old Riverhead Road
Westhampton Beach, NY
11978

Phone (631) 288-1079
Fax (631) 288-1367
www.pb.state.ny.us

Summary: Ms. Weigand recognized Mr. Panko and Mr. Ziegler for all their dedication and work involved in developing and finalizing the plan. She further stated that the plan will serve as the foundation for the Commission's prescribed fire program and provides the guidelines and planning recommendations by which to advance this program.

Mr. Schneiderman asked whether any burns have been performed yet. Mr. Panko responded that it has not been possible to implement any burns yet specifically by the Commission due in part to the COVID-19 situation. Commission staff has assisted and continues to work closely with the NYSDEC on grassland burns. Mr. Schneiderman expressed his concern that some burns are long overdue and the potential for a large wildfire. Mr. Panko discussed the time periods when burns are typically performed. Mr. Panko mentioned there are burn plans that have been approved by NYSDEC that will be carried out on NYSDEC lands potentially in April.

A motion was made by Mr. Romaine and seconded by Mr. Schneiderman to commence lead agency coordination under SEQRA for the Comprehensive Prescribed Fire Management Plan. The motion was approved by a unanimous vote.

Mr. Dale asked about the approach used here versus out west related to using prescribed fire to prevent large wildfires. Mr. Panko discussed his experience with prescribe burns and the difference in fuel loads here versus out west. Mr. Dale inquired about building requirements for housing in proximity to wooded areas that include the use of fire-resistant materials on homes in those areas. Mr. Panko mentioned that the Commission is promoting the Firewise communities approach here with creating defensible space and using fire resistant materials. Ms. Jakobsen gave a brief description of the Firewise work she has been involved in with homeowners to protect their homes from wildfire. In addition, there was a discussion on insurance rates and whether there has been an impact on these rates in fire prone areas.

Mr. Pavacic recognized and expressed his gratitude to Ms. Weigand, Mr. Panko and Mr. Zeigler for their historic work on this prescribed fire management plan.

3. Planning, Land Use, and the Pine Barrens Credit Program

Core Preservation Area

- a. *Credit Program: Joseph F. Gaza for Erick Keller / Westhampton / SCTM # 900-334-335 / Draft resolution to deny an additional 0.05 credits from 0.10 PBC for a total of 0.15 PBC based on new information / approve*

Summary: Mr. Tverdyy discussed the parcel size discrepancy when calculating Pine Barrens Credits(PBCs) depending on what source is used to obtain the acreage such as the Suffolk County Tax Map book or the tax bill for the parcel. In March 2006, the Credit Clearinghouse established the policy that the tax bill should be used by the Credit program to determine the acreage of the parcel and for the calculation of Credits unless a survey is provided. Mr. Tverdyy mentioned that in 2018 a letter of interpretation for Mr. Keller's parcel was issued that used the tax bill and there was no request to appeal the Credit allocation within the requisite 30 day time period from the date the letter of interpretation was issued. The applicant proceeded to obtain a Pine Barrens Credit certificate that was provided to the applicant in 2019 and a conservation easement was placed on the parcel. The Credit certificate was purchased by Ms. Gazza and a letter requesting an increase in the Credit allocation for this parcel from 0.1 PBCs to 0.16 PBCs was sent by Mr. Gazza in 2020 based on the size of the parcel as per the Suffolk County Tax Map book is greater than the tax bill. Since the applicant did not appeal the original Credit allocation in the requisite time and there has been an easement placed on the parcel, staff recommended that the increase in allocation not be allowed. Mr. Tverdyy noted that there was a draft resolution prepared for the Commission members to review.

A discussion ensued concerning the method of Credit allocation and timeframe to appeal the allocation. It was noted that it is the policy of the Commission to use the tax bill and not the Suffolk County Tax Map.

The motion was made to approve the draft resolution to deny the allocation of additional Pine Barrens Credits by Mr. Schneiderman and seconded by Mr. Romaine. The motion was approved by a unanimous vote.

- b. Quogue Wildfire Refuge Request for Determination of Jurisdiction / 3 Old Country Road, Quogue / SCTM # 902-1-1-23.1 et al / expansion of the nature center, construction of a shed, and upgrade the sanitary system / determination

Summary: Ms. Hargrave mentioned that a summary of this proposal was previously provided to the Commission members in the e-packet. She then presented the details of the request for a determination of jurisdiction for the proposed projects at the 300-acre Quogue nature preserve that currently has an existing 3,000 square foot nature center, a residence, wildlife shelters, trails, and other outdoor facilities. The applicant is proposing three separate elements: to upgrade their sanitary system to a new alternative system which is considered non-development, construction of a barn for storage for the residence and the refuge which is an accessory structure for a residence and typically considered non-development and to construct a 3,000 sf expansion on the nature center involving the first and second stories. The first floor would be expanded for educational exhibit space and office and meeting spaces and the second floor would be expanded to be used for program storage space and workspace for staff and volunteers. Ms. Hargrave mentioned that the applicant provided information that they feel supports that the proposed activities are non-development pursuant to five non-development provisions that included public improvement, expansion of a residence, expansion including an accessory use for a residence, existing or expanded recreational use associated with scouting activities and agricultural use since the site has an apiary and greenhouse. She reviewed each element again and stated the sanitary upgrade and barn are typically considered non-development. She discussed that although there was a prior submission related to the addition of a deck to the nature center that was submitted to the Commission that was determined to be nondevelopment under the nondevelopment provision related to scouting activities, the proposed size of the expansion of the nature center may exceed the threshold of considered nondevelopment. A discussion ensued concerning when an accessory structure is considered nondevelopment and the prior nondevelopment determination for the deck based on scouting activities and whether that would apply to the nature center expansion. The question is whether the size of the expansion would exceed what was meant as nondevelopment under the scouting provision.

Mr. Nelson, Executive Director at the Quogue Wildlife Refuge further explained the proposed projects. He stated that ideally, they would like to expand the first floor and utilize the second floor of the nature center building for storage and employees. Additional discussion occurred concerning the scouting nondevelopment provision and where or not it would apply to the expansion of the nature center.

Mr. Pavacic asked Ms. Hargrave to reiterate which of the proposed activities should be considered nondevelopment and which activity may require further review. Ms. Hargrave noted that the scouting provision also contains that the activity has to be consistent with the purpose of this article and it is not a blanket nondevelopment provision for scouting activities. She reviewed the activities proposed and identified that the upgrade of the sanitary system would be considered nondevelopment and that the barn would be considered an accessory use and therefore nondevelopment. She noted that the expansion of the nature center may need greater review and additional information submitted.

Mr. Pavacic mentioned that the Commission members need to be consistent with the way prior non developmental determinations were made and that the Commission does not adopt a formal resolution if the proposed activity is consistent with the non-development provision of the Pine Barrens Act. The Commission members agreed that the sanitary system upgrade and the barn would be considered nondevelopment and that additional information should be submitted for the request related to the expansion of the nature center at a future meeting.

Compatible Growth Area

- c. *Draft Resolution to Adopt Declaration of Non-Jurisdiction regarding all economic development activities at EPCAL including Island Water Park / Calverton, Town of Riverhead*

Summary: Mr. McCormick stated that Riverhead is looking for a declaration of non-jurisdiction for the Island Water Park project currently under review by the Commission. He discussed the nondevelopment section of the Commission's Comprehensive Land Use plan under Section 9.2 that discusses the Commission lacks review jurisdiction for all activities considered economic development at EPCAL. Ms. Aguiar provided a brief PowerPoint on this matter.

The motion was made by Ms. Aguiar and seconded by Mr. Romaine to approve the Draft Declaration of Non-Jurisdiction regarding Island Water Park project, Hamlet of Calverton, Town of Riverhead, EPCAL-Compatible Growth Area property, SCTM #600-135-1-7.34 (3 pages). The motion was approved by a unanimous vote.

- d. *Lewis Road Planned Residential Development Assertion of Jurisdiction Application / East Quogue / development of a seasonal resort community with 118 seasonal single-family and 12 year-round workforce housing units, 18-hole private golf course, a sewage treatment plant, recreational uses, ponds, utilities and other facilities on 608.45 acres / public hearing 11/18/20, written comment period to close 12/15/20, decision deadline 01/20/21 / schedule special deliberation meeting in January 2021 (Ms. Hargrave)*

Summary: Ms. Hargrave mentioned that the Commission received letters that were in favor and against the project that she had distributed to the Commission members. The Commission decided to hold a special meeting on Wednesday, January 13th at 2pm to deliberate on the project and conformity standards and guidelines.

4. Public Comment

Summary: No public comments were received.

5. Closed Advisory Session

The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to close the public portion of the meeting and to move into an advisory session for the purpose of obtaining legal advice from Commission Counsel and they would not return to public session. The motion was approved by a unanimous vote.

Attachments (in order of discussion)

1. Draft Commission meeting summary for November 18, 2020 (3 pages)
2. Final approved Commission meeting summary for November 18, 2020 (3 pages)
3. Approved 2021 Commission meeting Schedule (1 page)
4. Science & Stewardship Division Update, dated December 16, 2020 (13 pages)
5. Planning, Land Use and Pine Barrens Credit Program, December 17, 2020
6. Draft Resolution Joseph F. Gazza for Erick Keller / Westhampton / SCTM #900-334-335 Core Preservation Area, December 2020 (5 pages)
7. Final Approved Resolution Joseph F. Gazza for Erick Keller / Westhampton / SCTM #900-334-335 Core Preservation Area, December 2020 (5 pages)
8. Quogue Wildlife Refuge Request for Determination and Summary Core Preservation Area, December 2020 (16 pages)
9. Draft Declaration of Non-Jurisdiction regarding Island Water Park project, Hamlet of Calverton, Town of Riverhead, EPCAL-Compatible Growth Area property, SCTM #600-135-1-7.34 (3 pages)
10. Final Adopted Declaration of Non-Jurisdiction regarding Island Water Park project, Hamlet of Calverton, Town of Riverhead, EPCAL-Compatible Growth Area property, SCTM #600-135-1-7.34 (3 pages)