



**Special Central Pine Barrens Commission Meeting Summary
For Wednesday January 13, 2021
(Final Approved 2/24/2021)
Zoom Virtual Meeting**

At 2:00 pm

Commission members present: Mr. Romaine (voting member) and Ms. Pines (for Brookhaven), Ms. Aguiar (voting member) and Mr. McCormick (for Riverhead), Mr. Schneiderman (voting member) and Ms. Scherer (for Southampton), Mr. Dale (voting member), 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, Ms. Weigand, Ms. Parrott, Ms. Delligatti, Mr. Motz and Ms. Brown-Walton (from the Commission).

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Mr. Pavacic indicated that he would be serving as the moderator for today's meeting and noted that with four Commission members present there is a quorum. Mr. Pavacic led the pledge to the flag and then explained that today's meeting is a special meeting that is being held for the Commission members to deliberate on the Lewis Road Planned Residential Development project and its conformity to the standards and guidelines contained in the Central Pine Barrens Comprehensive Land Use Plan. He noted that there will be no public comments during this special meeting and then provided technical and procedural guidelines along with the virtual meeting voting guidelines for the Commission members which included voting would take place via roll call.

He noted that since Chairwoman Carrie Meek Gallagher has resigned from the Commission and accepted a promotion to a higher position at NYS DEC Albany headquarters, the chair position remains vacant for the Commission. He asked the Commission members to adopt a motion designating him as the acting non-voting chair for this meeting.

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

Prior to the vote on the above motion, attendance was taken to identify Commission members and designated representatives present today and who would be serving as the voting member (indicated under Commission members present).

A table that summarized the Comprehensive Land Use Plan Standards and Guidelines was previously provided to the Commission members that included a brief review of project elements related to a particular standard or guideline. Mr. Pavacic then proceeded to present each of the standards and guidelines from the Comprehensive Land Use Plan for the Commission members to provide a sense as to whether the Lewis Road Project conforms to the standards and guidelines, with no formal vote to be taken.

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Standard 5.3.3.1.1 Suffolk County Sanitary Code Article 6 compliance

All development proposals subject to Article 6 of the Suffolk County Sanitary Code shall meet all applicable requirements of the SCDHS.

Review elements in table

- 1 unit/5 acres, as per the Town CR 200 zoning district, is below the minimum 1unit/1acre Health Department requirement in Groundwater Management Zone III.
- Requires Suffolk County Department of Health Services (SCDHS) review and approval.
- SCDHS letter dated December 20, 2019 including comments and notice of incompleteness updated May 8, 2020.
- Applicant required to satisfy the SCDHS.

Summary:

Mr. Schneiderman discussed that the project must comply with the Suffolk County Dept of Health Services (SCDHS) sanitary code and therefore will conform. Mr. Dale confirmed the application is still currently under review by the SCDHS and procedurally is within the scope of the normal course of development according to the SCDHS. Ms. Aguiar indicated after reviewing the Pine Barrens Acts standards and guidelines, this criterion may have been met. Mr. Romaine mentioned as of November 18, 2020 the Suffolk County Health Department requirements were deemed insufficient and the project had an incomplete application before the Health Department. Conformity with this standard would be conditioned on the project receiving SCDHS approval.

Discussion Results - Conditionally conforms to the standard based on project receiving SCDHS approval

Yes: 3 Members (Mr. Dale, Mr. Schneiderman, Ms. Aquiar)

No: 1 Member (Mr. Romaine)

Absent: 1 Member (New York State Governor’s Representative)

Standard 5.3.3.1.2 Sewage treatment plant discharge

Where deemed practical by the County or State, sewage treatment plant discharge shall be outside and downgradient of the Central Pine Barrens.

Review elements in table

- Application states “It is not practical to locate the project STP outside of and downgradient of the Central Pine Barrens.”
- Requires satisfaction of SCDHS requirements including but not limited to SCDHS “Notice of Incomplete Application – Sewage Treatment Plant (STP)” dated December 20, 2019, ref #C09-19-0017.

Summary:

Mr. Schneiderman mentioned that the staff report dated 8/19/20 concluded the project conformed to this standard. Mr. Romaine reiterated his concerns about the project’s incomplete SCDHS application and that he could not agree this standard would be met without the SCDHS approval. Conformity with this standard would be conditioned on the project receiving SCDHS approval.

Discussion Results - Conditionally conforms to the standard based on project receiving SCDHS approval

Yes: 3 Members (Mr. Dale, Mr. Schneiderman, Ms. Aquiar)

No: 1 Member (Mr. Romaine)

Absent: 1 Member (New York State Governor’s Representative)

Guideline 5.3.3.1.3 Nitrate-nitrogen goal

A more protective goal of 2.5 ppm may be achieved for new Projects through an average residential density of one unit per two acres through clustering or through other mechanisms to protect surface water quality for projects in the vicinity of ponds and wetlands.”

Review elements in table

- Application states Project will achieve less than 1 mg/l and as low as 0.26 mg/l, and the nearest wetland is 1,500 feet east of the site.
- Existing on-site nitrogen concentrations in groundwater of 29 mg/l. An irrigation/fertigation well will be constructed in areas of high concentrations to supplement fertilizer applications on site.

Summary:

Mr. Schneiderman and Mr. Romaine discussed initial mitigation measures that were included in the first proposal for the PDD that was before the town. The sewage treatment plant is one of the main ways to reduce nitrogen. Fertigation to irrigate the golf course and to reduce nitrogen was discussed and an existing nitrogen plume that is likely from farming in the area was also discussed.

Discussion Results - Conforms to the guideline

Yes: 3 Members (Mr. Dale, Mr. Schneiderman, Ms. Aquiar)

No: 1 Member (Mr. Romaine)

Absent: 1 Member (New York State Governor’s Representative)

Standard 5.3.3.2.1 Suffolk County Sanitary Code Articles 7 and 12 compliance

Review elements in table

Sanitary Code regulations apply to protection of water resources and wastewater management infrastructure and storage of hazardous/toxic materials.

- The Project will use and store chemical compounds (fertilizers, pesticides, etc.) in the maintenance area for the golf course and other landscaped areas.
- Applicant seeks Article 12 permit for the maintenance area.
- SCDHS letter dated December 20, 2019 addresses Article 12 permit.
- Requires satisfaction of requirements of SCDHS.

Summary:

The project will need to comply with the SCDHS permit requirements. Mr. Romaine wanted to know if there was a comprehensive plan or brief description of the approach the project will take to comply with SCDHS requirements that was submitted to the SCDHS. Ms. Hargrave shared that there was a submission described in the SCDHS 2019 report that mentions the Article 12 permit. Mr. Dale agreed to get a copy of the application submission to SCDHS to provide to the Commission. Ms. Scherer mentioned that in the integrated management plan and in the EIS there was a discussion about the Article 12 permit.

Discussion Results - Conditionally conforms to the standard based on the project receiving SCDHS approval

Yes: 3 Members (Mr. Dale, Mr. Schneiderman, Ms. Aquiar)

Abstentions: 1 Member (Mr. Romaine)

Absent: 1 Member (New York State Governor’s Representative)

Standard 5.3.3.3.1 Significant discharges and public supply well locations

Location of nearby public supply wells shall be considered in applications involving significant discharges to groundwater.

Review elements in table

- Existing public water supply well fields at Spinney Road and Malloy Drive. Project is in 25-year capture zone of Spinney and 50-year capture zone of Malloy.
- Four acres on Parlato will be dedicated to SCWA to build a new public water supply well field for future supply and storage. Applicant and SCWA are coordinating.

Summary:

Ms. Aguiar asked about the dedication of 4 acres to Suffolk County Water Authority. Mr. Milazzo stated it was a fact from the record and part of the proposal. He acknowledged that the Pine Barrens staff are employees of the Suffolk County Water Authority, however it is the Water Authority's engineers, hydrogeologist and operations team that are involved in that proposal, not the Commission staff. Mr. Dale read an email that addressed SCDHS requirements for conditions of approval.

Discussion Results - Conforms to the standard

Yes: 3 Members (Mr. Dale, Mr. Schneiderman, Ms. Aquiar)

Abstentions: 1 Member (Mr. Romaine)

Absent: 1 Member (New York State Governor's Representative)

Guideline 5.3.3.3.2 Private well protection

SCDHS guidelines for private wells should be used for wellhead protection.

Review elements in table

- Two private irrigation wells are proposed at a rate of 51 million gallons per year.
- Requires other agency(ies) review and applications for well permits
- Requires satisfaction of NYSDEC including letter titled Request for Additional Information dated January 9, 2020.

Summary:

Mr. Schneiderman corrected the 51 mgly to 35 mgly for proposed private irrigation wells, and that no private wells or STP will be impacted by the proposed wells. The Town of Southampton has spent 4 million dollars connecting residents in the area to public water due to other contaminant issues and that there will be no impacts to private wells in the area. Mr. Schneiderman considers the Standard will be met. There was a discussion that DEC approval would be required. Town of Riverhead and Suffolk County would consider conditional conformance of the guideline based on DEC approval obtained. Mr. Romaine is concerned that private well protection guidelines cannot be met without some type approval or review by the NYSDEC and he doesn't believe that has been done.

Discussion Results – Conditionally conforms to the guideline based on project receiving NYSDEC approval.

Yes: 3 Members (Mr. Dale, Mr. Schneiderman, Ms. Aquiar)

Abstentions: 1 Member (Mr. Romaine)

Absent: 1 Member (New York State Governor's Representative)

Standards 4.1 through 4.4 are not applicable to the proposed project.

Standard 5.3.3.5.1 Stormwater Runoff

Stormwater runoff originating from development on the property must be recharged on site unless surplus capacity exists in an offsite drainage system.

Review elements in table

- Application states stormwater runoff generated on site will be retained and managed through recharge to groundwater and containment in detention and pond areas in the drainage system.
- Requires satisfaction of requirements of Southampton Town and NYSDEC on the Stormwater Pollution Prevention Plan (SWPPP).
- Town Engineer comments dated January 22, 2020 titled "Phase II Storm Water Management Program Checklist for Storm Water Pollution Prevention Plan (SWPPP) Review."

Summary:

Mr. Schneiderman indicated the applicant worked on this quite a bit to contain stormwater on site; there are extensive areas for containment in the plan. Drainage reserve areas meet the Standard.

Discussion Results - Conforms to the standard

Yes – 4 Members (Mr. Dale, Mr. Schneiderman, Mr. Romaine and Ms. Aquiar)

Absent – 1 (New York State Governor's Representative)

Guideline 5.3.3.5.2 Natural recharge and drainage

Natural recharge areas and/or drainage system designs that cause minimal disturbance of native vegetation should be employed where practical in lieu of recharge basins or ponds that would require removal of significant areas of native vegetation.

Review elements in table

- Drainage will be captured in 63 separate drainage reserve areas and two ponds.
- Grading and drainage plan require satisfaction of Town Engineer including comments dated January 22, 2020.

Summary:

Mr. Schneiderman discussed the drainage areas and ponds and that he considers the project conforms to this guideline. Mr. Romaine indicated he would like to see an approval of a SWPPP plan by the Town and NYSDEC. Ms. Scherer indicated there was a SWPPP submitted, but it must be finalized with the Town engineer. Mr. Romaine said he would withhold judgement because he can't say whether the project conforms to this guideline or not because the project has changed. Mr. McCormick noted the SWPPP as initially approved by the Town Southampton will also be regulated and monitored by the NYSDEC pursuant to the Town of Southampton's SPDES permit. Town of Riverhead indicated the project will conform since two reparate regulatory agencies will monitor drainage and grading. Suffolk County indicated this is an example of procedural predicated on future approvals and supports conditionally conforms. .

Discussion Results - Conditionally conforms to the guideline based on the project obtaining SWPPP approval

Yes: 3 Members (Mr. Dale, Mr. Schneiderman, Ms. Aquiar)

Abstentions: 1 Member (Mr. Romaine)

Absent: 1 Member (New York State Governor's Representative)

Guideline 5.3.3.5.3 Ponds

Ponds should only be created if they are to accommodate stormwater runoff, not solely for aesthetic purposes.

Review elements in table

- The Project will develop two lined ponds, 3.17 acres to 3.33 acres, 10 feet deep for stormwater functions and aesthetics. Runoff contribution in ponds will be supplemented by on site make up wells.
- Additional surface water areas include development of 1.4 acres of wetlands and 1.22 acres of pools for a total water surface of 5.95 acres. (pg 2-6, June 3, 2020)

Summary:

Mr. Schneiderman indicated that the ponds are retention ponds and the golf course greens will be lined. The number of ponds and pond area were reduced; now two ponds are planned as opposed to three with a total of 3.17 acres. He indicated the project conforms to the guideline since the ponds are not solely for aesthetics but accommodate stormwater runoff. Mr. Romaine discussed the Pine Barrens Commission staff report of 11/18/2020 that indicated the total area of each pond including the unmarked ponds must be identified and demonstrate compliance with the guidelines regarding ponds. He does not believe it has been accomplished. Town of Riverhead discussed conditional approval subject to Town of Southampton approval of SWPPP. Suffolk County indicated conditional conformity.

Discussion Results - Conditionally conforms to the guideline based on project receiving SWPPP approval

Yes: 3 Members (Mr. Dale, Mr. Schneiderman, Ms. Aquiar)

Abstentions: 1 Member (Mr. Romaine)

Absent: 1 Member (New York State Governor's Representative)

Guideline 5.3.3.5.4 Natural topography in lieu of recharge basins

The use of natural swales and depressions should be permitted and encouraged instead of excavated recharge basins, whenever feasible.

Review elements in table

- Application states no natural drainage depressions exist for this purpose and therefore the proposal is to develop 63 separate drainage reserve areas throughout the site.
- Requires satisfaction of Town and NYSDEC on the SWPPP

Summary:

Mr. Schneiderman stated the project is required to meet SWPPP requirements and to his knowledge there are no natural swales on site that can be used for recharge. Mr. Romaine discussed his understanding is that the SWPPP plan is usually submitted before or at the same time as development is approved and it should not be assumed because the SWPPP plan is a regulation that it will be done. Ms. Scherer acknowledged that a draft SWPPP was submitted, but it has not been approved. There is no clear timeframe when the SWPPP can be submitted/approved due to the stay, litigation and lawsuit. Mr. McCormick stated Mr. Romaine's points are well taken on the timeframe and approval requirements and shared there are two regulatory agencies involved in the SWPPP approval. In the event the Town of Southampton does not approve the SWPPP and there's soil disturbance, the Town of Southampton will be personally liable and in violation of the SPDES permit.

Discussion Results - Conditionally conforms to the guideline based on the project receiving SWPPP approval

Yes: 3 Members (Mr. Dale, Mr. Schneiderman, Ms. Aquiar)

No:1 Member (Mr. Romaine)

Absent: 1 Member (New York State Governor's Representative)

Guideline 5.3.3.5.5 Soil erosion and stormwater runoff

During construction, the standards and guidelines promulgated by the New York State Department of Environmental Conservation pursuant to state law, which are designed to prevent soil erosion and control stormwater runoff, should be adhered to.

Review elements in table

- Requires Town and NYSDEC SWPPP review and approval.

Summary:

During construction the project needs to adhere to the NYSDEC requirements.

Discussion Results - Conditionally meets the guideline based on the project receiving SWPPP approval

Yes: 3 Members (Mr. Dale, Mr. Schneiderman, Ms. Aquiar)

Abstentions:1 Member (Mr. Romaine)

Absent: 1 Member (New York State Governor's Representative)

Standard 5.3.3.6.1 Vegetation Clearance Limits

Site plans, surveys and subdivision maps shall delineate the existing naturally vegetated areas and calculate those portions of the site that are already cleared due to previous activities.

Areas of the site proposed to be cleared combined with previously cleared areas shall not exceed the percentages in Figure 5-1.

To the extent that a portion of a site includes Core property, and for the purpose of calculating the clearance limits, the site shall be construed to be the combined Core and CGA portions.

Review elements in table

- The June 3, 2020 submission added 20.06 acres to the Project Site increasing the total area from 588.39 acres to 608.45 acres.
- 576.95 acres is naturally vegetated, and 31.5 acres is cleared
- Maximum clearing limit is 171.93 acres on 608.45 acres (28.26%).
- The Project will clear/develop 171.84 acres (Oct. 6, 2020 Clearing Plan and Dec 2, 2020).

Summary:

This is an arithmetic calculation as to whether the project meets or exceed the requirements. Mr. Schneiderman pointed out that the project also has to meet stricter Town requirements and appears to meet these as well.

Discussion Results - Conforms to the standard

Yes – 4 Members (Mr. Dale, Mr. Schneiderman, Mr. Romaine and Ms. Aquiar)
Absent – 1 (New York State Governor’s Representative)

Standard 5.3.3.6.2 Unfragmented open space

Subdivision and site design shall support preservation of natural vegetation in large unbroken blocks that allow contiguous open spaces to be established when adjacent parcels are developed. Subdivision and site designs should also be configured in such a way so as to prioritize the preservation of native pine barrens vegetation to the maximum extent practicable.

Review elements in table

- The Project was revised to reduce open space fragmentation and minimize disturbance to steep slopes and create a greater block of unfragmented open space in the combined 400-acre Hills South/Kracke by shifting southward the locations of residential areas and the golf course.
- Approximately 400 acres Hills South/Kracke will be owned and managed by a private HOA. The 45-acre Core portion of this area is at the northerly end, and it will remain in its present natural condition, contiguous with easterly adjacent open space.
- The remaining area, an estimated 355 acres, will contain the cleared/developed area, 171 acres, and 185 acres of open space within and surrounding it.
- The Plan contains approximately 185 to 195 acres of open space in the CGA in the Hills South/Kracke including an estimated 63.27 acres in buffers and corridors within and around the residential areas and the golf course. (Nov 18, 2020)

Summary:

Mr. Schneiderman expressed he struggled with this standard the most in terms of open space. However, he felt it would be difficult to imagine a more clustered or compact development and therefore the project would seem to meet the standard. He noted that this standard has a subjective criterion. Originally it was a major concern whether the unfragmented space was in large contiguous blocks. Tremendous revisions were made to the project and the project has been clustered and pushed south to the maximum extent possible. Mr. Romaine asked the Commission members to look at the Commission staff report of November 18, 2020 which points out there are many types of open space identified by the applicant that have not been quantified and that the term open space as used by the applicant may not meet the Commission’s Plan requirement. Ms. Aquiar indicated the northern holes that created fragmented open space have been reconfigured and now they are more closely clustered increasing open space and she considers the project to conform. Mr. Dale indicated the project is compacted to the maximum extent.

Discussion Results - Conforms to the standard

Yes: 3 Members (Mr. Dale, Mr. Schneiderman, Ms. Aquiar)
No: 1 Member (Mr. Romaine)
Absent: 1 Member (New York State Governor’s Representative)

Standard 5.3.3.6.3 Fertilizer-dependent vegetation limit

Review elements in table

- 88.36 acres or a maximum of 15% fertilizer-dependent vegetation on the 608.45-acre project site.

Summary:

Mr. Schneiderman indicated this is not a standard golf course. There is a lot of indigenous vegetation, native plants, with the intention to create a natural setting. Areas of indigenous vegetation will not be touched and other areas will be planted with native plants. Ms. Scherer shared the project applicant has revised the plans. The fertilizer dependent vegetation and the cap on fertilizer use would clearly be identified in their management plan. Mr. Romaine stated he has his concerns based on the expert testimony of Dr. Gobler on August 18, 2020 stating many of the nitrogen mitigation measures that were in the Hills application disappeared from the Lewis Road application.

Discussion Results - Conforms to the standard

Yes: 3 Members (Mr. Dale, Mr. Schneiderman, Ms. Aquiar)

No: 1 Member (Mr. Romaine)

Absent: 1 Member (New York State Governor's Representative)

Standard 5.3.3.6.4 Native Plantings

Review elements in table

The FEIS Preliminary Plant list is extensive and contains hundreds of plants including native species to be planted in eight main areas in the Project identified as: golf area, clubhouse shrub and groundcover landscape, lawn, native vegetation, village landscape/streetscape, wetland/pond edge landscape, screening landscape at maintenance area and windrow.

Summary:

Mr. Schneiderman indicated the Town has worked extensively with the applicant and an extensive list of native plants are going to be employed at the project site. Provisions include transplanting any vegetation removed where possible, reuse native soils and use native seeds wherever feasible.

Discussion Results - Conforms to the standard

Yes – 4 Members (Mr. Dale, Mr. Schneiderman, Mr. Romaine and Ms. Aquiar)

Absent – 1 (New York State Governor's Representative)

Standard 5.3.3.7.1 Special species and ecological communities

Where a significant negative impact upon a habitat essential to those species identified on the New York state maintained lists as rare, threatened, endangered or of special concern or upon natural communities classified by NY State Natural Heritage Program as G1, G2, G3 or S1, S2 or S3, or on any federally listed endangered or threatened species is proposed, appropriate mitigation measures as determined by the appropriate state, county or local government agency shall be taken to protect these species.

Review elements in table

- Applicant will adhere to clearing windows imposed by NYSDEC to protect the Federal and State-listed Threatened Northern Long Eared Bat.
- Rare plants on site may be relocated when and where feasible and species of special concern and species of greatest conservation need that may exist on or utilize the site may be impacted due to lack of protection requirements.

Summary:

Mr. Schneiderman has some concerns with lack of specific conservation plans with protected species threatened or endangered including northern long eared bat, whippoorwill, hognose snake, grasshopper sparrow and other birds. Ms. Scherer explained they would not be able to construct without acceptable plans in terms of habitat protection that would have to be approved by the NYSDEC, confirming that those species would not be disrupted. Vegetation can only be cleared at certain times as prescribed by NYSDEC. There was a buckmoth survey in 2009 that will need to be updated to satisfy NYSDEC. Mr. Romaine indicated that for all the reasons stated by Mr. Schneiderman he conditionally disapproves this conformity with this standard. Town of Riverhead conditionally approves. Suffolk County indicated the buckmoth favors habitat in the north of the property which will not be developed so its habitat will not be disturbed.

Discussion Results – Conditionally conforms to the standard

Yes: 3 Members (Mr. Dale, Mr. Schneiderman, Ms. Aquiar)

No: 1 Member (Mr. Romaine)

Absent: 1 Member (New York State Governor’s Representative)

Guideline 5.3.3.8.1 Clearing envelopes

Clearing envelopes should be placed upon lots within a subdivision so as to maximize the placement of those envelopes on slopes less than 10%.

Review elements in table

- The Master Plan has been revised to reduce disturbance on slopes >10% grade from 17.31 acres to 6.72 acres
- 6.72 acres of development on slopes >10% grade represents 1.1% of the 608-acre site

Summary:

Mr. Schneiderman stated the Town’s Senior Environmental Analyst, Marty Shea worked with the applicant for months redesigning the project to avoid steep slopes and got within 1.1 percent except where the two roads will go across. Discussion of manmade slopes impacted versus natural slopes ensued. Mr. Romaine did not feel the project avoided development on steep slopes to the extent it could have, so he felt the project did not conform to this guideline. Town of Riverhead indicated that the Town of Southampton was intimately involved in changes so based on the Town’s activity in the development of best management practices, the project should conform.

Discussion Results - Conforms to the guideline

Yes: 3 Members (Mr. Dale, Mr. Schneiderman, and Ms. Aquiar)

No: 1 Member (Mr. Romaine)

Absent – 1 (New York State Governor’s Representative)

Guideline 5.3.3.8.2 Stabilization and erosion control

Construction of homes, roadways and private driveways on slopes greater than 10% may be approved if technical review shows that sufficient care has been taken in the design of stabilization measures, erosion control practices and structures so as to mitigate negative environmental impacts.

Review elements in table

- Requires satisfaction of requirements by the Town on the grading plan, erosion control plan and SWPPP and by NYSDEC on the SWPPP

- Project revised to avoid soil exports and mining permits. Prior plans involved mining and removal of approximately 400,000 cubic yards of soil material.

Summary:

Mr. Schneiderman indicated the project requires conformance with the SWPPP. The original project called for the removal of 400,000 cubic yards of material, which is not occurring now. Lots are on slopes less than 10% grade.

Discussion Results - Conditionally conforms to the standard based on project receiving SWPPP approval

Yes: 3 Members (Mr. Dale, Mr. Schneiderman, Ms. Aquiar)

Abstentions: 1 Member (Mr. Romaine)

Absent: 1 Member (New York State Governor's Representative)

Guideline 5.3.3.8.3 Slope analysis

Review elements in table

- The Slope Analysis identifies existing slopes on the project site including 0-10% grade, 10-15% grade and >15% grade and areas of disturbance.

Summary:

Mr. Schneiderman stated there is a steep slope analysis disturbance report of only 1.1 overall disturbance.

Discussion Results - Conforms to the guideline

Yes: 4 Members (Mr. Dale, Mr. Schneiderman, Mr. Romaine, Ms. Aquiar)

Absent: 1 Member (New York State Governor's Representative)

Guideline 5.3.3.8.4 Erosion and sediment control plans

Erosion and sediment control plans should be required in areas of 15% or greater slopes.

Review elements in table

- The Master Plan has been revised to reduce disturbance on slopes >10% grade from 17.31 acres to 6.72 acres. This includes 6.23 acres on slopes >15% grade.
- Requires satisfaction of Town and NYSDEC on the SWPPP

Summary:

Ms. Scherer mentioned that dewatering will not be necessary in any area of the site that is going to be graded or developed. SWPPP plan approval is required for this as well and erosion and sediment control plan. Mr. Romaine indicated SWPPP should have been submitted and reviewed by now so would abstain.

Discussion Results - Conditionally conforms to the standard based on project receiving SWPPP approval

Yes: 3 Members (Mr. Dale, Mr. Schneiderman, Ms. Aquiar)

Abstentions: 1 Member (Mr. Romaine)

Absent: 1 Member (New York State Governor's Representative)

Guideline 5.3.3.8.5 Placement of roadways

Roads and driveways should be designed to minimize the traversing of slopes

greater than 10% and to minimize cuts and fills.

Review elements in table

- The Master Plan has been revised to reduce disturbance on slopes >10% grade from 17.31 acres to 6.72 acres
- 6.72 acres of development on slopes >10% grade represents 1.1% of the 608-acre site.
- Development of 0.4 acres (17,424 square feet) of roadways on slopes greater than 10% grade.
- The Revised Plan avoids mining permits and significant soils exports that were proposed in earlier iterations.

Summary:

The project avoids all steep slopes except the two areas following the natural grade of the road. Mr. Schneiderman indicated steeper areas are protected.

Discussion Results - Conforms to the guideline

Yes: 4 Members (Mr. Dale, Mr. Schneiderman, Mr. Romaine, Ms. Aquiar)

Absent: 1 Member (New York State Governor's Representative)

Guideline 5.3.3.8.6 Retaining walls and control structures

Retaining walls and erosion control structures should be provided for road and driveways which traverse slopes greater than 10%.

Review elements in table

- The project provides retaining walls
- Application states there are two areas where roads or driveways traverse slopes > 10% grade and retaining walls are not anticipated
- Grade transitions are depicted on grading plans using slopes of 1:3 or less

Summary:

Conforms because modifications have been made for grade transitions to use 1:3 slopes. No retaining walls will be needed with the revised plan.

Discussion Results - Conforms to the guideline

Yes: 4 Members (Mr. Dale, Mr. Schneiderman, Mr. Romaine, Ms. Aquiar)

Absent: 1 Member (New York State Governor's Representative)

Standard 5.3.3.9.1 Receiving entity for open space dedications

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

Review elements in table

- 207 acres offered for dedication to the Town including the Hills North and Parlato. The remaining area will be privately controlled by the Homeowner's Association.
- Approximately 185 to 195 acres of open space in the Hills South/Kracke will be held in a private HOA and protected in conservation easements. (Nov. 18, 2020)

Summary:

Southampton indicated half of the open space is to the Town and half to a

Homeowner's Association; 188 acres will be dedicated to the Town. Areas will be restricted as open space and covenants will be required. This project has specified what is being dedicated for conservation.

Discussion Results - Conforms to the standard

Yes: 4 Members (Mr. Dale, Mr. Schneiderman, Mr. Romaine, Ms. Aquiar)
Absent: 1 Member (New York State Governor's Representative)

Guideline 5.3.3.9.2 Clustering

Municipalities are strongly urged to maximize the use of the clustering technique where its usage would enhance adjacent open space or provide contiguous open space connections with adjacent open space parcels.

Review elements in table

- The Project clusters and dedicates land in Hills North and Parlato (207 acres), which are contiguous to other open spaces areas.
- Hills South Core portion (45 acres) and the northernmost area of Hill South is contiguous to existing open space to the east.
- Open space in the Hills South/Kracke includes disconnected areas including buffers, corridors and strips within and around the development

Summary:

The project has been reconfigured to push away from the Pine Barrens core area and moved further south. Housing is extremely clustered. In a regular housing subdivision, it would be clustered, but the lots would be larger. Mr. Schneiderman expressed concerns with the earlier plan. Through clustering, there is 373 acres of contiguous open space. The project is more clustered than a typical subdivision in five-acre zoning district. Mr. Romaine indicated conforms to clustering but in doing so it creates fragmented open space.

Discussion Results - Conforms to the guideline

Yes: 3 Members (Mr. Dale, Mr. Schneiderman, Ms. Aquiar)
Abstentions: 1 Member (Mr. Romaine)
Absent: 1 Member (New York State Governor's Representative)

Guideline 5.3.3.9.3 Protection of dedicated open space

Proposed open space should be protected with covenants, conservation easements or dedications that specify proper restrictions on its use and contingencies for its future management.

Review elements in table

- 207 acres offered for dedication to the Town
- Approximately 185 to 195 acres of open space will be held in a private HOA and protected by conservation easements

Summary:

The open space would be protected, deeded and covenanted. The town will be the fee owner of a good portion of the protected open space. There is no enforcement mechanism for private conservation easement to make sure there is no violations and to regularly police these areas. The HOA will hold 200 acres that will be protected by conservation easements acceptable to the Town. Total open space is 402 acres, all of which will be protected.

Discussion Results - Conforms to the guideline

Yes: 4 Members (Mr. Dale, Mr. Schneiderman, Mr. Romaine, Ms. Aquiar)

Absent: 1 Member (New York State Governor's Representative)

Guideline 5.3.3.10.1 Best Management Practices

- Guideline not applicable - no agricultural use proposed.

Guideline 5.3.3.11.1 Cultural resource consideration

Development proposals should account for, review and provide protection measures for established recreational trails and trail corridors...active recreation sites, scenic corridors, roads, vistas and viewpoints location in Critical Resource Areas... sites of historical significance...sensitive archaeological areas identified by the New York State Historic Preservation Office or the New York State Museum...

Review elements in table

- The Project provides buffers on the east side of the Project site in proximity to existing recreational trails, with the narrowest buffer 32 feet wide.
- January 30, 2018 State Historic Preservation Office letter states, "It is the New York State Office of Parks, Recreation and Historic Preservation's opinion that your project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places."

Summary:

Mr. Schneiderman mentioned the January 30, 2018 letter from the State Historic Preservation Office that provides their opinion that the project will have no impact. Mr. Romaine indicated the project fails to provide minimal buffers, especially on the east side of the site to protect trails in that area and other resources.

Discussion Results – Conforms to the guideline

Yes: 3 Members (Mr. Dale, Mr. Schneiderman, Ms. Aquiar)

Abstentions: 1 Member (Mr. Romaine)

Absent: 1 Member (New York State Governor's Representative)

Guideline 5.3.3.11.2 Inclusion of cultural resources in applications

Development proposals should note established recreation and educational trails and trail corridors; active recreation sites; scenic corridors, roads, vistas and viewpoints...

A development proposal may be disapproved or altered if the local municipality determines that the development proposal, in its current form, may have a significant negative impact on any of the above resources.

Review elements in table

- FEIS identified established recreation trails in proximity to the easterly boundary of the Hills South
- Figure titled "Updated PDD Landscape Concept Plan" dated June 28, 2017 and in the Preliminary application received on May 17, 2019.

Summary:

Mr. Schneiderman and Ms. Scherer indicated the golf holes were reconfigured to the southern portion of the site and farther west to maximize separation between the Town trails and the land to the east with landscaping treatments that could be a condition at the Town level.

Discussion Results - Conforms to the guideline

Yes – 4 Members (Mr. Dale, Mr. Schneiderman, Mr. Romaine and Ms. Aquiar)

Absent – 1 (New York State Governor’s Representative)

Guideline 5.3.3.11.3 Protection of scenic and recreational resources

Protection measures for scenic and recreational resources should include, but not be limited to, retention of visually shielding natural buffers, replacement of degraded or removed natural visual buffers using native species, use of signs which are in keeping in both style and scale with the community character and similar measures.

Review elements in table

- A portion of the Project will be partially visible from recreational resources and existing roads due to reduced natural vegetation and natural visual buffers where presently no development exists.

Summary:

Mr. Schneiderman indicated there are some buffers throughout to separate from the housing. Housing is not expected to be visible; it can’t ever be zero but it meets the criteria. Ms. Scherer indicated the project shifted the golf holes west and in the final plat will ensure no impacts in terms of visual resources on adjacent open space. The project must comply with nighttime lighting and darks skies code, which could be a condition of Town approval. Light pollution does have a negative impact on ecology and the project must comply with Southampton town code. Southampton indicated that buffers could be augmented during the Town review process.

Discussion Results - Conforms to the guideline

Yes – 4 Members (Mr. Dale, Mr. Schneiderman, Mr. Romaine and Ms. Aquiar)

Absent – 1 (New York State Governor’s Representative)

Guideline 5.3.3.11.4 Roadside design and management

Undisturbed portions of the roadside should be maintained in a manner that protects the scenic features of these areas. Clearing (including that for aisles, driveways, access and parking is not precluded within these roadside areas, provided that appropriate buffers are maintained, and that manmade structures meet standards consistent with the character of the area.

Review elements in table

- A portion of the Project will be partially visible from Lewis Road including in the vicinity of the Kracke property and where the main access road from Lewis Road will be constructed.
- The Application states any and all man-made structure will have architectural styles consistent with the character of the area.

Discussion Results - Conforms to the guideline

Yes – 4 Members (Mr. Dale, Mr. Schneiderman, Mr. Romaine and Ms. Aquiar)
Absent – 1 (New York State Governor’s Representative)

Standard 5.3.3.12.1 Commercial and industrial compliance with Suffolk County Sanitary Code

All commercial and industrial development applications shall comply with the provisions of the Suffolk County Sanitary Code as applied by the SCDHS...

Standard is not applicable to the project.

After completing the review of the standards and guidelines it was the consensus of the majority of the Commission that the Lewis Road Planned Residential Development conforms with the standards and guidelines of the Commission’s Comprehensive Land Use Plan. The staff will prepare documents for consideration and review at the next regular Commission meeting that will be held on Wednesday, January 20, 2021 with the Lewis Road discussion to occur after the 3:00 pm hearing.

The motion was made by Mr. Dale and seconded by Mr. Schneiderman to adjourn the meeting. The motion was approved by a unanimous vote.

Attachment

1. Lewis Road Planned Residential Development Subdivision. Assertion of Jurisdiction Application (14 pages)
2. Email document from Mr. Romaine, dated December 30, 2021 Concerning whether Lewis Road confirmed to the standards and guidelines (redistributed) (pages 2)
3. Email document from Mr. Dale, dated January 13, 2021 (pages 1) attachment dated January 11, 2021 (pages 1) Commentary from Suffolk County Department of Health Services



Central Pine Barrens Commission Meeting Summary
Wednesday, January 20, 2021 (Final Approved 2/24/2021)
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, 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. Hargrave, Mr. Tverdyy, Mr. Huss, Mr. Mazzio, Mr. Enright, Ms. Weigand, Mr. Panko, Mr. Ziegler, Ms. Delligatti, Ms. Parrott and Ms. Brown-Walton.

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 meetings and that the position should not remain vacant for a long period of time. He also would like to go on record as saying he regrets not having the Governor's representative for voting purposes.

The motion was made by Mr. Schneiderman and seconded by Mr. Dale to designate the Executive Director, John Pavacic, as the acting non-voting Chair at today's meeting. The motion was approved by the members present (Absent - New York State Governor's Representative).

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 the reading of public comments and approval of the minutes followed by regular commission business as detailed on the agenda until approximately 2:45pm. He noted that the opening and closing public comment sections are reserved for all matters except for the DellaSperanzo public hearing comments. Public comments on the DellaSperanzo matter will be accepted at the 3:00 pm hearing. The meeting will be paused at 2:45 pm to prepare for the public hearing. 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 other matters would be read. He provided technical and procedural guidelines 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: Three public comments were received which pertain to the Lewis Road Planned Residential Development. Mr. Pavacic read into the record a letter that was received by email on January 19, 2021 from Mr. Richard Amper, Long Island Pine Barrens Society; Mr. Robert Deluca, President Group of the East End letter dated January 20, 2021 and Mr. William Kearns, East Quogue. Mr. Milazzo stated a letter was received from New York State Comptroller, Mr. Thomas DiNapoli and previously shared with the Commission members. (all correspondence is attached).

b. Minutes for 12/16/20

Summary: **The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve the 12/16/20 meeting minutes. The motion was approved by the four members present (Absent: New York State Governor's Representative).**

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

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- c. *Draft Resolution to Delegating Specified Authorities to Individuals Possessing Stipulated Central Pine Barrens Joint Planning and Policy Commission Job Titles and to Judith Jakobsen, Deputy Director as Interim Executive Director. Allows certain authorities given to the Executive Director by the Commission to be provided to the deputy director, and he asked to amend this resolution to include the title Interim Executive Director.*
Summary: The motion was made by Mr. Dale and seconded by Mr. Schneiderman to approve the draft resolution as amended. The motion was approved by the four members present (Absent - New York State Governor's Representative).

The second resolution proposes to amend the resolution that established "Wildfire and Incident Management Academy" that provides a position on the Board for the Executive Director and requests that resolution be amended to in the absence of an Executive Director to allow the Deputy Director or Interim Executive Director to serve in this capacity.

Summary: The motion was made by Mr. McCormick and seconded by Mr. Schneiderman to approve the draft resolution. The motion was approved by the four members present (Absent: New York State Governor's Representative).

- d. *Proposal to reschedule two Commission meeting dates in 2021: February 17 to Feb 24 and May 19 to May 26*
Summary: The motion was made by Mr. McCormick and seconded by Mr. Schneiderman to approve the Commission meeting date changes. The motion was approved by the four members present (Absent: New York State Governor's Representative).

2. Science and Stewardship

- a. *Community Wildfire Protection Plan – implementation projects*

Summary: Ms. Jakobsen discussed the progress on the implementation of public outreach components related to wildfire prevention that were included in the Community Wildfire Protection Plan. It is anticipated that the homeowner's guide will be completed before May.

Ms. Jakobsen then presented Mr. Pavacic with a plaque on behalf of the Commission and the staff as an award of merit and distinction in recognition of his extraordinary leadership dedication and excellence in guiding the Central Pine Barrens Commission and its staff.

- b. *Comprehensive Prescribed Fire Management Plan / designate lead agency, SEQRA Determination and Decision*

Summary: Ms. Weigand presented the final draft of the Central Pine Barrens Comprehensive Prescribed Fire Management Plan, the SEQR Environmental Assessment forms Part 1 through Part 3 along with the negative declaration of environmental significance for the Commission's consideration and approval. The division has been very diligently working on developing the Plan for the last year and is seeking the approval of the Plan by the Commission today. The Plan is very important as it provides the guidelines, strategies and the components for developing and implementing restoration management activities within the Pine Barrens. The Plan is consistent with the Long Island Pine Barrens Protection Act and ECL Law 57 Section 123-3A which pertains to the comprehensive land use plan that recognizes prescribed fire as necessary for sustaining the ecological communities of the pine barrens. The Plan further fulfills Chapter 11 of the Wildfire Task Force Fire Management Plan that was drafted in 1999 and is a deliverable under the New York State DEC prescribed fire contract. At the Commission's December 2020 meeting a draft plan was provided to Commission and lead agency coordination was initiated as a Type I action under SEQRA. The NYS DEC and Suffolk County who are the two involved agencies under this action had no objection to the Commission serving as the SEQRA lead

agency. Comprehensive environmental impact review and analysis of the Plan was conducted which included the preparation of parts 1, 2 and 3 of the long Environmental Assessment forms. The EAF part 3 assessment determined that the Plan would not cause any significant environmental impacts. The Central Pine Barrens is a fire dependent ecosystem which has a long history of fire suppression and has signs of declining health. By implementing the Plan improvements to the Pine Barrens ecosystem will occur that will also benefit public health. As a result of these findings a negative declaration has been drafted for the Commission's consideration and as indicated in the draft resolution the Commission has a number of actions to consider and approve to finalize the SEQRA review and to adopt the Plan:

Consideration 1 - The Commission to establish lead agency for the Type 1 coordinated review

Consideration 2 - To adopt SEQRA negative declaration determination

Consideration 3 - To adopt the plan as drafted in its final form

The motion was made by Mr. Romaine and seconded by Mr. Dale to approve the Comprehensive Prescribed Fire Management Plan three considerations. The motion was approved by the four members present (Absent - New York State Governor's Representative).

c. *Education and Outreach Division*

Summary: Ms. Parrott presented highlights from her distributed education and outreach division report(attached). The school outreach program during this pandemic continues to adapt to the needs due to COVID as far as education and classroom activities. Ms. Parrott has been able to still have some in-class activities and lessons but a lot of it has been done remotely. The division has accomplished a great way to achieve results when it comes to educating about Long Island ecosystems Pine Barrens through various virtual educational events. In addition, recorded programing are provided to the classrooms that view these recordings and then Ms. Parrott attends for Q&A.

Barrens to Bay Summer Camp will hopefully be able to be an in-person program depending on the COVID situation and with approval from Wertheim.

Long Island Natural History Conference will be moving forward remotely. Three conferences are planned, one a month, on Fridays, for approximately three hours. The dates have not been decided.

For "A Day in the Life 2020", Ms. Parrot mentioned she has new team members. The team has been able to dive deep into some curriculum development and has recorded events. All of the data that has been collected since 2014 has been provided in a workable manageable program for teachers and students to be use in their classroom.

d. *Science and Stewardship Division*

Summary: Ms. Weigand presented highlights on the division's activities covered in her previously distributed science and stewardship division report (attached).

e. *Protected Lands Council Chair and Vice Chair for 2021: approval*

Summary: **A motion was made by Mr. Romaine and seconded by Mr. Schneiderman to approve Protected Lands Council Chair and Vice Chair. The motion was approved by the four members present (Absent - New York State Governor's Representative).**

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

a. *Compliance and Enforcement Division*

Summary: Mr. Huss provided an update on compliance and enforcement activities that were included in his previously distributed report (attached). Mr. Huss noted that there were a record number of cases this year. There was a press release Mr. Motz prepared

a couple of weeks ago on recent violation arrests that Mr. Huss and the Commission's two other Enforcement Officers assisted in with other agencies. Mr. Romaine discussed the opportunity for additional cameras for their surveillance program.

b. Land Use Division

Summary: Ms. Hargrave provided an update on land use activities that were included in her previously distributed report (attached). Ms. Hargrave noted that there are two pending hardship applications, the Kogel brothers and today's DellaSperanzo hearing that will need an extension due to the rescheduling of the Commission's February meeting date. She discussed recent land use inquiries received and the pending Comprehensive Land Use Plan amendments the Commission had adopted a scoping document for a draft environmental impact statement to be prepared by staff. The staff will be sharing soon the draft DEIS for the Commission's input and feedback and then the document would continue through the SEQRA process toward adoption.

c. Credit Program

Summary: Mr. Tverdy provided an update on 2020 Credit program activities included in his previously distributed report (attached).

e. Core Preservation Area

PSEG Long Island construction of a 150-foot monopole at Riverhead Substation / Riverside, Town of Southampton SCTM # 900-135-2-2/ determination

Summary: Ms. Hargrave noted there is a revision needed to the current resolution, the resolution should indicate that the system is owned by LIPA and that PSEG operates and maintains the system as an agent for LIPA. The resolution will be revised to identify LIPA as the applicant and the owner of the system. The project is at the site of the Riverhead substation in the town of Southampton in the Core Preservation area. The resolution explains when the Commission sought information on this project and PSEG Long Island forwarded their SEQRA determination and negative declaration prepared for this project. The purpose of the project is to improve resiliency in the system operations during emergency events and it's an essential element of PSEG Long Island's communication system. The Commission members had several discussions about PSEG Long Island's zoning approval process with Mr. Gruza, PSEG's attorney. Mr. Milazzo explained the details of the approval process and draft resolution.

A motion was made by Mr. Dale and seconded by Mr. McCormick to approve the LIPA Monopole at Riverhead Substation. The motion was carried by the following vote.

Vote: 3:1:1

Yes - 3 (County of Suffolk, Town of Riverhead and Southampton)

No – 0

Abstention - 1 (Town of Brookhaven)

Absent: 1 Member (New York State Governor's Representative).

f. Quogue Wildlife 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 2,700 square foot barn, upgrade the sanitary system / determination

Summary: Ms. Hargrave referenced the updated letter of January 7, 2021 with updated information (attached) The first-floor expansion would be used for program, exhibit, and meeting space. The nature center does not have a meeting space which is needed. The applicant would like to add 960 sq ft to the first floor of the south side of the education center. The second story dormer would be used to create usable program storage space, as well as workspace for staff and volunteers. It is planned that the attic space would be dormered out approximately 1,500 sq ft. Discussion ensued on the proposals for the nature center expansion and the pole barn. The applicant explained the pole barn is to house equipment that maintains the refuge property. The Commission asked about the percentage of the property dedicated to scouting activities, and the applicant explained that it's a nature center that offers scouting opportunities and programs and approximately 25% of the public programs involve scouting activities.

The motion was made by Mr. Schneiderman seconded by Mr. Dale that the addition to the main building is development. The applicant can return next month with his arguments as to whether the pole barn would be non-development. The motion was approved by the four members present (Absent - New York State Governor's Representative).

- g. *Harriet Murphy / Letter of Interpretation Credit Appeal / Northampton / SCTM #s 900-215.3-1-1.1 and 900-215.3-1-1.2 / schedule public hearing*

Summary: The motion was made by Mr. Romaine seconded by Mr. Schneiderman to schedule a public hearing for Harriet Murphy Letter of Interpretation Credit Appeal on February 24, 2021. The motion was approved by the four members present (Absent - New York State Governor's Representative).

4. Public Hearing at 3:00 PM

- a. *Vincent DellaSperanzo Core Hardship Application / two-lot subdivision of 1.8 acres in the R-15 Zoning District with one existing residence / Northampton / SCTM # 900-164-4-40 / decision deadline 2/22/21 /*

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

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

- d. ***Compatible Growth Area, Core Preservation Area and Critical Resource Area***
Lewis Road Planned Residential Development Assertion of Jurisdiction Application / East Quogue / development of a seasonal resort community, 118 seasonal single-family and 12 year-round workforce housing units, 18-hole private golf course, a sewage treatment plant, recreational uses, ponds, roads, infrastructure on 608.45 acres on 178 tax parcels / decision deadline today / decision

The motion was made by Mr. Schneiderman that was seconded by Ms. Aguiar to issue the findings statement and find that the project conforms with standards and guidelines as set forth in the meeting of last week with conditional conformity on standards and guidelines that require other approvals. Mr. Romaine initiated a discussion on the motion concerning the SEQRA process, lead agency, the lack of coordinated review and how is the Commission empowered to move forward on a decision. Mr. Milazzo stated these issues were raised and addressed in the hearing. Mr. Schneiderman explained the Town Board was the lead agency. A discussion continued regarding SEQRA lead agency and the process before the Town of Southampton. Mr. Romaine discussed potential legal issues and litigation. The Town of Southampton explained there has been extensive SEQRA review on this project by the Planning Board and Town Board. The Town of Southampton discussed the SEQRA lead agency and outstanding litigation. The Commission discussed the project, uses, ZBA determination and review process. Mr. Romaine asked if this was a new project or the same as the Hills. Mr. Schneiderman explained the differences from the original plan and that the changes have lessened the environmental impacts. The applicant no longer is pursuing a private membership golf course which is considerable for them to give up and left them with a golf course that could only be used by the residents and their guests. Mr. Romaine considered the project to be a new application and the felt Town Board acted on the Hills not Lewis Road. This is a new subdivision application not a change of zone.

The motion was made by Mr. Schneiderman and seconded by Ms. Aguiar to issue the findings statement and find that the project conforms with standards and guidelines as set forth in the meeting of last week with conditional conformity on standards and guidelines that require other approvals.

The motion was carried by the following vote:

Vote: 3:1:1

Yes - 3 (County of Suffolk, Towns of Riverhead and Southampton)

No – 1 (Town of Brookhaven)

Absent: 1 (New York State Governor's Representative).

5. Public Comment

Summary: No additional public comments were received.

6. Closed to Advisory Session

The motion was made by Mr. Dale and seconded by Ms. Aguiar 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 then return to public session. The motion was approved by the four members present (Absent - New York State Governor's Representative).

Attachments (in order of discussion)

1. Email from Richard Amper, Pine Barrens Society (2 pages)
2. Letter from Robert DeLuca, Group for the East End (4 pages)
3. Letter from William R. Kearns, East Quogue (3 pages)
4. Letter from New York State Comptroller DiNapoli (2 pages)
5. Draft Commission meeting summary for December 16, 2020 (4 pages)
6. Draft resolution on Commission job titles (11 pages)
7. Education and Outreach Division update, January 2021 (1 page)
8. Science & Stewardship Division Update, January 2021 (3 pages)
9. Protected Lands Council Chair and Vice Chair resolution, January 2021 (1 page)
10. Compliance and Enforcement Division update, January 2021 (3 pages)
11. Land Use Division update, January 2021 (1 page)
12. Credit Program update, January 2021 (4 pages)
13. PSEG-LI monopole draft resolution, January 2021 (1 page)
14. Harriet Murphy Letter of Interpretation Credit Appeal application and background report to schedule hearing, January 2021 (7 pages)
15. Vincent DellaSperanzo Core Hardship draft staff report with exhibits for the public hearing, January 2021 (37 pages)
16. Lewis Road Planned Residential Development Draft Findings Statement and Decision (23 pages)
17. Quogue Wildlife Refuge additional material, January 2021 (10 pages)



**Central Pine Barrens Commission Meeting Summary
Wednesday, February 24, 2021 (Final Approved 3/17/21)
Zoom Virtual Meeting**

2:00 pm

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

Others present: Commission and other agency staff members included Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Mr. Tverdy, Mr. Huss, Mr. Mazzio, Ms. Weigand, Mr. Ziegler, Ms. Delligatti and Ms. Brown-Walton.

Ms. Jakobsen noted that with four Commission members present there is a quorum. She asked the Commission members to adopt a motion designating her as the acting non-voting chair for this meeting.

The motion was made by Mr. Romaine and seconded by Mr. Dale to designate the Interim Executive Director, Judy Jakobsen, as the acting non-voting Chair at today's meeting. The motion was approved by the four members present (Absent - New York State Governor's Representative).

Ms. Jakobsen led the pledge to the flag and noted that she would be serving as the moderator for today's meeting. Ms. Jakobsen explained that the meeting will begin with the reading of public comments and then public comments will be heard from the public present via Zoom. The approval of the minutes will be followed by regular commission business as detailed on the agenda until approximately 2:45pm. She noted that the opening and closing public comment sections are reserved for all matters except for the Harriet Murphy public hearing comments. Public comments on the Harriet Murphy matter will be accepted at the 3:00 pm hearing. The meeting will be paused at 2:45 pm to prepare for the public hearing. 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 other matters. She provided technical and procedural guidelines and the virtual meeting voting guidelines for the Commission members which included voting would take place via roll call.

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

1. Administrative and Public Comment

a. Public Comments

Summary: The letter received by email from Michelle Janlewicz from Riverhead regarding the PSEG Long Island monopole at Riverhead Substation was read aloud by Ms. Jakobsen.

b. Minutes for 1/13/21 and 1/20/21

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Dale to approve the 1/13/21 and 1/20/21 meeting minutes. The motion was approved by the four members present (Absent: New York State Governor's Representative).**

2. Science and Stewardship

a. Draft resolution to purchase equipment and supplies for the Prescribed Fire program (attached)

Summary: Ms. Weigand presented the draft resolution of the Central Pine Barrens Comprehensive Prescribed Fire Management Program Tools, Equipment, Apparatus and Vehicles and Exhibit. The exhibit outlines the necessary equipment identified by the Commission staff to successfully operate the program expected by the NYSDEC. The key components of the prescribed fire program are specifically designated around safety and fire containment, which speaks to the need of the equipment identified. The Division

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has been working closely with the NYSDEC to identify the necessary equipment to purchase through the NYSDEC's approved five-year contract that has a budget of \$1.25 million. Mr. McCormick suggested to look into the type of frequency the communication equipment has available to ensure its compatibility with the SCFRES frequency requirements and protocol. Mr. Ziegler conveyed that the communication equipment purchases will be SCFRES frequency compatible.

The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve the draft resolution to purchase Prescribed Fire Program Tools, Equipment, Apparatus and Vehicles. The motion was approved by the four members present (Absent - New York State Governor's Representative).

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

a. Core Preservation Area

1600 Middle Country Road, Ridge / 200-315-3-1.1 / replace septic system on the site of an existing restaurant

Summary: Ms. Hargrave provided an update on a proposal to replace a failing septic system on the site of an existing restaurant. Supporting documents and a site plan were previously provided to the Commission members (attached). The documents indicate there will be no disturbance to existing natural vegetation. The new system will be installed in an area of grass on the south side of the parking lot adjacent to an existing fence.

The motion was made by Mr. Romaine and seconded by Mr. Dale to approve sending the response letter prepared by staff. The motion was approved by the four members present (Absent - New York State Governor's Representative).

b. Land Use Division

Vincent DellaSperanzo Core Hardship / two lot subdivision of 1.8 acres with one existing residence in the R-15 Zoning District / Northampton / 900-164-4-40 / decision deadline 3/17/21 / adjourn until 3/17/21

Summary: Ms. Hargrave provided an update on the request to postpone the DellaSperanzo hearing until the March 17th Commission meeting. The applicant is not prepared to present any new information at this time.

c. Compatible Growth Area

Referral: 215 Rogers Way, Hampton Business District, Gabreski Airport Planned Development District / Westhampton / 900-312-1-4.2 / construction of 88,060 square foot warehouse, parking and other infrastructure

Summary: Ms. Hargrave provided an update on the referral of the on the Rogers Way application and site plan. Development in this PDD is regulated by the Town of Southampton zoning code section 330-248 Gabreski Airport Planned Development District. The proposal is consistent with the Gabreski Airport Master Plan. A letter was drafted with minor comments on the landscaping plan that included the request to add more native species. Mr. Romaine asked if this project was for an Amazon warehouse which was confirmed by Ms. Scherer. Mr. Romaine and Ms. Scherer's discussed whether the applicant is going to use the warehouse to introduce commercial aviation for the purposes of delivering products. Ms. Scherer discussed the airport PDD code that does not allow commercial aviation uses. Ms. Scherer stated that the county would hold the applicants to the town's zoning codes. Mr. Romaine suggested maybe a memorandum of understanding would help keep the applicant from changing the initial agreement later and for enforcement purposes in the future. Ms. Hargrave mentioned that the response letter prepared by staff states that the project, unless it becomes a development of regional significance due to traffic levels, would not require further review by the Commission. Ms. Scherer explained that the traffic study and peer review of that study are still ongoing by the Planning Board. Mr. Romaine requested additional information about the impact of the project vehicles, traffic analysis, hours of operations, and level of service information. Mr. Dale stated he would do some due diligence on

these items raised and it was agreed to schedule this for a brief discussion at the next Commission meeting. The draft letter was not approved to be sent.

- d. **SEQRA Coordination: The Meadows at Yaphank PDD CGA-DRS Amendment of Restrictive Covenant / Yaphank / 200-552-1-1.3 et al / replace 400,000 square feet of office / commercial/flex uses with 152 multi-family units**

Summary: Ms. Hargrave provided an update on the State Environmental Quality Review Act Coordination referral application. The current proposal is to amend the Town's restrictive covenants on the site to replace commercial office/flex uses with residential uses. The proposal replaces 400,000 square feet of office and commercial /flex space with the development of 152 multi-family residential units. The applicant stated in his correspondence that the office space is not marketable at this time due to COVID. This change may need to be reviewed directly by the Commission since it differs from the project approved by the Commission. Staff's response letter indicates that the applicant should submit information explaining this change and at a minimum it may require a modification or amendment to the decision that was approved in 2011. Mr. Romaine indicated that the planning commissioner will review whether the proposal requires re-opening the SEQRA review. Mr. Romaine mentioned that all of the apartments in the project were sold out.

The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve sending the response letter on the SEQRA Coordination for the Meadows at Yaphank. The motion was approved by the four members present (Absent - New York State Governor's Representative).

- e. **Credit Program**

Peconic River Sportsman's Club / Riverhead / 200-298-1-1 / request to remove four dead hazardous trees in a conservation easement

Summary: Mr. Tverdy provided an overview of the draft letter from the Club and the attachments including photographs of the dead trees. Staff recommends that the dead trees be removed and that their removal would be consistent with the provisions of the conservation easement on the property. Mr. Tverdy clarified based on Mr. McCormick's inquiry that the proposal is in the Town of Riverhead portion of the property, not the Brookhaven portion; there was error in the tax map number included on the agenda.

The motion was made by Ms. Aguiar and seconded by Mr. Romaine to approve staff sending the draft letter that will allow Peconic River Sportsman's Club to remove four dead hazardous trees on their conservation easement property. The motion was approved by the four members present (Absent - New York State Governor's Representative).

4. Public Hearing at 3:00 PM

- a. **Credit Program**

Harriet Murphy / Letter of Interpretation Credit Appeal / Northampton / SCTM #s 900-215.3-1-1.1 and 900-215.3-1-1.2

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

5. Public Comment

Summary: No public comments were received.

6. Closed to 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 the four members present (Absent - New York State Governor's Representative).

Attachments (in order of discussion)

1. Letter received from Michelle Janlewicz by email, dated February 19, 2021 (1 page)
2. Draft meeting summaries for January 13, 2021 and January 20, 2021 (21 pages)
3. Final meeting summaries for January 13, 2021 and January 20, 2021 (21 pages)
4. Draft resolution to purchase equipment for prescribed fire program and backup (3 pages)
5. Final resolution to purchase equipment for prescribed fire program and backup (3 pages)
6. Draft letter on 1600 Middle Country Road and supporting materials (7 pages)
7. Final letter on 1600 Middle Country Road and supporting materials (7 pages)
8. Email from Vincent DellaSperanzo and public hearing transcript January 20, 2021 (39 pages)
9. Draft letter in response to 215 Rogers Way referral and supporting materials (24 pages)
10. Final letter in response to 215 Rogers Way referral and supporting materials (24 pages)
11. Draft letter in response to the Meadows at Yaphank referral and supporting materials (39 pages)
12. Final letter in response to the Meadows at Yaphank referral and supporting materials (39 pages)
13. Draft letter to Peconic Sportsman's Club and supporting materials (10 pages)
14. Final letter to Peconic Sportsman's Club and supporting materials (10 pages)
15. Draft staff report and exhibits for Harriet Murphy Credit Appeal public hearing February 24, 2021 (71 pages)



**Central Pine Barrens Commission Meeting Summary
Wednesday, March 17, 2021 (Final Approved 4/21/21)
Zoom Virtual Meeting**

2:00 pm

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

Others present: Commission and other agency staff members included Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Mr. Tverdy, Ms. Weigand, Mr. Ziegler, Ms. Malangone and Ms. Brown-Walton.

Ms. Jakobsen noted that with four Commission members present there is a quorum. She asked the Commission members to adopt a motion designating her as the acting non-voting chair for this meeting.

The motion was made by Mr. Shea and seconded by Mr. McCormick to designate the Interim Executive Director, Judy Jakobsen, as the acting non-voting Chair at today's meeting. The motion was approved by the four members present (Absent - New York State Governor's Representative).

Ms. Jakobsen led the pledge to the flag and noted that she would be serving as the moderator for today's meeting. Ms. Jakobsen explained that the meeting will begin with the reading of public comments and then comments will be heard from the public present via Zoom. The approval of the minutes will be followed by regular Commission business as detailed on the agenda and ending with public comments received during the meeting along with comments heard from the public present via Zoom. She provided technical and procedural guidelines for the public to provide comments.

1. Administrative and Public Comment

a. Public Comments

Summary: Emails and letters received from the following were read aloud by Ms. Jakobsen: Mayor Peter Sartorius, Village of Quogue dated March 11, 2021; Laura Fabrizio, Moriches Bay Project dated March 7, 2021; Aram Terchunian, Westhampton Beach dated March 8, 2021; Joseph Kommer, Riverhead dated March 9, 2021; Hon. Brian Tymann, Westhampton Beach dated March 9, 2021; all regarding the Quogue Wildlife Refuge project proposals.

Mr. Richard Amper of the Long Island Pine Barrens Society asked to have his letter included in the meeting record. Mr. Amper shared after reviewing the March 17th agenda, it came to the L.I. Pine Barrens Society's attention that both Quogue Wildlife Refuge and Kent Animal Shelter were on the agenda for discussion on whether a hardship application is required for those proposed projects. Mr. Amper would like to remind the Commissioners that it is their sworn duty to look at the projects based on their compliance with the Pine Barrens Act and the Comprehensive Land Use Plan. He stated that many applicants have come before the Commission that perform important work that we can all support, however it does not exempt the applicant from the development guidelines the Commissioners must follow. In addition, Commissioners should not be coaching applicants on how to maneuver their way around the Pine Barrens Act and look to find a loophole for approval. When the Quogue Wildlife Refuge was last discussed at the December 2020 meeting, he felt that Commissioner Schneiderman was trying to inappropriately prompt the applicant into saying that their development project would be mostly used for scouting activities so that a hardship application would not be required. The Commission staff had mentioned several times

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that a project of that size and magnitude would likely be considered development under the Act and the CLUP. Mr. Amper continued to express his concerns with the Commission's review process. He noted that the work of these two noble organizations can be supported, but the Pine Barrens Act and CLUP guidelines must be applied to every application that comes before the Commission and the staff needs to be involved in explaining this information and how it applies to the Pine Barrens Law.

b. Minutes for 2/24/21

Summary: The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve the 2/24/21 meeting minutes. The motion was approved by the three members present (Recused: Mr. Shea; Absent: New York State Governor's Representative).

2. Science and Stewardship

a. Education and Outreach Division

Summary: Ms. Parrott was not able to be present, therefore no report was provided.

b. Science and Stewardship Division

Summary: The report was previously distributed to the Commission members. Ms. Weigand noted Mr. DeAngelis, one of the Commission's Ecological Field Specialists, has accepted a position with the United States Forest Service in Oregon and she acknowledged the valuable work he has done for the Commission that has contributed to moving the Science and Stewardship program forward. Ms. Weigand provided an update on the Central Pine Barrens Comprehensive Prescribed Fire Management Program. The final CPB Comprehensive Prescribed Fire Management Plan will be posted on the Commission website and a press release announcing the plan's completion is in development. The Division is developing CPBC website content related to prescribed fire operations which will be an important resource for the public. An informational video is being created to introduce the public to the CPBC prescribed fire program.

Brookhaven National Laboratory (BNL) and CPBC have completed a draft Commission/BNL MOU to advance and formalize the understanding of collaborative work and BNL facility use for science and stewardship efforts including prescribed fire and NYWIMA training programs and educational programs. The South of Currans Woodlands prescribed burn plan has received final review at the NYSDEC Region 1 level and has been sent to Albany for final review and approval. Ms. Weigand also discussed prescribed burn planning for the Demonstration Forest within the Rocky Point Pine Barrens State forest and burn plan development for the David Sarnoff Pine Barrens State forest. The division continues to collaborate with NYSDEC Region 1, Forest Health and Forest Protection units to coordinate activities and efforts on mechanical reductions and fire control line installation for prescribed fire preparation.

To maintain status for working on prescribed fires, the Division staff participated in the annual National Wildfire Coordinating Group RT130-Wildfire Refresher Training. Other Division activities included non-native Bark and Ambrosia Beetle trapping early detection and rapid response monitoring program coordinated by NYSDEC and sponsored by the US Forest service. The Division staff held a meeting with NYDOT, PSEG, LIISMA, Town of Brookhaven and Town of Southampton staff to coordinate a collaborative management response to documented infestations of *Miscanthus*. The staff monitored the *Miscanthus sinensis* in regional grasslands and removed those found by digging them out to prevent further infestation and spread. The staff continues to work on and provide encroachment restoration recommendations to the New York State Attorney General's office.

Ms. Weigand and Mr. Ziegler participated in a zoom workshop series hosted by the New Jersey Pinelands Commission by providing a presentation titled "A Tale of Two Pine Barrens" that compared and contrasted the two ecosystems and Ms. Weigand also gave a presentation on grassland restoration.

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 the Commission members had no questions on the report.

b. Land Use Division

Summary: The report was previously distributed to the Commission members. Ms. Hargrave provided an update on the applications and requests for determination of jurisdictions. Kogel Brothers is a hardship application for single-family residence currently pending state acquisition that has been delayed due to COVID. The Kent Animal Shelter and Quogue Wildlife Refuge are on the agenda today for proposed projects. DellaSperanzo requested to withdraw their application and pursue a carriage house option rather than a subdivision. The Commission continues to receive referrals and inquiries from the towns and the Commission staff continues to monitor restoration and revegetation plans that result from violations of hardship permits in the compatible growth area and the core preservation area and other illegal clearing situations. Long-term project involvements include the Peconic Estuary Partnership and on the agenda today, the USGS-Commission water resources monitoring program. Staff anticipates providing the Commission with the DGEIS for Central Pine Barrens Comprehensive Land Use Plan Amendments soon.

c. Credit Program

Summary: The report was previously distributed to the Commission members. Mr. Tverdy provided an update on the Credit Program. This year 19 LOIs have been issued, three in Brookhaven, one in Riverhead and the majority, 15 in Southampton. Currently there are ten conservation easements being processed. Recently 41.6 credits have been redeemed for a large project in Brookhaven known as The Arboretum at Farmingville that involves a zone change from a residential A1 to multifamily and from business J4 to J2 business district. This is a record number of credits that have been redeemed for one project. There have been 1.25 credits sold in Brookhaven with an average price of \$94K per credit. In Riverhead one credit was sold for \$6.5K and In Southampton one credit was sold for \$104K. The total average credit price for 2021 is \$87K per credit. Staff is planning to restart conservation easement monitoring visits and installing easement signs. The Clearinghouse still owns 10.19 credits. There is \$2.5M in the Clearinghouse bank and interest for the last two months was \$400. Lastly, the Harriet Murphy credit appeal decision is due today.

d. USGS Water Resources Monitoring annual update presentation

Summary: Ms. Hargrave mentioned in 2017 the Commission entered into a five-year agreement with USGS to study and collect data on groundwater and surface water resources in the Central Pine Barrens. As part of the agreement, there is a requirement for an annual update on the progress of the study. Ms. Irene Fisher the leading Hydrogeologist managing this project is present today to provide the presentation and Ms. Amy Simonson is also here from USGS. Ms. Fisher shared the objective to expand and operate a comprehensive water-resources monitoring program for the Central Pine Barrens region and all of that data is publicly accessible on their website (USGS.gov/Llpinebarrens). This data includes all of the hydrologic conditions for surface water and ground water and all the water quality data. As far as the baseline, Long Island is continually experiencing changes with the environment which is related to the development. Over the last 50 years, the Pine Barrens has moved from a rural to suburban environment and defining this current baseline is helpful to distinguish the effectiveness of the Pine Barrens resource management and conservation efforts and to assess hydrologic changes and trends. This is also providing a data resource to monitor the ecohydrological stress, looking at the relationship between water resource and ecology including the environment and organisms present in the environment. There is a map of all the sites USGS is currently monitoring. It includes some cooperation with the Suffolk County Water Authority and Suffolk County

Department of Health Services. The Pine Barrens Commission is supporting five of the groundwater levels taken on a monthly basis. This project started October 2017 and runs through September 2022. The 2018 and 2019 data collected have been released and are available on the USGS website. At the end of the 5-year data collection in the winter of 2023 an Interpretative report will be provided.

The Commission was concerned about the Pine Barrens being in a water drought watch and what would be the long-term forecast in terms of a return to normal groundwater levels. Mr. Ron Busciolano from USGS explained the precipitation is in a low to normal level and currently the region is not in a drought watch; hopeful it will receive heavier rain soon. All is dependent on the amount of precipitation that occurs over the next few months, so this will be reexamined in early spring.

- e. Quogue Wildlife Refuge Request for Determination of Jurisdiction / 3 Old Country Road / Quogue / 902-1-1-23 et al / expansion of the nature center and construction of a 2,700 square foot barn

Summary: Ms. Hargrave provided an overview of the Quogue Wildlife Refuge that is approximately 305 acres and is located in the Village of Quogue within the Town of Southampton and the core preservation area. She discussed the prior Commission meetings in December and January where the applicant's determination of jurisdiction was discussed for three projects, the replacement and upgrade of their sanitary system, an expansion of the nature center and the construction of a 2,700 square foot maintenance storage barn. In December, Ms. Hargrave mentioned that the Commission determined the sanitary system to be non-development, the nature center to be development, and the barn non-development. In January, the Commission adopted a resolution that the nature center expansion is development and requires the submission of a core hardship application. The Commission invited the applicant to return to the Commission in February to address the barn. The applicant was instructed by Commission counsel at that time to not commence work on the barn which the applicant stated they would not move forward unless approved or authorized by the Commission. The Commission did say in January that the barn was on the path to be determined to be development, placing the applicant on notice at that time. The applicant was present today to present their arguments for the barn and whether it should be considered development or non-development.

Mr. Buck Dixon, an associate attorney for Quogue Wildlife Refuge, referred to the Commission discussions held at the December that he said included no determination that the nature center expansion was development. He noted that Mr. Romaine at the end of the December meeting asked for a formal resolution finding that the first two items which were the septic system and the barn storage area be considered non-development and that the decision on the third item, the nature center building expansion be saved for a later date. It was noted by Mr. Dixon that Mr. Pavacic reminded the Commission members that formal resolutions are not adopted by the Commission for determinations and in response several of the members of the Commission instead affirmatively stated that they agree with that approach. Mr. Dixon state on December 16, 2020 Ms. Hargrave confirmed that decision in an email to the Wildlife Refuge.

He further noted that it was not until the Refuge received the agenda for the January 20th meeting, that they noticed all three items were placed back on the agenda and they reached out to Ms. Hargrave to discuss. Mr. Dixon stated that In part, the action taken in December regarding the projects is something that the Refuge had detrimentally relied upon between December 16th and January 12th and significant staff resources were expended in preparation of building the structure. Mr. Dixon stated from a legal standpoint the barn project should be considered non-development since the barn is an accessory to a residential structure that will be located approximately 100 feet from Mr. Nelson's doorstep. Mr. Nelson will use this structure for personal use in addition to use

by the Refuge. He noted that the area where the barn is located is in a residential zone A9 and that there is nothing in the law that places any size limit on the size of an accessory to a residence. Mr. Dixon provided additional points and stated that in any event, the law is on the side of the Refuge and a determination that this is non-development fits squarely within the exemption.

The Commission inquired if the applicant's argument is essentially that the barn, a 2,700 square foot building, is non-development because it is an accessory use to a residential structure, is there any other basis for the applicant's argument? This may constitute development and the applicant has an opportunity to present a hardship application if that is the case. Mr. Dixon stated the reason the Commission should consider the barn non-development is because Mr. Nelson who is employed by Quogue Wildlife Refuge lives there and is going to use this exclusively as part of the residence. Mr. Dixon explained the construction of the structure is directly in line with the statute and the exemption that is provided by the law as an accessory to a residence. The Commission asked if it was possible to have the barn repaired instead of rebuilding. Mr. Dixon confirmed the barn structure would be a new structure and would replace an existing small barn over 100 years old and multiple temporary sheds. The Commission's counsel asked Mr. Dixon what section of the law was being referenced. Mr. Dixon replied the development exemption 13(x) in the core preservation area, construction of one single family home and customary accessory uses thereto on those parcels identified in the comprehensive land use plan adopted by the commission in June of nineteen hundred ninety-five and as amended on February twenty- first, two thousand one and he was whether the parcel is on the list in the Plan, as per the provision he cited. The Commission asked if there is another provision that applies and Mr. Dixon said this was the primary exemption. After further discussion the parcel in question was not included in the provision and no other section was shared to deem the structure and construction of the barn non-development. Mr. Dixon explained the primary exemption was the accessory structure and it was based on the discussion in December. There was detrimental reliance by the applicant on the decision by the Commission. The Commission expressed that it can't be ignored that the primary use of the property is non-residential. Mr. Dixon stated the Commission inappropriately applied the law when it said this was nondevelopment and the client detrimentally relied on that information and until now there was no reason given for the denial other than saying its commercial. Commission counsel explained this discussion is to set the context about whether something is development or not and it is not a determination if a project is development that an applicant cannot proceed, rather it would require the applicant to make a hardship exemption application.

The motion was made by Mr. Shea and seconded by Ms. Aguiar deeming the proposed construction of the barn as development and reconfirming that the expansion to the Nature Center also constitutes development and accordingly a Hardship Exemption Applications should be filed. The motion was approved by the four members present (Absent - New York State Governor's Representative).

- f. Kent Animal Shelter Request for Determination of Jurisdiction to renovate and reconstruct existing structures and replace sanitary system on 2.138 acres / 2259 River Road, Calverton / 600-138-1-6.2 and 7.1 / determination
Summary: Ms. Hargrave discussed that in 2012 the Kent Animal Shelter submitted a core hardship application for a complete redevelopment of the site including an expansion of the facilities. After a long review and series of public hearings the proposal was withdrawn and there was no decision on that application. The applicant has returned with a plan to renovate and reconstruct six buildings with no expansions on the property including the administration building and buildings for cat and dog adoptions. The other two elements of this proposal involve replacing the sanitary system with an innovative on-site alternative wastewater treatment system and natural shoreline restoration of approximately 12,700 square feet along the Peconic River waterfront. The proposal appears to constitute non-development activity pursuant to the Act 57-

0107.13(iii) which allows for the replacement and reconstruction of structures.

Mr. Bowman, the applicant's representative discussed the difficulty of finding alternative sites and therefore the applicant has decided to renovate most of the buildings. The shelter will replace in kind the existing kennel building in the same footprint with no increase in square footage and the cottage that is located on the southwest corner will be turned into an isolation building within its same footprint and square footage. Most importantly the existing sanitary system is in groundwater because it was built in the 1950s and is located down near the river. The new sanitary system will be moved all the way up to the north side of the property to improve the water quality of the river. In the past the DEC wanted a buffer to screen the shelter from the river. It will be screened with compatible plants. The Commission asked if any components of the new septic system could be placed below the existing parking area to minimize any tree cutting or removal. Mr. Bowman explained placing it at the higher elevation on the property would be better to provide more significant depth to groundwater and better potential for filtration of the effluent. The Commission requested confirmation from the applicant to offset the loss of any trees that need to be cut for the purpose of the septic upgrade by planting trees as part of the buffer restoration or elsewhere on the property. Mr. Bowman agreed to replace them and increase the buffer area along the river. Mr. Bowman shared that the application is already filed with DEC and the landscape plan will be amended.

The Commission came to a consensus that the Kent Animal Shelter project is non-development.

- g. Vincent DellaSperanzo Core Hardship Application / Northampton / 900-164-4-40 / two-lot subdivision of 1.8 acres in the R-15 Zoning District with one existing single-family residence / decision deadline today

Summary:

The motion was made by Mr. Romaine and seconded by Mr. Shea to accept the request by DellaSperanzo to withdraw the core hardship application. The motion was approved by the four members present (Absent - New York State Governor's Representative).

Compatible Growth Area

- h. 215 Rogers Way referral at Gabreski Airport / Westhampton / follow-up

Summary: Ms. Hargrave stated in February the Commission discussed a referral from the Town of Southampton involving the development of 18-acres of the 58-acre area industrial park with an 88,000 square foot warehouse with 199 parking spaces and 325 van stalls. The Commission discussed traffic impacts at that meeting and the town after the meeting forwarded the traffic study for the project to the Commission. The Commission staff reviewed the Gabreski files and identified that in 1996 the County sent a letter to the Commission seeking a determination of jurisdiction on the industrial park. The Commission's counsel at that time determined that the Commission had no jurisdiction over the industrial park. Therefore the Commission has no jurisdiction to review the current warehouse proposal since it is in the industrial park.

Compatible Growth Area

- i. Harriet Murphy / Letter of Interpretation Credit Appeal / Northampton / 900-215.3-1-1.1 and 900-215.3-1-1.2 / decision

Summary: Mr. Tverdy stated there is a drafted decision resolution that proposes an allocation of 0.14 credits to both parcels, since they existed as one parcel in 1995.

The motion was made by Mr. Shea and seconded by Mr. Romaine to allocate 0.14 Pine Barrens Credits. The motion was approved by the four members present (Absent - New York State Governor's Representative).

4. Public Comment

Summary: No public comments were received.

5. Closed to Advisory Session

The motion was made by Mr. Romaine and seconded by Mr. Shea 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 the four members present (Absent - New York State Governor's Representative).

Attachments (in order of discussion)

1. Letter received from Mayor Peter Sartorius by email, dated March 11, 2021 (1 page)
2. Email received from Laura Fabrizio, dated March 8, 2021 (1 page)
3. Letter from Aram Terchunian by email, dated March 8, 2021 (1 page)
4. Letter from Joseph Kommer by email, dated March 9, 2021 (1 page)
5. Letter from Hon. Brian Tymann by email, dated March 9, 2021 (1 page)
6. Draft meeting summary for February 24, 2021 (4 pages)
7. Final meeting summary for February 24, 2021 (4 pages)
8. Science and Stewardship Division update (4 pages)
9. Compliance and Enforcement Division update (2 pages)
10. Land Use Division update (1 page)
11. Credit Program update (3 pages)
12. USGS annual update PowerPoint presentation, dated March 17, 2021 (18 pages)
13. Quogue Wildlife Refuge Request for Determination, dated March 8, 2021 (6 pages)
14. Kent Animal Shelter Request for Determination, dated March 1, 2021 (12 pages)
15. Vincent DellaSperanzo request to withdraw application, dated March 8, 2021 (1 page)
16. Rogers Way at Gabreski Airport PDD referral, 1996 determination on the PDD, 2006 letter on the Airport Land Use Plan, and current traffic impact study, dated January 20, 2021 (118 pages)
17. Draft Resolution and Decision Harriet Murphy Credit Appeal, dated March 17, 2021 (4 pages)
18. Final Resolution and Decision Harriet Murphy Credit Appeal, dated March 17, 2021 (4 pages)



**Central Pine Barrens Commission Meeting Summary
Wednesday, April 21, 2021 (Final Approved 5/26/21)
Zoom Virtual Meeting**

2:00 pm

Commission members present: Mr. Romaine (for Brookhaven), Ms. Aguiar (for Riverhead), 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 Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Mr. Tverdy, Ms. Parrott, Ms. Malangone and Ms. Brown-Walton.

Ms. Jakobsen noted that with four Commission members present there is a quorum. She asked the Commission members to adopt a motion designating her as the acting non-voting chair for this meeting.

The motion was made by Mr. Shea and seconded by Mr. Romaine to designate the Interim Executive Director, Judy Jakobsen, as the acting non-voting Chair at today's meeting. The motion was approved by the four members present (Absent - New York State Governor's Representative).

Ms. Jakobsen led the pledge to the flag and noted that she would be serving as the moderator for today's meeting. Ms. Jakobsen explained that the meeting will begin with the reading of public comments and then comments will be heard from the public present via Zoom. The approval of the minutes will be followed by regular Commission business as detailed on the agenda and ending with public comments received during the meeting along with comments heard from the public present via Zoom. She provided technical and procedural guidelines for the public to provide comments.

Yvette Aguiar
Member

Steven Bellone
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 3/17/21*

Summary: **The motion was made by Mr. Shea and seconded by Mr. Romaine to approve the 3/17/21 meeting minutes. The motion was approved by the four members present (Absent: New York State Governor's Representative).**

2. Science and Stewardship

a. *Memorandum of Understanding between the Commission and Brookhaven National Laboratory Draft Resolution*

Summary: Ms. Jakobsen reviewed the information and benefits to the Commission members related to the Memorandum of Understanding between the Commission and Brookhaven National Laboratory. 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 for the Memorandum of Understanding between the Commission and the Brookhaven National Laboratory. The motion was approved by the four members present (Absent: New York State Governor's Representative).

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

Core Preservation Area

- a. Peconic River Herb Farm / 2749 River Road, Calverton / 600-144-1-27.6 / approval and execution of Consent Order

Summary: Ms. Jakobsen reviewed the terms of the Order on Consent that described the alleged violations and prescribed several remedies, which if implemented would help address and rectify the situation. The Order on Consent was previously provided to the Commission members.

The motion was made by Mr. Romaine and seconded by Mr. Shea to approve the Execution of Order on Consent between the Commission and Cristina and Michael Spindler of Peconic River Herb Farm. The motion was approved by the four members present (Absent: New York State Governor's Representative).

Compatible Growth Area

- b. Public Storage Coram / 544 Middle Country Road, Coram / 200-475-2-7, 8, 9.1 & 9.2 / development of three-story 62,730 square foot storage building on 6.5 acres

Summary: Ms. Hargrave reviewed the draft referral letter that was previously provided to the Commission members. Ms. Hargrave discussed a few of the questions and concerns related to the application that lists the site as 6.489 acres, however the total area of the tax parcels listed is approximately 12.5 acres. The application identifies the proposed action will include a change of zone from J2 to J5 and the development of a commercial storage facility. The application proposes a three-story, 62,730 square foot storage facility and 63 parking stalls on the Route 25 frontage. Access is via a new curb cut on Route 25 and a cross access connection is provided to the west.

The motion was made by Mr. Romaine and seconded by Mr. Shea to approve the draft response to be sent to the Town of Brookhaven. The motion was approved by the four members present (Absent: New York State Governor's Representative).

- c. Credit Program the overlap parcels research project

Summary: The research project report was previously distributed to the Commission members. Mr. Tverdy provided an overview of the overlap parcels project that was primarily prepared by Ms. Cassagne, SCWA's Strategic Initiatives Project Specialist. The project goal was to determine the total number of parcels and the potential number of Pine Barrens Credits in the Core area that could be generated on properties with overlap conditions. The overlaps are shared between privately owned and publicly owned parcels or privately owned to privately owned parcels. The Commission seeks to assure that those parcels eligible for the Pine Barrens Credit Program have clear title. Mr. Tverdy explained the overlap parcels project process. Mr. Tverdy presented several scenarios of the overlap parcels and potential Pine Barrens Credits available in the different townships.

The Commission thanked Mr. Tverdy and Ms. Cassagne for the work provided and presented. Mr. Milazzo shared that the Pine Barrens Credit allocations were based on the formulas in the Commission's plan. Mr. Freleng inquired about whether the calculation on the private/public overlaps was discounted since the public portion does not yield credits. Staff responded that was correct and the calculations did not include the public portion, only the privately owned parcels were included in the results. Ms. Longo stated it is helpful knowing how many credits are out there. She also shared that the publicly owned parcels that are purchased by the County are transferred immediately to parks as nature preserve and those credits are extinguished. A draft resolution on the eligibility of overlap parcels to receive Pine Barrens Credits was provided and in the resolve clauses it indicated that the Commission will continue not to grant credits on parcels that have not resolved their overlap condition. The exception is

for the individuals that have Letters of Interpretation that were issued prior to December 31, 2018, the resolution states that those individuals would have until July 30, 2021 to obtain credits under the Commission's prior policy of granting credits if they are able to acquire affirmative title insurance.

The motion was made by Mr. Romaine and seconded by Mr. Shea to approve the draft resolution on the eligibility of overlap parcels to receive Pine Barrens Credits. The motion was approved by the four members present (Absent: New York State Governor's Representative).

4. Public Comment

Summary: *No public comments were received.*

5. Closed to 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 the four members present (Absent - New York State Governor's Representative).

Attachments (in order of discussion)

1. Draft meeting summary for March 17, 2021 (7 pages)
2. Final meeting summary for March 17, 2021 (7 pages)
3. Draft Resolution to adopt a Memorandum of Understanding (MOU) between the Commission and Brookhaven National Laboratory and the MOU (10 pages)
4. Final Resolution to adopt a Memorandum of Understanding (MOU) between the Commission and Brookhaven National Laboratory and the MOU (10 pages)
5. Draft Order on Consent between the Commission and the Peconic River Herb Farm (10 pages)
6. Final Order on Consent between the Commission and the Peconic River Herb Farm (10 pages)
7. Draft referral letter to Brookhaven for Public Storage Coram (4 pages)
8. Final referral letter to Brookhaven for Public Storage Coram (4 pages)
9. Draft resolution on the eligibility of overlap parcels to receive Pine Barrens Credits (2 page)
10. Final resolution on the eligibility of overlap parcels to receive Pine Barrens Credits (2 pages)



**Central Pine Barrens Commission Meeting Summary
Wednesday, May 26, 2021 (Final Approved 6/16/21)
Zoom Virtual Meeting**

2:00 pm

Commission members present: Mr. Romaine and Ms. Pines (for Brookhaven), Ms. Aguiar and Mr. McCormick (for Riverhead), 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 Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Mr. Tverdyy, Ms. Weigand, Mr. Huss, Mr. Motz, Mr. Panko, Ms. Malangone, Ms. Brown-Walton and Ms. Licata

Ms. Jakobsen noted that with four Commission members present there is a quorum. She asked the Commission members to adopt a motion designating her as the acting non-voting chair until such time the Governor appoints a Commission representative. Mr. Romaine provided a statement on the motion that he will be corresponding with the Governor because it has been six months and the Governor has not appointed a new representative to the Commission.

The motion was made by Mr. Romaine and seconded by Mr. Shea to designate the Interim Executive Director, Judy Jakobsen, as the acting non-voting Chair until such time the Governor appoints a Commission representative. The motion was approved by the four members present (Absent - New York State Governor's Representative).

Ms. Jakobsen led the pledge to the flag and noted that she would be serving as the moderator for today's meeting. Ms. Jakobsen explained that the meeting will begin with the reading of public comments received via email and then comments will be heard from the public present via Zoom. The approval of the minutes will be followed by regular Commission business as detailed on the agenda and ending with public comments received during the meeting along with comments heard from the public present via Zoom. She provided technical and procedural guidelines for the public to provide comments.

1. Administrative and Public Comment

a. Public Comments

Summary: No public comments were received.

b. Minutes for 4/21/21

The Ms. Jakobsen moved to item 2a. since a quorum was temporarily not present.

2. Science and Stewardship

a. Education and Outreach Division

Summary: Ms. Parrott was not present at the meeting. The bimonthly report was previously distributed to the Commission members and the Commission members had no questions on the report.

b. Science and Stewardship Division

Summary: The report was previously distributed to the Commission members. Ms. Weigand provided an update on the status of the Pine Beetle study project that was submitted last fall to the US Forest Service with University of Vermont as a partner. The project received \$91,000 in funding and was one of five projects in the nation chosen to receive funding. The proposal will fund a graduate student and field research, management and monitoring. The open Ecological Field Specialist position was filed by Sabrina Cohn. Ms. Weigand invited the Commission to attend the Protected Lands Council meeting on June 3, 2021. The PLC meeting will include all

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

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things Pine Barrens. Ms. Weigand discussed the media exposure received by the Commission's Prescribed Fire Program due to public education efforts and press releases and she also recognized Mr. Motz and Ms. Jakobsen for their efforts working with local media.

A quorum was now present and Ms. Jakobsen returned to agenda item 1b. Minutes for 4/21/21 and requested a motion to approve the minutes for the last Commission meeting.

The motion was made by Mr. Shea and seconded by Mr. Dale to approve the 4/21/21 meeting minutes. The motion was approved by the three members present (Abstention: Mr. McCormick; Absent: New York State Governor's Representative).

Ms. Jakobsen continued with agenda item 1c. Draft resolution to approve the purchase of prescribed fire insurance from AXIS Surplus Insurance Company.

The motion was made by Mr. Shea and seconded by Mr. Dale to authorize the purchase of Prescribed Fire Insurance in support of the Commission's Prescribed Fire and Forest Management Programs. The motion was approved by the four members present (Absent: New York State Governor's Representative).

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. Mr. Huss provided an update on the Division's enforcement activities to the Commission members.

b. Land Use

Summary: The report was previously distributed to the Commission members. Ms. Hargrave provided an update on land use and development project activities to the Commission members.

c. Credit Program

Summary: The report was previously distributed to the Commission members. Mr. Tverdy provided an update on the Credit program to the Commission members.

Core Preservation Area

d. Kogel Core Hardship / develop a single-family residence on 5 acres/East Bartlett Road, Middle Island / SCTM #200-499-3-4 / accept request to withdraw

Summary: Ms. Hargrave referred to the NYSDEC press release that stated the property was acquired by New York State. The applicant submitted a letter to request their application be withdrawn.

The motion was made by Mr. Romaine and seconded by Mr. Dale to withdraw the application for Core Preservation Area Hardship Waiver. The motion was approved by the four members present (Absent: New York State Governor's Representative).

e. Eversource/Sunrise Wind / offshore wind farm with onshore cable in the town of Brookhaven / request party status in NYS PSC Article VII application / draft letter

Summary: Ms. Hargrave provided a brief overview of this project. It is the development of an offshore wind farm with an underground transmission cable from Smith Point County Park to the LIPA Holbrook Substation in the Town of Brookhaven. Ms. Hargrave indicated the office has been informed the applicant plans to submit a core hardship application in June. The request for party status will provide the Commission an opportunity to keep apprised of the Article VII review process at the State level and

to also enable the Commission to submit comments if necessary.

The motion was made by Mr. Romaine and seconded by Mr. Shea to approve sending a letter requesting party status in NYS PSC Article VII. The motion was approved by the four members present (Absent: New York State Governor's Representative).

- f. Town of Southampton Zoning Board of Appeals referral / Hampton West Park / 700 Stewart Avenue, Westhampton / SCTM #900-308-4-1.3 / construct six, 60-foot-tall light poles on ballfields for nighttime lighting / draft response
Summary: Ms. Hargrave indicated this is a referral from the Town of Southampton Zoning Board of Appeals. The proposal is to install light poles in the town park to extend nighttime play in the spring and fall. Lights will turn off at 10 pm. A summary of the project was provided including potential environmental impacts of night lighting on the dwarf pine plains ecosystem and wildlife behavior. Staff was seeking authorization to send a response letter to the Town's referral. A discussion ensued. It was decided that the matter would be discussed in executive session for the Commission to receive counsel. After the executive session, the Commission authorized a letter to be sent that seeks more information on the proposal including if a master plan has been developed for the park and if there are alternatives to mitigate potential impacts of nighttime lighting.

The motion was made by Mr. McCormick and seconded by Mr. Dale to approve sending a letter in response to the referral. The motion was approved by the three members present (Abstain: Mr. Shea; Absent: New York State Governor's Representative).

Compatible Growth Area

- g. NYSDEC referral / EBDK at Calverton / increase irrigation well capacity to 35gpm for three wells two at 15gpm and one 10gpm for irrigation capacity of 4.6 million gallons per year / SCTM #600-135-1-7.56 / draft response
Summary: Mr. McCormick made a request to defer action until next month. The Commission members were in support.
- h. 7 Eleven Middle Island / approval and execution of Consent Order
Summary: Ms. Jakobsen provided a summary of the consent order and stated it has been signed by the owner.

The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve and execute the Consent Order and to give Ms. Jakobsen authorization to sign on behalf of the Commission. The motion was approved by the four members present (Absent: New York State Governor's Representative).

Credit Program

- i. Equine Facility LLC Conservation Easement / North Street, Manorville/ SCTM #200-460-1-5 / discuss terms and language of easement / approve
Summary: Mr. Tverdyy presented this item and provided some background on the property and existing conditions. The draft conservation easement was previously provided to the Commission. The applicant is working on a survey.

The motion was made by Mr. McCormick and seconded by Mr. Romaine to execute an easement with Equine Facility subject to staff and counsel's approval that includes subject to acceptable title; subject to having a mortgage or two or three consent non-disturbance agreements executed, and an agreement on the terms that work with both the applicant and the commission staff. The motion was approved by the four members present (Absent: New York State Governor's Representative).

- j. *Genesis Investors LLC / Letter of Interpretation for SCTM #900-277-4-3 / parcel size discrepancy in tax bill and tax map affecting credit allocation / discussion*
Summary: Mr. Tverdy presented the issue of a property area discrepancy between the tax bill and tax map that affects the credit allocation. He explained the LOI process as directed by the Plan uses the tax bill to determine the credit allocation for the Letter of Interpretation. However, in this case, the property appears on an Old Filed Map, the Map of Hampton Terrace filed January 20, 1910 that serves as a survey of the property. The tax bill acreage of 1.74 acres would generate 0.35 Pine Barrens Credits. The tax map and OFM area is 0.574 acres and generates 0.12 PBCs. Due to the presence of the survey, it is recommended that the survey be used to allocate 0.12 PBCs to the property. The applicant may appeal.

The motion was made by Mr. Shea and seconded by Mr. McCormick to approve utilizing the parcel size from the Map of Hampton Terrace to allocate 0.12 PBCs. The motion was approved by the four members present (Absent: New York State Governor's Representative).

- k. *Sound Capital LLC request to purchase 9.65 pine barren credits from the Commission for a PDD in the Town of Brookhaven / discussion*
Summary: Mr. Tverdy presented the letter from Lee Rosner requesting to purchase the 10.19 Pine Barrens Credits owned by the Commission that are listed in the credit registry for a project in the Town of Brookhaven. Mr. Rosner was present and stated he has actively pursued purchasing credits from owners on the registry and is seeking fair market value for the credits. A discussion ensued. Mr. Rosner indicated one entity is the holder of the bulk of credits and is asking for more than fair market value, \$135,000 per credit. Mr. Rosner said the owner explained the reason for his price was that he has owned the credits for a long time, he is the primary source of Town of Brookhaven credits, and he is looking for a return on that scale. Mr. Rosner expressed this is holding up a major project. Mr. Rosner stated he is seeking a reasonable price of approximately \$85,000 per credit. Mr. Tverdy indicated that Pluralis and AVR hold the largest numbers of credits. Mr. McCormick indicated there are separate individuals who own smaller numbers of credits and that the Mr. Rosner could contract with multiple parties to obtain the number of credits needed. The Commission requested that Mr. Rosner provide proof of his outreach in the form of written documentation. Mr. Rosner stated he would work on the Commission's request.

4. Public Comment

Summary: *No public comments were received.*

5. Closed to Advisory Session

The motion was made by Mr. Dale and seconded by Mr. Shea 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 then return to public session. The motion was approved by the four members present (Absent - New York State Governor's Representative).

6. Closed after Advisory Session

The motion was made by Mr. McCormick and seconded by Mr. Shea to close the public portion of the meeting. The motion was approved by the four members present (Absent - New York State Governor's Representative).

Attachments (in order of discussion)

1. Draft Commission meeting summary for April 21, 2021 (3 pages)
2. Final Commission meeting summary for April 21, 2021 (3 pages)
3. Education and Outreach Division update, May 2021 (2 pages)
4. Science & Stewardship Division update, May 2021 (5 pages)
5. Draft resolution on the Central Pine Barrens Prescribed Fire Insurance Policy May 26, 2021 (1 page)
6. Final resolution on the Central Pine Barrens Prescribed Fire Insurance Policy May 26, 2021 (1 page)
7. Compliance and Enforcement Division update, May 2021 (3 pages)
8. Land Use Division update (1 page)
9. Credit Program update (3 pages)
10. Final Order on Consent between the Commission and the Peconic River Herb Farm (10 pages)
11. Kogel Core hardship application letter dated May 4 and NYSDEC press release (3 pages)
12. Eversource/Sunrise Wind LLC preliminary material April 9, 2021 (11 pages)
13. Town of Southampton ZBA referral draft summary May 26, 2021 (1 page)
14. Town of Southampton referral material April 23, 2021 (61pages)
15. Draft letter to NYSDEC on EBDK from the Commission May 26, 2021 (2 pages)
16. NYSDEC EBDK referral April 14, 2021 (116 pages)
17. 7 Eleven Middle Island consent order May 12, 2021 (10 pages)
18. Genesis Investors draft staff report May 26, 2021 (15 pages)
19. Equine Facility draft conservation easement, map and baseline conditions inventory (12 pages)
20. Lee Rosner of Sound Capital letter dated April 29, 2021 (1 page)



**Central Pine Barrens Commission Meeting Summary
Wednesday, June 16, 2021 (Final Approved 7/21/21)
Zoom Virtual Meeting**

2:00 pm

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

Others present: Commission and other agency staff members included Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Mr. Tverdyy, Ms. Weigand, Mr. Huss, Mr. Ziegler, Ms. Brown-Walton, Ms. Licata and Mr. Franchi

Ms. Jakobsen led the pledge to the flag and noted that with four Commission members present there is a quorum. Mr. Romaine provided a statement that it has been six months and the Governor has not appointed a new representative to the Commission. The Commission meeting would not have a quorum and be able to conduct business if another member or representative was absent since there is no Governor's representative. Ms. Jakobsen noted that she would be serving as the moderator for today's meeting. Ms. Jakobsen explained that the meeting will begin with the reading of public comments received via email and then comments will be heard from the public present via Zoom. The approval of the minutes will be followed by regular Commission business as detailed on the agenda and ending with public comments received during the meeting along with comments heard from the public present via Zoom. She provided technical and procedural guidelines for the public to provide comments.

Yvette Aguiar
Member

Steven Bellone
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 5/26/21*

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Dale to approve the 5/26/21 meeting minutes. The motion was approved by the four members present (Absent: New York State Governor's Representative).**

2. Science and Stewardship

a. *Commission Authorize an Agreement with the County of Suffolk to Operate a Dedicated Brush Truck Training Facility via the New York Wildfire and Incident Management Academy. Draft Resolution*

Summary: Ms. Jakobsen discussed the proposed 5-year license agreement between Suffolk County and the Commission from July 2021 to July 2025 that will enable the Commission's New York Wildfire and Incident Management Academy to continue to operate a Brush Truck Training Program at the vacant County property adjacent to the County's Department of Fire, Rescue and Emergency Services in Yaphank. The Fire Academy utilizes this brush truck training facility to train local volunteer firefighters on how to properly operate a brush truck through wooded environments.

The motion was made by Mr. Romaine and seconded by Mr. Shea to approve the Draft Resolution to Authorize an Agreement between the Commission and the County of Suffolk to Operate a Dedicated Brush Truck Training Facility via the New York Wildfire and Incident Management Academy. The motion was approved by the four members present (Absent: New York State Governor's Representative).

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At the Town of Riverhead's request, Item 3d was moved up on the agenda for discussion at this point in the meeting.

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

Compatible Growth Area

- d. NYSDEC referral / EBDK at Calverton / increase irrigation well capacity to 35 gpm for three wells two at 15 gpm and one at 10 gpm for irrigation capacity of 4.6 million gallons per year / SCTM #600-135-1-7.56 / draft response

Summary: Ms. Hargrave discussed the property is used for a treatment center which is a commercial use on the property. Currently, three irrigation wells operate at 15 gallons per minute (gpm), 15 gpm, and 10gpm. The request is to increase the capacity of each well to 35 gpm for a combined output of 105 gpm. The material indicates irrigation will occur on 2.5 acres of landscaping, turf and shrubs. Irrigation is seasonal from April to October for seven (7) hours per day, four (4) days per week for a total of 28 hours a week. The total irrigation capacity is 4.6 million gallons per year. Ms. Hargrave mentioned a few of the concerns that were included in the previously provided draft response letter to the NYSDEC referral related to the irrigation wells. Ms. Aguiar shared that the location of the facility is inside the EPCAL fence and it was established through the Pine Barrens Commission as of December 2020 that anything inside the EPCAL fence is considered economic development that falls under the provision in CLUP Section 9.2 and is therefore not subject to Commission review.

McCormick discussed a memorandum that he prepared on this matter that was previously provided to the Commission members. He discussed the town's position that sub-activities would also serve as economic development. It is the town's request that the Commission send a response to the NYSDEC indicating that the Commission does not have review jurisdiction over the project based on the activity's use and location within the fence line at EPCAL. He mentioned that the NYSDEC is still a regulatory authority with oversight capacity over this project and the project sponsor is still bound by and needs to follow and be in compliance with the Town of Riverhead's site plan.

Mr. Romaine asked why the DEC referred this project to the Pine Barrens Commission if the Commission does not have any oversight of the project. A discussion ensued concerning the use of potable water from the Riverhead water district instead of groundwater from irrigation wells and the amount of anticipated water usage. It was noted by Mr. McCormick this project was previously approved by DEC and is now being amended.

A discussion ensued related to the decision in December on Island Water Park and whether it was a decision specific just to Island Water Park or applicable to all of EPCAL. Mr. Milazzo noted that the resolution was specific to Island Water Park. Mr. McCormick contends that the Island Water Park decision speaks to the proposition that every project involving economic development within the fence at EPCAL is beyond the jurisdiction of the Commission and he discussed the history of Riverhead's involvement with this provision in the CLUP. A discussion ensued concerning Section 9.2 in the Commission's CLUP. The Commission members agreed to further discuss CLUP Section 9.2 in an executive session in the future to receive clarification on this matter. Mr. Dale mentioned it would be helpful to have a clear understanding of what is defined as economic development.

Mr. Shea discussed staff's role in responding to referrals from other agencies that are looking for staff expertise on environmental impacts and whether in this case they could still provide advisory comments on a project that was considered non-jurisdiction such as the project at EPCAL. Mr. McCormick stated that staff should not be providing comments on projects subject to Section 9.2. and noted that Riverhead is looking for staff to send a letter of non-jurisdiction for this project to NYSDEC.

The motion was made by Mr. McCormick and seconded by Mr. Shea to send a revised response letter to NYSDEC deeming this activity and this specific action are not within the Commission's review jurisdiction.

Mr. Dale indicated that the Town cited the December 2020 decision on Island Water Park as supporting the provision in CLUP 9.2, that the project was economic development and not within the Commission's review jurisdiction. He inquired whether this project and the Riverhead's memorandum would be used to further support the provision in CLUP 9.2 and that projects at EPCAL are not within the Commission's jurisdiction. The Town said unequivocally that this application and Island Water Park project are consistent with the spirit and intent of 9.2. Mr. Dale expressed this presents a conundrum and stated that the premise that it perpetuates a point of contention is conceivably problematic as a further example that it affirms Riverhead's interpretation of 9.2. Further discussion ensued and then a vote on the motion was held.

The motion was approved by three members present with one abstention (Abstention: Mr. Romaine, Absent: NYS Governor's Representative)

It was discussed that the global issues related to Section 9.2 should be discussed in executive session at the next meeting.

Ms. Jakobsen then returned to agenda item 3a.

Core Preservation Area

- a. Sunrise Wind LLC Core Hardship Waiver application / offshore wind farm with onshore cable in the Town of Brookhaven / schedule public hearing proposed for August 18, 2021 and the current decision deadline is scheduled for October 1, 2021.

Summary: The motion was made by Mr. Romaine and seconded by Mr. Shea to schedule a public hearing on August 18, 2021 for the Sunrise Wind LLC Core Hardship Waiver application. The motion was approved by the four members present (Absent: New York State Governor's Representative).

- b. Town of Southampton Zoning Board of Appeals referral / Hampton West Park 700 Stewart Avenue, Westhampton / SCTM #900-308-4-1.3

Summary: Ms. Hargrave discussed the proposal for variances to install light poles in the town park to extend nighttime lighting for games at night from April through September, the lights would turn off at 9:30 pm, no lighting would occur October through March and the brightness of lighting would also be reduced. A summary of the project was provided including potential environmental impacts of night lighting on the dwarf pine plains, a globally rare ecosystem and on wildlife behavior. Mr. Shea abstained from the discussions of this matter. Mr. Romaine shared a need to have the Governor's appointee.

Mr. Freleng asked which species are being mitigated by the Town's measures such as turning off the lights earlier and whether there have been discussions with a qualified wildlife biologist. Ms. Garvin, Assistant Town Attorney and the Attorney for the Southampton Town Zoning Board responded that it is believed to be the buck moth and its mating period. She had no further information on impacts on species. Mr. Dale expressed that these lights have been a somewhat pernicious issue for migratory birds. Ms. Hargrave mentioned that the Natural Heritage Program lists 28 insect species in the dwarf pine plains. There was no environmental assessment done of potential impacts on lighting, on habitat or evaluation of visual impacts from the light poles. Commission members expressed the need for a more expansive environmental consideration of the impacts of this lighting. It was discussed that this matter be held over for further discussion to the next meeting for the Town to obtain more information on potential impacts.

Ms. Garvin mentioned she could try to get additional information and referred to Mr. Kulis, Musco Sports Lighting, to provide further information on dark sky compliance. He shared the lighting design proposed does confirm to the International Dark Skies design criteria for community friendly outdoor sports lighting. Mr. Kulis stated there is very little impact or light spill beyond the tree line in the park, minimizing light pollution and light glare; and the FAA approved the 60-foot pole heights which is the optimal height for this particular type of field lighting in terms of ensuring player safety and having adequate field illumination.

The Commission would like to receive more information related to potential environmental impacts and concerns mentioned by the Commission members and staff. The matter will be placed on the agenda for the next Commission meeting.

c. *Upper Mills Dam, Peconic River / migratory fish passage in vicinity of LIPA Riverhead Substation / Town of Southampton/Town of Riverhead / determination*

Summary: Ms. Hargrave gave a brief description of the information previously provided to the Commission. The Upper Mills Dam is approximately 2.9 miles from the mouth of the Peconic River in Flanders Bay. The northern banks of the Peconic River at this location are in the Town of Riverhead, while the southern banks are in Southampton. The Upper Mills Dam is an earthen embankment with an asphalt/concrete road on top and two parallel spillways. The dam was built in the late 1800's and like many other dams on Long Island prevents diadromous fish such as Alewife and American eel, from accessing preferred spawning and maturation freshwater habitat. The main concern related to this project is that the roadway along the top of the dam will likely need to be temporarily closed for four months while the culvert is being installed. The road is PSEG's primary access to their substation. To alleviate concerns it is being proposed that the County's project include the fortification of the dirt access from NYS Route 24 into the PSEG facility. To accomplish this, swamp mats or recycled concrete aggregate material over geotextile mats are proposed to be placed on this alternate access for the duration of the construction project and then the access would be restored back to pre-project conditions once completed. Since the project falls within the Pine Barrens, a formal review is being requested if either alternative would be acceptable to the Commission.

The motion was made by Mr. Shea and seconded by Mr. McCormick deeming the activity environmental restoration and non-development consistent with the draft resolution provided to the Commission. The motion was approved by the four members present (Absent: New York State Governor's Representative).

4. **Public Comment**

Summary: No public comments were received.

5. **Closed to Advisory Session**

The motion was made by Mr. Dale and seconded by Mr. Shea 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 on pending litigation matters and they would not return to public session. The motion was approved by the four members present (Absent - New York State Governor's Representative).

Attachments (in order of discussion)

1. Draft Commission meeting summary for May 26, 2021 (5 pages)
2. Final Commission meeting summary for May 26, 2021 (5 pages)
3. Draft Resolution Authorize Agreement with the County of Suffolk to operate a Dedicated Brush Truck Training Facility via the New York Fire and Incident Management Academy June 16, 2021 and copy of proposed agreement (33 pages)
4. Final Resolution Authorize Agreement with the County of Suffolk to operate a Dedicated Brush Truck Training Facility via the New York Fire and Incident Management Academy June 16, 2021 (4 pages)
5. Draft Response Letter to NYSDEC on EBDK from the Commission on increasing irrigation well capacities, May 26, 2021 and related documents(18 pages)
6. Final Response Letter to NYSDEC on EBDK from the Commission, on increasing irrigation well capacities June 16, 2021 (2 pages)
7. Memorandum from Daniel McCormick to the Commission opines that the Commission does not have review jurisdiction over the EBDK project June 15, 2021 (3 pages) and the Commission's Adopted Declaration of Non-Jurisdiction of EPCAL December 16, 2020 (3 pages)
8. Sunrise Wind LLC Core Hardship Waiver Application / offshore wind farm with onshore cable in the Town of Brookhaven June 1, 2021 (28 pages)
9. Town of Southampton Zoning Board of Appeals referral response after the May 26th meeting June 1, 2021 (13 pages)
10. Upper Mills Dam, Peconic River / migratory fish passage preliminary request and materials June 7, 2021 (43 pages)
11. Draft Resolution Upper Mills Dam Fish Passage request for determination of jurisdiction June 16, 2021 (2 pages)
12. Adopted Resolution Upper Mills Dam Fish Passage request for determination of jurisdiction June 16, 2021 (2 pages)



**Central Pine Barrens Commission Meeting Summary
Wednesday, July 21, 2021 (Final Approved 8/18/21)
Town of Brookhaven Town Hall
One Independence Hill, Farmingville, NY**

2:00 pm

Commission members present: Mr. Romaine (for Brookhaven), Mr. McCormick (for Riverhead), Mr. Shea (for Southampton), Mr. Dale, Ms. Longo (for Suffolk County). New York State Governor's Representative (**not designated**)

Others present: Commission and other agency staff members included Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Mr. Tverdyy, Ms. Weigand, Mr. Mazzio, Mr. Ziegler, Ms. Malangone, Ms. Brown-Walton, Ms. Blennau and Ms. Cohn

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Mr. Romaine led the pledge to the flag and Ms. Jakobsen noted that with four Commission members present there is a quorum. Mr. Romaine provided a statement that it has been seven months and the Governor has not appointed a new Governor's representative to the Commission. The Commission meeting would not have a quorum to conduct business if another member or representative was absent. Ms. Jakobsen explained that the meeting will be recorded and begin with the public comments and administrative items followed by regular Commission business as detailed on the agenda and ending with public comments.

1. Administrative and Public Comment

a. Public Comments

Summary: Michael White from Winter's Brothers Waste Systems of Long Island and Brookhaven Rail which is a short line railroad licensed and operated by the United States service transportation board, expressed concerns about the waste and illegal dumping on Long Island and praised the Commission staff for the illegal dumping penalties enforced. He shared that the disposal capacity for solid waste and municipal solid waste which is trash, construction and demolition debris is already a crisis with thousands of tons of waste shipped off Long Island each day by truck. Long Island generates more waste every year and the cost to manage it increases every year. When the Brookhaven landfill closes in about three years, the crisis will worsen with an additional 750,000 tons per year. Mr. White also communicated unless decisive and immediate action is taken, there is little doubt that the lack of disposable capacity will result in increased illegal dumping, so it is important to have a level playing field with companies like the one he works for that makes every effort to operate in a compliant, environmentally sound manner. He shared, the answer to the problem of illegal dumping is to address it at its source, the lack of disposal capacity on Long Island. Brookhaven Rail and Winter's Brothers are working to develop a solid waste rail transfer facility in Yaphank with the capability to move waste off long island by rail. He expressed that he hopes the powers that came together to form this commission to protect essential habitat, open space and our drinking water will create an opportunity to address Long Island's solid waste management crisis.

b. Special Award of Merit for Ms. Longo on her retirement

Summary: Ms. Jakobsen presented Ms. Longo with a plaque on behalf of the Commission members, designated representatives and staff, an award of merit in recognition for her dedication and excellence as the Suffolk County Real Property Acquisition Supervisor and working with the Commission for many years. Mr. Romaine presented Ms. Longo with a proclamation on behalf of the Town of Brookhaven for her many years of dedicated service. Mr. Shea, Mr. McCormick and Mr. Dale also expressed their gratitude for Ms. Longo's dedicated service.

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c. Minutes for 6/21/21

Summary: *The motion was made by Mr. Shea and seconded by Mr. Romaine to approve the 6/21/21 meeting minutes. The motion was approved by the four members present.*

d. Commission Meeting Schedule

Summary: *The motion was made by Mr. McCormick and seconded by Mr. Shea to approve the in person 2021 Commission Meeting schedule. The motion was approved by the four members present.*

e. Commission Budget

Summary: *The motion was made by Mr. Romaine and seconded by Mr. Dale to approve the State Fiscal Year 2021-2022 Central Pine Barrens Commission Budget. The motion was approved by the four members present.*

2. Science and Stewardship

a. NYWIMA update

Summary: Ms. Malangone shared that due to the Covid pandemic that the 2020 academy that would have been held in the spring and fall were cancelled. In 2021 the spring Academy was held on a smaller scale in June with only three classes. The Academy was held at the Holiday Inn in Holtsville and was very successful. One of the courses held was for Brush Truck training that had 17 members from the Bay Shore Fire Department attend. The Wildland Fire Chainsaw course had a total of 18 students from several different agencies. The Division Group Supervisor Class was held with 12 students. Ms. Malangone discussed that the staff is moving ahead with a full 2021 fall Academy that will be held in October with 20 courses to be offered, half traditional and half specialty courses.

b. Education and Outreach update

Summary: Ms. Parrott was not able to be present, but her report was previously distributed to the Commission Members.

c. Science and Stewardship update

Summary: Ms. Weigand introduced the newest staff members. She presented highlights on the division's activities covered in her previously distributed science and stewardship division report. Ms. Weigand shared the Protected Lands Council meeting that was held remotely and was well attended. The meeting provided updates on invasive species, forest health programming, prescribed fire management programming and it serves as a platform to work together with each of our partners and to promote collaboration on projects and activities. Ms. Weigand highlighted educational outreach initiatives that are planned to promote the prescribed fire program to local fire departments, civic associations and the public. The Staff will be participating in the Sheriff's Department's National Night Out and making some library presentations on the prescribed fire program to help instill the understanding of the fire ecology, the fire dependent ecosystem, how perspective fire relates to improving public safety and for the public to become more comfortable with prescribed burns being conducted in their area. Ms. Weigand shared that Mr. Panko, the Commission's burn boss and fire management specialist, has been very busy with continuing to develop burn plans.

d. Draft resolution to adopt an Indemnification and Hold Harmless Agreement between the Commission and Town of Southampton town for Invasive Species Monitoring and Management at transfer stations and surrounding town parklands Lands.

Summary: *The motion was made by Mr. Shea and seconded by Mr. Dale to adopt the Indemnification and Hold Harmless Agreement between the Commission and Town of Southampton with a change suggested by Mr. Milazzo that revises the statement "I, Judith Jakobsen, as Executive Director, being a properly authorized official with the necessary authority to execute this Agreement on behalf of the Central Pine*

Barrens Joint Planning & Policy Commission,” to read “The Commission acting by and through Judith Jakobsen”... The motion was approved by the four members present.

- e. Draft resolution to purchase Utility Terrain Vehicles and Water Pumping Apparatus for the prescribed fire program

Summary: The motion was made by Mr. Romaine and seconded by Mr. Shea to approve the purchase Utility Terrain Vehicles and Water Pumping Apparatus. The motion was approved by the four members present.

- f. Draft resolution for the Commission to authorize the purchase of eight replacement tires by the Law Enforcement Council for two ATVs operated by the Suffolk County Park Rangers

Summary: The motion was made by Mr. Romaine and seconded by Mr. Shea to approve to purchase eight tires for All-Terrain Vehicles for the Suffolk County Park Rangers. The motion was approved by the four members present.

- g. Draft resolution for the Commission to authorize the purchase of one All-Terrain Vehicle by the Law Enforcement Council for the Town of Southampton Police

Summary: The motion was made by Mr. Shea and seconded by Mr. Romaine to approve the Authorization to purchase one All-Terrain Vehicle by the Law Enforcement Council for the Town of Southampton Police. The motion was approved by the four members present.

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

- a. Compliance and Enforcement Division update

Summary: Mr. Mazzio presented highlights on the division’s activities covered in his previously distributed Compliance and Enforcement division report (attached). He shared that their summer intern Daniel has been very helpful. He mentioned there has been 30 complaints, 19 of which have been related to unlawful dumping, representing the bulk of the work. There has been a lot more dumping occurring on the side of the road and in hidden spots where the camera program and sharing pictures of these incidents at the LEC meetings have been useful in resolving these matters. Mr. Mazzio mentioned that staff is working with the SCWA IT division to develop a new electronic tracking survey form and database to enable better tracking of cases and that the staff is working with Ms. Jakobsen to create a standardized fine fee schedule. He highlighted the statistics that were previously provided to the Commission. Mr. McCormick asked about the status of the drone program. Mr. Mazzio replied that the drone program is in use and have been used at one of the controlled burns, however the ability to use more extensively will have to wait until further clarification of where drones are allowed to flown is provided by regulating agencies. Mr. Romaine asked if the Commission is still using civil air patrol to assist in locating incidents. Mr. Mazzio will confer with Mr. Huss and on the status of using the civil air patrol.

- b. Land Use Division update

Summary: Ms. Hargrave presented highlights on the division’s activities covered in her previously distributed Land Use division report (attached). She shared that her summer intern Oliva has been very helpful. Olivia’s time has been split between Land Use and Education Outreach. Ms. Hargrave mentioned that next month the Commission has a hearing scheduled for the Sunrise Wind Project that is the offshore wind farm with the onshore cable in the Town of Brookhaven. Ms. Hargrave shared the staff will be doing research on EPCAL which will be provided to the Commission at an upcoming meeting. Some referrals from the towns include one in Hampton Bays, one in Southampton and that the proposal for nighttime lighting at the Hampton West Park was withdrawn. Ms. Hargrave shared that 7-Eleven in Middle Island has completed restoration in accordance with the plan as required by the Commission’s Consent Order for the clearing incident.

c. Credit Program update

Summary: Mr. Tverdy presented highlights on the division's activities covered in his previously distributed Credit Program report (attached). Mr. Tverdy shared there were 26 letters of interpretation issued: six in the town of Brookhaven, three in the town of Riverhead and 18 in the town of Southampton. He shared there have been four parcels added to the program, which generated 0.58 credits for the town of Southampton. There have been 45.8 credits redeemed, most of them by the town of Brookhaven. The average price of the credit this year is \$84,000 per credit. The average price is a little lower in the town of Riverhead and a little higher in the town of Southampton. Mr. Tverdy shared currently the staff is working on eight conservation easements. The staff has visited 67 properties this year and installed 37 conservation easement signs. Mr. Tverdy reported as part of a consent order at the Peconic Riverhead Sportsman Club, the restoration project has started and approximately 4,000 trees have been planted. The completion of the restoration is expected this fall with an additional 3,000 trees. He shared the Commission received a request from Sound Capital, LLC to purchase 9.65 credits as the Clearinghouse still owns 10.19 credits, this item is on the agenda today. Mr. Tverdy reported the Credit Program Financial reports there is \$2.5 million in the bank and the interest for this year is \$1,200.

Core Preservation Area

d. Town of Southampton ZBA Referral /Hampton West Park nighttime sports lighting / 700 Stewart Avenue, Westhampton / 900-308-4-1.3

Summary: Ms. Hargrave shared the Commission received a letter on July 8, 2021, from the Parks Department in Southampton that was written to the ZBA to withdraw their proposal to install nighttime lighting.

Compatible Growth Area

e. Town of Brookhaven ZBA Referral / Villa Plots Subdivision / Ryerson & Darcy Avenues Manorville / 200-461-4-31 & 32 / two-lot subdivision of 35,000 square feet in the A2 Residence Zoning District

Summary: Ms. Hargrave shared there is a draft letter in the package responding to the ZBA referral for a two-lot subdivision. She discussed it is a two-lot subdivision in Manorville, the property is 35,000 square feet in total and it's in the two-acre zoning district. There are two lots, two tax parcels and the issue are that they've been merged because of common ownership. They are looking to unmerge the parcels and the problem is they do not conform to not only zoning but the minimum lot area of two acres. One lot is 19,000 square feet and the other lot is 16,000 feet but they don't conform to the plan standards, including the clearing limit. One lot is vacant and wooded and the other one is developed with a house and cleared about 80 percent. They would require a significant amount of clearing on the vacant lot and it would exceed the clearing limit as it is proposed now. We have prepared a response recommending they revise the project to conform or apply for a hardship. We've seen this situation on other projects in the area where two lots that pre-dated the Pine Barrens Act have been merged due to common ownership and someone wanted to unmerge the lots to sell off one of the lots.

The motion was made by Mr. Romaine and seconded by Mr. Dale to approve sending a response letter prepared by staff that indicates the project would need to be revised to conform or the applicant would need to apply for a hardship. The motion was approved by the four members present.

Credit Program

f. Equine Facility, LLC Conservation Easement / 20 North Street, Manorville / 200-460-1-5/ draft conservation easement for agricultural use

Summary: Mr. Tverdy discussed Equine Facility, LLC, the first farm in the Manorville area on North Street. The property was introduced to the Commission members at their

previous meeting. The draft easement was being presented to the Commission for their initial approval prior to be sent to the applicant for signature. The only item missing is the updated survey which will be incorporated into the easement.

The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve the draft easement. The motion was approved by the four members present.

- g. Ridge Gospel church Conservation Easement / Ruth Lane & Middle Country Road, Ridge/200-351-3-3.5 / proposal to relocate sheds onto easement property
Summary: Ms. Jakobsen discussed this conservation easement is on Middle Country Road in Ridge. It involves a proposal to relocate sheds onto an easement property. This request is related to an enforcement matter involving another parcel owned by the church and therefore she recommends that this discussion continue in executive session.

The motion was made by Mr. Romaine and seconded by Mr. Dale to continue this discussion in executive session. The motion was approved by the four members present.

- h. Sound Capital, LLC request to purchase 9.65 Pine Barrens Credits from the Commission for an approved PDD in Brookhaven
Summary: Ms. Jakobsen shared Sound Capital, LLC has provided additional information regarding their attempts to obtain credits. At this point additional, a discussion should occur concerning whether the Commission is interested in holding an auction to sell the credits. However, it is recommended that continued discussion of this matter occur in executive session since this matter involves a discussion related to credits and credit value.

The motion was made by Mr. Romaine and seconded by Mr. McCormick to continue this discussion in executive session. The motion was approved by the four members present.

4. Public Comment

Summary: Jimmy Tunis from Sound Capital, LLC discussed the PDD project that his company is required to purchase pine barrens credits for by the Town of Brookhaven. It is their understanding that the Commission tried to auction off the pine barrens credits in March 2019 to sell the credits. The company is requesting to purchase the pine barren credits from the Commission because they believe that the people holding the credits are holding them up for ransom. Mr. Jonas asked the Commission what were the conditions that prompted the Commission to auction off the credits in 2019 and what has possibly changed that would influence the Commission's decision not to sell. Mr. Milazzo thanked Mr. Tunis for his comment and shared with him that the Commission expressed an interest to receive attorney client privileged communication on this matter in a closed session and that is how they wish to proceed.

5. Closed to Advisory Session

The motion was made by Mr. Dale and seconded by Mr. Shea 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 on pending litigation matters and credits owned by the Commission for reasons previously mentioned and that they would not return to public session. The motion was approved by the four members present.

Attachments (in order of discussion)

1. Draft Commission meeting summary for dated June 16, 2021 (5 pages)
2. Final Commission meeting summary for dated June 16, 2021 (5 pages)
3. Updated 2021 Commission meeting schedule dated July 12, 2021 (1 page)
4. Commission Draft Resolution Budget and documents dated July 15, 2021 (6 pages)
5. Approved Resolution Commission Budget dated July 21, 2021 (1 page)
6. Education and Outreach division report dated June/July 2021 (6 pages)
7. Science and Stewardship division report dated July 21, 2021 (4 pages)
8. Draft Resolution to Adopt an Indemnification and Hold Harmless Agreement with Town of Southampton "Town" for Invasive Species Monitoring and Management at Transfer Stations and Surrounding Town Parklands Lands dated July 21, 2021 (3 pages)
9. Adopted Indemnification and Hold Harmless Agreement with Town of Southampton "Town" for Invasive Species Monitoring and Management at Transfer Stations and Surrounding Town Parklands Lands dated July 21, 2021 (1 Pages)
10. Draft Resolution and quotes to purchase Utility Terrain Vehicles and Water Pumping Apparatus dated July 21, 2021 (12 pages)
11. Final Resolution to purchase Utility Terrain Vehicles and Water Pumping Apparatus dated July 21, 2021 (2 pages)
12. Draft Resolution and quotes to Authorize the Purchase of eight tires for All-Terrain Vehicles for the Suffolk County Park Rangers dated July 21, 2021 (4 pages)
13. Final Resolution to Authorize the Purchase of eight tires for All-Terrain Vehicles for the Suffolk County Park Rangers dated July 21, 2021 (1 page)
14. Draft Resolution and quotes to Purchase One All-Terrain Vehicle by the Law Enforcement Council for the Town of Southampton Police dated July 21, 2021 (4 pages)
15. Final Resolution to Purchase One All-Terrain Vehicle by the Law Enforcement Council for the Town of Southampton Police dated July 21, 2021 (1 page)
16. Compliance and Enforcement division report dated July 7, 2021 (3 pages)
17. Land Use division report dated July 21, 2021 (1 page)
18. Credit Program report dated July 21, 2021 (3 pages)
19. Town of Southampton ZBA letter to withdraw Hampton West Park nightlight sports lighting proposal dated July 8, 2021 (1 page)
20. Town of Brookhaven draft response letter and supporting documents from ZBA Villa Plots two-lot Subdivision dated July 21, 2021 (11 pages)
21. Town of Brookhaven ZBA response letter for Villa Plots two-lot subdivision dated July 21, 2021 (2 pages)
22. Equine Facility, LLC final draft conservation easement (10 pages)
23. Ridge Gospel Church conservation easement proposal to relocate sheds onto easement property (16 pages)
24. Sound Capital letter to request pine barrens credits from the Commission dated July 7, 2021 (2 pages)



**Central Pine Barrens Commission Meeting Summary
Wednesday, August 18, 2021 (Final Approved 9/15/21)
Town of Brookhaven
One Independence Hill, Farmingville, NY**

2:00 pm

Commission members present: Mr. Romaine and Ms. Pines (for Brookhaven), Ms. Aguiar and Mr. McCormick (for Riverhead), Ms. Scherer and Mr. Shea (for Southampton), Mr. Dale (for Suffolk County), New York State Governor's Representative (not designated).

Others present: Commission and other agency staff members included Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Mr. Mazzio and Ms. Brown-Walton

Yvette Aguiar
Member

Mr. Romaine led the pledge to the flag and Ms. Jakobsen noted that with four Commission members present there is a quorum. Ms. Jakobsen explained that the meeting will begin with public comments and administrative items followed by regular Commission business as detailed on the agenda and ending with public comments.

Steven Bellone
Member

Edward P. Romaine
Member

1. Administrative and Public Comment

a. Public Comments

Summary: No public comments were received.

b. Minutes for 7/21/21

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Shea to approve the 7/21/21 meeting minutes with changes discussed. The motion was approved by the four members present.**

c. Draft resolution for the Commission to ratify the renewal of the Commission's package of Insurance Policies that includes General Liability, Inland Marine, Automobile and Umbrella (Excess) coverages and Payment of Any Associated Premiums

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Shea to approve the renewal of the Commission Insurance Policies. The motion was approved by the four members present.**

Jay H. Schneiderman
Member

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

Core Preservation Area

a. Ridge Gospel Church / Ruth Lane, Ridge / 200-351-3-3.4, 3.5 and 3.6 / approval and execution of Consent Order

Summary: Ms. Jakobsen discussed the Commission issued a notice of violation for a clearing violation on one of the three parcels (Lot 3.5) owned by Ridge Gospel Church that was completely vegetated. The property owners had extended the parking area from the adjacent church parcel onto the vacant parcel and added sheds. The Letter of Interpretation issued for Lot 3.5 indicated that 3.96 Pine Barrens Credits would be issued once the violations were resolved and other requirements of the Credit program are satisfied. Ridge Gospel Church desires to resolve the violations through this Order of Consent. The Commission gave authorization to Ms. Jakobsen to execute the Order of Consent once it has been signed.

The motion was made by Mr. Shea and seconded by Mr. Dale to approve sending the Order on Consent and to authorize the executive director to execute the Order on Consent on behalf of the Commission once signed by the

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representatives of Ridge Gospel Church. The motion was approved by the four members present.

Compatible Growth Area

b. Southampton Planning Board referrals

- i. Hampton Business District Phase 6 Site Plan / 214 Westhampton Riverhead Road, Westhampton /900-312-1-4.2 / construction of a 98,581 square foot warehouse with parking at the Gabreski Airport PDD**

Summary: Ms. Hargrave discussed the 9.58-acre area is part of the roughly 50-acre Gabreski Airport Planned Development and is consistent with Suffolk County's Gabreski Airport Land Use Plan. A draft response has been prepared for your authorization.

The motion was made by Mr. Shea and seconded by Ms. Aguiar to approve sending a response letter for Hampton Business District Phase 6 site plan. The motion was approved by the four members present.

- ii. JSC Resources Subdivision / 19 Sofia Court, Westhampton / 900-330-2-16.11 / three lot subdivision of 3.239 acres in the CR 200 zoning district**

Summary: Ms. Hargrave discussed that 21.4 acres was subdivided into 18 lots, 14 of which resulted from the transfer of Pine Barrens Credits. At least 10 of the 18 lots are presently developed. The approval allowed Lot 9 to be further subdivided. The final count of lots in the Sophia Place subdivision will be 20 lots when this phase is complete. A proposal is required to confirm to the standards of the Comprehensive Land Use Plan implemented by the Town Code. A draft response has been prepared for the Commission's authorization that will be amended to reflect Mr. Shea's observation that the Town verified 14 Pine Barrens Credits were retired in accordance with the Town's decision on Sophia Place. Mr. Milazzo confirmed with Ms. Hargrave that the new proposal requires the redemption of additional Pine Barrens Credits.

The motion was made by Mr. Shea and seconded by Mr. Romaine to approve sending a response letter as amended for the JSC Resources Subdivision. The motion was approved by the four members present.

- iii. The Woods at Hampton Bays Subdivision / 125 Old Riverhead Road, Hampton Bays / 900-205-3-12.1 /20 lot subdivision of 16.51 acres in the R20 zoning district.**

Summary: Ms. Hargrave discussed the site yields 16 lots and the applicant proposes two TDRs and two affordable lots. The open space includes 1.28 acres on the Old Riverhead Road frontage, a 4.5-acre area in the rear, a 4,000 square foot park area dedication to be developed and buffers in the front and rear yards of every lot. The proposal constitutes development pursuant to the Long Island Pine Barrens Protection Act. If the project does not confirm, the application may be revised to conform or the applicant must apply for CGA Hardship Waiver from the Commission. A draft response letter has been prepared for the Commission's authorization.

The motion was made by Mr. Shea and seconded by Ms. Aguiar to approve sending a response letter for The Woods at Hampton Bays Subdivision. The motion was approved by the four members present.

- c. Riverhead Planning Board referral Calverton Solar Energy Center (Nextera) / 149 Edwards Avenue and 2714 River Road, Calverton / 600-136-1-2.1 / development of 22.9-megawatt commercial solar energy production facility on 198 acres.**

Summary: Ms. Hargrave discussed the proposal to develop a 22.9-megawatt solar energy facility. The site plan shows the development of solar arrays, grading, fencing

and wetland setbacks. The project will remove buildings on the former golf course and formalized landscaping in the parking lot. The two man-made lined ponds on the golf course will be filled. The project must conform to the standards of the Central Pine Barrens Comprehensive Land Use Plan, as implemented by the Town of Riverhead Code. If the project does not conform to standards and is not revised to conform, then a hardship waiver application would be required, subject to Commission review and decision. A draft response letter has been prepared for the Commission's authorization.

The motion was made by Ms. Aguiar and seconded by Mr. Dale to approve sending a response letter for the Calverton Solar Energy Center (Nextera) project. The motion was approved by the four members present.

3. Public Hearing for the Sunrise Wind LLC Core Preservation Area Compelling Hardship Waiver / Hearing Adjourned

Summary: Ms. Jakobsen shared the applicant sent a letter requesting a hearing adjournment until October 20, 2021, and that the decision deadline to be extended through December 15, 2021.

The motion was made by Mr. Romaine and seconded by Mr. Dale to approve adjourning the hearing until October 20, 2021, and to extend the decision deadline until December 15, 2021. The motion was approved by the four members present.

4. Public Comment

Summary: No public comments were received.

5. Advisory Session

The motion was made by Mr. Romaine and seconded by Mr. Shea 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 on pending enforcement and litigation matters and that they may return to public session. The motion was approved by the four members present.

After returning to public session from the closed advisory session:

The motion was made by Mr. Romaine and seconded by Ms. Aguiar to send a Notice of Violation to address alleged clearing that has occurred on the Lewis Road PRD site that received prior Commission approval because it appears that the clearing that has occurred violates the terms of the Commission's approval in several instances. The notice will direct Commission staff to have a compliance conference with the principles or representatives for Lewis Road PRD and staff will report back to the Commission on that outcome of that meeting. The notice will include the requirement to cease-and-desist any activities at the site. The motion was approved by three members present with one abstention from the Town of Southampton.

The motion was made by Mr. Romaine and seconded by Ms. Aguiar to close the public portion of the meeting. The motion was approved by the four members present.

Attachments (in order of discussion)

1. Draft Commission meeting summary for July 21, 2021 (6 pages)
2. Final Commission meeting summary for July 21, 2021 (6 pages)
3. Draft resolution and premium invoice/summaries for the Commission insurance policies renewal dated August 18, 2021 (5 pages)
4. Final resolution for the Commission insurance policies renewal dated August 18, 2021 (1 page)
5. Draft approval to send the Consent Order to Ridge Gospel Church dated August 18, 2021 (6 pages)
6. Final approval and execution of Consent Order to Ridge Gospel Church dated August 18, 2021 (6 pages)
7. Draft response letter for Hampton Business District Phase 6 Site Plan Gabreski Airport dated August 18, 2021 (1 page), Site Plan by Rechler Equity last dated March 2, 2020, 2020 aerial, Commission meeting minutes excerpt dated August 7, 1996 and Gabreski Land Use Plan dated January 4, 2007 (5 pages)
8. Final response letter for Hampton Business District Phase 6 Site Plan Gabreski Airport dated August 18, 2021 (1 page)
9. Draft response letter for JSC Resources, Inc. dated August 18, 2021 (4 pages), Planning Board referral letter dated July 28, 2021 (3 pages), Commission resolution titled Final Amended Resolution on the Clearance Standard for Projects Using Pine Barrens Credits in Residential Overlay Districts in the Compatible Growth Area dated September 20, 2017 (2 pages), Southampton Planning Board resolution on Sophia Place dated July 7, 2005 (10 pages)
10. Final response letter for JSC Resources, Inc. dated August 18, 2021 (4 pages) and Commission resolution titled Final Amended Resolution on the Clearance Standard for Projects Using Pine Barrens Credits in Residential Overlay Districts in the Compatible Growth Area dated September 20, 2017
11. Draft response letter for The Woods at Hampton Bays Subdivision dated August 18, 2021 (3 pages), referral letter dated June 30, 2021 and application (8 Pages)
12. Final response letter for The Woods at Hampton Bays Subdivision dated August 18, 2021(3 pages)
13. Draft response letter for Calverton Solar Energy Center (Nextera) dated August 18, 2021 (4 pages), Riverhead Planning Department referral letter dated July 29, 2021 and referral material, stamped received August 6, 2021 (14 pages)
14. Final response letter for Calverton Solar Energy Center (Nextera) dated August 18, 2021 (4 pages)
15. Sunrise Wind, LLC adjournment request letter dated August 16, 2021 (1 page)



**Draft Central Pine Barrens Commission Meeting Summary
Wednesday, September 15, 2021 (Final Approved 10/20/21)
Zoom Virtual Meeting**

2:00 pm

Commission members present: Mr. Romaine and Emily Pines (for Brookhaven), Mr. McCormick (for Riverhead), Mr. Schneiderman, Ms. Scherer, and Mr. Shea (for Southampton), Mr. Dale, and Mr. Freleng (for Suffolk County). New York State Governor's Representative (not designated).

Others present: Commission and other agency staff members included Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Mr. Tverdy, Ms. Weigand, Mr. Huss, Ms. Parrott, Mr. Mazzio, Ms. Malangone and Ms. Brown-Walton.

Ms. Jakobsen led the pledge to the flag and noted that with four Commission members present there is a quorum. Ms. Jakobsen explained that the meeting will begin with the reading of any public comments received by email and then comments will be heard from the public present via Zoom. The regular Commission business as detailed on the agenda will be followed ending with another opportunity for the public to provide comments.

Yvette Aguiar
Member

Steven Bellone
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 8/18/21*

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to approve the 8/18/21 meeting minutes. The motion was approved by the four members present.**

c. *Draft resolution for Commission to approve NYS Workers Compensation Insurance renewal*

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to approve the draft resolution for the renewal of the Commission NYS Workers Compensation Insurance. The motion was approved by the four members present.**

d. *Draft resolution for Commission to approve renewal of Public Officials Management & Employment Practices Liability Insurance Policy*

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Dale to approve the draft resolution for the renewal of the Commission Public Officials Management Employment Practices Liability Insurance Policy. The motion was approved by the four members present.**

2. Science and Stewardship

a. *Education and Outreach update*

Summary: Ms. Parrott provided an update on the education and outreach division's Barrens to Bay summer day camp that was held in person with 20 children in each session and was set up to meet CDC COVID requirements. Ms. Parrott stated this was one of the best years for the camp with 120 campers enrolled, two counselors and 16 counselors-in-training. New activities were implemented with trail cams that caught a variety of new species that was exciting. There were many letters received from parents acknowledging how much their children loved the program. The staff is currently preparing

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for Pine Barrens Discovery Day which will have a self guided virtual scavenger hunt event for participants at Wertheim Wildlife Refuge and Quogue Wildlife Refuge. Also scheduled is the 14th Annual Day in the Life of A River/Estuary event that will be held every Friday from September 24th through November 5th. Mr. Romaine stated he plans to attend the 'A the Day in a Life' programs held at Brookhaven rivers. Ms. Parrott mentioned that along with her local ADITL partners, she will be partnering with SUNY ESF who is interested in implementing the Day in the Life Program upstate. A new partnership has been established with the Long Island Library Resource Council that will provide opportunities to give presentations at four locations this fall.

b. *Science and Stewardship update*

Summary: Ms. Weigand provided information on the division's newest staff members. She presented highlights on the division's activities covered in her previously distributed science and stewardship division report. Staff is currently planning to conduct prescribed burns during September and October with the NYSDEC Rangers and Forest Health staff. Ms. Weigand highlighted the educational outreach initiatives taking place and that meetings and presentations to local fire departments, civic associations and the public to promote the prescribed fire program will help increase their knowledge of the importance of prescribed fires were well received. The necessary fire equipment is being purchased and the required staff training is underway. Ms. Weigand highlighted the staff's involvement in the CommunityWise wildfire prevention program that provides outreach to local homeowners. She shared an update on forest health related issues involving Southern Pine Beetles, Oak Wilt and Emerald Ash Borer. The staff continues to monitor and manage invasive species, provide restoration recommendations and technical assistance related to forest health initiatives and to coordinate fall meetings related to sustaining Sandplain Grasslands.

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

a. *Compliance and Enforcement Division update*

Summary: Mr. Huss presented highlights on the division's activities covered in his previously distributed Compliance and Enforcement division report. Mr. Huss shared there has been more unlawful dumping representing the bulk of the division work with the camera program being useful in hidden spots. Mr. Huss mentioned the staff is excited to work with the SCWA IT division to develop a new computer-based program to improve the accuracy of statistical data collection. The staff will continue the drone training at the end of the month. Mr. Huss agreed with Mr. Romaine that with the drone program and civil air patrol allowing more eyes in the sky will better protect the Pine Barrens from illegal dumping.

b. *Land Use Division update*

Summary: Ms. Hargrave presented highlights on the division's activities covered in her previously distributed Land Use division report. Ms. Hargrave mentioned that the Sunrise Wind Project has scheduled a hearing for next month and it is possible the hearing might be rescheduled to the November meeting. She mentioned that the draft Plan Amendments document will be sent out to the Commission to review and discuss at an upcoming meeting.

d. *Enterprise Park at Calverton (EPCAL), Town of Riverhead*

Summary: Mr. McCormick requested a that the discussion concerning EPCAL be postponed and instead occur at the November 17, 2021 meeting to allow the Commission board members sufficient time to thoroughly review all of the information provided to them.

Core Preservation Area

e. *Suffolk Community College Eastern Campus / 121 Speonk Riverhead Road, Riverhead / Town of Southampton / proposed small warehouse building*

Summary: Ms. Hargrave discussed the proposal received from the Suffolk County Community College for a 4,000 square foot prefabricated warehouse building for the

storage of campus equipment, supplies and materials. The warehouse building would be placed in an area that would clear eight trees and is partially developed. A discussion ensued concerning three prior determinations made by the Commission related to SCCC for buildings proposed for construction in three phases identified in their 1995 master plan. Phase 1 projects in the master plan were determined to be non-development by the Commission. In 2000, there was the review of a modular building for classroom space by the Commission that was also determined to be non-development as well as a health facility that was described in Phase 2 of the master plan. The Commission determined the projects to be non-development under the public health and safety provision.

The current proposed warehouse building was identified in Phase 2 of the master plan. The question is whether the project is development or not. If it is development, it may require a compelling public need hardship waiver, whereas if it meets a definition of non-development under the Pine Barrens Act then a determination of non-development could be made for the warehouse. Mr. Milazzo provided further information on the history of past Commission determinations related to SCCC. Mr. McCormick asked about the use of the warehouse and Mr. Petrizzo, Executive Vice President and General Counsel for SCCC explained the warehouse is needed to store surplus janitorial and PPE supplies since the campus currently does not have a warehouse facility to store these supplies. Mr. Schneiderman asked for clarification about the non-development determination for projects in Phase 1 and the reason it was not extended to Phase 2 and 3 three projects. Mr. Milazzo clarified that in 1995 and 2013 the Commission determined that the Phase 1 projects were non-development however, it did not extend this determination to include Phase 2 and Phase 3 projects. The Commission decided the determination for these phases would be on case-by-case basis. A discussion ensued between the Commission and applicant. A motion was made by Mr. Dale and withdrawn after Mr. Milazzo advised that the county had abstained in 2013.

The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve the project as a non-development pursuant to public improvement necessary for health and safety and it will not be used by private entity in the future. The motion was approved by three of the Commission members with Mr. Dale, representing the Suffolk County Executive abstaining.

c. Credit Program update

Summary: Mr. Tverdyy presented highlights on the division's activities covered in his previously distributed Credit Program report. Mr. Tverdyy shared there were 26 letters of interpretation issued: six in the town of Brookhaven, two in the town of Riverhead and 18 in the town of Southampton. He stated there are four conservation easements currently being processed. There were eight parcels added to the program this year which creates a milestone of 1,000 parcels with conservation easements and over 2,000 acres now in the program. Mr. Tverdyy mentioned there have been 49 credits redeemed, most of them in the town of Brookhaven for residential projects. The average price of the credits this year is \$84,000. The staff visited 90 properties this year and installed 53 conservation easement signs. Mr. Tverdyy reported the Credit Program Financial report indicates there is \$2.5 million in the bank and the interest for this year is \$1,700. Mr. Tverdyy mentioned that the Pine Barrens Clearinghouse board met last week and the main topic of discussion was whether the 10.19 credits owned by the Commission should be offered for sale. The credits were purchased 10 years ago by the Clearinghouse from Brookhaven credit owners. He discussed the Commission received a request from Sound Capital, LLC to purchase 9.65 credits from the Commission for a residential project in the town of Brookhaven. Mr. Tverdyy stated at the July Commission meeting, the Commission requested a recommendation from the Clearinghouse board members as to whether the credits should be sold. The Clearinghouse board members had an extensive discussion on this topic and some of the points included the availability of credits in the town of Brookhaven, the results of

the 2018 and 2019 attempts to offer credits to developers with shovel ready projects, credit redemptions for residential verses commercial projects and the potential impact that the sale of the credits might have on the private credit market. Mr. Tverdy stated as a result of these discussions, the Clearinghouse board members' recommendation was provided to the Commission yesterday and that will be discussed in the advisory session since it will include a discussion on credit value.

Compatible Growth Area

f. Southampton Town ZBA referrals:

- i. *Town of Southampton Housing Authority / 69 Old Quogue Road, Riverside / 900-139-2-31.4 / single and separate determination and relief of total lot coverage from 20% to 22% for construction of single-family residence on a 7,363 square foot lot in the R15 Zoning District.*

Summary: Ms. Hargrave discussed the referral from the town is seeking a determination on single and separate ownership and lot coverage relief. The property is in the compatible growth area. A draft response has been prepared for the Commission's authorization.

The motion was made by Mr. Romaine and seconded by Mr. Dale to approve sending the response letter to the Town of Southampton Housing Authority concerning 69 Old Quogue Road. The motion was approved by the four members present.

- ii. *Town of Southampton Housing Authority/ 86 Vail Avenue / 900-139-2-32.2 / single and separate determination and relief of total lot coverage from 20% to 25.4% for construction of single-family residence on a 6,382 square foot lot in the R15 Zoning District.*

Summary: Ms. Hargrave discussed the referral is seeking a determination on single and separate ownership and dimensional relief, specifically lot coverage. The staff mentioned the possibility of a past subdivision that may have changed the lot configuration. The property is in the compatible growth area. A draft response has been prepared for the Commission's authorization.

The motion was made by Mr. Romaine and seconded by Mr. Shea to approve sending the response letter to the Town of Southampton Housing Authority concerning 86 Vail Avenue. The motion was approved by the four members present.

- iii. *Town of Southampton Housing authority / 116 Vail Avenue, Riverside / 900-139-2-44 / single and separate determination and rear yard lot coverage relief from 20% to 25.4% for construction of single-family residence on a 0.29-acre lot in the R15 Zoning District.*

Summary: Ms. Hargrave discussed the referral is seeking a determination on single and separate ownership and lot coverage relief. The property is in the compatible growth area. A draft response has been prepared for the Commission's authorization.

The motion was made by Mr. Romaine and seconded by Mr. Shea to approve sending the response letter to the Town of Southampton Housing Authority for 116 Vail Avenue. The motion was approved by the four members present.

- iv. *Michael and Amy O'Brien / 2838 Quogue Riverhead Road, East Quogue / 900-313-1-16 / relief of rear lot coverage from 20% to 27% for construction of a pool on a 0.26-acre lot in the R20 Zoning District*

Summary: Ms. Hargrave discussed the referral is seeking a determination on single and separate ownership and lot coverage relief to install a pool. The property is in the compatible growth area. A draft response has been prepared for

the Commission's authorization.

The motion was made by Mr. Shea and seconded by Mr. Romaine to approve sending the response letter to the Town of Southampton concerning the Michael and Amy O'Brien application. The motion was approved by the four members present.

- g. Southampton Planning Board referral: Certain Solar Inc. Site Plan / 14 Enterprise Zone Drive, Riverside / 900-141-1-9.13 / development of battery energy storage until system and 44 solar panels on 1 acre.

Summary: Ms. Hargrave discussed the referral for a commercial site plan that was received. It appears that the project is clearing 35% which is under the limit of 50% clearance, therefore the project appears to conform. The project site is in the compatible growth area. A draft response has been prepared for the Commission's authorization.

The motion was made by Mr. Shea and seconded by Mr. Romaine to approve sending the response letter to the Town of Southampton. The motion was approved by the four members present.

4. Public Comment

Summary: No Public comments were received.

5. Closed to 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 on pending litigation matters and the credit auction that will involve discussing the valuation of credits and that they would not return to public session. The motion was approved by the four members present.

Attachments (in order of discussion)

1. Draft Commission meeting summary for dated August 18, 2021 (4 pages)
2. Final Commission meeting summary for dated August 18, 2021 (4 pages)
3. Draft resolution of the Central Pine Barrens Joint Planning and Policy Commission to Approve the Renewal of the Commission's New York State Insurance Fund Worker's Compensation Insurance Policy dated September 15, 2021 (1 page), NYS Worker's Compensation Insurance policy renewal dated August 23, 2021 (13 pages)
4. Final approved resolution of the Central Pine Barrens Joint Planning and Policy Commission to Approve the Renewal of the Commission's New York State Insurance Fund Worker's Compensation Insurance Policy dated September 15, 2021 (1 page)
5. Draft resolution of the Central Pine Barrens Joint Planning and Policy Commission to approve the renewal of the Commission's Public Officials Management & Employment Practices Liability Insurance Policy dated September 15, 2021 (1 page), Public Officials Management & Employment Practices Liability Insurance Policy and letter dated August 30, 2021 (51 pages)
6. Final approved resolution of the Central Pine Barrens Joint Planning and Policy Commission to approve the renewal of the Commission's Public Officials Management & Employment Practices Liability Insurance Policy dated September 15, 2021 (1 page)
7. Education and Outreach division report dated September 15, 2021 (8 pages)
8. Science and Stewardship division report dated September 15, 2021 (4 pages)
9. Compliance and Enforcement division report dated July/August 2021 (3 pages)
10. Land Use division report dated September 15, 2021 (1 page)
11. Credit Program report dated September 15, 2021 (3 pages)
12. Suffolk Community College Eastern Campus proposal dated September 9, 2021 (2 pages), Suffolk County Community College Eastern Campus Riverhead, NY Warehouse building Proposed Siting dated September 8, 2021 (50 pages)
13. Draft Commission staff response letter dated September 15, 2021 (3 pages) to the Town of Southampton ZBA referral for 69 Old Quogue Road dated August 19, 2021 (23 pages)
14. Final Commission staff response letter dated September 15, 2021 to the Town of Southampton ZBA referral for 69 Old Quogue Road (3 pages)
15. Draft Commission staff response letter dated September 15, 2021 (3 pages) to the Town of Southampton ZBA referral for 86 Vail Avenue dated August 19, 2021 (17 pages)
16. Final Commission staff response letter dated September 15, 2021 to the Town of Southampton ZBA referral for 86 Vail Avenue (3 pages)
17. Draft Commission staff response letter dated September 15, 2021 (1 page) to the Town of Southampton ZBA referral for 116 Vail Avenue dated August 19, 2021 (35 pages)
18. Final Commission staff response letter dated September 15, 2021 to the Town of Southampton ZBA referral for 116 Vail Avenue (1 page)
19. Draft Commission staff response letter dated September 15, 2021 (1 page) to the Town of Southampton ZBA referral for Michael and Amy O'Brien dated July 2, 2021 (29 pages)
20. Final Commission staff response letter dated September 15, 2021 to the Town of Southampton ZBA referral for Michael and Amy O'Brien (1 page)
21. Draft Commission staff response letter dated September 15, 2021 (4 pages) to the Town of Southampton Planning Board referral for Certain Solar Inc. Site Plan. Southampton Planning Department referral letter and application dated August 31, 2021 (18 pages)
22. Final Commission staff response letter dated September 15, 2021 (4 pages) to the Town of Southampton Planning Board referral for Certain Solar Inc. Site Plan



**Central Pine Barrens Commission Meeting Summary
Wednesday, October 20, 2021 (Final Approved 11/17/21)
Zoom Virtual Meeting**

2:00 pm

Commission members present: Mr. Romaine and Ms. Pines (for Brookhaven), Mr. McCormick (for Riverhead), Mr. Schneiderman, Ms. Scherer and Mr. Shea (for Southampton), Mr. Dale, Mr. Freleng and Ms. Lansdale (for Suffolk County), New York State Governor's Representative (not designated).

Others present: Commission and other agency staff members included Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Ms. Weigand, Mr. Tverdy, Mr. Zeigler, Mr. Panko, Ms. Blennau, Ms. Malangone and Ms. Brown-Walton

Ms. Jakobsen led the pledge to the flag and noted that with four Commission members present there is a quorum. Ms. Jakobsen explained that the meeting will begin with the reading of any public comments received by email and then comments will be heard from the public present via Zoom. The regular Commission business as detailed on the agenda will be followed ending with another opportunity for the public to provide comments.

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H.
Schneiderman
Member

1. Administrative and Public Comment

a. Public Comments

Summary: Mr. Gazza discussed his concerns about the Gabreski Airport project in Westhampton where he noticed pine barrens vegetation on the property had been cleared and 370,114 square feet of industrial buildings were under construction without any Pine Barrens approval. He discussed a prior determination made by former Commission Counsel that the light industrial park at Gabreski airport was nondevelopment. Mr. Gazza asked for the Commission's understanding of the applicability of this determination to the Gabreski Airport today and the current project that allows a private developer who leased 49.7 acres of land from the county to build over 300,000 square feet of industrial buildings in the Compatible Growth area. Mr. Gazza requested the Commission give some consideration to the statute and the Commission's jurisdiction. Ms. Jakobsen advised Mr. Gazza that the Commission would take his comments under consideration.

Mr. Rosner discussed the additional information that has been provided related to the bid application of Mount Sinai Meadows to purchase Pine Barrens Credits. The revised site plans were submitted to the Town of Brookhaven on October 19, 2021 along with other ancillary documents in furtherance of obtaining a site plan sign off and a copy of both were forwarded to Mr. Milazzo and Mr. Tverdy. Mr. Rosner mentioned that other documents necessary for project approval have been submitted to the appropriate agencies. He mentioned that construction will be able to start well before the six months required in the bid prospectus. Ms. Jakobsen advised Mr. Rosner that the additional information will be considered by the Commission.

Mr. Amper agreed with the concerns discussed in the public comments provided by Mr. Gazza related to county initiatives at Gabreski airport.

Ms. Jakobsen acknowledged that Mr. Ziegler, the Commission's Senior Ecologist, has accepted a position with the U.S. Fish and Wildlife Service as a Project Leader and Complex Manager for the U.S. Fish and Wildlife Service in southwest Louisiana. His last day will be October 25, 2021. She stated that everyone would like to take this opportunity to wish Mr. Ziegler well, thank him for his dedication, professionalism and effort regarding the Science and Stewardship programs especially the tremendous effort he has put into the prescribed fire program. Mr. Ziegler expressed his gratitude, his honor and privilege to have served and worked for the Commission.

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b. Minutes for 9/15/21

Summary: The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve the 9/15/21 meeting minutes. The motion was approved by the four members present.

c. Draft resolution to open a separate bank account for Commission violation fines and a separate account for earmarked restoration funds.

Summary: Ms. Jakobsen discussed the Environmental Benefit Fund account that was originally created by the Commission to receive a donation from NYSDEC in 2004 for \$175,000 from a DEC violation settlement with a corporation. The NYSDEC donated the funds to be used by the Law Enforcement Council to purchase equipment for enforcement purposes that will enable them to further carry out their important work. The violation monies that the Commission has received over the past few years has also been deposited in this account which includes monies earmarked for the restoration of specific sites. The original \$175,000 from the NYSDEC donation has been expended by the Law Enforcement Council. The draft resolution requests that the Environmental Benefit Fund be closed and a new restoration account opened for the earmarked restoration funds with the remainder of the monies placed in a second account for violations that would also receive any new violation payments received by the Commission. The violation fund would be used for Commission expenditures approved by the Commission and the Law Enforcement Council would still be able to make requests to the Commission to purchase equipment for enforcement purposes out of this fund.

The motion was made by Mr. Romaine and seconded by Mr. Dale to approve the draft resolution to open a separate bank account for Commission violation fines and a separate account for earmarked restoration funds. The motion was approved by the four members present.

2. Science and Stewardship

a. Draft resolution to purchase fire engine chassis and mechanical upfits using NYSDEC prescribed fire grant funds

Summary: Ms. Jakobsen discussed the revised draft resolution to purchase a fire engine chassis and mechanical upfits using NYSDEC prescribed fire grant funds with the bid to be awarded to Van Bortel Ford, Inc., the lowest bidder contingent on obtaining insurance and confirmation from NYSDEC to move forward with the purchase. The NYSDEC submitted a letter that provides their support to move forward with the purchase with the funds from the NYSDEC prescribed fire contract.

The motion was made by Mr. Romaine and seconded by Mr. Dale to approve the draft resolution to purchase the fire engine chassis and mechanical upfits using NYSDEC prescribed fire grant funds. The motion was approved by the four members present.

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

Credit Program

a. Credit Program Auction: review and accept bid, award contract

Summary: Mr. Tverdyy discussed the Commission authorized the public sale of 10.19 credits owned by the Pine Barrens Clearinghouse for purchase by developers with shovel already residential projects. The minimum per credit bid price was \$92,000 on September 21, 2021, and the auction materials were publicly released. The auction materials were mailed and emailed to development agencies and entities that might be interested in Pine Barrens credit purchases. The sale notice was posted on the Commission and Brookhaven town websites as well as the Commission social media. The auction notice was published in the legal section of Newsday and it was publicly displayed on the front door of the Commission office in Westhampton. A press release

was published in a local newspaper. As a result, one bid was received on October 6, 2021 and was opened on the due date of October 8, 2021 at 12 pm. The bid response was received from Jim Tsunis a member of Mount Sinai Meadows LLC and two additional principles including Kenneth Gaul for MS 347 Realty LLC and Lee Rosner for Soundcap2 LLC. Mr. Tverdy explained that these were the entities that originally had requested the purchase of the Commission Pine Barrens Credits. The bidder submitted a letter with a proposal to buy 9.65 credits for the price of \$95,000 per credit. Also submitted were Brookhaven town plan board resolution dated November 2, 2020, which indicated that the applicant needs to redeem 9.65 credits and included a bid deposit in the amount of \$9,167.50 of the total credits cost. A letter from the town was received stating that this application is in the final stages and one of the conditions of the final site plan approval is the redemption of 9.65 Pine Barrens credits. If this bid is accepted today, the process of transferring those credits could start. Mr. McCormick stated he had a legal question that should be discussed in an Advisory session.

- b. Long Island Country Club/Wyandanch Club / 300 Old County Road, Eastport, Town of Southampton / 900-325-1-41 1 and 41.2 / draft conservation easement for hunting preserve

Summary: Ms. Jakobsen requested this topic to be put off for discussion until the November meeting to give staff additional time to review time.

The motion was made by Mr. Romaine and seconded by Mr. Shea to move this topic until the November meeting allowing staff time to review. The motion was approved by the four members present.

Core Preservation Area

- c. Sunrise Wind LLC Core Preservation Area compelling public need hardship waiver application / offshore wind farm with 17.5 mile onshore cable in the Town of Brookhaven/ request for adjournment of hearing to November 17, 2021 and extension of decision deadline to January 31, 2022.

The motion was made by Mr. Dale and seconded by Mr. Romaine to approve the request for the hearing adjournment to November 17, 2021 and extension of decision deadline to January 31, 2022. The motion was approved by the four members present.

- d. PSEG request for determination of jurisdiction to temporarily relocate three utility poles to accommodate the Forge Road Fish Passage on Peconic River on the boundary of the towns of Riverhead and Brookhaven

Summary: Ms. Hargrave discussed PSEG's request to temporarily relocate three wood utility poles from the east side of the road to the west side in the vicinity of the bridge where the fish passage will be constructed. The project is in the Core Preservation Area at the Forge River on the road that borders Brookhaven and Riverhead. PSEG anticipates the work will take six months and then the poles would be returned to their original location and no vegetation will need to be removed. It was noted that fish passages have been determined to be non-development under the environmental restoration activity provision in the Pine Barrens statute.

The motion was made by Mr. Romaine and seconded by Mr. Shea to approve PSEG temporarily relocating three wood utility poles from the east side to the west side of the road in the vicinity of the bridge to accommodate the fish passage. The motion was approved by the four members present.

Compatible Growth Area

- e. Place a temporary soil stockpile of 2,400 cubic yards of soil on cleared area in advance of JSC resources three lot subdivision 19 Sophia Court request for determination of jurisdiction / 900-330-2-16.11.

Summary: Ms. Hargrave discussed the request to place 2,400 cubic yards of soil on the

property of a three-acre lot in a subdivision called Sofia Place in Southampton. The soil would come from excavation material from pools that have been installed in the area. Information has been provided that the material is clean, but no specific lab results have been provided. The staff have met with the applicant to discuss the potential need for a hardship for the subdivision because it's not clear if it can conform to the standards of the plan.

Ms. Hargrave discussed the potential change of use that may occur in this residential area if the stockpile is allowed on this site. It also appears this activity would be considered development under the Pine Barrens Act since it would involve the alteration of grade on the property. Ms. Scherer asked if the soil could be placed in an alternative location more appropriate like a commercial or industrial zone rather than a residential site. Ms. Scherer explained since the material is not originating from the property, it is not a hardship. Mr. McCormick further asked if the soil was being stored elsewhere at the present time. Ms. Hargrave responded that the soil is being stored elsewhere at this present time and the proposal is to ask if it is acceptable to have it relocated to this subdivision location and does it conform.

Mr. Schiano, Environmental Planner with Inter-Science discussed that the location for the proposed stockpile does not require any additional clearing on the site and the location is within the area of existing clearing. The property had previously been used as a sand mine before the Pine Barrens Act was in place. Mr. Schiano explained that there were some significant excavations of the area, so the slopes that are to the north and west of the cleared area are fairly steep and as part of discussions with the town about the subdivision, the question came up whether these slopes would cause potential issues of storm water runoff and flooding for homes that would be constructed. Near the end of the subdivision process, the question about the hardship came up in discussions with the town. At this same time, Mr. Schiano asked whether the material could be placed at the site now because the material is available. Mr. McCormick asked if the town of Southampton approved the proposal to transfer the 2,400 cubic yards of soil into the area through the SWPPP approval and has the fill been certified as clean. Mr. Schiano responded that the fill is clean. Ms. Scherer responded that a SWPPP to add the stockpile had not been approved. Ms. Jakobsen explained the stockpile of soil would be considered development because it involves a material alteration of grade. Mr. Milazzo discussed the project is deemed to be development either through the subdivision as proposed or the storage of materials could be development because it is material alteration of grade. The preliminary plans on the subdivision do not appear to comply with clearing limits and would need a hardship. Mr. Milazzo suggested the Commission's advice to the client is not to store the soil on the site until the client receives a hardship approval or a determination that this is not development. Ms. Bailey Larkin, Attorney for the client agreed to table a decision from the Commission and have the client work with the town of Southampton concerning the possible first to see if the subdivision layout could be revised to conform to standards.

The motion was made by Mr. Romaine and seconded by Mr. McCormick to table this project until another time. The motion was approved by the four members present.

Mr. Schneiderman arrived at approximately 2:50 pm.

4. Public Comment

Summary: No public comments were received.

5. Closed to 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 on pending enforcement and litigation matters and legal questions regarding the credit auction and that they may return to public session. The motion was approved by the four members present.

**After returning to public session from the closed advisory session:
The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to accept the bid submitted by Mount Sinai Meadows LLC, MS 347 Realty LLC and Soundcap2 LLC. to purchase 9.62 Pine Barrens credits with the condition that the credits are used for the project described in the bid. The motion was approved by the four members present.**

The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to adjourn the meeting. The motion was approved by the four members present.

Meeting was adjourned at approximately 3:30 pm.

Attachments (in order of discussion)

1. Draft Commission meeting summary for September 15, 2021 (6 pages)
2. Final Commission meeting summary for September 15, 2021 (6 pages)
3. Memo, draft resolution to open a separate bank account for Commission violation fines and a separate bank account for earmarked restoration funds dated October 20, 2021 and supporting documents (11 pages)
4. Final resolution to open a separate bank account for Commission violation fines and a separate bank account for earmarked restoration funds dated October 20, 2021 (1 page)
5. Draft resolution and three price quotes to purchase fire engine chassis and mechanical upfits using NYSDEC Prescribed Fire contract funds dated October 20, 2021 (17 pages)
6. Final resolution to purchase fire engine chassis and mechanical upfits using NYSDEC Prescribed Fire contract funds dated October 20, 2021 (2 pages)
7. Draft response letter for public credit auction to sell 10.19 commission owned credits dated October 13, 2021 (2 pages), Brookhaven Planning Board letter dated October 19, 2021, Commission memo, draft contract of sale and contract schedules dated September 17, 2021 (11 pages), Press release dated October 4, 2021 (2 pages), Credit auction mailing list September 21, 2021 (1 page), Mount Sinai Meadows, LLC bid letter dated October 6, 2021 (2 pages), Brookhaven Planning Board letter dated November 25, 2020 (2 pages), Copy of Chase Cashier's check dated October 4, 2021 (1 page)
8. Final contract of Pine Barrens Credits sale and contract schedules dated October 20, 2021 (10 pages)
9. Draft conservation easement, schedule and exhibits for The Long Island Country Club (20 pages)
10. Sunrise Wind, LLC adjournment request letter dated September 29, 2021 (2 pages)
11. PSEG request letter and backup documents to temporarily relocate three utility poles at the Forge Road Peconic River crossing dated September 23, 2021 (5 pages)
12. Letter to request jurisdiction determination for JSC Resources, Inc. dated September 14, 2021 (3 pages), Temporary soil stockpile location plan prepared by Jeffrey T. Butler last updated August 3, 2021 (2 pages), Affidavits signed by Guillo Pools and an environmental scientist (2 pages), Road and drainage plan for map of Sophia Place II prepared by Jeffrey T. Butler last revised May 25, 2021 (4 pages), Acknowledgment of Notice of Intent from NYSDEC January 15, 2021 (2 pages)



**Central Pine Barrens Commission Meeting Summary
Wednesday, November 17, 2021 (Final Approved 12/15/21)
Zoom Virtual Meeting**

2:00 pm

Commission members present: Mr. Romaine and Ms. Pines (for Brookhaven), Mr. McCormick (for Riverhead), Ms. Scherer and Mr. Shea (for Southampton), Mr. Freleng (for Suffolk County), New York State Governor's Representative (not designated).

Others present: Commission and other agency staff members included Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Mr. Tverdy, Ms. Parrott, Mr. Mazzio, Ms. Malangone, Mr. Motz and Ms. Brown-Walton

Ms. Jakobsen led the pledge to the flag and noted that with four Commission members present there is a quorum. Ms. Jakobsen explained that the meeting will begin with the reading of any public comments received by email and then comments will be heard from the public present via Zoom. The regular Commission business as detailed on the agenda will be followed ending with another opportunity for the public to provide comments. Ms. Jakobsen announced that the public hearing scheduled today at 3:00 pm for the Sunrise Wind project will be adjourned and hearing will be rescheduled to the January Commission meeting with the decision deadline extended to February 16, 2022.

Yvette Aguiar
Member

Steven Bellone
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 10/20/21*

Summary: **The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve the 10/20/21 meeting minutes. The motion was approved by the four members present.**

2. Science and Stewardship

a. *NYWIMA update*

Summary: Ms. Malangone provided updates on the division's activities covered in her previously distributed NYWIMA division report.

b. *Education and Outreach update*

Summary: Ms. Parrott discussed highlights and updates on the education and outreach division's activities covered in the previously distributed education and outreach division report

c. *Science and Stewardship update*

Summary: Ms. Jakobsen provided highlights on the division's activities covered in the previously distributed science and stewardship division report.

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

a. *Compliance and Enforcement Division update*

Summary: Mr. Huss provided the division's activities in his previously distributed compliance and enforcement division report.

b. *Land Use Division update*

Summary: Ms. Hargrave presented highlights on the division's activities covered in her previously distributed land use division report.

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c. Credit Program update

a. Credit Program update

Summary: Mr. Tverdyy presented highlights on the division's activities covered in his previously distributed credit program report.

b. Draft Resolution to send letter to Suffolk County Treasurer to request the transfer of Clearinghouse funds to Central Pine Barrens Commission

Summary: Ms. Jakobsen discussed the draft resolution to request the transfer of Credit Clearinghouse funds from the Suffolk County Treasurer to the Central Pine Barrens Commission. Mr. Romaine made a request to change the word Treasurer to Comptroller in the resolution. Mr. McCormick made a request to add a Whereas clause number four to the resolution stating upon transfer of the clearinghouse funds being sent to the SCWA the funds will be maintained in a separate, segregated and or designated account such that the funds are not co-mingled with the SCWA account and other Commission accounts. Ms. Jakobsen agreed to add the recommended changes to the resolution.

The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve the revised resolution. The motion was approved by three of the Commission members with Mr. Freleng, representing the Suffolk County Executive abstaining.

d. Enterprise Park at Calverton (EPCAL), Town of Riverhead

Summary: Ms. Jakobsen indicated the discussion concerning EPCAL will be postponed to the December 15, 2021 meeting. Mr. Romaine requested to have a discussion on the topic in the Advisory session.

e. Comprehensive Land Use Plan Amendments

Summary: Ms. Hargrave discussed the amendments in chapters four, five and six and the Supplemental Draft Generic Environmental Impact Statement on the Comprehensive Land Use Plan Amendments in the previously distributed Comprehensive Land Use Plan Amendments binder. Ms. Hargrave indicated that staff is looking for Commission input and more information and meetings can be provided if needed. This item will be on the January agenda for further discussion. Ms. Hargrave proceeded with a PowerPoint presentation and noted that once the Commission is content to achieve consensus to move forward with the information it can be released to the public and a public hearing can be scheduled to keep the matter moving toward adoption in mid to late 2022.

Compatible Growth Area

f. SEQRA Lead Agency Coordination and Development of Regional Significance

Application, RD Industrial subdivision/site plan / Ramsay Road/Precision Drive, Yaphank / 200-554-3-4.41, 4.45 & 4.46 / development of three buildings totaling 505,300 square feet on 47.26 acres

Summary: Ms. Hargrave discussed that there is a two-page SEQRA Lead Agency Coordination draft response letter and a draft resolution to schedule the Development of Regional Significance Application for RD Industrial Subdivision/Site Plan for a public hearing that requires Commission's authorization. Mr. Shea asked a process question of how the Commission can proceed with scheduling a hearing on the application if the SEQRA has not been completed. Mr. Milazzo responded that the Commission has had this issue in the past; the Commission can provide a sense resolution on the merits of the application. A sense resolution would provide the applicant with some idea of the Commission's perception and understanding of the project and whether it conforms with the Commission standards and guidelines. The applicant would then complete their process at the town and get the Commission's sense resolution converted into a final approval.

The motion was made by Mr. Shea and seconded by Mr. Freleng to send a response letter for SEQRA Lead Agency Coordination RD Industrial Subdivision/Site Plan. The motion was approved by the four members present.

The motion was made by Mr. Shea and seconded by Mr. Freleng to approve the resolution to schedule a Public Hearing for RD Industrial Compatible Growth Area Development of Regional Significance Application. The motion was approved by the four members present.

- g. SEQRA Lead Agency Coordination, North Street Energy Storage / Weeks Avenue/North Street, Manorville / 200-558-1-3, 3 & 4 / development of battery energy storage system on 12.86 acres

Summary: Ms. Hargrave discussed the 12-acre project site constitutes development. The proposal is for the development of a battery energy storage facility. The project must conform. A draft response has been prepared for the Commission's authorization.

The motion was made by Mr. Freleng and seconded by Mr. Shea to send the response letter for the SEQRA Lead Agency Coordination North Street Energy Storage and LIPA Switchyard. The motion was approved by the four members present.

4. Public Hearing at 3:00pm

- a. Sunrise Wind LLC Core Preservation Area Compelling Public Need Hardship Waiver application / offshore wind farm with 17.5-mile onshore cable in the Town of Brookhaven including 0.6 mile in the Core. The applicant requested adjournment of hearing to January 19, 2022 and extension of decision deadline to February 28, 2022.

The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve the request for the hearing adjournment to January 19, 2022 and extension of decision deadline to February 28, 2022. The motion was approved by the four members present.

5. Public Comment

Summary: No public comments were received.

6. Closed to Advisory Session

The motion was made by Mr. Romaine and seconded by Mr. Freleng 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 that they would not return to public session. The motion was approved by the four members present. The Commission entered Advisory Session at 2:50 pm.

Meeting was adjourned at approximately 3:00 pm.

Attachments (in order of discussion)

1. Draft Commission meeting summary for October 20, 2021 (5 pages)
2. Final Commission meeting summary for October 20, 2021 (5 pages)
3. New York Wildfire Incident Management Academy division report (1 page)
4. Education and Outreach division report dated October 20, 2021 (7 page)
5. Science and Stewardship division report dated November 17, 2021 (4 pages)
6. Compliance and Enforcement division report dated September and October 2021 (2 pages)
7. Land Use division report dated November 17, 2021 (1 page)
8. Credit Program report dated November 17, 2021 (3 pages)
9. Draft resolution to transfer of Credit Clearinghouse Funds from the Suffolk County Treasurer to the Central Pine Barrens Commission dated November 17, 2021 (1 page)
10. EPCAL Declaration of Non-Jurisdiction Resolution and Schedule A dated November 17, 2021 (4 pages), 9.2 Calverton redevelopment policy (1 page), Commission meeting minutes summary dated April 12, 1995 (1 page), Commission meeting minutes summary dated April 26, 1995 (1 page), EPCAL aerial map (1 page), James P. Rigano, Esq letter regarding EPCAL dated December 21, 2000 (2 pages), Town of Riverhead public hearing minutes, page 9f and 1074 dated October 3, 1995 (2 pages), George Gatta Jr., letter regarding Francis Gabreski Airport (Hampton Business Technology Park) dated July 23, 1996 (1 page), Raymond Corwin response letter to Mr. Gatta regarding Gabreski Airport dated August 8, 1996 (1 page), Commission meeting minutes regarding Supreme Court Justice Robert Oliver Field Day Concert at EPCAL decision-Declaration of Commission Non-Jurisdiction dated June 5, 2003 (1 page), Commission Resolution-Island Water Park-Declaration of Commission Non-Jurisdiction dated December 16, 2020 (3 pages)
11. Draft letter SEQRA Lead Agency Coordination RD Industrial Subdivision/Site Plan dated November 17, 2021 (2 pages), Draft resolution to schedule a Public Hearing for RD Industrial Compatible Growth Area Development of Regional Significance Application dated November 17, 2021 (1 page), RD Industrial aerial map dated 2020 (1 page), RD Industrial Overall Conceptual Site Layout by Vollmuth & Brush Environmental Engineering & Land Surveying dated March 19, 2021 (2 page), Town of Brookhaven memo and reply form of SEQRA Lead Agency Request/Coordinated Review dated October 21, 2021 (2 page), RD Industrial Full Environmental Assessment Form dated March 19, 2021 (19 pages)
12. Final response letter SEQRA Lead Agency Coordination RD Industrial Subdivision/Site Plan dated November 17, 2021 (1 page)
13. Final approved resolution to schedule a Public Hearing for RD Industrial Compatible Growth Area Development of Regional Significance Application dated November 17, 2021 (1 page)
14. Draft letter SEQRA Lead Agency Coordination North Street Energy Storage and LIPA Switchyard dated November 17, 2021 (1 page), North Street Energy Storage aerial map dated 2020 (1 page), Town of Brookhaven memo regarding SEQRA Lead Agency Request/Coordinated Review dated October 20, 2021 (1 page), North Street Energy Storage and LIPA Switchyard Full Environmental Assessment Form dated August 31, 2021 (21 pages)
15. PowerPoint presentation on the Supplemental Draft Generic Environmental Impact Statement on the Comprehensive Land Use Amendments dated November 17, 2021 (15 pages)
16. Draft Central Pine Barrens Joint Planning & Policy Commission Staff Report for Sunrise Wind LLC Compelling Public Need Core Preservation Area Hardship Waiver Application dated November 17, 2021 (10 Pages), CPBJP&PC Staff Report Exhibits: Overview map of project route dated November 1, 2021 (1 page), Onshore transmission cable route in the Central Pine Barrens dated November 2, 2021 (5 pages), Construction details (6 pages), Photographs of the project route in the Central Pine Barrens dated June 11, 2021 (7 pages), Rare, threatened and endangered species (2 pages), Wetlands map dated May 7, 2021, (1 page), NYSDOC Coastal Fish and Wildlife Habitat for the Carmans River including description and map dated December 15, 2008-revised (8 pages), Topography map date March 1, 2021 (1 page), National Flood Hazard Layer Map dated October 2020 (1 page), Depth of Groundwater map dated March 1, 2021 (1 page), Soil map and description of soil types dated March 1, 2021 (3 pages), Letter from the New York State Office of Parks, Recreation and Historic Preservation dated September 1, 2020 (1 page), Study Area Map dated 2020 (1 page), List of permits and approvals (7 pages), Applicant's Petition (3 pages)



**Central Pine Barrens Commission Meeting Summary
Wednesday, December 15, 2021 (Final Approved 1/19/22)
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 and Mr. Shea (for Southampton), Mr. Dale and Mr. Freleng (for Suffolk County), New York State Governor's Representative (not designated).

Others present: Commission and other agency staff members included Ms. Jakobsen, Ms. Hargrave, Ms. Weigand, Mr. Huss and Ms. Brown-Walton

Ms. Jakobsen led the pledge to the flag and noted that with four Commission members present there is a quorum. Ms. Jakobsen explained that the meeting will begin with the reading of any public comments received by email and then comments will be heard from the public present via Zoom. The regular Commission business as detailed on the agenda will be followed ending with another opportunity for the public to provide comments.

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

1. Administrative and Public Comment

a. Public Comments

Summary: Ms. Jakobsen mentioned the December 7, 2021 emailed letter of support for the Quogue Wildlife Refuge application that was received from Mr. Richard Amper of the Long Island Pine Barrens Society and that it was previously distributed to the Commission members.

b. Minutes for 11/17/21

Summary: Mr. McCormick discussed a correction in the 11/17/21 minutes concerning the item listed as item 3.c.b. regarding the segregated account, Mr. McCormick corrected the record that he, not Mr. Freleng, proposed the condition that the funds be deposited in a separate, segregated and/or designated account such that the funds are not co-mingled with the SCWA account and other Commission accounts.

The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve the 11/17/21 meeting minutes as corrected. The motion was approved by the four members present.

c. Meeting schedule for 2022

Summary: **The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve the 2022 Commission meeting schedule. The motion was approved by the four members present.**

624 Old Riverhead Road
Westhampton Beach, NY
11978

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2. Science and Stewardship

a. Science and Stewardship draft resolution to appoint the Protected Lands Council Chair and Vice Chair for Calendar Year 2022

Summary: The resolution reappoints Tom Casey (LI Greenbelt Trail Conference) as Chair and John Wernet (NYSDEC) as Vice Chair

The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to approve the resolution as proposed. The motion was approved by the four members present.

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

Core Preservation Area

- a. Quogue Wildlife Refuge Core Preservation Area Compelling Public Need Hardship Application / 3 Old Country Road, Quogue /902-1-1-23.1 / expansion of the nature center and construction of a storage building / schedule public hearing

The motion was made by Mr. Schneiderman and seconded by Mr. Romaine to schedule a public hearing on January 19, 2022 for Quogue Wildlife Refuge Core Preservation Area Compelling Public Need Hardship Application. The motion was approved by the four members present.

- b. Sunrise Wind, LLC Core Preservation Area Compelling Public Need Hardship Application / applicant request to adjourn the public hearing to February 16, 2022 and extend the decision deadline to March 2022

The motion was made by Mr. Romaine and seconded by Ms. Aguiar to adjourn the public hearing to February 16, 2022 and extend the decision deadline to March 2022 for the Sunrise Wind, LLC Core Preservation Area Compelling Public Need Hardship Application. The motion was approved by the four members present.

4. Public Hearing at 3:00 pm

Development of Regional Significance Application for Brookhaven RD Industrial / Ramsay Road Precision Drive, Brookhaven R&D Plaza, Yaphank / 200-554-3-4.41, 4.45 and 4.46 / development of three buildings totaling 505,300 square feet on 47.26 acres.

Summary: Ms. Jakobsen announced the public hearing scheduled today at 3:00 pm for the Development of Regional Significance Application for Brookhaven RD Industrial has been suspended. The matter will be discussed further in executive session.

5. Public Comment

Summary: No public comments were received.

6. Closed to Advisory Session

The motion was made by Mr. Romaine and seconded by Ms. Aguiar to close the public portion of the meeting and to move into an executive session for the purpose of discussing enforcement matters. The motion was approved by the four members present.

Meeting was adjourned at approximately 2:15 pm.

Attachments (in order of discussion)

1. Email from Mr. Richard Amper, Executive Director of the Long Island Pine Barrens Society dated December 7, 2021 (1 page)
2. Draft Commission meeting summary for November 17, 2021 (4 pages)
3. Final Commission meeting summary for November 17, 2021 (4 pages)
4. Draft Commission meeting schedule for 2022 (1 page)
5. Final Commission meeting schedule for 2022 (1 page)
6. Draft resolution of the Central Pine Barrens Joint Planning and Policy Commission to appoint the Protected Lands Council Chair and Vice Chair for calendar year 2022 dated December 15, 2021 (1 page)
7. Final resolution of the Central Pine Barrens Joint Planning and Policy Commission to appoint the Protected Lands Council Chair and Vice Chair for calendar year 2022 dated December 15, 2021 (1 page)
8. Quogue Wildlife Refuge Hardship Waiver Application dated December 3, 2021 (28 pages)
9. Sunrise Wind LLC Core Hardship, Letter dated December 2, 2021(1 page)